

MILLCREEK, UTAH
ORDINANCE NO. 20-07

**AN ORDINANCE ADOPTING SECTION 19.04.278 AND AMENDING SECTION
19.82.185 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO
REGULATING BILLBOARDS**

WHEREAS, the Millcreek Council (“Council”) met in regular session on February 24, 2020 to consider among other things, approving an ordinance adopting Section 19.84.278 and amending section 19.82.185 of the Millcreek Code of Ordinances with respect to regulating billboards; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may amend any regulations of a zoning district; and

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

WHEREAS, City staff, City consultants, and other persons have recommended that the Council revise the Zoning Ordinance with respect to billboards; and

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

WHEREAS, on March 8, 2019 the required notice was published; and

WHEREAS, on March 20, 2019, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on March 20, 2019 and on April 17, 2019, the planning commission held the required public hearing with respect to amending various sections of Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, at the April 17, 2019 planning commission meeting the Millcreek Planning Commission recommended amending various sections of Title 19 of the Millcreek Code of Ordinances; and

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

WHEREAS, on February 19, 2020 the Council caused the required notice to be given; and

WHEREAS, on February 24, 2020 the Council considered amending various sections of Title 19 of the Millcreek Code of Ordinances; and

NOW THEREFORE, BE IT ORDAINED by the Council that that Title 19 Zoning be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added).

This Ordinance, assigned Ordinance No. 20-07, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 24th day of February 2020.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 20-07: AN ORDINANCE ADOPTING SECTION 19.04.278 AND AMENDING SECTION 19.82.185 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO REGULATING BILLBOARDS
was passed and adopted the ____ day of _____ 2020 and certifies that copies of the foregoing Ordinance 20-07 were posted in the following locations within the municipality this ____ day of _____, 2020.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner, City Recorder

ADOPT SECTION 19.04.278 AS FOLLOWS:

19.24.278 Ground-Level Vantage Point

“Ground-Level Vantage Point” means a position where an object can be viewed at no more than six feet above original grade.

AMEND SECTION 19.82.185 AS FOLLOWS:

19.82.185 Off-Premises Signs; Billboards

1. 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 to 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.
2. 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.
3. Billboards are only allowed in the C-2, C-3, and M zones as a permitted use, subject to the additional restrictions established in this chapter.
4. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.
5. Size. Billboards shall not exceed 300 square feet in the C-2, C-3, and M zones, except as provided below and in Subsection 13 of this chapter.
 - a. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 672 square feet.
 - b. 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
6. 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 e215, 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:
 - a. 2000 East and 3300 South
 - b. 1100 East and 3900 South
 - c. 1300 East and 3900 South
 - d. 2300 East and 3900 South

- e. 2300 East and Claybourne Avenue
 - f. Murray-Holladay Road and Highland Drive
7. Height. Except as provided below and in Subsection 13 of this chapter, the maximum height of a billboard shall be 32 feet above the grade level of the road in the C-2, C-3, or M zones, except as provided below:
- a. 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.
 - b. 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).
8. 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.
9. Setbacks.
- a. Setbacks from Rights-of-Way. The minimum setback shall be five 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 Functional Classification Map of the General Plan. The closest edge of a billboard shall not project into any required setback area.
 - b. 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.
 - c. Setbacks from on-premise ground signs. The minimum setback between a billboard and any on-premise ground sign shall be 100 feet.
 - d. Setbacks from A-1, 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-1, 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.

10. Lighting. Lighting shall be confined to the sign face and the lighting source shall not be directly visible from any ground-level vantage point. Illumination of billboards shall comply with the standards established in MKC Section 19.82.130 and 19.82.135.
11. 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.
12. 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.
13. 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:
 - a. 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.
 - b. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established in Section 7(b) above.
14. Credits for Removal. 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. 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. A billboard owner may sell or otherwise transfer billboards 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. 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. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboards located immediately adjacent to the Interstate 15 freeway, along State Street or within 20 feet of the State Street right-of-way.
15. Relocation. 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. 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. 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. Billboards moved to approved locations shall conform to all billboard requirements of the new location. 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). 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. 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. 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.

17. Notice Required for Billboards Relocated Subject to State Statute. 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. 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.
18. Business Licenses Required for Billboards.
 - a. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.
19. 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.