



MILLCREEK PLANNING SERVICES

3330 SOUTH 1300 EAST
MILLCREEK, UTAH 84106

MEMORANDUM

To: **Community Councils**
From: **Erin O’Kelley Planner I**
Date: **4 October 2018**

Re: **ZT-18-012 – Sign Code Update**

Staff is bringing to you the proposed text amendment change for your consideration:

1. ZT-18-012 Updated Sign Ordinance

The Millcreek Community Development department has been working to adjust the city’s zoning code so that it facilitates the creation of a unique city that the Millcreek residents would like to see. For this Community Council meeting, staff would like to bring forward an updated sign ordinance that has been adjusted to help regulate future sign use. The sign ordinance adopted from Salt Lake County is detailed in regulations but also includes certain ordinances that might not be suitable for Millcreek anymore such as the inclusion of zones that aren’t used in Millcreek like the S-1-G and O-R-D zones. Staff also found it necessary to add additional clarification and regulation on parts of the ordinance which may previously have been left to interpretation.

Throughout the ordinance there are language revisions which have been added to make a more cohesive zoning ordinance that can alleviate potential confusion between terminology. Additional language has been added to create a code that can apply to current uses and methods for creating signs in the city which may not have been applicable in the past.

After the adjustments to language, a small summary of changes to the ordinance can be found below:

1. The inclusion of a “zoning administrator” that refers to a formal position in the city which has the final interpretation of zoning code.
2. A drafted “Temporary Sign” section. This ordinance puts more regulations on what qualifies as a temporary sign and how they are to be used within the city.
3. Light direction which shall be pointed downward to prevent dark sky illumination.
4. For the maintenance of signs, the definition of “good condition” has been added.
5. The table at the back of the ordinance which identifies what signs are allowed in what zones has been altered to include more explanation and detail to alleviate the possibility of interpretation and has also removed any zones that no longer apply to the city of Millcreek.
6. Increased setbacks have been added to signs where appropriate. Most signs have been updated with a 5 ft minimum setback and ground/pole signs in C-2/C-3 zones have a 10 ft minimum setback.
7. Design standards for signs have been increased that specify lighting direction, sign structure, landscaping, and orientation. The updated ordinance has also required flat/wall signs to have pan channel lettering.

Please review the attached draft of the Sign Ordinance for complete changes.

Chapter 19.82 - SIGNS (Draft for PC)

19.82.010 - Purpose.

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, and also to improve appearance and views within the major transportation corridors maintain a responsible communication system by setting requirements for the location, type, number of, size, height and lighting of signs that will be compatible with adjoining land uses, architecture and landscape, and that will and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Millcreek City.

19.82.020 – Definitions (to be moved to the definitions chapter, but here temporarily for review).

As used in this chapter:

"A-frame sign" means temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

~~"Advertising sign." See "off-premises sign."~~

"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.

"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.

"Balloon sign" means advertisement a temporary sign supported by a balloon anchored to the premises where the advertised use is conducted, product or commodity sold, service performed, or business name is located.

"Beacon light" or searchlight means:

- a. Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically; or
- b. A fixed or flashing high-intensity light, such as a spotlight, a floodlight, or a strobe light.
- c. "Beacon light" shall not include searchlights.

"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 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 City.

"Billboard sign" means an off-premises advertising sign.

~~"Business sign" means an on-premises sign.~~

"Construction sign" means a sign identifying an existing or proposed development project which may contain the name of the project, name and address of construction firms, architects, engineers, developers, etc.

"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.

"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 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 and development services division and state authorities where necessary, prior to May 18, 2004. Billboards that have received prior approval from the City at a particular location must be approved by the state by June 2, 2005. If no state approval is given, the City approval shall expire on said date and the permit shall become null and void.

"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.

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

"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.

"Floodlighted sign" means a sign made legible in the absence of daylight by devices which reflect or project light upon it.

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

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

"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.

"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.

"Monument sign" means a **low profile** sign which is incorporated into the landscape or architectural design scheme ~~and displaying the name of uses or buildings.~~

"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 which does not conform to all height, area, yard, spacing, animation, lighting, use or other regulations prescribed in the zone in which it is located after the effective date of this chapter or any amendment hereto.

"Off-premises sign" means a sign directing attention to a use, product, commodity or service not related to the premises upon which the sign is located.

"On-premises sign" means a sign directing attention to a use conducted, product or commodity sold, service performed or business name upon the premises on which it is located.

~~"Overhanging sign" means a sign which projects twelve inches or more over the roof of a building.~~

"Pan Channel letters" are custom-made metal or plastic letters commonly used in exterior signage on public and commercial buildings, 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.

"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

"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.~~

~~"Promotional sign board" means a permanently attached changeable copy sign not exceeding twenty square feet per face with one or two faces back to back for the display of promotional items offered for sale on the premises.~~

"Property sign" means a sign related to the property upon which it is located and offering such information as address, name of occupant for residential uses, sale or lease of the property, warning against trespassing, any hazard, or other danger on the property. **Property signs are permanent signs with a pole or monument sign appearance**

"Roof sign" means a sign which is erected **and attached** partly or wholly on the roof of the building. ~~Notwithstanding the foregoing, a sign structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy or parapet of a 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.

"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. ~~A service sign shall also include signs providing information about sale of agricultural products produced upon the premises.~~ A business trade mark or logo may appear on the sign provided it is secondary to the information portion of the sign.

"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 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 ~~and yard line coterminous with a street.~~

"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.

"Temporary sign," as regulated by this title, shall include any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out of doors ~~for a short period of time.~~

"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.

~~"Wall sign" means a sign that is either painted on a wall or its facing by not having a sign frame or separation from the wall or facing.~~

"Window sign" means a sign permanently attached and located **on a window or** within a building so as to be visible through a window or door outside of the building.

19.82.025 - Noncommercial signs.

Any sign authorized under this chapter is allowed to contain noncommercial copy in lieu of any permissible copy.

19.82.030 - Interpretation.

- A. Properties divided by public streets are not adjacent.
- B. The sign requirements contained in this chapter are declared to be the maximum allowable.
- C. Sign types not specifically allowed as set forth within this chapter shall be prohibited.
- D. Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.
- E. **In matters of interpretation, the provisions of this ordinance shall be interpreted by the Zoning Administrator or designee.**

19.82.040 - Conformity required.

- 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. **Sign alterations (see section 19.82.200) that are in excess of 25% of the total sign face square footage shall require conformance to this title. Signs not expressly listed are not allowed.**
- B. **Other chapters of the zoning ordinance may have a reduced list of applicable signs. Other chapter sign types shall be utilized over the listed types found in this chapter.**
- B. ~~A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless the sign is changed so as to conform to all provisions of this title. **Minor Alterations alterations** are **allowed as follows**: shall also mean the changing of the text or message that the sign is conveying from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. ~~Minor Alterations alterations~~ shall not be interpreted to also include changing the text or copy of electronic message centers, off-premises advertising signs, theater signs, outdoor bulletin or other similar signs which are designed to accommodate changeable copy.~~

19.82.050 - Exceptions.

- A. ~~When a parcel of land is five acres or larger, the Planning Commission may consider an on-premises sign proposal for a development on such parcel that is less restrictive than the regulations set forth in this chapter, as a conditional use providing there is a determination that the proposed sign exceptions are:~~
 - 1. ~~Not in conflict with the purpose of this chapter;~~
 - 2. ~~In architectural harmony with the development and other buildings and uses adjacent to the development~~
- B. A** Signs not regulated by this chapter:
 - 1. ~~On-premises advertising signs that are attached to windows or walls and are clearly of a temporary nature, which promote specific sales;~~ **Political signs.**

2. Signs which are associated with school, church or civic group ~~or church~~ events and functions, which are clearly of a temporary nature;
3. Interior signs;
4. ~~Time and temperature devices~~ Devices that only display time or temperature;
5. ~~Searchlights~~. Non-advertising flags shall be setback back a minimum of 15 feet from the public ROW and not exceed the maximum height allowed in the zone.

19.82.060 - Comprehensive sign plan.

When an ~~land use~~ application for the first permit (~~building permit or conditional use permit~~) on a parcel of ground is submitted to the City, it shall be accompanied by a complete comprehensive sign plan for showing the location and sign type of all existing or proposed or ~~future~~ signs on the parcel of ground. A comprehensive sign plan shall also include conceptual renderings of each sign.

19.82.070 - Building permit exceptions.

Building Permits are required for all signs except for property signs, political signs and nameplates conforming to the provisions of this chapter. Such signs may have requirements within this title and still require conformance (See Section 19.82.050(B).)

19.82.080 - Size computation.

- A. The following shall be used when calculating sign sizes: When more than one use occupies a lot, the frontage may be used to calculate the sign size for one total ground or projecting sign, not for each use. The total may then be divided between the uses. There may be any number of flat or wall signs, provided their total does not exceed the percentage of wall area coverage allowed.
- B. A property line which abuts a nonaccess freeway, road, street or right-of-way may not be used in computing sign area.

19.82.085 - Height of ground signs.

The height of ground signs, except as otherwise specified in this chapter, shall be measured from the grade at the property line of the yard in which the sign is located, but shall not exceed the sign height allowed in the zone.

19.82.090 - Imprint of ownership required.

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

19.82.100 - Off-premises sign requirements.

Off-premises signs erected along the interstate or the primary highway system as defined by the state shall conform with the provisions of the Utah Outdoor Advertising Act

19.82.110 - Visibility at intersections.

- A. There shall be a minimum clearance of ten feet between the ground and any part of a projecting sign or ground sign, as 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 street

property lines and a line connecting them at points forty feet from the intersection **or a driveway of the street lines at a point formed by an extension of the two curb faces until they meet.** 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 two feet in height.

19.82.120 - Signs on public property.

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. Signs shall include, but not be limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street.

19.82.130 - Lighted signs.

- A. A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. **All lighted signs shall direct their light downward to prevent dark sky illumination (see section 19.82.135 (D)).**
- B. Such lights alleged to violate subsection A of this section by the adjacent property owners or ~~development services division director~~ **the Zoning Administrator or designee may** ~~shall be subject to a public hearing before the Planning Commission~~ **request a photometric assessment to measure the amount of light and to ascertain** ~~as to 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.

19.82.135 - Electronic message center requirements for on-premises signs.

- A. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. **All such displays shall direct their lighting systems downward, to avoid dark sky illumination.**
- B. The minimum image display duration shall be four seconds.
- C. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve in to 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 dim according to ambient light conditions. The nighttime illuminance of an electronic message center shall not increase ambient lighting conditions by more than three-tenths foot candles when measured perpendicular to the electronic message center face at a distance determined by the following formula:

Measurement Distance (in feet) = The square root of [Area of electronic message center face in square feet) × 100]

- E. Where allowed as a conditional use, conditions may be imposed by the Planning Commission regarding hours of sign operation, sign height, sign size, and/or setbacks from property lines

to mitigate reasonably anticipated detrimental effects impacts on nearby residential properties, to protect critical viewsheds as established in the general plan, or to prevent potential traffic hazards.

- F. Electronic message center conditional use requirements, allowed sign types, and allowable sizes by zone are set forth in Table 19.82.135.

Table 19.82.135
ELECTRONIC MESSAGE CENTER CONDITIONAL USE REQUIREMENTS, ALLOWED SIGN TYPES, AND ALLOWABLE SIZES BY ZONE

Zone	Allowed Sign Types	Conditional or Permitted Use Approval	Allowable EMC Size as a Percentage of Total Allowable Sign Size Per Table 19.82.190 ¹
MD-1, MD-3 MD	Monument	Permitted	50%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted	50%
C-2	Monument	Permitted	70%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted.	50%
C-3	Monument	Permitted	80%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted.	50%
M-1 M	Monument	Permitted	100%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted.	75%
M-2	Monument	Permitted	100%
	Ground	Conditional use permit required if within 300 linear feet or less of a residence; otherwise, permitted.	75%

All other zones	None	NA	NA
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Table 19.82.135 footnotes:

- ~~The Planning Commission may approve an increase in the allowable EMC sign size through the conditional use process as described in Section 19.82.135E.~~

19.82.140 ~~Mobile sign.~~ Temporary Signs

- A. All temporary signs except A-frames 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 type, 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 a year.
- E. A-Frame signs shall be constructed of wood, plastic, or metal, and have a solid surface for written advertising; shall be weighted or anchored sufficiently at the bottom to prevent blow overs; and shall not exceed 6 square feet on a side. All A-frame signs shall be taken indoors at night or at the close of business. All A-frame signs shall be located at least one foot from the public ROW unless a sidewalk over 6 feet in width exists. In such cases, the A-frame sign may be located adjacent to the curb or in the park strip. Only one A-frame sign is allowed per business.
- F. Permitted temporary signs shall include banners, A-frames, feather/blade signs. All such 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 Project Signs shall not exceed 32 square feet. Shall not be internally lit but may include external down lighting. Such signs shall be limited to one per frontage and 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.

H. New Development Signs shall not exceed 32 square feet. One such sign is allowed per frontage, or in the case of a subdivision, two such signs on the frontage of the public street existing prior to the subdivision. Such signs may be constructed of wood (including simulated wood products) or metal with painted advertising or other professional applications, excluding paper, and shall not exceed 10 feet in height. Signs shall be removed no later than 30 days following the completion of the project.

I. Outside Display of Merchandise, Products, or Goods sold or leased on the premises, shall be setback a minimum of 10 feet from any property line and shall not infringe on any internal sidewalk, nor be located in a parking space.

J. Temporary Noncommercial Signs, such as special event signs, located in any residential zone shall not exceed 16 square feet; and, are not limited in size in any commercial or manufacturing zone. Such signs shall neither be constructed nor fastened in such a way as to cause a hazard to the public.

K. Property Signs, generally used to sell or lease a property, shall be setback a minimum of 5 feet from any property line. Such signs shall not exceed eight square feet in residential zones or 16 square feet in nonresidential zones, and are limited to one sign per street frontage.

L. Signs located on windows shall be limited to a maximum of 25% percent coverage of window area. The 50 percent coverage shall be calculated per façade or elevation, meaning windows on one façade shall not be counted or included in another façade. Where paint or marker is used on the window, the area shall be measured by creating a square around the message and calculating that square footage of that square in relation to the square footage of the window area. Where one window is completely covered in signage, another window of equal or greater size shall be left free of any window signs.

~~One mobile sign may be used for each use for a period of sixty days following the issuance of a permit to construct a permanent sign for that use. Upon inspection and approval of the permanent sign, or upon expiration of the sixty-day period, whichever first occurs, the mobile sign must be removed. Mobile signs may not employ animation, flashing lights or intermittent lights.~~

19.82.150 - 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.

19.82.160 - Maintenance—Removal of sign.

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

C. ~~Owners of~~ 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 thirty-day period,~~ the sign or copy ~~will~~**may** be removed by the City at the expense of the owner.

19.82.170 - Prohibited signs.

Signs not specifically allowed by this chapter are prohibited. Without restricting or limiting the provisions of this section, the following signs are specifically prohibited: ~~A-frame, Snipe, feather, blower machines, streamers, mobile signs, signs on vehicles parked within 20' of the public ROW, pennants/streamers, inflatable, items used to convey services or products sold on the premises within 30' of the public right-of-way,~~ and pedestal signs.

19.82.180 - Action to remove or abate violation.

- A. The ~~Mayor~~ **Zoning Administrator or designee** or 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 ~~development services division director~~ **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 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** ~~development services division director~~ to be unsafe.

19.82.185 - Off-premises signs—Billboards.

- A. Purpose. This section provides for the reasonable regulation of off-premises signs with the intent of enhancing the aesthetics of existing and future billboards, mitigating negative impacts, promoting safety and protecting property values that further the goals and planning policies of Millcreek City.
- B. Cap on Number of Off-Premises Signs. The number of off-premises signs allowed in Millcreek City shall be limited to the number of off-premises signs that are existing as defined herein as of May 18, 2004. "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 and development services division and state authorities where necessary, prior to May 18, 2004. Billboards that have received prior approval from the City at a particular location must be approved by the state by June 2, 2005. If no state approval is given, the City approval shall expire on said date and the permit shall become null and void. This cap shall automatically decrease as off-premises signs are annexed into a municipal jurisdiction or removed and not relocated.

- C. Location. Off-premises signs shall be allowed in the C-1 zone as a conditional use. Off-premises signs shall be allowed in the C-2, C-3, M-1 and M-2 zones as a permitted use.
- D. Size. Off-premises signs shall not exceed six hundred seventy-two square feet three hundred square feet (300) in the C-2, C-3, M-1 and M-2 zones. Off-premises signs located in a C-1 zone shall not exceed three hundred square feet in size.
- E. Height. The maximum height of an off-premises sign shall be thirty-five feet in a C-1 zone. The maximum height of an off-premises sign shall be forty-five feet above the grade level of the road in the C-2, C-3, M-1 and M-2 zones or, when oriented for freeway viewing only and located within three hundred feet of the nearest freeway lane, twenty-five feet above freeway grade level or fifty feet overall, whichever is greater.
- F. Separation. The minimum distance between off-premises signs larger than three hundred square feet shall be five hundred lineal feet as measured along the same side of the street including intersections. The minimum distance between off-premises signs three hundred square feet or less in size shall be three hundred lineal feet as measured along the same side of the street including intersections. All off-premises signs must be at least one hundred fifty radial feet from any other off-premises sign.
- G. Setbacks. The minimum setback shall be eighteen inches for off-premises signs. The sign's front-yard setback shall be measured from the future right-of-way line (see Transportation Improvement Plan). The closest edge of an off-premises sign shall not project into any required setback area. The minimum setback between an off-premises sign and any residential zone boundary shall be one hundred fifty feet.
- H. Lighting. Lighting shall be confined to the sign face, and the lighting source shall not be directly visible.
- I. Design. Off-premises signs shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the copy face. The back of the sign and the structure behind the sign shall be painted a dark color. Tri-vision sign faces shall be permitted and, if illuminated, must be externally illuminated. Internally illuminated off-premises signs, electronic display (outdoor video advertising) and electronic message centers are only allowed adjacent to the interstate freeway system and limited to no more than one change to the copy face in a twenty-four hour period. Two-decked off-premises signs are prohibited in all zones.
- J. Credits for Removal. Prior to the removal of any off-premises sign, the owner shall obtain a permit for the demolition of the off-premises sign. Permits may be provided following application to the Millcreek City Planning and Development Services Division. The Millcreek City Planning and Development Services Division shall by letter inform the affected Community Council chairman and affected the Planning Commission chairman that a permit for demolition of an off-premises sign has been issued. After any off-premises sign is demolished, the Millcreek City Planning and Development Services Division shall create a "billboard bank account" for the sign owner. The account shall reflect credits for the off-premises sign square footage as well as the date of removal. Any off-premises sign credits not used within thirty-six months of their creation shall expire and be of no further value or use. An off-premises sign owner may sell or otherwise transfer off-premises signs and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Demolition of an off-premises sign that has two advertising faces shall receive billboard bank account credits for the square footage of each sign face.

- K. Relocation. The owner of an existing off-premises sign may remove an existing off-premises sign from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the sign owner (applicant) shall submit to the City a notarized affidavit signed by the property owner, a copy of the lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease and renewal provisions. Additionally, prior to approval of a permit for relocation, Millcreek City Planning and Development Services Division shall by letter inform the affected community Council chairman and affected Planning Commission chairman that application for an off-premises sign permit has been received. Off-premises signs moved to approved locations shall conform to all off-premises sign requirements of the new location. Off-premises signs moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new off-premises sign permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of square feet. When the permit for construction of a new off-premises sign is issued, the Millcreek City Planning and Development Services Division shall deduct from the sign owner's billboard bank account the square footage of the new off-premises sign. If the new off-premises sign uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.
- L. City Council Review and Monitoring. The City Council shall, on a regular six-month schedule be updated at a regular public meeting to changes in status and effectiveness of the provisions related to off-premises signs in Millcreek City.
- M. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

19.82.190 - On-premises signs allowed in zoning districts.

A. On-premises signs allowed, by zones, shall be as set out in Table 19.82.190.

Table 19.82.190					
SIGNS ALLOWED, BY ZONES					
ZONE	SIGN TYPE	SIZE	HEIGHT	LOCATION AND NUMBER OF SIGNS	OTHER
All zones	Construction	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 to a maximum of 96	12 ft. max.	On private property and a minimum of 5' from the public	Sign must be removed 6 months from final building or conditional use inspection that

		64 sq. ft. per lot development		ROW. One per frontage	allows occupancy or when 100% of the facilities are occupied, whichever occurs first. No illumination allowed
		Construction signs located on the development for subdivisions of 5 lots or more, may be 32 sq. ft. plus 2 sq. ft. for each additional lot over 5 to a maximum of 128 sq. ft. total per subdivision	12 ft. max.	On private property	Signs must be removed within 30 days after the last lot is sold
		Signs for subdivisions of 5 lots or more and not located on the development may be 32 sq. ft. plus 1 sq. ft. for each lot over 5 to a maximum of 64 sq. ft. per sign	12 ft. max.	On private property and a minimum of 5' from the public ROW. One per development.	All signs must be approved by the Planning Commission for a period not to exceed one year which may be renewed upon application received at least 30 days prior to the previous approval expiration date Sign must be removed 6 months from final building or conditional use inspection that allows occupancy

					or when 100% of the facilities are occupied, whichever occurs first. No illumination allowed
		Construction signs for multifamily developments of more than 20 units and not located on the development shall not exceed a maximum of 10 ft. vertical and 20 ft. horizontal	12 ft. max.	On private property	All signs must be approved by the Planning Commission for a period not to exceed one year. Approval may be renewed by the Planning Commission
	Nameplate on premises	3 sq. ft. maximum per use		Attached to main structure. One per residential unit or business	Backlit only
	Political	16 sq. ft. maximum	6 ft. max.	On private property and not closer than 10 ft. to a driveway	Shall be removed 15 days following the final voting day.
	Property on-premises	6 sq. ft. maximum	6 4 ft. max.	On private property and a minimum of 5' from the public ROW. Two per development, per frontage.	Only allowed for non-residential uses. No illumination allowed

	Service on premises	6 sq. ft. maximum	3 ft. when free-standing	On private property and a minimum of 5' from the public ROW. Two per development, per frontage.	Only allowed for non-residential uses. No illumination allowed
	Monument on premises for certain uses (see other zones for specific requirements which supersede these requirements)	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	6 ft. max.	On private property and set back 5 ft. from property lines	One sign per street frontage and landscaped appropriately for the site. Allowed with public or quasi-public buildings or uses, planned unit developments, golf courses, cemeteries, dwelling groups, day care/preschool centers, or other uses permitted in the zone or as approved in conjunction with a conditional permit approval
	Flat on-premises for certain uses (see other zones for specific requirements which supersede these requirements)	5% of a wall area		Attached to a building and one per street frontage	Allowed with public or quasi-public buildings, planned unit developments, golf courses, cemeteries, dwelling groups, or other uses permitted in the zone or as approved in

					conjunction with a conditional permit approval
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Downlit illumination may be built into or attached onto the signs listed above, **unless prohibited above**, when:

- (1) Lighting is allowed in the specific zone; or
- (2) The development occupies more than 500 feet continuous frontage on the street the sign will face and the sign is not closer than 200 feet to a property not allowed an illuminated sign;
- (3) Flat signs that are exposed to dwellings on adjacent properties shall not be illuminated (property divided by public streets are not adjacent).

SPECIFIC Zone	Sign Type	SIZE	HEIGHT	LOCATION and NUMBER OF	OTHER
(2) S-1-G, R-4-8.5, R-M, RMH, MD	Ground or projecting on-premises	One per lot, 32 sq. ft., plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. on a street but not to exceed 64 sq. ft.	20 ft. max. ground sign	15 ft. setback	Illumination may be built into or attached onto a sign if the development occupies more than 500 ft. continuous frontage on a street that the sign will face unless exposed to a dwelling on adjacent property
	Flat on-premises	15% of a wall area		Attached to a building	Signs that are exposed to dwellings on adjacent properties shall not be illuminated. Pan channel letters are required

	Window on-premises	8 sq. ft. maximum per use			Signs shall not be illuminated
	Monument on-premises	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback On private property and set back 5 ft. from property lines	A monument sign can only be utilized if no ground or projecting sign is used Shall be incorporated into a landscaped accent area
(3) C-1, C-1-L, C-V	Ground/pole sign or projecting on-premises	One per lot, 48 sq. ft. plus 1 sq. ft. for each 4 ft. of street frontage over 30, but not to exceed 128 sq. ft.	2520 ft. max.	15 ft. setback	Downlit illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval
	Window on-premises	12 sq. ft. maximum per use			No illumination
	Flat or wall on-premises	15% of a wall area		One per business per street frontage	Pan channel letters are required. Downlit illumination may be built into the letters or attached to signs unless exposed to a dwelling on

					adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. A flat or wall sign may only be used if an awning sign is not used
	Temporary on-premises				See Section 19.82.140
	Monument on-premises	One per lot, 32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback On private property and set back 5 ft. from property lines. One per every 200' of street frontage	A monument sign can only be utilized if no ground or projecting sign is used
	Awning on-premises	25% of a first floor wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. and not above bldg. wall	8-6 ft. maximum projection from bldg. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used. Awning signs may not be internally illuminated.
All regulated signs in C-V zones located in canyon areas of the City require conditional use approval.					

<p>(4) C-2, C-3</p>	<p>C-2 , C-3 Ground/pole or projecting on- premises</p>	<p>48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 256 sq. ft. Property abutting a freeway with no frontage on a dedicated street may have one sign as a conditional use located within 30 ft. of the freeway not to exceed 256 sq. ft. and the height shall not exceed 25 ft. above freeway grade. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.</p>	<p>3025 ft. max.</p>	<p>18-inch setback, 1 sign per 300 ft. frontage or part thereof</p> <p>On private property and a minimum of 10' from the public ROW. Shall not be located closer than 100' from any residentially zoned property. One per frontage and located at least one hundred feet from any other sign</p>	<p>Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. Rotation and subdued light change may be allowed with conditional use approval.</p>
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		<p>48 sq. ft. plus 1 1/2 sq. ft. for each foot of frontage over 30 on a street to a maximum of 300 sq. ft. Property abutting a freeway with no frontage on a dedicated street may have one sign as a conditional use located within 30 ft. of the freeway not to exceed 300 sq. ft. and the height shall not exceed 25 ft. above freeway grade. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.</p>			
	C-3 Ground or projecting on-premises		30 ft. max.	No setback required, 1 sign per 300 ft. frontage or part thereof	<p>Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. Rotation and subdued light change may be allowed with conditional use approval.</p>
	Balloon on-premises				Balloon signs are subject to

					conditional use approval
	Roof on-premises	Same as ground or projecting sign. No larger than 100 square feet	10 ft. above roof max.	One per business with a maximum of two per building	Roof sign may substitute for a ground or projecting sign but is subject to conditional use approval. The Planning Commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible. Pan channel letters are required.
	Window on-premises	16 sq. ft. maximum per use Up to 50% of window may be covered			No illumination
	Promotional sign boards on-premises	1 sq. ft. for each linear ft. of frontage to a maximum of 20 sq. ft. per sign	Maximum ht. equals the sign setback, but not more than 10 ft.		Maximum of 1 sign per street front, permanently anchored to the ground, and subject to conditional use approval. Illumination may be built into or attached to signs unless exposed

					to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval
	Flat or wall on-premises	20% of a wall area			<p>Pan channel letters are required. Downlit illumination may be built into the letters or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. A flat or wall sign may only be used if an awning sign is not used</p>
	Temporary on-premises				See Section 19.82.140
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback, On private property and set back 5 ft. from property lines. 1 sign per 300 ft.	A monument sign can be utilized in lieu of a ground or projecting sign

				frontage or part thereof and located at least 50 feet from any other sign	
	Awning on-premises	25% of a first floor wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. and not above bldg. wall	6 ft. maximum projection from bldg. Must be on private property. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used. May not be internally illuminated.
	Projecting/Blade sign	One per business and a total of 12 square feet	A minimum of 10 ft. above the ground	6 ft. maximum projection from bldg.	Attached to building. Primary graphics on face or street side of structure. No illumination.
(5) M-1, M-2-M	Ground/Pole or projecting on-premises	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 256 sq. ft. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have	35.25 ft. max.	15 ft. setback, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to sign. Downlighting required

		one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.			
	Balloon on-premises				Balloon signs are subject to conditional use approval
	Roof on-premises	Same as ground or projecting sign	40 ft. above roof max.		Roof sign may substitute for a ground or projecting sign but is subject to conditional use approval. The Planning Commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible
	Window on-premises	16 sq. ft. maximum per use. Up to 50% of the window			No illumination
	Flat or wall on-premises	20% of a wall area			A flat or wall sign may only be used if an awning sign is not used

	Temporary on-premises				See Section 19.82.140
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	18-inch minimum setback, 5' minimum setback and 1 sign per 300 ft. frontage or part thereof	A monument sign can be utilized in lieu of a ground or projecting sign
	Awning on-premises	25% of a wall area may be covered with an awning, and 50% of an awning may be covered with graphics	8 ft. min. above the ground 0 ft. above bldg. wall	8 4 ft. maximum projection from bldg. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure. An awning sign may only be used if a flat or wall sign is not used
(6) F-R, F-M	Same as Section (3) of this table for C-1 and CV Monument on-premise				All regulated signs require conditional use approval Monument signs only as per the C-1 zone
(7) MD-1, (7 (7) MD-3	Flat on-premises	5% of a wall area			Illumination excluding luminous tubes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the project. All

					signs require conditional use approval
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	18 inch minimum setback. 1 sign per 300 ft. frontage or part thereof	Illumination excluding luminous tubes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval
(8) O-R-D	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 on a street to a maximum of 64 sq. ft.	6 ft. max.	25 ft. minimum setback, 1 sign per 300 ft. frontage or part thereof	Illumination excluding exposed neon or lighted accent stripes may be built into or attached to signs. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval
	Flat on-premises	5% of a wall area which faces a street	Not higher than 15 ft. above the finished grade of	Attached to the wall of a building which faces a street	Illumination excluding exposed neon or lighted accent stripes may be built into or attached to signs.

			the building		Signs that are exposed to dwellings on adjacent properties shall not be illuminated. Sign design shall reflect the architectural design scheme of the project. All signs require conditional use approval
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- B. 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. 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.
- C. Design: All signs shall use complementary colors and materials that reflect the adjacent building. All single pole signs where the pole is over 15' in height shall include pole covers and a sign base. All double pole signs over 10 feet in height shall use pole covers. Monument signs shall include a base of 25% or more of the sign's height with materials and colors reflecting the adjacent building.
- D. Iconic signs: signs having significant historical character and that have acted as a landmark in the City are exempt from these regulations. Such signs may be repaired and maintained as needed, but shall not be moved, unless issued a conditional use permit. Such signs shall not be destroyed.

19.82.200 Non-conforming signs

A. Alterations - 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 Title. All alterations shall require conformance to the provisions of this Chapter including any physical changes to the sign panel or the sign cabinet itself. Face changes in multi-tenant signs, freeway-oriented pole signs, normal maintenance/repair, and copy changes in signs previously approved by the City with a changeable copy feature are excluded. Further exclusions include any 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. Any sign that is

located within or projects into the existing public right-of-way shall be made conforming when an alteration occurs or a change in a land use designation that requires a permit.

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 Title.

C. Minor repairs and maintenance shall not necessitate conformance to the requirements of this Title.

D. Within 60 days after vacation of a tenant or for signs lacking advertisement for a period of 60 days or more, any on-premise nonconforming sign shall be removed or brought into compliance by the property owner. This includes vacant portions of signs where panels remain empty for over 6 months. 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.