

MILLCREEK, UTAH
ORDINANCE NO. 25-12

**AN ORDINANCE REPEALING TITLE 18 AND TITLE 19 OF THE MILLCREEK
CODE OF ORDINANCES AND ENACTING A REVISED TITLE 18, MILLCREEK
LAND USE CODE**

WHEREAS, the Millcreek Council (“Council”) met in a regular session on April 28, 2025, to consider, among other things, approving an ordinance repealing Title 18 and Title 19 of the Millcreek Code of Ordinances and enacting a Revised Title 18, Millcreek Land Use Code; and

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

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

WHEREAS, City staff, City consultants, and other persons have recommended that the Council repeal Title 18 and Title 19 of the Millcreek Code of Ordinances and enact a revised Title 18, Millcreek Land Use Code; 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 January 27, 2025, the required notice was published; and

WHEREAS, on February 19, 2025, and on March 19, 2025, the proposed amendments were submitted to the planning commission for its recommendation; and

WHEREAS, on February 19, 2025, the planning commission held the required public hearing with respect to amending Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, at the February 19, 2025, and March 19, 2025, planning commission meetings, the planning commission recommended repealing Title 18 and Title 19 of the Millcreek Code of Ordinances and enacting a revised Title 18, Millcreek Land Use Code; and

WHEREAS, the Council has reviewed various changes and amendments that have been made to the revised Title 18, Millcreek Land Use Code, subsequent to the Planning Commission’s recommendation, that it considers appropriate and approves such changes pursuant to Utah Code Ann. § 10-9a-502 (2)(b)(ii) and shall be referred to as “New Title 18”; and

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

WHEREAS, on April 23, 2025, the Council caused the required notice to be given, and

WHEREAS, on April 28, 2025, the Council considered repealing Title 18 and Title 19 of the Millcreek Code of Ordinances and enacting New Title 18, Millcreek Land Use Code.

NOW, THEREFORE, BE IT ORDAINED by the Council that Title 18 and Title 19 of the Millcreek Code of Ordinance are hereby repealed, and New Title 18 as set forth in Exhibit A be inserted in lieu thereof.

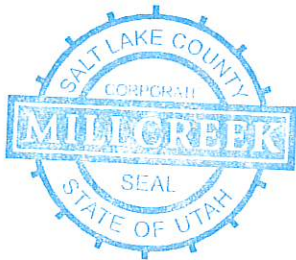
BE IT FURTHER ORDAINED by the Council that the Zone Districts identified on the Millcreek Zoning Map are renamed as set forth in Exhibit B.

BE IT FURTHER ORDAINED by the Council that the Application Requirements Checklists, as set forth in Exhibit C and updated from time to time by the Planning Director, is adopted as an appendix to New Title 18 of the Millcreek Code of Ordinances.

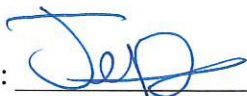
BE IT FURTHER ORDAINED by the Council that the Sensitive Lands Map attached as Exhibit as set forth in Section 18.61 of the New Title 18 and D is adopted as an appendix to New Title 18 of the Millcreek Code of Ordinances.

This Ordinance, assigned Ordinance No. 25-12, shall take effect on May 19, 2025.

PASSED AND APPROVED this 28th day of April 2025.



MILLCREEK

By: 
Jeff Silvestrini, Mayor

ATTEST:


Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	☒ Yes	☐ No
Catten	☒ Yes	☐ No
DeSirant	☒ Yes	☐ No
Jackson	☒ Yes	☐ No
Uipi	☒ Yes	☐ No

CERTIFICATE OF POSTING

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

ORDINANCE 25-12 AN ORDINANCE REPEALING TITLE 18 AND TITLE 19 OF THE MILLCREEK CODE OF ORDINANCES AND AN ENACTING A REVISED TITLE 18, MILLCREEK LAND USE CODE was passed and adopted the 28th day of April, 2025 and certifies that a copy of the foregoing Ordinance 25-12 was posted in accordance with Utah Code 10-3-711 this 29 day of April 2025.



Elyse Sullivan, City Recorder

EXHIBIT A

Title 18 is hereby enacted as follows:



Title 18 – Millcreek Land Use Code

Adopted April 28, 2025

Effective May 19, 2025

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Preface

Vacant titles, chapters, or sections may be designed for future use and marked “Section Reserved” to ease internal expansion.

Drafting legislation with this list order better reconciles the content in local software and hard copies, with the content in this online code.

The legislative history beneath a legislation's content identifies the specific legal sources, and may be provided to substantiate the online code.

This Land Use Code is supplemented from time to time with amendments and additions made by the Millcreek City Council. The specific legal sources that comprise this Land Use Code have been adapted during the codification process from the original formatting of the official hard copy. The online version provides a searchable database for easy reference and convenience. In the event of discrepancies between the online version and the official hard copy, the official hard copy governs.

This Land Use Code may not reflect all or the most current version of legislation adopted by the City Council that has yet to be updated online. Also, the Land Use Code may not reflect rules or other regulations promulgated under the authority of the code, including technical specifications. For more information contact the City recorder.

18.01 General Provisions

18.01.010 Title and Effective Date

- A. Title. This title shall be known as the "Uniform Land Use Ordinance of Millcreek, Utah," and may be so cited and pleaded. This title shall also be known as Title 18, Millcreek Code of Ordinances or Title 18 City Code of Ordinances, or the Land Use Code.
- B. Effective Date. This Title is effective as of May 19, 2025.

18.01.020 Purpose and Authority

- A. This title is designed and enacted for the purpose of promoting the health, safety, morals, conveniences, order, prosperity, and welfare of the present and future inhabitants of City, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the City's agricultural and other industries, and the protection of both urban and nonurban development.
- B. This title is adopted as set forth in [Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act](#), the general welfare power delegated to municipalities as set forth in [Utah Code Section 10-8-84, Ordinances, Rules and Regulations](#), and the police power authority of local government established by Utah common law.

18.01.030 Applicability

The ordinances of the county existing on December 27, 2016, covering the zoning of areas and districts in the City, in their entirety, including the maps adopted and made a part of such ordinances, are hereby superseded and amended to read as set forth in this title; provided, however, that this title, including the maps on file with the City and by this reference, made a part hereof, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this title, whether in the same or different language; and this title shall be so interpreted upon all questions of construction, including but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances, and to questions of conforming or nonconforming uses, buildings or structures, and to questions as to the dates upon which such uses, buildings or structures became conforming or nonconforming.

18.01.040 Effect of Revision or Amendment

Any amendment or revision to this title, including the zoning map, shall supersede any prior provisions or ordinances. Provisions of this title and the zoning map not affected by or in conflict with the amendment or revision shall continue to be valid and shall not be considered a new enactment when amendments or revisions are adopted. Any prior provisions of City land use ordinances which do not now conform to provisions of this title are declared void. Any uses,

structures or buildings which were legally established and conforming to previous provisions of this title but do not now conform are regulated as nonconformities as set forth in MKZ 18.60.

18.01.050 Resolution of Conflicts

Where conflicting provisions exist in this title or between this title and other ordinances or laws, the more restrictive provision shall prevail unless the language clearly creates an exception. This title does not nullify or modify the provisions of other covenants, restrictions, agreements, ordinances, or laws but prevails notwithstanding such less stringent requirements.

18.01.060 Interpretation and Clarification

The Planning Director, after consulting with the City Attorney, may clarify and interpret the provisions of this title, including the zoning map, where there is disagreement or confusion regarding said provisions. The requirements contained in this title shall be construed as minimums or maximums for the purposes for which the requirements are set forth.

18.01.070 Relationship to Other Ordinances

Other relevant provisions not found in this title which are applicable to the use and development of land include, but are not limited to, the following:

- A. Title 8, Animals
- B. Title 9, Health and Safety
- C. Title 14, Highways, Sidewalks, and Public Places
- D. Title 15, Buildings and Construction
- E. Title 16, Community Development and Public Facilities
- F. Title 17, Flood Control and Water Quality

18.01.080 Relationship to the General Plan

The City hereby adopts the Millcreek Together General Plan and Map, as an advisory, but not a mandatory guide for land use decisions.

18.01.090 Effect of the Transportation Master Plan and Standards for Highways, Sidewalks, and Public Places

Property owners shall consider proposed streets and street widths indicated in the Millcreek Transportation Master Plan and the standards for highways, sidewalks, and public places as set forth in Title 14 of the Millcreek Code in the planning of a development. Where development is proposed, the property owner is required to dedicate and improve (or post a bond for the cost of improvements or a deferral of said improvements as set forth in MKC 14.12.090) any street, or portion thereof, which is planned in or necessitated by the development and that is reasonably related to the development's impact on the City's transportation system. Where a planned street

abuts or traverses a property, required yard spaces shall be measured from the proposed right-of-way lines of the street.

18.01.100 Preservation of Lot or Parcel Space

No space needed to meet requirements for lot or parcel width, yard or open space, lot or parcel area, building coverage, parking, landscaping, public street frontage or other requirements of this title for a lot, parcel, or building may be transferred, sold, bequeathed, or leased apart from such lot, parcel, or building unless other space is provided which will achieve compliance. No land may be sold or transferred which will result in a lot that does not comply with the provisions of this title.

18.01.110 Certificate of Occupancy and Zoning Compliance

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises until a certificate of occupancy has been issued for the premises and/or building by the City. It is unlawful to occupy or to allow the occupancy of any building with uses which are not authorized under the original certificate of occupancy. A new certificate of occupancy must be obtained if the use of the building is intensified or changed to the extent that the original certificate is no longer valid due to violations of occupancy and use codes. A certificate of occupancy may not be issued until all conditions and requirements of the pertinent conditional use permit, site plan and/or plat are met.

18.01.120 Permits and Plans Required

It shall be unlawful to construct, reconstruct, remodel, relocate, or alter a building, structure, wall, fence, grade, or change land use without first obtaining required permits or approvals from the City. No grading or change in land use shall commence without first obtaining approval from the City. Applications for permits shall be accompanied by a complete submittal checklist with complete materials as specified on the applicable checklist. Plans shall include actual dimensions of the lot to be built upon, the size and setbacks of existing and proposed buildings and structures, adjacent buildings and structures and other information as required by this title and as deemed necessary by the Building, Fire, Engineering and Planning Departments. Where required, conditional use permits, site plans and/or plats must be approved prior to permit issuance. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's future land use plan map, zoning map, and this title if a complete application is submitted and all fees have been paid, unless the Land Use Authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application, or the City has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

18.02 Enforcement

18.02.010 Enforcement Authority

The Planning Director is the officer charged with enforcing this title. The Director of Animal Services is designated as the enforcement official for MKZ 18.77, Animal Regulations which shall be enforced pursuant to MKC 8.10.010. Enforcement of this Title shall follow the procedures set forth in MKC 1.16 and MKC 1.18.

18.02.020 Powers and Duties

- A. The Planning Director is authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair and to inspect land uses to determine compliance with the provisions of this title; provided, however that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of building or structure.
- B. The Planning Director shall enforce all provisions of this title, employing all legal means available to do so. In the enforcement of this title, the Planning Director, or any employee of the division authorized to represent the Planning Director, shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title, provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

18.02.030 Unlawful Use Prohibited

- A. No land, building, or structure shall be used for any purpose or use not allowed in the zone in which such land, building, or structure is located.
- B. Violation of any of the provisions contained in this title is prohibited. Any person who violates the provisions of this title shall be subject to the criminal and civil penalties set forth in MKC 1.18.

18.03 Review Bodies and Land Use Authority

18.03.010 Planning Commission

- A. Purpose. It is the intent of this Land Use Code that a Planning Commission be created which will represent the concerns of diverse citizen groups, as well as the broad interests of the community as a whole, and reflect the laws of the State; that membership of this Planning Commission provide balanced representation in terms of geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well-planned community be sought when establishing or altering the composition of the membership of the Planning Commission. Suggested interests from whom expertise might be selected are as follows: banking, development, contracting, engineering, geology and seismology, law, ecology, behavioral sciences, historic preservation, architecture, and landscape architecture. It is not, however, intended that the composition of the Planning Commission be limited to professionals, but rather, that it represents a cross-section of the community.
- B. Composition. The Planning Commission shall be comprised of nine members. Members of the Planning Commission shall be appointed by the Mayor, with the advice and consent of the City Council; except for the initial terms as provided below, terms shall be for four years. Appointment shall be by resolution of the City Council. Members of the Planning Commission may serve successive terms. All appointed members of the Commission must be bona fide residents and qualified electors of Millcreek.
- C. Powers and Duties. The Commission shall:
1. Make a recommendation to the City Council for a general plan and amendments to the general plan;
 2. Make a recommendation to the City Council for land use ordinances, zoning maps, official maps, and amendments;
 3. Make a recommendation to the City Council for the proper delegation of power to at least one land use authority to hear and act on all other land use applications;
 4. Be the designated land use authority to hear and act on land use applications for major subdivisions, including major Regular Residential Subdivisions;
 5. Make a recommendation to the City Council for the proper delegation of power to at least one land use appeal authority to hear and act on an appeal from a decision of the land use authority; and
 6. Administer application processes that:
 - a. May include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - b. Shall protect the right of each:

- (1) applicant and third party to require formal consideration of any application by a land use authority;
 - (2) applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
 - (3) participant to be heard in each public hearing on a contested application; and
 7. Exercise any other powers necessary to enable it to perform its functions delegated to it by the City Council or conferred upon it by statutes of the state of Utah.
- D. No Compensation or Reimbursement. Unless the City Council modifies this policy, members of the Planning Commission will not receive compensation or reimbursement for any expenses.
- E. Removal and Vacancy. The Mayor may remove members of the Planning Commission may be removed by the Mayor with the advice and consent of the City Council. The Mayor shall promptly fill any vacancy occurring on the Planning Commission with the advice and consent of the City Council for the unexpired term of such member. The Mayor shall also promptly fill any vacancy on the Planning Commission due to the expiration of a term, with the advice and consent of the City Council.
- F. Planning Commission Procedures.
1. The Planning Commission shall annually elect a chair, a vice chair, and such other officers as it deems advisable from among its members. The chair and such other officers elected by the Planning Commission shall serve for a term of one year and may serve successive terms.
 2. Five members of the Planning Commission shall constitute a quorum.
 3. The Planning Commission shall adopt rules of order and procedure for use by the Planning Commission in public meetings and for any other purposes considered necessary for the functioning of the Planning Commission. Such policies and procedures shall be approved by the City Council before taking effect.
 4. The Planning Commission shall establish its meeting schedule, which the City Council shall approve before taking effect. All meetings, including any necessary public hearings, shall be held after regular working hours. The Planning Commission's meetings and public hearings of the Commission shall be public meetings as set forth in [Utah Code Section 52-4-101 et seq, Open and Public Meetings Act](#), and shall be held in a designated public place.

18.03.020 Land Use Hearing Officer (LUHO)

- A. Creation. A Land Use Hearing Officer (LUHO) is hereby created as set forth in [Utah Code Chapter 10-9a, Municipal Land Use, Development, and Management Act](#). It is the intent of the

City Council that the Land Use Hearing Officer (LUHO) satisfies the requirement of the above-referenced statute for an appeal authority to hear and decide requests for appeals from decisions applying land use ordinances.

B. Composition And Organization

1. The LUHO consists of one member, appointed by the Mayor, with the advice and consent of the City Council, for a term determined at the time of appointment.
2. The Mayor, with the advice and consent of the City Council, shall promptly fill any vacancy on the authority for the unexpired term of the member whose office is vacant.
3. The LUHO shall be organized as deemed appropriate and as approved by the City Council.

C. Hearings, Meetings, and Due Process

1. The LUHO shall hold hearings or meetings as necessary and shall not have ex-parte contacts. It shall have the authority to administer oaths, provide an opportunity for cross-examination, and direct the proceedings in a quasi-judicial manner, so that each participant's due process rights are respected. All hearings must be open to the public and recorded.
2. Notice Requirements. Noticing shall be as set forth in MKZ 18.14.080, Public Notice.
3. Upon request Millcreek will provide copies to all parties of public regarding the matter. Otherwise, no discovery shall be allowed except as specifically ordered and scheduled by the LUHO.
4. Hearings or meetings shall be conducted with appropriate formality and decorum to protect due process rights. The Utah Rules of Evidence and Rules of Civil Procedure are used as guidelines and are not strictly followed or applied. The rules regarding authorization, foundation, hearsay, or relevance shall not be strictly applied.

18.04 Appeals

18.04.010 Appeals

- A. Purpose. Appeals are intended to provide additional review of a decision made by the Land Use Authority.
- B. Applicability. An applicant, the City, or an adversely affected party may appeal any final decision made by the Land Use Authority regarding the administration or interpretation of this Code.
- C. Procedure for Legislative Decisions. Legislative decisions are appealed to the district court as set forth in [Utah Code Section 10-9a-101 et seq.](#)
- D. Procedure for Administrative Decisions.
 - 1. A notice of appeal must be filed with the Planning Director within ten (10) business days of the issuance of a written administrative decision from a Land Use Authority.
 - 2. Any applicable fee as set forth in the Consolidated Fee Schedule must be paid at the time of filing the notice of appeal.
 - 3. Upon receipt of the notice of appeal, the Planning Director will schedule the item for the next available public meeting of the Land Use Hearing Officer (LUHO), not to exceed forty-five (45) days from when the notice of appeal was received.
 - 4. Noticing shall be as set forth in [MKZ 18.14.080](#), Public Notice.
 - 5. The LUHO shall make a determination at the meeting and issue a written decision within ten (10) days of the meeting.
- E. Approval Criteria. An appeal may be approved if the LUHO finds that there was an error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of this Code.
- F. Appeals from Subdivision Improvement Plans. Notwithstanding the foregoing, appeals from subdivision improvement plans shall be handled in accordance with [Utah Code Section 10-9a-604.2](#).

18.05 Section Reserved

18.06 Section Reserved

18.07 Section Reserved

18.08 Section Reserved

18.09 Section Reserved

18.10 Section Reserved

18.11 Section Reserved

18.12 Generally Applicable Land Use Provisions

18.12.010 Purpose

The purpose of this chapter is to establish procedures for submittals and review of applications for land use and development activity in Millcreek and for review of all applications for land use and development activity in Millcreek.

18.12.020 Applicability

- A. Application Required. No project may be considered, reviewed, or provided any vesting rights without a complete application including payment of all applicable fees. Applications are made electronically through the Millcreek City website.
- B. Plat required. Except as expressly provided for herein or in Utah Code, all divisions of land shall follow a subdivision application procedure including a final plat to be valid. Procedurally noncompliant divisions of land shall be void.
- C. Additional Information. In reviewing any land use application, Millcreek and its staff may require additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for the construction of public improvements and modifications to plans that do not meet current ordinances, applicable standards and specifications, or do not contain complete information.

18.12.030 Expirations and Extensions of Land Use Approvals

- A. If applicable, the expiration time frames as set forth in MKZ 18.15, Specific Procedures by Application Category and Type, may be extended one (1) time when each of the following conditions exist:
 - 1. The provisions of this Code expressly allow the extension;
 - 2. An extension request is filed in writing at least fifteen (15) days prior to the applicable expiration deadline;
 - 3. The extension request is in writing and must show good cause; and
 - 4. Unless otherwise noted, the authority to grant extensions of time shall rest with the Land Use Authority that granted the original approval being extended.
- B. The Planning Director may grant up to one (1) extension for a period of up to one (1) year for good cause unless otherwise noted in this Title.
 - 1. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why an application did not commence in a timely manner.
 - 2. Examples of good causes include delays in preparing construction documents due to new information not available at the time of approval, changes in site conditions, lack of materials, financing issues, labor supply problems or similar

causes not solely the result of the applicant's failure to pursue the development with due diligence.

- C. Failure to make a written request for an extension request shall cause the application to automatically expire.
- D. In no event may the City grant more than one (1) extension for any stage or approval period. Any extension granted under this Section or any other applicable Section of the MKZ shall count toward this limit, regardless of the procedures used to obtain or grant the extension.

18.12.040 Post-Approval Modifications

- A. Purpose. If, after an application has been approved, it becomes necessary to modify the approved plan, minor modifications may be approved by the Planning Director. In no case may the request for modification exceed what the zone allows, to include the combined result of cumulative requests. Post-Approval Modifications for Development Agreements shall follow the process as set forth in MKZ 18.15.010 (D).
- B. Minor Modifications include:
 - 1. Five percent (5%) or less of an increase or decrease in nonresidential floor space or to the land area covered by structures or buildings, provided the total lot or parcel coverage complies with the maximum lot or parcel coverage requirements of the applicable zone district.
 - 2. Minor changes in the location of streets and utilities for reasons not caused by the applicant.
 - 3. Five percent (5%) or less of an increase or decrease to building façade material quantities or placement, or minor changes to façade colors so long as the changes reasonably and substantially meet the intent of the original approval.
 - 4. Five percent (5%) or less of an increase or decrease to lighting, landscaping, fencing, screening.
- C. Approval criteria include:
 - 1. The minor modification does not result in an increase in the approved number of dwelling units.
 - 2. The minor modification does not result in a change in the housing unit type.
 - 3. Minor modifications do not result in a change in the character of the development.
 - 4. The minor modification does not require additional mitigating measures to reasonably mitigate anticipated detrimental effects of the proposed use.
- D. Minor Modifications for a Site Plan. If after an application has been approved, and needed modifications exceed those permitted in a minor modification, a minor site plan amendment application shall be submitted subject to the requirements as set forth in MKZ 18.15.030 (D). A new site plan shall be required if changes are not permissible under the Minor Site Plan Amendments criteria in this Section.

- E. Any Modifications Not Minor. In the event that any major changes are proposed, including changes exceeding the limits set forth in subsection B above, the Planning Director may require the application be reconsidered with respect to the modified portions. Major changes include, without limitation, any increase in the number or density of proposed lots, changes to the unit types or count, or other changes deemed material or significant by the Planning Director.

18.12.050 Subsequent Applications for Legislative Approvals

Following denial of an application for a legislative approval, the City Council may not decide on the same or substantially the same application within one (1) year of the date of denial. The City Council may waive the waiting period required by this Section, provided the applicant shows good cause for a waiver and submits a request for a waiver in writing to the City Council.

18.12.060 Organization

The Application Procedures are organized as follows:

- 18.13 Land Use Authority Designations and Application Procedures in General
- 18.14 Land Use Application Steps
- 18.15 Specific Procedures by Application Category and Type

18.13 Land Use Authority Designations and Application Procedures in General

18.13.010 Application Categories and Land Use Authority Designations

- A. The Land Use Authority is a person, board, commission, or body designated by Millcreek to act upon a land use application.
- B. Millcreek hereby designates land use authorities by application type, as set forth in Table 18.13-1, Land Use Authority Designations.
- C. Depending on the nature of the Land Use Authority designated to act on a land use application, land use applications fall into two categories: Legislative Decisions and Administrative Decisions.
 1. Legislative decisions are discretionary and include those application types listed in Table 18.13-1 that the City Council makes upon receiving a recommendation from the Planning Commission and Community Council(s), where applicable.
 2. Administrative Decisions consist of all other development approvals and include those application types listed in Table 18.13-1 that are made by the Planning Commission, Planning Director, or Land Use Hearing Officer. Administrative decisions are subject to the appropriate standards of review and shall be made based on findings of fact.

Table 18.13-1 Land Use Authority Designations	
<i>Application Type</i>	<i>Land Use Authority Designation</i>
<i>Legislative Decisions</i>	
General Plan and Future Land Use Map Adoption and Amendment	City Council
Land Use Code Text Amendment	City Council
Zoning Map Amendment	City Council
Development Agreement	City Council
<i>Administrative Decisions – Subdivisions</i>	
Minor Subdivision	Planning Director
Major Subdivision Preliminary Approval	Planning Commission
Major Subdivision Final Approval	Planning Director
Subdivision Amendment for Minor Plat Adjustments	Planning Director
Boundary Line Adjustment	Planning Director

Table 18.13-1 Land Use Authority Designations	
<i>Application Type</i>	<i>Land Use Authority Designation</i>
Vacating a Subdivision Plat – Minor Subdivision	Planning Director
Vacating a Subdivision Plat – Major Subdivision	Planning Commission
Vacating a Subdivision Plat – By Ordinance	City Council
Public Street or Municipal Utility Easement Vacation	City Council
<i>Administrative Decisions – Other Land Use Decisions</i>	
Conditional Use Permit	Planning Commission
Site Plan Approval for Permitted Uses	Planning Director
Change of Use Permit	Planning Director
Minor Site Plan Amendment	Planning Director
Compliance Determination for an Accessory Dwelling Unit	Planning Director
Reasonable Accommodation for a Residential Facility for Persons With a Disability	Planning Director
Eligible Facility Request for a Wireless Telecommunications Facility	Planning Director
Sign Permit	Planning Director
Temporary Use Permit	Planning Director
Classification Request Determination	Planning Director
Classification Request Determination Review	City Council
<i>Administrative Decisions – Nonconformities and Variances</i>	
Nonconformities Determination	Planning Director
Expansion or Enlargement of a Noncomplying Structure	Land Use Hearing Officer
Variances	Land Use Hearing Officer

18.13.020 Designation of Recommending Bodies and the Role of Staff in Application Reviews

- A. Millcreek also establishes the roles of recommending bodies, including the Planning Commission and Community Councils, to make recommendations on certain land use application types, as set forth in Table 18.13-2, Roles of Recommending Bodies by Application Type. No recommendation is required for application types not listed in Table 18.13-2.

- B. Millcreek Staff shall review all applications for completeness and substantial compliance with relevant requirements and may provide recommendations on Land Use Applications before the applicable Land Use Authority.

Table 18.13-2. Roles of Recommending Bodies by Application Type		
<i>Application Type</i>	<i>Community Council</i>	<i>Planning Commission</i>
<i>Legislative Decisions</i>		
General Plan and Future Land Use Map Adoption and Amendment	Recommendation	Recommendation
Land Use Code Text Amendment	Recommendation	Recommendation
Zoning Map Amendment	Recommendation	Recommendation
Development Agreement	Recommendation	Recommendation
Public Street or Municipal Utility Easement Vacation	None	Recommendation
<i>Administrative Decisions – Other Land Use Decisions</i>		
Conditional Use Permit	Recommendation	N/A
Classification Request Determination Review	Recommendation	Recommendation

18.13.030 Appeal Authorities

- A. Appeals from decisions where the Land Use Authority is the City Council, except for Classification Request Determination Reviews, or the Land Use Hearing Officer must be filed within 30 days of a final decision to the Third District Court of Utah.
- B. Appeals from decisions where the Land Use Authority is the Planning Commission or the Planning Director must be filed within seven (7) days of a final decision to the Land Use Appeal Authority.

18.13.040 Submittal Requirements in General

- A. The following submittal requirements apply to each application type described in this Title. Additional requirements are established for each application type as set forth in MKZ 18.15, Specific Procedures by Application Category and Type.
1. An application must be submitted on a form approved by the Planning and Zoning Department.
 2. A Checklist for each application type must be submitted with complete materials as specified on the applicable Checklist.

3. An application fee for each application type must be paid in full as set forth in the Consolidated Fee Schedule.
- B. Persons filing a Land Use Application shall follow the procedures for each application type in the sequence as set forth in MKZ 18.15, Specific Procedures by Application Category and Type. A Description of each application step is set forth in MKZ 18.14, Land Use Application Steps.
- C. Application review and scheduling of any required formal public engagement shall only take place after the Planning Director deems an application complete, following the standards set forth in MKZ 18.14.050 for regular residential subdivisions and in MKZ 18.14.060 for all other applications.

18.13.050 Formal Public Engagement and Community Council Engagement Requirements

- A. Certain application types require Formal Public Engagement, including a Public Meeting or a Public Hearing. The type of public engagement applicable to each application type is set forth in MKZ 18.15, Specific Procedures by Application Category and Type. For the purposes of this Title, Community Council meetings are not considered a Formal Public Engagement.
 1. Public Meetings. Public Meetings are required to be open to the public as set forth in [Utah Code Section 52-4-101 et seq., Open and Public Meetings Act](#). All land use decisions made by the City Council and Planning Commission shall be rendered during open and public meetings. The Planning Director may also conduct public meetings related to land use applications or other land use issues. No public meeting shall commence until all procedures as set forth in MKZ 18.13.060, Public Notice Requirements, are met. The following criteria apply to public meetings:
 - a. At a public meeting to consider an application, the Land Use Authority shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and may take public comment from all interested persons in attendance.
 - b. The applicant or their designated agent whose application is before the Planning Director, Planning Commission or City Council shall be present at the public meeting.
 - c. The applicant shall present evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
 2. Public Hearings. At a public hearing, members of the public are provided a reasonable opportunity to comment on the subject of the hearing. No public hearing shall commence, nor shall public comment be received, until all notice

procedures as set forth in MKZ 18.13.060, Public Notice Requirements, are met. The following criteria is applicable to public hearings:

- a. At a hearing to consider an application, the reviewing body shall review the data supplied by the applicant, review the findings and recommendations of the Planning Director, and take testimony from all interested persons in attendance.
 - b. The applicant or their designated agent whose application is before the Planning Commission or City Council shall be present at the hearing.
 - c. The applicant shall present evidence sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence.
- B. Continuances. For Administrative Decisions, the Land Use Authority may allow up to two continuances of a public meeting or public hearing, totaling not more than six months, to hear the matter, so the applicant may make modifications or provide additional information and evidence supporting the application.
1. If an application is continued to a date certain so that the Land Use Authority can receive additional information, then notice of a continuation to a date certain shall be posted on the subject property, but no further publication or mailed notice for a continued public meeting is required.
 2. If an application is not continued to a certain date, it requires re-notification following the procedure set forth in MKZ 18.13.060, Public Notice Requirements.
- C. Community Council Engagement. Certain application types are required to be subject to review by a relevant community council, which may choose to make a recommendation on that application.
1. Community Councils are encouraged to provide written recommendations to the Planning and Zoning Department. If the relevant Community Council does not provide a recommendation on an application, the application shall proceed through the approval process without a Community Council recommendation.
 2. Where a land use application involves property located within 600 feet of the boundaries of another community council district, the Planning Director shall submit the application for review by the community councils of each community district.
 3. If a complete application is submitted prior to a Planning Commission meeting held in a month where the applicable Community Council meeting is not scheduled to be held, a Neighborhood Meeting may be utilized in lieu of the

Community Council meeting, with a summary report of the meeting provided to the Community Council electronically. This neighborhood meeting must be completed at least seven (7) days prior to the Planning Commission meeting.

18.13.060 Public Notice Requirements

- A. Public Notices are required to inform the public about an application's relevant proceedings. The public notice requirements are intended to provide information regarding the application and relevant public meetings or hearings for the application.
- B. The Land Use Authority, as set forth in Table 18.13-1, shall schedule and hold any required public hearing or public meeting according to the provisions of this Land Use Code and State Statute. Where applicable, the notice shall include the date and time of the meeting of the appropriate recommending body. This section describes the general notice procedure for public meetings and hearings in Millcreek. Noticing requirements follow this section unless otherwise noted in MKZ 18.15, Specific Procedures by Application Category and Type.
- C. Table 18.13-3, Noticing Summary, summarizes the various noticing requirements for each application type. The specific noticing requirements of each application type are more fully described in MKZ 18.15, Specific Procedures by Application Category and Type.
- D. Mailed Notices Procedure. Applications requiring mailed notices as set forth in Table 18.13-3, Noticing Summary shall follow the requirements of [Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act](#), and these procedures unless otherwise noted in MKZ 18.15, Specific Procedures by Application Category and Type.
- E. The City will mail notices for any application requiring a public meeting or public hearing. The applicant is responsible for the mailing expenses as set forth in the Consolidated Fee Schedule.
 - 1. Mailed notices shall follow the requirements of [Utah Code Section 10-9a-205, Notice of public hearings and public meetings on adoption or modification of land use regulation](#).
 - 2. Mailed notices shall be sent to each owner of record of real property whose property is located partially or entirely within the mailed noticing distance as set forth in Table 18.13-3, unless otherwise set forth in this Title.
 - a. For applications where a Community recommendation is requested, mailed notices must be sent at least seven (7) days before the Community Council meeting.
 - b. For applications where a Community Council is not requested to make a recommendation, mailed notices must be sent at least ten (10) days prior to the first public hearing or seven (7) days prior to a public meeting.
 - 3. If multiple mailed notices are needed, they may be combined into a single mailed notice with all applicable information.

- F. Notice Sign Procedure. Applications requiring a noticing sign on the subject property as set forth in Table 18.13-3 Noticing Summary, shall follow these procedures unless otherwise set forth in MKZ 18.15, Specific Procedures by Application Category and Type.
1. The City shall post notification signage on the subject property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
 2. The notice shall be posted a minimum of five (5) days prior to the first Formal Public Engagement on the item and shall remain posted on sight until after the final Land Use Authority decision on the matter. If a notice is removed prior to a final decision, the applicant shall promptly notify the Planning Director within one business day, and the City shall replace the notice within one business day thereafter.
 3. The notice sign shall state the purpose of the public notice and where interested parties can find out more information on the application and Formal Public Engagement schedule.
- G. Online Noticing Procedure. Applications requiring online noticing as set forth in Table 18.13-3 Noticing Summary shall follow these procedures unless otherwise set forth in MKZ 18.15, Specific Procedures by Application Category and Type.
1. The City is responsible for posting notice for any application requiring online noticing on Millcreek's official website no later than 24 hours prior to the first Formal Public Engagement on the item.
 2. The City is responsible for posting notice to the Utah Public Notice Website created by [Utah Code Section 63A-16-601](#) no later than ten (10) days prior to the first public meeting or hearing on the item.
- H. Hard Copy Notice. A hard copy of any public notice issued by the City shall be posted at Millcreek City Hall at least twenty-four (24) hours prior to a public hearing or a public meeting.
1. Timeframes for Mailed Notice and Notice Sign shall be based on calendar days prior to the first community Council Meeting or the first Formal Public Engagement, whichever comes first.
 2. Timeframes for Posting on the Millcreek Website and Utah Public Notice shall be based on calendar days prior to the first Formal Public Engagement.
 3. Timeframes for Hard Copy of Notice are based on hours prior to the first formal Public Engagement.

Table 18.13-3 Noticing Summary					
Application Type	Mailed Notice	Mailed Notice Distance (from boundaries of subject property)	Notice Sign (on subject property)	Posting On Millcreek Website and Utah Public Notice Website	Hard Copy of Notice
Legislative Decisions					
General Plan / Future Land Use Map Adoption or Amendment (1)(2)	7	600 feet from subject property for Future Land Use Map Amendments	5	10	24 hours
Land Use Code Text Amendment (1)(2)	7	N/A		10	24 hours
Zoning Map Amendment (1)(2)	7	600 feet from subject property	5	10	24 hours
Zoning Map Amendments - Adoption and Amendments of Village Center Special Districts (1)(2)	7	600 feet from the boundary of the Village Center as designated on the Future Land Use Map of the Millcreek General Plan	5	10	24 hours
Public Street or Municipal Utility Easement Vacation (2)	10	Each property that is accessed by the public street or municipal utility easement	5	10	24 hours
Administrative Decisions - Subdivisions					
Minor Subdivision	7	300 feet from subject property	5	7	24 hours
Major Subdivision-Preliminary	7	300 feet from subject property	5	7	24 hours

Table 18.13-3 Noticing Summary					
<i>Application Type</i>	<i>Mailed Notice</i>	<i>Mailed Notice Distance (from boundaries of subject property)</i>	<i>Notice Sign (on subject property)</i>	<i>Posting On Millcreek Website and Utah Public Notice Website</i>	<i>Hard Copy of Notice</i>
Subdivision Amendment (2)	7	Affected Property Owners Within a Subdivision	5	7	24 hours
Vacating a Subdivision Plat	7	300 Feet from subject property	5	7	24 hours
<i>Administrative Decisions – Other Land Use Decisions</i>					
Conditional Use Permit	7	300 feet from subject property	5	7	24 hours
<i>Administrative Decisions – Nonconformities and Variances</i>					
Expansion of a Noncompliant Structure or a Structure Containing a nonconforming use	10	300 feet from subject property	5	10	24 hours

I. Table 18.13-3 Notes

1. The Planning Director shall determine if an application is ministerial in nature. If the Planning Director determines that the application is not ministerial in nature, notice shall be provided to the area directly affected by the land use ordinance change.
2. These application types require affected entities to be notified.

18.14 Land Use Application Steps

18.14.010 Pre-Application Consultation

- A. Purpose. The purpose of a pre-application consultation is to engage Millcreek staff for a no-fee, no-commitment consultation to discuss the applicant's concept and to learn about Millcreek's procedures.
- B. Applicability. An applicant may request a pre-application consultation with the Planning Director prior to submitting any application. If a pre-application consultation is required, an application may not be accepted until after the pre-application consultation is completed. For purposes of Regular Residential Subdivisions, the pre-application consultation is a pre-application meeting for purposes of [Utah Code Section 10-9a-604.1](#).
- C. Procedure.
 - 1. Within 15 business days after receiving a written request including the concept plan and payment of all applicable fees as set forth in the Consolidated Fee Schedule, the Planning Director shall schedule the concept review meeting. If a concept review is required, the Planning Director may request the potential applicant submit the required documentation and fees and schedule the meeting.
 - 2. The Planning Director shall schedule a pre-application consultation after either requesting the meeting with the potential applicant or receiving a written request for the pre-application consultation, and any required fees are paid.
 - 3. An applicant is entitled to one pre-application consultation free of charge. Additional pre-application consultations may be subject to payment of a fee as set forth in the Consolidated Fee Schedule.
- D. The informal evaluation of the application is not binding upon the applicant or the City and does not constitute a pre-application meeting under [Utah Code Section 10-9a-604.1](#).
- E. After completing a pre-application consultation, the associated application must be filed within six (6) months. If an application is not filed within such a timeframe, a new pre-application consultation may be required prior to filing an application, as determined by the Planning Director.

18.14.020 Concept Review

- A. Purpose. A concept review is a more formal process intended to provide the applicant with applicable information on development standards and the development process for a proposed project. A concept review will allow the applicant to receive feedback and information from relevant departments and to identify any potential issues the applicant may wish to address prior to application submittal.
- B. Applicability. An applicant may request a concept review from the Planning Director prior to submitting any application. If an application type requires a concept review as set forth in MKZ

18.15, Specific Procedures by Application Category and Type, the concept review must be completed prior to submission. For purposes of Regular Residential Subdivisions, the concept review is an alternative pre-application meeting for purposes of [Utah Code Section 10-9a-604.1](#).

C. Procedure.

1. Within fifteen (15) business days after receiving a written request including the concept plan and payment of all applicable fees as set forth in the Consolidated Fee Schedule, the Planning Director shall schedule the concept review meeting. If a concept review is required, the Planning Director may request the potential applicant submit the required documentation and fees and schedule the meeting.
2. The Planning Director and appropriate attendees shall discuss the proposed development at the concept review meeting based on the information provided by the applicant.
3. The Planning Director shall make available at or prior to the concept review meeting copies of applicable land use regulations, a complete list of standards, and preliminary and final application checklists. The Planning Director shall issue written notes to the applicant regarding the concept review within seven (7) days of the meeting.

D. Multiple Meetings. If the concept plan changes in scope, intensity, or layout, applicants may request additional concept reviews prior to submission. Additional concept review meetings at the applicant's request shall be subject to payment of an additional fee as set forth in the Consolidated Fee Schedule.

18.14.030 Neighborhood Meeting

- A. Purpose. A neighborhood meeting is intended for an applicant to inform residents and property owners of potential projects, help solicit neighborhood input on land use application, to provide any additional local information, and give the applicant an opportunity to address any relevant neighborhood concerns prior to submission.
- B. Applicability. A neighborhood meeting for relevant application types is required, as set forth in MKZ 18.15, Specific Procedures by Application Category and Type.
- C. Procedure. It is the applicant's responsibility to conduct the neighborhood meeting. The applicant shall organize the meeting and provide adequate proof of notice to include the following:
1. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications as set forth in MKZ 18.13.060, Public Notice Requirements.

2. The applicant shall mail notice to all property owners, as identified in the Salt Lake County recorder's records, whose property is within the required notice radius for the land use applications as set forth in MKZ 18.13.060, Public Notice Requirements via First Class Mail at least one week prior to the neighborhood meeting.
3. The applicant shall e-mail notice to members of the relevant community council(s), using email addresses provided by the Planning Director, at least one week before the neighborhood meeting.
4. The neighborhood meeting shall be conducted at a location within Millcreek, which is commonly open to the public.
5. Phone calls or informal door-to-door contacts shall not constitute a neighborhood meeting.
6. The record of a neighborhood meeting shall be submitted with the application and shall include:
 - a. A list of all individuals who were notified;
 - b. A roster of attendees; and
 - c. A statement summarizing the topics discussed at the meeting.

18.14.040 Application Submittal

- A. Purpose. Application Submittals serve as the initial formal interaction between an applicant and the City regarding an application.
- B. Applicability. Application Submittal is required for any application type.
- C. Procedure. Application submittals are made electronically through the Millcreek website.

18.14.050 Application Completeness and Compliance Review For Regular Residential Subdivisions

- A. Purpose. The purpose of a completeness review is to ensure a given application contains the necessary information for staff and the pertinent Land Use Authority to make an informed decision on a given application. The purpose of compliance review is to ensure that all submitted materials and the application comply with all applicable requirements of MKZ.
- B. Applicability. All applications are subject to a completeness review to ensure that all necessary information and materials have been provided for review. This Section applies to applications for Regular Residential Subdivisions, both minor and major.
- C. Timing. The Planning Director shall complete the initial review of a complete subdivision application, provided it satisfies the completeness criteria set forth below for ordinance review for Major or Minor Subdivisions, no later than 15 business days after the application is submitted.
- D. Subdivision Plan Review.

1. The Planning Director shall complete a subdivision plan review, including the steps outlined in MKZ 18.14.070 that do not conflict with this Section, of a subdivision improvement plan submitted with a complete subdivision application for a Major or Minor Subdivision within 20 business days after the complete subdivision application is submitted.
 2. In reviewing a subdivision application, the Planning Director may require additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for the construction of public improvements and modifications to plans that do not meet current ordinances, applicable standards and specifications, or do not contain complete information.
 3. Upon completion of the subdivision plan review, the Planning Director shall provide written review comments which may include a request for additional information or modifications to plans shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans and shall be logged in an index of requested modifications or additions.
 4. If the applicant does not submit a revised subdivision improvement plan within 20 business days after the City requires a modification or correction, then the City has an additional 20 business days to respond to a revised subdivision improvement plan.
 5. In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in the response, the review cycle is incomplete, and the subsequent review cycle may not begin until all comments are addressed.
 6. The City may not require more than four review cycles as described in subsections 1 through 5 for a subdivision improvement plan review.
 7. If the applicant makes a material change to a subdivision improvement plan, the City may, in its discretion, restart the review process at the first review of the subdivision improvement plan review for the portion of the subdivision improvement plan that the material change substantively affects.
- E. Appeal from Subdivision Improvement Plans. For a dispute arising from the subdivision improvement plans, an appeal from the City's final decision shall be made in accordance with [Utah Code Section 10-9a-604.2](#).

- F. Completeness Criteria. An application can only be deemed complete if it satisfies the requirements set forth in MKZ 18.13.040, Submittal Requirements in General.
- G. Additional supplementary materials. Additional supplementary materials may be submitted after a completeness review is complete and the application has been deemed complete and accepted for review. In such events, any additional supplementary materials must be received at least 30 days prior to the first public meeting or hearing to be held on the application. The City may postpone and reschedule a public meeting or hearing or approval deadline if such reports and studies are submitted less than 30 days prior to a public meeting or hearing.

18.14.060 Application Completeness Review for All Other Applications

- A. Purpose. The Purpose of a completeness review is to ensure a given application contains the necessary information for staff and the pertinent Land Use Authority to make an informed decision on a given application.
- B. Applicability. All applications are subject to a completeness review to ensure that all necessary information and materials have been provided for review. This Section applies to all applications other than those for Regular Residential Subdivisions.
- C. Timing. The Planning Director shall make a determination of application completion within fifteen (15) business days after the application is submitted.
- D. Complete Submittals. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Chapter and reviewed for compliance with the applicable regulations of this Code.
- E. Incomplete Submittals. If an application is determined to be incomplete, the Planning Director shall notify the applicant and explain the deficiencies of the application. The application will not be processed further, and a new submittal with the corrected materials will be required.
- F. Completeness Criteria. An application can only be deemed complete if it satisfies the requirements set forth in MKZ 18.13.040, Submittal Requirements in General.
- G. Additional supplementary materials. Additional supplementary materials may be submitted after a completeness review is complete and the application has been deemed complete and accepted for review. In such events, any additional supplementary materials must be received at least thirty (30) days prior to the first public meeting or hearing to be held on the application. The City may postpone and reschedule a public meeting or hearing or approval deadline if such reports and studies are submitted less than thirty (30) days prior to a public meeting or hearing.

18.14.070 Application Compliance Review for All Other Applications

- A. Purpose. The application review is intended to ensure that a given application is in conformance with the requirements of all applicable standards of the Millcreek Code and other relevant ordinances and statutes. Application review also provides an opportunity to check for the accuracy of documents provided by the applicant.

- B. Applicability. All applications deemed complete are subject to full review by the Planning Director and other relevant reviewing authorities. This Section applies to all applications other than those for Regular Residential Subdivisions.
- C. Procedure.
 - 1. The Planning Director will review the application and determine if it meets the standards of the Millcreek Code. If adjustments are needed to obtain approval, these will be communicated to the applicant in writing. The applicant will then have the opportunity to amend the application and resubmit it for subsequent review.
 - 2. As part of the initial review, the Planning Director shall refer the development application to the appropriate review agencies and specify the timeframe for comments to be due back to the Planning Director.
 - 3. Upon an application's resubmittal for a subsequent review, it shall be reviewed by the agencies who requested revisions.
 - 4. After the Planning Director determines that the application meets all applicable standards, the Planning Director shall schedule the first public meeting or public hearing, if required, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The staff report shall indicate whether, in the opinion of the Planning Director, the development application complies with all applicable standards of this Code.
 - 5. If the Planning Director is the Land Use Authority, an application may be approved upon the finding that all necessary revisions have been made and the application is compliant with the regulations of this Code.
 - 6. No application may be scheduled for a review and recommendation by a community council, if applicable, or a public meeting or public hearing without a review for compliance with the Code and applicable regulations.
 - 7. When the City utilizes a third party review for technical documents or studies, a fee shall be assessed for the additional review as paid by applicant. Such costs shall be based on an estimate provided by the third-party reviewer of the City's choosing and paid for in advance by a deposit by the applicant or developer. Unused funds shall be returned to the applicant, without interest. Such studies or peer reviews may be required for any application identified to be in sensitive lands.

18.14.080 Public Notice

- A. Purpose. Certain application types require public notice to inform the public about the applicant's relevant proceedings of an applicant and allow the public to participate in community council meetings, if applicable, and in a Formal Public Engagement as required.

- B. Applicability. Public notice is required for the application types listed in table 18.13-3, Noticing Summary, or as set forth elsewhere in this Title. The Planning Director shall prepare public notices after a complete and accurate application has been reviewed by the Planning Director for compliance with applicable requirements.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.13.060, Public Notice Requirements, or as set forth elsewhere in this Title.

18.14.090 Formal Public Engagement and Community Council Engagement

- A. Purpose. Formal Public Engagement and Community Council Engagement are required for certain application types so that the public can participate in the proceedings of applicable community councils and public bodies that make recommendations or decisions on land use applications.
- B. Applicability. Formal Public Engagement and Community Council Engagement are required for the application types listed in Table 18.13-3 Noticing Summary, or as set forth elsewhere in this Title.
- C. Procedure. Providing public notice shall follow the procedures as set forth in MKZ 18.13.060, Public Notice Requirements, or as set forth elsewhere in this Title.

18.14.100 Decision and Findings

- A. Decision. After considering the land use application, the staff report, comments from other reviewers (if applicable), and the evidence obtained from a Formal Public Engagement Process, the Land Use Authority shall approve, approve with conditions, or deny the application. For Administrative Decisions, approvals must be based on applicable criteria.
- B. Approval criteria. To approve a land use application involving an administrative decision, the applicable Land Use Authority shall find that the land use application has satisfied and followed the applicable requirements of this Land Use Code and all of the approval criteria required for the applicable application.
- C. Denial. The Land Use Authority may only accept an application for an Administrative Decision if the request meets the requirements of this Code or other relevant ordinances or statutes. An application for a Legislative Decision may be denied at the discretion of the Land Use Authority.
- D. Findings. For all Administrative Decisions or as required by state law, decisions shall include at least the following elements:
 - 1. A written statement of approval, approval with conditions, or denial, whichever is appropriate; and
 - 2. A written statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Code.

- E. Final Action. The Land Use Authority will give applicants a written decision, which the Planning Director will provide to the applicant within fifteen (15) days after the decision.
- F. Failure to Act on Legislative Decisions. If the Planning Commission, as the recommending authority for legislative actions including amendments to land use regulations, fails to make a recommendation to the City Council on an application after a reasonable time period to consider an application for a legislative decision, then this failure may be considered by the City Council as a negative recommendation and the City Council may take action accordingly. Nothing in this section and no inaction of the City relieves an applicant's duty to comply with all applicable ordinances and regulations of Millcreek. For the purposes of this section, a reasonable period of time to consider an application for a legislative decision is either:
 - 1. 60 calendar days from the date the Land Use Authority could have acted on the application as an agenda item, or
 - 2. after the third public meeting from which action on the application was tabled by the Planning Commission
- G. Failure to Act on Administrative Decisions. If the Land Use Authority fails to take final action on an application within 45 days of receipt of a written request, this failure may be appealed to the Land Use Appeal Authority within 30 of the date on which the Land Use Authority should have taken final action. Nothing in this section and no inaction of the Land Use Authority relieves an applicant's duty to comply with all applicable Millcreek ordinances and regulations.

18.15 Specific Procedures by Application Category and Type

18.15.010 Legislative Decisions

- A. General Plan and Future Land Use Map Adoption or Amendment
1. Purpose. The City Council may adopt or amend the General Plan and Future Land Use Map, including amending the number, shape, boundaries, or area of any designation on the Future Land Use Map. The purpose of this Section is to provide standards to amend the text and/or maps of the General Plan. The amendment process is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for General Plan and Future Land Use Map Adoptions or Amendments is set forth in Table 18.15-1.
 2. Applicability. The City or any person may file an application requesting an amendment to the General Plan or Future Land Use Map. Applications for General Plan and Future Land Use Map Adoption or Amendments shall include the reasons or basis upon which the applicant believes the general plan should be amended. Amendments to the General Plan and Future Land Use Map shall comply with the procedures set forth in [Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act](#). No application may be filed by any property to amend any part of the general plan for a period of one year after adoption of such part of the general plan by the council.
 3. Procedure. The following application steps, as set forth in **MKZ 18.14, Land Use Application Steps**, are required.
 - a. Pre-Application Consultation
 - b. Neighborhood Meeting
 - c. Application Submittal. As the Planning Director determines, an associated Development agreement may be required. A Development Agreement must be considered concurrently with the application and shall follow the procedure as set forth in this chapter. If a Future Land Use Map Amendment is approved subject to a Development Agreement, the approval of the Future Land Use Map Amendment shall be made effective upon recording of an executed Development Agreement.
 - d. Application Completeness Review

- e. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
 - f. Public Notice. Mailed notices are required as part of any future land use map amendment.
 - g. Formal Public Engagement
 - (1) The application shall be presented to the relevant Community Council(s) for a recommendation; and
 - (2) The Planning Commission shall hold a public hearing and make a recommendation to the Land Use Authority; and
 - (3) The City Council shall hold a public meeting and shall be the Land Use Authority for General Plan and Future Land Use Map Adoption or Amendment applications.
 - h. Decision.
4. Submittal Requirements. Any person seeking an amendment to the General Plan or Future Land Use Map shall submit a complete application, a completed General Plan or Future Land Use Map Adoption or Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow the City Council to make a decision.

Table 18.15-1 General Plan and Future Land Use Map Adoption or Amendment Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Pre-Application Consultation	Required	MKZ 18.14.010
Neighborhood Meeting	Required	MKZ 18.14.030
Community Council Recommendation	Required	MKZ 18.14.090
Planning Commission Public Hearing and Recommendation	Required	MKZ 18.13.050 MKZ 18.14.090
City Council Public Meeting	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Notice to Affected Entities	Required	MKZ 18.13.060
Mailed Noticing Requirement for Property Owners – Distance	600 feet	MKZ 18.13.060
Mailed Noticing Requirement – Time	7 days prior to the first Community Council Meeting	MKZ 18.13.060

5. Disapproval of General Plan and Future Land Use Map Adoption or Amendment. Disapproval of an application to amend the general plan shall preclude the filing of another application to amend the general plan text in the same or similar manner or to amend the general plan map for any property, or any portion thereof, to the same land use designation within two years of the date of the final disapproval of the application unless the City Council finds that there has been a substantial change in the circumstances or other significant reasons since the disapproval of the application to merit consideration of a second application within the two-year time period, upon receiving a recommendation on the matter from the Planning Commission.

B. Land Use Code Text Amendment

1. Purpose. The City Council may amend the text of any land use ordinance. The purpose of this Section is to provide standards to amend the text of the Land Use Code. The Land Use Code Text Amendment procedure is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-2.
2. Applicability. The City or any person may file an application requesting an amendment to the text of this Land Use Code. Applications for Land Use Code Text Amendments shall include the reasons or basis upon which the applicant believes the Land Use Code should be amended. Amendments to the Land Use Code shall comply with the procedures set forth in [Utah Code Section 10-9a-101 et seq., Municipal Land Use, Development, and Management Act](#).
3. Procedure. The following application steps, as set forth in **MKZ 18.14, Land Use Application Steps**, are required.
 - a. Pre-Application Consultation
 - b. Application Submittal. As the Planning Director determines, an associated Development Agreement may be required. A Development Agreement must be considered concurrently with a Land Use Text Amendment application and shall follow the procedure set forth in this chapter. If a Land Use Code Text Amendment is approved subject to a Development Agreement, the approval of the Land Use Code Text Amendment shall be made effective upon recording of an executed Development Agreement.
 - c. Application Completeness Review
 - d. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.

- e. Public Notice
 - f. Formal Public Engagement
 - (1) The application shall be presented to all Community Councils for a recommendation; and
 - (2) The Planning Commission shall hold a public hearing and make a recommendation; and
 - (3) The City Council shall hold a public meeting and shall be the Land Use Authority for Land Use Code Text Amendment applications.
 - g. Decision.
4. Submittal Requirements. Any person seeking an amendment to the Land Use Code shall submit a complete application, a completed Land Use Code Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies, any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow the City Council to make a decision.

Table 18.15-2 Land Use Code Text Amendment Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Pre-Application Consultation	Required	MKZ 18.14.010
Community Council Recommendation	Required	MKZ 18.13.050
Planning Commission Public Hearing and Recommendation	Required	MKZ 18.13.050 MKZ 18.14.090
City Council Public Meeting	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Notice to Affected Entities	Required	MKZ 18.13.060
Mailed Noticing Requirement – Time	7 days prior to first Community Council Meeting	MKZ 18.13.060

C. Zoning Map Amendment

1. Purpose. The City Council may amend the number, shape, boundaries, or area of any zone. The purpose of this Section is to provide standards to amend the boundaries of any zone district, or the zone classification of any property in a zone district. The Zoning Map Amendment procedure is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of Millcreek. A summary of

meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-3.

2. **Applicability.** The City or any person may file an application requesting an amendment to the Official Zoning Map. Zoning Map Amendment applications shall include the reasons or basis upon which the applicant believes the Zoning Map should be amended.
3. **Procedure.** The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Pre-Application Consultation
 - b. Concept Review
 - c. Neighborhood Meeting
 - d. Application Submittal. As the Planning Director determines, an associated Development agreement may be required. A Development Agreement must be considered concurrently with a Zoning Map Amendment application and shall follow the procedure as set forth in this chapter. If a Zoning Map Amendment is approved subject to a Development Agreement, the approval of the Zoning Map Amendment shall be made effective upon recording of an executed Development Agreement.
 - e. Application Completeness Review
 - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
 - g. Public Notice
 - h. Formal Public Engagement
 - (1) The application shall be presented to the relevant Community Council(s) for a recommendation; and
 - (2) The Planning Commission shall hold a public hearing and make a recommendation; and
 - (3) The City Council shall hold a public meeting and shall be the Land Use Authority for Zoning Map Amendment applications.
 - i. Decision.
4. **Submittal Requirements.** Any person seeking a Zoning Map Amendment shall submit a complete application, a completed Zoning Map Amendment Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.
5. **Conditions to Zoning Map Amendment.**

- a. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:
 - (1) Uses;
 - (2) Dwelling Unit Density;
 - (3) Building Square Footage;
 - (4) Height of Buildings or Structures
- b. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map.
- c. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning condition shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

Table 18.15-3 Zoning Map Amendment Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Pre-Application Consultation	Required	MKZ 18.14.010
Concept Review	Required	MKZ 18.14.020
Neighborhood Meeting	Required	MKZ 18.14.030
Community Council Recommendation	Required	MKZ 18.13.050
Planning Commission Public Hearing and Recommendation	Required	MKZ 18.13.050 MKZ 18.14.090
City Council Public Meeting	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Notice to Affected Entities	Required	MKZ 18.13.060
Mailed Noticing Requirement for Property Owners – Distance	600 feet	MKZ 18.13.060
Mailed Noticing Requirement – Time	7 days prior to first Community Council Meeting	MKZ 18.13.060

D. Development Agreement

1. Purpose. The purpose of this Section is to provide standards for the consideration and adoption of Development Agreements as part of applications for Legislative Decisions. Development agreements are intended to stipulate specific unique details of a development proposal that exceed the standards of the Code, in order to establish a clear understanding of timing, responsibility, and other relevant details regarding a proposal and its supporting infrastructure.
2. Applicability. A Development Agreement is a voluntary agreement between the City and the Applicant. A Development Agreement must be submitted concurrently with a land use application for a Legislative Decision, along with a completed Development Agreement Checklist.
3. Procedure. Approval of a Development Agreement shall follow the procedure for the relevant application type.
4. Minimum Standards. The Development Agreement shall include, at a minimum, the following:
 - a. Site plans and building elevations.
 - b. A detailed narrative of materials, design, uses, public and private amenities, landscaping, parking, lighting, signs, utilities, and any other detail that is relevant to the Development Agreement.
 - c. A list of all agreed-upon public improvements, an estimate of the cost of such improvements, the proposed form of construction security for the improvements, and any other provisions or conditions deemed necessary by the City to ensure that all public improvements will be completed in a timely, cost-effective manner that meets Millcreek's standards.
 - d. A clause that states that the developer would not object to a decision by the City to initiate a Zoning Map Amendment for the property and withdraw from the Development Agreement if a building permit is not applied for within two (2) years of execution of the Development Agreement, or if the Development Agreement is not recorded within sixty (60) days of execution of the Agreement.
5. Submittal Requirements. Any person seeking a Development Agreement as part of a land use application for a Legislative Decision shall submit an additional fee as set forth in MKZ 18.13.040, Submittal Requirements in General, shall follow the application procedure and submittal requirements for the relevant application type, and shall submit and any other relevant supporting documentation, maps, studies and any other information that

would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.

18.15.020 Administrative Decisions – Subdivisions

A. Minor Subdivision

1. The purpose of this Section is to provide standards for Minor Subdivisions. Minor Subdivisions are intended to provide a streamlined review for small-scale projects with limited impact. A Minor Subdivision is required prior to issuance of a grading permit, if applicable, or building permit or other minor development activities. A summary of meeting and noticing requirements for applications Minor Subdivisions is set forth in Table 18.15-4.
2. Applicability. The minor subdivision procedure applies to a property creating or modifying three (3) lots or fewer. Plats involving four (4) or more lots are not eligible for the Minor Subdivision procedure.
3. Procedure. Unless noted otherwise, the following application steps are required, as set forth in MKZ 18.14, Land Use Application Steps.
 - a. Pre-application Consultation. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions. If the applicant requests a pre-application consultation, The City shall schedule a pre-application consultation within fifteen (15) days to review the concept plan and give initial feedback.
 - b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
 - c. Application Submittal.
 - d. Application Completeness Review. Application completeness reviews for Regular Residential Subdivisions are subject to the standards as set forth in MKZ 18.14.050.
 - e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in [Utah Code Section 10-9a-604.2](#).
 - f. Application Compliance Review.
 - g. Public Notice.
 - h. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Minor Subdivision applications.
 - i. Decision and Findings.
4. Approval Criteria. The Planning Director shall approve the request if:

- a. The minor subdivision creates no more than three (3) lots in total.
 - b. The minor subdivision does not create remnant or otherwise unusable lots or parcels.
 - c. The minor subdivision is consistent with and complies with the requirements of the specific zoning district in which it is located.
 - d. The lots created with the proposed minor subdivision have a buildable area that would not require a future variance to construct the use the lot is intended for.
 - e. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved plat.
 - f. The minor subdivision will not limit the City's ability to provide facilities or services effectively.
 - g. No new lot nor any lot affected by the subdivision will have a noncomplying structure or a structure occupied by a nonconforming use, unless the lot created for the purpose of dividing a legally-established two-household dwelling pursuant to the standards as set forth in MKZ 18.26.
5. Submittal Requirements. Any person seeking a Minor Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.12.070.
7. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
 - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
 - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.

- c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
 - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.
- 8. Expiration. Failure to submit the approved minor subdivision for recording within twelve (12) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new minor subdivision application for review. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

Table 18.15-4 Minor Subdivision Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Pre-Application Consultation	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.14.010
Concept Review	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.14.020
Planning Director Public Meeting	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Noticing Requirement for Property Owners – Distance	300 feet	MKZ 18.13.060
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	MKZ 18.13.060

B. Major Subdivision

1. The purpose of this Section is to provide standards for Major Subdivisions. Major subdivisions are intended to ensure lots and development conform with zoning regulations, and all applicable Millcreek standards. A summary of meeting and noticing requirements for applications for Major Subdivisions is set forth in Table 18.15-5.
2. Applicability. The major subdivision procedure is required for a proposed division of land when one (1) or more of the following conditions exist:
 - a. The resultant subdivision will produce four (4) or more lots; or
 - b. The subdivision is not otherwise eligible for approval as a Minor Subdivision.
3. Procedure Overview. Major Subdivisions require two (2) steps.
 - a. Preliminary Subdivision, which requires approval by the Planning Commission; and
 - b. Final Subdivision, which requires approval by the Planning Director.
4. Preliminary Subdivision Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required, unless noted otherwise.
 - a. Pre-application Consultation. This is optional for Regular Residential Subdivisions and required for all other subdivisions.
 - b. Concept Review. This is optional at the applicant's request for Regular Residential Subdivisions and required for all other subdivisions.
 - c. Application Submittal

- d. Application Completeness Review. Application completeness reviews for Regular Residential Subdivisions are subject to the standards as set forth in MKZ 18.14.050.
 - e. Subdivision Plan Review. A subdivision plan review for Regular Residential Subdivisions includes the engineering drawings that are subject to the standards as set forth in this Title and constitute the subdivision improvement plans as identified in [Utah Code Section 10-9a-604.2](#).
 - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
 - g. Public Notice.
 - h. Formal Public Engagement. The Planning Commission shall hold a public meeting and shall be the Land Use Authority for preliminary approval of Major Subdivision applications.
 - i. Decision and Findings.
5. Approval Criteria. The Planning Commission shall approve the request if:
- a. The Preliminary Subdivision is consistent with and complies with the requirements of the specific zoning district in which the Preliminary Subdivision is located and the applicable requirements of this Code and other applicable Millcreek and State requirements.
 - b. As applicable, the Preliminary Subdivision is consistent with the terms and conditions of any previously approved development plan or Development Agreements.
 - c. Provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities as required by all applicable standards of this Code and applicable regulations and standards.
 - d. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive lands or geologic hazards associated with the property.
 - e. The Subdivision will not impair the ability of the City or any public utility provider to provide facilities or services effectively.
 - f. The engineering drawings and subdivision improvement plans comply with all applicable standards of this Title and other applicable Millcreek and State requirements.
 - g. The Planning Commission may not approve a Preliminary Subdivision with a noncomplying structure or a structure occupied by a nonconforming use.
6. Submittal Requirements. Any person seeking a Major Subdivision shall submit a complete application, a completed Subdivision Requirements Checklist, all

required engineering drawings and subdivision improvement plans, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.

7. Post Approval Action. Following Preliminary Subdivision approval, the Planning Director shall issue a timely written record of the decision, including any additional requirements of approval, along with a copy of the approved plat, plans, reports, and studies that were presented in the public meeting, as set forth in MKZ 18.14.100, Decision and Findings.
8. Subdivision Expiration. Approval of a Preliminary Subdivision shall be effective for twelve (12) months following the date of the Planning Commission approval. An approved Subdivision shall expire and be of no further force and effect if the subdivision or a phase of the subdivision has not been submitted within twelve (12) months after the date of the approval. In the case of phased Subdivision submission, the approval of the remaining portion of the Preliminary Subdivision shall automatically gain an extension of six (6) months, up to a maximum number of years specified by the Planning Commission at the time of approval of the initial phase. Prior to the expiration of the six (6) month period, the Planning Director may grant one extension of six (6) months as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.
9. Development Improvement Completion Assurance. Before an applicant conducts any development activity on a minor subdivision or records a plat, the applicant shall complete any required landscaping or infrastructure improvements or post an improvement competition assurance for any required public landscaping or infrastructure improvements as set forth in MKC 14.12.070.
10. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
 - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
 - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
 - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.

- d. All necessary deeds, easements, and agreements have been executed and submitted to the City.
11. Final Subdivision Approval. After the Planning Commission issues a preliminary approval of a Major Subdivision, the Planning Director shall commence a final compliance review of the subdivision application and shall issue a Final Subdivision Approval. The Planning Director shall approve, conditionally approve, or deny the Final Subdivision and approve the plat based on the approval criteria in this section. The Planning Director shall confirm that:
 - a. The Final Subdivision is in conformance with the previously approved Preliminary Subdivision and any conditions imposed by the Planning Commission; and
 - b. The Final Subdivision will comply with the applicable requirements of this Code and other applicable Millcreek and State requirements.
 - c. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
 - d. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
 - e. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
 - f. All necessary deeds, easements, and agreements have been executed and submitted to the City.
12. Expiration. Failure to submit the approved major subdivision for recording within twelve (12) months after the date of the approval letter shall automatically expire the approval. The applicant of an expired subdivision will be required to submit a new subdivision application for review. Prior to the expiration of the twelve (12) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

Table 18.15-5 Major Subdivision Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
<i>Preliminary Subdivision</i>		
Pre-Application Consultation	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.14.010

Table 18.15-5 Major Subdivision Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Concept Review	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.14.020
Neighborhood Meeting	Optional for Regular Residential Subdivisions. Required for all other Subdivisions.	MKZ 18.14.030
Planning Commission Public Meeting	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Noticing Requirement for Property Owners – Distance	300 feet	MKZ 18.13.060
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	MKZ 18.13.060
<i>Final Subdivision</i>		
Pre-Application Consultation	Optional	MKZ 18.14.010
Concept Review	Optional	MKZ 18.14.020

- C. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations.
1. Purpose. The purpose of this Section is to provide standards for Condominium Subdivisions, Condominium Conversions, and Condominium Vacations as part of an application for a Major Subdivision, a Subdivision Amendment, or a Vacation of a Subdivision Plat. Condominium Subdivisions, Condominium Conversions, and Condominium Vacations shall be reviewed pursuant to the requirements as set forth in [Utah Code Section 57-8-1 et seq., Condominium Ownership Act](#), et seq. and shall follow the procedures as set forth in this Chapter, with additional requirements as set forth in [Utah Code Section 57-8-101 et seq.](#), as amended. Condominium Conversions are intended to allow for existing legally-established multiple-household dwelling developments, including legally-established three-household and four-household dwellings, to be converted into condominiums to promote affordable homeownership in Millcreek.
 2. Applicability. Any application affecting a plat or property that is defined as a Condominium Plat or Condominium as set forth in [Utah Code Section 57-8-1 et seq., Condominium Ownership Act](#), is subject to the standards of this section.
 3. Procedure. A Condominium Subdivision or Condominium Vacation shall follow the procedures for a Major Subdivision. Condominium Conversions shall follow the procedures for a Minor Subdivision, and the procedures set forth in this Section.

4. Condominium Conversion Submittal Requirements. Any person seeking a Condominium Conversion shall submit a complete Minor Subdivision application, completed Minor Subdivision Requirements and Condominium Conversions Checklists, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision. Additionally, a Property Report must be submitted for any Minor Subdivision application for a Condominium Conversion, and the Property Report shall include the following requirements:
 - a. A site plan indicating the layout of existing and proposed landscaping, parking, lighting, fencing, private and common areas, and amenities, by a licensed surveyor/engineer.
 - b. The age of the building or buildings.
 - c. The general condition, useful life, and capacity of the building's structural elements, including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural components.
 - d. All known conditions constituting deficiencies requiring repair to meet existing building codes.
 - e. All known conditions which may require repair or replacement within the next succeeding five (5) year period.
 - f. A statement from a third-party building inspector licensed to practice in the State of Utah stating that the structure or structures have been inspected for compliance with the International Building Code minimum standards. If the building inspector finds deficiencies, the applicant shall present plans to bring the structure or structures into conformity with said standards prior to the issuance of certificates of occupancy.
 - g. Where it is determined that physical conditions in an existing building do not allow the strict application of the international building code standard, the Land Use Appeal Authority shall review all requests to vary from these standards and may grant variances or approve alternates where it is determined the intent of the requirement will be met. In any event, there shall be disclosure to buyers of any conditions that do not meet code or standards set by Millcreek.

5. Condominium Conversion Application Compliance Review Requirements. As part of an Application Compliance Review for an application for a Preliminary Major Subdivision, the Application Compliance Review shall include the following actions:
 - a. Building Inspection Staff Review. Upon receipt of the application for approval of a condominium project, the building inspection department shall review the proposed building plans for new construction and/or in the case of a conversion project, the property report and plan of improvement, renovations, and repairs to determine conformance with applicable building codes. In the case of a conversion, the department shall require inspections of the property and may require supplementation, revision, and resubmission of the property report where necessary. In the preliminary review report to the Planning Commission, the Chief Building Official or designee shall note corrections, repairs and replacements that must be made to bring the structures into code compliance, together with a list of renovation improvements proposed by the owner/developer that are not required by code. The Chief Building Official or designee shall also list any requirements of the International Building Code that needs consideration by the Board of Appeal due to unique circumstances associated with the structure. The Chief Building Official or designee may then recommend denial until existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to correction of the violations prior to final approval.
 - b. Fire Marshal Review. The Fire Marshal shall inspect each structure proposed for conversion and submit a report to the Planning Director outlining its fire safety conditions. The marshal shall stipulate those conditions requiring improvement, prior to occupancy, in the report.
 - c. Code Compliance Review. The City Code Compliance inspector shall inspect each structure proposed for conversion and submit a report to the Planning Director outlining its conditions regarding municipal code compliance. The City shall identify those conditions requiring improvement in the report prior to being issued final plat approval.
6. Public Notice – Additional Requirements for Condominium Conversions. In addition to the Public Notice requirements for Subdivisions as set forth in MKZ 18.13.060, Public Notice Requirements, the applicant for a Condominium Conversion shall provide written notice of intended conversion to the existing tenants as of the date of the application. Service of the written notice shall be in accordance with a service of a summons as set forth in the Utah Rules of

Civil Procedure. The applicants shall provide proof of service stating the date, place, and manner of service, including a copy of the notice.

7. Approval Criteria for Condominium Conversions. The Planning Commission shall approve the request if it satisfies the Preliminary Approval Criteria for Minor Subdivisions as set forth in MKZ 18.15.020 (B). Any condominium conversion shall have a minimum of three (3) legal units or lots. One (1) or more single-household detached dwellings shall not be platted as a condominium development.
8. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
 - a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
 - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.
 - c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
 - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.

D. Subdivision Amendment for Minor Plat Adjustments

1. Purpose. The purpose of this Section is to provide standards for Subdivision Amendments that make minor changes to lots that are of a small, technical nature, but largely do not affect otherwise approved or existing plats. The Planning Director shall allow such modifications according to the criteria within this Section. A summary of meeting and noticing requirements for applications for Subdivision Amendments for Minor Plat Adjustments is set forth in Table 18.15-6.
2. Applicability. A subdivision amendment may only be considered on approved subdivisions. If an application for a subdivision amendment cannot satisfy the approval criteria in this section, it shall be processed as a Minor or Major Subdivision. Only an owner of land within a platted subdivision, as shown on property records at the office of the County Recorder, may petition the City in writing to amend, alter or vacate any portion of a subdivision.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Pre-Application Consultation.
 - b. Application Submittal.

- c. Application Completeness Review.
 - d. Application Compliance Review.
 - e. Public Notice.
 - f. Formal Public Engagement. The Planning Director shall hold a public meeting and shall be the Land Use Authority for Subdivision Amendment applications.
 - g. Decision and Findings.
4. Approval Criteria. The Planning Director shall approve the request if:
- a. The amended plat is in substantial conformance with the original approved subdivision.
 - b. The amended subdivision does not increase the number of lots or parcels or create new lots or parcels.
 - c. The amended subdivision does not eliminate or move a recorded easement without the prior approval of the easement holder.
 - d. The amended subdivision will not create any nonconformities or increase the degree of nonconformity of any existing structure or use.
 - e. The amended plat complies with all other applicable requirements of this Code, [Utah Code Section 10-9a-608](#), and regulations and standards.
 - f. All proposed vacations, alterations or amendments of subdivision plats must meet the review requirements outlined in this chapter and the requirements of the individual zone in which the subdivision is proposed.
5. Submittal Requirements. Any person seeking a Subdivision Amendment for Minor Plat Adjustments shall submit a complete application, a completed Subdivision Requirements Checklist, a Title Report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, and a fee as set forth in **MKZ 18.13.040, Submittal Requirements in General**, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Requirements Prior to Recording a Subdivision Plat. The subdivision plat may not be recorded until all of the following items have been completed:
- a. The final plat has been approved and signed by the City Engineer, Planning Director, and City Attorney, or designee certifying that all requirements have been met.
 - b. The Mayor's signature and City Recorder's attestation have been applied to the Mylar plat drawing.

- c. The improvement guarantee determined by the City Engineer and approved by the City Attorney, or designee, has been properly posted with the City.
 - d. All necessary deeds, easements, and agreements have been executed and submitted to the City.
7. Expiration. Failure to submit the approved subdivision amendment for recording within six (6) months after the date of the approval letter shall void the approval and the subdivider shall be required to submit a new subdivision amendment application for review. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

Table 18.15-6 Subdivision Amendment for Minor Plat Adjustments Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Pre-Application Consultation	Required	MKZ 18.14.010
Planning Director Public Meeting	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Noticing Requirement for Property Owners – Distance	Affected Property Owners	MKZ 18.13.060 MKZ 18.97
Mailed Noticing Requirement – Time	7 days prior to Planning Director Public Meeting	MKZ 18.13.060

E. Boundary Adjustment

1. Purpose. The purpose of this Section is to provide standards for agreements between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
 - a. Simple Boundary Adjustment. An applicant may propose a simple boundary adjustment by submitting a written request that includes conveyance documents and describes all lots or parcels affected by the proposed simple boundary adjustment.

- (1) Applicability. A simple boundary adjustment may not affect a public right-of-way, municipal utility easement, or other public property; an existing easement, onsite wastewater system, or an internal lot restriction; or result in a lot or parcel out of conformity with land use regulations, including a lot or parcel that crosses a zone district boundary. If an application for a simple boundary adjustment does not meet these requirements, then a full boundary adjustment is required.
 - (2) Procedure. The following application steps, as set forth in MKZ 18.14, Land Use application Steps, are required.
 - (A) Application Submittal.
 - (B) Application Completeness Review.
 - (C) Application Compliance Review.
 - (D) Decision and Findings. In the case of simple boundary adjustments, the decision and findings of the Planning Director shall take the form of a Notice of Consent.
 - (3) Approval Criteria. The Planning Director shall approve the request if it meets the requirements of this section by issuing a Notice of Consent that states the City is not responsible for any error related to the simple boundary adjustment and the county recorder may record the simple boundary adjustment.
 - (4) Submittal Requirements. Any person seeking a simple boundary adjustment shall submit a written request that includes conveyance documents and describes all lots or parcels affected by the proposed simple boundary adjustment, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other information that would inform staff and allow the Planning Director to make a decision.
 - (5) Expiration. Failure to submit the approved simple boundary adjustment for recording within six (6) months after the date of the approval letter shall void the approval and the applicant shall be required to submit a new simple boundary adjustment application. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one exception as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.
- b. Full Boundary Adjustment. An applicant may propose a full boundary adjustment by submitting a written request by the adjoining property

owners that includes conveyance documents, a survey that complies with [Utah Code Section 57-1-45.5\(3\)\(b\)](#).

- (1) Applicability. A full boundary adjustment is a boundary adjustment that is not a simple boundary adjustment.
- (2) Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - (A) Application Submittal. Application submittal shall include a survey that complies with Utah Code Section [57-1-45.5\(3\)\(b\)](#).
 - (B) Application Completeness Review.
 - (C) Application Compliance Review.
 - (D) Decision and Findings. In the case of full boundary adjustments, the decision and findings of the Planning Director shall take the form of a Notice of Consent.
- (3) Approval Criteria. The Planning Director shall approve the request for a full boundary adjustment if the proposal includes all the necessary information and the survey that complies with [Utah Code Section 57-1-45.5\(3\)\(b\)](#) and that shows no evidence of a violation of a land use regulation or the creation of a lot or parcel that crosses a zone district boundary by issuing a Notice of Consent that states the City is not responsible for any error related to the full boundary adjustment and the county recorder may record the boundary adjustment.
- (4) Submittal Requirements. Any person seeking a full boundary adjustment shall submit a written request that includes conveyance documents, a survey that complies with [Utah Code Section 57-1-45.5\(3\)\(b\)](#), a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other information that would inform Staff and allow the Planning Director to make a decision.
- (5) Expiration. Failure to submit the approved full boundary adjustment for recording within six (6) months after the date of the Notice of Consent shall void the approval and the applicant shall be required to submit a new full boundary adjustment. Prior to the expiration of the six (6) month period, the Planning Director may grant up to one extension as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals

F. .

- F. Vacating a Subdivision Plat. The vacation of a subdivision plat shall comply with the requirements as set forth in, and shall follow the process as outlined below:
1. Vacation of subdivisions with three or fewer lots shall follow the Minor Subdivision process.
 2. Vacation of subdivisions with more than three lots shall follow the Major Subdivision process.
 3. The City Council may vacate a subdivision or a portion of a subdivision by adopting and recording an ordinance as set forth in [Utah Code Section 10-9a-609, Land use authority approval of vacation or amendment of plat -- Recording the amended plat.](#)
- G. Public Street or Municipal Utility Easement Vacation
1. Purpose. The purpose of this Section is to provide standards for the vacation of public streets or municipal utility easements. Dedicated public streets and municipal utility easements may be vacated, in whole or in part, if the City determines that all or a portion of the public street or municipal utility easement is unnecessary or infeasible for future public access or use. A summary of meeting and noticing requirements for applications for Land Use Code Text Amendments is set forth in Table 18.15-7.
 2. Applicability. A public street or municipal utility easement may be vacated by filing an application for a minor subdivision, a major subdivision, or a subdivision amendment, or the City Council may approve a petition to vacate a public street or municipal utility easement by ordinance.
 3. Procedure – Public Street or Municipal Utility Easement Vacation By Plat. A vacation of a public street or municipal utility easement may be accomplished through the filing of an application for a Minor Subdivision, a Major Subdivision, or a Subdivision Amendment, and shall follow the process for each application type, and the following additional steps:
 - a. After the Land Use Authority grants Preliminary Subdivision approval and before a Final Subdivision approval is issued, the City Council shall hold a public hearing to consider the vacation of a public street or municipal utility easement.
 - b. Public Notice shall follow the process as set forth in MKZ 18.13.060, Public Notice Requirements.
 - c. A public hearing shall follow the process as set forth in MKZ 18.13.050, Formal Public Engagement and Community Council Engagement Requirements.
 - d. If the filing of a subdivision plat accompanies a vacation of a public street or municipal utility easement, the final decision on the plat shall

be withheld until the City Council issues a decision regarding the vacation of a public street or municipal utility easement.

4. Procedure – Public Street or Municipal Utility Easement Vacation by Ordinance. In lieu of a Minor Subdivision, Major Subdivision, or Subdivision Amendment, a petition to vacate a public street or municipal utility easement may be filed following the procedure as set forth in [Utah Code Section 10-9a-609.5, Petition to vacate a public street](#), and shall follow the procedure as set forth below:
 - a. Pre-Application Consultation
 - b. Concept Review
 - c. Neighborhood Meeting
 - d. Application Submittal
 - e. Application Completeness Review
 - f. Application Compliance Review. Upon completion of the review, the Planning Director shall make a recommendation.
 - g. Public Notice
 - h. Formal Public Engagement
 - (1) The Planning Commission shall hold a public hearing and make a recommendation; and
 - (2) The City Council shall hold a public meeting and shall be the Land Use Authority for Public Street or Municipal Utility Easement Vacation applications.
 - i. Decision and Findings
5. Approval Criteria. Public streets or municipal utility easements may not be vacated unless the following criteria are met:
 - a. The vacation does not deprive abutting properties of adequate legal access to existing or proposed public utilities or drainage installations.
 - b. The vacation is consistent with the General Plan and other adopted policies and plans, including any adopted transportation plan or streets/roadway plan;
 - c. The land to be vacated is no longer necessary for public use and convenience;
 - d. The right-of-way is no longer needed for public transportation purposes;
 - e. The vacation will not adversely impact the use of the right-of-way for public utility and/or drainage purposes;

- f. Access to lots or properties surrounding the plat will not be adversely affected, and the vacation will not leave any land-locked properties or deprive abutting properties of adequate legal access;
 - g. The vacation will not adversely impact the health, safety, and/or welfare of the general community, or reduce the quality of public facilities or services provided to any property, including but not limited to police/fire protection, access, and utility service;
 - h. The vacation satisfies the requirements of MKC 14.52;
 - i. Good cause exists for the vacation; and
 - j. The public interest or any person will not be materially injured by the proposed vacation.
6. Submittal Requirements. Any person seeking a Public Street or Municipal Utility Easement Vacation shall submit a complete application, a completed Public Street or Municipal Utility Easement Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, a Title Report that correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than ninety (90) days before the proposed recordation of the subdivision, any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and allow the City Council to make a decision.
 7. Final Approval and Recording. Approval of a plat or ordinance vacating a public street or municipal utility easement shall be deemed a certification of the vacation. With this certification, the Planning and Zoning Department shall forward a signed copy of the signed plat or ordinance to the Salt Lake County Recorder for recording. Failure of the applicant to submit any revised information or legal description that enables the ordinance to be processed as approved within three months following approval shall render the vacation void.

Table 18.15-7 Public Street and Municipal Utility Easement Vacation Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Pre-Application Consultation	Required	MKZ 18.14.010
Concept Review	Required	MKZ 18.14.020
Neighborhood Meeting	Required	MKZ 18.14.030
Planning Commission Public Hearing and Recommendation	Required	MKZ 18.13.050 MKZ 18.14.090

Table 18.15-7 Public Street and Municipal Utility Easement Vacation Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
City Council Public Meeting	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Notice to Affected Entities	Required	MKZ 18.14.060
Mailed Noticing Requirement for Property Owners – Distance	Each property that is accessed by the public street of municipal utility easement.	MKZ 18.13.060
Mailed Noticing Requirement – Time	10 days prior to Planning Commission Public Hearing	MKZ 18.13.060

18.15.030 Administrative Decisions – Other Land Use Decisions

A. Conditional Use Permit

1. Purpose. The purpose of this Section is to provide standards for Conditional Use Permits, which are intended for a land use that, because of the unique characteristics or reasonably anticipated detrimental effects of the land use on Millcreek, surrounding neighbors, or adjacent land uses, require additional consideration subject to objective standards. The additional consideration allows the Planning Commission to impose reasonable conditions to mitigate reasonably anticipated detrimental effects. The intent of the conditional use is to identify reasonably anticipated detrimental effects and impose reasonable conditions on a use, including but not limited to noise, pollution, traffic, or other similar harms to the general health, safety, and welfare of Millcreek. A summary of meeting and noticing requirements for applications for Conditional Use Permits is set forth in Table 18.15-8.
2. Applicability. A Conditional Use Permit is required for those uses listed as a conditional use in the applicable zoning district regulations of this Code. A Conditional Use Permit that involves property development, redevelopment, construction, reconstruction, or alteration of a building or structure will also require a site plan approval as set forth in MKZ 18.15.030 (B).
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Pre-Application Consultation
 - b. Concept Review
 - c. Neighborhood Meeting
 - d. Application Submittal
 - e. Application Completeness Review

- f. Application Compliance Review. As part of an application compliance review, the Planning Director may:
 - (1) Provide the application to other City departments for review and comment as may be required by this Code, as necessary for complete review of the application, or as necessary to identify and understand the potential detrimental effects of the proposed conditional use; and
 - (2) require other information or studies to address potential detrimental effects of the proposed conditional use that have been reasonably anticipated by the City during its review of the application.
 - g. Upon completion of the review, the Planning Director shall make a recommendation.
 - h. Public Notice
 - i. Formal Public Engagement
 - (1) The application shall be presented to the relevant Community Council(s) for a recommendation; and
 - (2) The Planning Commission shall hold a public meeting and shall be the Land Use Authority for Conditional Use Permit applications.
 - j. Decision and Findings
- 4. Approval Criteria. The Planning Commission shall consider the following criteria in reviewing all conditional use applications:
 - a. The proposed conditional use shall comply with Millcreek ordinances, Federal, and State Statutes, as applicable to the use and to the site where the conditional use will be located; and
 - b. The Land Use Authority shall approve a Conditional Use Permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. Detrimental effects of the proposed use include:
- 5. Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, parking lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
- 6. Detrimental effects on the adequacy of utility systems, water and sewer, solid waste, snow removal, service delivery, and capacities, including the need for

such items as relocating, upgrading, providing additional capacity, irrigation systems, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.

7. Detrimental effects on connectivity and safety for pedestrians and bicyclists.
8. Detrimental effects of the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including effects of environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects of the use may include hours of operation and the potential to create an attractive nuisance.
9. Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, the removal of dangerous or blighted structures, high ground water, environmental health hazards, or wetlands, as determined by the City Engineer, and/or other qualified specialists.
10. Detrimental effects of modifications to exterior lighting that conflict with abutting properties.
11. Detrimental effects arising from site design and/or building design in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, lighting (on-site and adjacent street lighting), signs, and architectural design and exterior detailing/finishes and colors within the area.
12. Detrimental effects on emergency fire service and emergency vehicle access.
13. Detrimental effects on usable/functional/accessible open space and sensitive lands.
14. Detrimental effects from inadequate maintenance of the property and structures in perpetuity, including performance measures, compliance reviews, and monitoring.
15. Detrimental effects of excessive storm water generation.
 - a. Conditions of Approval. Unless otherwise specified in this Code or [Utah Code Section 10-9a-507, Conditional Uses](#), the Planning Commission shall approve all conditional use applications with objective standards as set forth in the Land Use Code. In such cases, any conditions attached to approvals shall be directly related to the anticipated detrimental effects of the proposed use or development.

No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code allows flexibility.

- b. All conditional uses are presumed to be compatible with the zone and the General Plan's intent..
 - c. Denial. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Land Use Authority may deny the conditional use.
16. Submittal Requirements. Any person seeking a Conditional Use Permit shall submit a complete application, a completed Conditional Use Permit Checklist, and a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and any other relevant supporting documentation, maps, studies and any other information that would inform Staff and allow the Land Use Authority to make a decision.
17. Revocation. Upon a determination by the City that there is a failure to comply with a condition of a conditional use permit, the Planning Director shall forward that determination to the Planning Commission for review at a public meeting. The Planning Commission shall consider staff's recommendation and make a recommendation to the Land Use Hearing Officer (LUHO) regarding whether a failure to comply with a condition of the conditional use permit exists. At a hearing of the LUHO, the LUHO shall determine if there is a failure to comply with a condition of the approved Conditional Use Site Plan. Should the LUHO determine that there is failure to comply with the condition(s) of the Conditional Use, the LUHO shall revoke the Conditional Use Permit.
18. Expiration. A Conditional Use Permit granted pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For the purposes of this section, "action" means obtaining a building permit pursuant to the issuance of a conditional use permit or, if a building permit is not required, obtaining a business license pursuant to the issuance of a conditional use permit.
19. Discontinuance and Termination of Right. If a Conditional Use Permit is abandoned or discontinued for a period of twelve (12) continuous months, the Planning Director may provide notice via certified mail to the applicant and upon such notice, the Conditional Use Permit shall expire. Prior to the expiration of the Conditional Use Permit due to discontinuation, the Planning Director may approve one, six (6) month extension of the Conditional Use Permit if no changes to the site design are required. Upon expiration, the

property affected shall be subject to all provisions and regulations of this Code applicable to the zoning district in which such property is classified.

20. Transferability. Conditional Use Permits shall run with the land.

Table 18.15-8 Conditional Use Permit Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Pre-Application Consultation	Required	MKZ 18.14.010
Concept Review	Required	MKZ 18.14.020
Neighborhood Meeting	Required	MKZ 18.14.030
Community Council Recommendation	Required	MKZ 18.13.050
Planning Commission Public Meeting	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Noticing Requirement for Property Owners – Distance	300 feet	MKZ 18.13.060
Mailed Noticing Requirement – Time	7 days prior to first Community Council Meeting	MKZ 18.13.060

B. Site Plan Approval

1. Purpose. The purpose of this Section is to establish standards for Site Plan Approvals for Permitted Use approvals that are intended to ensure that development or redevelopment in Millcreek is developed in accordance with this Code. Building permits may not be obtained nor shall any site work be performed prior to site plan approval.
2. Applicability. A Site Plan Approval is required under the following circumstances:
 - a. Property development, redevelopment, construction, reconstruction, or alteration of a building or structure, except for attached or detached single-household dwellings that are located in a recorded subdivision and that are not in a sensitive lands area.
 - b. Review of a permitted use approval, a conditional use permit that involves property development, redevelopment, construction, reconstruction, or alteration of a building or structure, or a request for reasonable accommodation for a group home or residential facility for Persons With a Disability, subject to the standards as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.
 - c. Changes or alterations to an existing site plan or structure that does not otherwise qualify for a Minor Site Plan Amendment.

3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Concept Review.
 - b. Application Submittal.
 - c. Application Completeness Review.
 - d. Application Compliance Review.
 - e. Decision and Findings. The Planning Director shall be the Land Use Authority for Site Plan Approval applications for permitted uses. The Planning Commission shall be the Land Use Authority for Site Plan Approval for conditional uses.
4. Approval Criteria. Once all application submittal requirements have been met, the Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including but not limited to:
 - a. Dedication of a public right-of-way for the public street on which the property fronts.
 - b. Dedication of public utility or drainage easements necessary for the development.
 - c. Construction of public right-of-way improvements abutting the property or the deferral of said improvements as set forth in MKC 14.12.100.
5. Submittal Requirements. Any person seeking a Site Plan Approval for Permitted Uses shall submit a complete application, a completed Site Plan Approval for Permitted Uses Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A site plan approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit.
7. Discontinuance and Termination of Right. If a site plan that is approved pursuant to this section is abandoned or discontinued for a period of six (6) continuous months the site plan shall be considered expired. Prior to the expiration of the site plan due to discontinuation, the Planning Director may approve one, six (6) month extension of the site plan if no changes to the site design are required. Upon expiration, the property affected shall be subject to

all provisions and regulations of this Code, applicable to the zoning district in which such property is classified.

8. Transferability. Site plans shall run with the land.

C. Change of Use Permit.

1. Purpose. The purpose of this Section is to establish standards for Change of Use Permits, which are intended for developed property that has changed from one use to another. This permit is intended to ensure that the existing site is adequate for the new use, and that the proposed use complies with all applicable standards. When an existing property changes from a permitted use classification established in this Title to a use classification that is established in this Title as a conditional use, the applicant shall obtain a Conditional Use Permit following the procedures as set forth in MKZ 18.15.030 (A).
2. Applicability. A Change of Use Permit is required when any existing property changes from one use classification established in this Title to another use classification established in this Title.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Application Submittal
 - b. Application Completeness Review
 - c. Application Compliance Review
 - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Change of Use applications.
4. Approval Criteria. The Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
 - a. The new use is permitted in the governing zoning district; and
 - b. The new use complies with all applicable development standards, including but not limited to landscaping standards, parking and mobility standards, minimum driveway and roadway widths, and any dedication or public improvement requirements.
5. Submittal Requirements. Any person seeking a Change of Use Permit shall submit a complete application, a completed Change of Use Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

D. Minor Site Plan Amendment

1. Purpose. The purpose of this Section is to establish standards and a streamlined review process for Minor Site Plan Amendments, which allow for minor changes to approved site plans for conditional and permitted uses.
2. Applicability. An applicant who has obtained a site plan that has been previously approved may apply for a Minor Site Plan Amendment approval for minor changes to the site plan, subject to the approval criteria as set forth in this section.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Application Submittal.
 - b. Application Completeness Review.
 - c. Application Compliance Review.
 - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Minor Site Plan Amendment applications.
4. Approval Criteria. The Planning Director shall approve the site plan if it complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
 - a. The proposed change does not significantly alter the site plan's approved access, circulation, or layout.
 - b. The proposed changes do not increase the number of residential units.
 - c. The proposed change does not expand the floor area of a building, structure, or oval site by more than ten percent (10%).
 - d. The proposed change complies with all applicable requirements of the Code and other relevant Millcreek and State regulations.
 - e. The proposed change does not affect any required mitigations or violate any conditions of approval for a Conditional Use Permit.
 - f. The amended site plan complies with all applicable development standards, including but not limited to landscaping standards, parking and mobility standards, minimum driveway and roadway widths, and any dedication or public improvement requirements.
5. Submittal Requirements. Any person seeking a Minor Site Plan Amendment shall submit a complete application, a completed Minor Site Plan Amendment Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A site plan that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within

that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit.

7. Discontinuance and Termination of Right. If a site plan that is approved pursuant to this section is abandoned or discontinued for a period of six (6) continuous months the site plan shall be considered expired. Prior to the expiration of the site plan due to discontinuation, the Planning Director may approve one six (6) month extension of the site plan if no changes to the site design are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code, applicable to the zoning district in which such property is classified.
8. Transferability. Site plans shall run with the land.

E. Compliance Determination for an Accessory Dwelling Unit.

1. Purpose. The purpose of this Section is to establish standards and a streamlined review process for a Compliance Determination for an Accessory Dwelling Unit, which allows a property owner to determine if an accessory dwelling unit complies with applicable standards.
2. Applicability. A property owner of a single-household dwelling with an existing Accessory Dwelling Unit on the property may apply for a Compliance Determination for an Accessory Dwelling Unit.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Application Submittal.
 - b. Application Completeness Review.
 - c. Application Compliance Review.
 - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Compliance Determination for Accessory Dwelling Unit applications.
4. Approval Criteria. The Planning Director shall issue a Compliance Determination if the Accessory Dwelling Unit complies with all applicable provisions of this Code, particularly MKZ 18.71, Accessory Dwelling Unit Standards, and other applicable Millcreek policies, including the following:
 - a. The Accessory Dwelling Unit is on a residential property that contains a single-household dwelling.
 - b. The Accessory Dwelling Unit is on a residential property that is owner-occupied.
5. Submittal Requirements. Any person seeking a Compliance Determination for an Accessory Dwelling Unit shall submit a complete application, a completed

Compliance Determination for an Accessory Dwelling Unit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, proof of owner occupancy, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision, and proof of owner occupancy in the form of a document from at least two of the following categories that show the applicant's name and the address of the property for which a Compliance Determination for an Accessory Dwelling Unit is being applied.

- a. Utility bill, dated within the last sixty (60) days;
 - b. Correspondence from any government agency that shows the home address, dated within the last sixty (60) days;
 - c. A voter registration card dated within the last calendar year;
 - d. A social security statement, dated within the last sixty (60) days;
 - e. A bank statement dated within the last sixty (60) days;
 - f. Automobile registration documentation dated within the last calendar year;
 - g. Income tax forms dated from the most recent tax filing period;
 - h. Insurance documentation or insurance bill dated within the last calendar year that shows home address;
 - i. Current active business license or permit issued by Millcreek or a state or federal agency that shows home address;
 - j. College or school correspondence that shows home address, dated within the last sixty (60) days;
 - k. W-2 from the most recent tax filing period;
 - l. Official payroll documentation that includes home address issued by an employer within the last sixty (60) days, such as a pay stub with home address, a form submitted for tax withholding purposes, or a payroll receipt;
6. Discontinuance and Termination of Right. If a Compliance Determination for an Accessory Dwelling Unit is issued pursuant to this section is abandoned or discontinued for a period of six (6) continuous months, or if the single-household dwelling ceases to be owner-occupied, the compliance review shall be considered expired. Prior to the expiration of the Compliance Determination for an Accessory Dwelling Unit due to discontinuation, the Planning Director may approve one, six (6) month extension of the Determination if no changes to the application are required. Upon expiration, the property affected shall be subject to all provisions and regulations of this Code applicable to the zoning district in which such property is classified.

7. Transferability. Compliance Determinations for an Accessory Dwelling Unit run with the land, provided that the single-household dwelling is owner-occupied.
- F. Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability
1. Purpose. The purpose of this Section is to establish standards for applications for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability in a manner that balances local zoning considerations with state and federal mandates requiring a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.
 2. Applicability. Any person or entity seeking a reasonable accommodation to exceed the residential occupancy limits established in any zone for a residential facility for Persons With a Disability shall apply for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability. Applicants have the burden of providing sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone.
 3. Procedure. An application for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability shall follow the procedure for a Site Plan Approval for Permitted Uses as set forth in this chapter.
 4. Approval Criteria. The Planning Director shall consider the following in making a Reasonable Accommodation Determination for a Residential Facility For Persons With a Disability:
 - a. The facility meets or will meet all program, physical facility, and licensure requirements of the Utah Department of Health and Human Services.
 - b. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable City development standards, licensing, and zoning requirements.
 - c. The facility shall not house persons who are involuntarily residing there or who are residing there as part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.
 - d. The applicant provides sufficient evidence that the requested accommodation is necessary to provide disabled individuals with reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information about the facility's history, management, financial feasibility, and therapeutic benefits, and applicable law.

- e. The zoning ordinance applicable to the property.
 - f. The anticipated parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted.
 - g. Whether or not the accommodation will be an undue burden or expense to the City.
 - h. The extent to which the accommodation will or will not benefit the applicant.
 - i. The extent to which the accommodation will or will not benefit the community.
 - j. Whether or not the accommodation fundamentally alters the Citywide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood.
 - k. Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life or ameliorate the effects of the applicant's disability, or the lives or disabilities of those on whose behalf the applicant is applying.
 - l. Whether or not, without the accommodation, similar housing is available in the City for the applicant or group of applicants.
 - m. The anticipated impact of the requested accommodation on the immediate neighborhood.
 - n. The requirements of applicable federal and state laws and regulations.
5. Submittal Requirements. Any person seeking a Reasonable Accommodation Determination For A Residential Facility For Persons With a Disability shall submit a complete application, a completed Site Plan Approval for Permitted Uses Checklist, a completed Reasonable Accommodation Determination Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, and the following additional information:
- a. The specific regulation, policy, or procedure from which an accommodation is sought and/or for which deviation or waiver is requested.
 - b. A document that provides a detailed explanation of why the requested accommodation is warranted under federal and/or state law, including how the person(s) is disabled under the Americans with Disabilities Act or the Fair Housing Act.
 - c. An analysis based on evidence, legal authorities, and other information showing that the accommodation is reasonable and necessary to afford the disabled person(s) an equal opportunity to use and enjoy the residential dwelling.

- d. The number of residents and employees who will have vehicles on the property and a site plan showing where the vehicles will be parked.
 - e. Whether the owner/operator of the Residential Facility For Persons With a Disability or applicant has other facilities for the disabled and, if so, a description and copy of any complaints from neighbors, incident reports from a local police department, or investigations, citations, notices of violations(s) or complaints received from any federal, state, or local agencies, etc. relating to licensure , parking, traffic, a direct threat to the health or safety of other persons, or substantial physical damage to the property of others.
 - f. An accurate description of the type of program(s), treatment(s), therapies, and/or services that will be provided to the residents of the Residential Facility For Persons With a Disability, and the clinical rationale for such program(s), treatment(s), therapies, and/or services.
 - g. The category of state licensure that the Residential Facility for Persons With a Disability will have.
 - h. An accurate summary and/or description of the admissions criteria and operational protocols for the Residential Facility for Persons With a Disability.
6. Expiration. A Reasonable Accommodation Determination for a Residential Facility for Persons With a Disability that is issued pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for no more than one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining the required state licensure and a Millcreek Business License.
7. Transferability. Reasonable Accommodation Determinations for Residential Facility are nontransferable. A new Reasonable Accommodation Determination is required if any ownership changes, changes occur in the maximum occupancy, changes occur in the licensing or disability classification under state or federal law, or the facility remodels or expands.
8. Termination. A use permitted by this shall be subject to revocation by the appropriate land use or licensing authority if:
- a. The facility is devoted to a use other than a residential facility for Persons With a Disability;
 - b. The facility exceeds the maximum number of residents specified and approved in the Reasonable Accommodation Determination, or changes the disability classification under state or federal law, or

remodels or expands without first applying for and receiving an additional Reasonable Accommodation Determination;

- c. The facility is not licensed by the Utah Department of Health and Human Services, or if a license is revoked; or
- d. An appropriate authority has determined that residents of the facility have engaged in a pattern of criminal acts of nuisance, theft, or violence in the adjoining neighborhood.

G. Eligible Facility Request (EFR) for a Wireless Telecommunications Facility.

1. Purpose. The purpose of this section is to establish standards for eligible facility requests (EFR) for wireless telecommunications facilities to ensure that such requests are in conformance with federal law with the City's requirements for wireless telecommunications facilities.
2. Applicability. An EFR is required for any modification of an existing wireless telecommunications facility that does not substantially change the physical dimensions of a tower or base station.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Application Submittal.
 - b. Application Completeness Review. The City shall comply with all applicable shot clocks when reviewing an EFR application.
 - c. Application Compliance Review.
 - d. Decision and Findings. The Planning Director shall be the Land Use Authority for EFRs.
4. Approval Criteria. The Planning Director shall approve the EFR if it complies with all applicable provisions of this Code and federal law, including the following:
 - a. The proposed EFR complies with standards as set forth in MKZ 18.75.100.
 - b. The proposed EFR does not result in a substantial change to the physical dimensions of an eligible support structure.
5. Submittal Requirements. Any person seeking an EFR shall submit a complete application, a completed Eligibility Facilities Request Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

H. Sign Permit

1. Purpose. The purpose of this Section is to establish standards for Sign Permits, to ensure that that signage in Millcreek is in conformance with Millcreek's adopted signage requirements found within this Code.
2. Applicability. No person shall erect, alter, relocate, or modify any sign without first obtaining a sign permit, if required, and a building permit, if required, for such work unless no permit is required as set forth in MKZ 18.65, Signs.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Application Submittal.
 - b. Application Completeness Review.
 - c. Application Compliance Review.
 - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Sign Permit applications.
4. Approval Criteria. The Planning Director shall approve the request if the proposed signage complies with the requirements as set forth in MKZ 18.65, Signs, and all other applicable Millcreek, State, and Federal statutes.
5. Submittal Requirements. Any person seeking a Sign Permit shall submit a complete application, a completed Sign Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A sign permit that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals. For purposes of this subsection, "action" means obtaining a building permit, if a building permit is required.
7. Transferability. Sign permits shall run with the land.

I. Temporary Use Permit

1. Purpose. The purpose of this section is to establish standards for Temporary Use Permits, which are intended to ensure that temporary uses within Millcreek are in conformance with all applicable Millcreek requirements found within this Code.
2. Applicability. A Temporary Use Permit is required when a temporary use as set forth in MKZ 18.58, Temporary Uses and Structures, is intended to be placed on a property in Millcreek.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.

- a. Application Submittal.
 - b. Application Completeness Review.
 - c. Application Compliance Review.
 - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Temporary Use applications.
4. Approval Criteria. The Planning Director shall approve the request if the proposed temporary use complies with the requirements of the zoning district in which the use is located, the requirements as set forth in MKZ 18.58, Temporary Uses and Structures, and all other applicable Millcreek, State, and Federal statutes.
5. Submittal Requirements. Any person seeking a Temporary Use Permit shall submit a complete application, a completed Temporary Use Permit Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A Temporary Use Permit that is approved pursuant to this section shall expire within one (1) year from the date of final approval if action is not taken within that time. An applicant may apply for up to one extension by following the process as set forth in MKZ 18.12.030, Expirations and Extensions of Land Use Approvals.

J. Classification Request

1. Purpose. The purpose of this Section is to establish standards for Classification Requests to determine whether a proposed land use aligns with an existing land use specified in this Code in a manner compliant with state statute.
2. Applicability. An applicant may formally request a Classification Request. Classification Requests are limited to those land uses for which a Millcreek Business License is required.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Pre-application Consultation.
 - b. Application Submittal.
 - c. Application Completeness Review.
 - d. Application Compliance Review.
 - e. Decision and Findings.

- (1) The Planning Director shall be the Land Use Authority for Classification Requests.
 - (2) The City Council shall be the Land Use Authority for Reviews of Classification Requests.
4. Approval Criteria. The Planning Director shall find that a proposed land use aligns with an existing land use specified in this Code, if the proposed land use complies with all applicable provisions of this Code and other applicable Millcreek policies, including the following:
 - a. The applicant provided sufficient evidence demonstrating that the proposed land use complies with the zone district's development standards, including but not limited to parking and vehicular access requirements, inventory storage, lighting, noise, and landscaping.
 - b. The proposed land use is substantially similar to the uses allowed in that district and is more comparable to such uses than those uses allowed in a less restrictive district.
 - c. If the proposed use is most similar to a conditional use authorized in the zone district in which it is proposed to be located, any Classification Request Determination for such use shall require that it may be approved only as a conditional use.
 - d. The proposed use is consistent with the purpose statement of the underlying zoning district.
 - e. The proposed land use requires a Millcreek Business License.
5. Submittal Requirements. Any person seeking a Classification Request shall submit a complete application, a completed Classification Request Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision. As part of an application for a Classification Request, the Planning Director may require the submittal studies or plans following the procedure as set forth in MKZ 18.69, Required Studies and Plans.
6. City Council Review of a Classification Request Determination. If the Planning Director determines that the proposed land use is new and unlisted, the applicant may submit an application to the City Council to review the Planning Director's determination, by following the procedure and paying a fee as set forth in MKZ 18.15.010 (B). An application for City Council Review of a Classification Request must be submitted within ten (10) business days of issuing a written Classification Request Determination from the Planning Director.

- a. The City Council shall schedule a public meeting to review the classification request within 60 days of filing a complete application for a City Council Review of a Classification Request Determination.
 - b. The City Council shall apply the approval criteria for Classification Requests as set forth in MKZ 18.15.030 (J)(4).
 - c. If the City Council approves the Classification Request, it shall designate an appropriate zone or zones for the proposed use and determine whether it is a conditional use or a permitted use.
 - d. The Planning Director shall notify the applicant in writing of the City Council's determination, and the reasons for their determination.
7. Appeal. An Appeal of the City Council's determination shall follow the process as set forth in MKZ 18.04, Appeals.

18.15.040 Administrative Decisions – Nonconformities and Variances

A. Nonconformities Determination

1. Purpose. The purpose of this Section is to establish standards for a Nonconformities Determination regarding a use or property in Millcreek. A formal nonconformities determination acknowledges the use and development rights for legally established uses, structures, lots, or parcels, and other circumstances that do not conform to the applicable requirements of this Title.
2. Applicability. A property owner shall have the burden of establishing that a nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity legally existed before its current land use designation. A Nonconformities Determination is required prior to an application to expand or enlarge a noncomplying structure.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Application Submittal.
 - b. Application Completeness Review.
 - c. Application Compliance Review.
 - d. Decision and Findings. The Planning Director shall be the Land Use Authority for Nonconformities Determination applications.
4. Approval Criteria. The Planning Director shall make a nonconformities determination upon receipt of a complete application, including acceptable evidence that a nonconformity exists pursuant to MKZ 18.60.
5. Submittal Requirements. Any person seeking a Nonconformities Determination shall submit a complete application, a completed

Nonconformities Determination Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.

B. Expansion or Enlargement of a Noncomplying Structure.

1. Purpose. The purpose of this Section is to establish standards for the expansion or enlargements of noncomplying structures in a manner that controls the expansion of structures that were legally established but that do not comply with current standards, while recognizing the interests of affected property owners. A summary of meeting and noticing requirements for applications for Expansion or Enlargement of a Noncompliant Structure is set forth in Table 18.15-9.
2. Applicability. No person may expand or enlarge a noncomplying structure without first having the structure deemed noncompliant pursuant to and obtaining a permit of the Land Use Hearing Officer as set forth in MKZ 18.60, Nonconformities.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required.
 - a. Pre-Application Consultation.
 - b. Application Submittal.
 - c. Application Completeness Review.
 - d. Application Compliance Review.
 - e. Public Notice.
 - f. Formal Public Engagement. The Land Use Hearing Officer shall hold a Public Hearing and is the Land Use Authority for Expansion or Enlargement of a Noncomplying Structure applications.
 - g. Decision and Findings.
4. Approval Criteria. Approval criteria for expanding or enlarging a noncompliant structure are set forth in MKZ 18.60, Nonconformities.
5. Submittal Requirements. Any person seeking an Expansion or Enlargement of a Noncomplying Structure shall submit a complete application, a completed Expansion or Enlargement of a Noncomplying Structure Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Expiration. A permit to expand or enlarge a noncomplying structure pursuant to this part shall expire within one (1) year from the date of final approval if a building permit is not applied for within that time.

Table 18.15-9 Expansion or Enlargement of a Noncompliant Structure Permit Meeting and Noticing Requirements		
<i>Application Procedure Steps</i>	<i>Requirement</i>	<i>Code Reference</i>
Pre-Application Consultation	Required	MKZ 18.14.010
Concept Review	Required	MKZ 18.14.020
Land Use Hearing Officer Public Hearing	Required	MKZ 18.13.050 MKZ 18.14.090
Mailed Noticing Requirement for Property Owners – Distance	300 feet	MKZ 18.13.060
Mailed Noticing Requirement – Time	10 days prior to Public Hearing	MKZ 18.13.060

C. Variances

1. Purpose. The purpose of this Section is to establish standards for requests for variances from the standards of this Code. Variances are intended to provide a means of relief from the requirements of this Title if they have resulted in a hardship as they are applied to a property. Variances are subject to the standards as set forth in [Utah Code Section 10-9a-701 et seq., Appeal authority required.](#)
2. Applicability. Any person or entity desiring a waiver or modification of the requirements of this Code as applied to a parcel of property that they own, lease, or hold some other beneficial interest may apply to the Land Use Hearing Officer for a variance, after receiving a final written administrative decision or interpretation of the land use requirement from the Planning Director. Applicants have the burden of proving that a hardship has been caused by the requirements of this Code. Variances may not be requested regarding land use.
3. Procedure. The following application steps, as set forth in MKZ 18.14, Land Use Application Steps, are required, prior to scheduling a hearing to consider a variance request.
 - a. Pre-Application Consultation.
 - b. Application Submittal.
 - c. Application Completeness Review.
 - d. Decision and Findings. The Land Use Hearing Officer is the Land Use Authority for variance applications.
4. Approval Criteria.
 - a. The LUHO may only grant a variance if:

- (1) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (5) The spirit of the land use ordinance is observed and substantial justice is done.
- b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the LUHO may not find an unreasonable hardship unless the alleged hardship:
- (1) Is located on or associated with the property for which the variance is sought; and
 - (2) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- c. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the LUHO may not find an unreasonable hardship if the hardship is self-imposed or economic.
- d. In determining whether or not there are special circumstances attached to the property under Subsection (1)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
- (1) Relate to the hardship complained of; and
 - (2) Deprive the property of privileges granted to other properties in the same zone.
- e. The LUHO may impose conditions on an approval of a variance request to:
- (1) Mitigate any harmful effects of the variance; or
 - (2) Serve the purpose of the standard or requirement that is waived or modified.
- f. The LUHO may not grant:

- (1) A variance that is greater than the minimum variation necessary to relieve the unreasonable hardship the applicant can demonstrate;
 - (2) A temporary variance; or
 - (3) A use variance.
5. Submittal Requirements. Any person seeking a variance shall submit a complete application, a completed Variance Checklist, a fee as set forth in MKZ 18.13.040, Submittal Requirements in General, any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.
6. Burden of Proof. The applicant bears the burden of proving that all conditions justifying a variance have been met.
7. Expiration. Variances shall not expire.
8. Transferability. Variances shall run with the land.

18.16 Section Reserved

18.17 Section Reserved

18.18 Section Reserved

18.19 Section Reserved

18.20 Section Reserved

18.21 Section Reserved

18.22 Section Reserved

18.23 Section Reserved

18.24 Subdivisions

18.24.010 Purpose

The purpose of this Title is to establish standards for the development and construction of subdivisions in Millcreek that comply with all applicable zoning, building, health, and fire requirements, including but not limited to, all use and development standards adopted by Millcreek.

18.24.020 **Applicability**

- A. This Title applies to any subdivision of land within Millcreek's municipal boundary. The description of a lot or parcel by metes and bounds may not exempt the transaction from the requirements of this Title.
- B. No plat of any subdivision within the application of these regulations may be entitled to be filed or recorded or have any validity until such plat has been approved by the City and acknowledged in the manner prescribed by applicable standards of this Code and applicable regulations and standards.
- C. No building permits may be issued for development on any vacant parcel, unless such parcel has been subdivided and platted in accordance with the procedures set out in these regulations. For existing vacant lots or parcels that were recorded in the office of the Salt Lake County Recorder prior to the establishment of the first Salt Lake County subdivision ordinance dated August 28, 1946, and have remained intact since that date, a building permit may be issued for said lot and/or parcel, however further subdivision of said property would require compliance with the standards of this Title. The applicant has the burden of proving that a lot or parcel was legally established in compliance with all zoning and subdivision standards applicable at the time of its creation.
- D. On properties pending subdivision approval, no building permit may be issued nor may any site work be performed prior to subdivision approval, except for improvements as required as part of a subdivision approval.

18.24.030 **Design Standards**

- A. Blocks and Walkways
 - 1. Blocks shall not exceed 600 feet in length unless adequate turnaround space is provided either via a looped roadway or a cul-de-sac with a minimum radius of 48 feet. Hammer head or T-shaped turnarounds are not considered sufficient to meet this requirement.
 - 2. The arrangement of streets in new subdivisions shall provide for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access is necessary as reasonably determined by the Land Use Authority as determined in Table 18.1. New streets shall connect with existing public streets.
 - 3. Blocks shall accommodate various lot arrangements and designs that provide satisfactory and desirable building sites, and are appropriately related to topography, the character of surrounding development, and existing requirements.

4. Dedicated walkways on blocks greater than six hundred feet (600') shall be required through the block to provide access to schools, existing and planned trails, transit facilities, community facilities, or a similar public amenity at a point designated by the Land Use Authority as determined in Table 18.1, unless determined otherwise by the Land Use Authority. For such walkways, the following standards apply:
 - a. Walkways shall be located at the approximate middle of the block.
 - b. Walkways shall be a minimum of six feet in width.
 - c. Walkway surface shall be concrete.
 - d. A fence that is at least four feet high on each side and the full length of each walkway shall be provided, unless alternative screening arrangements have been desired and approved by the City.
 - e. Bollards or similar barriers shall be placed at each walkway entrance to prevent vehicles from using the walkway.

B. Lots

1. Each lot shall be arranged and designed such that the lots will provide satisfactory and desirable sites for buildings and be properly designed according to topography, the character of surrounding development, and to existing requirements.
2. All lots must conform to the minimum requirements of the Zoning District for the zone in which the subdivision is located.
3. Every portion of a property being subdivided or recorded as a condominium shall be included in a lot or lots in the proposed subdivision plat or as common, limited common or private ownership in a condominium except for public rights-of-way, parks or other areas dedicated for public use. Non-buildable parcels shall be so identified with clarifying information to indicate their purpose.
4. Each lot must be contained entirely within a single zoning district.
5. Lot Access.
 - a. Residential Lots.: Each lot shall abut the right-of-way line of a public or private street.
 - b. Commercial, Industrial, and Institutional Lots. No minimum lot width is required for lots serving commercial, industrial, or institutional uses.

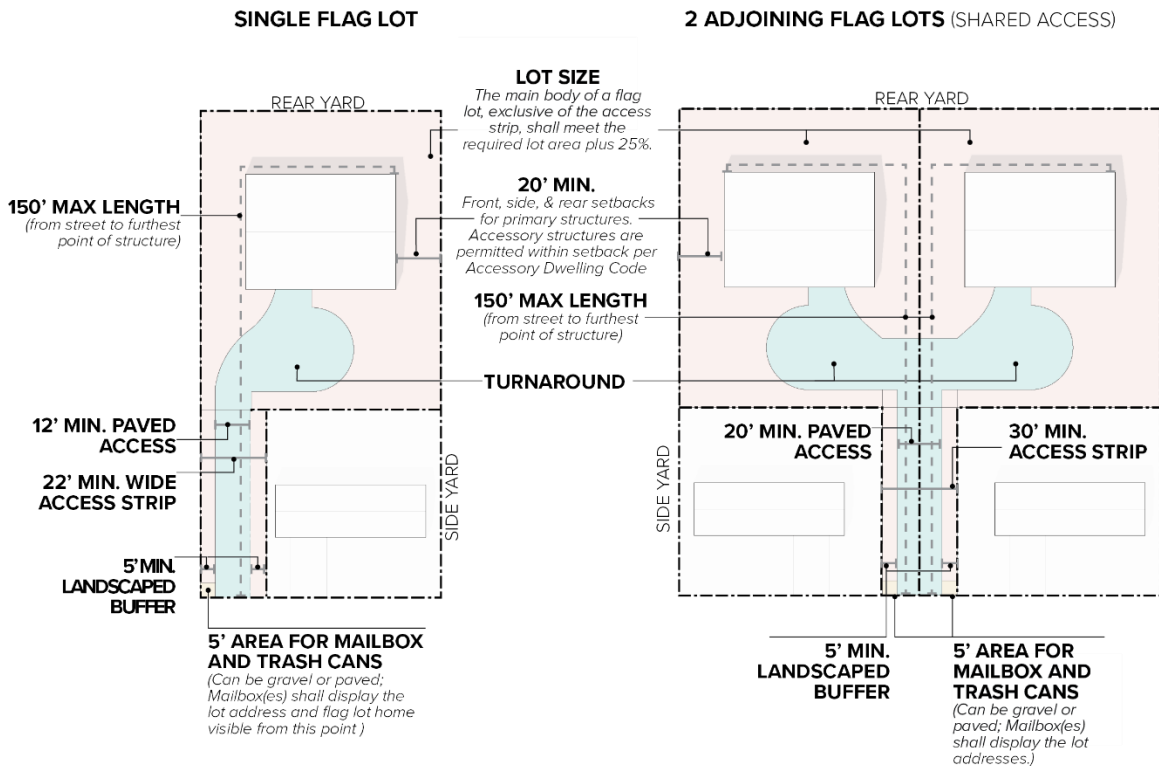
Lots not fronting on a street must be accessible to the public through a recorded easement or right-of-way.

6. Side lot lines shall be approximately at right angles, or radial to the street lines.
7. All remnants of lots below minimum size must be added to adjacent lots rather than allowed to remain as unusable lots or parcels.
8. Subdivisions in Sensitive Lands
 - a. In subdivisions proposed for development in the MKZ 18.61, Sensitive Lands, the general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed consistent with the requirements of the Sensitive Lands Standards as set forth in MKZ 18.61.
 - b. Applicants shall consider and apply the development design considerations set forth in MKZ 18.61, Sensitive Lands in (1) the layout of the subdivision and (2) the designation of buildable areas on individual lots to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.
 - c. All preliminary and final subdivision plats shall outline buildable areas on each lot intended to accommodate planned principal and accessory structures.
 - d. Clustering of lots within a subdivision is strongly encouraged and may be required by the Planning Commission to meet the requirements of this provision and any applicable overlay zone.
9. Flag Lots. Flag lots shall be prohibited unless the following requirements are met:
 - a. No other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:
 - (1) The current or proposed zoning;
 - (2) The possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot; and
 - (3) Alternative street designs and improvements.
 - (4) Feasible connections to a nearby public right-of-way.

- b. Flag lots shall meet the following requirements, generally as depicted in Figure 18.24.1:
- (1) No more than two (2) flag lots may be created from an existing lot or parcel.
 - (2) The flag lot(s) shall be used exclusively for a Single-Household Detached Dwelling and shall be located to the rear of the original or front lot.
 - (3) The main body of a flag lot, exclusive of the access strip, shall meet the required lot area plus 25 percent. The main body of a flag lot shall meet the minimum lot width of the zone in which the flag lot(s) are proposed. The minimum side yard, front yard and rear yard shall be 20 feet. Accessory structures are allowed in the minimum yards of a flag lot, subject to the standards as set forth in MKZ 18.59, Accessory Structures.
 - (4) The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot.
 - (5) No more than one primary dwelling on a flag lot may be accessed from an access strip, unless the access strip meets the standards as set forth in MKZ 18.24.030 (B)(9)(c)(2), and the flag lots are configured as depicted in Figure 18.24.1.
 - (6) The subdivision plat shall include an outline of the buildable area proposed for the house. The maximum height of the house is set forth in the underlying zoning district, and no house shall be taller than two stories, excluding a pitched roof.
 - (7) A turnaround area, subject to approval by the Fire Marshal, to prevent backing out the driveway is required, as illustrated in Figure 18.24.1.
 - (8) The flag lot(s) shall front on a public street.
 - (9) The length of the flag lot, as measured from the right-of-way line to the furthest point of a residential structure, may not exceed 150 feet in length unless approved by the Fire Department.
 - (10) Landscaped areas that abut the public street shall contain a mailbox(es), displaying the lot addresses, and a gravel or paved area for trash cans.

- (11) Hard surfaced driveways shall be located at least 10 feet from existing homes on neighboring lots and at least eight feet (8') from the home on the original lot.
- (12) All public and private access, utility, and maintenance easements shall be recorded prior to building permit submittal.
- c. The access strip portion of a flag lot(s):
 - (1) A single flag lot shall have an unobstructed access strip a minimum of 22 feet wide for its entire length from the street to the point where the access strip adjoins the main body of the flag lot and shall include:
 - (A) A paved driveway a minimum of 12 feet in width;
 - (B) Landscaped areas that are a minimum of five feet (5') in width on either side of the driveway to allow for utility access, drainage, and snow storage adjacent to the neighboring property line.
 - (2) Two flag lots with a shared access strip shall have a minimum unobstructed access strip width of 25 feet wide for its entire length from the street to the point where the access strip adjoins the main body of the flag lot and shall include:
 - (A) A paved driveway a minimum of 15 feet in width;
 - (B) Landscaped areas that are a minimum of five feet (5') in width on either side of the driveway to allow for utility access, drainage, and snow storage adjacent to the neighboring property line.
- d. The address of the flag lot dwelling shall be clearly visible on the dwelling(s) when viewed from the point where the access strip adjoins the street.

Figure 18.24.1 Flag Lot Layout



18.24.040 Required Improvements

- A. The following improvements shall be required and adhere to the standards in the Millcreek Code of Ordinances:
1. Storm Water System
 2. Public Sanitary Sewer
 3. Storm Drainage to Comply with Low Impact Design Standards
 4. Street Improvements
 5. Street Lighting
 6. Curb and Gutter
 7. Utility and Facility Systems to be Undergrounded.
 8. Sidewalks
 9. Street Name Signs

10. Trails
 11. Fire Hydrants
 12. Stormwater Inlets
 13. Fencing Along Right-of-Ways where lots rear public streets.
 14. Undergrounding/piping of Canals where adjacent to public right-of-way
- B. Construction of Improvements.
1. The Planning Director and City Engineer shall be notified at least twenty-four hours prior to construction of any required improvements so that proper inspection may be provided and the City may verify if the required authorization and/or permits are documented.
 2. As-built plans, profile drawings, and corresponding GIS data shall be furnished to the Planning Director and City Engineer for all street improvements, storm sewers, sanitary sewers, and water systems upon completion. The City shall retain the improvement assurance guarantee and associated approved bond agreement until such plans have been submitted.
- C. Certification of Improvements. No final plat of a subdivision of land may be recorded without receiving a statement signed by the Planning and Engineering Departments certifying that the improvements described in the subdivider's plans and specifications have been completed (or an improvement assurance guarantee has been submitted for the required improvements as required by of this Code and applicable regulations and standards), that they meet the minimum requirements of all ordinances of the City, that they comply with the standards and requirements of the health department, and the fire authority serving the area.

18.24.050 Responsibility for Damages

All damages to any bonded improvements or facilities incurred during the period of development shall be the sole responsibility of the subdivider and must be replaced to the satisfaction of the City before final acceptance of any improvements caused by the subdivider or any agents of the subdivider shall be repaired by the subdivider to the satisfaction of the City prior to final acceptance and bond release.

18.24.060 Improvement Assurance Guarantee

- A. In lieu of actual completion of the improvements listed in this Title and if the City estimates that the cost to complete the required improvement is more than ten thousand dollars, then the subdivider must file with the City a cash bond, an escrow agreement, or a letter of credit in a form acceptable to the City and in an amount specified by the City Engineer or designee to assure actual construction of such improvements within two years or other time period as approved by the City.
- B. Warranty. Ten percent of the bond amount for public improvements such as required landscaping, curb, gutter, sidewalk, road surfacing, flood control and fire hydrants shall extend for a one-year period beyond the date the City accepts the required landscaping or

infrastructure. The City may extend the warranty period beyond one year if it determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and if it has substantial evidence, on record, of prior poor performance by the applicant; or that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

- C. The improvement completion assurance shall also secure all lot improvements on individual lots in the subdivision, including stormwater system improvements, transportation system improvements, public landscaping, public parks, public trails, and public open spaces required by this Title.
- D. If the City Engineer or their designee determines that the required improvements should be completed in a specified sequence and/or in less than a two-year period to protect the health, safety, and welfare of the City or its residents from traffic, flood, drainage, or other hazards, it may require in approving the final subdivision plat that the improvements, including required landscaping, be installed in a specified sequence and period which may be less than two years and shall incorporate such requirements in the bond.
- E. Inspections and Warranty Inspections.
 - 1. Inspections and Warranty Inspection shall be conducted within 15 days after the City receives a written request from the applicant to accept or reject the required improvements, or as soon as practicable thereafter if winter weather conditions impede the inspection. If winter weather prevents a full and complete inspection of the warranty work within the required timeframe, the land use authority shall notify the applicant in writing before the deadline. The notice shall state that due to winter weather, additional time is needed to inspect and determine acceptance or rejection of the warranty work. The land use authority shall complete the inspection and provide a decision as soon as practicable.
 - 2. If the City rejects an applicant's warranty work three times, it may extend the inspection period by an additional 15 days for any subsequent inspections of the applicant's warranty work.
 - 3. If extraordinary circumstances prevent the City from completing an inspection within the required time period and thereby hinder its ability to accept or reject the warranty work, the City shall notify the applicant in writing before the applicable deadline. The notice shall explain that, due to extraordinary circumstances, additional time is required to inspect and make a determination regarding the warranty work. In such cases, the City shall complete the inspection and provide a written acceptance or rejection within 30 days after the original inspection period ends. For the purposes of this section, the following constitute extraordinary circumstances:
 - a. The City is processing an inspection request that significantly exceeds the typical scope of inspections the City normally performs;

- b. The applicant has submitted two or more written inspection requests within the same 30-day period; or
 - c. The City is handling an unusually large volume of inspection requests related to subdivision improvements or warranty work.
 - 4. If the City determines that required improvements within a specific infrastructure improvement category meets City standards, and the applicant has submitted complete as-built drawings, the City shall return 90% of the applicant's improvement completion assurance allocated to that infrastructure improvement category.
 - 5. Within 15 days after the warranty period expires, and upon a determination that the infrastructure improvement meets City standards, the City shall return the remaining 10% of the improvement completion assurance for that category, along with any remaining portion of a bond as described in [Utah Code Section 10-9a-604.5\(5\)\(b\)](#).
 - 6. If the City determines that required improvements or warranty work do not meet City standards, the City shall provide the applicant a comprehensive and specific list of the reasons for its decision within 15 days of making that determination.
 - 7. If the applicant elects to post a cash deposit as a form of completion assurance, the City shall place the cash deposit in the City's PTIF account and return any earned interest to the applicant with the return of the completion assurance.
- F. Bonds filed pursuant to this section shall be processed and released in accordance with the procedures set forth in **MKC 3.56**, Public Works Bonds.

18.25 Lots, Parcels, and Buildings on a Private Street

18.25.010 Purpose

The purpose of this chapter is to establish minimum development regulations for lots and buildings on existing and new private street or lane. Private streets existing prior to the adoption of this code shall otherwise be determined as an existing private street and subject to the requirements of this chapter.

18.25.020 Development Standards

All private streets shall be constructed to City standards, and development on lots or parcels along private streets are subject to the development standards of the underlying zone, except as provided below:

- A. A new private street may not extend more than 400 feet in length. An existing private street may be extended up to a total length of 400 feet.
- B. The minimum width of a private street shall be:
 - 1. Existing Private Street: minimum pavement width is 20 feet, plus required curb, gutter, and sidewalk.
 - 2. New Private Street: minimum pavement width is 25 feet, plus required curb, gutter, and sidewalk.
- C. Any lot or parcel fronting on a private street shall be the minimum lot or parcel width and area requirements of the underlying zone.
- D. The minimum setback for buildings on lots or parcels on a private street shall be the minimum setbacks required of the underlying zone measured from edge of private street.

18.25.030 Required Improvements

Any development on a lot or parcel on a private street requires the following improvements, subject to adopted engineering standards set forth in MKC Title 14:

- A. Curb
- B. Gutter
- C. Sidewalk. At a minimum, sidewalk shall be installed on one side of the private street connecting the lot or parcel on which development is occurring to the public right-of-way.
- D. Turnaround. All private streets shall include a turnaround that satisfies the standards for turnarounds set forth in MKC 14.20.090, located at the farthest end of the private street.

18.25.040 Maintenance of Private Streets

Recorded maintenance agreements for private right-of-way maintenance are required between the property owners and shall include an owner-funded system of regular road maintenance that addresses surfacing, snow removal, and potential replacement. A maintenance agreement shall be recorded as part of a plat approval, when applicable. If no plat is required prior to development, a maintenance agreement shall be recorded prior to obtaining a building permit.

18.26 Division of Legally-Established Two-Household Dwellings

18.26.010 Purpose

The purpose of this chapter is to provide for the subdivision existing legally-established two-household dwellings, to promote affordable homeownership in Millcreek.

18.26.020 Applicability

Any lot or parcel containing a legally-established two-household dwelling, configured in a manner that the dwelling units are side-by-side, may be subdivided, creating a new lot line along the shared common wall and extending to the front and rear lot lines.

18.26.030 Requirements

- A. It is the applicant's burden to demonstrate that a two-household dwelling meets the definition of a legally-established dwelling. If the two-household dwelling does not comply with the use or development standards in the underlying zone, the applicant shall obtain a nonconformities determination following the procedure as set forth in MKZ 18.15.040, before applying for a minor subdivision to divide a legally-established two-household dwelling.
- B. The division of a legally-established two-household dwelling shall follow the process for a Minor Subdivision, as set forth in MKZ 18.15.020 (A).
- C. Dedication of required right-of-way or installation of frontage improvements is required as part of a minor subdivision application for the division of a legally-established two-household dwelling.
- D. The subdivision plat shall specifically note that the purpose of the subdivision is to accommodate the division of a legally-established two-household dwelling.
- E. All necessary deeds, easements, and agreements shall be executed and submitted to the City prior to the recording of a plat that divides a legally-established two-household dwelling.

18.27 Section Reserved

18.28 Section Reserved

18.29 Section Reserved

18.30 Section Reserved

18.31 Section Reserved

18.32 Section Reserved

18.33 Zone Districts

18.33.010 Purpose

The purpose of this chapter is to establish the various zoning districts contained within this Title.

18.33.020 Organization

For the purpose of this title, the City is divided into the following zone districts:

- 18.34 Agriculture Zone (AG)
- 18.35 Forestry Recreation Estate Zone (FRE)
- 18.36 Single-household Residential Zone (R-1)
- 18.37 Medium Density Residential Zone (R-2)
- 18.38 Medium Density Residential Zone (R-4)
- 18.39 Residential Mixed Zone (RM)
- 18.40 Mobile Home / Tiny Home (MH/TH)
- 18.41 Mixed Development Zone (MD)
- 18.42 Mixed Use Development Zone (MD-3)
- 18.43 Neighborhood Commercial Zone (C-1)
- 18.44 Commercial Zone (C)
- 18.45 Institutional Facility Zone (IF)
- 18.46 Light Manufacturing Zone (M)
- 18.47 City Center Overlay Zone (CCOZ)
- 18.48 City Center Overlay – Development Agreement Zone (CCOZ-DA)
- 18.49 Village Center Special District (VCSD)
- 18.50 Olympus Hills West Village Center Special District (OHV-VCSD)

18.33.030 Applicability

- A. Zoning Maps. Each section of the City zoned by this title is shown on the maps on file with the City, which is made a part of this Title and by this reference.
- B. Filing of This Title and Zoning Maps. This title and the maps shall be filed with the City and may be examined by the public subject to reasonable regulations established by staff.
- C. Boundary Locations. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:
 - 1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley, or block, or such property line, shall be construed to be the boundary of the zone;
 - 2. Whenever the zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway railroad right-of-way, public park, other public land, or any section line, then in that case the center of the stream, canal or waterway, railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone;
 - 3. The Land Use Hearing Officer shall interpret the map if the above rules do not clarify the zone boundary location.

18.34 Agricultural Zone (AG)

18.34.010 Purpose

The purpose of the Agricultural Zone (AG) is to provide areas in the City for low-density residential development along with limited agricultural uses.

18.34.020 Applicability

The Agricultural Zone (AG) is a legacy zone district and shall only be applied to existing properties and areas already included in the Agricultural Zones. No additional parcels, lots or land may be added to the AG Zone District. Development in the Agricultural Zone may be subject to the requirements set forth in **MKZ 18.61**, Sensitive Lands.

18.34.030 Permitted and Conditional Uses

Uses in the Agricultural Zone (AG) are as set forth in Table 18.34-1 Permitted and Conditional Uses in the Agricultural Zone. If a use is not explicitly designated in the table, then the use is prohibited. Certain use prohibitions or use limitations are listed in Table 18.34-1. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated in the table are prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in **MKZ 18.15.030 (J)**, to determine whether a proposed land use aligns with an existing land use listed in Table 18.34-1.

Table 18.34-1 Permitted and Conditional Uses in the Agricultural Zone		
Land use		Limitations/references
<i>P= Permitted C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Bed and Breakfast	C	
Accessory Dwelling Unit	P	Limitations set forth in MKZ 18.71 , Accessory Dwelling Unit Standards.
Dwelling, Single-Household Detached	P	
Home Business	P	Subject to MKZ 18.76 , Special Business Land Use Regulations
Home Daycare or Preschool – up to 6 children	P	Subject to MKZ 18.76 , Special Business Land Use Regulations
Home Daycare or Preschool – 7 to 12 children	C	Subject to MKZ 18.76 , Special Business Land Use Regulations
Residential Facility for Elderly Persons or Person with a Disability	P	Limitations as set forth in MKZ 18.74 , Residential Facilities for Persons With a Disability.

Table 18.34-1 Permitted and Conditional Uses in the Agricultural Zone		
Land use		Limitations/references
<i>P= Permitted C= Conditional Use Review Required</i>		
Short-Term Rental	P	Provided a valid Millcreek Business License has been issued and is in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short-Term Rentals
<i>Agricultural Uses</i>		
Commercial Agriculture	C	Requires a minimum of 1 acre
Noncommercial Agriculture	P	
Farm Stand	P	As set forth in MKZ 18.58, Temporary Uses and Structures
Greenhouse or Plant Nursery	P	May include limited retail sales of related products and requires a minimum lot or parcel size of 1 acre
Private Recreation Facilities	C	
Veterinary Clinic	P	Indoor kennels only
<i>Civic and Institutional Uses</i>		
Public Use	P	
Quasi-Public Use	P	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory Uses, Accessory Buildings and Structures	P	As set forth in MKZ 18.59, Accessory Structures
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

18.34.040 Spatial Requirements

Spatial Requirements. The minimum setbacks, maximum height, and lot or parcel size requirements are as set forth in Table 18.34-2 Spatial Requirements for the Agricultural Zone:

Table 18.34-2 Spatial Requirements for the Agricultural Zone						
Zone	Minimum lot area	Minimum lot width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height
AG	10,000 square feet (A)	75' (B)	30' (C)	10' on interior lots or parcels (D) 20' on a corner lot or parcel (E)	15' (F)	30'

- A. Setback Requirements. The minimum property size, width, setbacks, and maximum property coverage requirements are as determined by Table 18.34-2 Spatial Requirements for the Agricultural Zone.
- B. Side and Rear Setbacks for Civic and Institutional Uses. Civic and Institutional Uses require a minimum 20-foot rear and side yard setback when abutting and sharing a property line with a residential use.
- C. Rear Setback on Sloped Lots or Parcels. If the average slope of the original ground surface, as measured from the rear property line to the front property line, is more than 20 percent, then the rear setback shall be increased one additional foot for every one degree of slope in excess of twenty 20 percent, up to a maximum of 25 feet.
- D. Side Yard Setbacks on Lots Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width at least 50 percent larger than the required minimum lot or parcel width shall measure side yard setbacks as set forth in the following:
1. The combined measurements of the side yard setbacks shall be at least 25 percent of the lot or parcel width.
 2. No side setback shall be less than the required minimum side yard setback.
 3. The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.34.1.
- E. A lot or parcel containing an existing legally-established two-household dwelling may be subdivided, subject to the standards as set forth in **MKZ 18.26**, Division of Legally-Established Two-Household Dwellings.

Figure 18.34.1 Combined Side yard Setback Spatial Requirements Diagram

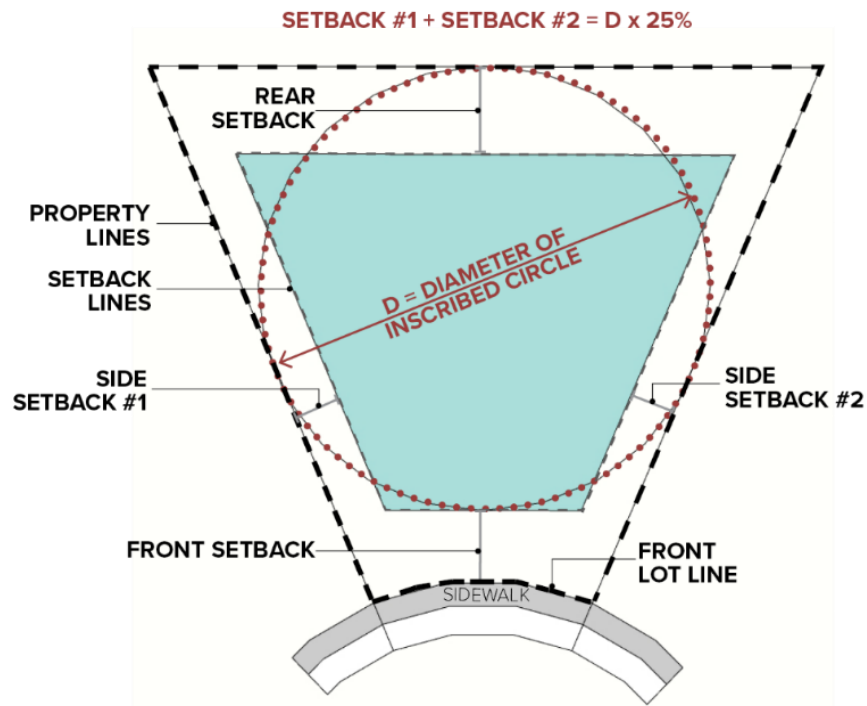
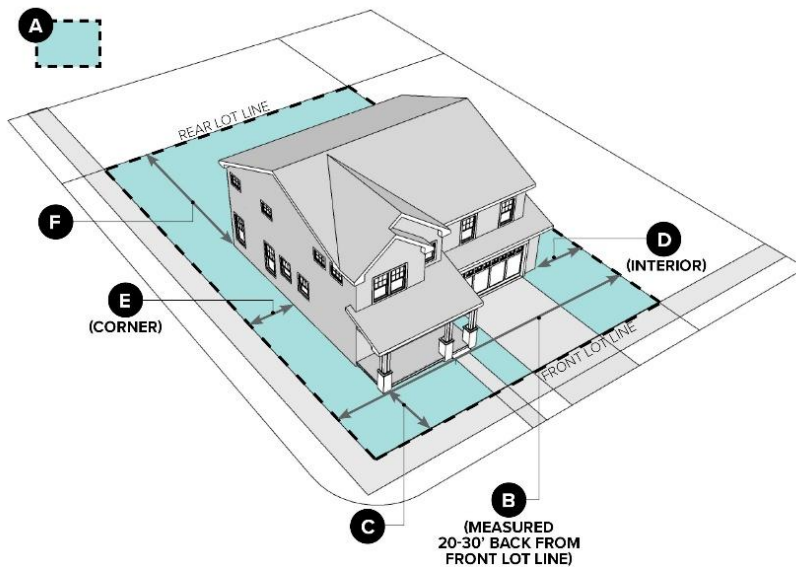


Figure 18.34.2 Spatial Requirements Diagram (letter labels related to Table 18.34-2)



18.34.050 Building Height and Building Envelopes

- A. Minimum height. All dwelling structures shall be a minimum of one story in height.

- B. Maximum Height. Maximum building height is as set forth in Table 18.34-3 Building Height and Building Envelope for the Agricultural Zone.
- C. Building Envelope. The height of structures may be further limited by the building envelope. The building envelope is formed by a box defined by the perimeter of the property line extended vertically perpendicular to the property line to a height and subsequent angle as set forth in Table 18.34-3. The entire building shall fit under this envelope except as described in the projections section below. See figures 18.34.3 and 18.34.4 for building envelope illustrations.
- D. Lots or parcels located in the AG zone determined by staff to be a Lot or Parcel of Record and are nonconforming due to minimum lot or parcel width and minimum lot or parcel area can qualify to use the sixty degree (60°) Building Envelope Angle and 12-foot Building Envelope Wall Height.

Table 18.34-3 Building Height and Building Envelope for the Agricultural Zone	
	AG
Building Height Maximum	30'
Building Envelope Wall Height and Angle	30'
Building Envelope Angle	0°

Figure 18.34.3 Agricultural Zone Building Envelope

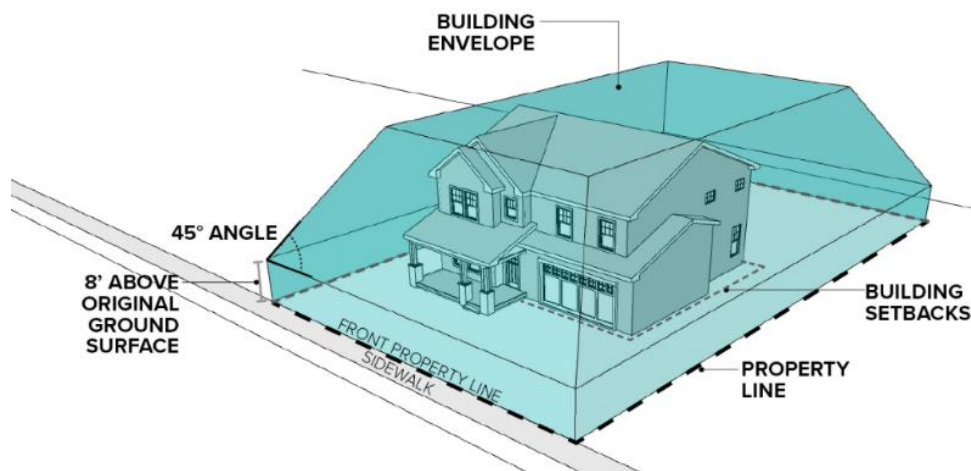
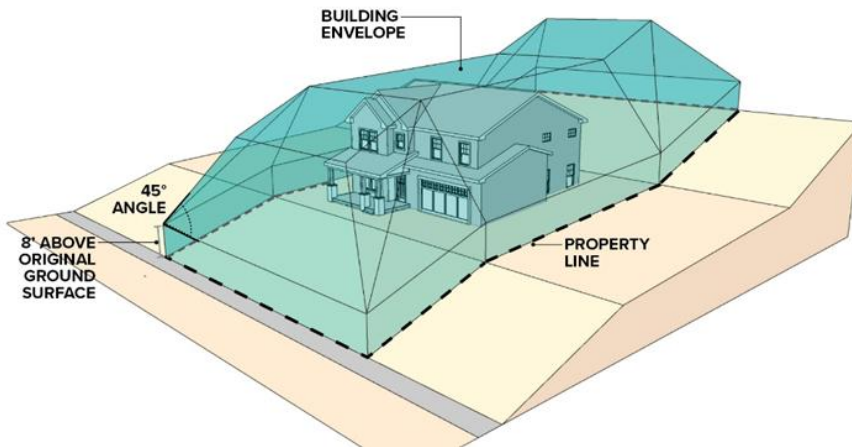


Figure 18.34.4 Sloped Building Envelope Example

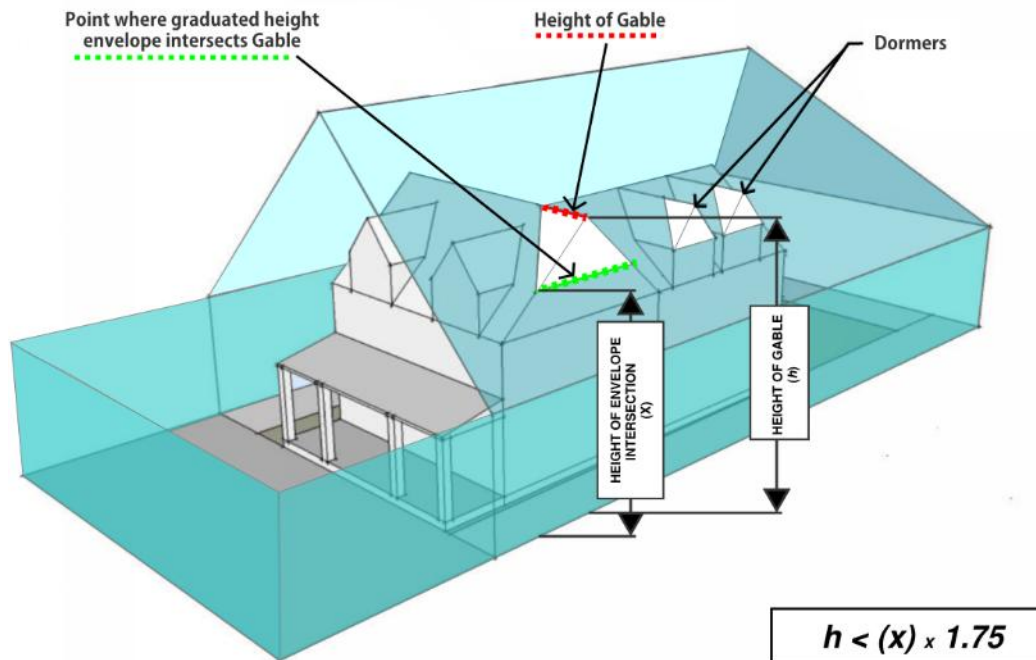


18.34.060 Projections

Dormers, Gables, and non-habitable architectural elements may project beyond the building height envelope if they meet the following criteria, as illustrated in Figure 18.34.5:

- A. Dormers
 1. The width of the dormer shall not exceed 14 feet;
 2. Multiple dormers shall be spaced such that the distance to the edges of the roof is at least one-half the distance between dormers; and
 3. The dormer shall be no higher than the ridge of the roof.
- B. Gables
 1. The height of the gable is less than 1.75 times higher than the point where the graduated building height envelope intersects the gable;
 2. The height of the gable is less than the maximum building height; and
 3. The length of the gable comprises no more than 25 percent of the length of the building façade.

Figure 18.34.5 Dormer and Gable illustration with height envelope exception



18.34.070 Setback Encroachments

The following may be erected on, or encroach into the required yard setbacks:

- A. Fences and walls in conformance with this code.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks, patios, porches, driveways, sidewalks, stairs, landings, not exceeding two feet (2') above grade.
- E. Covered porches and balconies porches may project up to 10 feet into the front yard or street side yard setback if they meet the following criteria:
 - 1. Porches and balconies shall remain unenclosed or "open style" (no walls, doors, windows, screens, etc.) except for the minimum required handrail.
 - 2. Porches and balconies shall not encroach into any easements or clear vision site areas.
 - 3. Porches, balconies, stairs, landings, eaves which project into the setbacks, shall not be located nearer than 15 feet from a street property line, or project outside of the building height envelope.
- F. Other architectural elements which are not used as habitable space.
- G. Cornices, eaves, sills, planter boxes, stairways, landings, awnings, window wells, or similar architectural features attached to the building and not enclosed by walls, extending not more

than two feet (2') into a side yard or four feet (4') into the front or rear yard. In no case shall a side yard setback be less than six feet (6').

- H. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building, no greater than eight feet (8') wide, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard. In no case shall a side yard setback be less than six feet (6').

18.34.080 Articulation

To avoid a large, continuous building mass of uniform height; no portion of any building shall continue more than forty feet horizontally without a minimum of an eighteen-inch break in the roofline or introduction of a contrasting architectural element such as an overhang, projection, or inset of a minimum depth of two feet (2') from the primary façade plane, to create shadow patterns along the elevation of the building.

18.34.090 Neighborhood Compatibility Modification

The Neighborhood Compatibility Modification (NCM) allows for modified standards from one or more of the spatial standards based upon the compatibility of the proposed residential development application with other properties/dwellings in the proximate neighborhood. The Planning Director may approve an NCM request at time of site plan submittal provided the following conditions are met:

- A. Evidence. Compliance with the corresponding neighborhood conditions must be established by a survey from the proximate neighborhood, defined as a 200-foot radial distance from the property boundary. Survey submitted must be completed by a surveyor licensed to practice in the State of Utah.
- B. Submittal. NCM requests shall be submitted on a separate form and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
- C. Permissible Modifications. NCM Standards. Building height, setbacks and lot or parcel coverage modifications may be accommodated if the request does not exceed the allowances as set forth in Table 18.34-4 NCM Standards.
- D. Non-Permissible Modifications. Building envelope, mass and scale, and accessory structure modifications do not qualify under the NCM.

Table 18.34-4 NCM Standards						
Zone	(H)	Lot or Parcel Coverage	Front Setback	Side Setback	Rear Setback	Max Height
AG	33'	36% (1)	The average of all lots or parcels within the proximate neighborhood that fronts to the same street, road, or right-of way.	Combined side yard shall be at least twenty-five percent (25%) of the lot or parcel width, and no less than six feet (6') on each side.	The average rear yard setback that are on six lots or parcels of the applicant's choice within the proximate neighborhood, and no less than 15'	The maximum building height that may be approved by the Planning Director or designee under the NCM standards is the lesser of: 1. Three feet plus the average maximum ridge height of residential structures that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and 2. The maximum height of the zone specified in column (H) of Table 18.37-4 NCM Standards.

E. Table Notes.

1. Lot or parcel coverage for all lots or parcels may not exceed more than 1.15 times the average coverage of proximate neighborhood lots or parcels.

18.35 Forestry Recreation Estate Zone (FRE)

18.35.010 Purpose

The purpose of the Forestry Recreation Estate Zone (FRE) is to permit the development of the foothill areas of the City for forestry, trails, and residential uses to the extent such development can mitigate the potential natural hazards/sensitive lands, if any, on the lots or parcels in this zone.

18.35.020 Applicability

The Forestry Recreation Estate Zone (FRE) is a legacy zone district and shall only be applied to existing properties and areas already included in the Forestry Recreation Estate Zone (FRE). No additional parcels, lots, or land may be added to the FRE Zone District.

18.35.030 Permitted and Conditional Uses

Uses in the Forestry Recreation Estate (FRE) Zone are as determined by the Table 18.35-1 Permitted and Conditional Uses in the Forestry Recreation Estate (FRE) Zone. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.35-1.

Table 18.35-1 Permitted and Conditional Uses in the Forestry Recreation Estate Zone		
Land use	FRE	Limitations/references
<i>P= Permitted C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Dwelling, Accessory	P	Limitations set forth in MKZ 18.71, Accessory Dwelling Unit Standards.
Dwelling, Single Household - Detached	P	
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Residential Facility for Elderly Persons or Person with a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.
Short-Term Rental	P	Provided a valid Millcreek Business License has been issued and is in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short-Term Rentals

Table 18.35-1 Permitted and Conditional Uses in the Forestry Recreation Estate Zone		
Land use	FRE	Limitations/references
<i>P= Permitted C= Conditional Use Review Required</i>		
<i>Civic and Institutional Uses</i>		
Public Use	C	
Quasi-Public Use	C	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory Uses, Accessory Buildings and Structures	P	As set forth in MKZ 18.59, Accessory Structures
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

18.35.040 Spatial Requirements

- A. Spatial Requirements. The minimum setbacks, maximum height, and lot or parcel size requirements are as set forth in Table 18.35-2, Spatial Requirements for the Forestry Recreation Estate Zone:

Table 18.35-2 Spatial Requirements for the Forestry Recreation Estate Zone							
Zone	Minimum lot or parcel area	Minimum lot or parcel width	Minimum Front Setback	Minimum Side Setbacks	Minimum Rear Setbacks	Maximum Height	Maximum Density
FRE	5 acres	300' (1)	30' (1)	10' on interior lots (2) 20' on corner (2)	30 (2)	35' (2)	One Dwelling unit per lot

B. Table Notes.

1. Measurement of Lot or Parcel Width. The minimum lot width of any lot shall be measured at a distance of fifty feet from the front lot line.
2. Slope Requirements. All development in the FRE zone shall be subject to the slope protection standards set forth in MKZ 18.61, Sensitive Lands.

18.35.050 Other Considerations

It is anticipated that development in the FRE zone will encounter many potential hazards such as:

- A. Flood zones, avalanche areas, landslides, steep slopes, fault lines, locally significant vegetation, fire risks including the Wildland Urban Interface, soil instability and accessibility issues.
- B. Construction activity can have an impact on water quality, downslope properties, emergency vehicle service, fire potential, and the health of the local ecosystem. Consequently, construction techniques need to accommodate challenging conditions on lots or parcels in the FRE zone and may require additional studies. Therefore, all development in the FRE zone is subject to MKZ 18.61, Sensitive Lands.

18.35.060 Applicability To Lots or Parcel of Record

Applicable to Lots or Parcels of Record. All standards and requirements for development in the FRE zones as set forth in this chapter shall apply to development on lots, parcels, and in subdivisions that were recorded prior to the enactment date of the FR zones in the Salt Lake County ordinances as previously codified. Any such lots or parcels shall record a plat prior to the issuance of any building permit.

18.36 Single-Household Residential (R-1) Zones

18.36.010 Purpose

The purpose of the Single-Household Residential R-1 Zones is to establish single-household neighborhoods consistent with the City's general plan for low density residential areas within the City. It is the intent to balance neighborhood compatibility with the private property interests of those who wish to expand, develop, improve, or otherwise make exterior modification to their residential property.

18.36.020 Applicability

This chapter applies to the following residential zones: R-1-3, R-1-4, R-1-5, R-1-6, R-1-8, R-1-10, R-1-15, and R-1-21 zones. Development in the Single-Household Residential Zones may be subject to the requirements set forth in **MKZ 18.61, Sensitive Lands**.

18.36.030 Permitted Uses and Conditional Uses

Uses in the Single-Household Residential (R-1) Zones are allowed, either as permitted or conditional, and may include certain limitations as set forth in Table 18.36-1 Permitted and Conditional Uses in the Single-Household Residential (R-1) Zones. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in **MKZ 18.15.030 (J)**, to determine whether a proposed land use aligns with an existing land use listed in Table 18.36-1.

Table 18.36-1 Permitted and Conditional Uses in the Single-Household Residential (R-1) Zones		
Land Use	R-1 (All Zones)	Limitations / References
<i>P= Permitted C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Accessory Dwelling Unit	P	Limitations set forth in MKZ 18.71, Accessory Dwelling Unit Standards .
Dwelling, Single Household - Detached	P	
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – up to 6 children	P	Subject to MKZ 18.76, Special Business Land Use Regulations

Table 18.36-1 Permitted and Conditional Uses in the Single-Household Residential (R-1) Zones		
Land Use	R-1 (All Zones)	Limitations / References
<i>P= Permitted C= Conditional Use Review Required</i>		
Home Daycare or Preschool – 7 to 12 children	C	Subject to MKZ 18.76, Special Business Land Use Regulations
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability
Short-Term Rental	P	Provided a valid Millcreek Business License has been issued and is in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short-Term Rentals.
<i>Non-Residential Uses</i>		
Noncommercial Agriculture	P	
Cemetery	P	
<i>Civic and Institutional Uses</i>		
Public Uses	P	
Quasi-Public Use	P	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory Uses, Buildings, and Structures	P	Limitation as set forth in MKZ 18.59, Accessory Structures
Temporary Uses	P	Limitation as set forth in MKZ 18.58, Temporary Uses and Structures

18.36.040 Spatial Requirements

- A. Setback Measurements. The minimum property size, width, setbacks, and maximum property coverage requirements are as determined by Table 18.36-2 Spatial Requirements for the Single-Household Residential (R-1) Zones and are as illustrated in Figure 18.36.2.

- B. Side and Rear Setbacks for Civic and Institutional Uses. Civic and Institutional Uses require a minimum 30-foot rear and side yard setback when abutting and sharing a property line with a residential use.
- C. Rear Setback on Sloped Lots or Parcels. If the average slope of the original ground surface, as measured from the rear property line to the front property line, is more than 20 percent, then the rear setback shall be increased one additional foot for every one degree of slope in excess of 20 percent, up to a maximum of 25 feet.
- D. Side Yard Setbacks on Lots Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width at least 50 percent larger than the required minimum lot or parcel width shall measure side yard setbacks as set forth in the following:
 - 1. The combined measurements of the side yard setbacks shall be at least 25 percent of the lot or parcel width.
 - 2. No side setback shall be less than the required minimum side yard setback.
 - 3. The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.36.1.
- E. A lot or parcel containing an existing legally-established two-household dwelling may be subdivided, subject to the standards as set forth in MKZ 18.26, Division of Legally-Established Two-Household Dwellings.

Figure 18.36.1 Combined Side yard Setback Spatial Requirements Diagram

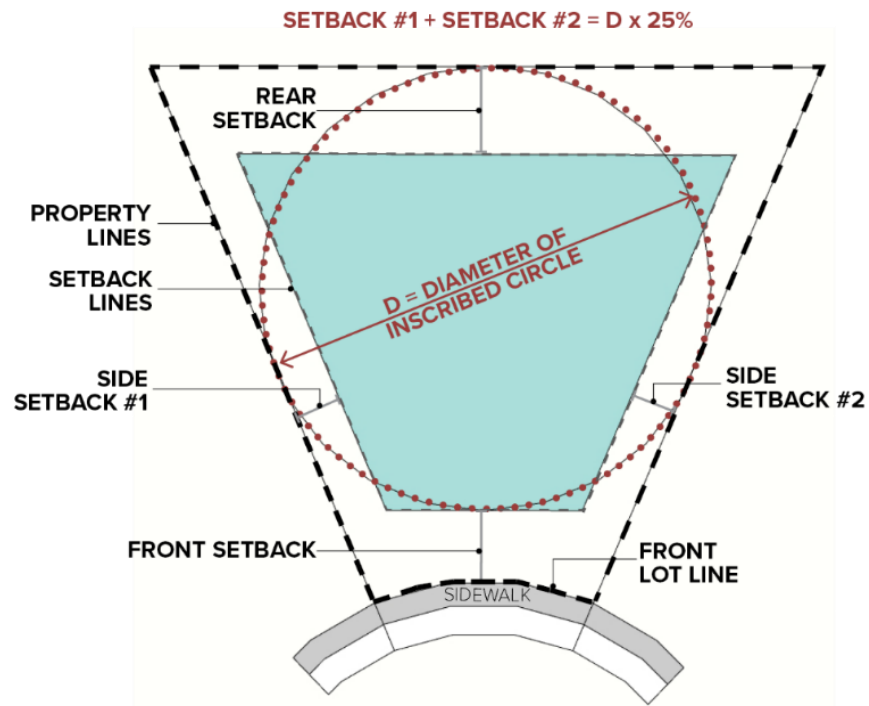


Figure 18.36.2 Spatial Requirements Diagram (letter labels related to Table 18.36-2)

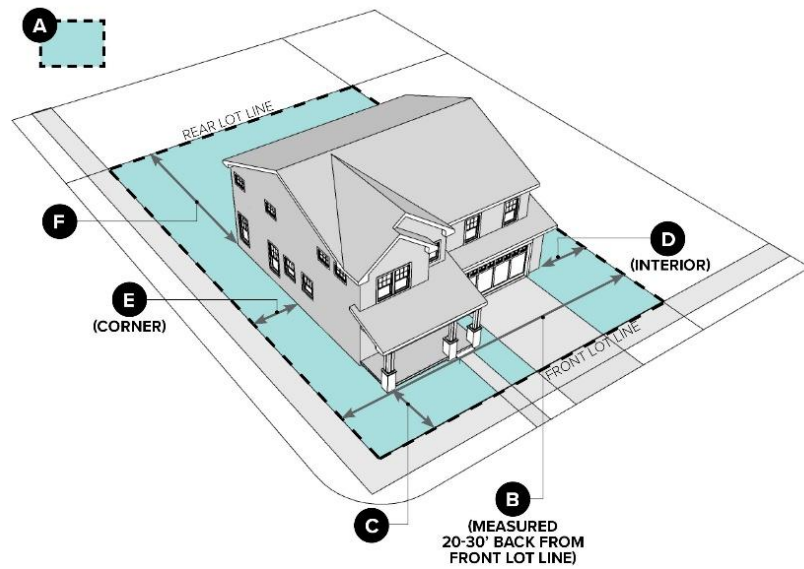


Table 18.36-2 Spatial Requirements for the Single-Household Residential (R-1) Zones								
Zone	Min. Lot or Parcel area (A)	Min. Lot or Parcel width (B)	Min. Front Setback (C)	Residential Use Min. Side Setbacks on interior Lots or Parcels (D)	Residential Use Min. Side Setbacks on corner (E)	Civic/ Institutional and Non-Residential Use Min. Side Setback	Min. Rear Setback (F)	Max. Lot or Parcel Coverage
R-1-3	3,000 sq ft	25'	20'	5' (unless attached to a dwelling on an abutting lot or parcel)	20'	20'	15'	40%
R-1-4	4,000 sq ft	25'	20'	5' (unless attached to a dwelling on an abutting lot or parcel)	20'	20'	15'	40%
R-1-5	5,000 sq ft	25'	20'	5' (unless attached to a dwelling on an abutting lot or parcel)	20'	20'	15'	35%
R-1-6	6,000 sq ft	60'	25'	8'	20'	20'	15'	35%
R-1-8	8,000 sq ft	65'	25'	8'	20'	20'	15'	33%
R-1-10	10,000 sq ft	80'	30'	10'	20'	20'	15'	31%
R-1-15	15,000 sq ft	80'	30'	10'	20'	20'	15'	25%
R-1-21	21,000 sq ft	100'	30'	10'	20'	20'	15'	25%

18.36.050 Building Height and Building Envelopes

- A. Minimum height. All dwelling structures shall be a minimum of one story in height.
- B. Maximum Height. Maximum building height is set forth in Table 18.36-3 Building Height and Building Envelope for R-1 Zones.
- C. Building Envelope. The height of structures may be further limited by the building envelope. The building envelope is formed by a box defined by the perimeter of the property line extended vertically perpendicular to the property line to a height and subsequent angle as set forth in Table 18.36-3 and as illustrated in Figures 18.36.3, 18.36.4, 18.36.5, and 18.36.6. The entire building shall fit under this envelope except as described in the projections section below.
- D. Lots or parcels located in the R-1-8 zone determined by staff to be a Lot or Parcel of Record and are nonconforming due to minimum lot or parcel width and minimum lot or parcel area

can qualify to use the 60 degree (60°) Building Envelope Angle and 12-foot Building Envelope Wall Height.

Table 18.36-3 Building Height and Building Envelope for R-1 Zones					
	<i>R-1-3 R-1-4 R-1-5</i>	<i>R-1-6</i>	<i>R-1-8</i>	<i>R-1-10 R-1-15</i>	<i>R-1-21</i>
Building Height Maximum	30'	30'	30'	32'	32'
Building Envelope Wall Height and Angle	30'	12'	8'	8'	8'
Building Envelope Angle	0°	60°	45°	45°	45°

Figure 18.36.3 R-1-3, R-1-4, and R-1-5 Building Envelope

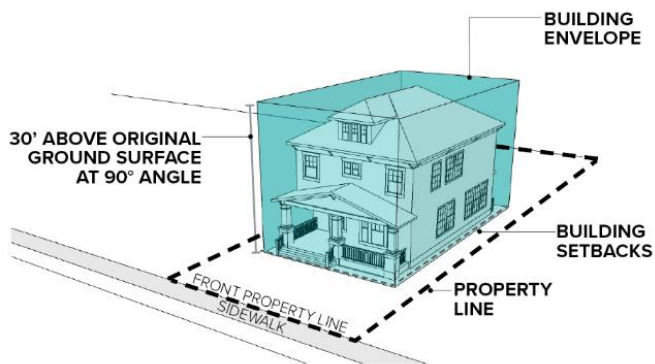


Figure 18.36.4 R-1-6 Building Envelope

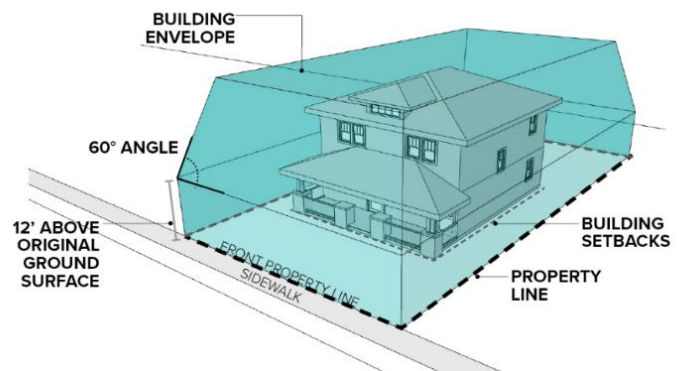


Figure 18.36.5 R-1-8, R-1-10, R-1-15, and R-1-21 Building Envelope

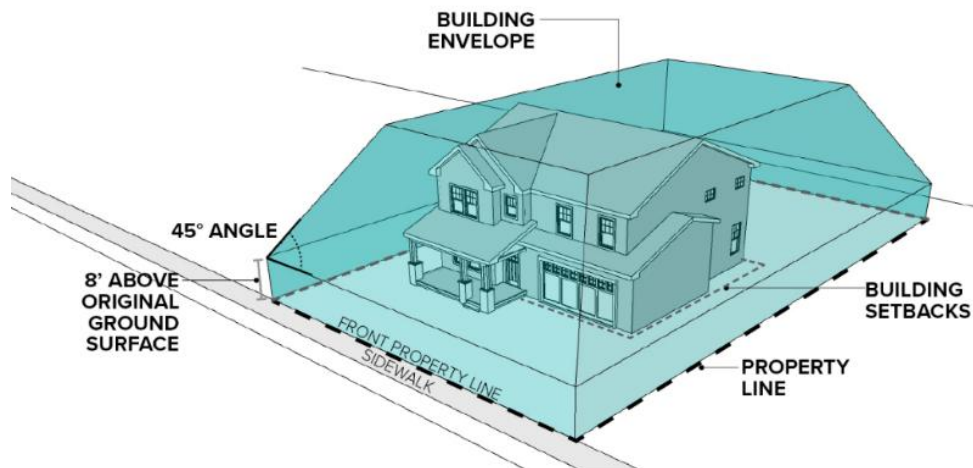
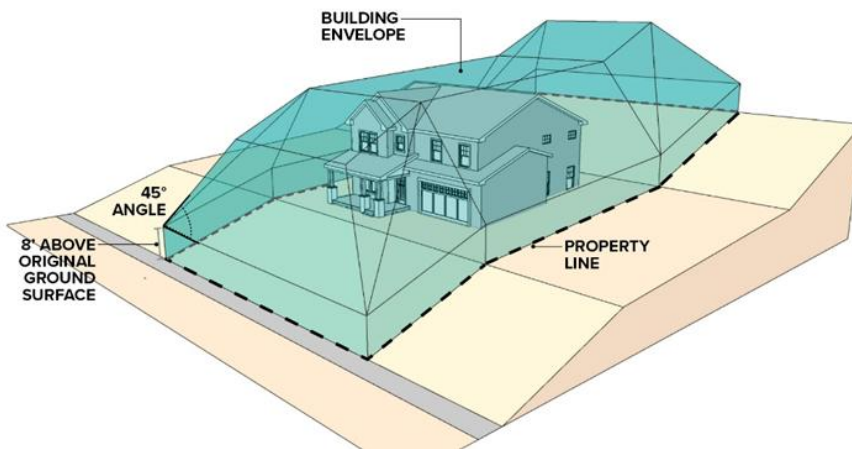


Figure 18.36.6 Sloped Building Envelope Example

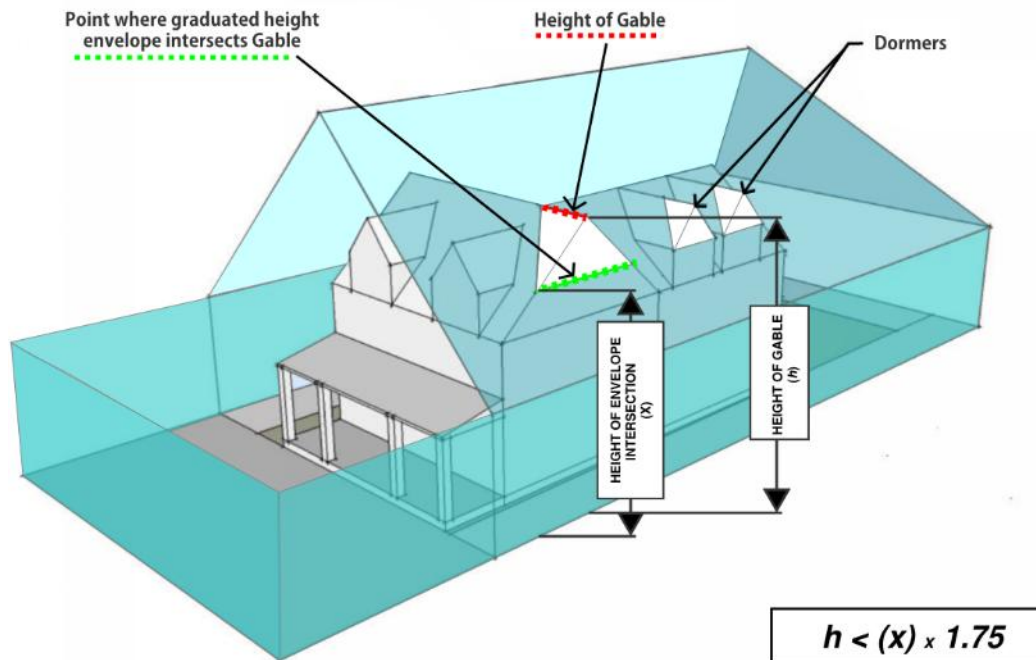


18.36.060 Projections

Dormers, Gables, and non-habitable architectural elements may project beyond the building height envelope if they meet the following criteria, as illustrated in Figure 18.36.7:

- A. Dormers
 - 1. The width of the dormer shall not exceed 14 feet;
 - 2. Multiple dormers shall be spaced such that the distance to the edges of the roof is at least one-half the distance between dormers; and
 - 3. The dormer shall be no higher than the ridge of the roof.
- B. Gables
 - 1. The height of the gable is less than 1.75 times higher than the point where the graduated building height envelope intersects the gable;
 - 2. The height of the gable is less than the maximum building height; and

Figure 18.36.7 Dormer and Gable illustration with height envelope exception



18.36.070 Setback Encroachments

The following may be erected on, or encroach into the required yard setbacks:

- A. Fences and walls in conformance with this code.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks, patios, porches, driveways, sidewalks, stairs, landings, not exceeding two feet (2') above grade.
- E. Covered porches and balconies may project up to 10 feet into the front yard or street side yard setback if they meet the following criteria:
 - 1. Porches and balconies shall remain unenclosed or "open style" (no walls, doors, windows, screens, etc.) except for the minimum required handrail.
 - 2. Porches and balconies shall not encroach into any easements or clear vision site areas.
 - 3. Porches, balconies, stairs, landings, eaves which project into the setbacks, shall not be located nearer than 15 feet from a street property line, or project outside of the building height envelope.
 - 4. Exception. Covered porches and balconies located in the R-1-3, R-1-4, and R-1-5 Zones may protrude into the front setback no more than five (5') feet.
- F. Other architectural elements which are not used as habitable space.
- G. Cornices, eaves, sills, planter boxes, stairways, landings, awnings, window wells, or similar architectural features attached to the building and not enclosed by walls, extending not more

than two feet (2') into a side yard or four feet (4') into the front or rear yard. In no case shall a side yard setback be less than six feet (6').

- H. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building, no greater than eight feet (8') wide, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard. In no case shall a side yard setback be less than six feet (6').

18.36.080 Articulation

To avoid a large, continuous building mass of uniform height; no portion of any building shall continue more than forty feet horizontally without a minimum of an eighteen-inch break in the roofline or introduction of a contrasting architectural element such as an overhang, projection, or inset of a minimum depth of two feet (2') from the primary façade plane, to create shadow patterns along the elevation of the building.

18.36.090 Neighborhood Compatibility Modification (NCM)

The Neighborhood Compatibility Modification (NCM) allows for modified standards from one or more of the spatial standards based upon the compatibility of the proposed residential development application with other properties/dwellings in the proximate neighborhood. The Planning Director may approve an NCM request at time of site plan submittal provided the following conditions are met:

- A. Evidence. Compliance with the corresponding neighborhood conditions must be established by a survey from the proximate neighborhood, defined as a 200-foot radial distance from the property boundary. Survey submitted must be completed by a surveyor licensed to practice in the State of Utah.
- B. Submittal. NCM requests shall be submitted on a separate form and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
- C. Permissible Modifications. Building height, setbacks and lot or parcel coverage modifications may be accommodated if the request does not exceed the allowances as set forth in Table 18.36-4 NCM Standards.
- D. Non-Permissible Modifications. Building envelope, mass and scale, and accessory structure modifications do not qualify under the NCM.

Table 18.36-4 NCM Standards						
<i>Zone</i>	<i>(H)</i>	<i>Lot or Parcel Coverage</i>	<i>Front Setback</i>	<i>Side Setback</i>	<i>Rear Setback</i>	<i>Max Height</i>
R-1-3	33'	40% (1)	The average of all lots or	Combined side yard	The average rear yard	The maximum building height that may be approved by the Planning Director or designee
R-1-4	33'	40% (1)				

Table 18.36-4 NCM Standards						
Zone	(H)	Lot or Parcel Coverage	Front Setback	Side Setback	Rear Setback	Max Height
R-1-5	33'	40% (1)	parcels within the proximate neighborhood that fronts to the same street, road, or right-of way.	shall be at least twenty-five percent (25%) of the lot or parcel width, and no less than five feet (5') on each side.	setback that are on six lots or parcels of the applicant's choice within the proximate neighborhood, and no less than 15'	under the NCM standards is the lesser of: 3. Three feet plus the average maximum ridge height of residential structures that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and 4. The maximum height of the zone specified in column (H) of Table 18.36-4 NCM Standards.
R-1-6	33'	40% (1)				
R-1-8	33'	38% (1)				
R-1-10	35'	36% (1)				
R-1-15	37'	30% (1)				
R-1-21	37'	30% (1)				

E. Table Notes.

1. Lot or parcel coverage for all lots or parcels may not exceed more than 1.15 times the average coverage of proximate neighborhood lots or parcels.

18.37 Two-Household Residential (R-2) Zones

18.37.010 Purpose

The purpose of the Medium Density Residential R-2 Zones is to establish medium density housing opportunities within Millcreek which are consistent with the City's general plan for medium density residential areas within the City. It is the intent to balance neighborhood compatibility with the private property interests of those who wish to expand, develop, improve, or otherwise make exterior modification to their residential property.

18.37.020 Applicability

This chapter applies to the following residential zones: R-2-6.5, R-2-8, and R-2-10 zones. Development in the Two-Household Residential Zones may be subject to the requirements set forth in **MKZ 18.61, Sensitive Lands**.

18.37.030 Permitted Uses and Conditional Uses

Uses in the Medium Density Residential (R-2) Zones are allowed, either as permitted or conditional, and may include certain limitations as set forth in Table 18.37-1 Permitted and Conditional Uses in Medium Density Residential Zone. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in **MKZ 18.15.030 (J)**, to determine whether a proposed land use aligns with an existing land use listed in Table 18-38.1.

Table 18.37-1 Permitted and Conditional Uses in Two-Household Residential (R-2) Zones		
Land use	R-2 (All Zones)	Limitations/References
<i>P = Permitted Use, C = Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Dwelling, Single Household - Detached	P	
Dwelling, Two Household	P	
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – up to 6 children	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – 7 to 12 children	C	Subject to MKZ 18.76, Special Business Land Use Regulations

Table 18.37-1 Permitted and Conditional Uses in Two-Household Residential (R-2) Zones		
Land use	R-2 (All Zones)	Limitations/References
<i>P = Permitted Use, C = Conditional Use Review Required</i>		
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitation as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability
Short-Term Rental	P	Provided a valid Millcreek Business License has been issued and is in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short Term Rentals.
<i>Non-Residential Uses</i>		
Noncommercial Agriculture	P	
<i>Civic and Institutional Uses</i>		
Public Use	P	
Quasi-Public Use	P	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory uses, Buildings and Structures	P	Limitation as set forth in MKZ 18.59, Accessory Structures
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

18.37.040 Spatial Requirements

- A. Setback Measurements. The minimum property size, width, setbacks, requirements, and maximum property coverage are as set forth in Table 18.37-2 Spatial Requirements for the Medium Density Residential (R-2) Zones, and as illustrated in Figures 18.37.1 and 18.37.2.
- B. Civic and Institutional. Civic and Institutional Uses require a minimum 20-foot rear and side yard setback when abutting and sharing a property line with a residential use.
- C. Side Yard Setbacks between attached units. The side yard setback between units within the same building and shared a common wall, may be reduced to zero feet.
- D. Rear Setback on Sloped lots or Parcels. If the average slope of the original ground surface, as measured from the rear property line to the front property line, is more than 20 percent, then the rear setback shall be increased one additional foot for every one degree of slope that exceeds 20 percent, up to a maximum of 25 feet.

- E. Side Yard Setbacks on Lots or Parcels Fifty Percent Larger Than Minimum Lot or Parcel Width. Lots or parcels with a width 50 percent or larger than the required minimum lot width shall measure side yard setbacks as set forth in the following:
1. The combined measurements of the side yard setbacks shall be at least 25 percent of the lot or parcel width.
 2. No side setback shall be less than the required minimum side yard setback.
 3. The width of the lot or parcel is measured as the diameter of the largest circle that can be inscribed entirely within the lot or parcel excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle, as illustrated in Figure 18.37.1.
- F. A lot or parcel containing an existing legally-established two-household dwelling may be subdivided, subject to the standards as set forth in MKZ 18.26, Division of Legally-Established Two-Household Dwellings.

Figure 18.37.1 Combined Side yard Setback Spatial Requirements Diagram

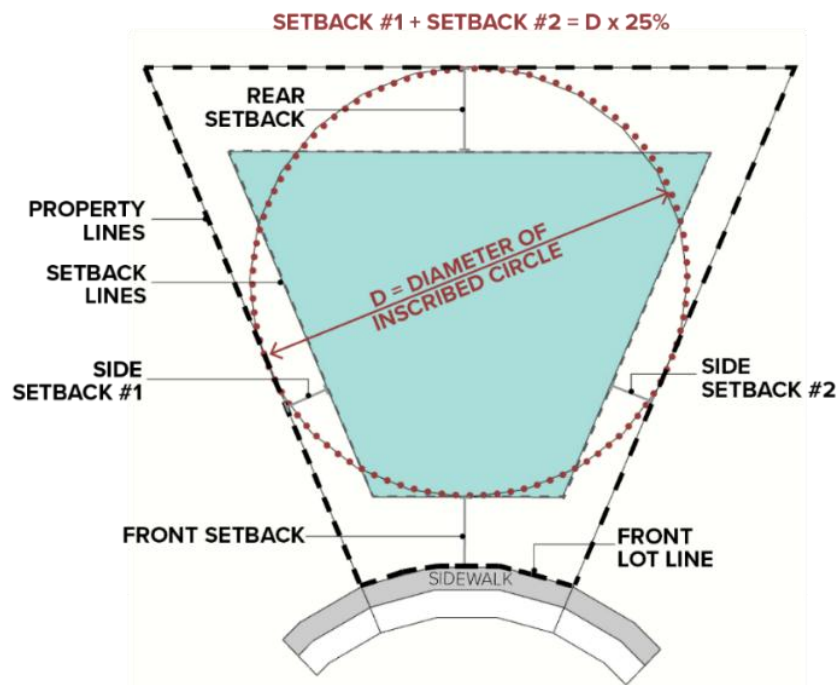


Figure 18.37.2 Spatial Requirements Diagram (letter labels related to Table 18.37-2)

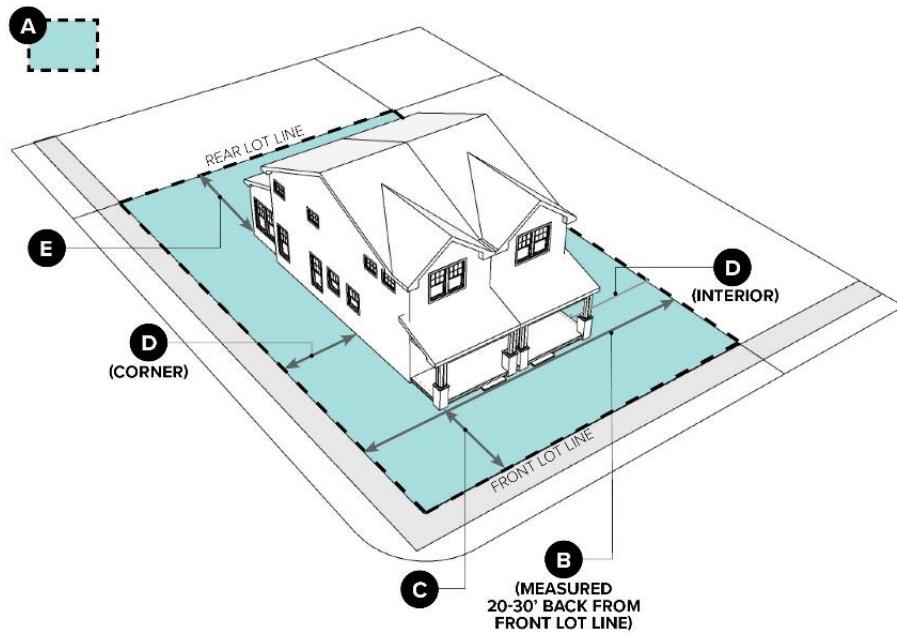


Table 18.37-2 Spatial Requirements for the Medium Density Residential (R-2) Zones								
Zone	Minimum Lot or Parcel Area (A)	Minimum Lot or Parcel width (B)	Minimum Front Setback (C)	Residential Use Min. Side Setbacks on interior lots or parcels (D)	Residential Use Minimum Side Setbacks on corner (E)	Civic / Institutional and Non-Residential Use Minimum Side Setback	Minimum Rear Setback (F)	Maximum lot or parcel Coverage
R-2-6.5	6,500 sq ft (8,000 sq ft for non-residential)	60'	25'	8'	20'	20'	15'	40%
R-2-8	8,000 sq ft	65'	30'	8'	20'	20'	15'	38%

Table 18.37-2 Spatial Requirements for the Medium Density Residential (R-2) Zones								
Zone	Minimum Lot or Parcel Area (A)	Minimum Lot or Parcel width (B)	Minimum Front Setback (C)	Residential Use Min. Side Setbacks on interior lots or parcels (D)	Residential Use Minimum Side Setbacks on corner (E)	Civic / Institutional and Non-Residential Use Minimum Side Setback	Minimum Rear Setback (F)	Maximum lot or parcel Coverage
R-2-10	10,000 square feet	65'	30'	8'	20'	20'	15'	35%

18.37.050 Building Height and Envelopes

- Minimum height. All dwellings shall be a minimum of one-story in height measured from original ground surface.
- Maximum Height. Maximum building height is as set forth in Table 18.37-3 Building Height and Building Envelope for R-2 Zones.
- Building Envelope. The height of structures may be further limited by the building envelope. The building envelope is formed by a box defined by the perimeter of the property line extended vertically perpendicular to the property line to a height and subsequent angle as set forth in Table 18.37-3 and as illustrated in Figures 18.37.3, 18.37.4, and 18.37.5. The entire building shall fit under this envelope except as described in the projections section below.

Figure 18.37.3 Building Envelope (R-2-6.5)

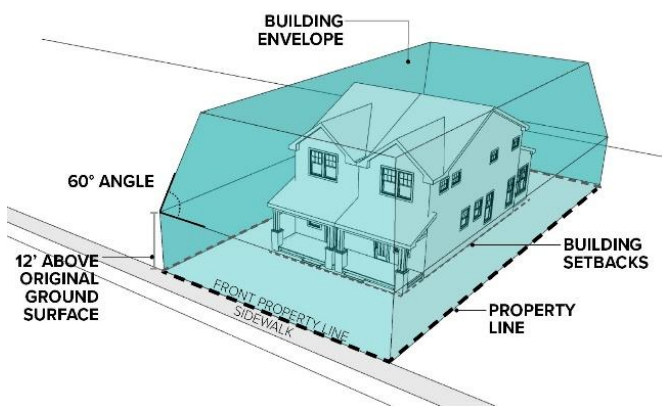


Figure 18.37.4 Building Envelope (R-2-8 and R-2-10)

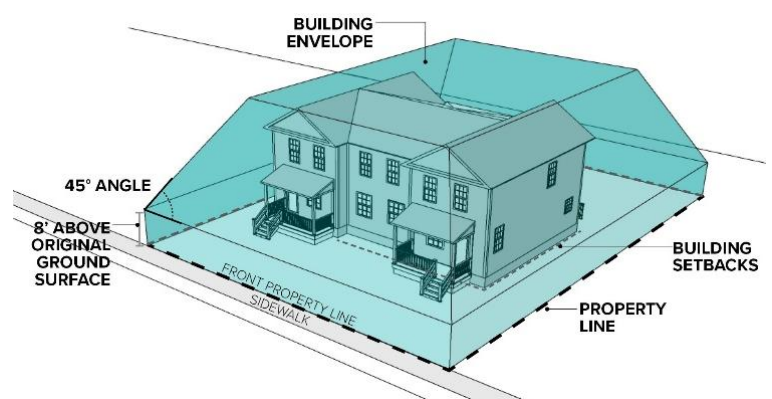


Figure 18.37.5 Sloped Building Envelope Example

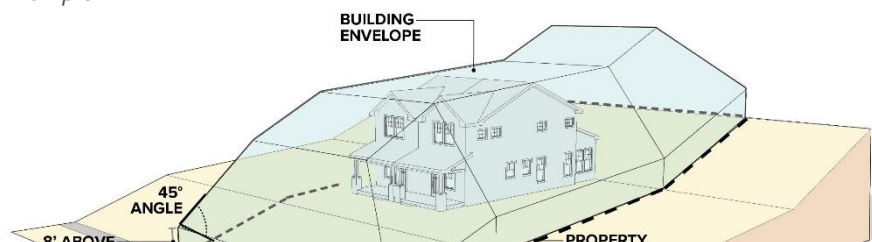
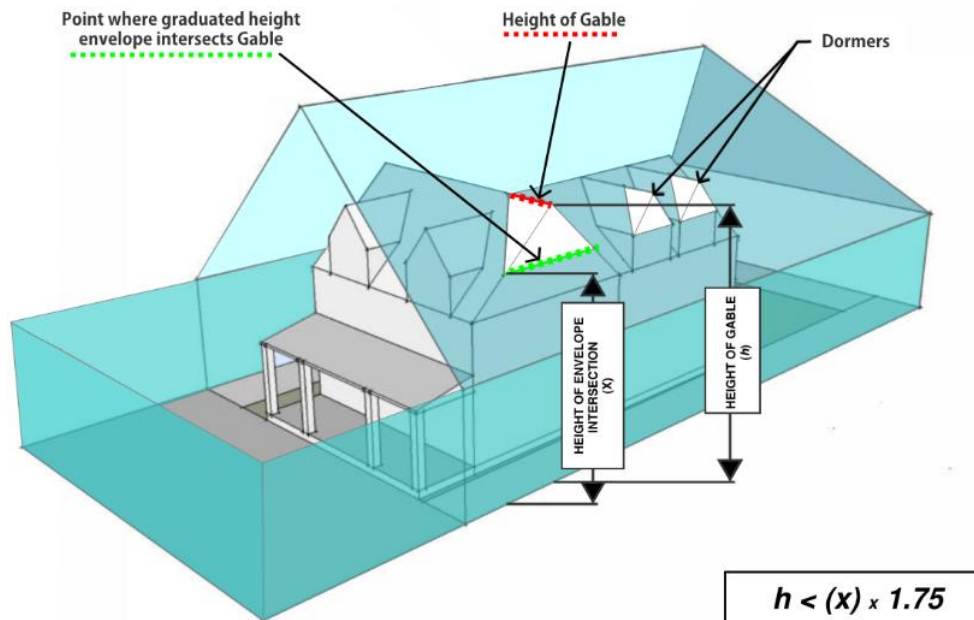


Table 18.37-3 Building Height and Building Envelope for R-2 Zones			
	<i>R-2-6.5</i>	<i>R-2-8</i>	<i>R-2-10</i>
Building Height Maximum	30'	30'	30'
Building Envelope Wall Height	12'	8'	8'
Building Envelope Angle	60°	45°	45°

18.37.060 Projections

- A. Building Height Envelope Projections. Dormers, gables, and non-habitable architectural elements may project beyond the building height envelope if they meet the following criteria, as illustrated in Figure 18.37.6:
1. Dormers:
 - a. The width of the dormer shall not exceed 14 feet.
 - b. Multiple dormers shall be spaced such that the distance to the edges of the roof is at least one-half the distance between dormers; and
 - c. The dormer shall be no higher than the ridge of the roof.
 2. Gables:
 - a. The height of the gable is less than 1.75 times higher than the point where the graduated building height envelope intersects the gable.
 - b. The height of the gable is less than the maximum building height; and
 - c. The length of the gable comprises no more than 25 percent of the length of the building façade.

Figure 18.37.6 Dormer and Gable illustration with height envelope exception



18.37.070 Setback Encroachments

The following may be erected on, or project into the required yard setbacks:

- A. Fences and walls in conformance with this code and all other applicable rules and regulations.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks, patios, porches, driveways, sidewalks, stairs, landings, not exceeding two feet (2') above grade.
- E. Covered porches and balconies may project up to 10 feet into the front yard or street side yard setback if they meet the following criteria:
 - 1. Porches or balconies shall remain unenclosed or "open style" without walls, doors, windows, or screens, except for the minimum required handrail.
 - 2. Porches and balconies shall not encroach into any easements or clear visibility at residential driveways and at street intersections.
 - 3. Porches, balconies, stairs, landings, eaves which project into the setbacks, shall not be located nearer than 15 feet from a street property line, or project outside of the building height envelope.
- F. Other architectural elements which are not used as habitable space.
 - 1. Cornices, eaves, sills, planter boxes, stairways, landings, awnings, window wells, or similar architectural features attached to the building and not enclosed by walls, extending not more than two feet (2') into a side yard or four feet (4') into the front or rear yard. In no case shall a side yard setback be less than six feet (6').

2. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building, no greater than eight feet (8') wide, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard. In no case shall a side yard setback be less than six feet (6').

18.37.080 Articulation

To avoid a large, continuous building mass of uniform height; no portion of any building shall continue more than forty feet horizontally without a minimum of an eighteen-inch break in the roofline or introduction of a contrasting architectural element such as an overhang, projection, or inset of a minimum depth of two feet (2') from the primary façade plane, to create shadow patterns along the elevation of the building. See figure 18.37.6 for dormer and gable illustrations.

18.37.090 Neighborhood Compatibility Modification (NCM)

The Neighborhood Compatibility Modification (NCM) allows for modified standards from one or more of the spatial standards based upon the compatibility of the proposed residential development application with other lots/dwellings in the proximate neighborhood. The Planning Director may approve an NCM request at time of site plan submittal provided the following conditions are met:

- A. Evidence. Compliance with the corresponding neighborhood conditions must be established by a survey of the proximate neighborhood. Survey submitted must be completed by a surveyor licensed to practice in the State of Utah.
- B. Submittal. NCM requests shall be submitted on a separate land use application and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
- C. Permissible Modifications. Building height, setbacks and lot or parcel coverage modifications may be accommodated if the request does not exceed the allowances as set forth in Table 18.37-4 NCM Standards.
- D. Non-Permissible Modifications. Building envelope, mass and scale, and accessory structure modifications do not qualify under the NCM.

Table 18.37-4 NCM Standards						
<i>Zone</i>	<i>(H)</i>	<i>Lot or Parcel Coverage</i>	<i>Front Setback</i>	<i>Side Setback</i>	<i>Rear Setback</i>	<i>Max Height</i>
R-2-6.5	33'	45% (1)	The average of all lots or parcels within the proximate	Combine d side yards	The average rear yard	The maximum building height that may be approved by the Planning Director or designee under the NCM standards is the

Table 18.37-4 NCM Standards						
Zone	(H)	Lot or Parcel Coverage	Front Setback	Side Setback	Rear Setback	Max Height
R-2-8	33'	43% (1)	neighborhood that fronts to the same street, road, or right-of way.	shall be at least twenty-five percent (25%) of the lot or parcel width, and no less than six feet (6') on each side.	setbacks that are on six lots or parcel of the applicant's choice within the proximate neighborhood, and no less than 15'	lesser of: 1. Three feet plus the average maximum ridge height of residential structures that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and 2. The max height of the zone specified in column (H) of Table 18.37-4 NCM Standards.
R-2-10	35'	40% (1)				

E. Table Notes.

1. Lot or parcel coverage for all lots or parcels may not exceed more than 1.15 times the average coverage of proximate neighborhood lots or parcels.

18.38 Medium Density Residential Zone (R-4)

18.38.010 Purpose

The purpose of the Medium Density Residential R-4 Zones is to establish medium density housing opportunities within Millcreek which are consistent with the City's general plan for medium density residential areas within the City. It is the intent to balance neighborhood compatibility with the private property interests of those who wish to expand, develop, improve, or otherwise make exterior modification to their residential property.

18.38.020 Applicability

This chapter applies to development in the Medium Density Residential (R-4) Zone. Development in the Medium Density Residential Zone may be subject to the requirements set forth in **MKZ 18.61, Sensitive Lands**.

18.38.030 Permitted Uses and Conditional Uses

Uses in the Medium Density Residential (R-4) Zones are allowed, either as permitted or conditional, and may include certain limitations as set forth in Table 18.38-1 Permitted and Conditional Uses in Medium Density Residential Zone. If a use is not explicitly designated in the

table, then the use is prohibited. Use prohibitions or use limitations listed in Table 18.38-1 apply in addition to the general provision that uses not explicitly designated in the table are prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.38-1.

Table 18.38-1 Permitted and Conditional Uses in Medium Density Residential (R-4) Zones		
Land use	R-4	Limitations/References
<i>P = Permitted Use, C = Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Dwelling, Single-Household - Detached	P	
Dwelling, Two household	P	
Dwelling, Three or Four-Household	P	
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – Up to 6 children	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – 7 to 12 children	C	Subject to MKZ 18.76, Special Business Land Use Regulations
Mobile Home and Tiny Home Park	C	Subject to the requirements as set forth in MKZ 18.40.030 through MKZ 18.40.080
Mobile Home and Tiny Home	P	Only allowed as part of a Mobile Home or Tiny Home Park
Nursing Home or Assisted Living	C	
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability
Short-term rental	P	Provided a valid Millcreek Business License has been issued and is in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short Term Rentals.
<i>Non-Residential Uses</i>		

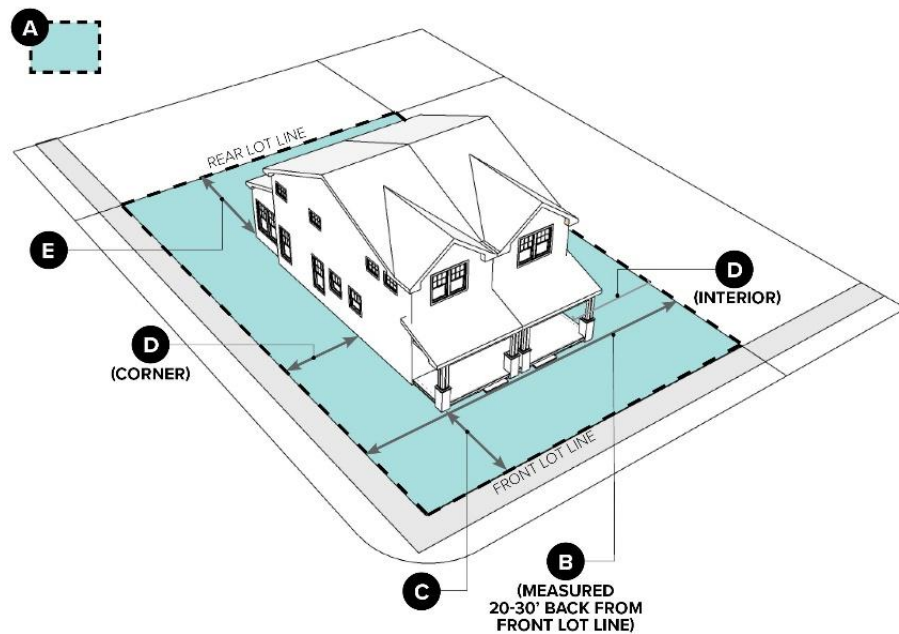
Table 18.38-1 Permitted and Conditional Uses in Medium Density Residential (R-4) Zones		
Land use	R-4	Limitations/References
<i>P = Permitted Use, C = Conditional Use Review Required</i>		
Noncommercial Agriculture	P	
Commercial Daycare or Preschool	C	Subject to MKZ 18.76, Special Business Land Use Regulations
Medical or Dental Clinic	C	
Greenhouse or Plant Nursery	P	Excludes retail sales
<i>Civic and Institutional Uses</i>		
Public Use	P	
Quasi-Public Use	P	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory uses, Buildings and Structures	P	Limitation as set forth in MKZ 18.59, Accessory Structures
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

18.38.040 Spatial Requirements

- A. Setback Measurements. The minimum property size, width, setbacks, and maximum property coverage requirements are as determined by Table 18.38-2 Spatial Requirements for the Medium Density Residential (R-4) Zone and illustrated in Figure 18.38.1.
- B. Side and Rear Setbacks for Civic and Institutional Uses. Civic and Institutional Uses require a minimum twenty-foot (20') rear and side yard setback when abutting and sharing a property line with a residential use.
- C. Side Yard Setbacks between attached units. The side yard setback between units within the same building and shared a common wall, may be reduced to zero feet.
- D. A lot or parcel containing an existing legally-established two-household dwelling may be subdivided, subject to the standards as set forth in MKZ 18.26, Division of Legally-Established Two-Household Dwellings.

Table 18.38-2 Spatial Regulations for the Medium Density Residential (R-4) Zone					
	<i>Single-Household Dwellings</i>	<i>Two - Household Dwellings</i>	<i>Three-Household Dwellings</i>	<i>Four-Household Dwellings</i>	<i>Civic/Institutional and Non-Residential Uses</i>
Minimum Lot Area (A)	6,000 sf per dwelling	6,500 sf per dwelling	7,500 sq ft per unit, except affordable units and individually owned units require 6,500 sq ft per unit	8,500 sq ft per unit, except affordable units and individually owned units require 6,500 sq ft per unit	20,000 sf
Minimum Lot or Parcel Width (B)	60'	60'	60'	60'	60'
Minimum Front Yard Setback (C)	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum Interior Side Yard Setback (D)	8 feet	8 feet	8 feet	8 feet	20 feet
Minimum Corner Side Yard Setback (E)	20 feet	20 feet	20 feet	20 feet	20 feet
Minimum Rear Yard Setback (F)	20 feet	20 feet	20 feet	20 feet	20 feet
Maximum Lot or Parcel Coverage	40 percent	40 percent	40 percent	40 percent	40 percent

Figure 18.38.1 Spatial Requirements Diagram (letter labels related to Table 18.38-2)



18.38.050 Building Height and Envelopes

- A. Minimum Height. All dwellings shall be a minimum of one-story in height measured from original ground surface.
- B. Maximum Height. Maximum building height is set forth in Table 18.38-3 Building Height and Building Envelope for the R-4 Zone.
- C. Building Envelope. The height of structures may be further limited by the building envelope. The building envelope is formed by a box defined by the perimeter of the property line extended vertically perpendicular to the property line to a height and subsequent angle as set forth in Table 18.38-3. The entire building shall fit under this envelope except as described in the projections section below, and as illustrated in Figure 18.38.2.

Figure 18.38.2 Building Envelope

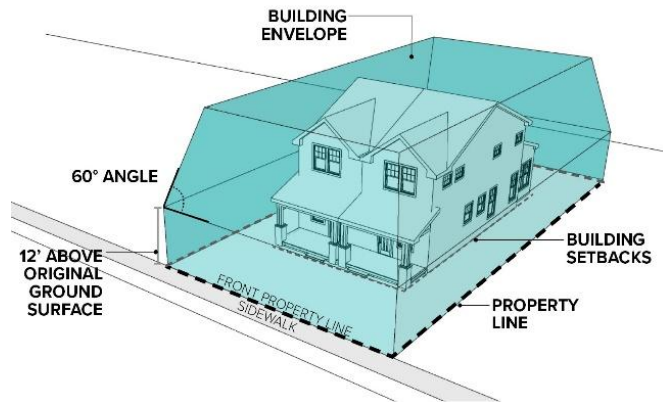


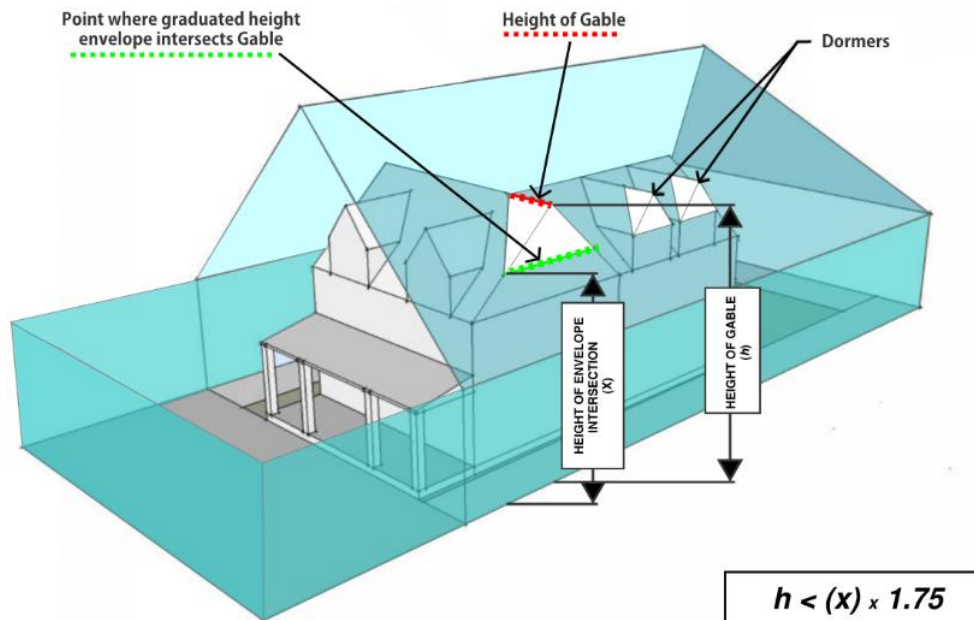
Table 18.38-3 Building Height and Building Envelope for R-4 Zones	
	<i>R-4</i>
Building Height Maximum	30'
Building Envelope Wall Height	12'
Building Envelope Angle	60°

18.38.060 Projections

Building Height Envelope Projections. Dormers, gables, and non-habitable architectural elements may project beyond the building height envelope if they meet the following criteria, as illustrated in Figure 18.38.3:

- A. Dormers:
 - 1. The width of the dormer shall not exceed 14 feet;
 - 2. Multiple dormers shall be spaced such that the distance to the edges of the roof is at least one-half the distance between dormers; and
 - 3. The dormer shall be no higher than the ridge of the roof.
- B. Gables:
 - 1. The height of the gable is less than 1.75 times higher than the point where the graduated building height envelope intersects the gable;
 - 2. The height of the gable is less than the maximum building height; and
 - 3. The length of the gable comprises no more than 25 percent of the length of the building façade.

Figure 18.38.3 Dormer and Gable illustration with height envelope exception



18.38.070 Setback Encroachments

The following may be erected on, or project into the required yard setbacks:

- A. Fences and walls in conformance with this code and all other applicable rules and regulations.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks, patios, porches, driveways, sidewalks, stairs, landings, not exceeding two feet (2') above grade.
- E. Covered porches and balconies may project up to 10 feet into the front yard or street side yard setback if they meet the following criteria:
 - 1. Porches or balconies shall remain unenclosed or "open style" without walls, doors, windows, or screens, except for the minimum required handrail.
 - 2. Porches and balconies shall not encroach into any easements or clear visibility at residential driveways and at street intersections.
 - 3. Porches, balconies, stairs, landings, eaves which project into the setbacks, shall not be located nearer than fifteen feet (15') from a street property line, or project outside of the building height envelope.
- F. Other architectural elements which are not used as habitable space.
 - 1. Cornices, eaves, sills, planter boxes, stairways, landings, awnings, window wells, or similar architectural features attached to the building and not enclosed by

walls, extending not more than two feet (2') into a side yard or four feet (4') into the front or rear yard. In no case shall a side yard setback be less than six feet (6').

2. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building, no greater than eight feet (8') wide, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard. In no case shall a side yard setback be less than six feet (6').

18.38.080 Articulation

To avoid a large, continuous building mass of uniform height; no portion of any building shall continue more than forty feet horizontally without a minimum of an eighteen-inch break in the roofline or introduction of a contrasting architectural element such as an overhang, projection, or inset of a minimum depth of two feet (2') from the primary façade plane, to create shadow patterns along the elevation of the building.

18.39 Residential Mixed Zone (RM)

18.39.010 Purpose

The purpose of the Residential Mixed (RM) Zone is primarily a residential zone intended to be a transitional zone between low density residential neighborhoods and commercial uses. It primarily accommodates medium to high density residential development/complexes including single-household dwellings, duplexes, three and four household dwellings, multiple household dwellings, and mixed use where a limited list of non-residential uses are allowed. Mixed use developments are required for properties near certain intersections as set forth in this chapter.

18.39.020 Applicability

This chapter applies to development in the Residential Mixed Zone. Development in the Residential Mixed Zone may also be subject to the requirements set forth in **MKZ 18.61, Sensitive Lands**.

18.39.030 Permitted Uses and Conditional Uses

Uses in the Residential Mixed (RM) Zone is as set forth in Table 18.39-1, Permitted and Conditional Uses in the Residential Mixed (RM) Zone. If a use is not explicitly designated in the table, then the use is prohibited. Certain use prohibitions or use limitations are listed in Table 18.39-1. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated in the table are prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in **MKZ 18.15.030 (J)**, to determine whether a proposed land use aligns with an existing land use listed in Table 18.39-1.

Table 18.39-1 Permitted and Conditional Uses in the Residential Mixed (RM) Zone		
Land Use	RM	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Dwelling, Single-Household	P	
Dwelling, Two-Household	P	
Dwellings, Three- or Four-Household	P	
Dwellings, Multiple-Household up to 32' building height and up to 25 units	P	Mixed use shall be required for developments located within 500' of specified intersections. See additional standards below.
Dwellings, Multiple-Household over 32' building height or more than 25 units	C	Mixed use shall be required for developments located within 500' of specified intersections. At least three units shall have primary façade and primary entrance facing the street in developments with more than six units
Affordable Housing	P	Subject to MKZ 18.78, Affordable Housing Incentives
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – up to 6 children	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – 7 to 12 children	C	Subject to MKZ 18.76, Special Business Land Use Regulations
Live/Work Unit	P	Only permitted in association with requirements for mixed use developments as set forth in MKZ 18.43.090.
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability
Nursing Home or Assisted Living	C	
Short-Term Rental	P	Provided a valid Millcreek Business License has been issued and is in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short Term Rentals.

Table 18.39-1 Permitted and Conditional Uses in the Residential Mixed (RM) Zone		
Land Use	RM	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Commercial Uses</i>		
Depository Financial Institution	C	Allowed only within mixed use. Drive-up Windows are prohibited.
Mixed Use	C	
Commercial Daycare or Preschool	C	Allowed within mixed use
Gym / Fitness Studio	C	Allowed within mixed use.
Medical or Dental Clinic	C	Allowed within mixed use.
Office	C	Allowed within mixed use.
Personal Service	C	Allowed within mixed use.
Eating or Drinking Establishments, Dine-In	C	Allowed within mixed use. Drive-up Windows are prohibited.
Neighborhood Retail or General Retail	C	Allowed only within mixed use.
<i>Civic and Institutional Uses</i>		
Public Use	C	
Quasi-Public Use	C	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory Uses, Buildings and Structures	P	As set forth in MKZ 18.59, Accessory Structures
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

18.39.040 Spatial Requirements

- A. The minimum setbacks, maximum height and lot size requirements are as set forth in Table 18.39-2 Spatial Regulations for the Residential Mixed (RM) Zone and are illustrated in Figures 18.39-1 and 18.39-2.

- B. Setbacks. Where fifty (50) percent or more of the abutting lot frontage is occupied by a building façade, the front yard setback shall not be less than the average of existing buildings located within three hundred (300) feet on the same side of the street, as measured in both directions from the center point of the frontage to be developed, but a front setback shall never be less than fifteen (15) feet.
- C. A lot or parcel containing an existing legally-established two-household dwelling may be subdivided, subject to the standards as set forth in MKZ 18.26, Division of Legally-Established Two-Household Dwellings.

Figure 18.39.1 Spatial Regulations Diagram

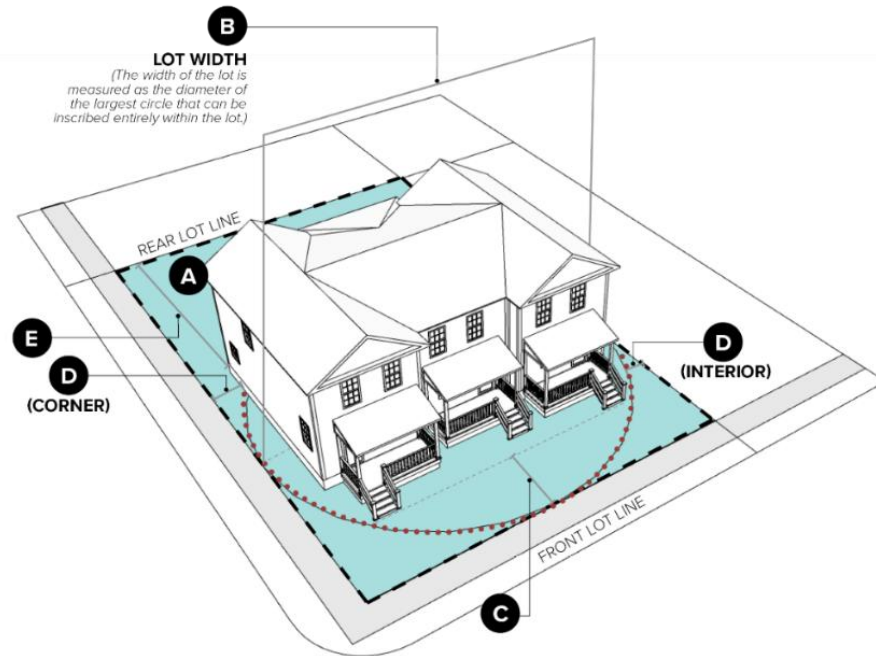


Table 18.39-2 Spatial Regulations for the Residential Mixed (RM) Zone				
	Single-Household Dwellings (1)	Two, Three, and Four-Household Dwellings	Multiple-household Dwellings– Five or more dwellings in a building	Other Permitted Principal Uses
<i>Principal Buildings</i>				
Minimum Lot or Parcel Area (A)	6,000 sf per dwelling	3,000 sf per dwelling	2,000 sq ft per unit, except affordable units and individually owned units require 1,500 sq ft per unit	20,000 sf

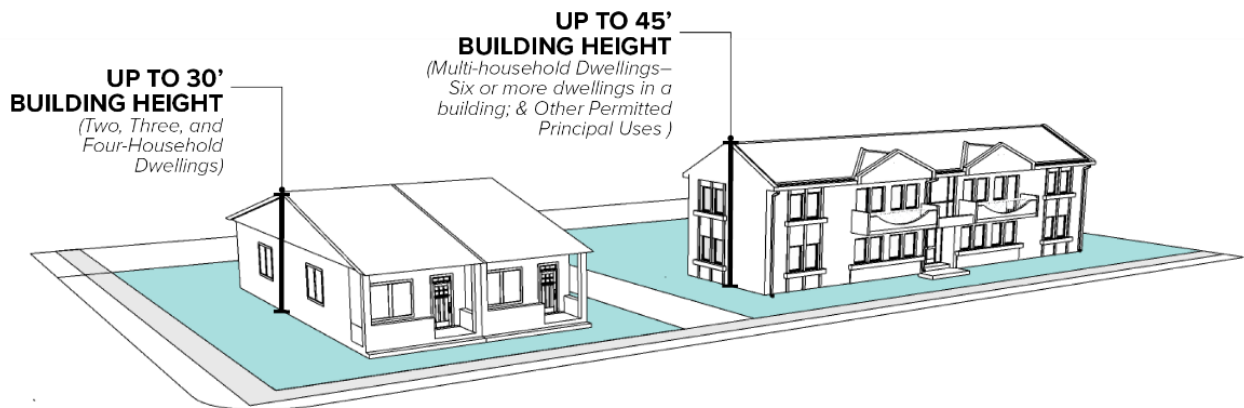
Table 18.39-2 Spatial Regulations for the Residential Mixed (RM) Zone

	<i>Single-Household Dwellings (1)</i>	<i>Two, Three, and Four-Household Dwellings</i>	<i>Multiple-household Dwellings– Five or more dwellings in a building</i>	<i>Other Permitted Principal Uses</i>
Minimum Lot or Parcel Width (B)	60 feet	None	None	None
Maximum Building Height	30 feet	32 feet	45 feet ²	45 feet ²
Maximum Lot or Parcel Coverage	35%	40%	50%	50%
Maximum Building Length	None	None	150 feet	150 feet
Minimum Front Yard Setback (C)	20 feet	20 feet	20 feet	20 feet
Minimum Interior Side Yard Setback (D)	8 feet	10 feet	10 feet	10 feet
Minimum Interior Side Yard Setback, where abutting R-1, R-2, R-4, or AG Zones (D)	8 feet	10 feet	25 feet	25 feet
Minimum Corner Side Yard Setback (D)	20 feet	20 feet	20 feet	20 feet
Minimum Rear Yard Setback (E)	10 feet	10 feet	20 feet	20 feet
Minimum Distance Between Residential Buildings	5 feet	5 feet	10 feet	10 feet

D. Table 18.39-2 Notes:

1. Additional Requirements for Single-Household Dwellings. Single-Household dwellings are subject to the building envelope requirements for the R-1-6 zone as set forth in MKZ 18.36.040 and MKZ18.36.050.
2. Height Transition Requirements. Buildings or structures within 100 feet of a Residential Zone Boundary shall not exceed 30 feet, excluding Height Projection Allowances identified in MKZ 18.72.040.

Figure 18.39.2 Maximum Building Height Diagram



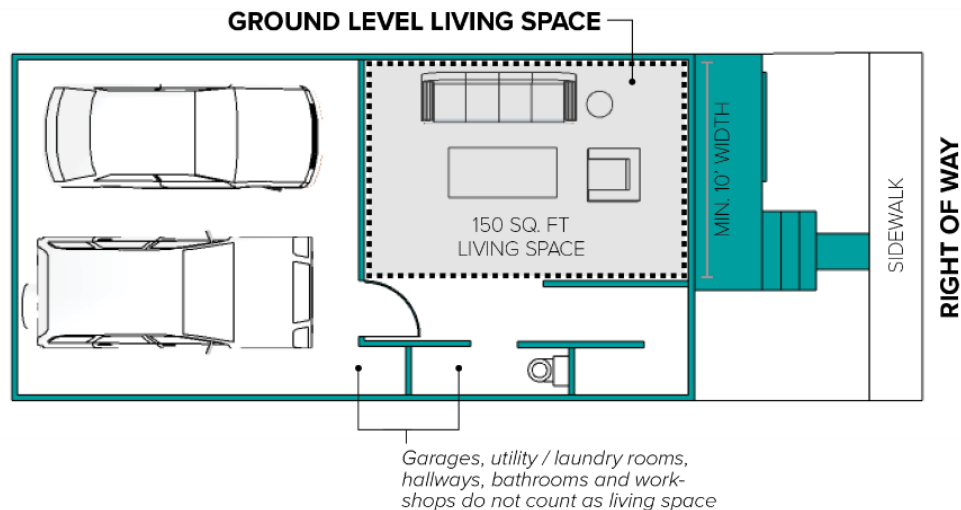
18.39.050 Site Design Standards

Developments with more than two dwelling units within the RM Zone must meet the following site layout requirements:

- A. Street Frontage. Development along any right-of-way must face the street and buildings must be oriented parallel to the right-of-way as much as practical.
- B. Building Entrances and ground level living space.
 1. Functional residential entrances are required on any street-facing façade.
 2. First story entrances shall be oriented to common areas using the following hierarchy:
 - a. Street
 - b. Courtyard or common open space
 - c. Auto courts / alley
 3. First story entrances shall include a porch of at least 100 square feet and a fence, wall or hedge no taller than four feet (4'). Such areas are included in the open space requirement.
 4. Dwelling units shall have a minimum ground level living space of at least 150 square feet with a minimum width of 10 feet, as illustrated in Figure 18.39.3.

Garages, utility / laundry rooms, hallways, bathrooms, and workshops do not count as living space for this purpose.

Figure 18.39.3 Ground Level Living Space Diagram



- C. Multiple Building Types. When a development consists of multiple building types, each building in the development must comply with maximum building height and building length requirements for the building type, as well as the following requirements:
1. Maximum lot coverage: Maximum lot coverage shall not exceed 50 percent.
 2. Interior Side Yard Setbacks: Minimum interior side yard setbacks shall follow the requirements for multiple-household dwellings with five or more units in a building.
 3. Setbacks between buildings: Where two building types abut each other in a development, the setbacks between the buildings shall follow the requirements for multiple-household dwellings with five or more dwellings in a building.
 4. Minimum Lot area Per Unit: The minimum lot area for a development with multiple building types shall be the sum of the lot area required for each building type times the number of units of that building type. In no case shall the total area required be less than 2,000 square feet per unit, regardless of building type.
- D. Interior Streets and Driveways. The design of public and private streets within a development shall follow Millcreek standards for road widths as established by the Millcreek Transportation Master Plan and the development standards identified in **MKZ Title 14**.
1. The City shall be granted a utility easement for the entire interior street system in a development project.

2. Where garages or carports face each other, a minimum of 25 square feet of landscaping shall be required at the sides of each driveway, or between each dwelling unit.
- E. Sidewalks. As required elements of a development, interior sidewalks shall be at least five (5) feet wide installed to serve the development, including connecting ground story pedestrian entrances to internal aisleways and streets, connecting parking to buildings on the site, and connecting the development to the public street. Sidewalks shall comply with the Standard Plans for Public Works Construction.
- F. Parking and Vehicular Access. Parking for developments in the RM zone shall follow the requirements of MKZ 18.63, Parking and Mobility Standards. Additionally, developments shall comply with the following requirements:
- Parking required for each residential dwelling unit must be in a structure, a podium, a private garage, or a carport. Carports shall be either located to the back of the building or screened as set forth in MKZ 18.64, Landscape Standards.
1. Parking Location. For residential and mixed use developments with eight (8) or more dwelling units, parking is not allowed between any building façade and the property line along a right-of-way. Such parking shall not encroach on the side or front setbacks. Parking may not encroach into a side or rear yard setback, abutting a property that is in an R-1, R-2, R-4, or AG zone.
 2. Private Garage Requirements. If a private garage is utilized, it must meet the following standards:
 - a. Two parking space garages require a minimum unobstructed size of 22 feet wide by 20 feet in length, or 20 feet wide by 22 feet in length.
 - b. Single parking space garages require a minimum unobstructed size of 10 feet wide by 22 feet in length, or 11 feet wide by 20 feet in length.
 - c. All private garages must have a minimum unobstructed height of seven (7) feet for the entire required length and width of the private garage, except for interior staircases.
 - d. Garage doors shall use complementary colors and include windows.
 - e. Private garage doors and private garages shall not be the only means of access to a dwelling.
 3. Vehicular Access to Private Garages.
 - a. Vehicle access serving a private garage shall be at least 26 feet in width.
 - b. Where such drives serve units with opposing garages, where garages face each other, a minimum of 25 square feet of landscaping shall be required at the edges of each driveway, between each dwelling unit.

- c. Developments with 25 feet or more units and lot or parcel widths of one 150 feet shall provide a driveway for each garage with a minimum width of 12 feet and minimum unobstructed depth of 20 feet.
 4. Tandem Spaces in Podiums and Structures. Tandem spaces in conjunction with garages may be allowed only for residential uses with a minimum size requirement of 20 feet in length and 10 feet in width per parking space, up to a maximum of two (2) contiguous spaces per dwelling unit.
 5. Vehicular Entry Gates Prohibited. Vehicular entry gates are prohibited as part of any multiple-household development unless the gate services a structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.
 6. Parking is prohibited within required fire access and turnaround facilities.
 7. Tandem parking or parking in a private garage or driveway shall not be included in any required guest parking calculation.
 8. Additional standards for Three-Household and Four-Household Buildings:
 - a. Private or Shared Driveways. No more than two (2) units may share a driveway.
 - b. No driveway or combined driveway with the abutting unit shall exceed 24 feet in width unless such driveways are separated by a minimum five feet (5') wide irrigated planter that includes at least one (1) shrub and one (1) medium size tree.
 - c. Driveways located on a street with a right-of-way greater than or equal to 66 feet shall prohibit backing out onto the public street.
- G. Open Space. Common and private open space shall be provided for residential uses in the amount of at least 30 percent of the gross site area of the building or development in the RM zone.
 1. For purposes of this section, gross site area means the total area of the development excluding anything in the public right-of-way.
 2. The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curbs, gutters, sidewalks in a right-of-way, driveways, or alleys and shall be accessible by all residents of the development.
 3. The area of a building erected in the RM zone for the principal purpose of providing an amenity or required interior common amenity spaces may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas.

4. Private outdoor open space serving individual dwelling units shall be counted toward the total open space requirement.
 5. Common open space also includes formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area.
 6. Open space amenities and gathering places shall reflect the market that the development is attempting to attract.
- H. Fencing. Fencing for developments in the R-M zone shall follow the requirements of MKZ 18.66, Fences and Retaining Walls. In addition, perimeter fencing shall be installed by the developer between incompatible uses and/or incompatible zones, as set forth in MKZ 18.64, Landscape Standards.
- I. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage to minimize detrimental effects of the collection, storage, and removal on any residence within the development and abutting neighborhoods.
1. Collection of garbage and recycling for four-household dwellings and multiple-household dwellings must occur on the property, and not on a public right-of-way.
 2. Dumpster enclosure structure shall not be located nearer than 10 feet to any perimeter property line and shall not be located in between the primary structure(s) and the right-of-way.
 3. Dumpster and recycling enclosure structures must have a minimum of four sides, including an opaque gate on one side, that emulate the materials, design, and quality of the overall development. All developments shall provide recycling services. Enclosures and gates must be a minimum of six feet (6') in height and must completely screen the contents within from view.
- J. Mechanical Equipment and Utilities.
1. All mechanical equipment such as HVAC systems shall be screened from view from the ground-level vantage point along an abutting street or private vehicular access as set forth in Buffer C of MKZ 18.64, Landscape Standards.
 2. Utility equipment shall be screened from view as set forth in Buffer C of MKZ 18.64, Landscape Standards.
- K. Privacy. Each residential or mixed use building in the RM zone shall provide adequate visual and acoustical privacy for dwelling units.
1. Fences, walks, barriers, landscaping, and sound reducing construction techniques with a maximum transmission of 55 decibels in the walls and ceilings shall be used to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

2. Where balconies or patios are provided for residential buildings, balconies or patios shall have a 50% opaque fence or screen that is at least three feet tall.
- L. Rooftop Gardens and Rooftop Patios. For any development abutting a Residential Zone Boundary, rooftop gardens or rooftop patios are prohibited within 100 feet of a Residential Zone Boundary, unless the rooftop garden, patio or amenity space is not located above the highest occupied story of a building in the RM zone or is obstructed from view from the zone boundary by at least twenty (20) feet of occupied floor space, as illustrated in Figure 18.39.4.

Figure 18.39.4 Rooftop Patio Diagram

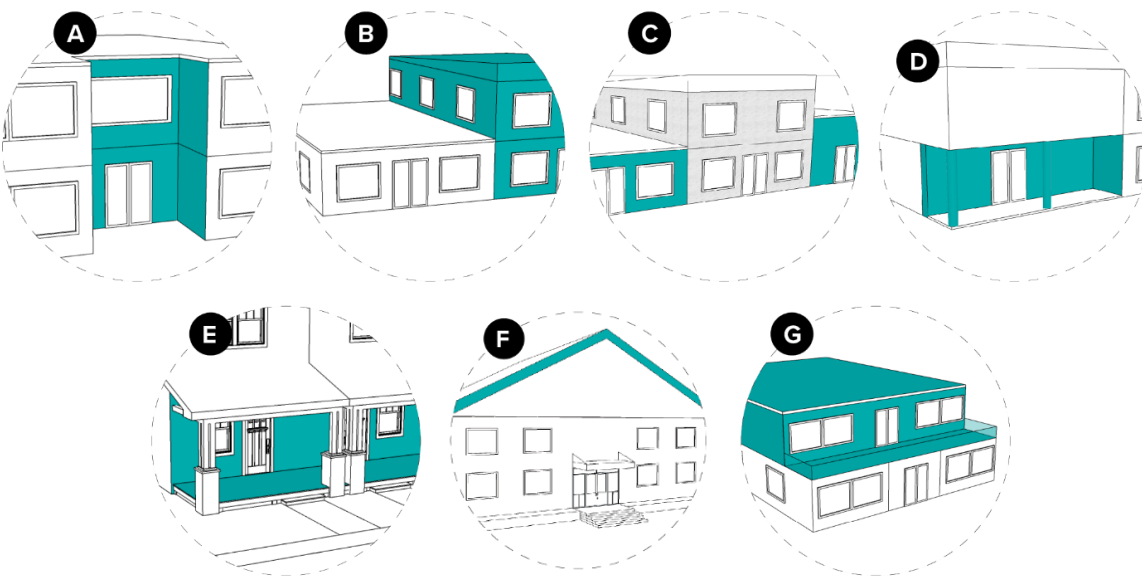


- M. Outdoor Lighting. Outdoor lighting shall comply with the standards set forth in MKZ 18.68, Outdoor Lighting, and the following additional standards:
 1. Interior Street and Parking Lot Lighting. Street and pedestrian lighting for streets on the interior of the development is required. The fixture height shall not exceed 25 feet, and no poles shall be located within 10 feet of any property line.
 2. Yard Lights. An energy efficient LED street-oriented yard light shall be required per street facing façade where public street lighting is inadequate per the following:
 - a. Maximum height of eight feet (8').
 - b. Minimum lighting capacity of 0.2-foot candles and/or 500 lumens.
 - c. Yard lights shall be located within five (5) feet of the public right-of-way.

18.39.060 Building Materials and Massing Design Standards

- A. Building Massing and Façade Articulation. Buildings with brick or stone comprising 80 percent of all facades, excluding windows and doors, shall be designed to have at least two of the following massing or façade design elements, as illustrated in Figure 18.39.5. All other buildings in the RM zone shall be designed to have at least four of the following massing or façade design elements.
1. Visual breaks along the street-facing façade such as horizontal articulation in the plane of the façade by at least two feet (2') (A).
 2. Changes in height at the top of the building by at least 10 feet for every 30 feet of façade length (B).
 3. Changes in materials, color, texture, or pattern for greater than 50 percent of the building façade (C).
 4. Indentations or recesses at least five feet (5') in depth along the street facing facades at 50-foot intervals (D).
 5. Usable terraces of at least 10 feet in depth along the street facing facades, unless required as a stepback. Usable terraces must provide either private or common leisure space (E).
 6. Pitched roofs. The primary structure is covered by a pitched roof with a minimum pitch of 3/12. Parapets are not considered to meet this requirement (F).
 7. Step backs of at least 10 feet where not otherwise required on facades facing streets with a 66-foot right-of-way or greater (G).

Figure 18.39.5 Building Massing and Façade Articulation Diagram



- B. Building Massing and Façade Variation for Developments Containing Multiple Buildings.
1. No more than two abutting buildings or buildings within 300 feet of the development shall exhibit the same or substantially the same architectural design for street facing façades.
 2. All buildings in the development shall provide variation in all façades, including but not limited to the use of materials and relief, to avoid monotonous design. For purposes of this section relief means: foundation jogs over two feet, bay or box windows, cantilevered living areas, recessed garages, pitched roofs versus flat, building length reduced by at least 20%, rooftop terraces where none exist at other locations, functional street facing balconies where none exist at other locations, and/or usable front porches of at least six feet in depth that extend across 40 percent or more of the front façade.
 3. At least three units for every 150 feet have the primary entry along the primary street facing facade.
 4. Developments with five (5) or more residential dwelling units must meet one of the following additional standards if structures are greater than 30 feet in height:
 - a. A 10-foot stepback is utilized between the first or second stories and third story on the façade of any building over 30 feet in height. The step back must be present on any façade that faces any street, property frontage, and Residential Zone Boundary.
 - b. The building over 30 feet in height incorporates brick or stone on at least 80 percent of all facades, excluding windows and doors. Brick or stone facades supersede the varying materials requirements for upper stories.

18.39.070 Windows.

Windows or doors shall comprise at least 25 percent of each story of any street-facing façade. Buildings on streets with a right-of-way width of 80 feet or greater the street facing façade windows shall be increased to 30 percent.

18.39.080 Building Materials

- A. Except for single-household dwellings and two household dwellings, exterior materials of a durable, resilient nature shall be used such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics, as depicted in [Figure 18.39.6](#). Identification of materials is required as part of a complete application submittal. If the City staff question the proposed materials based on the specified materials in this ordinance, a materials board may be required providing samples of the proposed materials. Materials must meet the following requirements:

Figure 18.39.6 Building Materials Diagram



1. Except for brick or stone, no single material is allowed to exceed 50 percent on any street-facing facade, excluding windows.
 2. Other materials may be considered for soffits, gables, or as an accent or architectural feature.
 3. Twenty-five-year guarantee, architectural shingles and/or other longer-lasting roof materials are required.
 4. Stucco, EIFS, architecturally finished concrete, or metal siding shall comprise no more than twenty percent (20%) of any façade visible from a street or from an abutting property that is located in an R-1, R-2, R-4, or AG zone.
 5. A change of materials is required between the ground story and upper stories.
- B. Renewable Energy Incentive. Projects with solar power arrays, windmills/turbines, or functional geothermal systems, suitable to generate 50 percent or more of the development's electrical demand shall be permitted an additional five feet (5') in height and not required to be screened from view. Solar carport rooftops are encouraged. Wind power generators shall have a setback from any property line equal to their height and not exceed a sound level of 60 dB as measured from a point on the ground at least 30 feet from the wind power generator.

18.39.090 Required Features

- A. Storage. Each residential dwelling unit for developments with three or more dwelling units shall be required to contain interior storage equal to 100 cubic feet.
- B. Washer and Dryer Connections. All multiple-household residential developments shall include either washer and dryer connections for each dwelling unit or an on-site laundry.
- C. Balconies or Patios. All residential units shall have a private outdoor space as set forth in the following standards:
1. Developments with up to four dwelling units: Each residential unit shall have a private balcony and/or patio with a minimum of 60 square feet with a minimum five-foot (5') depth.
 2. Developments with five or more dwelling units: Each residential unit shall have a private outdoor balcony and/or patio. Balconies must be a minimum of 60 square feet. Patios must be a minimum of 100 square feet with a minimum five (5) foot depth.

- D. Management. Twenty-four-hour on-site management is required for all residential developments consisting of more than 50 dwelling units.

18.39.100 Design Standards for Non-Residential Buildings

Design standards for non- residential buildings in the RM zone shall follow the Site Layout Standards as set forth in MKZ 18.44.060, the Building Massing Standards as set forth in MKZ 18.44.070, the Building Materials Standards as set forth in MKZ 18.44.080, and the applicable design and use standards as set forth in MKZ 18.44.090.

18.39.110 Design Standards for Mixed Use Buildings

Design standards for mixed use buildings in the RM zone containing residential uses shall follow the design requirements found in MKZ 18.444.090 (H).

18.39.120 Recreational Amenities

- A. For residential developments with eight (8) or more dwelling units, recreational amenities are required per Table 18.39-3 Required Number of Recreational Amenities.

Table 18.39-3 Required Number of Recreational Amenities	
Total Number of Bedrooms	Total Number of Recreational Amenities
8-50	1
51-150	2
151-225	3
226-300	4
301-400	5
401-500	6
501+	7 plus 1 additional amenity for each 100 bedrooms above 600.

- B. Recreational Amenities may include the following, subject to the following criteria:
1. Sport Courts:
 - a. Large sport courts such as basketball, tennis, volleyball or similar shall be regulation size and each court may count as one (1) amenity up to a limit of three (3).
 - b. Small sport courts such as pickleball, handball shuffleboard, horseshoes or similar may count as one (1) amenity for every three (3) courts up to six (6) courts totaling two (2) amenities.

2. Swimming Pools, Hot Tubs, Saunas:
 - a. One thousand (1,000) square feet of pool surface area plus a cooling deck with a minimum width of 10 feet in all areas may count as one (1) recreational amenity.
 - b. Twenty-five hundred (2,500) square feet of pool surface area plus a cooling deck with a minimum width of 20 feet in all areas may count as two (2) recreational amenities.
 - c. Five thousand (5,000) square feet of pool surface area plus a cooling deck with a minimum width of 20 feet in all areas may count as three (3) recreational amenities.
 - d. A hot tub or sauna area with a minimum eight (8) person capacity may count as one (1) recreational amenity.
3. Picnic Area. A picnic area may be considered as one (1) recreational amenity, up to a limit of two (2), should it meet all the following criteria:
 - a. The seating area is covered by a pavilion, gazebo, pergola, or similar shelter covering a minimum of 500 square feet;
 - b. Tables with seating and /or benches for a minimum of 15 persons;
 - c. At least one fixed cooking grill is provided; and
 - d. A least one trash receptacle is provided.
4. Dog Park. A dog park may be considered as a recreational amenity if it meets all the following criteria:
 - a. The dog park enclosure is 3,000 square feet minimum;
 - b. The enclosure is fenced by a minimum five foot (5') tall fence meeting the requirements of MKZ 18.66, Fences and Retaining Walls;
 - c. No point of the enclosure may be less than 30 feet in width;
 - d. The enclosure shall include a minimum of one (1) dog waste station which shall include a bag dispenser and waste receptacle to be installed along the perimeter of the enclosure for every 3,000 square feet of the associated dog park; and
 - e. One 25-square-foot animal washing bay with associated plumbing shall be provided in conjunction with the dog park.
5. Community /Amenity Centers may be considered as a recreational amenity should it meet all the following criteria:
 - a. Gym, fitness center and/or weight room may count as one (1) recreational amenity if it is a minimum of 750 square feet and appropriately equipped for fitness activities.
 - b. A game room that is a minimum of 750 square feet and includes at least three (3) dedicated game spaces for activities such as table

- tennis, billiards, air hockey, or similar may count as one (1) recreational amenity.
 - c. A business center, workshare space, teleconferencing spaces that total a minimum of 500 square feet may count as one (1) recreational amenity. A maximum of one business center may be utilized as an amenity.
 - d. A lounge, movie theatre, or party or similar gathering room that is a minimum of 750 square feet may count as one (1) recreational amenity.
6. Lawn or gathering area for non-organized sports may be considered one (1) recreational amenity as set forth in the following criteria:
- a. The lawn or gathering area is a minimum of 5,000 square feet and at least 60 feet wide in all areas.
 - b. Landscaping must be installed in a manner that preserves the openness of the area for such activities.
 - c. The lawn or gathering area is not located within drainage storage areas.
 - d. No more than one (1) recreational amenity may be awarded for a lawn or gathering area on a given project.
7. Trails may be considered as recreational amenities as set forth in the following criteria:
- a. Trails 1,000 feet to 2,500 feet in length may count as one (1) recreational amenity.
 - b. Trails over 2,500 feet in length may count as two (2) recreational amenities.
 - c. No more than two (2) amenities may be awarded for trails on a given project.
 - d. Six-foot minimum width shall be maintained for the entirety of the trail.
 - e. The trail shall feature demarcated lanes for non-motorized use such as bicycling, walking, skating, or jogging.
 - f. The trail may or may not be paved but shall be constructed of a dust-free surface.
8. Playgrounds may be considered as recreational amenities as set forth in the following criteria:
- a. Active recreational area that is a minimum of 2,500 square feet may count as one (1) recreational amenity.

- b. No more than two (2) recreational amenities may be awarded for playgrounds on a given project.
 - c. Playgrounds shall feature a variety of facilities, including equipment for younger children.
 - d. When abutting any parking lot, street, or other hazardous place the playground must be fenced with an open-style fence, subject to the standards as set forth in MKZ 18.66, Fences and Retaining Walls.
- 9. Recreational Amenities not listed may be considered by the Planning Director at the time of site plan submittal. In order to approve of such alternate amenities, the applicant must demonstrate all of the following criteria is met by the proposed amenity:
 - a. The amenity serves a clear recreational function and serves as a clear enhancement to the quality of life for the residents of the development.
 - b. The proposed amenity is of similar or better standards to the amenities provided in this section.
 - c. The amenity is of a permanent nature.
 - d. The proposed amenity will not be of nuisance to residents or neighboring properties.

18.40 Mobile Home/Tiny Home (MH/TH) Zone

18.40.010 Purpose

The purpose of the Mobile Home / Tiny Home (MH/TH) Zone is to provide appropriate areas for development of mobile home parks, mobile home subdivisions, and tiny home subdivisions to increase affordable housing options within the City. Development in the Mobile Home/Tiny Home Zone may be subject to the requirements set forth in MKZ 18.61, Sensitive Lands.

18.40.020 Applicability

This chapter applies to development and uses in the MH/TH Zone. Development in the MH/TH Zone may also be subject to the requirements set forth in MKZ 18.61, Sensitive Lands.

18.40.030 Permitted Uses and Conditional Uses

Uses in the Mobile Home / Tiny Home (MH/TH) Zone listed in Table 18.40-1 Permitted and Conditional Uses in the Mobile Home / Tiny Home (MH/TH) Zone. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.40-1.

Table 18.40-1 Permitted and Conditional Uses in the Mobile Home / Tiny Home Zone		
Land use	MH/TH	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Mobile Homes and Tiny Home	P	Only allowed as part of a mobile home park, mobile home subdivision, a Tiny Home Park, or a Tiny Home subdivision
Mobile Home and Tiny Home Park	C	
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – up to 6 children	P	Subject to MKZ 18.76, Special Business Land Use Regulations

Table 18.40-1 Permitted and Conditional Uses in the Mobile Home / Tiny Home Zone		
Land use	MH/TH	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
Home Daycare or Preschool – 7 to 12 children	C	Subject to MKZ 18.76, Special Business Land Use Regulations
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.
<i>Civic and Institutional Uses</i>		
Public Use	P	
Quasi-Public Use	P	
Schools, Public and Private	P	
Religious Assembly	P	
<i>Miscellaneous Uses</i>		
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

18.40.040 Spatial Requirements

The minimum setbacks, maximum height and lot size requirements are as determined by Table 18.40-2 Spatial Requirements for the Mobile Home / Tiny Home (MH/TH) Zone.

Table 18.40-2 Spatial Requirements for the Mobile Home / Tiny Home (MH/TH) Zone						
Zone	Min. Lot or pad area	Min. lot or parcel width	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height
Mobile Homes	20'by 80' min. pad	25' when fronting to public right-of way	A minimum of 7.5' from the property line or private street	7.5' minimum per side. Awnings, patio covers, and other projections shall not be closer than 3' from any side property lines. On corner lots, there shall be a minimum 7.5' of unobstructed yard space on the street side of the lot.	10'	Mobile Home / Tiny Home: One Story or 14'.
Tiny Homes	20'by 40' min. pad	None required when not fronting to public right-of-way.				Other main buildings (including but not limited to clubhouses and recreation building.): 25'

18.40.050 Accessory Buildings

- A. One accessory storage building, not exceeding one hundred twenty cubic feet, is allowed in one side yard and may be three feet from the property line.
- B. No accessory building shall contain more than one story or exceed twelve feet in height.

18.40.060 Coverage Restrictions

In the MH/TH zone, the front yard, or any space within three feet of the side and rear property lines, shall not be occupied, and shall be open and unobstructed to the sky. Lot coverage shall not exceed seventy-five percent of the lot. For the purposes of this chapter, "occupied" means covered by a mobile home, garage, carport, cabana, awning, storage building, or structure of any kind.

18.40.070 Open Space

Mobile home/ tiny home parks developments with more than five (5) pads shall incorporate common open space into the site layout as set forth in the following standards:

- A. Mobile homes are required 100 square feet per unit.
- B. Tiny homes are required to be 150 square feet per unit.
- C. No required common open space may be less than 20 feet in width.

18.40.080 Standards of Review

- A. A mobile home or a Tiny Home subdivision shall follow the review and approval process, as set forth in MKZ 18.24, Subdivisions. Mobile Home and Tiny Home Parks shall follow the conditional use process as set forth in MKZ 18.15.030 (A). Streets shall meet the standard outlined in MKC Title 14. Private right-of-way standards shall be subject to the review of the City Engineer and Fire Marshal and shall meet the requirements of MKC Title 14 and this Title. No mobile home space or tiny home space shall be occupied for less than 30 days, when a tenant or owner is present.
- B. Mobile homes shall be skirted or placed on a foundation.
- C. Tie downs as required by the International Building Code are required for tiny homes.

18.40.090 Maintenance; Owner's Association Responsibility

Maintenance of all areas and improvements owned in common by the lot owners, such as clubhouses, common landscaped areas, recreation facilities, playgrounds, roads, sewer and water utilities, and electrical systems, shall be the responsibility of an owner's association created with articles of association and bylaws conforming to State Law and approved by the City attorney.

18.40.100 Provision to move

The requirements of this title shall not be construed to prevent the storage of a mobile home or tiny home in the rear yard of a dwelling structure. A mobile home or tiny home so stored may be temporarily used for sleeping purposes by members or guests of the household residing in the dwelling structure, but the mobile home shall not be connected to utilities or used for residential purposes unless approved by the Planning Commission as a temporary use incidental to construction work. Except as provided herein and in MKZ 18.70, Single-Household and Two-Household Dwelling Standards, a mobile home or tiny home shall not be used for residential or sleeping purposes unless the mobile home is located in an approved mobile home park or an approved mobile home subdivision.

18.41 Mixed Development Zone (MD)

18.41.010 Purpose

The purpose of the Mixed Use (MD) development zone is to provide for the mixing of a variety of uses (limited commercial, office, residential and light industrial (within enclosed buildings) within a walkable, bikeable setting and to encourage such use mixes near transit stations in the Meadowbrook area, especially near the South Salt Lake and Murray transit stations. In addition to allowing a diverse mix of uses, the Meadowbrook area promotes increased density near transit stations with incentives to attract quality developments providing owner occupied and affordable housing.

18.41.020 Applicability

- A. Properties located in the Meadowbrook area as designated in the Future Land Use Map, or within an area identified in a Station Area Plan are eligible to be rezoned into the Mixed Development Zone.
- B. In the event there is language elsewhere in this Title that conflicts with language in this chapter, the more restrictive standard shall prevail.
- C. Development in the Mixed Development Zone may be subject to the requirements set forth in MKZ 18.61, Sensitive Lands.
- D. In any rezoning process for a mixed use or multiple-household development larger than a four-plex, a Development Agreement shall be required at the sole discretion of the City.

18.41.030 Permitted Uses and Conditional Uses

- A. Uses in the Mixed Development (MD) Zone are as determined by Table 18.41-1 Permitted and Conditional Uses in the Mixed Development (MD) Zone. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.41-1.

Table 18.41-1 Permitted and Conditional Uses in the MD Zone		
<i>P = Permitted Use C = Conditional Use Review Required</i>		
<i>Use</i>	<i>MD</i>	<i>Specific Use Standards</i>
Multiple Household Dwellings (3)	C	Non-residential use or residential use that is convertible (built to City commercial building code standards) is required for at least 50% of the ground story facing a public street. 24-hour on-site management required for projects with 50 or more residential units. Subject to the design standards within this Chapter.
Affordable Housing	P	Subject to the requirements and incentives for affordable housing as set forth in MKZ 18.78, Affordable Housing Incentives.
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Live /Work Unit (1)(2)	P	Only permitted as part of a mixed use development.
Residential Facilities for the Elderly or for Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.
Lodging	C	
Nursing Home or Assisted Living	C	
Public use	P	
Quasi-Public Use	C	
Schools, Public and Private	P	
Religious Assembly	P	
Medical or Dental Clinic	P	

Table 18.41-1 Permitted and Conditional Uses in the MD Zone		
<i>P = Permitted Use C = Conditional Use Review Required</i>		
<i>Use</i>	<i>MD</i>	<i>Specific Use Standards</i>
Neighborhood Retail	P	No commercial building over 20,000 square feet on the first story is allowed.
General Retail	C	No commercial building over 20,000 square feet on the first story is allowed.
Commercial Entertainment	C	No commercial building over 20,000 square feet on the first story is allowed.
Retail Food Trucks, Pop-Up Markets, and/or Farmer's Market	P	Subject to MKZ 18.58, Temporary Uses and Structures
Drive-Up Window	C	No order window or structure is allowed within 150' of residential use. Speakers to be oriented away from abutting uses. No order boxes or drive-up windows permitted in a front yard.
Neighborhood Service	P	
General Service	P	
Office	P	
Personal Service	P	Allowed as part of a mixed use development
Mixed Use (3)	C	Non-residential use or residential use that is in convertible space) is required for at least 50% of the ground story facing a public street.
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

B. Table 18.41-1 Notes:

1. Live-work units are prohibited within 300 feet of any major intersection.
2. Live-work units may only constitute up to 25 percent of any required ground story convertible space built to commercial building code standards.
3. Fifty percent (50%) of the ground story facing a public street must have a non-residential use or must be built to commercial standards ("convertible space"). In no case shall commercial standards (non-residential or convertible space) be required for more than 150 lineal feet of property. Property located within 300 feet from a major intersection must have a non-residential use or must be built as convertible space, except as provided below:
 - a. The frontage of any second story non-residential use built to commercial building code standards facing a public street may be calculated into the overall required 50 percent measurement given second story is directly above ground story commercial.
 - b. The 50 percent required ground story facing a public street for non-residential use or residential use that is convertible may be reduced on a case by case basis when commercial uses such as a restaurant or a grocery store are implemented and referenced in a Development Agreement as part of an application to rezone land into the MD Zone

18.41.040 Prohibited Uses, Limitations

- A. Certain use prohibitions or use limitations are listed in Table 18.41-2. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated as Permitted Uses or Conditional Uses in Table 18.41-2 are prohibited.

Table 18.41-2 Prohibited Uses and Limitations	
<i>Use</i>	<i>Specific Use Limitations</i>
Campgrounds	Prohibited for recreational vehicles
Commercial Entertainment	Prohibited as outdoor use. Must be located in a structure or building
Wireless Telecommunication Facilities	Must be a Stealth Facility, subject to the standards as set forth in MKZ 18.75, Wireless Telecommunications Facilities.
Detention Facility or Jail	Prohibited
Flea Markets or Swap Meets	Prohibited

Table 18.41-2 Prohibited Uses and Limitations	
Use	Specific Use Limitations
Indoor or Outdoor Gun or Archery Range	Prohibited
Outdoor Display	Prohibited if located more than five (5) feet in horizontal distance from the main building
Outside Storage	Prohibited if located within view of the street or in any front or side yard facing a street. In all other areas, outside storage must be screened by a minimum of 6' opaque fence.
Pawn Shop	Prohibited within 500' of an arterial/major intersection or within 1,000' of an established pawn shop or substantially similar business. (1)
Automobile, Equipment, or Recreational Vehicle Sales or Rental	Prohibited
Secondhand Store	Prohibited if greater than 5,000 square feet
Self-Storage Facility	Only allowed if such uses are located in a mixed use building with residential, general retail, or office uses on 100% of the first story facing a public street and if located further than 300' from an arterial/major intersection but not within 1,000' of an established substantially similar business. (1)
Sexually oriented businesses	Prohibited, subject to MKZ 18.76.030
Non-Depository Financial Institutions	Prohibited within 300' of any arterial/major intersection and not within 1,000' of other established non-depository financial institutions. (1)

B. Table 18.41-2 Notes:

1. Arterial/major intersections are defined as the major streets that cross with 3900 S, and Central Avenue, including West Temple, Main St., and State Street. Each distance is measured as a radius from the applicant's nearest property line to the intersection ROW line and/or to the property line of the nearest

substantially similar business. Any overlap of the radius onto the applicant's property excludes the entire property.

18.41.050 Accessory Uses

Accessory uses and structures shall be subordinate/incidental to the main use and structure. Except for food trucks and residential amenities that are implemented and referenced in a Development Agreement as part of an application to rezone land into the MD Zone, accessory uses and structures shall not be allowed in the front or side yards facing a street.

18.41.060 Spatial Requirements

- A. The minimum setbacks, maximum height and lot size requirements are as set forth in Table 18.41-3 Spatial Regulations for the Mixed Development (MD) Zone.

Table 18.41-3 Spatial Requirements for MD Zones	
Lot Requirements	
Minimum Lot or Parcel Area (1)	20,000 square feet
Minimum Lot or Parcel Width (2)	100 feet
Building Requirements	
Maximum Building Height (3)(4)	85 feet
Maximum Lot or Parcel Coverage (2)	80 percent
Minimum Building Height	2 story
Yard Requirements	
Minimum Front Yard Setback	10 feet
Minimum Rear Yard Setback	10 feet
Minimum Interior Side Yard Setback	10 feet
Minimum Corner Side Yard Setback	20 feet
Minimum Setback from Big Cottonwood Creek	50 feet, from top of bank from Big Cottonwood Creek.
Accessory Structures: Rear And Interior Side Yard Setback	10 feet
Accessory Structures: Rear And Interior Side Yard Setback When Abutting Residential Uses	20 feet

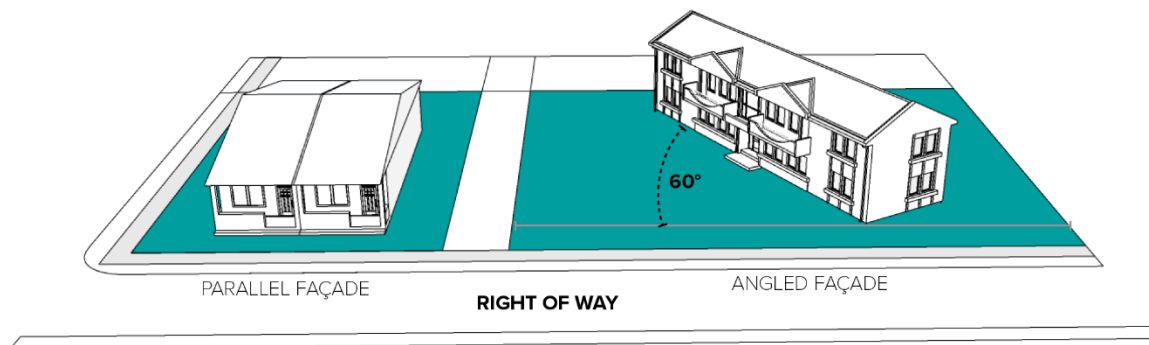
B. Table 18.41-3 Notes:

1. No minimum lot area and lot width is required for mixed use buildings that include completely affordable or mixed affordable housing, subject to the standards as set forth in MKZ 18.78, Affordable Housing Incentives.
2. No maximum lot coverage is required for mixed use buildings that include completely affordable or mixed affordable housing, subject to the standards as set forth in MKZ 18.78, Affordable Housing incentives.
3. Mixed use buildings that include completely affordable or mixed affordable housing, subject to the standards as set forth in MKZ 18.78, Affordable Housing Incentives, have a maximum building height of 100 feet.
4. For buildings abutting legally established single-household or two-household dwellings, or a Residential Zone Boundary, the side and rear yards abutting such uses shall be increased by one foot (1') for every two feet (2') that the structure exceeds 25 feet in height.

18.41.070 Site Design Standards

- A. Buildings shall orient their street facing facades parallel to a street.
- B. Corner lots are deemed to have two front yards.
- C. Any façade parallel to or within 60 degrees of the property frontage along a street as defined in MKZ 18.97, Definitions, is deemed to front the street, as depicted in Figure 18.41.1.

Figure 18.41.1 Street Frontage Illustration



- D. Buildings shall have a ground story entrance facing towards the nearest street. When a property abuts more than one street, at least one ground story entrance is required on the

street facing façade of the building where the greatest amount of pedestrian traffic is anticipated. Direct pedestrian access to the nearest street is required for all buildings.

- E. Windows shall constitute at least 50 percent of first story street-facing facades, and windows shall be at least 50 percent transparent. On double or triple-frontage lots, living screens may replace up to 50 percent of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage. Windows shall constitute at least 25 percent of all upper story street-facing facades. Interior lighting is required.
- F. No parking is allowed between the building(s) and the street. Parking shall meet the requirements as set forth in MKZ 18.63, Parking and Mobility Standards.
- G. Vehicular entry gates are prohibited as part of any mixed use development containing residential uses unless the gate services a structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.
- H. The front yard setback is the build-to-line within three hundred feet (300') of any major intersection. At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line. Build-to lines may not encroach upon the front yard setbacks established in this Chapter. A build-to-line is defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street.
- I. Garbage and recycling shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood to minimize detrimental effects of the collection, storage, and removal on any use within the development or abutting uses. Dumpster enclosures are required. No refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
- J. All utilities shall be located underground except for existing overhead transmission lines. All utility equipment shall be screened from view as set forth in MKZ 18.64.050.
- K. Fencing and screening shall be installed by the developer between incompatible uses and/or incompatible zones as set forth in MKZ 18.64, Landscape Standards, and MKZ 18.66, Fences and Walls.
- L. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent of street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee architectural shingles and/or other longer lasting roof materials are required.
- M. Mixed use buildings shall incorporate the following building massing standards:

1. Stepbacks. Buildings greater than 40 feet in height shall have a minimum 10-foot (stepback between the first or second stories and third story when along Streets, Property Frontages, Public Parks, and along the Big Cottonwood Creek.
 2. Façade articulation. The primary façade plane shall not exceed 40 feet in length without full height articulation. The articulation shall be a minimum of two feet (2') in depth or projection from the primary façade plane and shall be a minimum of five feet (5') in width.
 3. Change in height. The top of the building shall change in height by at least five feet (5') every 30 feet of façade length.
 4. Indentations or recesses. The building shall feature indentations or recesses such as alcoves or arcades at least five feet (5') in depth along the façade at maximum of 75-foot intervals. Such indentations or recesses shall be a minimum of one story in height.
 5. Terraces. Unless required as a stepback, usable terraces (a larger balcony intended as a private resident leisure space or commercial leisure space) at least 10 feet in depth along the street facing facades.
- N. Open space shall be provided for residential uses in the amount of at least 250 square feet per dwelling unit. One hundred (100) square feet per dwelling unit may be private open space, and 150 square feet per dwelling unit must be common open space. The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curbs, gutters, sidewalks, walking paths, driveways, or alleys and shall be accessible by all residents of the mixed use development.
- O. Residential uses shall include some commercial uses along the public street or be constructed as convertible space.
- P. Uses adjacent to Big Cottonwood Creek shall include a usable open space buffer area next to that creek, defined as the top of bank of Big Cottonwood Creek plus 50 feet as a minimum. Such areas are recommended for a trail system.
- Q. Parking for developments in the MD zone shall follow the requirements of MKZ 18.63, Parking and Mobility Standards. Additionally, developments shall comply with the following requirements:
1. Parking required for each residential dwelling unit must be in a structure, a podium, a private garage, or a carport. Carports shall be either located to the back of the building or screened as set forth in MKZ 18.64, Landscape Standards.
 2. Parking Location. For residential and mixed use developments with eight (8) or more dwelling units, parking is not allowed between any building façade and

the property line along a right-of-way. Such parking shall not encroach on the side or front setbacks.

3. Private Garage Requirements. If a private garage is utilized, it must meet the following standards:
 - a. Two parking space garages require a minimum unobstructed size of 22 feet wide by twenty 20 feet in length, or 20 feet wide by 22 feet in length,
 - b. Single parking space garages require a minimum unobstructed size of 10 feet wide by 22 feet in length, or 11 feet wide by 20 feet in length.
 - c. All private garages must have a minimum unobstructed height of seven (7) feet for the entire required length and width of the private garage, except for interior staircases.
 - d. Garage doors shall use complementary colors and include windows.
 - e. Private garage doors and private garages shall not be the only means of access to a dwelling.
 - f. Vehicular Access to Private Garages.
 - (1) Vehicle access serving a private garage shall be at least 26 feet in width.
 - (2) Where such drives serve units with opposing garages, where garages face each other, a minimum of 25-year square feet of landscaping shall be required at the edges of each driveway, between each dwelling unit.
 - (3) Developments with 25 feet or more units and lot or parcel widths of 150 feet shall provide a driveway for each garage with a minimum width of 12 feet and minimum unobstructed depth of 20 feet.
 - g. Tandem Spaces in Podiums and Structures. Tandem spaces in conjunction with garages may be allowed only for residential uses with a minimum size requirement of 20 feet in length and 10 feet in width per parking space, up to a maximum of two (2) contiguous spaces per unit.
 - h. Vehicular Entry Gates Prohibited. Vehicular entry gates are prohibited as part of any multiple-household development unless the gate services a structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.
 - i. Parking is prohibited within the required fire access and turnaround facilities.

- j. Tandem parking or parking in a private garage or driveway shall not be included in any required guest parking calculation.
- k. Additional standards for Three-Household and Four-Household Buildings:
 - (1) Private or Shared Driveways. No more than two (2) units may share a driveway.
 - (2) No driveway or combined driveway with the abutting unit shall exceed 24 feet in width unless such driveways are separated by a minimum five feet (5') wide irrigated planter that includes at least one (1) shrub and one (1) medium size tree.
 - (3) Driveways located on a street with a right-of-way greater than or equal to 66 feet shall prohibit backing out onto the public street.
- R. Sidewalks. As required elements of a development, interior sidewalks shall be at least five (5) feet wide installed to serve the development, including connecting ground story pedestrian entrances to internal aisleways and streets, connecting parking to buildings on the site, and connecting the development to the public street. Sidewalks shall comply with the Standard Plans for Public Works Construction.
- S. Mechanical Equipment and Utilities.
 - 1. All mechanical equipment such as HVAC systems shall be screened from view from the ground level vantage point along an abutting street or private vehicular access as set forth in Buffer Type C as set forth in MKZ 18.64.050 (C).
 - 2. Utility equipment shall be screened from view as set forth in Buffer Type C as set forth in MKZ 18.64.050 (C).

18.41.080 Recreational Amenities

- A. For residential developments with eight (8) or more dwelling units, recreational amenities are required as set forth in Table 18.41-4 Required Number of Recreation Facilities.

Table 18.41-4 Required Number of Recreation Facilities	
<i>Total Number of Bedrooms</i>	<i>Total Number of Recreational Facilities</i>
8-50	1
51-150	2
151-225	3
226-300	4
301-400	5
401-500	6
501+	7 plus 1 additional amenity for each 100 bedrooms above 600.

- B. Recreational Amenities may include the following and subject to the following criteria:
1. Sport Courts:
 - a. Large sport courts such as basketball, tennis, volleyball or similar shall be regulation size and each court may count as one (1) amenity up to a limit of three (3).
 - b. Small sport courts such as pickleball, handball shuffleboard, horseshoes or similar may count as one (1) amenity for every three (3) courts up to six (6) courts totaling two (2) amenities.
 2. Swimming Pools, Hot Tubs, Saunas:
 - a. 1,000 square feet pool surface area plus a cooling deck with a minimum width of ten feet (10) in all areas may count as one (1) recreational amenity.
 - b. 2,500 square feet pool surface area plus a cooling deck with a minimum width of twenty feet (20) in all areas may count as two (2) recreational amenities.
 - c. 5,000 square feet pool surface area plus a cooling deck with a minimum width of twenty feet (20) in all areas may count as three (3) recreational amenities.
 - d. A hot tub or sauna area with a minimum eight (8) person capacity may count as one (1) recreational amenity.
 3. Picnic Area. A picnic area may be considered as one (1) recreational amenity, up to a limit of two (2), should it meet all the following criteria:
 - a. The seating area is covered by a pavilion, gazebo, pergola, or similar shelter covering a minimum of 500 square feet;
 - b. Tables with seating and /or benches for a minimum of fifteen (15) persons;

- c. At least one fixed cooking grill is provided; and
 - d. A least one trash receptacle is provided.
- 4. Dog Park. A dog park may be considered as a recreational amenity if it meets all the following criteria:
 - a. The dog park enclosure is 3,000 square feet minimum;
 - b. The enclosure is fenced by a minimum five foot (5) tall fence meeting the requirements of MKZ 18.66, Fences and Retaining Walls;
 - c. No point of the enclosure may be less than thirty feet (30) in width;
 - d. The enclosure shall include a minimum of one (1) dog waste station which shall include a bag dispenser and waste receptacle to be installed along the perimeter of the enclosure for every 3,000 square feet of the associated dog park; and
 - e. One twenty-five (25) square foot animal washing bay with associated plumbing shall be provided in conjunction with the dog park.
- 5. Community /Amenity Centers may be considered as a recreational amenity should it meet all the following criteria:
 - a. Gym, fitness center and/or weight room may count as one (1) recreational amenity if it is a minimum of 750 square feet and appropriately equipped for fitness activities.
 - b. A game room that is a minimum of 750 square feet and includes at least three (3) dedicating game spaces for activities such as table tennis, billiards, air hockey, or similar may count as one (1) recreational amenity.
 - c. A business center, workshare space, teleconferencing spaces that total a minimum of 500 square feet may count as one (1) recreational amenity. A maximum of one business center may be utilized as an amenity.
 - d. A lounge, movie theatre, or party or similar gathering room that is a minimum of 750 square feet may count as one (1) recreational amenity.
- 6. Lawn or gathering area for non-organized sports may be considered one (1) recreational amenity as set forth in the following criteria:
 - a. The lawn or gathering area is a minimum of 5,000 square feet and at least sixty feet (60) wide in all areas.
 - b. Landscaping must be done in a manner that preserves the openness of the area for such activities.
 - c. The lawn or gathering area is not located within drainage storage areas.

- d. No more than one (1) recreational amenity may be awarded for a lawn or gathering area on a given project.
- 7. Trails may be considered as recreational amenities as set forth in the following criteria:
 - a. Trails 1,000- 2500 feet in length may count as one (1) recreational amenity.
 - b. Trails over 2,500 feet in length may count as two (2) recreational amenities.
 - c. No more than two (2) amenities may be awarded for trails on a given project.
 - d. Six feet (6) foot minimum width shall be maintained for the entirety of the trail.
 - e. The trail shall feature demarcated lanes for non-motorized use such as bicycling, walking, skating, or jogging.
 - f. The trail may or may not be paved but shall be constructed of a dust-free surface.
- 8. Playgrounds may be considered as recreational amenities as set forth in the following criteria:
 - a. Active recreational area that is a minimum of 2,500 square feet may count as one (1) recreational amenity.
 - b. No more than two (2) recreational amenities may be awarded for playgrounds on a given project.
 - c. Playgrounds shall feature a variety of facilities, including equipment for younger children.
 - d. When abutting any parking area, road, or other hazardous place the playground must be fenced with an open-style fence, as set forth in MKZ 18.66, Fences and Retaining Walls.
- 9. Recreational Amenities not listed may be considered by Planning Director at the time of site plan submittal, provided that the applicant demonstrates that all of the following criteria is met by the proposed amenity:
 - a. The amenity serves a clear recreational function and serves as a clear enhancement to the quality of life for the residents of the development.
 - b. The proposed amenity is of similar or better standards to the amenities provided in this section.
 - c. The amenity is of a permanent nature.
 - d. The proposed amenity will not be of nuisance to residents or neighboring properties.

18.42 Mixed Use Development Zone (MD-3)

18.42.010 Purpose

The purpose of the Mixed Use Development Zone is to provide a variety of uses (limited commercial, office and residential) as an appropriate transition between high-traffic arterial streets and nearby residential uses. This district is intended to ensure compatibility of new development and residential conversions with existing and future residential development. It is also intended to ensure as well as encourage assemblage of properties in a unified plan with a coordinated and harmonious development which will promote outstanding design without unsightly and unsafe strip commercial development. Specific measures to mitigate negative impacts of mixed use developments include standards for perimeter walls, vehicular access, lighting, signage, and mitigations of other reasonably anticipated detrimental effects will be required at the time of design and site plan approval. Landscaping shall be installed as set forth in MKZ 18.64, Landscape Standards.

18.42.020 Applicability

The Mixed Use Development Zone (MD-3) is a legacy zoning district and shall only be applied to existing parcels, lots, and areas already included in the Mixed Use Development Zone (MD-3). No additional parcels, lots, or land may be added the MD-3 zoning district. Development in the Mixed Development (MD-3) Zone may be subject to the requirements set forth in MKZ 18.61, Sensitive Lands.

18.42.030 Permitted Uses and Conditional Uses

Uses in the Mixed Use Development Zone (MD-3) are as determined by the Table 18.42-1 Permitted and Conditional Uses in the Mixed Use Development Zone (MD-3). If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18-42.1.

Table 18.42-1 Permitted and Conditional Uses in the MD-3 Zone		
Land use	MD-3	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Dwellings, Single Household - Attached	C	Maximum density of 12 units per acre

Table 18.42-1 Permitted and Conditional Uses in the MD-3 Zone		
Land use	MD-3	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
Dwellings, Two Household	C	Maximum density of 12 units per acre
Dwellings, Three or Four Household	C	Maximum density of 12 units per acre
Dwelling, Multiple Household	C	Maximum density of 12 units per acre
Live /Work Unit	P	Only permitted in association with requirements for mixed use developments as set forth in MKZ 18.43.090.
Nursing Home or Assisted Living	C	
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability
<i>Lodging</i>		
Bed and Breakfast	P	
Lodging	C	Including a restaurant and conference meeting rooms
Short-term rentals	P	Provided a valid Millcreek Business License has been issued and in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short Term Rentals.
<i>Civic and Institutional Uses</i>		
Schools, Public and Private	C	
Private Recreation Facilities	C	
Public Use	P	
Quasi-Public Use	P	
Religious Assembly	P	

Table 18.42-1 Permitted and Conditional Uses in the MD-3 Zone

Land use	MD-3	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Commercial, Office, and Service Uses</i>		
Agriculture	P	
Depository Financial Institution	P	
Eating and Drinking Establishments	C	
General Retail	P	
General Service	P	
Greenhouse or Plant Nursery	P	
Gym or Fitness Studio	C	
Medical or Dental Clinic	P	
Funeral Home or Mortuary	P	
Mixed Use	C	
Neighborhood Retail	P	
Neighborhood Service	P	
Office	P	
Personal Service	P	
Commercial Parking Lot or Commercial Parking Garage	C	Commercial Parking Lots are subject to the design standards for parking lots as set forth in MKZ 18.63, Parking and Mobility Standards, and MKZ 18.64, Landscape Standards.
Commercial Daycare or Preschool	C	

Table 18.42-1 Permitted and Conditional Uses in the MD-3 Zone		
Land use	MD-3	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
Reception or Event Center	C	
Veterinary Clinic	C	No outside kennels
<i>Miscellaneous Uses</i>		
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures
Accessory Uses, Accessory Buildings, and structures	P	As set forth in MKZ 18.59, Accessory Structures

18.42.040 Hours Of Operation

Commercial uses shall not be open for business before six a.m. or after eleven p.m.

18.42.050 Business and Use Limitations

The uses specified in this chapter for the MD-3 zone shall be permitted only under the following conditions:

- A. No manufacturing is allowed;
- B. No outside storage of any stock, motor vehicles or other property is allowed except for two delivery vehicles three-quarter ton or smaller.

18.42.060 Spatial Requirements

The minimum setbacks, maximum height and lot size requirements are as set forth in Table 18.42-2 Spatial Requirements for the Mixed Use Development Zone.

Table 18.42-2 Spatial Requirements for the MD-3 Zone							
Zone	Min. lot or parcel area	Min. lot or parcel width	Min. Front Setback	Min Side Setback	Min Rear Setback	Maximum Building Height	Max. Lot or Parcel Coverage
MD-3	4 acres	250'	30'	30'	30'	3 stories 2 stories when located within 50' of a residential use	40%

18.42.070 Design and Site Plan Approval

Design and site plan approval including, but not limited to, architecture, building materials, lighting, signage, vehicular access and noise for all development in the MD-3 zone is required by the Planning Commission as a conditional use pursuant to the requirements of MKZ 18.15.030 (A).

18.42.080 Perimeter Wall

- A. All mixed use developments shall have a decorative tinted concrete or masonry wall on all rear and side yards fronting a public street that. The perimeter wall shall comply with the standards set forth in MKZ 18.66, Fences and Retaining Walls.
- B. All perimeter walls shall be a minimum of six feet high unless the Planning Commission requires a higher wall as part of the conditional use approval.

18.42.090 Landscaping and Screening

Landscaping shall be as specified in MKZ 18.64, Landscape Standards, including the buffering requirements set forth in MKZ 18.64.050.

18.42.100 Lighting

Lighting shall be as specified in MKZ 18.68, Outdoor Lighting.

18.42.110 Noise

The noise level emanating from any use or operation shall not exceed the limits established by the Salt Lake County Health Department, or its successor, regarding noise control. The noise level shall not in any case exceed five decibels above the ambient level of the area measured at the property line. For the purposes of compliance with health regulation number twenty-one all properties located within a mixed development zone shall be considered residential.

18.42.120 Access

The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between abutting properties. On corner sites access points shall be located as far from the corner as reasonably possible and in no case less than forty feet from the point of intersection of the property lines. Vehicular circulation shall be designed to limit the intrusion of traffic into residential areas and minimize access on streets used by schoolchildren.

18.42.130 Odor

No use shall be permitted which creates odor in such quantity as to be readily detectable beyond the boundaries of the site.

18.42.140 Design Considerations

In order to meet the purposes of this chapter the Planning Commission shall consider the following prior to approval of any plan:

- A. Lots or parcels should be accumulated to provide the minimum lot area. Individual lots or parcels with an area smaller than the minimum lot area are not suitable for a mixed development.
- B. The development shall provide on-site amenities and appropriate buffering to abutting properties and uses.
- C. The scale of the development shall be in character with the surrounding land uses.
- D. Safe access shall be provided within the site and to public streets.
- E. The development shall have a residential character if adjacent to residential areas.

18.43 Neighborhood Commercial Zone (C-1)

18.43.010 Purpose

The purpose of the Neighborhood Commercial Zone (C-1) is to provide areas for lower intensity neighborhood commercial development that accommodates the everyday needs of nearby residents. Such zones do not usually generate traffic from regional markets.

18.43.020 Applicability

This chapter applies to development in the Neighborhood Commercial (C-1) Zone. Development in the Neighborhood Commercial Zone may be subject to the requirements set forth in MKZ 18.61, Sensitive Lands.

18.43.030 Permitted Uses and Conditional Uses

- A. Due to the greater potential for detrimental effects, permitted uses over one acre in size shall follow the conditional use procedure as set forth in MKZ 18.15.030 (A), Conditional Use Permit.
- B. Uses in the Neighborhood Commercial (C-1) Zone are set forth in Table 18.43-1 Permitted and Conditional Uses in the Neighborhood Commercial (C-1) Zone. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.43-1.

Table 18.43-1 Permitted and Conditional Uses in the Neighborhood Commercial (C-1) Zone		
Land use	C-1	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential</i>		
Affordable Housing	P	Subject to the requirements and incentives for affordable housing as set forth in MKZ 18.78, Affordable Housing Incentives.
Dwelling, Multiple Household	C	Only permitted as part of a mixed use development, subject to the development standards as set forth in MKZ 18.43.090
Home Business	P	Permitted in legally-established dwellings in the C-1 Zone. Subject to MKZ 18.76, Special Business Land Use Regulations.

Table 18.43-1 Permitted and Conditional Uses in the Neighborhood Commercial (C-1) Zone		
Land use	C-1	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
Residential Facility for the Persons With a Disability, Nursing Home, or Assisted Living	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.
<i>Civic and Institutional Uses</i>		
Public Use	P	
Quasi-Public Use	P	
Schools, Public and Private	P	
Religious Assembly	P	
<i>Commercial</i>		
Mixed Use	C	
Neighborhood Retail	P	No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet.
Retail Food Trucks, Pop-Up Markets, and/or Farmer's Market	P	Subject to MKZ 18.58, Temporary Uses and Structures
Neighborhood Service	P	
General Service	P	
Office	P	
Personal Service	P	

Table 18.43-1 Permitted and Conditional Uses in the Neighborhood Commercial (C-1) Zone		
Land use	C-1	Limitations/references
<i>P= Permitted, C= Conditional Use Review Required</i>		
Caretaker Dwelling	P	a. Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately. b. Caretaker dwelling shall consist of a minimum habitable floor area of 600 square feet and not to exceed a maximum habitable floor area of 1,200 square feet. c. Caretaker dwelling shall be subject to the off-street parking requirements in MKZ 18.63, Parking and Mobility Standards. d. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking. e. Home businesses with a customer base visiting the caretaker dwelling shall be prohibited.
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

18.43.040 Prohibited Uses, Limitations, And Special Requirements

Certain use prohibitions or use limitations are listed in Table 18.43-2. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated in the table are prohibited.

Table 18.43-2 Prohibited Uses, Limitations and Special Requirements in the Neighborhood Commercial (C-1) Zone.	
Uses	Specific use limitations or special requirements
Detention Facility or Jail	Prohibited
Indoor or Outdoor Gun or Archery Range	Prohibited
Outside Storage	Prohibited if located within view of the street or in any front or side yard facing a street. In all other areas, outside storage must be screened by a minimum of 6' opaque fence.
Outdoor Display	Prohibited if located more than five (5) feet in horizontal distance from the main building
Automobile, Equipment, or Recreational Vehicle Sales or Rental	Prohibited

Table 18.43-2 Prohibited Uses, Limitations and Special Requirements in the Neighborhood Commercial (C-1) Zone.	
Uses	Specific use limitations or special requirements
Wireless Telecommunication Facility	Must be a Stealth Facility, subject to the standards as set forth in MKZ 18.75, Wireless Telecommunication Facilities.
Drive-up Window	Prohibited
Kennel	Outdoor Kennels are prohibited.
Sexually Oriented Business	Prohibited
Pawn Shop	Prohibited
Retail Tobacco Specialty Business	Prohibited
Automobile, Equipment, and Recreational Vehicle Sales and Rental	Prohibited
Secondhand Store	Limited to a maximum of 2,500 square feet
Self-Storage Facility	Prohibited
Non-Depository Financial Institution	Prohibited
Flea Markets or Swap Meets	Prohibited
Commercial Entertainment	Outdoor Commercial Entertainment prohibited.
Campground	Prohibited
Impound or Tow Lot, Salvage Yard, or Junk Yard	Prohibited
Short-Term Rental	Only allowed as part of a mixed use development, provided a valid Millcreek Business License has been issued and is in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short Term Rentals.

18.43.050 Accessory Uses

Accessory uses and structures shall be subordinate/incidental to the main use and structure. Except for food trucks, accessory uses and structures shall not be allowed in the front or side yards facing a street.

18.43.060 Spatial Requirements

The minimum setbacks, maximum height and lot size requirements are as set forth in Table 18.43-3 Spatial Requirements in the Neighborhood Commercial (C-1) Zone.

Table 18.43-3 Spatial Requirements in the Neighborhood Commercial (C-1) Zone	
Lot Requirements	
Minimum Lot or Parcel Area	None required
Minimum Lot or Parcel Width	None Required
Building Requirements	
Maximum Building height	35 Feet, subject to height transition requirements. Height projection allowances set forth in MKZ 18.72.040 may exceed the maximum building height up to 10 feet.
Maximum Lot or Parcel Coverage	70 Percent
Minimum building height	1 story
Yard Requirements	
Minimum front yard	15 Feet
Minimum rear yard	If located abutting a Residential Zone Boundary, 25 feet, otherwise not required
Minimum interior side yard	If located adjacent to Residential Zone Boundary, 10 feet, otherwise not required
Minimum corner side yard	20 Feet
Accessory structures: rear and interior side yard	1 Foot
Accessory structures: rear and interior side yard when abutting residential use	10 Feet

18.43.070 Special Regulations

Establishments in the C-1 Zone shall be permitted only under all the following conditions:

- A. Business shall be conducted entirely within an enclosed building, except for the parking and servicing of automobiles, and service to people in automobiles, except that any type of restaurant may have outdoor dining. Outdoor music associated with the restaurant shall comply with the Salt Lake County Health Department Noise ordinance.
- B. All products, whether primary or incidental, shall be sold on the premises.
- C. Business Uses and Conditions shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.

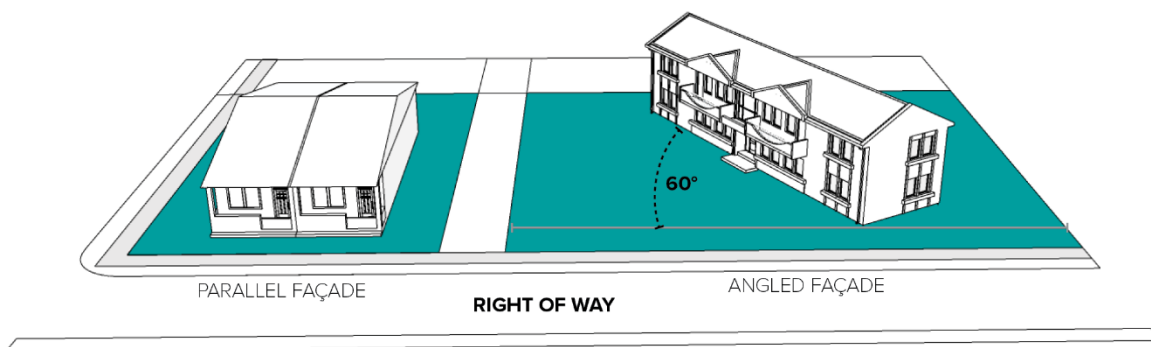
18.43.080 Design Standards

- A. Entrances and Windows. Commercial and residential entrances to the first story of commercial and mixed use buildings shall front on the street. On double or triple-frontage lots or parcels,

entrances are required where the greatest amount of pedestrian traffic is anticipated, but in all cases must front on a street. Windows shall constitute at least 50 percent of first story street-facing facades, and windows shall be at least 50 percent transparent. On double or triple-frontage lots or parcels, living screens may replace up to 50 percent of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage. Windows shall constitute at least 25 percent of all upper story street-facing facades.

- B. Frontage. For the purposes of this chapter, any façade that is parallel to or within 60 degrees of the property frontage along a street is deemed to front the street, as illustrated in Figure 18.43.1.

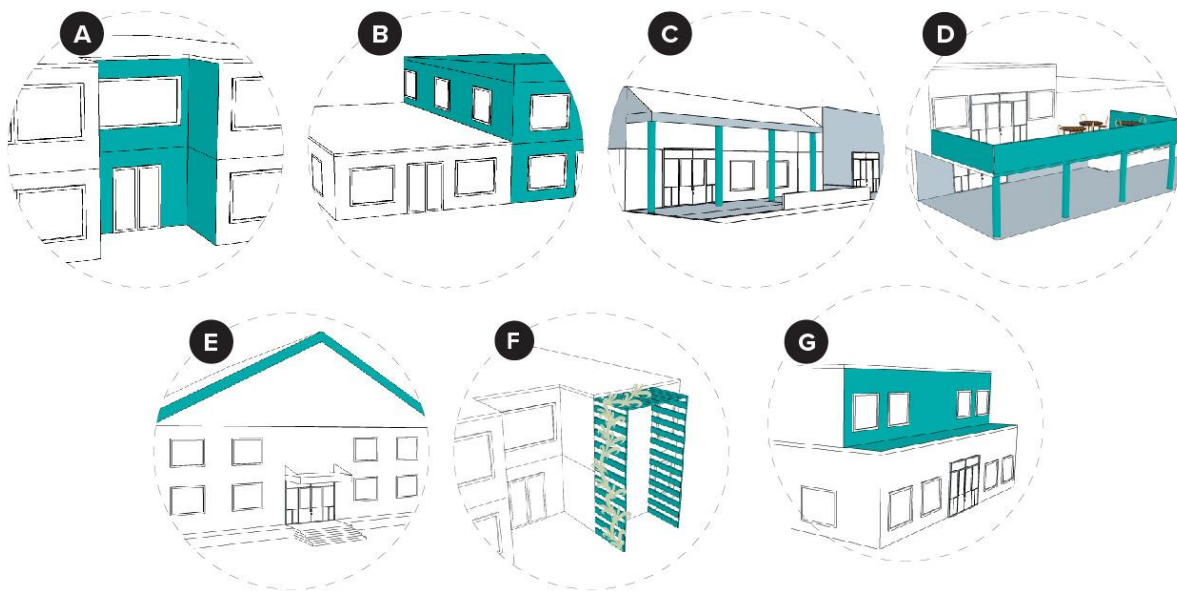
Figure 18.43.1 Street Frontage Illustration



- C. No more than one row of parking is allowed between the building(s) and the street within 300 feet of any major intersection. No parking is allowed between the street and the building in any area identified as a City Center or a Village Center on the adopted Millcreek Future Land Use Map.
- D. Corner lots or parcels are deemed to have two front yards.
- E. Build-To-Line. The front yard setback is the build-to-line within 300 feet of any arterial/major intersection. At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line. Build-to-lines may not encroach upon the front yard setbacks established in this Chapter.
- F. Signage for commercial or office uses is as set forth in **MKZ 18.65, Signs**.
- G. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located nearer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

- H. Parking for Mixed Use developments is set forth in MKZ 18.63, Parking and Mobility Standards.
- I. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. Unless the building façade is entirely brick or stone, no single material is allowed to exceed 50 percent on all street-facing facades, excluding windows. Windows are not allowed to be less than 50 percent of the gross street-facing facade square footage. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five-year guarantee, architectural shingles and/or other longer lasting roof materials are required. Stucco, EIFS, unfinished concrete, or metal siding shall comprise no more than 20 percent of any façade.
- J. Building Massing and Façade Articulation. All buildings that are not faced entirely in brick or stone shall be designed to have at least three of the following massing or façade articulation design elements, as depicted in Figure 18.43.2:

Figure 18.43.2 Building Massing Standards Illustration



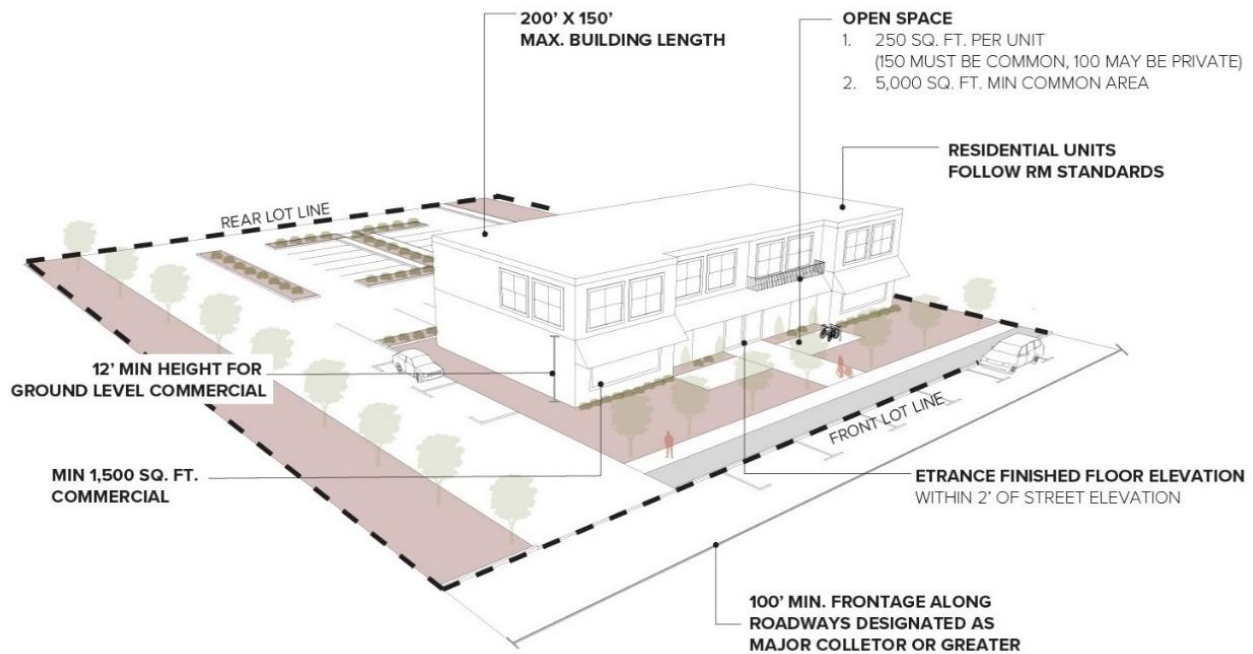
- a. Façade articulation. The primary façade plane shall not exceed 40 feet in length without full height articulation. The articulation shall be a minimum of two feet (2') in depth or projection from the primary façade plane and shall be a minimum of five feet (5') in width.
- b. Change in height. The top of the building shall change in height by at least five feet (5') every 30 feet of façade length.
- c. Indentations or recesses. The building shall feature indentations or recesses such as alcoves or arcades at least five feet (5') in depth along the façade at maximum of 75-foot intervals. Such indentations or recesses shall be a minimum of one story in height.

- d. Terraces. Unless required as a setback, usable terraces (a larger balcony intended as a private resident leisure space or commercial leisure space) at least 10 feet in depth along the street facing facades.
 - e. Pitched roofs. The primary structure is covered by a pitched roof with a minimum pitch of 3/12. Parapets are not considered to meet this requirement.
 - f. Architecturally integrated trellises. Architecturally integrated trellises shall be attached to the wall and cover at least 20 percent of a wall and shall project a minimum of 18 inches from the primary façade and have accompanying landscape planting material.
 - g. Stepbacks. Stepbacks shall only meet this requirement if not otherwise required.
- K. Setbacks. For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right-of-way shall be measured from the edge of the sidewalk that is nearest to the front facade of the building. Where fifty percent or more of the abutting lot frontage is developed, the front yard setback shall not be less than the average of existing buildings located within 300 feet on the same side of the street, as measured in both directions from the center point of the frontage to be developed, but a front setback shall never be less than fifteen feet.
- L. Landscaping shall be installed as set forth in MKZ 18.64, Landscape Standards.
- M. Perimeter fencing shall be installed as set forth in MKZ 18.66, Fences and Retaining Walls.
- N. Lighting shall be installed as set forth in MKZ 18.68, Outdoor Lighting.
- O. Access between uses. Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.
- P. Utilities. All utilities shall be located underground. Utility equipment shall be screened from view. Overhead telephone, cable, fiber optic, or transmission power lines must be located underground.

18.43.090 Additional Requirements for Mixed Use Developments

Mixed Use developments shall meet the following standards, as indicated in Figure 18.43.3:

Figure 18.43.3 Mixed Use Standards Illustration



- A. Minimum Frontage Requirement. If the mixed use development includes residential uses, the mixed use site shall have a minimum of 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan.
- B. Finished Floor Elevation. The finished floor elevation of entrances on a ground story commercial space fronting a street shall be no lower or higher than two feet (2') from the street elevation, as measured at the edge of asphalt, or top of curb, where a building abuts a public sidewalk.
- C. Up to two facades may have a maximum building length of 200 feet and all additional facades may have a maximum building length of 150 feet.
- D. Parking. Parking shall meet the requirements as set forth in **MKZ 18.63, Parking and Mobility Standards**. In addition, the following standards apply:
 1. Entry Gates Prohibited. Vehicular entry gates are prohibited as part of any mixed use development containing residential uses unless the gate services a structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.
 2. Tandem Spaces in Podiums and Structures. Tandem spaces in conjunction with garages may be allowed only for residential uses with a minimum size requirement of 20 feet in length and 9 feet in width per parking space, not to exceed two contiguous spaces for each unit.
 3. Tandem parking or parking in a private garage or driveway shall not be counted as guest parking or commercial user parking.

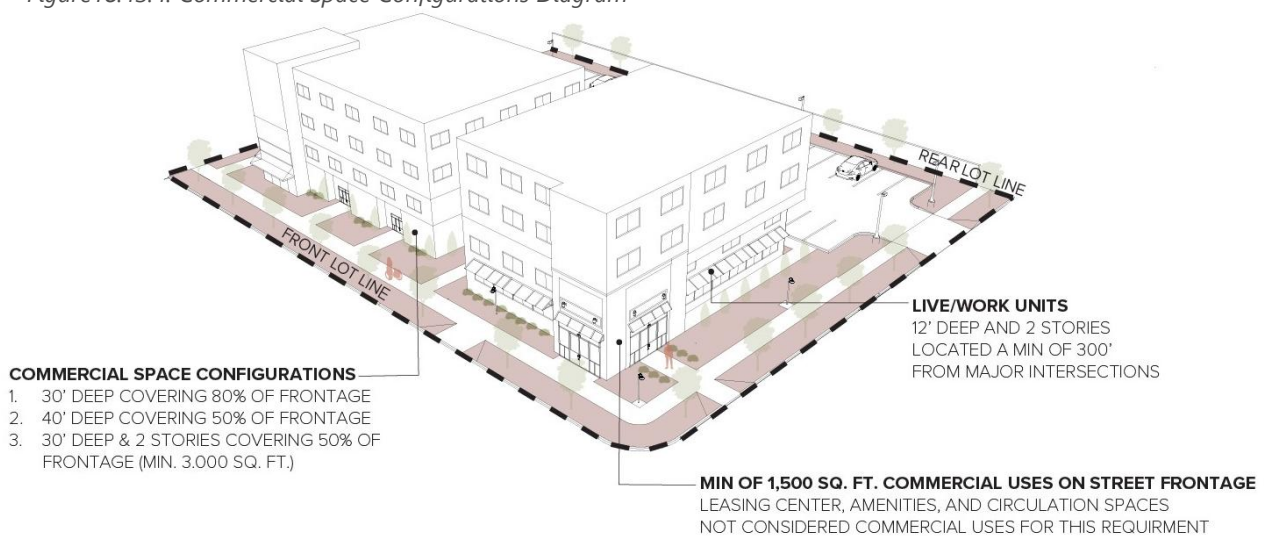
4. Private Garage Requirements. If a private garage is utilized, it must meet the following standards:
 - a. Two parking space garages require a minimum unobstructed size of 22 feet wide by 20 feet in length, or 20 feet wide by 22 feet in length.
 - b. Single parking space garages require a minimum unobstructed size of 10 feet wide by 22 feet in length, or 11 feet wide by 20 feet in length.
 - c. All private garages must have a minimum unobstructed height of seven (7) feet for the entire required length and width of the private garage, except for interior staircases.
 - d. Garage doors shall use complementary colors and include windows.
 - e. Private garage doors and private garages shall not be the only means of access to a dwelling.
- E. Minimum Commercial Floor Area Required. Mixed use developments are required to have commercial uses as set forth in the following standards:
 1. A mixed use development shall have at least 1,500 square feet of commercial floor area.
 2. Minimum First Story Height for Ground Story Commercial Space. Ground stories containing commercial space, including live/work units, shall be at least 12 feet in height.
 3. Buildings containing affordable housing are exempt from the minimum commercial floor area requirements.
- F. Residential standards. Residential dwelling units in mixed use developments shall follow the standards as set forth in MKZ 18.39, Residential Mixed (RM) Zone except as follows:
 1. Open space shall be provided for residential uses in the amount of at least 250 square feet per dwelling unit. One hundred square feet per dwelling unit may be private open space, and 150 square feet per dwelling unit must be common open space.
 2. The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curbs, gutters, sidewalks, driveways, or alleys and shall be accessible by all residents of the mixed use development.
 3. Buildings erected for the principal purpose of providing an amenity or required interior common amenity spaces may be included as open space as set forth in MKZ 18.39, Residential Mixed (RM) Zone.
 4. Required open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Drainage basins may not be utilized toward required open space.

5. Common open space may be distributed throughout the development and need not be in a single large area. Projects with over twenty dwelling units shall include a single and contiguous landscaped passive open space sufficient for outdoor activity with a minimum area of 5,000 square feet.

18.43.100 Additional Standards for Vertically Integrated Mixed Use.

A vertically integrated mixed use building shall consist of commercial uses on the ground story with residential uses or office uses on upper stories and is subject to the following standards, as illustrated in Figure 18.43.4:

Figure 18.43.4: Commercial Space Configurations Diagram



- A. Commercial Frontage and Minimum Depth of Ground Story Commercial Space. No less than 50 percent of the building's front façade shall be occupied by commercial uses. Such commercial uses shall utilize one of the following configurations:
 1. Commercial spaces with a minimum depth of 30 feet as measured perpendicular to the frontage shall occupy at least 80 percent of a building's ground story front façade.
 2. Commercial spaces with a minimum depth of 40 feet as measured perpendicular to the frontage shall occupy at least 50 percent of a building's ground story front façade.
 3. Commercial spaces that occupy a minimum of two stories and shall have a minimum depth of 30 feet as measured perpendicular to the frontage and shall occupy at least 50 percent of a building's ground story front façade. In no event shall the minimum required commercial square footage be less than 3,000 square feet.

4. Commercial spaces in a live/work unit shall have a minimum depth of 12 feet as measured perpendicular to the frontage, provided the commercial space in a live/work unit is a minimum of two stories and is not located within 300 feet of a major intersection as defined in MKZ 18.44.060, Site Layout Standards.
- B. Ground Story Use Requirements. The ground story of a mixed use shall comply with the following requirements:
1. Live/Work Units. Live/Work units may be used to meet the requirement for commercial uses, provided that the entire ground story of the live/work unit meets the design and use criteria listed in this chapter and is operated as an allowable commercial use in this Chapter. Commercial spaces in a live/work unit that are used to calculate the minimum commercial use or frontage requirements provided in this chapter shall not be used for residential purposes, parking, or storage.
 2. Residential Amenities as Commercial Uses. For the purposes of this chapter, leasing offices serving on-site residential and commercial uses, lobbies, required parking, elevators, stairwells, and any residential amenity spaces are not considered commercial uses.

18.43.110 Additional Requirements for Mixed Use on Commercially Significant Development Sites

A site is determined to be a Commercially Significant Development if any of the following apply:

- A. The development site is greater than one acre in area.
- B. The development site is located within a Village Center, Retail/Office, or Employment/Commercial Future Land Use Designation on the adopted Millcreek Future Land Use Map.
- C. The development site is located within 600 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
 1. 4500 South and Highland Drive
 2. 2000 East and 3300 South
 3. 900 East and 3300 South
- D. Any Mixed Use Development on a Commercially Significant Development Site shall meet the following requirements:
 1. The development must include commercial uses for at least 30 percent of the mixed use development's gross floor area of buildings abutting a street.
 2. Frontage Requirements. Commercial uses are not required on facades of mixed use developments that are not located on a street identified in the Millcreek Transportation Master Plan Roadway Functional Classification Map as a Major Collector, a Minor Arterial, or an Other Principal Arterial.

3. Live/Work Units. Live/Work units may be used to meet the requirement for commercial uses, provided that the entire ground story of the live/work unit meets the design and use criteria listed in this chapter and is operated as an allowable commercial use in this Chapter. Commercial spaces in a live/work unit that are used to calculate the minimum commercial use or frontage requirements provided in this chapter shall not be used for residential purposes, parking, or storage.
4. Parking and Vehicular Access. In addition to meeting the requirements of MKZ 18.63, Parking and Mobility Standards, any required residential parking shall be located in an enclosed parking structure, podium, private garage, or carport.

18.44 Commercial Zone (C)

18.44.010 Purpose

The purpose of the Commercial (C) Zone is to provide areas for larger-scale community commercial development. Such zones cater to regional markets and generate traffic from a much larger regional area. Development may include limited residential uses as incorporated into a commercial mixed use development.

18.44.020 Applicability

This chapter applies to development and uses in the Commercial Zone. Development in the Commercial Zone may also be subject to the requirements set forth in MKZ 18.61, Sensitive Lands.

18.44.030 Permitted Uses And Conditional Uses

- A. Uses in the Commercial (C) Zone are as set forth in Table 18.44-1 Permitted and Conditional Uses in the Commercial (C) Zone. If a use is not explicitly designated in the table, then the use is prohibited. Certain use prohibitions or use limitations are listed in Table 18.44-1. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated in the table are prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.44-1.

Table 18-44-1 Permitted and Conditional Uses in the Commercial (C) Zone		
Land Use	C	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Affordable Housing	P	Subject to the requirements and incentives for affordable housing as set forth in MKZ 18.78, Affordable Housing Incentives.
Dwelling, Multiple Household	C	Only permitted as part of a mixed use development, subject to the development standards as set forth in MKZ 18.44.090 (H).
Nursing Home or Assisted Living	P	
Home Business	P	Permitted in legally-established dwellings in the C Zone. Subject to MKZ 18.76, Special Business Land Use Regulations.
Residential Facility For Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.
Caretaker Dwelling	P	Additional use standards apply as set forth in MKZ 18.44.090
<i>Commercial Uses</i>		
Kennel, Indoor or Outdoor	P	Outdoor kennels or animal play areas prohibited within 300' of a Residential Zone Boundary or a legally established residential use.
Automobile, Equipment, or Recreational Vehicle Sales or Rental	C	Only allowed when located on arterial roadways 100' or greater in width. Prohibited within 300' of a residential use or a residential zone. Additional use standards apply as set forth in MKZ 18.44.090
Automobile Service and Repair	C	Prohibited within 150' of a residential use or a residential zone and within 1,320' (1/4 mile) of an established substantially similar business. Additional use standards apply as set forth in MKZ 18.44.090.

Table 18-44-1 Permitted and Conditional Uses in the Commercial (C) Zone		
Land Use	C	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
Car Wash	C	Prohibited within 150' of a residential use or a residential zone and within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business.
Medical or Dental Clinic	P	
Mixed Use	C	Additional use standards apply as set forth in MKZ 18.44.090
Commercial Daycare or Preschool	P	
Commercial Entertainment under 25,000 square feet	P	Outdoor entertainment uses are prohibited within 300' of legally established dwelling or a Residential Zone Boundary. Indoor or Outdoor Gun or Archery Ranges are prohibited.
Commercial Entertainment, 25,000 square feet or more	C	Outdoor entertainment uses are prohibited within 300' of a legally established dwelling or a Residential Zone Boundary. Indoor or Outdoor Gun or Archery Ranges are prohibited.
Commercial Kitchen / Ghost Kitchen	P	
Commercial Parking Lot or Commercial Parking Garage	C	Parking garages shall include non-residential uses for at least 75% of the ground story facing a public street.
Community Garden	P	
Depository Financial Institution	P	
Drive-up Window	C	Drive up windows prohibited within mixed use developments. Additional development standards apply as set forth in MKZ 18.44.090 (D)

Table 18-44-1 Permitted and Conditional Uses in the Commercial (C) Zone		
Land Use	C	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
Eating and Drinking Establishment	P	
Flex Space	P	Maximum square footage of 10,000 square feet per building, a minimum of 20% of story area must be office and or retail uses.
Fuel Station	C	Prohibited within 1,320' (1/4 mile) of an existing fuel station and within 150' of a residential use or a residential zone. See additional development standards as set forth in MKZ 18.44.090 (G)
Funeral Home or Mortuary	P	
Greenhouse or Plant Nursery	P	
Gym or Fitness Studio under 5,000 square feet	P	
Gym or Fitness Studio - 5,000 square feet or more	C	
Hospital	C	
Light Service and Repair	P	Maximum square footage of 10,000 square feet.
Live/Work Unit	P	Only permitted in association with mixed use set forth in the development standards as set forth in MKZ 18.44.090 (H).
Lodging	P	
Non-Depository Financial Institution	P	Prohibited within 300' of a major intersection and within 2,640' (1/2 mile) of an established substantially similar business.
Office	P	

Table 18-44-1 Permitted and Conditional Uses in the Commercial (C) Zone		
Land Use	C	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
Pawn Shop	P	Prohibited within 300' of a major intersection and within 2,640' (1/2 mile) of an established substantially similar business.
Personal Service	P	
Reception or Event Center	P	Outdoor uses prohibited within 300' of a residential use or a Residential Zone Boundary.
Neighborhood or General Service	P	
Retail Sales	P	Retail Tobacco Specialty Businesses are prohibited within 1,320' (1/4 mile) of an established substantially similar business.
Retail Food Trucks, Pop-Up Markets, and/or Farmer's Market	P	Subject to Temporary Use Standards as set forth in MKZ 18.58, Temporary Uses and Structures.
Self-Storage facility	C	Prohibited within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business. Additional location restrictions apply as set forth in MKZ 18.44.090.
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures
<i>Institutional Uses</i>		
Wireless Telecommunication Facility	P	Must be a Stealth Facility, subject to the standards as set forth in MKZ 18.75, Wireless Telecommunications Facilities.
Public Use	P	Detention Facilities or Jails are not permitted

Table 18-44-1 Permitted and Conditional Uses in the Commercial (C) Zone		
Land Use	C	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
Religious Assembly	P	
Schools, Public and Private	P	
Quasi-Public Use	P	

B. Table 18.44-1 Notes:

1. Distances from major intersections are measured from the nearest point of the right-of-way at an intersection to the subject property at the nearest point.
2. Distances between similar uses are measured from the nearest point of a property line with the similar use to the nearest point of the subject property line.
3. Use separation distances are measured from property line. Uses within the separation area are limited to those not directly affiliated with the primary use such as ancillary parking and landscaping.

18.44.040 Accessory Uses

Accessory uses and structures shall be subordinate/incidental to the main use and structure and shall not be allowed in the front or side yards facing a street.

18.44.050 Spatial Requirements

The spatial requirements are as set forth in Table 18.44-2 Spatial Requirements for the Commercial (C) Zone. Spatial requirements are also depicted in Figures 18.44.1, 18.44.2, and 18.44.3.

Figure 18.44.1 Residential Use or Zones Requirements



Figure 18.44.2 Commercial zone spatial requirements illustration

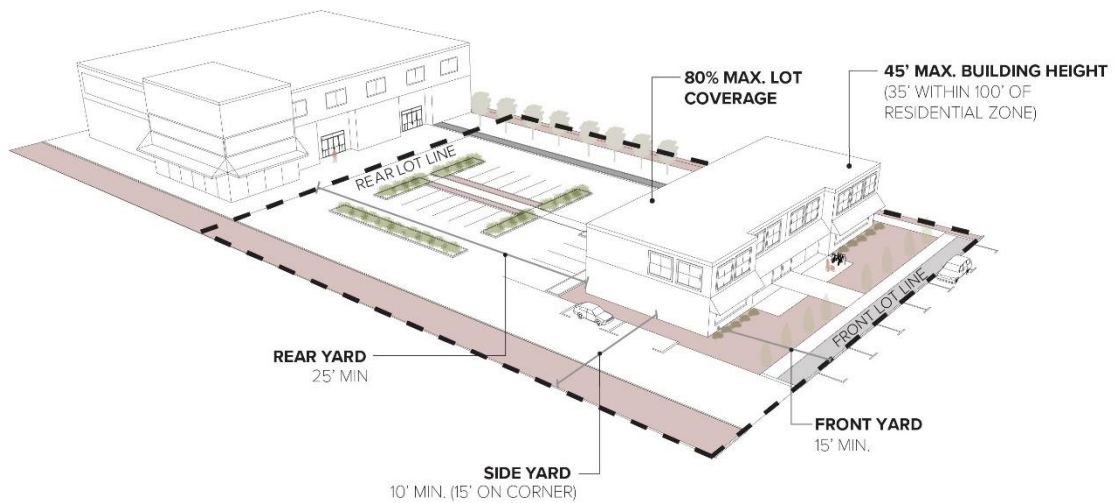


Figure 18.44.3 Commercial zone spatial requirements illustration when abutting residential zones.

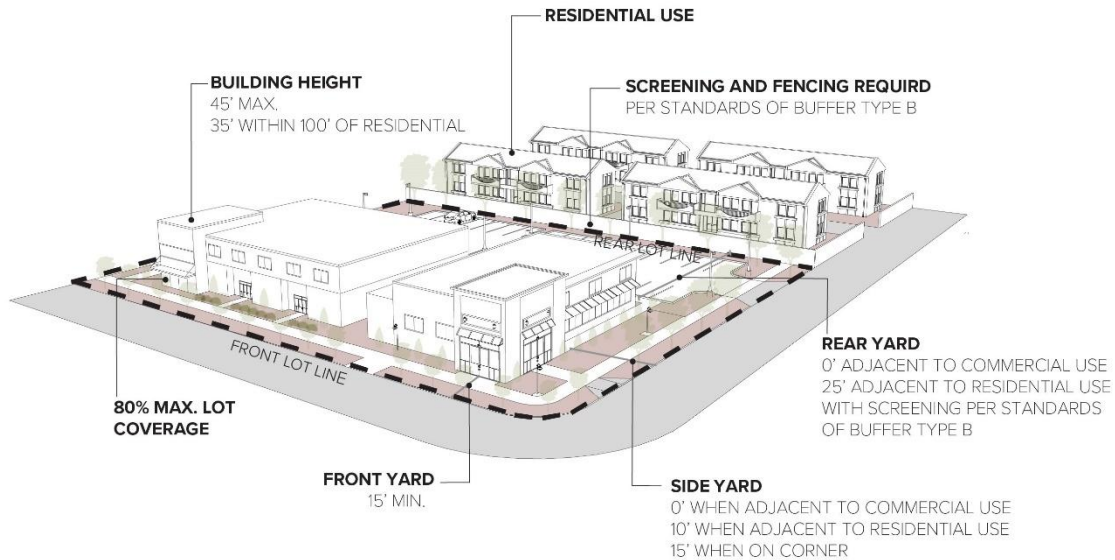


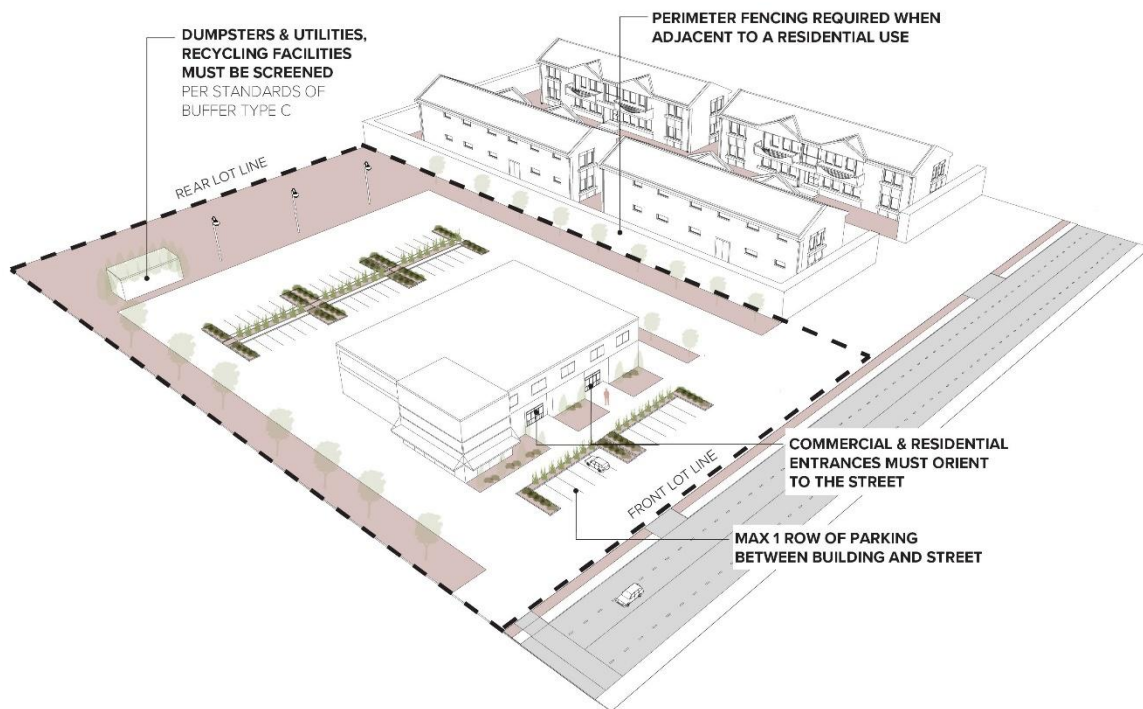
Table 18.44-2 Spatial Requirements for Commercial (C) Zone		
<i>Spatial Requirement</i>	<i>C Zone</i>	<i>When Abutting a Residential Zone Boundary</i>
Minimum lot or parcel area	None	None
Minimum lot or parcel width	None	None
Maximum building height	45'	45', 35' within 100' of a Residential Zone Boundary
Maximum lot coverage	80%	80%
Minimum building height	1 story, 2 stories within the following Village Centers identified on the adopted Future Land Use Map: 2300 E/ 3300 S, Olympus Hills, Highland Dr/ Murray-Holladay Rd	
Minimum front yard	15'	15'

Table 18.44-2 Spatial Requirements for Commercial (C) Zone		
<i>Spatial Requirement</i>	<i>C Zone</i>	<i>When Abutting a Residential Zone Boundary</i>
Minimum rear yard	None	25', subject to Landscape Buffer B as set forth in MKZ 18.64.050
Minimum interior side yard	None	10' subject to Landscape Buffer B as set forth in MKZ 18.4.050.
Minimum corner side yard	15'	15'
Accessory structure minimum rear and interior side yard	1'	10' from a Residential Zone Boundary.

18.44.060 Site Layout Standards.

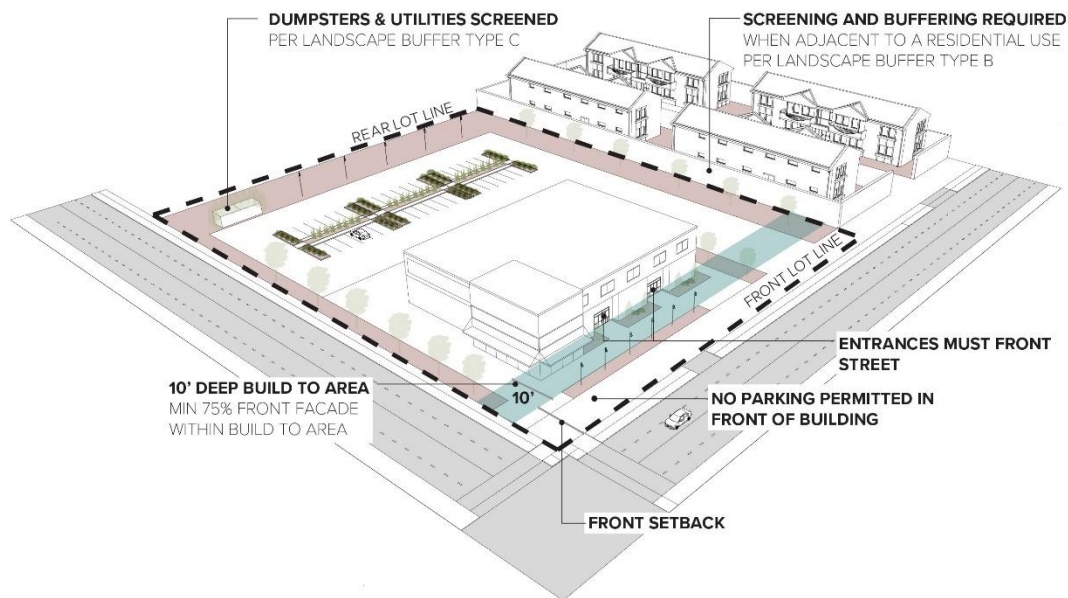
Development within the C Zone shall meet the following site layout standards, as illustrated in Figure 18.44.4:

Figure 18.44.4 Site Standards Illustration



- A. Building Orientation. Buildings shall orient their street facing facades parallel to the right-of-way.
- B. Build-To-Line. Developments within 300 feet of a major intersection as measured by a radius from the applicant's nearest property line to the arterial intersection right-of-way line are required to conform to the following standards, as illustrated in Figure 18.44.5:

Figure 18.44.5 Sites Within 300' of a Major Intersection Standards



1. Major intersections are defined where the following streets intersect with one another:
 - a. Murray-Holladay Rd.
 - b. 4500 S
 - c. 3900 S
 - d. 3300 S
 - e. 300 W
 - f. West Temple
 - g. Main Street
 - h. State Street
 - i. 500 East
 - j. 700 East
 - k. 900 East

- l. 1100 East
 - m. 1300 East
 - n. Highland Drive
 - o. 2000 East
 - p. 2300 East
 - q. 2700 East
 - r. Wasatch Boulevard
 - 2. The build-to line is measured perpendicularly to the front setback and is 10 feet in depth. Build-to lines may not encroach upon the front yard setbacks established in this Chapter.
 - 3. A minimum of 75 percent of the front elevation of the building(s) must be within the build-to-area.
- C. Entrances. Building facades shall have a ground story entrance facing towards the nearest street. When a property abuts more than one street, at least one ground story entrance is required on the street facing façade of the building where the greatest amount of pedestrian traffic is anticipated. Direct pedestrian access to the nearest street is required for all buildings.
- D. Vehicle access and parking.
 - 1. For sites within Village Centers as identified in the adopted Future Land Use Map and 300 feet of major intersections: No parking, circulation driveway or drop-off/pickup areas are permitted between the front of the building and the street.
 - 2. For all other locations: A maximum of one parking row, circulation driveway, or drop-off/pickup areas is permitted between the front of the building and the street.
- E. Garbage and Recycling. All development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage and recycling as set forth in the following standards:
 - 1. All developments must provide recycling services.
 - 2. All development is required to screen dumpsters and recycling facilities as set forth in the standards of this section as well as MKZ 18.64.050 (D).
 - 3. No refuse, recycling bin, dumpster or dumpster enclosure structure shall be located nearer than 10 feet to any perimeter property line.
 - 4. Enclosures shall be constructed of a solid masonry material and shall include solid steel gates.
- F. Utilities.
 - 1. Location. All utilities shall be located underground except for existing overhead transmission lines.

2. Screening. All utility equipment shall be screened from view as set forth in MKZ 18.64.050 (D).
 3. Permissions. Private water and other in-ground utilities that are privately owned require piping subject to the approval of the utility owner.
- G. Fencing and Screening. Fencing and screening shall be installed by the developer between incompatible uses and/or incompatible zones as set forth in MKZ 18.64, Landscape Standards, and MKZ 18.66, Fences and Walls.

18.44.070 Building Massing Standards

Development within the C Zone shall meet the following building massing standards:

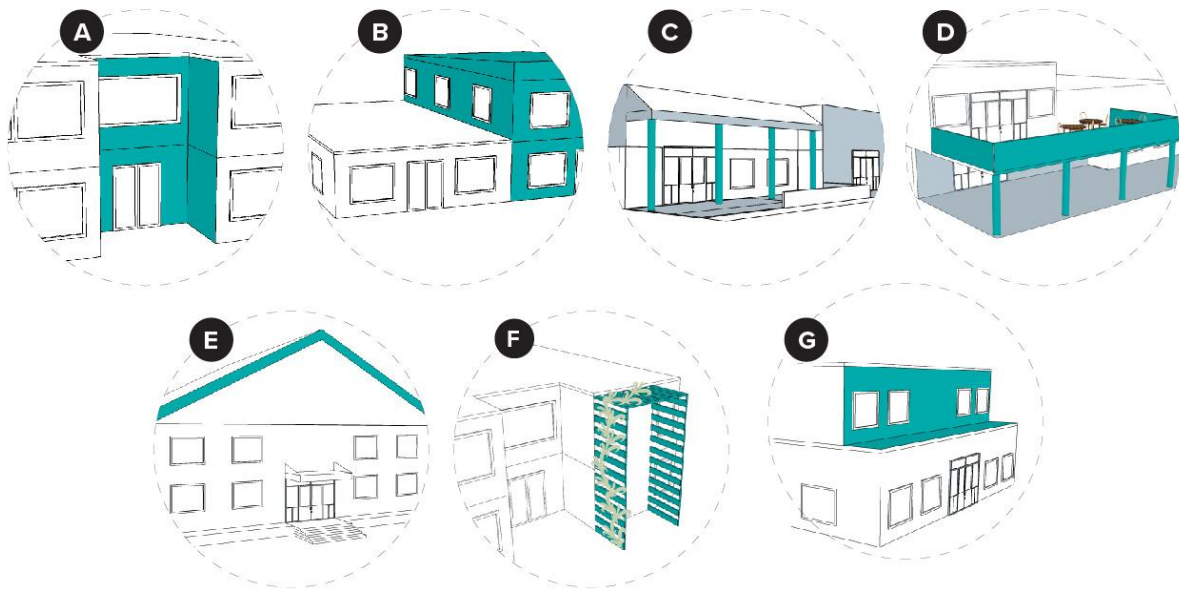
- A. Stepbacks. Buildings greater than 35 feet in height shall have a minimum 10-foot stepback between the first or second stories and third story when along streets, property frontages, and residential zone boundaries, as illustrated in Figure 18.44.6.

Figure 18.44.6 Stepback illustration



- B. Massing and Façade Articulation. All buildings that are not faced entirely in brick or stone shall be designed to have at least three of the following massing or façade articulation design elements, as illustrated in Figure 18.44.7:

Figure 18.44.7 Building Massing Standards Illustration

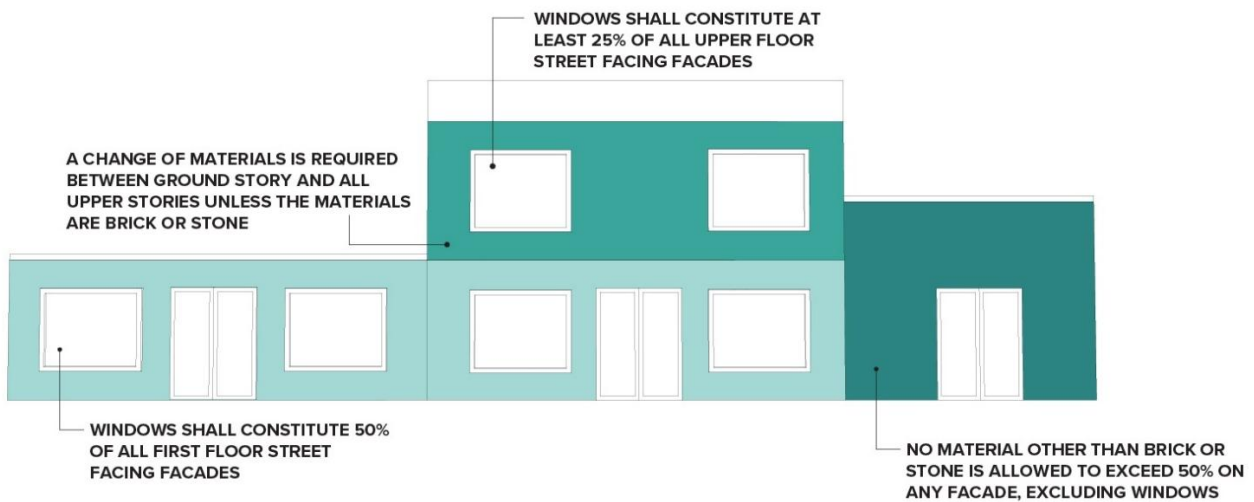


1. Façade Articulation. The primary façade plane shall not exceed 40 feet in length without full height articulation. The articulation shall be a minimum of two feet (2') in depth or projection from the primary façade plane and shall be a minimum of five feet (5') in width.
2. Change in Height. The top of the building shall change in height by at least five feet (5') every 30 feet of façade length.
3. Indentations or Recesses. The building shall feature indentations or recesses such as alcoves or arcades at least five feet (5') in depth along the façade at maximum of 75-foot intervals. Such indentations or recesses shall be a minimum of one story in height.
4. Terraces. Unless required as a stepback, usable terraces (a larger balcony intended as a private resident leisure space or commercial leisure space) at least 10 feet in depth along the street facing facades.
5. Pitched Roofs. The primary structure is covered by a pitched roof with a minimum pitch of 3/12. Parapets are not considered to satisfy this requirement.
6. Architecturally Integrated Trellises. Architecturally integrated trellises shall be attached to the wall and cover at least 20 percent of a wall and shall project a minimum of 18 inches from the primary façade and have accompanying landscape planting material.
7. Stepbacks. Stepbacks shall only satisfy this requirement if not otherwise required.

18.44.080 Building Materials Standards

Development within the C Zone shall meet the following building materials standards:

Figure 18.44.8 Building Materials Requirements Illustration



A. Windows.

1. Windows shall constitute at least 50 percent of first story street-facing facades, and windows shall be at least 50 percent transparent.
2. On double or triple-frontage lots or parcels, living screens may replace up to 50 percent of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage.
3. Windows shall constitute at least 25 percent of all upper story street-facing facades.

B. Exterior Materials.

1. Exterior materials of a durable and resilient nature such as brick, stone, architectural metal panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. Twenty-five year guaranteed, architectural shingles and/or other longer lasting roof materials are required.
2. Brick and/or stone may be used for up to 100 percent of the building façade, excluding windows. No other single material is allowed to exceed 50 percent on any facade, excluding windows. Other materials may be considered for soffits, or as an accent or architectural feature.
3. Stucco, EIFS, architecturally finished concrete, or architectural metal panel shall comprise no more than 20 percent of any façade.
4. A change of materials is required between the ground story and all upper stories unless the material is brick or stone.

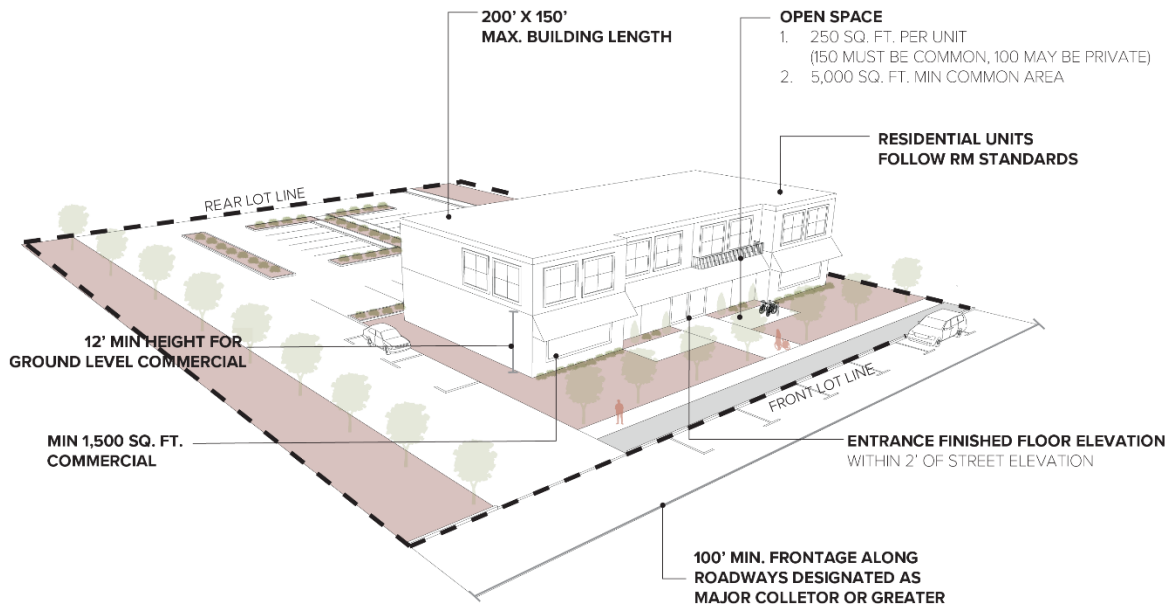
18.44.090 Design and Use Standards for Specific Uses.

The following standards are applicable to the uses specified in addition to the development standards in this Chapter. In the event there is language elsewhere in MKZ Title 18 that conflicts with language in this chapter, the more restrictive standard prevails.

- A. Automobile, Equipment, or Recreational Vehicle Sales or Rental uses shall meet the following site requirements:
 - 1. The minimum lot size for such use is 20,000 square feet.
 - 2. The site must contain an office of at least 2,000 square feet.
 - 3. Inventory lot parking shall not be included in the minimum parking requirements.
- B. Automobile Service and Repair uses shall meet the following site standards:
 - 1. Bay doors shall not be located on facades facing residential uses or zones.
 - 2. Vehicles awaiting repair or service shall be screened by Landscape Buffer C as set forth in MKZ 18.64, Landscape Standards.
 - 3. Vehicle storage areas shall not count toward parking minimum requirements.
- C. Caretaker Dwellings are only permitted in accordance with the following standards:
 - 1. A caretaker dwelling is only permitted as an ancillary use in association with a primary commercial use.
 - 2. A maximum of one caretaker dwelling is permitted on a given site.
 - 3. The property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately.
 - 4. A caretaker dwelling shall consist of a minimum habitable floor area of 600 square feet and not to exceed a maximum habitable floor area of one 1,200 square feet.
 - 5. The caretaker dwelling is subject to the residential use off-street parking requirements as set forth in MKZ 18.63, Parking and Mobility Standards.
 - 6. The parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking.
 - 7. Home businesses with a customer base visiting the caretaker dwelling shall be prohibited.
- D. Drive-up Windows shall meet the following impact mitigation standards:
 - 1. Drive-up windows are prohibited on a building façade facing a residential use or residential zone.
 - 2. The drive-up window shall not be located between a building and street right-of-way on a façade facing a residential use or zone.
 - 3. Speakers are prohibited within 150 feet from the nearest property line of a residential use or zone.
 - 4. Drive-up windows are prohibited within a mixed use site plan.

5. Drive-up windows are prohibited within 300 feet of an intersection.
 6. Drive-up windows are prohibited within 500 feet of each other.
- E. Self-Storage Facilities are prohibited within 300 feet of a major intersection and within one 1,320 feet (1/4 mile) of an established substantially similar business. No new self-storage facilities are allowed along the following streets:
1. 3300 South
 2. 4500 South, east of 2300 East
 3. 3900 South, east of 2300 East
- F. Fuel Stations shall meet the following site standards:
1. Fuel pump islands shall be so located that automobiles stopped for service will not extend over the property line, drive aisles, or otherwise impede circulation of the site or surrounding streets.
 2. Fuel pump canopies shall be set back no less than four feet (4') from any required setback. At no point shall a fuel pump be located nearer than 24 feet to the nearest property line.
 3. Fuel pump stations shall not count toward required parking calculations.
- G. Hotels shall meet the following site and design standards:
1. Hotels must have a prominent porte-cochere or portico, incorporating the materials used in the main building.
 2. Stucco or EIFS is prohibited on any street facing façade.
 3. Wall openings, such as windows and doors, located in lobbies and other common rooms, shall comprise at least 25 percent of the front façade.
 4. Massing and Façade Articulation for hotels shall have at least five of the façade design elements listed in MKZ 18.44.070 (B), Massing and Façade Articulation.
 5. Up to two facades may have a maximum building length of 200 feet and all additional facades may have a maximum building length of 150 feet.
 6. No more than one row of parking is allowed between a hotel and any street it fronts.
 7. Access to guest rooms shall be restricted exclusively to interior corridors, which shall be accessed via the main lobby of the building or entryways individually equipped with a security-controlled access system.
- H. Mixed Use developments shall meet the following standards, as indicated in Figure 18.44.9:

Figure 18.44.9 Mixed Use Standards Illustration



1. Minimum Frontage Requirement. If the mixed use development includes residential uses, the mixed use site shall have a minimum of 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan.
2. Finished Floor Elevation. The finished floor elevation of entrances on a ground floor commercial space fronting a street shall be no lower or higher than two feet (2') from the street elevation, as measured at the edge of asphalt, or top of curb, where a building abuts a public sidewalk.
3. Up to two facades may have a maximum building length of 200 feet and all additional facades may have a maximum building length of 150 feet.
4. Parking. Parking shall meet the requirements as set forth in MKZ 18.63, **Parking and Mobility Standards**. In addition, the following standards apply:
 - a. Entry Gates Prohibited. Vehicular entry gates are prohibited as part of any mixed use development containing residential uses unless the gate services a structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.

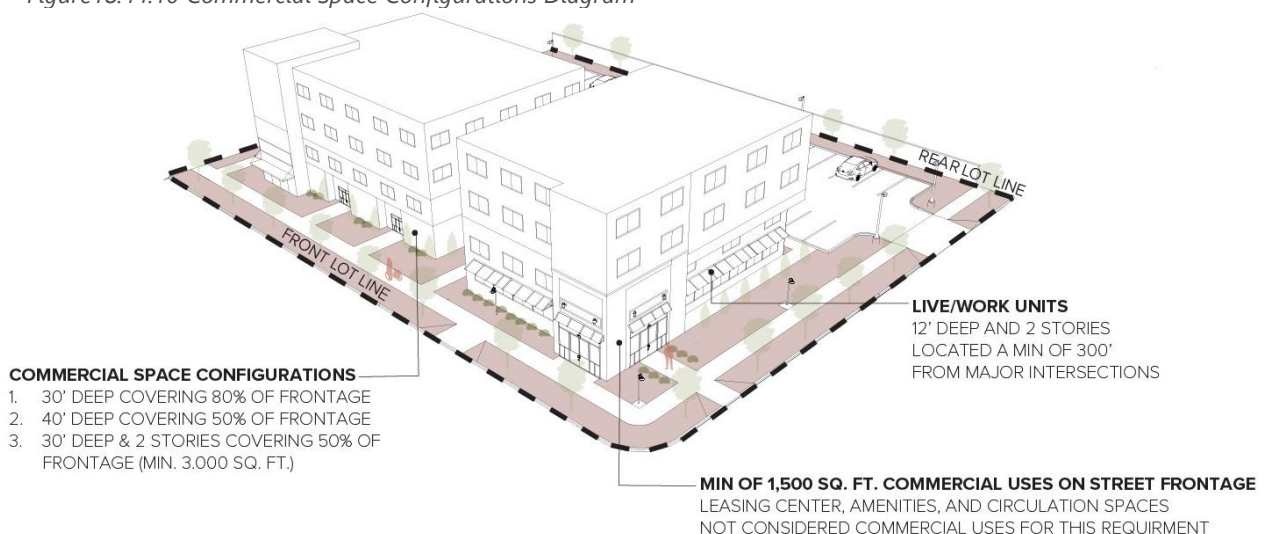
- b. Tandem Spaces in Podiums and Structures. Tandem spaces in conjunction with garages may be allowed only for residential uses with a minimum size requirement of 20 feet in length and 9 feet in width per parking space, not to exceed two contiguous spaces for each unit.
 - c. Tandem parking or parking in a private garage or driveway shall not be counted as guest parking or commercial user parking.
 - d. Private Garage Requirements. If a private garage is utilized, it must meet the following standards:
 - (1) Two parking space garages require a minimum unobstructed size of 22 feet wide by 20 feet in length, or 20 feet wide by 22 feet in length.
 - (2) Single parking space garages require a minimum unobstructed size of 10 feet wide by 22 feet in length, or 11 feet wide by 20 feet in length.
 - (3) All private garages must have a minimum unobstructed height of seven (7) feet for the entire required length and width of the private garage, except for interior staircases.
 - (4) Garage doors shall use complementary colors and include windows.
 - (5) Private garage doors and private garages shall not be the only means of access to a dwelling.
5. Minimum Commercial Floor Area Required. Mixed use developments are required to have commercial uses as set forth in the following standards:
- a. A mixed use development shall have at least 1,500 square feet of commercial floor area.
 - b. Minimum First Story Height for Ground Story Commercial Space. Ground stories containing commercial space, including live/work units, shall be at least 12 feet in height.
 - c. Buildings containing affordable housing may be eligible for a waiver of ground story commercial requirements, provided they qualify for an affordable housing incentive as set forth in MKZ 18.78, Affordable Housing Incentives.
6. Residential standards. Residential dwelling units in mixed use developments shall follow the standards as set forth in MKZ 18.39, Residential Mixed (RM) Zone except as follows:
- a. Open space shall be provided for residential uses in the amount of at least 250 square feet per dwelling unit. One hundred square feet per

dwelling unit may be private open space, and 150 square feet per dwelling unit must be common open space.

- b. The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curbs, gutters, sidewalks, driveways, or alleys and shall be accessible by all residents of the mixed use development.
- c. Buildings erected for the principal purpose of providing an amenity or required interior common amenity spaces may be included as open space as set forth in **MKZ 18.39**, Residential Mixed (RM) Zone.
- d. Required open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Drainage basins may not be utilized toward required open space.
- e. Common open space may be distributed throughout the development and need not be in a single large area. Projects with over twenty dwelling units shall include a single and contiguous landscaped passive open space sufficient for outdoor activity with a minimum area of 5,000 square feet.

- I. Additional Standards for Vertically Integrated Mixed Use. A vertically integrated mixed use building shall consist of commercial uses on the ground story with residential uses or office uses on upper stories and is subject to the following standards, as illustrated in Figure 18.44.10:

Figure 18.44.10 Commercial Space Configurations Diagram



1. Commercial Frontage and Minimum Depth of Ground Story Commercial Space. No less than 50 percent of the building's front façade shall be occupied by

commercial uses. Such commercial uses shall utilize one of the following configurations:

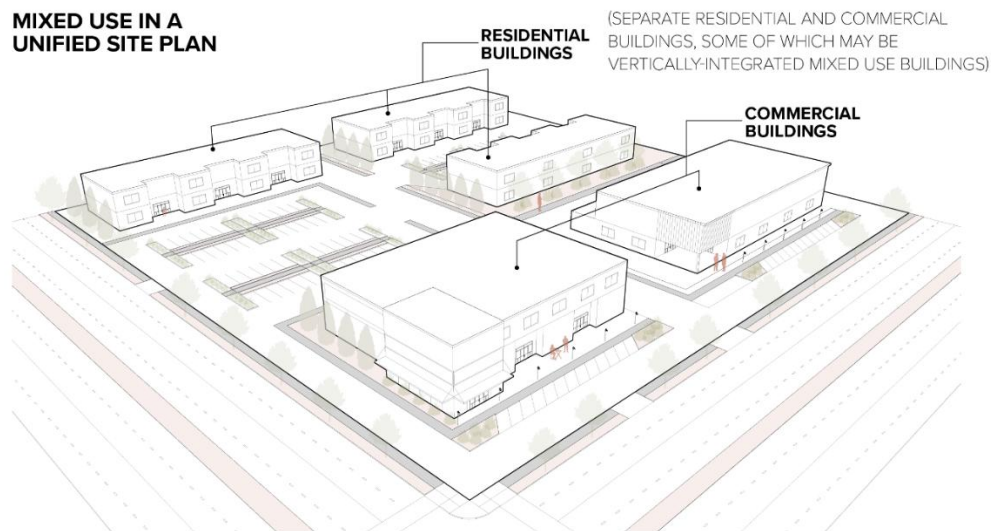
- a. Commercial spaces with a minimum depth of 30 feet as measured perpendicular to the frontage shall occupy at least 80 percent of a building's ground story front façade.
- b. Commercial spaces with a minimum depth of 40 feet as measured perpendicular to the frontage shall occupy at least 50 percent of a building's ground story front façade.
- c. Commercial spaces that occupy a minimum of two stories and shall have a minimum depth of 30 feet as measured perpendicular to the frontage and shall occupy at least 50 percent of a building's ground story front façade. In no event shall the minimum required commercial square footage be less than 3,000 square feet.
- d. Commercial spaces in a live/work unit shall have a minimum depth of 12 feet as measured perpendicular to the frontage, provided the commercial space in a live/work unit is a minimum of two stories and is not located within 300 feet of a major intersection as defined in MKZ 18.44.060, Site Layout Standards.

2. Ground Story Use Requirements. The ground story of a mixed use shall comply with the following requirements:

- a. Live/Work Units. Live/Work units may be used to meet the requirement for commercial uses, provided that the entire ground story of the live/work unit meets the design and use criteria listed in this chapter and is operated as an allowable commercial use in this Chapter. Commercial spaces in a live/work unit that are used to calculate the minimum commercial use or frontage requirements provided in this chapter shall not be used for residential purposes, parking, or storage.
- b. Residential Amenities as Commercial Uses. For the purposes of this chapter, leasing offices serving on-site residential and commercial uses, lobbies, required parking, elevators, stairwells, and any residential amenity spaces are not considered commercial uses.

J. Additional Standards for Mixed Use in a Unified Site Plan. A unified site plan shall consist of separate residential and commercial buildings, some of which may be vertically integrated mixed use buildings, in a site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use, as illustrated in Figure 18.44.11.

Figure 18.44.11 Unified Site Plan Illustration



1. Commercial buildings in a unified site plan must occupy at least 30 percent of the gross ground story floor area of the unified site plan and shall occupy at least 50 percent of the building frontages along a right-of way. Commercial spaces of at least 1,500 square feet in ground story floor area must occupy at least 50 percent of the building frontages along a street.
 2. Vertically integrated mixed use buildings in a unified site plan shall meet the requirements of vertically integrated mixed use buildings and shall abut a street.
- K. Additional Requirements for Commercially Significant Development Sites. A site is determined to be a Commercially Significant Development if any of the following apply:
1. The development site is greater than one acre in area.
 2. The development site is located within a Village Center, Retail/Office, or Employment/Commercial Future Land Use Designation on the adopted Millcreek Future Land Use Map.
 3. The development site is located within 600 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
 - a. 4500 South and Highland Drive
 - b. 2000 East and 3300 South
 - c. 900 East and 3300 South
 4. Any Mixed Use Development on a Commercially Significant Development Site shall meet the following requirements:
 - a. The development must include commercial uses for at least 30 percent of the mixed use development's gross floor area of buildings abutting a street.

- b. Frontage Requirements. Commercial uses are not required on facades of mixed use developments that are not located on a street identified in the Millcreek Transportation Master Plan Roadway Functional Classification Map as a Major Collector, a Minor Arterial, or an Other Principal Arterial.
- c. Live/Work Units. Live/Work units may be used to meet the requirement for commercial uses, provided that the entire ground story of the live/work unit meets the design and use criteria listed in this chapter and is operated as an allowable commercial use in this Chapter. Commercial spaces in a live/work unit that are used to calculate the minimum commercial use or frontage requirements provided in this chapter shall not be used for residential purposes, parking, or storage.
- d. Parking and Vehicular Access. In addition to meeting the requirements of MKZ 18.63, Parking and Mobility Standards, any required residential parking shall be located in an enclosed parking structure, podium, private garage, or carport.

18.45 Institutional Facilities Zone (IF)

18.45.010 Purpose

The purpose of the Institutional Facilities (IF) Zone is to promote institutional projects, and supporting commercial, of regional significance that are developed as campuses to increase employment and economic vitality in Millcreek while enforcing design that is sensitive to single-household neighborhoods. The development standards in this chapter regulate impacts that may be caused to immediate neighborhoods. The permitted uses under this zone are intended to meet the needs of Millcreek residents. It is the intent of Millcreek to restrict the IF Zone to specific locations that facilitate the creation of valuable centers or future center study areas, as defined in the adopted Future Land Use Map of the Millcreek General Plan.

18.45.020 Applicability

This chapter applies to development and uses in the Institutional Facilities Zone. Development in the Institutional Facilities Zone may also be subject to the requirements set forth in **MKZ 18.61, Sensitive Lands**. In addition, the following standards apply:

- A. Any campus located in the IF Zone shall have a minimum area requirement of three acres.
- B. For rezone considerations, the City Council may impose larger area requirements to mitigate any detrimental effects described under **MKZ 18.15.030 (A)**.
- C. Any campus located in the IF zone must be a contiguous group of parcels not separated by a public right-of-way.
- D. In the event there is language elsewhere in MKZ Title 18 that conflicts with language in this chapter, the more restrictive standard prevails.

18.45.030 Neighborhood Contact and Outreach

- A. Purpose. Institutions are encouraged to be active and invested in the nearby community. This section is intended to promote ongoing communication between campus institutions and other uses and to provide courtesy notices of large construction projects that may impact abutting properties.
- B. Any development, modification, addition, alteration to any use on a property located in the IF zone or intended to be rezoned to the IF zone that exceeds 10,000 square feet in gross square footage or exceeds 30 feet in height shall adhere to the following noticing requirements:
 - 1. Notice shall be mailed at least fourteen days prior to submitting for a permit or application to the City, including building permit, to property owners within 300 feet of the campus perimeter.
 - 2. Notice shall be given electronically at least fourteen days prior to submitting a land use application to the City, including building permit, to the Chair for the Community Council in which the subject campus is located.

- C. The notice shall at a minimum consist of general timeline of construction, scope of work, anything in the construction that may interrupt regular flow of traffic or that takes place in a public right-of-way and contact information of the project manager or a designee that can answer questions or address concerns.
- D. Exemption. If the scope of the project has already met the requirements of MKZ 18.14.090 as part of a land use review process, it is exempt from the neighborhood contact requirements.

18.45.040 Permitted Uses and Conditional Uses

- A. All uses in the IF zone are subject to MKZ 18.45.090 (D), Required Mitigation.
- B. Uses in the Institutional Facility (IF) Zone are as set forth in Table 18.45-1 Permitted and Conditional Uses in the Institutional Facility (IF) Zone. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.45-1.

Table 18.45-1 Permitted and Conditional Uses in the Institutional Facilities (IF) Zone		
Land Use	IF	Limitations / References
<i>P= Permitted C= Conditional Use Review Required</i>		
Accessory uses, Accessory Buildings and Structures	P	
Nursing Home or Assisted Living	P	
Eating and Drinking Establishments, Dine-In	P	
Public Parking Lot or Parking Garage	P	Only permitted as an accessory use.
Drive-Up Window	P	Only permitted as an accessory use to Depository Financial Institutions or Pharmacies. Not allowed within 150 feet of a residential use.
Auditorium, theatre, or meeting facility for the purpose of education, business, or entertainment	P	Only permitted as an accessory use. An entertainment use in the IF zone may not occupy a space greater than 5,000 square feet, excluding parking and required site improvements.

Temporary Uses	P	
General Retail	P	
General Service	P	
Hospital	C	
Medical or Dental Clinic	C	
Lodging	C	May not exceed 40 feet in height.
Personal Services	P	Only permitted as an accessory use. Each Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek Business License.
Office	P	Only permitted as an accessory use.
Public Use	P	
Quasi-Public Use	P	
Schools, Public and Private	P	
Religious Assembly	P	
Residential Facility for the Elderly or for Persons With a Disability	P	Subject to standards in MKZ 18.74, Residential Facilities for Persons With a Disability
Schools, Public and Private	P	
Accessory Buildings	P	Accessory Buildings are subject to the Bulk and Yard Requirements found in Development Standards established in MKZ 18.59, Accessory Structures
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures

18.45.050 Prohibited Uses, Limitations, and Special Requirements

Certain use prohibitions or use limitations are listed in Table 18.45-2. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated in the table are prohibited.

Table 18.45-2 Prohibited Uses in the Institutional Facilities (IF) Zone
Detention Facility or Jail as a principal use
Indoor or Outdoor Gun or Archery Range
Outside Storage
Outdoor Displays
Dwellings
Automobile, Equipment, or Recreational Vehicle Sales or Rental
Outdoor Kennel
Sexually Oriented Businesses
Retail Tobacco Specialty Business
Self-storage Facility
Non-Depository Financial Institution
Outdoor Commercial Entertainment
Automobile Service and Repair
Pawn Shop

18.45.060 Spatial Requirements

- A. The spatial requirements are as set forth in Table 18.45-3 Spatial Requirements for the Institutional Facilities (IF) Zone

Table 18.45-3 Spatial Standards	
<i>Measurement Type</i>	<i>Measurement</i>
Minimum lot width	300 feet
Maximum building height	As set forth in MKZ 18.45.070 and MKZ 18.72, Building Height (1)
Maximum lot coverage	80 percent
Minimum open space	20 percent (2)
Minimum building height	1 story
Minimum front yard setback	20 feet

Minimum rear yard setback	10 feet
Minimum rear yard setback when abutting a Residential Zone Boundary	20 feet
Minimum side yard setback	10 feet
Minimum side yard setback when abutting a Residential Zone Boundary	20 feet
Minimum side yard setback abutting a public street	20 feet
Accessory structure minimum side yard setback abutting a public street	20 feet
Accessory structures: rear and side yard setback	10 feet
Accessory structures: rear and side yard when abutting a Residential Zone Boundary.	20 feet
Accessory structure minimum and maximum height	1 story
Parking structure minimum setback	20 feet
Parking structure maximum height	60 feet

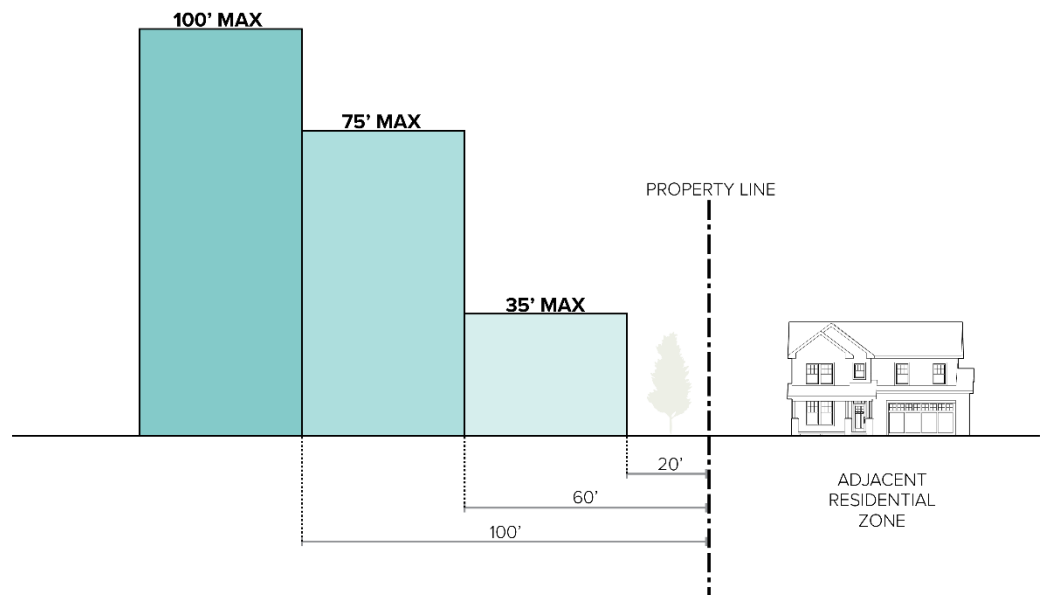
B. Table 18.45-3 notes

1. Greater height may be granted if the proposed development can follow all conditions under section MKZ 18.72, Building Height.
2. The required open space shall be land areas that are not occupied by buildings, dwellings, structures, parking structures, streets, curb-gutter-sidewalk, driveways, or alleys. Said open space may be an area of land or water set aside, or reserved for use of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Open space also includes common walkways, formal picnic areas, and recreational areas. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with thirty percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project. A five percent reduction in open space is permitted for civic uses to ensure adequate parking, and transit needs are met.

18.45.070 Building Height Requirements

- A. For campuses 10 acres in size or more, the height of main buildings on campus must comply with the following conditions, as illustrated in Figure 18.45.1:
1. On a portion of the campus within 60 feet of a lot or parcel line abutting a Residential Zone Boundary the maximum height is 35 feet
 2. On a portion of the campus that is more than 60 feet but within 100 feet of a lot or parcel line abutting a Residential Zone Boundary the maximum height is 75 feet.
 3. On a portion of the site that is more than 100 feet away from the campus perimeter, as determined by a boundary survey prepared by a surveyor licensed to practice in the State of Utah, the maximum height is 100 feet.

Figure 18.45.1 Building Height Requirements



- B. For campuses that are less than 10 acres the height of main buildings and parking structures on campus must comply with the following conditions:
1. On a portion of the campus within 60 feet of a lot or parcel line abutting a Residential Zone Boundary the maximum height is 35 feet.
 2. Maximum height for all buildings is 45 feet.
- C. Height Projection Allowances identified in MKZ 18.72.040 are subject to the following standards:

1. For buildings greater than 60 feet from a campus perimeter or a Residential Zone Boundary, the maximum increase in height for allowable height projections is 22 feet.
 2. For buildings less than 60 feet from a campus perimeter or a Residential Zone Boundary, the maximum increase in height for allowable height projections is 14 feet.
- D. Stepbacks. For buildings that are greater than 40 feet in height and that are within 100 feet of a campus perimeter, a 20-foot stepback of any building façade, facing any street or Residential Zone Boundary, is required between the bottom of the first story and the top of the third story and upper stories.

18.45.080 Design and Use Standards for General Retail and General Service Uses

General Retail and General Service uses are subject to the following requirements:

- A. Business shall be conducted wholly within an enclosed building, except for the parking of customer vehicles, except that any type of eating and drinking establishment may have outdoor dining. Outdoor music associated with the eating and drinking establishment shall comply with all applicable noise ordinances.
- B. All products, whether primary or incidental, shall be sold on the premises.

18.45.090 Site and Design Standards

- A. Entrances. All entrances to buildings and parking lots and parking garages that connect to or abut a public right-of-way must be located and designed to provide pedestrian access to any transit stops located along the right-of-way, so that the entrances have the shortest possible path from transit stop to building.
- B. Parking and Traffic Mitigation.
 1. Parking lot and parking garage design must accommodate transit stops located along a public right-of-way. Parking lots and parking garages must have safe pedestrian paths leading from a transit stop to a building.
 2. As part of any site plan review or subdivision approval, the City may require ingress, egress, and access easements to secure vehicular and pedestrian access throughout a campus without forcing vehicles to use abutting public rights-of-way.
 3. More than one ingress/egress to a public right-of-way for each campus is required. No ingress/egress to a public right-of-way may be located nearer than 200 feet to an intersection.
- C. Generators, Emergency Power Systems, and Medical Gas Supply System Tanks. New generators, emergency power systems, and medical gas supply system tanks shall be located no closer than 30 feet from a Residential Zone Boundary. All such systems shall be screened from view from abutting residential properties with fencing or landscaping. All such systems shall incorporate

sound attenuation designs, including but not limited to sound walls, sound baffles, or appropriate landscaping.

D. Required Mitigations.

1. Nuisances and Noise. All uses in the IF zone shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems. The noise level emanating from any use or operation shall not exceed the limits in the applicable Salt Lake County Health Department regulations regarding noise control.
2. Interior Street Lights. Street and pedestrian lighting for streets on the interior of the campus is required. Outdoor lighting is subject to the requirements as set forth in MKZ 18.68, Outdoor Lighting. No on-site light poles may be located closer than 10 feet from the public right-of-way.
3. Garbage and Recycling.
 - a. The campus shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. Enclosure structures must have a minimum of four sides that emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
 - b. For any structure or object used for garbage collection, or recycling such as a dumpster, the minimum setback from the property line is 20 feet. Garbage or recycling collection is not allowed within 30 feet of a property line that abuts a Residential Zone Boundary.
4. Screening Requirements Along a Residential Zone Boundary. Any development in the IF zone within one hundred feet (100') of a Residential Zone Boundary must incorporate at a minimum two (2) of the following options for screening:
 - a. Any noise source that may in the course of 24 hours emit a noise that is greater than 50 decibels measured from 20 feet away from the noise source in any direction must provide adequate screening directly around the structure or object emitting noise.
 - b. A masonry wall and evergreen trees that reach heights of 25 feet to 30 feet dispersed along a campus boundary that abuts a Residential Zone Boundary. The distance allowed between trees shall be 20 feet or less.
 - c. Shrubs or tall grasses shall be used within a setback to increase the likelihood of absorbing sound. Shrubs or tall grasses must be

- dispersed throughout the entire length of the setback along a Residential Zone Boundary. Shrubs must be no greater than 10 feet apart and grasses must be no greater than five feet (5') apart.
- d. Mechanical buildings or structures, loading docks, utility structures are not located within 100 feet of a Residential Zone Boundary. Roof-mounted mechanical or utility structures on buildings taller than 75 feet in height are exempt from this requirement.
5. Perimeter Fencing. Fencing is required for non-residential uses that abut residential uses, and shall comply with the standards as set forth in MKZ 18.66, Fences and Retaining Walls, except as provided below:
- a. Fence materials may consist of metal picket, wood, masonry, or composites. Vinyl is prohibited as a fencing material. Exterior fencing along a public right-of-way shall be limited to brick, stone, or block, or pre-cast concrete and be set back a minimum of five feet (5') from the campus perimeter or right-of-way line to allow for a landscaping buffer designed in accordance with MKZ 18.64, Landscape Standards, to soften long expanses of walls.
- b. To ensure maximum pedestrian connectivity, fencing between IF parcels is not required.
6. Architecture and Windows.
- a. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, EIFS, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material can exceed 50 percent on street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five-year guarantee, architectural shingles and/or other longer-lasting roof materials shall be used.
- b. Windows shall make up at least 50 percent of first story street-facing facades and shall be at least 50 percent transparent.
7. Corner Lots or Parcels. Corner lots or parcels are deemed to have two front yards.

18.46 Light Manufacturing (M) Zone

18.46.010 Purpose

The purpose of the Light Manufacturing (M) Zone is to provide areas for light manufacturing, warehousing, and commercial uses.

18.46.020 Applicability

The Light Manufacturing (M) Zone is a legacy zoning district and shall only be applied to existing parcels, lots, and areas already included in the Light Manufacturing (M) Zone. No additional parcels, lots, or land may be added to the Light Manufacturing (M) Zone. This chapter applies to development and uses in the Light Manufacturing Zone. Development in the Light Manufacturing Zone may also be subject to the requirements set forth in **MKZ 18.61, Sensitive Lands**. In the event standards in this chapter conflict with other standards found elsewhere in Title 18, the more restrictive standards apply.

18.46.030 Permitted Uses and Conditional Uses

- A. Uses in the Light Manufacturing (M) Zone are as determined by the Table 18.46-1 Permitted and Conditional Uses in Light Manufacturing (M) Zone. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in **MKZ 18.15.030 (J)**, to determine whether a proposed land use aligns with an existing land use listed in Table 18.46-1.

Table 18.46-1 Permitted and Conditional Uses in the Light Manufacturing (M) Zone		
Land Use	M Zone	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Commercial Uses</i>		
Depository Financial Institution	P	Prohibited within 300' of a major intersection (1)
Kennel, Indoor or Outdoor	P	Prohibited within 300' of a Residential Zone Boundary or a legally established residential use
Automobile, Equipment, or Recreational Vehicle Sales or Rental	C	Only allowed when located on arterial roadways 80' or greater in width. Prohibited within 150' of a Residential Zone Boundary or a legally established residential use. (1)

Table 18.46-1 Permitted and Conditional Uses in the Light Manufacturing (M) Zone		
Land Use	M Zone	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
		Additional use standards apply as set forth in MKZ 18.46.090
Automobile Service and Repair	C	Prohibited within 300' of a Residential Zone Boundary or a legally established residential use and within 1,320' (1/4 mile) of an established substantially similar business. (1) Additional use standards apply as set forth in MKZ 18.46.090.
Car Wash	C	Prohibited within 150' of a Residential Zone Boundary or a legally established residential use and within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business. (1)
Medical or Dental Clinic	P	
Commercial Daycare or Preschool	P	
Indoor Commercial Entertainment under 25,000 square feet	P	
Indoor Commercial Entertainment, 25,000 square feet or more	C	
Outdoor Commercial Entertainment	C	Outdoor entertainment uses prohibited within 300' of a Residential Zone Boundary or a legally-established dwelling. (1)
Commercial Kitchen / Ghost Kitchen	P	
Commercial Parking Lot or Commercial Garage	C	Parking garages shall include non-residential uses for at least 75% of the ground story facing a public street. Subject to Landscaping standards.

Table 18.46-1 Permitted and Conditional Uses in the Light Manufacturing (M) Zone		
Land Use	M Zone	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
Community Garden	P	Limited to one acre or less with no onsite retail allowed.
Drive-up Window	C	
Eating and drinking establishment	P	
Flex Space	P	Maximum square footage of 10,000 square feet per building, a minimum of 20% of story area must be office and or retail uses.
Fuel Station	C	Prohibited within 1,320' (1/4 mile) of an existing fuel station and within 300' of a major intersection. (1)
Funeral Home or Mortuary	P	
Greenhouse or Plant Nursery	P	
Gym or Fitness Studio under 5,000 square feet	P	
Gym or Fitness Studio 5,000 square feet or more	C	
Light Manufacturing	P or C	Developments that abut a Residential Zone Boundary or a legally-established dwelling are a conditional use. (1)
General Retail	P	
Office	P	
Pawn Shop	P	Prohibited within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business. (1)
Reception or Event Center	P	Outdoor uses prohibited within 300' of a Residential Zone Boundary or legally-established dwelling. (1)

Table 18.46-1 Permitted and Conditional Uses in the Light Manufacturing (M) Zone		
Land Use	M Zone	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
Self-Storage facility	C	Prohibited within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business. Additional location restrictions apply as set forth in MKZ 18.46.090. (1)
Sexually Oriented Business	C	
Truck Transfer Facility	C	Temporary outside storage of trucks and trailers allowed as defined by MKZ 18.46.080
Warehouse	P or C	Developments that abut a Residential Zone Boundary or a legally-established dwelling are a conditional use.
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures
<i>Institutional Uses</i>		
Wireless Telecommunication Facility	P	Must be a Stealth Facility, subject to the standards as set forth in MKZ 18.75, Wireless Telecommunication Facilities.
Public Use	P	
Religious Assembly	P	
Schools, Public and Private	P	
Quasi-Public Use	C	
<i>Residential Uses</i>		
Home Business	P	Permitted in legally-established dwellings in the M Zone. Subject to MKZ 18.76, Special Business Land Use Regulations

Table 18.46-1 Permitted and Conditional Uses in the Light Manufacturing (M) Zone		
Land Use	M Zone	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
Residential Facility for Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability.
Caretaker Dwelling	P	Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately. Caretaker dwelling shall consist of a minimum habitable floor area of 600 square feet and not to exceed a maximum habitable floor area of 1,200 square feet. Shall be subject to the off- street parking requirements of MKZ 18.63, Parking and Mobility Standards. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking. -Home businesses with a customer base visiting the caretaker dwelling shall be prohibited.

B. Table 18.46-1 Notes:

- Distances are measured from property line or nearest point of the right-of-way at an intersection to the subject property line at the nearest point.

18.46.040 Prohibited Uses, Limitations

Certain use prohibitions or use limitations are listed in Table 18.46-2. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated in the table are prohibited.

Table 18.46-2 Prohibited Uses and Limitations	
Use	Specific Use Limitations
Detention Facility or Jail	Prohibited
Indoor or Outdoor Gun or Archery Range	Prohibited
Impound and Tow Lot, Salvage Yard, or Junk Yard	Prohibited
Outside Storage	Prohibited as a principal use.
Composting Facility	Prohibited
Retail Tobacco Specialty Business	Retail Tobacco Specialty Businesses are prohibited within 1,320' (1/4 mile) of an established substantially similar business.
Outdoor Display	Outdoor Displays are prohibited unless associated with an existing retail use located in a building. Outdoor displays must be located within five feet of the main building.

18.46.050 Accessory Uses

Accessory uses and structures shall be subordinate to the main use and structure or building. Accessory use may include outside repair, fabrication, and cleaning of equipment, vehicles, and/or stored products.

18.46.060 Spatial Requirements

- A. The requirements for lot or parcel size, building setbacks, lot coverage and other spatial requirements are as set forth in Table 18.46-3 Spatial Requirements for the Manufacturing (M) Zone.

Table 18.46-3 Spatial Requirements for the Manufacturing (M) Zone	
Spatial Requirement	M Zone
Minimum Lot or Parcel Area	20,000 square feet
Minimum Lot or Parcel Width	100 feet
Maximum Building Height	45 feet
Maximum Lot or Parcel Coverage	80 percent
Minimum Building Height	1 story
Minimum Front Yard Setback	20 feet

Table 18.46-3 Spatial Requirements for the Manufacturing (M) Zone	
<i>Spatial Requirement</i>	<i>M Zone</i>
Minimum Rear and/or Side Yard Setback	If located abutting a Residential Zone Boundary, 20 feet, otherwise 10 feet.
Minimum Interior Side Yard Setback	10 feet (1)
Minimum Corner Side Yard Setback	20 feet (1)
Accessory Structures: Rear And Interior Side Yard Setback	2 feet
Accessory Structures: Rear And Interior Side Yard Setback When Abutting Residential Use	10 feet

B. Table 18.46-3 Notes:

1. For buildings that abut a legally-established dwelling or a Residential Zone Boundary, the side and rear yards abutting the residential use or Residential Zone Boundary shall be increased by one foot for every two feet that the structure exceeds 25 feet in height.

18.46.070 Fuel Station Setbacks

- A. Gasoline pumps associated with fuel stations shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any Residential Zone Boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall not encroach on the front or side yard setback and not be located less than ten feet from any Residential Zone Boundary.

18.46.080 Special Regulations for the Light Manufacturing Zone

- A. General Conditions in the M Zone. All uses in the M zone shall be permitted only under all the following conditions:
1. Business operations that abut a legally established residential use, a Residential Zone Boundary, or a street shall be conducted predominantly within an enclosed building, except for the following:
 - a. Parking and servicing vehicles and equipment,
 - b. Loading and unloading of products and equipment,
 - c. Outside storage of products, materials, vehicles, or equipment may be in the rear or side yard in the rear or side yard for new uses, subject to the following standards:

- (1) Outside storage shall occupy no more than sixty percent (60%) of the lot or parcel.
 - (2) Outside storage must be screened by a solid visual barrier perimeter fence of six feet (6') to eight feet (8'), depending on and relating to the height of the products, materials, or equipment stored outside. The maximum height of outside storage shall be established by a formula of setback to height where the minimum setback from the property line abutting a public street equals one-and-a-half times the height of the products, materials, vehicles, or equipment being stored.
 - (3) The surface area of the outside storage area shall be paved with cement or asphalt hard surface paving or a contained durable permeable surfacing such as gravel.
 - (4) Any outdoor storage of vehicles and equipment shall be considered temporary and only include operable, functional vehicles and equipment able to be immediately put to the intended use.
- d. Existing legal uses with outdoor storage operating at the time of the adoption of this ordinance, January 22, 2018, shall retain the ability to store product, materials, vehicles, or equipment on 100 percent of the lot, lots, parcel, or parcels occupied by such use.
 - e. Outdoor dining associated with eating and drinking establishments.
2. All uses shall minimize, so as not to become a nuisance, any unsafe, unhealthy, objectionable, and unreasonable waste, odor, dust, smoke, other emissions, noise, vibration, as determined by any Federal, State, County, and/or City health and safety codes, regulations, or ordinances.
 3. All principal assembly, manufacturing, testing, cleaning, testing and associated services or processes shall be done wholly within completely enclosed buildings. Accessory use may include outside repair, fabrication, and cleaning of equipment, vehicles, and/or stored products.
 4. Roof mounted mechanical equipment, and vents shall be screened from view from the ground-level vantage point along an abutting arterial, collector, or local street.

18.46.090 Site and Design Standards

- A. Main entrances to the first story of manufacturing and commercial buildings shall front on the abutting public street.
- B. Commercial garages shall include non-residential uses for at least 75 percent of the ground story facing a street.

- C. Windows shall make up at least 10 percent of ground story street-facing facades for manufacturing buildings and 50 percent for commercial buildings. Upper stories shall have architectural differentiation from the ground story of the building.
- D. Corner lots or parcels are deemed to have two front yards, but only one front yard is required to have a building entrance.
- E. Garbage and Recycling.
 - 1. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of on-site generated garbage to minimize the detrimental effects of the collection, storage, and removal such as noise and odor.
 - 2. No refuse dumpster for refuse generated on site or dumpster enclosure structure shall be located nearer than 20 feet to any perimeter property line.
 - 3. All refuse storage including dumpsters and recycling collection shall be screened in accordance with Buffer C standards as set forth in the Landscaping Requirements of MKZ 18.64.050
- F. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, concrete, prefinished panel, composite materials, painted block, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five-year guarantee, architectural shingles and/or other longer-lasting roof materials are required.
- G. Building relief. All buildings shall include façade differentiation using varied materials and relief every 100 feet or less.
- H. Development abutting legally established dwellings or a Residential Zone Boundary:
 - 1. The required minimum six-foot high concrete or masonry wall shall be constructed concurrently with the foundation of the proposed building.
 - 2. No proposed manufacturing use shall be constructed which will allow a direct view into the rear yard of a residential use.
 - 3. Loading docks shall be located a minimum of 100 feet from an existing or proposed residential use. Such loading docks shall incorporate screening whether in the form of landscaping or wing walls.
- I. Curb cuts shall not be located nearer than 50 feet to any street intersection. Loading docks shall not be visible from the adjacent street.
- J. Curb cuts shall not be located nearer than 20 feet to a side or rear lot or parcel line, and the distance between separate curb cuts serving adjacent land uses shall not be less than 40 feet, unless one or more of the following circumstances apply:
 - 1. A common curb cut serves abutting land uses;
 - 2. Curb cuts cannot meet separation standards due to narrow lot or parcel frontage;

3. Curb cuts cannot meet separation standards due to location of existing cuts on adjacent lots or parcels; or
 4. A professional traffic engineer, after preparing a traffic study subject to the standards of MKZ 18.69, Required Studies and Plans, recommends that curb cuts be located nearer to interior lot or parcel lines to maintain a safe distance from street intersections.
- K. In order to meet the purposes of this chapter:
1. Lots or parcels may be accumulated to provide the minimum lot or parcel area. Individual lots or parcels with an area smaller than the minimum lot or parcel area are not suitable for development.
 2. The development shall provide appropriate buffering to abutting properties and uses, as set forth in MKZ 18.64, Landscape Standards.
 3. Safe access shall be provided within the site and to public streets as set forth in MKZ 18.63, Parking and Mobility Standards.
 4. Uses adjacent to defined creeks shall include a usable open space buffer area next to creek at least 50 feet from the high-water mark. Landscaping shall follow the standards as set forth in MKZ 18.61, Sensitive Lands, and MKZ 18.64, Landscaping Standards.
- L. Renovation or maintenance of existing structures or buildings shall not be deemed new construction for any of the foregoing requirements unless such renovation or maintenance results in a structure or building footprint being expanded by more than 25 percent.

18.47 City Center Overlay Zone (CCOZ)

18.47.010 Purpose

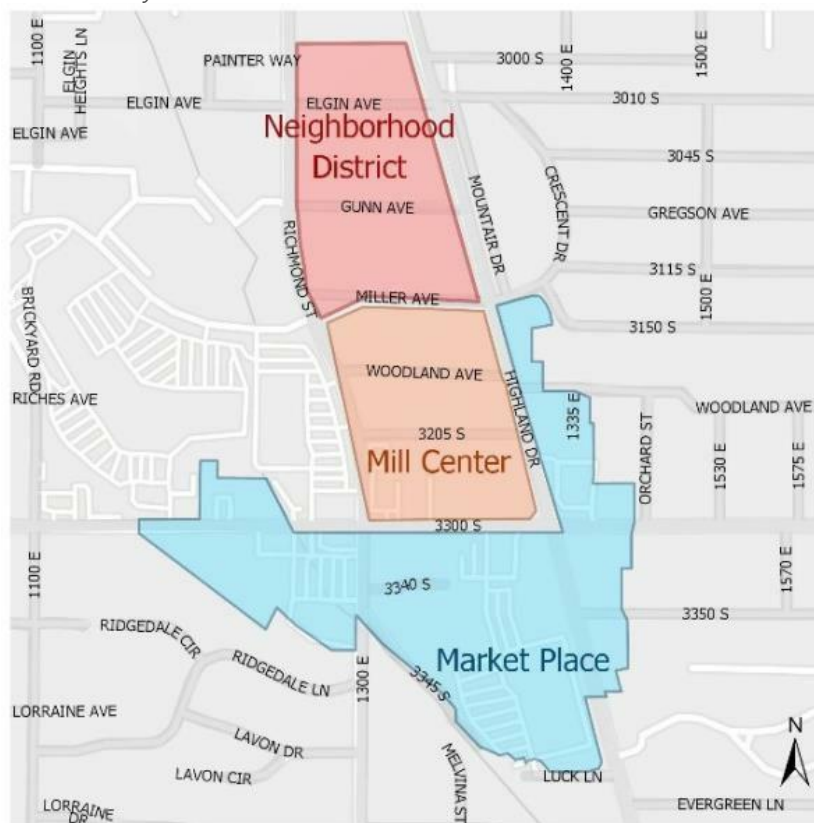
The purpose of the City Center Overlay Zone (CCOZ) is to supplement and modify the standards of the underlying zones to promote the creation of a walkable mixed use city center for Millcreek, and to implement the goals and objectives of the Millcreek City Center Master Plan. The City Center is located approximately between Highland Drive and 1300 East, and 3000 South and along 3300 South and as particularly set forth on the Figure 18.47.1 below and the official Millcreek Zoning Map. The CCOZ is intended to facilitate development that promotes quality growth, fosters harmonious development and outstanding design, increases property values, and creates new retail, residential, and other commercial opportunities.

18.47.020 Applicability

This chapter applies to development and uses in the City Center Overlay Zone. Development in the City Center Overlay Zone may also be subject to the requirements set forth in MKZ 18.61, Sensitive Lands. In addition, the following standards apply:

- A. The use and development of property within CCOZ is also subject to other applicable chapters in the zoning ordinance and the regulations of the underlying zone except where specific regulations are provided in this chapter, including but not limited to applicable health and safety codes, building codes, and engineering standards.
- B. Standards in other chapters may apply. In the event there is language elsewhere in Title 18 of this code that conflicts with language in this chapter, the CCOZ standards prevail.
- C. Any new development, exterior remodeling covering more than 50 percent of the building, or building expansions exceeding 15 percent of the gross square footage of the existing building, shall conform to the CCOZ. Conformity shall not be required for maintenance, exterior painting, or interior remodeling of a building. New signs or sign replacements shall also comply with the CCOZ.
- D. The CCOZ area is composed of three districts: the Neighborhood, the Mill Center, and the Market Place. The CCOZ covers the area as set forth in Figure 18.47.1 City Center Overlay Zone Boundaries.

Figure 18.47.1, City Center Overlay Zone Boundaries



18.47.030 Permitted Uses and Conditional Uses

- A. Permitted uses on any lot in the CCOZ shall be the permitted and conditional uses allowed in the C zone, with the addition of single purpose multiple-household dwellings in the Neighborhood District. Uses in the CCOZ are as determined by the Table 18.47-1 Permitted and

Conditional Uses in CCOZ. If a use is not explicitly designated in the table, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.47-1.

- B. Uses are subject to the use limitations as set forth in MKZ 18.47.040. Uses shall be located within one of the Building Types identified in this chapter.
- C. In addition to the uses listed below, any building that meets any one of the following criteria shall be approved using the City's Conditional Use Process as set forth in MKZ 18.15.030 (A):
1. Any proposed building with a total square footage greater than 25,000 square feet,
 2. Any proposed building with a ground story footprint greater than 15,000 square feet,
 3. Any proposed building with a height greater than thirty-six feet (36'), excluding height projection allowances as set forth in MKZ 18.72.040.

Table 18.47-1 Permitted and Conditional Uses in CCOZ	
<i>District</i>	<i>Uses</i>
Neighborhood	• Dwelling, Multiple Household • Dwelling, Single Household - Attached • Mixed Use • Neighborhood Retail • Neighborhood Service • Office (limited to 2,500 square feet or less, unless the uses are in a building that is located within 200 feet of the corner of a neighborhood street and either Richmond Street or Highland Drive) • Commercial Entertainment (indoor only) • Temporary Uses
Mill Center	• Mixed use including residential on upper stories, • Office • Neighborhood or General Retail • Neighborhood or General Service • Commercial Entertainment (indoor only) • Public Uses • Quasi-Public Uses • Commercial Entertainment (indoor only) • Temporary Uses

Table 18.47-1 Permitted and Conditional Uses in CCOZ

<i>District</i>	<i>Uses</i>
Market Place	• Neighborhood or General Retail • Neighborhood or General Service • Office • Mixed Use • Commercial Entertainment (indoor only) • Temporary Uses

18.47.040 Prohibited Uses and Use Limitations

Certain use prohibitions or use limitations are listed in Table 18.47-2. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated in the table are prohibited.

Table 18.47-2 Prohibited Uses and Use Limitations in CCOZ

<i>Uses</i>	<i>Limitations</i>
Automobile Service and Repair	Prohibited
Car Wash	Prohibited
Automobile, Equipment, or Recreational Vehicle Sales or Rental	Prohibited
Wireless Telecommunication Facilities	Must be a Wall-Mounted or Roof-Mounted Stealth Facility, subject to the standards set forth in MKZ 18.75, Wireless Telecommunication Facilities.
Sexually Oriented Business	Prohibited
Pawn Shop	Prohibited
Retail Tobacco Specialty Business	Prohibited
Residential Uses are permitted by district and within the building types specified in section MKZ 18.47.090, except that the gross floor area of any development located within 250 feet of the northwest corner of	Shall include mixed uses on corners in the Neighborhood District, and 100% residential buildings are not allowed

Table 18.47-2 Prohibited Uses and Use Limitations in CCOZ	
<i>Uses</i>	<i>Limitations</i>
Highland Drive on 3300 South and the northeast corner of 1300 East on 3300 South shall contain no more than 25% of the building floor area as residential uses. The 250-foot distance measurement only applies to that same quadrant of the intersection. For the purposes of this chapter, leasing offices, lobbies, required parking, and any required residential amenity spaces are not considered commercial uses.	in the Mill Center and Market Place districts. Residential uses shall include amenities as set forth in MKZ 18.39, Residential Mixed Zone (RM).
Rooftop Gardens, Patios, and Amenity Space	Not allowed within 100 feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied story of a building or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space.
Secondhand Store	Limited to a maximum of 2,500 square feet
Self-Storage Facility	Prohibited. Self-storage, for residents of the building, as part of and internal to a multiple-household dwelling or mixed use development is allowed, if located on an upper story.
Non-Depository Financial Institution	Prohibited
Drive-up Window	Not allowed for restaurant or food or beverage services uses in the Neighborhood District. Drive-up windows, order boxes, or access lanes are not allowed to front on Millcreek Common
Indoor or Outdoor Gun and Archery Range	Prohibited
Fireworks Sales	Prohibited

Table 18.47-2 Prohibited Uses and Use Limitations in CCOZ	
<i>Uses</i>	<i>Limitations</i>
Structured parking, including parking garages and podium parking.	Not allowed to face any street unless wrapped with commercial or office uses on the first story, street facing facade.
Sidewalk Dining	Allowed on any street except for alleys and woonerfs, to within 5 feet of the curb
Restaurant and Retail uses facing Millcreek Common	Restaurants and retail are the only uses allowed on the first story facing Millcreek Common

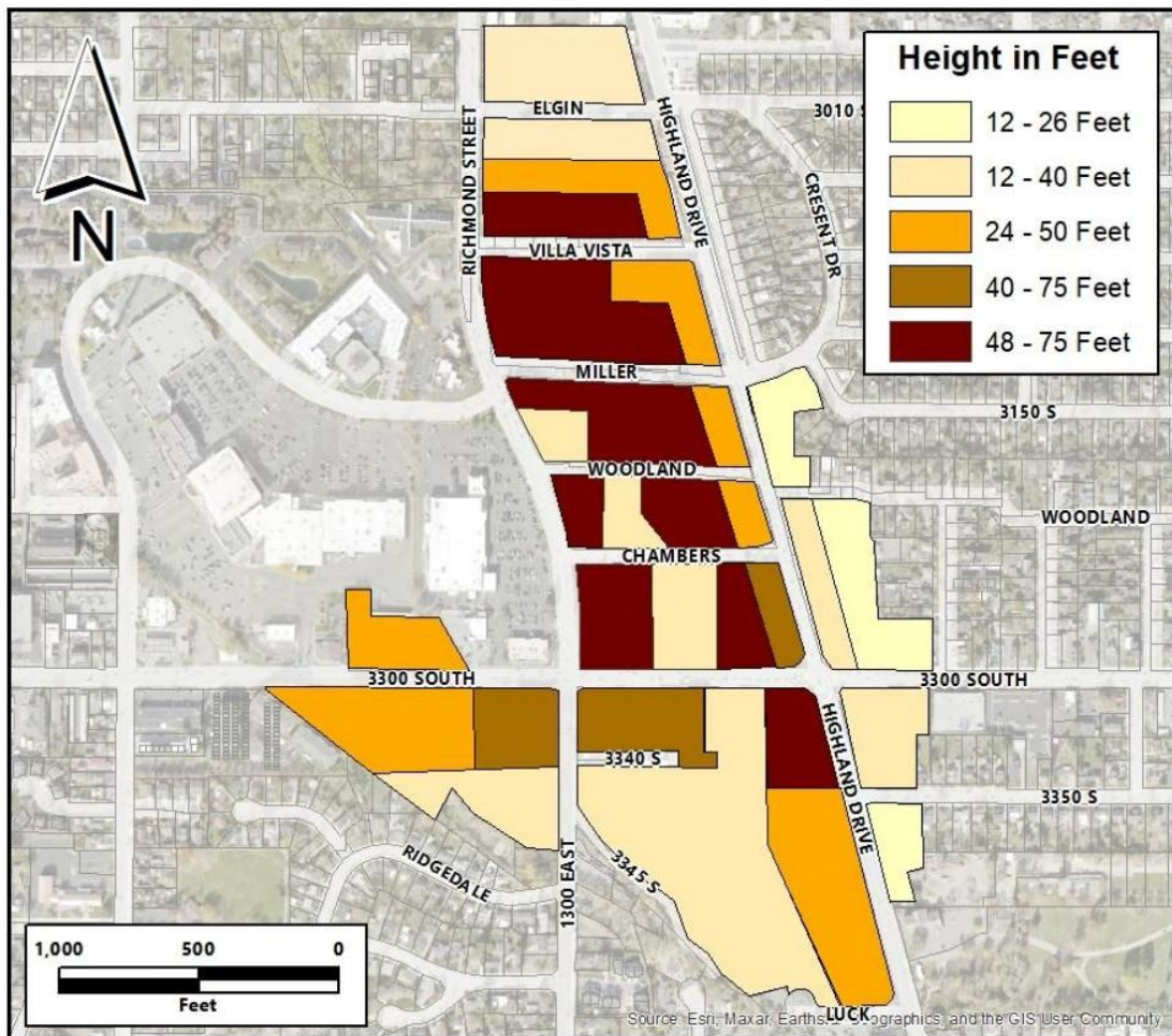
18.47.050 Spatial Requirements

- A. The Tables and Figures in this section establish supplemental bulk and yard regulations for all buildings within CCOZ. These regulations modify and/or supersede any conflicting requirements found in the underlying zone.
- B. Building Heights - Minimum and maximum heights are as set forth in Table 18.47-3, CCOZ Height Requirements and Figure 18.47.2, CCOZ Building Height Areas.
- C. Any proposed development that overlaps a defined height line that represents a change in building heights, on the Official Planning and Zoning map, shall use the lower standard or may step up the building height as set forth in the Official Planning and Zoning map, at that height line.

18.47-3 CCOZ Height Requirements			
<i>Height Requirements</i>	<i>Location in Figure 18.47.2</i>	<i>Minimum</i>	<i>Maximum</i>
East of Highland Drive, north of 3300 South	Tan area	12 feet	26 feet
North end of the Neighborhood District and south end of the Market Place	Yellow area	12 feet	38 feet
Various areas along Richmond, Highland near 3300 South, and along 3300 South. This area along Highland Drive is 75 feet wide, as measured from the west ROW line as of the adoption date of the ordinance.	Light Orange areas	24 feet	50 feet

18.47-3 CCOZ Height Requirements			
Height Requirements	Location in Figure 18.47.2	Minimum	Maximum
Areas along Millcreek Common and on the north side of 3300 South, Highland Drive between Chambers Avenue and 3300 South.	Dark Orange areas	40 feet	75 feet
South Side of 3300 South near the 1300 East Intersection	Dark Brown areas	48 feet	75 feet

Figure 18.47.2, CCOZ Building Height Areas



D. Spatial Requirements are set forth in Table 18.47-4, CCOZ Spatial Requirements.

Table 18.47-4 CCOZ Spatial Requirements	
<i>Spatial Requirement</i>	<i>CCOZ</i>
Minimum Building Height	Minimum building heights are described in Figure 18.47.2, CCOZ Building Height Areas and in this table.
Maximum Building Height	Varies by district . See Figure 18.47.2, CCOZ Building Height Areas. (2)
Projections	Roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, shade structures (awnings, fabric roof coverings, wood and metal open frame structures, etc.), towers (where required by City ordinances), flagpoles, chimneys, stealth wireless or television installations, theater lofts, solar panels, may be erected above the height limits prescribed in this chapter, but no space above the height limit shall be allowed for the purpose of providing additional habitable floor space. No such structures except towers and solar panels, may be located nearer than 10 feet to edge of the building. The maximum increase in height for the above features shall be 14 feet.
Height Transitions and Building Stepbacks	Height transitions are required for buildings within 100 feet of an R-1 or R-2 zone. (1)(2)(3)
Maximum Lot or Parcel Coverage	80 percent
Minimum Lot or Parcel Coverage	50 percent
Maximum Front Yard	10 feet, subject to the build-to-line standards established in this chapter. The front yard setback is measured from the ROW line, except in the case of a plaza abutting the street, where the setback is measured from the edge of the plaza furthest from the street. (3)(4)
Off-Street Parking	Not allowed between the front façade of the building and the curb on the street it fronts.

Table 18.47-4 CCOZ Spatial Requirements	
<i>Spatial Requirement</i>	<i>CCOZ</i>
Residential Density	No maximum density is established.

E. Table 18.47-4, CCOZ Spatial Requirements Notes:

1. For any development in CCOZ that is directly abutting an R-1 or R-2 zone, the maximum height for structures within 100 feet of the Residential Zone Boundary shall not exceed 30 feet, as measured from the property line abutting the residential zone. If the residential zone abuts the CCOZ at a property line, the setback is measured from that property line. Buildings may step up to the maximum height allowed after the 100-foot transition requirement has been met.
2. Building Stepback requirements are set forth in MKZ 18.47.070 (H).
3. For the purposes of this chapter, where setbacks are measured from a right-of-way (ROW) containing a fully improved sidewalk, setbacks from a right-of-way shall be measured from the edge of the sidewalk that is directly abutting the public right-of-way.
4. Build-to-lines are defined as the line at which construction of a building façade is to occur on a lot or parcel, running parallel to the front property line, and ensuring a uniform or consistent façade line on the street. The flexibility provided in this Chapter is intended to allow for additional sidewalk space and façade variation, seating, for outdoor uses such as restaurants and to promote sidewalk dining.

18.47.060 Design Standards

- A. Landscaping on Public Right-of-Way. Where a development directly abuts a public right-of-way, the development is required to install the street tree, curb, gutter, and sidewalk, pavement matching, streetlights, landscaped planters, and street furniture as set forth in the appropriate street cross section as shown in MKZ 18.47.060 (D) below. This landscaping does not count toward an open space requirement.
- B. Drive-up Windows as an Accessory Use for Non-Depository Financial Institutions and Eating and Drinking Establishments are permitted as an accessory use in CCOZ, except that Drive-up Windows associated with Eating and Drinking Establishments are not allowed in the Mill Center District and the Neighborhood District. Existing Drive-up windows for Eating and Drinking Establishments in the Mill Center District continue to be a nonconforming use and are regulated pursuant to the standards of MKZ 18.60, Nonconformities. Drive-up Windows are permitted, subject to the following standards, and as illustrated in Figure 18.47.3

1. Drive-up windows shall include a canopy or roof that is architecturally integrated and attached to the building and that mirrors the roof form of the primary building.
2. Drive-up windows are not permitted on facades that face a right-of-way unless existing site or access conditions prohibit a drive through window on a façade that does not face a right-of-way.
3. In situations where a drive-up window is required on a street facing façade, the building shall incorporate a five-foot wide landscaped buffer, either sloped to a three foot (3') tall retaining wall or a minimum three foot (3') hedge, between the drive-up lane and the adjacent parking or right-of-way.

Figure 18.47.3, Drive -Up Window Requirements



- C. Requirements for Residential Uses. Except as provided by the standards in this chapter, requirements for any residential use established in CCOZ shall comply with the requirements as set forth in [MKZ 18.41](#), Residential Mixed Zone (RM).
- D. Street Types. The seven street types identified below are intended to create a specific identity for the City Center District. All public sidewalks shall be colored a consistent color with complimentary accent colors at intersections and mid-block crossings. Exact dimensions and requirements, including sidewalk color and patterns, are subject to approval by the City. For the purposes of this section, where a conflict exists between the streetscape figures and the table requirements for each street type, the requirements in the table shall be interpreted as the standard.
 1. Highland Drive. Highland Drive serves as the primary eastern collector throughout the district. This street section is characterized by narrow travel lanes, dedicated bike lanes, on-street parking where feasible, generous sidewalks, and curb bulb outs at intersections for traffic calming. The intent is

to slow traffic through the district, accommodate all modes of travel and focus on pedestrian connectivity. The typical cross-section for Highland Drive is depicted in Figure 18.47.4 and in Table 18.47-5.

Figure 18.47.4, Typical Cross Section for Highland Drive

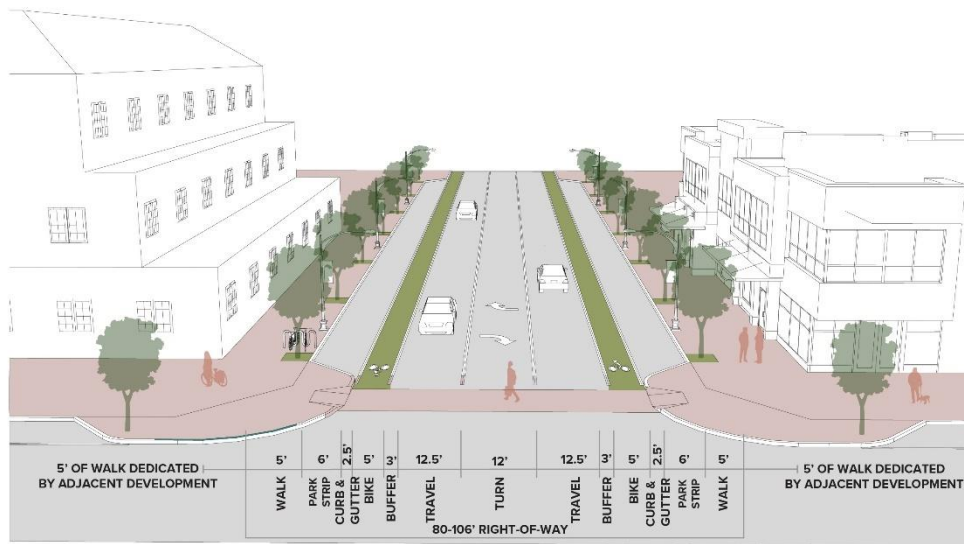


Table 18.47-5 Highland Drive Streetscape Requirements	
Streetscape Element	Requirement
<i>Vehicular Zone</i>	
ROW Width	67 feet
Travel Lanes	2 lanes
Center Turn Lane	1 lane

Table 18.47-5 Highland Drive Streetscape Requirements	
<i>Streetscape Element</i>	<i>Requirement</i>
Lane Width	10.5 feet
Center Median	Permitted mid-block and low turn demand areas
Parking Lanes	7.5 feet On-street parallel required on each side
Bicycle Lane	5-foot dedicated bike lanes each side using green thermoplastic or colored concrete
<i>Pedestrian Zone</i>	
Walkways	10-foot minimum attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5 feet within ROW, 5 feet dedicated by property owner)
Street Buffer	Trees in grates within the 10-foot walkway dimension noted above
Furnishing	Bike racks, seating, lighting, planters

2. Richmond/1300 East Boulevard. A minimum of two lanes in each direction with a median turning lane, punctuated with landscaped medians in areas not needing left turns, these streets are envisioned as grand boulevards. The typical cross-section for Richmond/1300 East Boulevard is depicted in Figure 18.47.5 and in Table 18.47-6.

Figure 18.47.5, Typical Cross Section for Richmond/1300 East Boulevard

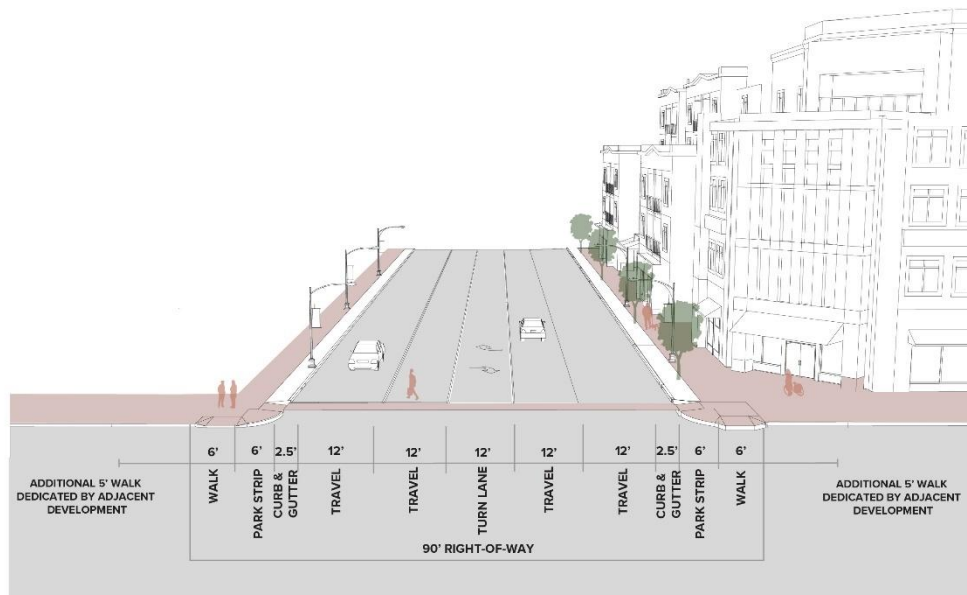


Table 18.47-6 Richmond/1300 East Boulevard Streetscape Requirements	
Streetscape Element	Requirement
<i>Vehicular Zone</i>	
ROW Width	90 feet
Travel Lanes	4 lanes
Center Turn Lane	1 lane, 12 feet wide
Lane Width	Permitted except at intersections, 12 feet
Center Median	No parking on street
Parking Lanes	5-foot protected bike lanes each side, using green thermoplastic or colored concrete
<i>Pedestrian Zone</i>	

Walkways	5-foot minimum attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5 feet within ROW, 5 feet dedicated by property owner which can be dedicated to City or provided through a public pedestrian easement and can encroach on the setback)
Street Buffer	6-foot park strip xeriscape with trees
Furnishings	Bike racks, bus shelters, lighting

- 3300 South Boulevard. This street is controlled by UDOT but plays an important role in the recognition of the City Center and the flow of major volumes of traffic in an east/west direction. To facilitate mobility with the City Center area, protected bike lanes are recommended to create better connections between Highland and Richmond streets. The typical cross-section for Highland Drive is depicted in Figure 18.47.6 and in Table 18.47-7.

Figure 18.47.6, Typical Cross Section for 3300 South

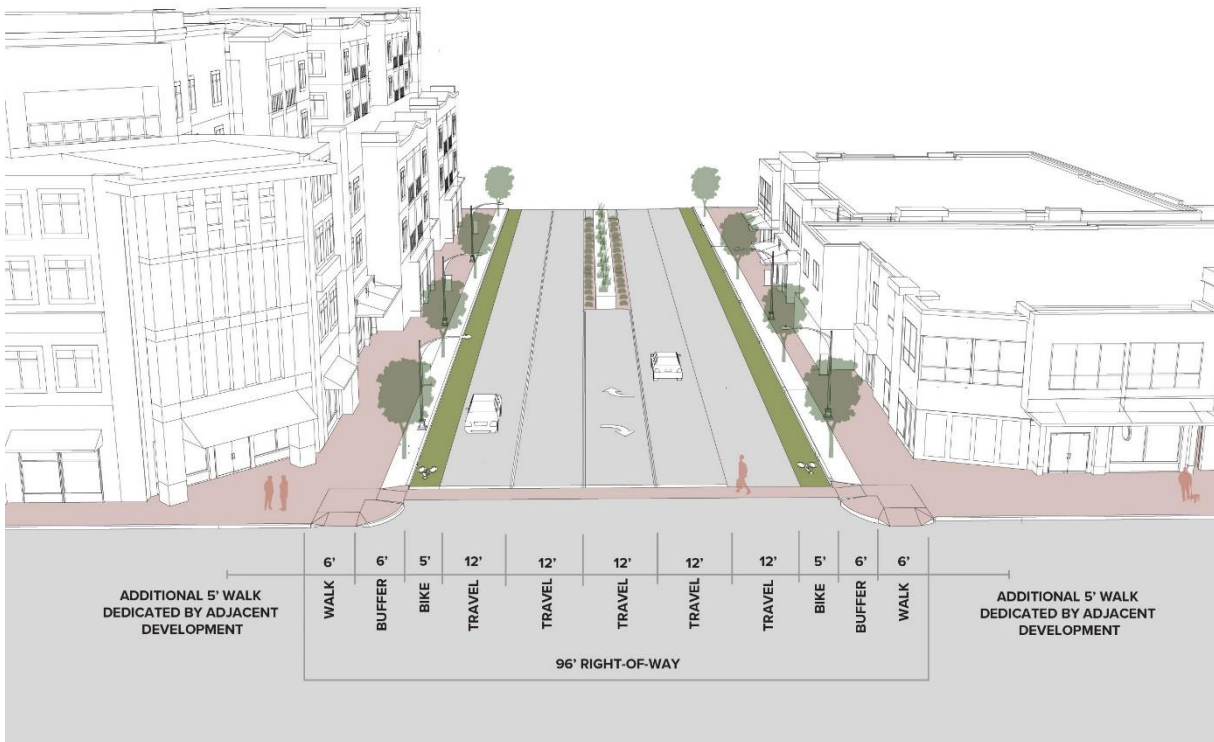


Table 18.47-7 3300 South Boulevard Streetscape Requirements	
Streetscape Element	Requirement
Vehicular Zone	

Table 18.47-7 3300 South Boulevard Streetscape Requirements	
<i>Streetscape Element</i>	<i>Requirement</i>
ROW Width	96 feet
Travel Lanes	4 lanes
Center Turn Lane	
Lane Width	12 feet
Center Median	Permitted except at intersections, 12 feet
Parking Lanes	No parking on street
<i>Pedestrian Zone</i>	
Walkways	6-foot minimum attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5 feet within ROW, 5 feet dedicated by property owner which can be dedicated to City or provided through a public pedestrian easement and can encroach on the setback)
Street Buffer	6-foot park strip xeriscape with trees
Furnishings	Bike racks, bus shelters, lighting

4. Neighborhood Streets. Connecting neighborhood streets include all streets that run east and west between Highland and Richmond Street/1300 East through the City Center. These streets are characterized by narrower right-of-way widths with similar goals of accommodating all modes of local traffic. The typical cross-section for neighborhood streets is depicted in Figure 18.47.7 and in Table 18.47-8.

Figure 18.47.7, Typical Cross Section for a Neighborhood Street



Table 18.47-8 Neighborhood Streetscape Requirements	
Streetscape Element	Requirement
<i>Vehicular Zone</i>	
ROW Width	61 feet to 80 feet
Travel Lanes	2
Center Turn Lane	None
Lane Width	12 feet
Center Median	Not permitted
Parking Lanes	8.5 feet on-street parallel, 18 feet for angled head in, or head out on each side, depending on ROW
Bicycle Lane	Shared with travel lanes
<i>Pedestrian Zone</i>	
Walkways	5-foot minimum attached sidewalk on each side
Street Buffer	6-foot minimum landscape area with trees
Furnishings	Bike racks, seating, lighting, planters

5. Millcreek Common Street and Frontage. If vehicular access and parking is provided between any building and Millcreek Common, it must meet the requirements as set forth in Figure 18.47.8 and in Table 18.47-9.

Figure 18.47.8, Typical Cross Section for Millcreek Common Street



Table 18.47-9 Millcreek Common Streetscape Requirements	
Streetscape Element	Requirement
<i>Vehicular Zone</i>	
ROW Width	varies
Travel Lanes	1
Center Turn Lane	None
Lane Width	16 feet
Center Median	Not permitted
Parking Lanes	8.5 feet On-street parallel parking, both sides – or angled on the building side
Bicycle Lane	Shared with travel lanes
<i>Pedestrian Zone</i>	
Walkways	10-foot minimum outside edge, 5 feet inside edge
Street Buffer	6 feet minimum landscape area, with trees
Furnishings	Bike racks, seating, lighting, planters, sculptures

6. Laneway. Laneways are to be used as access to parking, rear loaded buildings, loading and delivery areas, services areas for refuse and utilities at the rear of lots, and as connectors for pedestrians. Laneways are intended to provide shared vehicular access to the rear of buildings that allows the front façade to

remain tied to the pedestrian realm. The typical cross-section for a laneway is depicted in Figure 18.47.9 and in Table 18.47-10.

Figure 18.47.9, Typical Cross Section for Laneway

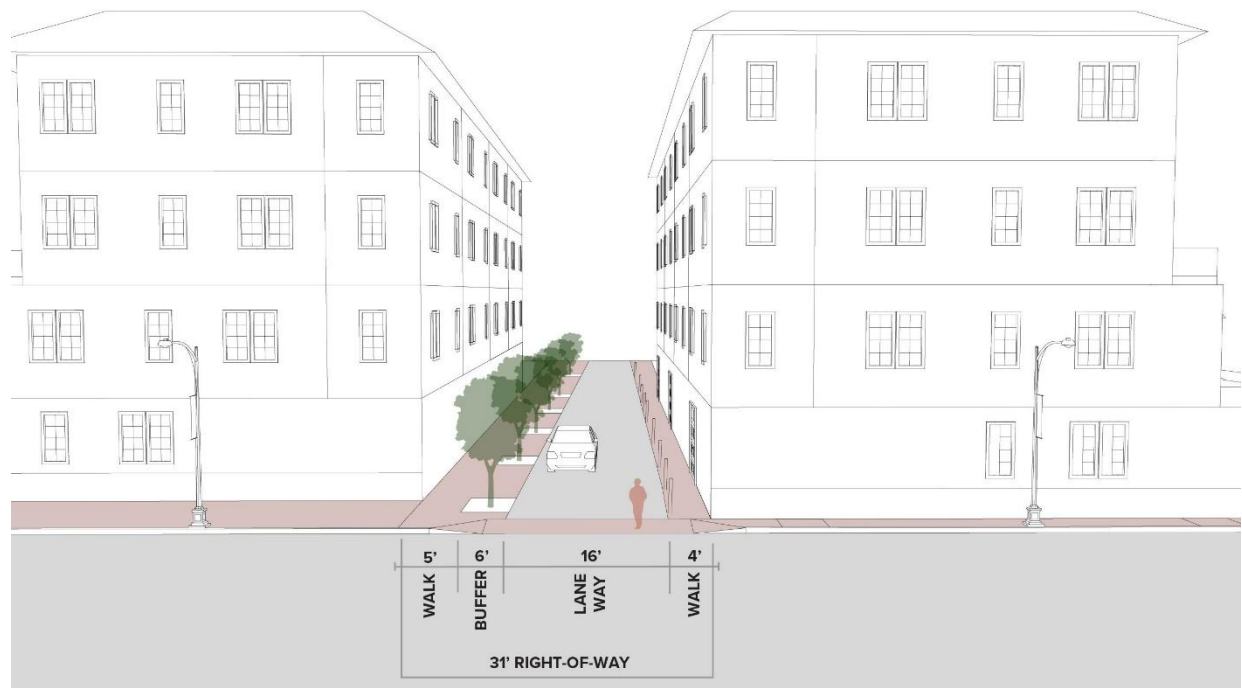


Table 18.47-10 Laneway Streetscape Requirements	
Streetscape Element	Requirement
<i>Vehicle Zone</i>	
ROW Width	30 feet (one way)
Travel Lanes	1
Center Turn Lane	None
Lane Width	16 feet (one way)
Center Median	Not permitted
Parking Lanes	Not permitted
Bicycle Lane	Shared
<i>Pedestrian Zone - shared</i>	
Walkways	5 feet one side, 4 feet other side
Street Buffer	6 feet with tree grates and trees tied to 5-foot walkway, and breakable bollards on 4-foot walkway edge
Furnishings	None

7. **Woonerf.** A shared street promoting for pedestrian and bicycle use over vehicle use but in an undefined manner. No curbs and weaving vehicular ways, punctuated by landscaped islands, help to create a street that is open for all users but in a very low speed, safe, environment. The typical cross-section for a woonerf is depicted in Figure 18.47.10 and in Table 18.47-11.

Figure 18.47102, Typical Cross Section for Woonerf



Table 18.47-11 Woonerf Streetscape Requirements	
Streetscape Element	Requirement
<i>Vehicular Zone</i>	
ROW Width	40 feet (two way)
Travel Lanes	2 but unmarked other than by pavement distinction
Center Turn Lane	None
Lane Width	10 feet
Center Median	Not permitted
Parking Lanes	One side and purposefully restricts traffic flow to one lane
Bicycle Lane	Shared
<i>Pedestrian Zone - shared</i>	
Walkways	10 feet
Street Buffer	Regular spaced landscaped islands, with trees
Furnishings	Seating within the islands

18.47.070 Site Standards

- A. **Corner Lots or Parcels.** Corner lots or parcels are deemed to have two front yards. Building corners that face street intersections shall be angled, rounded, setback or otherwise designed to soften the intersection of the perpendicular building facades to ensure vision clearance and create a public space. A corner plaza is required for all street intersections except for internal/mid-block intersections on Neighborhood streets and for laneways and woonerfs, as illustrated in Figure 18.47.11. Mixed Use buildings located on a corner lot or parcel in the Neighborhood District must provide the required minimum first story non-residential uses for one of the two street-facing facades. Streets that require a plaza shall design a minimum of 20 feet wide 15 feet deep usable public plaza space and shall include provisions for shade and protection from inclement weather and seating. For sale art sculpture(s) are encouraged.

Figure 18.47.11, Corner Plaza Illustration



- B. **Front Yard Setback and Build-to-Line.** The front yard setback is the build-to-line within 300 feet of all public street intersections within the CCOZ boundary. At least 50 percent of the front elevation of the building(s) must be within 10 feet of the build-to-line, except for the corners specified above. A build-to-line is defined as the line at which construction of a building façade is to occur in a lot or parcel, running parallel to the front property, and ensuring a uniform building facade line on the street.
- C. **Parking requirements** are as set forth in **MKZ 18.63, Parking and Mobility Standards**, except that commercial/ retail, service uses, and office uses shall provide a minimum of 3 parking spaces per 1,000 square feet.

Figure 18.47.12, Typical Off Street Parking Locations



- D. All off-street and structured/garage parking shall be located to the side or rear of the building to preserve street facing facades for transparency and pedestrian activity, as illustrated in Figure 18.47.12. Structured parking that faces a street shall be wrapped with commercial or office uses. Surface parking lots are not allowed if visible from the adjacent street.
- E. On-street parking, located on the same side of the street in front of the building housing the businesses, in the form of parallel or angled spaces can account for up to two-thirds of the required commercial, retail, or office parking.
- F. Bicycle Parking requirements are as set forth in MKZ 18.64, Parking and Mobility Standards.
- G. Building Length and Facades.
 - 1. No new building elevation may exceed 100 feet in length without at least a three-foot (3') variation in the depth of the façade along the public right-of-way and a two-foot (2') variation on other facades.
 - 2. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 250 feet in length.
 - 3. A separation of a minimum of ten feet is required, which creates a passageway to interior spaces. Such passageways shall be lit, provide a safe pedestrian space and include vegetation in boxes every 30 feet of length.
 - 4. As a minimum, building facades shall provide pedestrian plazas every 150 feet of building length to break up long building façades along public rights-of-way.
 - 5. The top story of a building shall have architectural differentiation from the other stories of the building and rooflines shall vary every 100 feet, at a minimum.

6. For first story uses in the mixed use building type, the appearance of small shops/storefronts with variation in the first story façade every 30 feet is required.

H. Building Stepbacks.

1. Building Stepbacks along Streets and Property Frontages: For any building or development that is over 40 feet in height or located on properties fronting on the Millcreek Common, 3300 South, Richmond and/or with frontage on Highland Drive, a 20-foot stepback of the building façade, facing any street, is required between the top of the first story and the top of the third story and upper stories. This building stepback shall incorporate one of the two stepback variations:
 - a. A segmented stepback, such as, a 10-foot initial stepback between the first and second stories followed by an additional 10-foot stepback between the second and third stories as depicted in Figure 18.47.13, or;
 - b. A full stepback of 20 feet between the first and third stories, that is utilized as a usable space for building tenants or businesses occupying the building, as depicted in Figure 18.47.14.
2. Building Stepbacks along Side and Rear Property Lines: For any building over 40 feet in height, the following building stepbacks apply:
 - a. Rear Property Line. A five-foot (5') stepback along a façade facing the rear property line is required between the top of the first story and the top of the third story and upper stories. Buildings setback greater than 15 feet in depth from a rear property line are not required to provide a five-foot (5') building stepback.
 - b. Side Property Line. 10-foot stepback along a façade facing a side property line is required between the top of the first story and the top of the third story and upper stories. Buildings setbacks greater than 15 feet in depth from a side property line are not required to provide a 10-foot building stepback.
3. Stepback Exceptions:
 - a. Exception for Buildings with Corner Plazas. For buildings on corners where a corner plaza is required by MKZ 18.47.070 (A), facades within 30 feet of the edge of the corner plaza are not required to include a building stepback.
 - b. Exception for Commercial Single-Purpose Buildings. Commercial single-purpose buildings are exempt from Stepbacks along Streets and Property Frontages so long as the proposed building is no greater in length than one hundred feet, no greater in depth than

eighty feet, has a ground story footprint that is eight-thousand square feet or less, is no greater than 40 feet in building height, and the following additional design standards are met:

- (1) For street-facing building facades, exterior building materials used shall consist of a minimum of 75 percent brick or stone excluding windows, and 25 percent of the exterior building materials may consist of composite materials, or other materials of similar quality, hardness, and low maintenance characteristics excluding windows. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way.
- (2) First story and ground stories shall be at least 12 feet in height.
- (3) Buildings must have a minimum of at least one entrance to the first story and shall front on the street. Entrance locations fronting the street shall be further articulated by a change in composition materials, color, texture, or pattern, and shall be recessed or projected.

Figure 18.47.13, Segmented Building Stepbacks and Setbacks

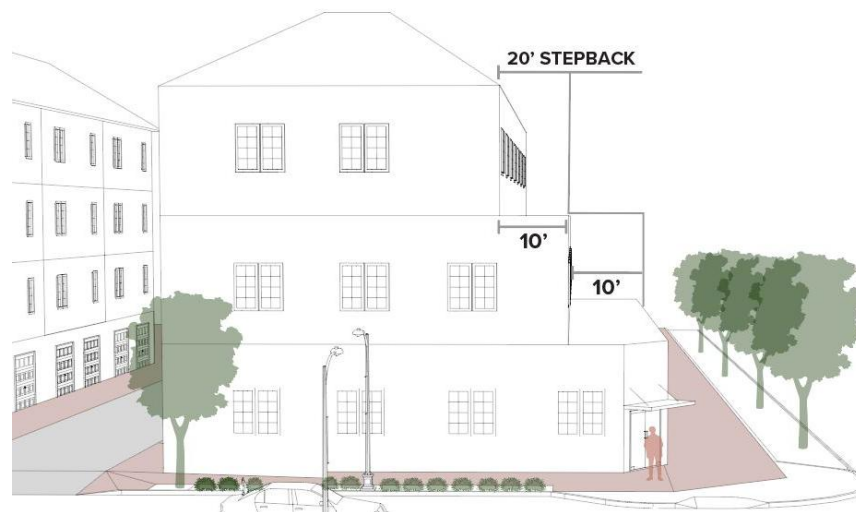


Figure 18.47.14, Full Building Stepbacks and Setbacks

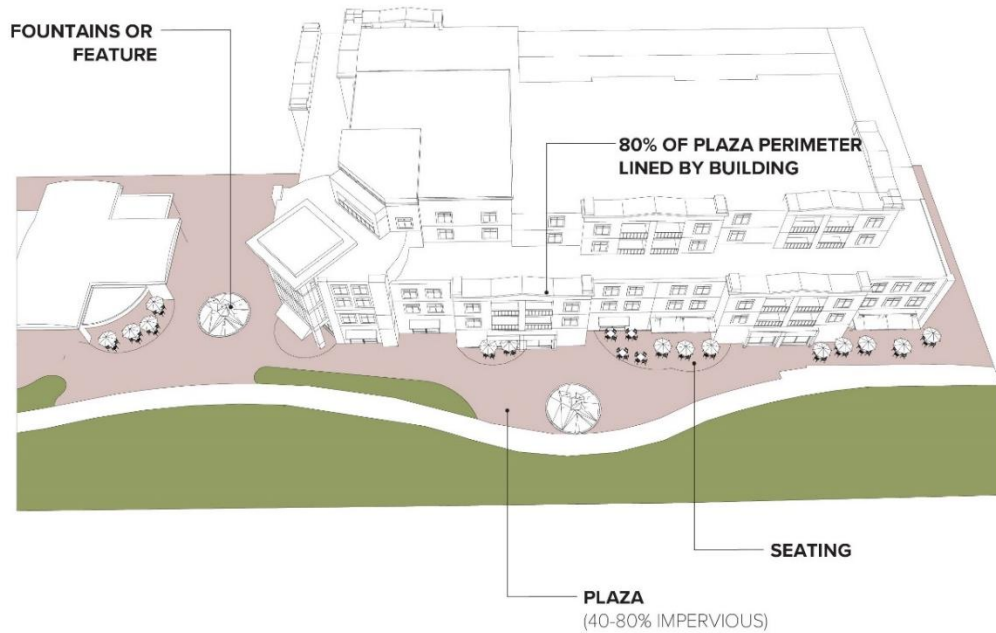


I. Open Space and Plazas.

1. For all development that includes residential uses, the open space requirement is 20 percent of the site.
2. This open space requirement shall be fulfilled through rooftops, terraces for general resident use, plazas, and pocket parks.
3. The required common open space shall be for general use by the residents of the building and/or the public and be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development.
4. For the purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right-of-way.
5. For development or redevelopment involving sites that are one acre in size or greater, at least 40 percent of required open space must be in the form of a plaza that is located at the front, corner or side of the building, and open and accessible to the public at all times.
6. The following requirements must be met, generally as illustrated in Figure 18.47.15:
 - a. At least 80 percent of the plaza's perimeter that does not front on vehicular right- of-way shall be lined by building frontages.
 - b. Fully enclosed permanent structures are not permitted.
 - c. Playgrounds are not permitted.
 - d. Minimum pervious surface is 40 percent.
 - e. Maximum pervious surface is 80 percent.

- f. Must include seating, shade structures, and one tree (2-inch caliper minimum) per 800 square feet of plaza area.
- g. Special features such as fountains and for sale public art installations are encouraged. Active features should be incorporated into the plaza.

Figure 18.47.15, Typical Plaza



- J. Pocket Leisure spaces. Residential development involving sites two acres in size or greater shall include a pocket leisure space that fronts on or is easily accessible from a public street, open and accessible to the public at all times, and meets the following requirements, generally as illustrated in Figure 18.47.16:
 - 1. Minimum size is 2,500 square feet.
 - 2. Maximum size is 20,000 square feet.
 - 3. Include a child play structure.
 - 4. Must include seating, shade structures, turf, hard surfaces, and one tree (2-inch caliper minimum) per 800 square feet of park area.

Figure 18.47.16, Typical Pocket Leisure Space



K. Substitutions.

1. The open space/park requirement may be modified through potential substitutions for any development that faces Millcreek Common or could benefit from contributing to pedestrian connections to the Common, subject to a Development Agreement with the City, following the process for rezones and with Development Agreements as set forth in MKZ 18.15.010 (D). Such substitutions are intended to enhance open spaces and pedestrian connections with features by acquiring or improve land that is destined to become part of the Millcreek Common. The Millcreek Common is the signature open space in the City Center and is a benefit to all development in the City Center, including improved pedestrian connections to the Common.
2. In-lieu substitutions are encouraged for the benefit of the City Center by application to the Planning Director, under the following circumstances:
3. In-lieu substitutions of land are intended to fulfill the requirements for open/park space and may be allowed when it can be factually established by a qualified land appraiser, that the substituted land is at least equal to or greater in value than the associated development property, as if it were to be fully developed as proposed. The City will determine with the developer the actual property to be appraised, both in the proposed development and in the Millcreek Common. The City will select and employ an appraiser through a contract. The cost of the appraisal shall be borne by the developer, through reimbursement to the City. New appraisals will not be required if recent (within one year) information is readily available.
4. Cash in-lieu. the City may determine that in certain situations, accepting cash as an in-lieu substitution, where it can be shown that acceptance of those funds, is more effective in acquiring open space/park land and improving

pedestrian connections within the City Center. Cash in-lieu payments shall not be accepted without a qualified appraisal process as per (1) above. The City shall be obligated, in a timely manner, to use the in-lieu funds within the City Center for land purchases, open space, pedestrian system enhancements, and/or park related improvements.

5. Any land which has been dedicated, set aside, platted, or otherwise approved as open space, may not be substituted or used for any purpose other than those allowed by this chapter.
6. In-lieu substitutions shall be reviewed by the Planning Development Director, through an application, however, final approval of the in-lieu substitution rests with the City Council. Such approvals shall occur prior to issuance of a Final Site Plan approval or a building permit.

L. Perimeter Fencing.

1. To ensure maximum pedestrian connectivity, fencing between parcels is not required.
2. No fencing of any kind will be allowed along the Richmond, 3300 South, Highland Drive and Millcreek Common Street frontages.
3. Privacy and/or security fencing is only allowed to screen unsightly, utility, or vehicle service areas from public right-of-way.
4. Fencing along a Neighborhood Street frontage is permitted to define front porches and can consist of wrought iron/similar materials, wood, or composites. Vinyl is prohibited as a fencing material.
5. Fences must be a minimum of 50 percent open, have a maximum height of 42 inches and may incorporate a maximum 18-inch-high stone, or brick wall at the base.

M. Private Outdoor Lighting and Outdoor Dining.

1. Lighting for streets and parking lots on the interior of the development is required.
2. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination, as set forth in MKZ 18.68, Outdoor Lighting.
3. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian/vehicular safety.
4. Pedestrian lighting may include bollards, and all lighting shall follow established themes described in this Chapter.
5. Minimum average foot-candles for interior streets shall be 0.3 and the fixture height shall not exceed 25 feet. Such fixtures shall be located a minimum of 10 feet from the public right-of-way.

6. All parking luminaires, except those required for security, must be extinguished one hour after the end of business hours.

N. Street Lighting.

1. All streetlights located on 3300 South, Richmond Street/1300 East, and Highland Drive, shall incorporate a luminaire atop a 14-foot pole, as illustrated in Figure 18.47.17. The light shall be low intensity, shielded from uses on adjoining lots or parcels, and directed away from abutting properties, yet lighting the street and an abutting walkway.

Figure 18.47.17, Typical CCOZ Street Light Illustration



2. All lighting shall incorporate full cut-off fixtures to minimize light pollution and be dark sky compliant, following the standards as set forth in as set forth in MKZ 18.68, Outdoor Lighting.
3. All lighting on Neighborhood streets and Millcreek Common Street shall utilize the streetlight shown in Figure 18.47.17 or a suitable substitute approved by the City. All lighting on Laneways, Woonerfs, and required passages between buildings shall use downward directed sconce styles for wall lighting and lit bollards along the street.

O. Outdoor Seating and Dining.

1. Outdoor seating and dining may be partially or fully covered to extend the outdoor dining experience through the spring and fall months.
2. Outdoor patio heaters and misters are permitted. Restaurant tables and chairs may be movable or permanent and should be reflected on the site plan. If alcohol is served, the restaurant will need to provide signage and decorative

fencing per the standards of the Salt Lake County Health Department and the Utah Department of Alcoholic Beverage Services.

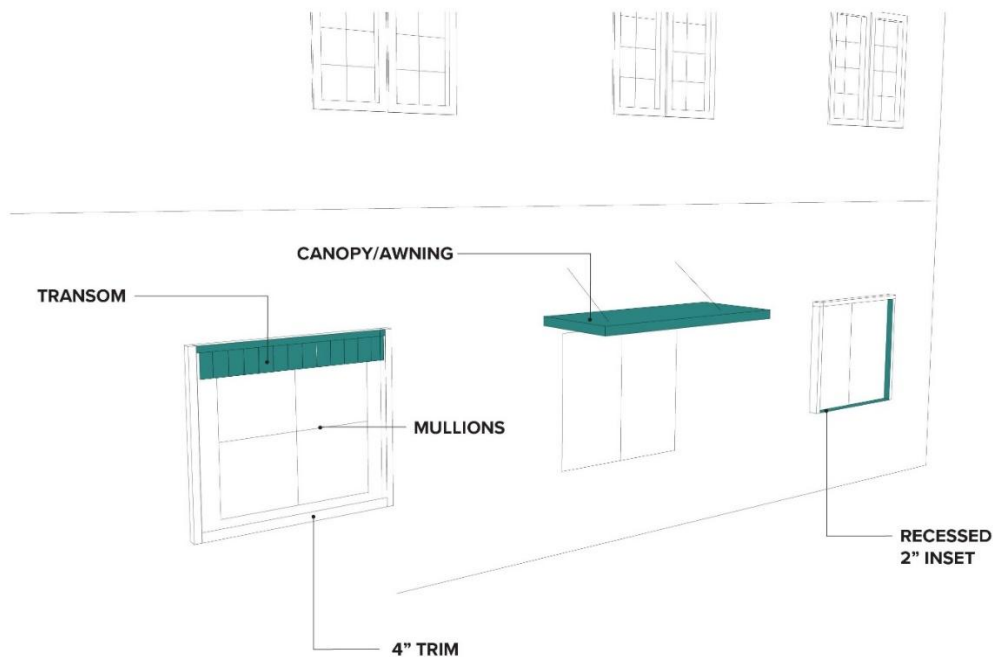
3. Fencing materials shall be limited to metal picket fencing. Any accommodation for dogs shall be subject to the Salt Lake County Health Department regulations, such as the Paws on the Patio HACCP plan.
- P. Access Between Uses. Vehicular and pedestrian access is required between uses that does not force vehicles/pedestrians out to the abutting streets.
- Q. Signs. Signs are subject to the standards as set forth in MKZ 18.65, Signs, and as provided below:
1. Signs are limited to low profile monument signs, externally lit wall signs, projecting signs with a minimum of eight-foot clearance above the ground, and temporary A-frame signs.
 2. Any projecting sign along the Millcreek Common shall be limited to forty-two inches (42") in width. Lighting from signs shall be directed downward and comply with dark sky lighting standards.
 3. Internal illumination for signs is permitted only for individual letters or logos. Size, location, and number limitations are as set forth in MKZ 18.65, Signs.
- R. Small Wireless Facilities in Rights-of-Way in the City Center Overlay Zone. Small wireless facilities in rights-of-way in the City Center Overlay Zone shall meet the requirements established for Small Wireless Facilities Deployment in MKC Title 16 and shall utilize streetlight poles or intersection semaphore structures for mounting. To the greatest extent possible such installations shall use the materials/colors of the pole they are using and should blend with the streetscape.

18.47.080 Building Standards

- A. Entrances and Windows.
1. Entrances to the first story of buildings shall front on the public street.
 2. On double or triple frontage lots or parcels, entrances are required where the greatest amount of pedestrian traffic is anticipated.
 3. Windows shall constitute at least 50 percent of first story street-facing facades, and 25 percent of all upper story facades.
 4. Windows shall be at least 50 percent transparent. Interior lighting is required. Street facing windows that are not on the same façade as the main building entrance, may cover the first story windows with non-advertising window films using a mountain, mill, orchard, or mountain related sports theme.
 5. Living screens may replace up to 50 percent of the window requirement for the lowest anticipated pedestrian traffic frontage.
 6. Mirrored windows are not allowed. Any east or west facing windows above the third story shall be non-reflective to prevent glare.

7. For any building opposing a residential bedroom window, buildings shall provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other. In no case shall any balconies have a separation from an opposing balcony of less than 10 feet.
8. Windows above the first story shall conform to the standards described in Figure 18.47.18 Window Design Standards.

Figure 18.47.18, Window Design Standards.



B. Awnings.

1. Awnings must be cantilevered from the front façade of the building. Such awnings shall be provided in colors that reflect colors incorporated as part of the exterior of the building or the green or blue found in Millcreek's logo.
2. Awnings are required for any buildings facing Millcreek Common Street and on the northwest corner of Highland Drive and 3300 South and the northeast corner of 1300 East and 3300 South.
3. All buildings fronting on Millcreek Common shall include a permanent awning, extending a minimum of 10 feet from the storefront/façade to provide shade and refuge from inclement weather.

C. Building Materials

1. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required.

2. New development in the CCOZ, shall incorporate common, locally found materials such as granite, stone, sandstone, and brick as part of the first story of each building for at least 50 percent of the first story, excluding the windows. For the Mill Center District this requirement increases to a minimum of 75 percent for the first story excluding the windows.
3. For all Districts, all stories above the first story shall incorporate at least 50 percent of the above specified materials.
4. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way.
5. Other materials may be considered for soffits, or as accent or unique architectural features.
6. Twenty-five year guarantee architectural shingles or other longer-lasting materials are required for roofs.

D. Building Massing and Façade Articulation

1. All buildings shall be designed to have at least three of the following:
 - a. Visual breaks along the street-facing façade such as horizontal articulation in the plane of the façade by at least two feet (2').
 - b. Change in height at the top of the building by at least 10 feet for every 100 feet of façade length.
 - c. Changes in materials, color, texture, or pattern for greater than 50 percent of the building facade.
 - d. Indentations/recesses at least 10 feet in depth along the street facing facades at 100-foot intervals.
 - e. Usable terraces (a larger balcony intended as a private resident leisure space) at least 10 feet in depth along the street facing facades.
 - f. Covered walkways on south, east or west facing facades on street(s) other than Millcreek Common Street.
 - g. Except for Millcreek Common facing buildings, columns, or pilasters with a minimum four-inch (4") horizontal depth from the plane of the façade and spaced at a minimum interval of 50 feet.
 - h. Stepbacks where not otherwise required.

E. Rooftop Patios and Gardens.

1. If a rooftop patio or garden is included as part of a development, the rooftop patio or garden shall include a minimum of 25 percent of its area covered with trees at maturity, or other live plant material to provides overhead shade.
2. Seating, tables, outdoor gas barbecues, and shade structures are required.
3. All features listed above shall be set back at least 10 feet from the roof edge except solar cells.

4. Grow boxes are encouraged. Private roof top park space is encouraged to take advantage of the mountain and valley views but shall not include active play spaces.
- F. Solar Rooftops. Fifty percent of the entire rooftop space above the highest occupied story of a building shall be covered with solar panels, or, if solar panels are deemed infeasible or inefficient, the building shall be designed to exceed the energy efficiency standards of the current state-adopted International Energy Conservation Code and ASHRAE standards by at least five percent (5%).
- G. HVAC. All Heating, Ventilating, and Air Conditioning equipment (HVAC) shall be recessed by at least 10 feet from the exterior edge of the building. Such equipment shall be enclosed or screened such that it is not readily recognizable as HVAC equipment.
- H. Rooftop Cell Service Towers and Overhead and Ground Level Utilities.
 1. All existing overhead lines shall be located underground as part of any new development in the CCOZ.
 2. No new development shall exhibit any above ground utility or communication lines.
 3. Electrical transformer boxes and other large in-ground utility installations shall be either vaulted underground or placed behind a building's setback or build-to-line and screened from view.
 4. Rooftop telecommunication equipment is only allowed as a stealth installation. Such facilities shall be made to appear to be an integrated part of the building.

18.47.090 Building Types

- A. Mixed Use
 1. Mixed Use Buildings are intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first story, and optional above the first story at or near the front build-to-line with parking to the rear, underground, or podium type. Spatial and use requirements for mixed use buildings are set forth in Table 18.47-12, and are subject to the following additional standards:
 2. No podium parking may front on Millcreek Common Street.
 3. Parking structures shall include one 220-volt electric vehicle charging station for every ten stalls.
 4. This building type may support office, retail, hotel/hospitality, or residential uses mixed either vertically or horizontally.
 5. For residential units, provide outdoor balconies or patios for 60 percent of the residential units at a minimum of six feet (6') feet deep and 60 square feet each.

6. Provide indoor bike storage or bike lockers.

Figure 18.47.19, Mixed Use Building Illustration



Table 18.47-12 Mixed Use Building Requirements	
Requirement Type	Requirement
Front Build-to Zone	0-10 feet
Minimum Side Yard Setback	10 feet between buildings, except accessory buildings; or 5 feet from a side property line.
Minimum Rear Yard Setback	10 feet, except when abutting a Residential Zone Boundary, where the setback is 25 feet
Minimum Height	As set forth in Figure 18.47.2 and Table 18.47-3.
Maximum Height	As set forth in Figure 18.47.2 and Table 18.47-3.
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	50% on ground story
Required First Story Uses	Office, retail, craftsman industrial or residential (50% must be non-residential use). Any mixed use building that fronts on Millcreek Common Street is required to have retail uses or eating and drinking establishments for 100% of the first story facing that street. Mixed Use buildings located on a corner lot or parcel in the Neighborhood District must provide the required minimum first story non-residential uses for one of the two street-facing facades.
Depth of first story non-residential uses	Not less than 30 feet, unless at least 40 percent of the habitable floor area of the building consists of nonresidential uses, in which case the depth of first-story non-residential uses can be reduced to not less than 20 feet.
Upper Story Uses	Any permitted use or conditional use

Table 18.47-12 Mixed Use Building Requirements	
Requirement Type	Requirement
Where Allowed	Corners in the Neighborhood District, the entire Mill Center, and the entire Market Place
Storefront Width	Not to exceed 30 feet

- B. Office/Commercial/Civic Mixed Use buildings. An Office/Commercial/Civic Mixed Use Building is a building with a minimum of two stories that mixes uses with the primary use of office, retail, civic or commercial use. Office/Commercial/Civic Mixed Use buildings are subject to the spatial and use requirements set forth in Table 18.47-13, and the following additional standards:

Figure 18.47.20, Office/Commercial/Civic Mixed Use Building Illustration



Table 18.47-13 Office/Commercial/Civic Mixed Use Building Requirements	
Requirement Type	Requirement
Front Build-to Zone	0-15 feet
Minimum Side Yard Setback	10 feet between buildings, except accessory buildings; or 5 feet from a side property line.
Minimum Rear Yard Setback	10 feet, except when abutting a Residential Zone Boundary, where the setback is 25 feet
Minimum Height	As set forth in Figure 18.47.2 and Table 18.47-3.
Maximum Height	As set forth in Figure 18.47.2 and Table 18.47-3.
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear or within the building
Minimum Transparency	50% on ground story

Table 18.47-13 Office/Commercial/Civic Mixed Use Building Requirements	
Requirement Type	Requirement
Ground Story Uses	Office, Retail, Civic, or Commercial
Depth of First Story Uses	30-foot minimum depth
Upper Story Uses	May vary
Where allowed	Mill Center, Market Place

- C. Multiple-Household Dwelling. A Multiple-Household Dwelling is a multi-story building that contains residential uses internal to the structure with parking to the rear, in a separate structure or podium style below the building. Multiple Household Buildings are subject to the spatial and use requirements set forth in Table 18.47-14, and the following additional standards:
1. Parking structures shall include electric vehicle charging stations as set forth in MKZ 18.63, Parking and Mobility Standards.
 2. Provide outdoor balconies or patios for 60 percent of the units at a minimum of six feet (6') deep and sixty square feet each. Provide indoor bike storage or bike lockers.

Figure 18.47.21, Multiple Household Dwelling Building Illustration



Table 18.47-14 Multiple-Household Dwelling Building Requirements	
Requirement Type	Requirement
Front Build-to Zone	0-15 feet
Minimum Side Yard Setback	0 feet per unit, 10 feet between buildings, except accessory buildings; or 5 feet from a side property line.
Minimum Rear Yard Setback	10 feet, except when abutting a Residential Zone Boundary, where the setback is 25 feet

Table 18.47-14 Multiple-Household Dwelling Building Requirements	
Requirement Type	Requirement
Minimum Height	As set forth in Figure 18.47.2 and Table 18.47-3.
Maximum Height	As set forth in Figure 18.47.2 and Table 18.47-3.
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear or within the building
Minimum Transparency	40% for ground story and 15% for other stories
Ground Story Uses	For buildings located on corners; office, residential or live/work units, retail, personal services, or residential (50% of the street facing front facades must be non-residential use)
Upper Story Uses	Residential or parking only
Where allowed	Neighborhood District

- D. Townhome. Townhomes are horizontally attached multi-story units in a rowhouse configuration. Townhomes are subject to the spatial and use requirements set forth in Table 18.47-15, and the following additional standards:
1. This building type can include live/work units.
 2. Parking and private garages shall be at the rear of the building allowing the primary façade to front a public street or public green space.
 3. Provide outdoor balconies or patios for each unit at a minimum of six feet (6') deep and 60 square feet each.
 4. Where private garages are proposed, they shall be wired for at least one 220-volt line for electrical vehicle charging.
 5. Guest parking shall not include any driveway that accesses a garage.

Figure 18.47.22, Townhome Building Illustration



Table 18.47-15 Townhome Building Requirements	
<i>Requirement Type</i>	<i>Requirement</i>
Front Build-to Zone	0-15 feet
Minimum Side Yard Setback	0 feet per unit, 10 feet between buildings; or 5 feet from a side property line.
Minimum Rear Yard Setback	10 feet
Minimum Height	2 stories, and as set forth in Figure 18.47.2 and Table 18.47-3.
Maximum Height	4 stories, and as set forth in Figure 18.47.2 and Table 18.47-3.
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	15%
Ground Story Uses	Residential or live/work units
Upper Story Uses	Residential only
Where allowed	Neighborhood District

- E. Adaptive Reuse. There are several existing buildings within the CCOZ that could be reworked for a new use. The following standards are required for adaptive reuses in CCOZ:
1. If the character of the existing building is deemed historic or historically significant due to its age or displays a unique architectural style or unique features, as determined by the Planning Director, then reconstruction should attempt to retain as much of the original facade or character of the building as possible.
 2. Windows shall address the street frontage and encompass at least 50 percent of the first story building facades if structurally feasible.
 3. Parking shall be located (or relocated) to the rear of the building.

Figure18.47.23, Adaptive Reuse Building Illustration



- F. Commercial Single Purpose buildings. Commercial Single Purpose Buildings are buildings with the primary use being commercial use. Commercial Single Purpose Buildings are subject to the spatial and use requirements set forth in Table 18.47-16.

Figure18.47.24, Commercial Single Purpose Building Illustration



Table 18.47-16 Commercial Single Purpose Building Requirements	
Requirement Type	Requirement
Front Build-to Zone	0-15 feet
Minimum Side Yard Setback	10 feet between buildings, except accessory buildings; or 5 feet from a side property line.
Minimum Rear Yard Setback	10 feet, except when abutting a Residential Zone Boundary, where the setback is 25 feet
Minimum Height	As set forth in Figure 18.47.2 and Table 18.47-3.

Table 18.47-16 Commercial Single Purpose Building Requirements	
<i>Requirement Type</i>	<i>Requirement</i>
Maximum Height	As set forth in Figure 18.47.2 and Table 18.47-3, CCOZ Building Height Areas
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear or within the building
Minimum Transparency	50% on ground story
Ground Story Uses	Commercial
Upper Story Uses	Commercial
Where allowed	Mill Center, Market Place

18.48 City Center Overlay – Development Agreement Zone

18.48.010 Purpose

The purpose of the City Center Overlay – Development Agreement (CCOZ-DA) Zone is to allow flexibility in the strict application of the City Center Overlay Zone Design standards given particular site conditions and opportunities for additional development of public benefits such as additional public parking or open space or the provision of affordable housing, while adhering to the goals of the City Center Master Plan. The application of the development agreement concept is intended to advance the goals of the Millcreek City Center Master Plan and to further the purpose and intent of the City Center Overlay Zone, thus ensuring substantial compliance with the intent of zone regulations and other provisions of this title related to public health, safety, and general welfare, and at the same time securing the advantages of large scale site planning for mixed use development appropriate in Millcreek’s City Center.

18.48.020 Applicability

The City Council may approve a CCOZ-DA zone upon receiving a recommendation from the Planning Commission regarding adoption of the zone and a development agreement. Once a CCOZ-DA zone is established over a particular property, the provisions of this chapter shall apply to all property located within the CCOZ-DA zone as shown on the official zoning map. Development Agreements are entered into and approved at the sole discretion of the City. The following developments are eligible for a CCOZ-DA.

- A. Buildings with that do not exceed 150 feet in length or 100 feet in depth.
- B. Buildings of any size that provide one of the following public benefits as part of a CCOZ-DA. Public benefits include but are not limited to:
 - 1. Publicly Accessible Open Space. This open space shall comprise the minimum of ten percent of the lot area of 1,000 square feet and be integrated with landscaping, seating, and pathways, in addition to the open space and plaza

requirements as set forth in MKZ 18.47.070 (I). Design of any publicly accessible open space shall comply with the requirements for Open Space and Plazas as set forth in MKZ 18.47.070 (I).

2. Publicly Accessible Parking. Parking shall consist of at least 100 spaces and shall be publicly accessible for commercial customers and visitors attending public events on Millcreek Common.
3. Affordable Housing. A multiple-household dwelling or mixed use building that provides at least 20 percent of units as affordable housing at up to 80 percent of the County Area Median Income. To qualify, the building must receive an affordable housing incentive as set forth in MKZ 18.78, Affordable Housing Incentives.

- C. The following areas of the City Center Overlay Zone are not eligible for a CCOZ-DA:
 1. Any property with frontage on Highland Drive north of Chambers Avenue.
 2. Any property with frontage on 3350 South, Crescent Drive, or Woodland Avenue east of Highland Drive.
- D. The following standards of the City Center Overlay Zone are not eligible for a CCOZ-DA.
 1. Sign standards
 2. Maximum or minimum building height requirements.

18.48.030 Uses Allowed

The uses allowed on any lot in the CCOZ-DA zone shall be the same uses allowed in the underlying zone in which the lot is located. Allowed uses may be restricted or modified by development agreement conditions. Allowed uses may not create a nonconforming use or noncomplying structure.

18.48.040 Other Zoning Regulations

The use and development of property within a CCOZ-DA zone is also subject to other applicable chapters in the zoning ordinance including but not limited to: MKZ 18.47 City Center Overlay Zone, MKZ 18.61, Sensitive Lands, MKZ 18.62, Floodplain Hazards Mitigation, MKZ 18.63, Parking and Mobility Standards, MKZ 18.64, Landscape Standards, and MKZ 18.65, Signs.

18.48.050 Pre-Application Process

- A. Pre-Application Consultation. Prior to submitting a complete application, an applicant shall hold a pre-application consultation with representatives of the City.
- B. Neighborhood Meeting. At least one week prior to submitting a complete application, an applicant shall conduct a neighborhood meeting in accordance with MKZ 18.14.030.
- C. Community Council Meeting. Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the applicable Community Council a meeting to discuss the proposed application and plans.

- D. Joint Work Session of the Planning Commission and City Council. Prior to submitting a complete application and after conducting a neighborhood and community council meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential Development Agreement in conceptual detail. A Joint Work Session of the Planning Commission and City Council must be held prior to the first noticed Community Council meeting held on the application.

18.48.060 Adoption and Amendment of a CCOZ-DA

- A. The use and development of land located in the CCOZ-DA zone shall be approved according to applicable administration and development review procedures applicable to the underlying zone set forth in this title except as modified by this chapter. Variations from applicable development standards of the City Center Overlay Zone may be approved pursuant to the provisions of this chapter.
- B. A schematic site plan shall be submitted and considered concurrently with an application for approval of a rezone to the CCOZ-DA zone. The schematic site plan shall be considered pursuant to provisions and application process set forth in MKZ 18.15.010 (C) and MKZ 18.15.010 (D), except as modified by this section.
1. The schematic site plan shall show generally, building elevations, architectural elements, building materials, building height, open space, parking, residential unit types, commercial space layouts, landscaping, pedestrian and traffic circulation, drainage, utility layouts, and proposed improvements to public spaces; and
 2. If the development is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction, marketing, and operation of each phase is feasible as a unit, independent of any subsequent phases.
 3. A development shall be in single ownership and control or under option to purchase by an individual or a corporate entity at the time of application, or the application shall be filed jointly by all owners of the property.
 4. As part of the Schematic Site Plan Approval, the City at its sole discretion may obtain recommendations from various consultants, including but not limited to: a qualified traffic and parking consultant, and a designer with demonstrated expertise in urban design and placemaking. Consultant services shall be commissioned by the City and paid for by the applicant. The recommendations of these consultants shall be forwarded to staff and the Millcreek Planning Commission and City Council as part of an application for a CCOZ-DA zone approval.
 5. Upon receiving professional recommendations from various consultants, and upon completion of the application process for a zoning map amendment and

development agreement approval as set forth in MKZ 18.15.010 (C) and MKZ 18.15.010 (D), the Planning Commission shall make a recommendation to the City Council regarding a complete application for a CCOZ-DA rezone and development agreement. The Planning Commission shall approve, approve with conditions, or disapprove the completed application, consisting of, but not limited to, the preliminary site plan and draft development agreement for the property where the development is proposed to be located. At the same time, the Planning Commission will make a recommendation to the City Council to adopt, adopt with conditions or not adopt the rezone of the subject property to the CCOZ-DA Zone. Planning Commission approval of a schematic site plan shall not be effective unless and until CCOZ-DA rezone is approved by the City Council.

- C. Initial Review. In considering an application for a CCOZ-DA, the schematic site plan and proposed development agreement may be modified by the City to meet the intent and requirements of this Chapter and may include regulations and standards other than those proposed by the petitioner.
- D. Review of Reasonably Anticipated Detrimental Effects. Staff will assess the application to determine if any potential detrimental effects require mitigation to include the list of potential issues and standards in MKZ 18.61, Sensitive Lands that may need to be addressed and mitigated.
- E. City Council Review and Required Findings. Submittal of an application for the VCSD zone does not guarantee the application will be approved. A zoning map amendment may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds that the proposed VCSD zone and the associated schematic site plan:
 - 1. Does not conflict with any applicable policy and guidance of the General Plan;
 - 2. Will allow integrated planning and design of the site and, overall, better development than would be possible under the strict application of the City's zoning ordinances;
 - 3. Does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, or sanitary sewer.
 - 4. Arranges buildings, structures, and open spaces in a manner that minimizes reasonably anticipated detrimental effects on abutting properties and surrounding neighborhoods.
- F. Map Designation. If a CCOZ-DA application is approved, each CCOZ-DA shall be given a unique name following the designation "CCOZ-DA-XXXX" and shall be independent of any other CCOZ-DA zone.
- G. Amendments. Amendments to a CCOZ-DA zone, including modifications to a Schematic Site Plan, shall be obtained by following the same procedure required for the original approval.

- H. Development Agreement. In adopting a CCOZ-DA, a Development Agreement shall be required. Development Agreements require approval by the City Council as set forth in MKZ 18.15.010 (D).

18.48.070 Development Standards and Design Enhancements

- A. The development standards for any lot in the CCOZ-DA zone shall be the same as in the underlying zone in which the lot is located except as modified by this chapter and an approved site plan and development agreement.
- B. As part of a preliminary site plan approval for a CCOZ-DA, the applicant shall incorporate design enhancements to the building. Design enhancements may be proposed by the applicant or may be included by the City as part of an approval of a preliminary site plan and development agreement. Design enhancements include but are not limited to:
1. Façade Modulation
 - a. Incorporate façade plane projections or recessions at least 3 feet deep and spanning at least 25% of the building width.
 - b. Offset building volumes where different sections of the building extend or retract by at least 5 feet.
 - c. Vertical breaks in massing at least every 40 feet of building frontage.
 2. Roofline Variation and Step-Downs
 - a. Incorporate a minimum of two different roof heights of at least one story.
 - b. Incorporate a step-down in height of at least 10 feet for 30% of the building frontage.
 3. Permeability and Open Space Integration
 - a. Incorporate a courtyard or breezeway on the ground story, open to pedestrians.
 - b. Incorporate a ground story arcade or covered pedestrian passage of at least 10 feet in width and 30 feet in depth.
 - c. Incorporate a publicly accessible pocket park or additional plaza integrated into the building footprint, of at least 500 square feet.
 4. Upper Story Façade Transparency and Balconies
 - a. Upper stories must feature at least 50% window coverage to create depth and avoid blank walls.
 - b. Upper stories must feature projecting or recessed balconies for at least 50 percent of residential units or hotel rooms to create variety and break up massing.
 5. Diagonal Building Corners and Notches

- a. Must integrate angled or stepped-back corners at intersections to soften massing at key street frontages.
 - b. Must integrate deep façade notches (minimum 6 feet deep) placed at regular intervals.
 - c. Must integrate chamfered or curved building edges to reduce blocky forms.
6. Shadow and Light Articulation
 - a. All windows shall include a minimum 6-inch recess from the façade plane to create shadow lines.
 - b. Incorporate horizontal ledges or overhangs between each story.
 - c. Incorporate large sculptural elements into a street-facing façade of a building, including exposed framing, screens, or shading devices.
7. Staggered or Clustered Massing
 - a. Vary the building mass by incorporating secondary building volumes of different heights.
 - b. Incorporate sections of the building that are offset by at least 5 feet in different directions.
 - c. Incorporate a mix of flat and sloped rooflines to create a non-uniform profile.
8. Streetscape Enhancements
 - a. Include an additional 10 feet of sidewalk along the entire frontage beyond what is required for the streetscape requirements as set forth in MKZ 18.47.060. Additional sidewalk width shall incorporate street trees, lighting, and pedestrian amenities.
 - b. Include a public plaza or open space of at least 500 square feet, in addition to the open space and plaza requirements as set forth in MKZ 18.47.070 (I). Design of any publicly accessible open space shall comply with the requirements for Open Space and Plazas as set forth in MKZ 18.47.070 (I).
9. Architectural Massing and Material Variation
 - a. Exterior building materials used shall consist of a minimum of 100 percent brick or stone excluding windows. Precast masonry is allowed for trim and cornice elements only.
 - b. Include significant material variation across the facade, using a mix of at least three high-quality stone or brick-based materials. Native stone or synthetic equivalent is allowed.
 - c. Include vertical and horizontal façade articulation with changes in the building plane of at least every 30 feet.

18.49 Village Center Special Districts (VCSD)

18.49.010 Purpose

Village Centers are established in the General Plan as smaller centers that include a mixture of neighborhood scale commercial and residential buildings. Buildings should be designed to be compatible with the character of existing buildings within the center. A main focus for the Village Center is to encourage access to, from and within the Village Center by pedestrians and bicyclists. Village Centers should be designed in such a fashion that the preferred modes of transportation to and from the centers are walking, bicycling, and public transit. The purpose of Village Center Special District (VCSD) Zones is to advance the goals and objectives of the Millcreek General Plan to develop Village Centers consisting of master planned, architecturally designed development, with a goal to support village and urban activity centers that allow for people to live, work, shop and play in compact areas. Village Centers must contain a mix of retail commercial, office, and residential uses connected by functional open space and green space. The provisions of this chapter allow for customized zoning requirements in order to permit flexibility and initiative in site development, while adhering to the General Plan framework for Village Centers.

18.49.020 Applicability and Area Requirements

- A. Considerations for Establishing a VCSD. It is the intent of Millcreek to restrict the establishment of a VCSD zone to site specific locations which facilitate the creation of Village Centers as defined in the future land use map.
- B. Minimum District Size. Each VCSD shall be a minimum of three contiguous acres in size.
- C. Minimum Open Space Requirements.
 - 1. Area: Each VCSD shall include publicly accessible open spaces totaling at least 15,000 square feet or 8 percent of the area of the VCSD, whichever is greater. For the purposes of determining the open space required, the area calculation should include all real property in the VCSD and shall exclude any public right-of-way existing at the time a complete application is filed.
 - 2. Use and Type: Open spaces may be privately owned but shall be accessible for general use by the public. The open space requirement shall be fulfilled through plazas, pocket parks, terraces, rooftop open spaces, trails abutting a waterway, or landscaped, grade separated linear paths that are at least ten feet (10') in width and that satisfy the objectives of an adopted General Plan or master plan.
 - 3. Phasing: At full buildout, the VCSD shall comply with all open space requirements. A VCSD may include multiple open spaces, and open spaces may be included in multiple phases, but no single open space shall be less than 2,000 square feet in area.

18.49.030 Other Zoning Regulations

The use and development of property within a VCSD zone is also subject to other applicable chapters in the zoning ordinance including but not limited to: MKZ 18.61, Sensitive Lands, MKZ 18.62, Floodplain Hazards Mitigation, MKZ 18.63, Parking and Mobility Standards, MKZ 18.64, Landscape Standards, and MKZ 18.65, Signs.

18.49.040 Pre-Application Process

- A. Pre-Application Consultation. Prior to submitting a complete application, an applicant shall hold a pre-application consultation with representatives of the City.
- B. Neighborhood Meeting. At least one week prior to submitting a complete application, an applicant shall conduct a neighborhood meeting in accordance with MKZ 18.14.030.
- C. Community Council Meeting. Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the applicable Community Council a meeting to discuss the proposed application and plans.
- D. Joint Work Session of the Planning Commission and City Council. Prior to submitting a complete application and after conducting a neighborhood and community council meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential Development Agreement in conceptual detail. A Joint Work Session of the Planning Commission and City Council must be held prior to the first noticed Community Council meeting held on the application.

18.49.050 Submittal of an Application for a VCSD Designation

- A. To establish a VCSD Zone, an application shall be submitted for a text and zoning map amendment as provided in MKZ 18.15.010. An application for a VCSD Text Change and Zoning Map amendment shall include:
 - 1. Application, Narrative, and Studies. An application and associated fees shall be submitted and reviewed by staff for completeness. An incomplete application, as determined by staff, will be returned to the applicant and not be processed until all information required by the Millcreek Code of Ordinances is provided. The City will provide a checklist of application requirements. The initial application will generally consist of concept plans with the following minimum requirements:
 - a. The applicant's name, address, telephone number, email address, and interest in the property.
 - b. The property owner's name, address, email address, and telephone number, if different than the applicant, and an affidavit from the property owner consenting to the filing of the application.

- c. A property survey, legal description, property boundaries, right-of-way center lines, utility access, topographical information indicating original ground surface, and recorded easements. The survey shall also include the street addresses and legal descriptions of the subject properties.
 - d. The current zoning classification, zoning district boundaries, and present use of the subject property.
 - e. A written explanation of the project that describes the thematic elements of the project, the placemaking concepts, one or more signature features, design and materials, potential users, the project's relationship to the goals for Village Centers in the General Plan, and other details that will provide reasons that the development will create a long-term benefit to the City and proposed techniques to mitigate any anticipated detrimental effects.
 - f. A preliminary traffic study conducted by a qualified traffic consultant licensed to practice in the State of Utah that defines potential traffic generation, the integration of the new development with the abutting street corridors, traffic capacity/level of service issues on abutting streets and intersections and suggests mitigation solutions for anticipated traffic congestion problems. The traffic study may also address parking demands, if the applicant believes that the standards found in the MKZ 18.63, Parking and Mobility Standards, are inappropriate. Traffic and parking studies shall be commissioned by the City and paid for by the applicant.
 - g. A site-specific geologic hazard study and report conducted by a qualified engineer licensed to practice in the State of Utah, if required by MKZ 18.61, Sensitive Lands.
 - h. Other information the City may deem necessary, as described on the application form, for proper review and analysis of an application and its potential detrimental effects.
- B. Proposed Zone Text. A proposed zone text, which shall include proposed permitted uses and conditional uses.
- C. Use limitations. Proposed development standards, including:
 - 1. Land use standards establishing mix of land use types, location, and density;
 - 2. Lot standards establishing requirements for lot area and dimensions;
 - 3. Building setback standards shall include front, rear, side/interior, right-of-way line, and setbacks from parks, open space, and plazas, if applicable.

4. Design standards addressing building height, building orientation, common and private open space, required and prohibited materials, protection of viewsheds and natural resources, architectural design;
 5. Landscaping and buffering standards;
 6. Sign standards and limitations; and
 7. Any exhibits required by the City.
- D. Schematic Site Plan and Exhibits. The Schematic Site Plan and Exhibits shall include:
1. Location of proposed uses;
 2. Height, location, and bulk of buildings;
 3. Location, arrangement, and configuration of open space and building setbacks;
 4. Location and design of off-street parking areas;
 5. Location of nearest fire hydrants;
 6. Location, design, and size of all access points, service access, driveways, and internal circulation;
 7. Location and size of all pedestrian walkways and paths;
 8. Number, size, height, and location of all signs;
 9. Location, type, height, of all outdoor lighting, including details on luminance and lighting operational times; and
 10. Details on colors and materials.
- E. Phased Development Agreements. An application for a multi-phase village center special district may be submitted subject to a phasing plan, whereby future phases are not required to submit a schematic site plan and exhibits. Phasing plans must be submitted concurrently with the land use application. Phased developments must include 5 or more acres. The entirety of a proposed village center special district may be rezoned subject to a phasing plan; however, each future phase is subject to a Development Agreement that is approved by the City through the same procedure used for a zoning map amendment. Preliminary phasing plans are subject to the following standards:
1. All phases must be stand-alone. No proposed phase can be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including, but not limited to the looping of roads and utilities; the provision of fire flow; and the mitigation of transportation, recreation, and/or public services impacts. Site landscaping required open space, and parking improvement must be provided within each phase as required.
 2. Each phase must include a land area of two acres or greater.
 3. Phase one of development must include a Schematic Site Plan and Exhibits.

4. Each phase including subsequent phases must be accompanied by a Development Agreement approved by the City.
5. Subsequent phases must include a narrative description or table which describes each phase and its associated improvements.
6. Any standard established in the adoption of a VCSD zone, including but not limited to allowed uses, building heights, materials, and residential densities, may be further limited by a Development Agreement for future phases.
7. Phasing plan timelines must be approved by the City.

18.49.060 Adoption and Amendment of a VCSD

- A. Initial Review. In considering an application for a VCSD zone, the proposed zone text and zoning map amendments may be modified by the City to meet the intent and requirements of this Chapter and may include regulations and standards other than those proposed by the petitioner.
- B. Review of Reasonably Anticipated Detrimental Effects. Staff will assess the application to determine if any potential detrimental effects require mitigation to include the list of potential issues and standards in MKZ 18.61, Sensitive Lands that may need to be addressed and mitigated.
- C. City Council Review and Required Findings. Submittal of an application for the VCSD zone does not guarantee the application will be approved. A zoning map amendment may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds that the proposed VCSD zone and the associated schematic site plan:
 1. Does not conflict with any applicable policy and guidance of the General Plan;
 2. Will allow integrated planning and design of the site and, overall, better development than would be possible under the strict application of the City's zoning ordinances;
 3. Does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, or sanitary sewer.
- D. Map Designation. If a VCSD application is approved, each VCSD zone shall be given a unique name following the designation "XXXX-VCSD" and shall be independent of any other VCSD zone.
- E. Amendments. Amendments to a VCSD zone, including modifications to a Schematic Site Plan, shall be obtained by following the same procedure required for the original approval.
- F. Development Agreement. In adopting a VCSD, a Development Agreement shall be required. Development Agreements require approval by the City Council as set forth in MKZ 18.15.010 (D).

18.50 Olympus Hills West Village Center Special District (OHV-VCSD)

18.50.010 Purpose

The Olympus Hills West Village Center Special District contains approximately 8 acres of land located between I-215 and Wasatch Boulevard, from 3900 South to the I-215 offramp at approximately 4100 South Wasatch Boulevard. The Olympus Hills West VCSD will include any land that the Utah Department of Transportation may surplus as part of a reconfiguration of the 3900 South interchange. The Olympus Hills West VCSD is intended to promote a mixed use village center district, including a new car dealership, restaurant and neighborhood retail and service uses. The Olympus Hills West-VCSD will feature architecturally compatible buildings, retail and restaurant uses flanking a public plaza, and an updated Wasatch Boulevard Streetscape. The Olympus Hills West-VCSD will be designed to further the goals for village centers identified in the Millcreek General Plan, to include a height transition requirement with the shortest buildings on the south side of the project in order to protect critical viewsheds and an updated Wasatch Boulevard Streetscape to enhance safety and utility for pedestrians and cyclists. The boundaries of the Olympus Hills West-VCSD are indicated in Exhibit A in MKZ 19.62A.050 and shall be designated on the Millcreek Zoning Map.

18.50.020 Permitted Uses and Conditional Uses

Uses in the Olympus Hills West VCSD are as determined by Table 18.50-1 Permitted and Conditional Uses in the Olympus Hills West VCSD. If a use is not explicitly designated in the table, then the use is prohibited. Certain use prohibitions or use limitations are listed in Table 18.50-1. Such use prohibitions or use limitations apply in addition to the general provision that uses not explicitly designated in the table are prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing land use listed in Table 18.50-1.

Table 18.50-1 Permitted and Conditional Uses in the Olympus Hills West VCSD		
Land Use	M Zone	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required, DA= Use May be Further Limited or Eliminated by Development Agreement in a Future Phase</i>		
Commercial Uses		
Automobile Sales	P	Must be on a site at least 4 acres in area. Vehicle sales inventories must include new vehicles. Sales of moving trucks, watercraft, mobile homes, travel trailers, campers, motorcycles, and other recreational vehicles

Table 18.50-1 Permitted and Conditional Uses in the Olympus Hills West VCSD		
Land Use	M Zone	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required, DA= Use May be Further Limited or Eliminated by Development Agreement in a Future Phase</i>		
		is prohibited. Vehicle sales inventories must include hybrid or electric vehicles.
Automobile Service and Repair	P	Must be an accessory use to automobile sales and leasing. Automobile service and repair must be conducted entirely inside a building.
Office	DA	Approval of this use in a subsequent phase is subject to a Development Agreement.
Eating and Drinking Establishment	DA	Drive-up uses are prohibited. Approval of this use in a subsequent phase is subject to a Development Agreement.
Neighborhood Retail	DA	Drive-up uses are prohibited. Approval of this use in a subsequent phase is subject to a Development Agreement.
Neighborhood Service	DA	Drive-up uses are prohibited. Approval of this use in a subsequent phase is subject to a Development Agreement.
Attached Single-Household Dwellings or Owner-Occupied Multiple-Household Dwellings	DA	Attached Single-Household Dwellings or Multiple-Household Dwellings must be approved as part of a Mixed Use development. Approval of this use in a subsequent phase is subject to a Development Agreement.
Mixed Use	DA	Mixed use developments may include residential uses, but must include office, restaurant, neighborhood retail, or neighborhood service uses on the ground story of a mixed use building. Maximum density of residential units allowed is determined by applicable development

Table 18.50-1 Permitted and Conditional Uses in the Olympus Hills West VCSD		
Land Use	M Zone	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required, DA= Use May be Further Limited or Eliminated by Development Agreement in a Future Phase</i>		
		standards. Approval of this use in a subsequent phase is subject to a development agreement.

18.50.030 Development Standards

- A. Automobile Sales. The primary commercial use in the Olympus Hills West VCSD shall be the sales and leasing of new automobiles. Automobile Sales shall be located in the southernmost four acres of the Olympus Hills West-VCSD and shall be configured as shown on the site plan located in Exhibit B in MKZ 18.50.050.
1. All buildings including accessory structures shall incorporate a similar architectural theme as depicted in Exhibit C in MKZ 18.50.050 and shall be predominantly metal panel and glass. Design elements shall be used to add interest on all visible sides of buildings.
 2. All building facades facing Wasatch Boulevard shall consist of at least 10 percent glass. Stucco is prohibited on any façade.
 3. One auto dealership building that shall not exceed 46,000 square feet in footprint that includes office spaces, service area and bays, and auto display areas. The auto dealership building shall include a showroom that does not exceed 20,000 square feet in area.
 4. The minimum setback as measured from the Wasatch Boulevard right-of-way shall be no less than 25 feet. All other setbacks are described in the Exhibit B in MKZ 19.62A.050.
 5. The showroom portion of the building shall be no taller than 36 feet as measured from the final engineered grade of the grading and drainage plan.
 6. The service portion of the dealership building shall be no taller than 28 feet as measured from the final engineered grade of the grading and drainage plan.
 7. Maximum lot coverage shall not exceed 30% of the site.
 8. Vehicle displays. No car displays shall block minimum required clear vision areas at driveway intersections or block lanes for public safety, egress, or fire access. No vehicles may be displayed on elevated pedestals.
 9. Security For Display Vehicles. To the extent deemed necessary by individual dealers, curb walls no higher than sixteen inches (16"), closely spaced concrete bollards, berms, low security fencing and rails may be used. Design must be

compatible with project theme and architectural detailing in other parts of the site.

10. Parts Storage Areas. Parts storage areas shall be provided within buildings.
11. Storage for lithium-ion batteries is subject to standards of an approval by the Unified Fire Authority and must be stored outside the main building.
12. Access and Internal Circulation.
 - a. Driveway Access: Except where otherwise required for compliance with applicable codes and for fire lanes, driveways shall be a minimum of twenty-four feet (24') wide and all drives shall have a minimum 12.5-foot radius.
 - b. Service Area Access: Service areas shall have sufficient stacking lanes on site to stack a minimum of one vehicle per service lane. Stacking lanes shall not block flow of traffic or fire access lanes.
13. All mechanical equipment shall be screened from view, either by enclosure or parapet wall.
14. Dumpsters shall be enclosed within a decorative masonry enclosure designed to be compatible with overall project building and fence materials.
15. No portion of the site devoted to automobile sales may be sold or leased for any other purpose.

B. Mixed Use Including Retail, Restaurant, and Plaza. Village Retail and Restaurant uses will function as a buffer and transition between the automobile sales use and a multiple-household dwelling or office use and are subject to a development agreement. Standards in this section may be further limited pursuant to MKZ 18.49.050 (E)(6). Village retail and restaurant uses shall be either a predominant feature along Wasatch Boulevard or shall flank a public plaza located between the automobile sales use and the multiple-household use. A public plaza must be at least 10,000 square feet in area. Public Plazas shall follow the applicable design standards as set forth in MKZ 18.47.070 (I).

1. Except as provided below, village retail and restaurants shall follow the applicable building design standards as set forth in MKZ 18.47.080.
2. Village retail may be located on the ground story of a multiple-household building. Retail uses and Eating And Drinking Establishments combined must be a minimum of 3,000 square feet in area, and restaurant uses shall be at least 1,500 square feet in area.
3. Retail spaces shall be a minimum of 30 feet in depth as measured perpendicular to the right-of-way or plaza.
4. Transparent windows or doors are required for at least 50 percent of the retail frontage.

5. Eating and Drinking Establishments abutting a public plaza must include at least 300 sf of outdoor seating area. Seating area may be within public plaza area.
 6. No portion of the site devoted to village retail, restaurant, or plaza uses may be sold or leased for any other purpose.
- C. Mixed Use Including Multiple-Household Dwellings and Office. Multiple-household dwellings and office uses are allowed on a portion of the property as part of a mixed use development, within 700 feet of the south right-of-way line of 3900 South. Multiple-household dwellings and office uses are subject to a development agreement. Standards in this section may be further limited pursuant to MKZ 18.49.050 (E)(6). Any approval of a Condominium will require review of a site plan by the Millcreek Planning Commission.
1. Except as provided below, multiple-household dwellings and office buildings shall follow the applicable building design standards as set forth in MKZ 18.47.080.
 2. No building may be taller than three stories. The maximum building height shall not exceed 44 feet as measured from original ground surface at the southeast corner of Parcel 2.
 3. The following features may exceed the maximum building height but in no case be over 7 feet from the highest point of the coping of a flat roof or the highest gable of a pitched roof.
 - a. Elevators, stairways, ventilating fans, or similar equipment and related screening elements required to operate and maintain the building.
 - b. No space above the height limit shall be allowed for the purpose of providing additional habitable floor space.
 4. Façade articulation. All buildings shall be designed with the following articulation:
 - a. Change in height at the top of the building by at least three feet for every 50 feet of façade length, or similar, as approved by the Planning Commission. Changes in materials, color, texture, or pattern for greater than 50% of the building facade.
 - b. Indentations/recesses at least three feet deep along the street facing facades at 50-foot intervals.
 - c. Building lengths greater than 200 feet in length shall include indentations/recesses of at least six feet in depth along the street facing facades at 50-foot intervals.
 5. Setbacks. The following minimum setbacks shall apply to all buildings:
 - a. Wasatch Boulevard right-of-way line shall be 15 feet.
 - b. 3900 South right-of-way line shall be 15 feet.
 - c. All interior and side property lines shall be 10 feet.

- d. Rear property line shall be 4 feet.
 6. Windows shall constitute at least 50 percent of first story commercial facades along local street rights-of-way, or 40 percent of those facades if uses include residential. Windows shall constitute at least 25 percent of all upper story facades.
 7. Residential amenities shall include any of the following:
 - a. Balconies or Patios of at least 40 square feet in area.
 - b. Shared Public Plaza
 - c. Indoor Amenities
 8. No portion of the site devoted to multiple-household dwellings or office uses may be sold or leased for any other purpose.
- D. Building Materials and Color. Building materials and color are limited to the materials and colors described below.
 1. Permitted primary materials for street facing facades, including facades facing plaza area include architectural metal panel, glass, composite plank siding, brick stone, or treated mass timber.
 2. Permitted accent materials include any permitted primary material; board-formed concrete; corrugated metal panels or siding; and weathered steel panels or siding.
 3. Building materials such as integrally colored concrete masonry, fiber panel and architectural tile may be used for facades that do not face a street or plaza.
 4. The use of stucco or EIFS is prohibited for use as a material.
 5. Materials and colors used for the Automobile Sales building and accessory structures shall be substantially as depicted in the Exhibits.
- E. Fencing.
 1. Fencing is required to screen any utilities or vehicle service or inventory areas.
 2. Excluding frontages along vehicle service inventory areas, no fencing of any kind will be allowed along Wasatch Boulevard or 3900 South frontage. Gates and railings above grade residential porch/patio/entry landing from Wasatch Boulevard or 3900 South frontages shall not be considered fencing.
 3. Permitted materials for fencing include pre-cast masonry, stone, or weathering steel.
- F. Lighting.
 1. The applicant must submit a photometric plan for review which indicates the type and location of lights in relation to the development and designed for pedestrian safety.
 2. Direct lighting shall not exceed the boundaries of the premises.

3. Lighting fixtures shall be oriented to focus light within the property lines and shall not cause light spillage onto adjacent properties, interfering with the lawful use and enjoyment of those properties.
4. Fixture height shall not exceed 25 feet.
5. All interior streets and parking lots including travel lanes shall be dark sky compliant and shall be designed to achieve appropriate illumination levels for safety and security while minimizing light pollution.
6. Fixtures shall be designed and installed to minimize direct glare into adjacent properties, roadways, and pedestrian areas.
7. All outdoor lighting fixtures shall be shielded or directed in a way that prevents light spillage beyond the property boundaries and reduces skyglow.
8. All outdoor lighting shall be equipped with timers, motion sensors, or other automated control mechanisms that allow for dimming.
9. For the purposes of this chapter, "Average Foot Candle" is the unit of measurement representing the amount of light falling on a surface from a standard candle placed one foot away over a specified area.
 - a. Average Foot Candle measurement shall be taken at ground level from the outside boundaries of the premises.
 - b. The maximum allowed "Average Foot Candle" shall not exceed 0.2 as measured from the outside boundaries of the premises.
 - c. Operational Requirements. The following operational requirements shall apply:
 - (1) Exterior Surface (uncovered) Parking Lot Area Lighting: Dimmed to 50% at 9:00pm to 6am.
 - (2) Building Facade Lighting: Dimmed to 50% at 9:00pm to 6am.

G. Landscaping

1. Landscaping of parking lots and required buffers shall follow the requirements of MKZ 18.64, Landscape Standards.
2. Landscaping shall incorporate plant species that are native or endemic to northern Utah.
3. Turf grass is limited to 25 percent of overall landscaping.
4. The Planning Director can reduce planter bed widths and lengths up to 25 percent to accommodate unusual circumstances.

H. Wasatch Boulevard Streetscape

1. The project shall include a consistent species of trees, planted every 30 feet on center. Trees shall be planted at a minimum of 2-inch caliper. The City shall determine the species of trees planted within a right-of-way. The City may

approve variations in street tree spacing to facilitate fire apparatus access from the public way.

2. Turf grass shall not be installed within any streetscape right-of-way. Ground materials shall include bark and/or rock mulch and live plant material to the amount of 75 percent as measured at maturity.
3. Streetlights. The project shall include street lighting as approved by the City Engineer.

I. Signs

1. Automobile Sales
 - a. Ground Signs. The automobile sales use may be allowed one ground sign, not to exceed eight 32 square feet in area and eight feet in height.
 - b. Wall signs. The automobile sales use may be allowed up to one sign on the east and west facades, each sign not to exceed 132 square feet in area. Wall signs must consist of logos or individual pan channel letters.
 - c. Design. The design and locations of the signs shall be substantially as depicted in the Exhibit F in MKZ 18.50.050.
2. Mixed Use. A sign package shall be included depicting wall, ground, blade, directional and shared signage as part of a Development Agreement approval, showing the location, type, and size of each sign.
 - a. Shared On-site District Ground Sign. One additional ground sign is allowed for the Olympus Hills West VCSD, for the purposes of identifying and branding the district itself. The ground sign may not exceed 64 sf in area and may be eight feet in height.
 - b. Ground Signs. One ground (monument) sign may be allowed along Wasatch Blvd, not to exceed 32 square feet in area and eight feet in height.
3. Comprehensive Sign Plan Required. Any application for a development agreement approval of a future third phase of development shall be accompanied by a complete comprehensive sign plan showing the location and sign type of all proposed signs. The comprehensive sign plan shall also include conceptual renderings of each sign.

18.50.040 Minimum Lot Size and Land Lease Size

Except for residential and commercial condominiums, the minimum lot size for any development or any land lease in the Olympus Hills West VCSD shall be 1.5 acres.

18.50.050 Exhibits

Exhibits are described in Ordinance 23-37.

18.51 on Reserved

18.52 Section Reserved

18.53 Section Reserved

18.54 Section Reserved

18.55 Section Reserved

18.56 Section Reserved

18.57 Development and Use Standards

18.57.010 Purpose and Applicability

- A. Purpose. The purpose of the development and use standards is to provide for the miscellaneous land development regulations that apply throughout Millcreek regardless of zone.
- B. Applicability. The development and use standards shall apply in addition to the development and use standards set forth in this title and shall prevail over any conflicting provision of this title unless a different requirement is expressly intended to supersede such provision.

18.57.020 Organization

Development and Use Standards are organized in this title as follows:

- 18.58 Temporary Uses and Structures
- 18.59 Accessory Structures
- 18.60 Nonconformities
- 18.61 Sensitive Lands
- 18.62 Floodplain Hazards Mitigation
- 18.63 Parking and Mobility Standards
- 18.64 Landscape Standards
- 18.65 Signs
- 18.66 Fences and Retaining Walls
- 18.67 Clear View Areas
- 18.68 Outdoor Lighting
- 18.69 Required Studies and Plans
- 18.70 Single-Household and Two-Household Dwelling Standards
- 18.71 Accessory Dwelling Unit Standards
- 18.72 Building Height
- 18.73 Historic Preservation
- 18.74 Residential Facilities for Persons With a Disability
- 18.75 Wireless Telecommunication Facilities
- 18.76 Special Business Land Use Regulations
- 18.77 Animal Regulations
- 18.78 Affordable Housing Incentives

18.58 Temporary Uses and Structures

18.58.010 Purpose

The purpose of this chapter is to establish standards for temporary uses and structures in Millcreek so that they may be operated in an orderly way that minimizes impacts.

18.58.020 Applicability

- A. The development standards in this chapter shall apply to all zones in Millcreek in addition to the development standards of the governing zoning district.
- B. Temporary uses are uses that do not exceed thirty (30) days in duration and that do not require permanent structures or improvements that are not already established with an approved permanent use and site plan. Temporary uses and structures lasting more thirty (30) days in duration or are not similar to allowed primary uses in a zone, may only be authorized with a conditional use permit, unless otherwise permitted in Table 18.58-1, Temporary Use Types and Limitations.

18.58.030 Permit Required

A temporary use permit reviewed and approved by the Planning Department is required prior to establishment or use activation for all temporary uses and structures, unless only a business license is required.

- A. Permit applications shall be submitted to the Planning Department and include the following:
 - 1. Proposed use and time frame of use and/or structure.
 - 2. A site plan that outlines the size, appearance, and location of the use and/or structure(s), access to public streets, temporary lighting, fencing, temporary signs, and any required parking and site improvements.
 - 3. Hours of operation.
 - 4. Property owner's authorization.
- B. Certain uses/structures may require a building permit, a special events permit, or a mass gathering permit in addition to the temporary use permit. Land use approval of a temporary use permit may be subject to obtaining building permits, special events permits, mass gathering permits, or approvals from other agencies with jurisdiction.
- C. Most uses require a business license or an active business license for the principal use.
- D. The Planning Director shall review a temporary use permit. That review may include the approval of other reviews by other agencies with jurisdiction, such as UDOT, the Unified Fire Authority, The Salt Lake County Health Department, applicable water and sewer service providers, and the Millcreek Public Works and Building Departments.

18.58.040 Allowed Temporary Uses and Structures

- A. Uses and structures not listed below or in Table 18.58-1, Temporary Use Types and limitations, are not permitted as temporary uses or structures. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in MKZ 18.15.030 (J), to determine whether a proposed land use aligns with an existing temporary use listed in Table 18.58-1.
- B. Temporary uses in the M, MD, MD-3, RM, C-1, C, IF, and VCSD zones may include, but are not limited to shaved ice, Christmas tree lots, fireworks stands, and sidewalk sales associated with an approved use on the property. Parking lot sales may be allowed as a temporary use for up to four (4) 1-week periods per year when associated with an approved use on the property. Temporary uses are not allowed within setback areas and shall not utilize more than twenty (20%) percent of the gross parking stalls. Fireworks sales are prohibited in the City Center Overlay Zone and in any VCSD,
- C. Portable Shipping Containers, including pods intended for moving, may temporarily be allowed within front yard areas but no closer than ten (10) feet from the street right-of-way.
- D. Temporary Construction and Sales trailers/offices and associated facilities, shall only be allowed with new development and treated as accessory structures for the duration of construction as follows:
 - 1. Temporary construction trailers/offices shall be removed within thirty (30) days of the final certificate of occupancy or expiration of a permit.
 - 2. Temporary sales offices shall be removed within six (6) months of the final certificate of occupancy.
- E. Yard and Garage Sales, Open houses, shall be limited to three (3) consecutive days and are only allowed within non-commercial zones or on a lot or parcel with a legally-established residential use. No consignment goods may be offered.
- F. Regulations for Temporary Signs are set forth in MKZ 18.65.140.
- G. Stationary Retail Food Trucks are not allowed in any R zone or the AG zone, except for a private special event. Specific zone and location limitations are set forth in MKZ 18.58.050.
- H. City sponsored events are exempt from the regulations of this title.
- I. Temporary uses and structures shall not cause or create a nuisance or hazard and shall conform to all requirements of this title. The property owner shall ensure that all trash is removed, and the property is restored to a clean condition after a temporary use is terminated.

Table 18.58-1 Temporary Use Types and Limitations				
<i>Land Use</i>	<i>M, MD, MD-3, RM, C-1, C, IF</i>	<i>FRE, R-1, R-2, R-4, AG</i>	<i>Limitations/references</i>	<i>Duration allowed</i>
Christmas Tree Sales, Fireworks Sales	P		In addition to these zones, Christmas tree sales allowed in public parks, subject to approval of the jurisdiction overseeing the park. Christmas tree sales and fireworks sales are prohibited in a front yard setback. Fire Department approval required. Fireworks sales are prohibited in the City Center Overlay Zone.	Up to 6 weeks or as prescribed by State Law
Temporary Sales Tents/Events, including Parking Lot Sales	P		Shall not encroach on more than 20% of the principal use's parking requirement. Mass gathering permit may be required	Only allowed for up to two weeks per event with 5 events per year allowed; or one event not to exceed ten weeks. Temporary sales tents must be erected and dismantled within one week of the event.
Temporary Seasonal Structures such as Dining yurts or Tents	P		Only allowed in conjunction with an indoor dining restaurant. Shall not encroach on any parking.	Up to 6 months
Seasonal Structures	P		For commercial businesses to add dining or sales space only	Up to 6 months
Special Events	P	P	May require additional department approvals, especially the Salt Lake County Health Department and the Unified Fire Authority.	

18.58.050 Temporary Use Site Standards

- A. Construction Trailers and Construction Offices may be permitted as a temporary use, provided they satisfy the following requirements:
1. Construction trailers and construction offices shall not be placed in any right-of-way that has been dedicated and accepted by the City, or open for public use.

2. A temporary use permit may be extended when associated with a commercial or multiple-household building permit.
 3. Separate permits may be obtained for developments with multiple phases.
 4. All construction trailers and construction offices shall be removed within 30 days of the issuance of a Certificate of Occupancy or acceptance of the public infrastructure of the associated phase of a subdivision or development.
- B. Onsite Real Estate Sales Offices may be permitted as a temporary use in any zone provided they satisfy the following requirements:
1. Onsite real estate sales offices shall be located on private property.
 2. An off-street parking area adjacent to the onsite real estate sales office must be provided. It shall be constructed of compacted gravel or road base and provide a minimum of three parking spaces.
 3. All onsite real estate sales offices shall be accessible to persons with disabilities.
 4. Onsite real estate sales offices located within a model home do not require a temporary use permit. Onsite real estate sales offices shall be removed upon establishing a sales office within a model home, clubhouse, or other permanent structure.
- C. Mobile Food Vendors may be permitted as a temporary use in any zone provided they satisfy the following requirements:
1. All mobile food vendors shall obtain a Business License and comply with the requirements specified therein.
 2. All requirements of the Salt Lake Health Department shall be met.
 3. A building permit shall be required for any electrical connections.
 4. Stationary food trucks shall have access to sanitary facilities within 300 feet.
 5. Ice Cream Truck operations are subject to the following requirements:
 - a. An ice cream truck shall not sell any goods to individuals standing in the street.
 - b. An ice cream truck shall not be allowed to sell goods from a motorized vehicle while in the right-of-way on any street with a right-of-way of at least 66 feet in width.
 - c. An ice cream truck is prohibited from pulling any trailer with a motorized vehicle during business operation.
 - d. An ice cream truck shall not stop or be located within an area that would block an intersection or driveway clear view area as set forth in MKZ 18.67, Clear View Areas, or obstruct the view of traffic.
 - e. An ice cream truck does not require a Temporary Use Permit but shall obtain a business license.

6. Food Trucks, Trailer, and Cart operations are subject to the following requirements:
 - a. Food trucks and carts are restricted to M, MD, MD-3, RM, C-1, C, CCOZ, and IF zones and on private property for special events in any zone. Food trucks, trailers and carts shall:
 - (1) Only be permitted at an existing brick-and-mortar business location or within a City/County park, or a private residence with the property owner's written permission.
 - (2) Provide, maintain, and remove trash receptacles for the duration of sales and/or events.
 - (3) Provide sanitation services within 300 feet for employees and patrons. An agreement with the hosting business may satisfy this requirement.
 - b. Exceptions
 - (1) Retail sales are permitted on public and private school property with the school district's or property owner's written permission, regardless of the zone.
 - (2) Retail sales are permitted at parks or on public property with the property owner's written permission, regardless of the zone.
 - (3) Dining areas are only permitted when approved by the property owner and shall be set up and taken down with each occurrence.
 - c. Food Trucks shall not be parked overnight at a sales location without written permission from the property owner, nor shall food trucks be parked overnight on public property or within a public right-of-way.

18.58.060 Temporary Signs

All temporary signs associated with temporary uses are subject to the standards of MKZ 18.65.140, Temporary Signs, and the following standards:

- A. All images, text, and wraps that do not project from a motorized or non-motorized vehicle that solely advertise for the Mobile Food Vendor business are permitted.
- B. Ice Cream Trucks are only permitted signage that does not project from the vehicle and solely advertises for the associated business.
- C. Food Trucks are permitted two A-Frame signs.
- D. Food Carts are permitted one A-Frame sign.
- E. A-Frame signs shall not exceed four feet (4') in height and 12 square feet of sign copy area and include sufficient weights to prevent movement due to windy conditions.
- F. Signs for yard sales are limited to six (6) square feet in area.

- G. Signs are not permitted in the public right-of-way.
- H. Signs exceeding three feet (3') in height shall not be placed in an intersection or driveway clear view area as set forth in MKZ 18.67, Clear View Areas.
- I. Off-premise signs are prohibited.

18.58.070 Permit Application Requirements

- A. The following shall be submitted for review with a Temporary Use Application:
 - 1. A Temporary Use Permit application following the procedures as set forth in MKZ 18.15.030 (I), including a site plan for each location.
 - 2. Any proposed signs.
 - 3. Letter of consent by hosting property owner.
 - 4. Proof of sanitation facilities or agreement with hosting business/property owner or an adjacent owner.
 - 5. An applicant seeking a business license to operate a mobile food truck, trailer or cart must submit a photograph of the vehicle as part of a business license application.
- B. Yard sales. Yard sales must satisfy the requirements of this chapter, but no permits are required.
- C. Special events.
 - 1. Outdoor community engagement events are allowed on private and public property with the property owner's permission.
 - 2. Such events shall be reviewed by the Unified Fire Authority, Unified Police Department, and the Salt Lake Health Department, which may impose requirements for circulation, trash, sanitation, temporary parking, traffic, restroom facilities and any other relevant operational considerations.
 - 3. Mass gathering permits are required for events with more than 500 people and greater than 2 hours in duration.
 - 4. Special Events located on City right-of-way and City property are not regulated by this chapter but are subject to the standards as set forth in MKC 14.56.

18.59 Accessory Structures

18.59.010 Purpose

The purpose of this chapter is to establish standards for accessory structures in Millcreek so that they may be constructed in an orderly way that minimizes impacts.

18.59.020 Applicability

This Chapter applies to accessory structures in an R-1, R-2, R-4, FRE, MH/TH, MD, MD-3, AG, and RM zones in Millcreek , the utilization of portable shipping containers in the M, MD, MD-3, RM,

C-1, C, and IF Zones in Millcreek, and sets additional development standards to those of the governing zoning district.

18.59.030 General Requirements for Accessory Structures

- A. Accessory structures shall be subordinate to the main structure.
- B. Location Requirements:
 - 1. Accessory structures shall only be allowed in a rear yard, or within the side or rear setbacks of the main building on the lot or parcel.
 - 2. Accessory structures must be located at least six feet (6') from the main building on the lot.
- C. Height:
 - 1. For residential lots in R-1, R-2, R-4, and AG zones with rear yards that share a boundary with a C-1, C, RM, MD, MD-3, CCOZ, IF, M, or VCSD zone or an institutional building or structure, accessory structures may exceed the height of the main structure, up to a maximum height of 24 feet, provided they are the rear yard.
 - 2. The maximum height for accessory structures on residential lots or parcels in the RM zone is 20'.
 - 3. Accessory structures on all other residential lots or parcels shall not exceed 10 percent greater than the height of the main building but are allowed to be at least 14 feet in height.
 - 4. In no case shall an accessory structure exceed 24 feet in height.
 - 5. Accessory structures must adhere to the building envelope rules for the underlying zone.
- D. Setback Requirements:
 - 1. Heights Up to Fourteen Feet. Accessory structure must be located at least thirty inches from the side and rear property lines.
 - 2. Heights Greater than Fourteen Feet. For each inch in height over 14 feet, accessory structures shall be set back from the side and rear property lines an additional inch, up to 12 feet six inches from the side and rear property line.
 - 3. On lots where the rear yard abuts a public right-of-way, the minimum setback requirement for an accessory structure is 20 feet from the side and rear property lines, unless a noise barrier authorized and constructed by the Utah Department of Transportation or the City separates the right-of-way from the accessory structure.
 - 4. Accessory structure shall not encroach on any recorded easement.
- E. Area Requirements. Accessory structures are limited in size by the total lot or parcel coverage allotted for each zone.

- F. Design Standards. Accessory structures shall incorporate at least one of the exterior materials used in the main building for 20 percent of all structure facades, or shall be clad in wood, vinyl, or cementitious fiberboard siding. Accessory structures must have a pitched roof unless the main building has a flat roof, in which case an accessory structure may have a flat roof or a pitched roof.
- G. Drainage. Runoff drainage from accessory buildings and structures may not be directed onto adjacent property.
- H. Illumination. Illumination of accessory buildings and structures shall be directed down and away from adjoining residences.
- I. Accessory structures shall only be used for vehicles or non-commercial uses generated within the property, unless those items are used as part of a licensed home business, pursuant to the standards set forth in MKZ 18.76, Special Business Regulations. Accessory structures shall not be used as dwellings unless permitted as an Accessory Dwelling Unit by the Planning and Zoning Department.
- J. Portable shipping containers, semi-trailers, box cars, or relocatable storage containers are subject to the following requirements:
 - 1. Portable shipping containers, semi trailers, box cars, or relocatable storage containers shall not be permanently installed or maintained on a residential lot, unless they are modified to meet all the design requirements in this chapter.
 - 2. Portable Shipping Containers. Containers in the M, MD, MD-3, RM, C-1, C, and IF zones may be permitted as a permanent onsite storage use, provided they satisfy the following requirements:
 - a. Containers shall not be placed within a required front yard setback or landscaping area.
 - b. Containers shall not be placed between a building and the street.
 - c. Containers shall be screened from view and/or located 20' back from the front plane of the building. The preferred location is behind the building or within a screened outdoor storage area or in an alley where sufficient room remains for an emergency vehicle to use the alley.
 - d. Containers shall not be placed in the public right-of-way.

18.60 Nonconformities

18.60.010 Purpose

The purpose of this chapter is to establish regulations governing legally established uses, structures, lots or parcels, and other circumstances that do not conform to the applicable

requirements of this title, and to control expansion of nonconforming conditions while recognizing the interests of affected property owners.

18.60.020 Applicability

- A. The provisions of this chapter shall apply to any use, lot, parcel, structure, or other circumstance governed by this title which legally existed before the current zoning designation of the land where the circumstance is located and because its current land use designation does not conform with applicable requirements of this title. The right to continue use of a nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity shall also comply with the life safety requirements of applicable construction codes.
- B. Any nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity may be continued only to the extent it was lawfully created and as provided in this chapter.
- C. Any use, structure, lot, or other circumstance not authorized under a previously existing zoning ordinance, or which was illegal under such ordinance, is not considered a nonconformity, and shall remain unauthorized and illegal unless expressly permitted by the provisions of this title.
- D. Other Nonconformities. This chapter shall also apply to other nonconformities including but not limited to improper fence height or location, lack of buffers or screening, lack of or inadequate landscaping, lack of or inadequate off-street parking, operation of on-premises electronic message center signs, and any other nonconformity not addressed by this Chapter.

18.60.030 Change in Nonconforming Status

A nonconforming use, noncomplying structure, nonconforming lot or parcel, or other nonconformity may not be changed except in conformance with the provisions of this title. To the extent any nonconforming use, noncomplying structure, nonconforming lot or parcel, or other nonconformity becomes conforming, it shall not be changed back to the previously existing nonconforming condition.

18.60.040 Nonconforming Use

- A. Continuation. A nonconforming use or noncomplying structure legally existing when such use became prohibited, may be continued. A vacant structure may be occupied by a use for which the structure was originally designed and intended if occupied within period of one year after the use becomes nonconforming.
- B. Expansion within a Complying Structure. A nonconforming use existing within a portion of a conforming structure may be expanded to include the entire floor area of such building provided the expansion:
 - 1. Does not include any structural alteration; and
 - 2. Otherwise conforms to the requirements of this title, and
 - 3. Additional parking space is supplied to meet the requirements of this title for such expansion.

- C. A nonconforming use of a lot or parcel where the principal use is not enclosed within a building, such as a salvage yard or a motor vehicle sales lot, shall not be expanded or modified except in conformity with the requirements of this title or as may be required by law.

18.60.050 Noncomplying Structures

- A. Continuation. A noncomplying structure may be continued so long as no additions or enlargements are made thereto and no structural alterations are made therein, except as permitted by this chapter or as may be required by law. If a noncomplying structure is removed from the lot or parcel where it was located, each future structure on such lot or parcel shall conform to the provisions of this title.
- B. Expansion and Enlargement. A noncomplying structure may be expanded or enlarged upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find the following:
 - 1. The addition, enlargement, or reconstruction of the structure at a new location complies with the standards and regulations of the current zone and the applicable requirements of this title.
 - 2. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot is compatible with existing development within a reasonable distance in terms of height, mass, applicable building envelope requirements, and lot or parcel coverage; and
 - 3. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.
 - 4. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.
- C. Maintenance and Repair. A noncomplying structure may be maintained. Repairs and structural alterations may be made to a noncomplying structure provided the degree of nonconformity is not increased.
- D. Relocation. A noncomplying structure may not be relocated within Millcreek unless the structure is placed in a location that conforms with the applicable requirements of this title.
- E. Alteration Where Parking Insufficient. A complying structure housing a use with insufficient parking, as required by this title, may be altered or enlarged provided additional parking is supplied to meet the requirements of this title for the noncomplying portion of the structure and the alteration or enlargement.
- F. Restoration. A noncomplying structure damaged by fire, wind, earthquake, or other calamity or act of God or the public enemy may be restored as it existed previously, and its use may be continued so long as a building permit is obtained within six months and a certificate of

occupancy is issued or a final inspection completed within two years of receipt of a building permit.

- G. Deterioration. A noncomplying structure may not be reconstructed or restored if:
1. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that:
 - a. The structure is uninhabitable, and
 - b. The noncomplying structure will be lost if the structure is not repaired or restored within six months, or
 2. The property owner has voluntarily demolished a majority of the noncomplying structure.

18.60.060 Nonconforming Lot or Parcel

- A. Continuation. A nonconforming lot or parcel may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this title, subject to the provisions of this chapter.
- B. New Single-Household Dwelling. A new single-household dwelling may be constructed on a legally established lot or parcel which is nonconforming as to area, width, or both, provided:
1. The lot or parcel was legally nonconforming when the area or width requirements were changed;
 2. The use is for the sole purpose of a single-household dwelling;
 3. There is only one main building on the lot or parcel; and
 4. The dwelling conforms to all other requirements of this title, such as frontage, yard setbacks, building height, and other applicable requirements, such as street improvements and compliance with construction codes.
- C. Lot or Parcel with Building. If a nonconforming lot or parcel contains a building legally established before the effective date of this title, then the owner may continue the then-existing use of such building and may expand the building in any way that does not increase the degree of nonconformity. An increase in building size shall not increase the degree of nonconformity of the lot or parcel. Interior remodeling and/or exterior maintenance of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot or parcel requirements but shall be reviewed by the Planning Director as though the lot or parcel conforms to the requirements of this title. Such remodeling or maintenance shall require a building permit.
- D. Effect of Public Uses. If the required area, width, frontage, or yard space of a lot is rendered noncompliant as a result of acquisition of a portion of the lot for public use, the lot shall be considered a legal lot for purposes of this title. No construction or boundary change may be undertaken which will render these requirements further noncompliant. New buildings,

structures or site improvements proposed for construction on such a lot shall meet all other requirements of the zone in which it is located.

18.60.070 Nonconforming Signs

A. Alterations.

1. A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Code. All alterations shall require conformance to the provisions of this Code including any physical changes to the sign panel or the sign cabinet itself. Exclusions from this requirement are as follows:
 - a. Face changes
 - b. Normal maintenance and repair
 - 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. The sign's overall height, size, and shape 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 to conform 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.

18.60.080 Abandonment

- A. Abandonment Claims. A person claiming abandonment shall have the burden of establishing the abandonment.

- B. Presumption of Abandonment. A nonconforming use, noncomplying structure, or other nonconformity, shall be presumed abandoned when any of the following occurs:

1. A majority of the primary structure associated with a nonconforming use has been voluntarily demolished without prior written agreement with the City regarding an extension of the nonconforming use.
2. The use has been discontinued for a continuous period of one year.
3. The primary structure associated with a nonconforming use remains vacant for a period of one year.

- C. Exception for single-household dwellings. Single-household dwellings located in any residential zone shall be exempt from being presumed abandoned.
- D. Overcoming Presumption of Abandonment. An affected party may rebut the presumption of abandonment and shall have the burden of establishing that any claimed abandonment has not in fact occurred by providing evidence of no intent to abandon the nonconforming use, noncomplying structure, or other nonconformity. Such evidence may include proof that during the alleged period of abandonment the owner has either:
 - 1. Maintained the lot or parcel and structure, if any, in accordance with the building code; or
 - 2. Actively and continuously marketed the lot, parcel, or structure for sale or lease.
- E. School Facilities. The City may terminate the nonconforming status of a school district school or charter school use or structure when the property associated with the school district school or charter school use or structure ceases to be used for such purposes for one (1) year, subject to any under Utah State Code Title 53G-5, Chapter 5 Noncompliance, Charter Termination and Liability UCA (53G-5-5).

18.60.090 Determination Status Procedure for Nonconformities

- A. In all cases, the property owner shall have the burden of establishing that a nonconforming use, noncomplying structure, nonconforming lot, or other nonconformity legally existed before its current land use designation. The Planning Director shall review the application as follows:
- B. Procedure:
 - 1. The Owner or applicant seeking a determination shall file a Nonconformities Determination Application following the procedure as set forth in MKZ 18.15.040 (A) and pay all applicable fees as set forth in the Consolidated Fee Schedule, including any additional fees incurred resulting by staff conducting research.
 - 2. The application shall include evidence that clearly establishes the subject use or structure lawfully existed before its current land use designation.
 - 3. Acceptable evidence may include:
 - a. Historical zoning maps that clearly identify the use and structure that existed.
 - b. Historical zoning code supporting historical zoning maps.
 - c. Previously issued building permits.
 - d. Previously issued conditional use permits.
 - e. Documentation supporting a variance was granted or issued for the use or structure.
 - f. Aerial imagery that clearly establishes use or structure existed
 - g. Court Orders or Judgements

- h. Affidavits from previous property owners attesting to the use/structure.
 - i. Evidence of utility connections
 - j. A building inspection that certifies that the building or structure was compliant with the codes at the time it was built.
 4. The City shall accept the application and evidence provided and make its findings and determination within fourteen business days. The City shall notify the applicant in writing stating the determination.
- C. Application To Have a Structure Declared a Noncomplying Structure. Whenever a structure violates the height or setback provisions of this title, the owner may file an application with the Planning Director to have the structure declared noncomplying, but only after the owner has received a determination status as set forth in MKZ 18.60.090. The Planning Director may acknowledge pre-existing formal nonconforming declarations from the county. The Planning Director shall approve the application when the evidence clearly establishes the following:
 1. The structure has existed at its current location, with the same size, height, and setbacks, for at least ten years;
 2. A third-party building inspector licensed to practice in the State of Utah submits a report to the City finding that the structure poses no threat to the health of safety or persons in or around the structure; and
 3. The City has not taken enforcement action for the violation for a period exceeding five consecutive years during which the violation existed.

18.60.100 Exemptions

- A. Billboards. The provisions of this chapter shall not apply to billboards. Nonconforming billboards shall be terminated in accordance with applicable provisions of [Utah Code Section 10-9a-512, Termination of a billboard and associated rights](#), and [10-9a-513, Municipality's acquisition of billboard by eminent domain](#). In the event such provisions are repealed, nonconforming billboards shall be subject to the provisions of this chapter.
- B. When such chapters within this title regulate specific nonconformities, the provisions of this chapter shall not apply. In the event there is a conflict between this chapter and other chapters within this title, the most restrictive chapter shall prevail.

18.60.110 Appeals

Any person adversely affected by a final decision of the Planning Director or other official enforcing the provisions of this chapter may appeal that decision to the appeal authority as set forth in MKZ 18.04, Appeals.

18.61 Sensitive Lands

18.61.010 Purpose and Intent

- A. To preserve the distinctive features and the natural setting of the City and to promote development that recognizes and respects the character of the land.
- B. To identify and document sensitive lands that shall be protected from development and to guide sensitive lands related to open space designations in development proposals.
- C. To identify certain hazardous conditions that require buffering, avoidance, or other engineering techniques to allow for safe beneficial development.
- D. To provide for the health, safety, and welfare of residents, as well as protect urban and nonurban development, the good order and aesthetics of Millcreek, and protection of property values as set forth in [Utah Code Section 10-9a-102\(1\), General land use authority](#).

18.61.020 Applicability

- A. A Sensitive Lands Area is defined as any area that is either:
 - 1. Located within the affected areas identified on the Sensitive Lands Map, adopted and amended from time to time by the Millcreek City Council; or
 - 2. Contains sensitive lands features as described in this section; or
 - 3. Affected by geological hazards identified in a Geotechnical Report, a topographical survey, or soils study.
- B. Any land use application for development located in a Sensitive Lands Area including but not limited to building permits for a new structure or existing structures that add additional square footage to the primary or secondary structure, permitted and conditional uses, preliminary and final subdivision plats, shall include a sensitive lands identification analysis addressing the requirements of this chapter through a Geotechnical Report that identifies/analyzes not only geologic hazards but also the other sensitive lands features as described in this chapter.
- C. The applicant shall provide a Geotechnical Report or other required reports based on the Sensitive Lands Area map, or if a property is determined to be in a Sensitive Lands Area by a previous Geotechnical report, topographical survey, or soils study. The required reports are shown in Table 18.61-1, and such reports will vary based on the severity and type of sensitive lands found within the proposed development. Additional requirements may be found in the applicable application checklist.
- D. The City retains a City Geologist to review, analyze, suggest modifications, and approval the reports. Any costs incurred by the City Geologist, including contracted specialized engineering or geotechnical services, site inspection, testing, and review time due to the proposed development will be passed along to the applicant or developer and deposited with the City. Such costs shall be based on an estimate provided by the City Geologist.
- E. Existing properties located in low liquefaction potential areas with slope angles less than 15% may be exempt from a full Geotechnical Report requirement, provided that soil type and water

table depth information is furnished to the City to assure foundation suitability. Geotechnical Reports are not required for fences but are required for any retaining wall or accessory building over 200 square feet when located in a Sensitive Lands Area

- F. Any sensitive lands identified as a result of this chapter's requirements shall be acknowledged in the development proposal. Some sensitive lands cannot be mitigated, so the development design shall avoid and preserve the identified sensitive lands areas as undevelopable land. Such land shall be designated on the site plan or subdivision plat in a manner that permanently restricts the area from development.
- G. A grading plan and the limits of disturbance shall accompany any development plan in a sensitive land area. Limits of disturbance shall be defined by the least area needed to construct the development, required setbacks on the site, a prescribed buffer area if located in the Wildland Urban Interface, and the avoidance of any unmitigable sensitive lands. Limits of Disturbance are further described in MKZ 18.61.070 (B).
- H. Despite the established spatial requirements in any underlying zone, additional lot coverage limits, setbacks, or other spatial requirements may be required in a Sensitive Lands Area, due to the requirements of this chapter.

18.61.030 Sensitive Lands Description

Sensitive Lands contain characteristics that can influence, modify, or limit development patterns through physical or regulatory restrictions. Sensitive lands features covered by this chapter are described as follows:

- A. Topographical Features. The types of lands represented in this typology include slopes that average 15 percent over a 50-foot interval in any direction, wetlands, rock outcroppings larger than 10 feet wide and 10 feet tall, avalanche zones, alluvial fans, rock fall areas, gullies/ravines deeper than 10 feet and wider than 20 feet), intermittent or constant flow stream corridors, ridgelines, springs, species protection, Wildland Urban Interfaces, and floodplains. Additional requirements for floodplains are found in MKZ 18.62, Floodplain Hazards Mitigation.
- B. Subsurface Features. Soils, saturated soils, and soil structures such as areas of liquefaction potential, surface fault rupture hazard areas, and debris flow areas. Soil types used to determine surface stability, foundation stability, movement potential, depth to bedrock, and shallow water table levels, may also reveal factors to consider for avoidance/preservation and/or design modifications when determining the extent of sensitive lands.

18.61.040 Identification Required

Designation and possible preservation or avoidance of the identified Sensitive Lands features and their associated area(s) in their natural state is required. A Sensitive Lands Geotechnical Report is required for lands located in the Sensitive Lands Map or where a Geotechnical Report identifies sensitive lands issues. A Sensitive Land Area shall be shown in concept plans, existing properties, site plans, and preliminary and final subdivision plats. It is the intent of these requirements to promote a development design that incorporates and integrates the sensitive

lands into the development design process as valued aspects of that design. These characteristics need identification and are significant factors that determine how sensitive lands should be reflected in the design of a particular development site. Sensitive lands features shall be shown on the development site plan and detailed by the appropriate study, as required by this chapter.

18.61.050 Remediation for Mitigatable Sensitive Lands

Certain Sensitive Lands have the potential to be remediated and/or mitigated. Determinations and mitigation techniques proposed that, when reviewed by the City Engineer and City Geologist, do not clearly resolve any identified issues may be subject to a Peer Review at the City's discretion. The process for a Peer Review is set forth in MKZ 18.61.060. The City Engineer and City Geologist shall have the right to review, provide comments, suggest changes, and ultimately approve, deny, or modify the mitigation techniques. The applicant's geotechnical engineer shall stamp such mitigation techniques. All disturbed lands shall be rehabilitated and revegetated, except where buildings and impervious surfaces are proposed on the approved site plan or subdivision plat.

18.61.060 Dispute Resolution and Peer Review

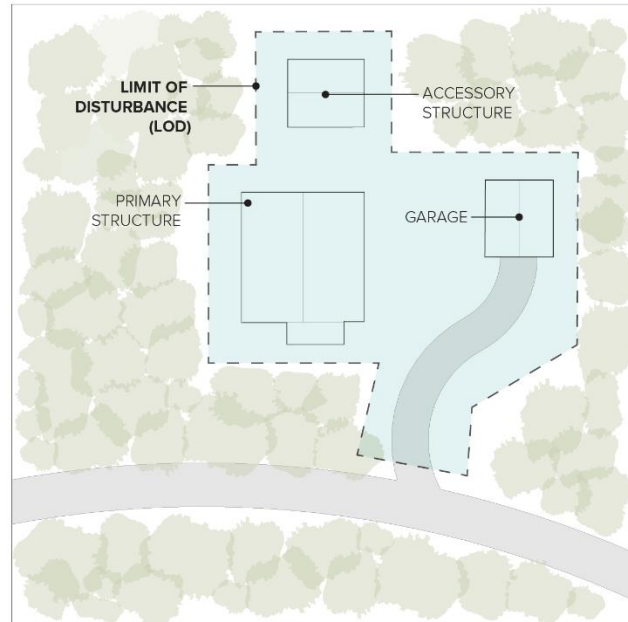
The City may seek a third-party review of the information provided by the developer or applicant as part of an application compliance review set forth in MKZ 18.14.070, Application Compliance Review for All Other Applications.

18.61.070 Development Design Considerations

- A. Grading Plan Required. All development plans in a Sensitive Lands Area shall include a grading plan, subject to the requirements for Engineering Grading Plans as set forth in the Engineering Requirements Checklist, to assure that the development minimizes land disturbance, that erosion and stormwater are retained on-site to the greatest extent possible, and conforms to MKZ Title 14, Engineering Standards. Topsoil that is removed from the site during construction shall be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes. Such plans shall establish a limit of disturbance indication on the site plan where development activity will be contained. Sites with slopes that average over 20% shall limit their grading to no more than 60% of the lot area.
- B. Limits of Disturbance. The limits of disturbance (LOD) is defined as the area(s) in which construction and development activity shall be contained, including development and construction of the principal building, accessory structures, recreation areas, utilities, services, driveways, storm drainage, and other similar improvements. LOD areas shall not encroach into setbacks required by the underlying zone or the specified buffers as defined in this chapter. An LOD Site Plan Example is illustrated in Figure 18.61.1.

1. LODs shall be identified for development on property affected by or located within 100 feet of any of the topographical features identified in MKZ 18.61.030 (A).
2. Maximum Area of an LOD for Single-Household and Two-Household Dwellings:
 - a. For single-household or two-household dwellings and accessory buildings located on lots or parcels less than one acre in size, the LOD area is limited to 20,000 square feet.
 - b. For single-household or two-household dwellings and accessory buildings on lots or parcels one acre in size or greater, the limits of disturbance are limited to twenty thousand 20,000 square feet plus an additional square footage of 20 percent of the acreage over one acre.
3. Exclusions from LODs. The following do not need to be included in the LOD:
 - a. Up to 10 feet of paved or unpaved shoulders for driveways.
 - b. Areas consisting of natural ponds, streams, trees, and other vegetation where no grading work is done. Such areas shall be avoided, buffered, and/or preserved.
4. Updates to LODs. Due to unforeseen circumstances, LODs may be required to be updated during the construction process. In the case of an amendment, a revised LOD shall be submitted to the City for a site plan review.
5. Delineation of LODs On Site. All LOD areas shall be surveyed and staked prior to construction and maintained throughout the construction of the site. A LOD shall be delineated on-site with fencing or other separation methods approved by the Planning Director prior to the commencement of excavation, grading, or construction activities on the site.

Figure 18.61.1, LOD Site Plan Example.



- C. Slope Cuts and Grading. Slope cuts and grading shall conform to the following:
1. Final plans must be in accordance with a grading and excavation plan and the Geotech report for the site, as approved by the City Engineer, prior to issuing a building permit. Figure 18.61.2 illustrates a development plan that minimizes cuts.
 2. Cantilevers/eaves located on a second story and above may encroach into the LOD and/or zone setbacks by up to three feet (3'), provided the cantilevered setback can be constructed entirely from within the LOD.

Figure 18.61.2, A Development Plan that Minimizes Cuts



3. The original ground surface of a lot may not be raised or lowered more than four feet (4') at any point for the construction of any structure or improvement, except that the site's original ground surface may be raised or lowered eight feet (8') if a retaining wall or terracing is used to reduce the steepness of human-caused slopes. Terraces and retaining walls must comply with the requirements of **MKZ 18.66, Fencing and Retaining Walls**.
4. Separate building pads for accessory buildings other than private garages, (including but not limited to accessory dwelling units, guest houses, barns, recreational structures such as tennis courts, swimming pools, and similar facilities) are prohibited except where the natural/original slope is 20 percent or less.
5. The following limits apply to graded or filled human-caused slopes:
 - a. Slopes of 25 percent or less are encouraged wherever possible.
 - b. Graded or filled human-caused slopes may not exceed the maximum slope supported by a geotechnical study and constructed per the geotechnical engineer's requirements not to exceed 50 percent.
 - c. Cut human-caused surfaces or slopes may not exceed a slope of 50 percent unless it is substantiated, on the basis of a site investigation and submittal of a soils engineering or Geotechnical Report prepared and certified by a qualified professional, that a cut on a steeper slope will be stable and will not create a hazard to public or private property.
 - d. All cut, filled, and graded slopes shall be re-contoured to the natural, varied contour of the surrounding terrain.

- e. Stormwater retention or detention is prohibited on slopes greater than 25 percent.
 - 6. Excavation for footings and foundations shall not occur outside limits of disturbance and shall be minimized to lessen site disturbance and ensure compatibility with hillside and sloped terrain. Intended excavation must be supported by detailed engineering plans submitted as part of the application for site plan approval.
- D. Stormwater. Storm drainage plans shall include a system design to return collected and clarified waters to the natural drainage channels or to the adjacent ground. All developments are required to obtain a Storm Water Pollution Prevention Plan (SWPPP) and a Utah State Department of Environment Quality General Construction Storm Water (UPDES) Permit at building permit issuance.
- E. Soils Conditions. Geotechnical Reports, are required as set forth in this chapter and in the Engineering Requirements Checklist and are catered to the type of Sensitive Lands encountered, shall also include an analysis of the soil types and their potential for movement when additional moisture is applied, as may occur from heavy rainfall or melting snow, landscape irrigation and/or impervious surface runoff or saturation, on any lot with a slope over 15 percent. Geotechnical Reports shall also identify:
- 1. The depth to water table, and
 - 2. Potential fluctuations in seasonal water tables, if buildings with basements are to be constructed within the proposed development. In the absence of a year-long analysis of water table fluctuations, the time period to be studied is from March 15 to June 15 and such fluctuations may be estimated if the timing of such studies is contrary to the development schedule. Additional requirements for drainage of subsurface water are set forth in MKC 17.12.
- F. Trails. After identifying/documenting (or delineating in the case of wetlands) any sensitive lands as defined above, and reviewing the Millcreek Sidewalk and Trails Master Plan, the Millcreek General Plan, the Salt Lake County Regional Trails Master Plan, as part of the design process of a development, and as part of the concept plan submission, each development shall include a conceptual design to assess how the development will be designed to preserve the identified sensitive lands and evaluate the potential to extend trail systems to and within the area. Trails are designated as a conditional use on slopes up to 50 percent, and prohibited from areas on slopes greater than 50 percent, and may disturb areas they traverse.
- G. Mitigating Cuts and Fills. The development shall mitigate the visibility of cuts and fills and buildings on hillsides that are visible from the adjacent streets. Mitigations shall include methods to conceal such cuts and fills and buildings, such as evergreen landscaping, hill terracing, use of earth-tone colors on structures, or the reduction of the width of a required street cross-section, subject to approval of the City Engineer or Fire Marshal.

18.61.080 Development Limitations and Prohibitions

All new development, including any subdivision of land, shall avoid and preserve the following areas as undisturbed and natural open space, as provided below:

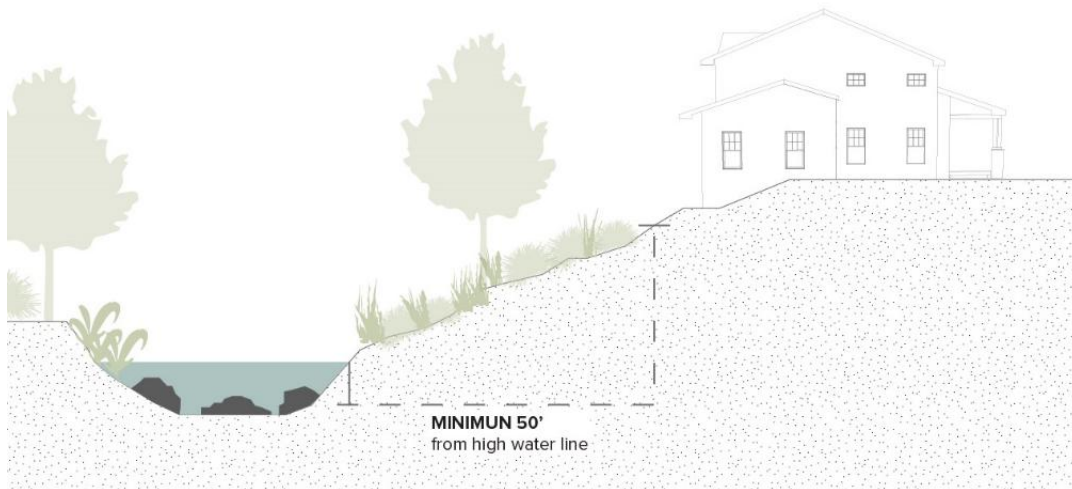
- A. Slopes 30% or greater: Except for the installation of fencing and live plant materials and the construction of trails, development is prohibited on slopes of 30 percent (30%) or greater. Slopes of 30 percent or greater shall remain undisturbed, unless a property has a natural, contiguous building area based on the original grade that can encompass the proposed building, and has a buildable area with a minimum of 5,000 square feet at or below 30 percent natural grade. All such properties shall include specific engineering designs to contain runoff, erosion, and pollution on the subject property during and after construction. The applicant shall identify a Limits of Disturbance on the site plan or plat, and shall obtain a land disturbance permit, and possibly a SWPPP permit prior to obtaining building permit. This includes the prevention of any materials caused by erosion flowing out onto adjacent trails, sidewalks, and streets, as well as adjacent fences and properties, and erosion onto the sensitive lands buffer areas. Additional setbacks from portions of the property that are steeper may be required as set forth in the Geotechnical Report, or as identified in adopted building codes. Where slope maps are required as part of a Geotechnical Report, they shall include:
1. A base topographical map of the subject site, prepared and signed by a Utah licensed civil engineer or land surveyor. This base topographical map shall include all adjoining properties within 150 feet of the site boundaries to portray the site's context.
 2. This slope analysis shall be prepared using CAD- or GIS-based software specifically designed for such purpose. Contours on the exhibits shall be prepared using no greater than two-foot (2') contour intervals with ten-foot contours clearly labeled and at a scale of not less than one inch equals 100 feet (1" = 100'). The slope analysis exhibit shall delineate slope bands, with contrasting colors, for the following slope ranges: zero percent (0%) to 15 percent, 15.01 percent to 20 percent, 20.01 percent to 25 percent, 25.01 percent to 30 percent, 30.01 percent to 50 percent, and 50.01 percent or greater.
 3. A tabulation chart indicating the land area in acres within each slope category as identified herein.
 4. A sufficient number of slope cross sections to clearly illustrate the extent of the proposed grading. The slope cross sections shall:
 - a. Be drawn at the same scale and indexed, or keyed, to the existing topography, grading plan, and project site map. Both vertical and horizontal scales shall be indicated and be of the same scale. The slope cross section shall extend at least 150 feet outside the project site boundary to clearly show impact on adjacent property. Slopes

- shall be calculated in intervals no greater than 40 feet along the cross sections.
- b. At a minimum, sections shall be drawn along those locations of the project site where:
 - (1) The greatest alteration of existing topography is proposed;
 - (2) The most intense or massive development is proposed;
 - (3) The site is most visible from surrounding land uses;
 - (4) Where grading will impact natural drainage conditions.
 - (5) At least two (2) of the slope profiles shall be roughly parallel to each other and roughly perpendicular to existing contour lines.
 - c. The slope cross sections shall be stamped and signed by a Utah licensed professional proficient in creating such cross sections indicating the datum, source, and scale of topographic data used in the slope profiles. The signer shall attest that the slope profiles have been accurately calculated and identified.
 - d. The slope cross sections shall show the existing and proposed topography, structures, driveways, and roadways. The proposed topography and features shall be drawn with a solid line, while the existing topography and features shall be drawn with a dashed line.
 - e. The slope analysis calculations shall be prepared by a Utah licensed professional who is proficient in creating the exhibits using computer software designed for preparing said exhibits.
5. Cuts and fills shall be avoided in project design to the greatest extent possible and shall not exceed a 50 percent slope. Retaining walls shall satisfy the standards for retaining walls as set forth in MKZ 18.66, Fences and Retaining Walls. Terraces may be created at lesser heights to meet slope-related issues, but the minimum terrace width shall be in six-foot (6') intervals. Development affecting slopes of 20 percent or greater shall submit plans that conform to any City Standards, utilize Low Impact Development techniques, and may require specialized storm water permits such as a SWPPP. Revegetation with native plants and ground covers of disturbed areas is required as soon as possible or within 6 months for any grading performed for road work and after the occupancy of a home. Streets, roads, alleys, or driveways may not cross slopes that average (in any fifty-foot interval) 30 percent (30%) or greater. Public or private streets in a sensitive land area shall not exceed 12 percent slopes. Driveways or private streets shall not exceed 10 percent slopes within 20 feet of a public street.

Avalanche paths. Avalanche paths shall be identified, and development shall avoid such paths as recommended by a qualified Geotechnical Engineer.

- B. Fault lines, scarps, landslides, rock outcroppings, rock-fall, alluvial, fans and mud/debris flow areas: These topographical features shall be avoided and mitigated as recommended by a Geotechnical Engineer licensed to practice in the State of Utah.

Figure 18.61.3, Buffer Example



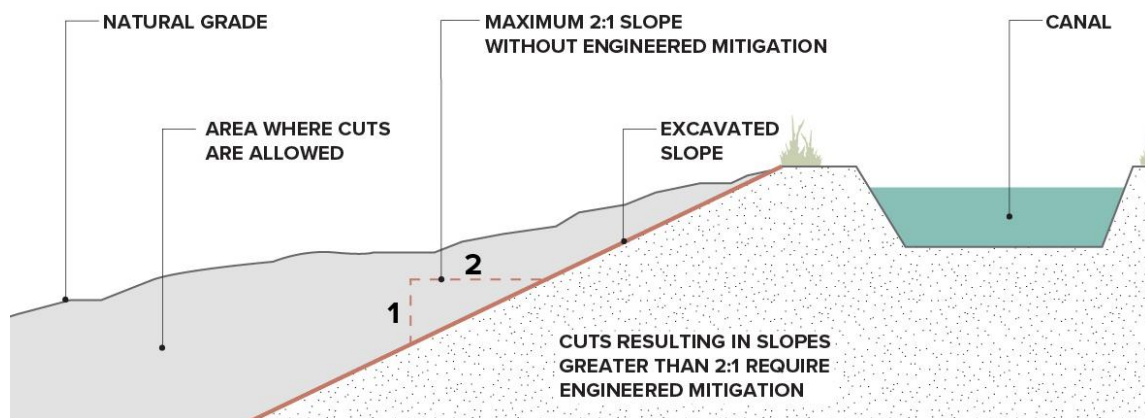
- C. Stream beds (including intermittent), gullies, flood channels, flood plains, areas of springs, seeps and surface water are subject to the following additional requirements, generally as depicted in Figure 18.61.3:
1. Building Setbacks:
 - a. Buildings setbacks shall be no less than 50 feet from the top edge of a stream bank or a high water line of a perennial stream.
 - b. Building setbacks shall be no less than 50 feet from a gully, flood channel, spring, or any other surface water feature, unless otherwise specified by Title 14 or supported through a geotechnical report.
 2. Amenities, streets, and aisleways serving multiple-household dwellings or mixed use, commercial, or institutional development in a C-1, C, RM, MD, MD-3, IF, CCOZ, or VCSD zone may be located within 50 feet from the top edge of a stream bank or a high water line of a perennial stream, subject to additional landscaping standards as set forth in MKZ 18.64.130, Landscaping along Natural Waterways.
 3. Pollution sources including but not limited to fuel tanks and their containment systems, animal yards, septic tanks, and parking lots, shall be set back at least 50 feet from the hydrologic feature or as required by the Utah Department of Water.
 4. Additional vegetation may be required between the hydrologic features and development for erosion control (with limited fertilizer or pesticide use in

natural corridors) or public amenities. Hydrologic features that are accompanied by an amenity such as a park or trail shall include sufficient open area along and surrounding the hydrologic feature to ensure ample room to protect the feature and to provide an area for the enjoyment of the amenity.

5. Any development within a floodplain shall comply with the standards and permitting requirements of MKZ 18.62, Floodplain Hazard Mitigation and MKC Title 17 Flood Control and Water Quality.
6. Landscaping within 100 feet of a stream bed is subject to the standards as set forth in MKZ 18.64.130, Landscaping along Natural Waterways.

- D. Canals. Development shall avoid destabilizing the downhill portion of canals. No cuts shall be permitted below a 50 percent slope measured from the downhill bank of a canal without mitigation/safety strategies proposed by a geotechnical engineer, as illustrated in Figure 18.61.4. Construction adjacent to a canal shall be coordinated with the facility/canal owner and is subject to review and approval by the facility/canal owner. Construction adjacent to a canal shall allow inspections by the facility owner during construction and when construction is complete the facility owner shall provide a letter of acceptance.

Figure 18.61.4, Canal Bank Stabilization



- E. Identified wetlands. Identified wetlands shall be delineated using the Section 404 definition and procedures set forth in the Clean Water Act. Protected wetlands shall be accompanied by additional open lands when they are adjacent or combined with usable open space and trails, with such adjacent areas averaging 50 feet wide from the defined edge of the wetland. Pollution sources such as fuel tanks and their containment systems, parking lots, etc. shall be set back 100 feet from the identified wetlands, unless diversionary devices, as recommended by a Geotechnical engineer, and approved by the City, are constructed to solve potential pollution problems. Additional vegetation may be required in these buffer areas for erosion control (with limited fertilizer or pesticide use) or for public amenities, to reduce the illicit discharges as set forth in MKC 17.22.130.

- F. Wildfire Potential, Potential wildfire areas shall be assessed, and mitigation strategies shall be applied according to the Utah Wildland Urban Interface Code (WUI) best practices. Best practices suggest low fire hazard buffers surrounding lots and/or buildings in areas to be developed that are prone to wildfires. A specific plan addressing mitigating measures to reduce the potential for wildfire damage is required.
- G. Ridgelines. Unless otherwise allowed by this title, no development may break a ridgeline. In addition to ridgeline as defined in this Title, for the purposes of this chapter, ridgelines also include ridges that are visible as viewed from a ground level vantage point within the Wasatch Boulevard right-of-way.

18.61.090 Development Constraints for Certain Sensitive Lands

The following sensitive lands with potential hazards require additional mitigation techniques in any new development, including the subdivision of land, and the developer shall provide mitigation for such hazards when they apply. The City requires geological hazards disclosure and acknowledgment and acknowledgement of any associated geologic hazard site-specific studies to be recorded on the property title or on the subdivision plat. A Geological hazards disclosure and acknowledgement shall be made on a form provided by the City. Such mitigatable hazards and mitigation techniques (practicable or available) shall include, but are not limited to the following:

- A. Alluvial fan, flood/debris flow, liquefaction potential, collapsible soils, and shrink-swell soils. Mitigation techniques shall follow the advisement of a qualified Geotechnical Engineer and may be subject to peer review, at the developer's cost.
- B. Shallow groundwater. Areas with ground water within 3' of the ground surface, shall require additional analysis to assess their feasibility for development. If areas of shallow ground water are found that prohibit or impact foundations, such areas shall be noted in the concept design (if required) and carried forward on the preliminary and final plats. Possible mitigation techniques include the installation of a foundation drain (s) and sump pump (s), possible prohibition of basements, or other mitigation techniques as provided on the advisement of a qualified Geotechnical Engineer.
- C. 100-year flood zones. Mitigation techniques shall follow the procedures of MKZ 18.62, Floodplain Hazards Mitigation.

18.61.100 Geotechnical/Geologic Hazard and Engineering Geology Reports.

- A. In addition to the checklists required by the City through Engineering and Planning, this section describes requirements for site-specific geologic hazard studies and reports. If the report conclusions are questioned, they may be subject to a Peer Review as set forth in MKZ 18.61.060. This requirement is based on other previously mapped geological hazards shown on the Sensitive Lands Map. Identified Sensitive Lands Areas

are based on previous area studies and mapping that designated certain areas of the City to have potential geo-hazards or sensitive lands.

- B. All Geotechnical Reports shall include a soil type, condition, percolation test, and water table analysis. Geotechnical Reports are classified as follows:
1. Geotechnical Report, Level 1 means a Geotechnical Report that includes a soils analysis and recommendations on structural requirements for footings and foundations, and other items as required by the Engineering Review Checklist.
 2. Geotechnical Report, Level 2 means a Geotechnical report for a development in a Sensitive Lands area that includes an analysis of any topographical or subsurface feature on the property that is identified as a sensitive lands area, and must satisfy the requirements of MKZ18.61.100 (D)(8), and other items as required by the Engineering Review Checklist.
- C. Geotechnical Reports are required in the following cases:
1. A geotechnical report is required for the development of any critical or essential facility.
 2. A geotechnical report is required for any development including additions to existing single-household dwellings located on property affected by or within 100 feet of the following topographical features:
 - a. Debris flow, rockfall, or landslide areas;
 - b. Avalanche paths;
 - c. Slopes in excess of 15 percent
 3. A geotechnical report is required for any development on property subject to a surface fault rupture study area, including additions to existing single-household dwellings.
 4. A geotechnical report is required for the following development types in high- and moderate liquefaction potential areas:
 - a. Single-Household Subdivisions of four dwellings or more.
 - b. Multiple-Household Developments of 4 or more units.
 - c. Industrial, Institutional, or Commercial Buildings that are either greater than 5,000 square feet in area or more than one story in height.
- D. Certain studies require an analysis method, as set forth in Table 18.61-1, Geotechnical/Geologic Hazard and Engineering Geology Reports. Some areas have more than one hazard or sensitive land feature that generates the need for certain studies, including:

Table 18.61-1 Geotechnical/Geologic Hazard and Engineering Geology Reports					
<i>Sensitive Lands features - See sensitive lands map</i>	<i>Geotechnical Report Level 1</i>	<i>Geotechnical Report Level 2</i>	<i>Liquefaction Analysis</i>	<i>WUI prevention report</i>	<i>Other Reports</i>
Surface Fault Rupture	NA	Yes	No	No	
Low Liquefaction Potential	No	No	No	No	
Moderate Liquefaction Potential	Yes	No	Yes	No	
High Liquefaction Potential	No	Yes	Yes	No	
Landslide, Debris Flow, rockfall, rock outcroppings	No	Yes	No	No	
Avalanche	No	Yes	No	No	
Slopes greater than 20%	No	Yes	No	No	
Shallow Water Table	No	Yes	Yes	No	
Flood Zone using FEMA A and AE Flood Zone maps	No	Yes	Yes	No	
Stream Corridor including intermittent streams, springs, and other water bodies	No	Yes	Yes	No	
Saturated or Movement-Prone Soils	No	Yes	Yes	No	
Alluvial Fans	No	Yes	No	Yes, if located next to wildlands	Include landslide and debris flow analyses

Table 18.61-1 Geotechnical/Geologic Hazard and Engineering Geology Reports					
<i>Sensitive Lands features - See sensitive lands map</i>	<i>Geotechnical Report Level 1</i>	<i>Geotechnical Report Level 2</i>	<i>Liquefaction Analysis</i>	<i>WUI prevention report</i>	<i>Other Reports</i>
Wetlands	No	Delineate – see MKZ 18.61.080 (E)	Yes	No	
Gullies/ravines deeper than 10' and wider than 20'	No	Yes	No	No	
Wildland Urban Interface	No	No	No	Yes	

The methods to be used in Geotechnical and Liquefaction studies for certain sensitive land features are detailed below:

1. A Geotechnical Report that includes a geologic hazards investigation and assessment shall be prepared by a qualified engineering geologist, except as provided below. The report shall be site-specific and shall identify all known or suspected potential geologic hazards, originating on-site or off-site, whether previously mapped or unmapped, that may affect the particular property. All reports shall be signed and stamped by the preparer and include the qualifications of the preparer(s).
2. Fault rupture hazard reports shall contain all requirements as described in the document "Minimum Standards for Surface Fault Rupture Studies" published by Salt Lake County and incorporated by reference. Fault study reports shall be prepared, signed, and stamped by a qualified engineering geologist.
3. Liquefaction analyses shall contain all requirements as stated in the document "Liquefaction: A Guide to Land Use Planning" published by Salt Lake County and incorporated by reference to this ordinance. Liquefaction analyses shall be prepared by a qualified professional geotechnical engineer and shall include the professional engineer's original stamp and signature.
4. Debris flow hazard studies and reports shall include test pits or trench logs (scaled one inch to five feet), estimates of the number and frequency of past events and their thicknesses, volume, and maximum clast sizes; and i estimates of the recurrence, depth, and impact forces anticipated in future events. While debris flow hazard analyses may require contributions from hydrologists and

engineers, a qualified engineering geologist shall control and prepare the debris flow report.

5. Landslide reports shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah" (Hylland, 1996). Landslide reports shall be prepared, signed, and stamped by a qualified engineering geologist, including the preparer's qualifications. Slope stability or other analyses included in these reports shall include static and dynamic conditions and shall be prepared by a qualified professional geotechnical engineer licensed to practice in the State of Utah and include the professional engineer's original stamp and signature.
6. Snow avalanche hazard reports shall be prepared in accordance with the document "Snow- Avalanche Hazard Analysis for Land Use Planning and Engineering" (Colorado Geological Survey Bulletin 49) or other appropriate references. An experienced avalanche expert must prepare avalanche hazard reports, and include the avalanche expert's qualifications to perform the study, such as their experience in performing similar studies.
7. Other geologic hazard or engineering geology reports shall be prepared in accordance with Utah Geological Survey Miscellaneous Publication M, "Guidelines for Preparing Engineering Geologic Reports in Utah." The preparer shall sign all reports and include the qualifications of the preparer. Generally, these reports must be prepared, signed, and stamped by a qualified engineering geologist licensed to practice in the State of Utah. However, reports co-prepared by a professional engineer must include the professional engineer's original stamp and signature.
8. All reports for areas where a Level 2 Geotechnical Report is required shall include, at a minimum:
 - a. A 1:24,000-scale geologic map (with reference) showing the surface geology (including but not limited to landslides, alluvial fans, and fault scarps), bedrock geology (where exposed), bedding attitudes, faults or other structural features, and the locations of any geologic hazards. The map shall illustrate the proposed site modifications/mitigations relative to geological and natural hazards and/or geotechnical limitations that may impact the site.
 - b. A detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the hazard(s), delineation of any recommended setback distances from the hazard(s), and recommended location(s) for structures.

Buildable and non-buildable areas shall be clearly identified. The scale shall be one inch equals 200 feet or smaller.

- c. Trench logs that explore two feet (2') below the lowest proposed excavation or is specified in the special study requirements, and test pit logs (scale: one inch equals five feet, or smaller), boring logs (scale: one inch equals five feet, or smaller), aerial photographs, references with citations, and other supporting information, as applicable
 - d. Conclusions that summarize the characteristics of the geologic hazards and address the potential effects of the geologic conditions and geologic hazards on the proposed development and occupants in terms of risk and possible damage.
 - e. Specific recommendations for additional or more detailed studies as may be required to understand or quantify the hazard, evaluate whether mitigation measures are required, and evaluate mitigation options.
 - f. Specific recommendations for avoiding or mitigating the effects of the hazard(s) consistent with the purposes of this ordinance. Such recommendations may include areas for preservation where the hazards prevent development. Design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions, shall be included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate.
 - g. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.
- E. Additional or more detailed studies may be required, as recommended by the report, or as determined by the City Geologist on behalf of the City, to understand or quantify the hazard, or evaluate whether the mitigation measures recommended in the report are adequate.

18.61.110 Review and Approval of Required Reports

- A. In order to fulfill the purposes of this chapter, City staff and the City Geologist shall review any proposed land use that requires preparation of a geotechnical and/or Sensitive Lands/geologic hazard report under this chapter and as shown on the Sensitive Lands Map to determine the possible risks to the safety of persons, property or City infrastructure from Sensitive Lands.
- B. Prior to consideration of any such development, the Geotechnical and/or geologic hazard report shall be delivered/submitted to the City Geologist on behalf of the City for review and recommendation. The City Geologist may request the Utah Geological Survey, the U.S. Forest Service, and/or other experts to review the report (third-party review) and provide additional recommendations. The applicant shall reimburse the City for any cost the City must pay for

such third-party reviews before the review is complete. On behalf of the City, the City Geologist shall file a copy of any report involving significant geologic hazards with the Utah Geological Survey, and another copy in the Planning Department project file.

- C. On behalf of the City, the City Geologist, and other retained experts in their review of the report, in consultation with the City Engineer and Planning Director, shall determine whether the development complies with all the following standards:
1. A qualified professional has prepared a suitable geotechnical and/or geologic hazard report.
 2. The proposed land use shall not include land to be developed that encompasses unmitigable hazards, including buildings, storm drains and systems, culinary water facilities, public streets, utilities, or critical facilities, whether off-site or on-site. Natural functions of the landscape (including but not limited to slopes, streams or other waterways, drainage, and wildlife habitat, whether off-site or on-site) shall be retained where the presence of geologic hazards or because of modifications to the site due to the proposed land use shall negatively impact such functions.
 3. If the applicant submits substantial evidence in the Geotechnical/geologic hazard report that, using best available practices according to bona fide industry standards, including but not limited to AWWA, IBC, IFC, IRC, APWA, AASHTO, NFID, FEMA, WDDW, and UDEQ, the identified hazards can be mitigated to a level where the risk of human life and property damage is reduced to an acceptable and reasonable level, in a manner which has a minimum effect on the natural environment and the built environment and will not violate applicable federal, state or local statutes, ordinances or regulations, then the proposed mitigations and land use may be approved by the City. As part of an approval, the City Geologist shall provide an advisory letter that assesses the value and appropriateness of any proposed mitigation techniques.
 4. Areas determined to be undevelopable shall be designated as permanent open space within the subdivision or site plan and through an acceptable permanent sensitive land preservation instrument as set forth in **MKZ 18.61.130**.
- D. On behalf of the City, the City Geologist may impose other requirements necessary to overcome any geologic hazards and ensure that the purposes of this chapter are met. These requirements may include, but are not limited to:
1. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate.
 2. Specific mitigation requirements; establishment of buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation.

3. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels.
4. Areas with geologic hazards hazardous to life or property shall not be approved for development.
5. Other requirements include but are not limited to time schedules for completing the mitigation and phasing of development.
6. Grading plans shall be prepared, signed and stamped by a licensed professional engineer and shall satisfy the requirements as set forth in the Engineering Requirements Checklist

18.61.120 On Site Professional and Final Inspection

- A. Professional Inspection. The City requires that a qualified professional be on site, at the developer's expense, during certain phases of construction, particularly during grading phases, to verify that development is occurring in a manner compliant with the approved Geotechnical Report. Verification includes, but is not limited to, the construction of retaining walls, density testing as required by the design engineer, and the construction of any approved mitigation(s). For any real property concerning which development has proceeded based on a geologic or Geotechnical Report that the City has accepted, no final inspection shall be completed until the geotechnical engineer or engineering geologist who signed and approved the report certifies and delivers to the City, in writing, that the completed improvements and structures conform to the descriptions, designs, and requirements contained in said report.
- B. Design Engineer Verification. The design engineer shall inspect the construction of all slopes or cut and fill areas, provide all documentation of compaction/densities and submit inspection reports within 14 days of each major completed task. Including but not limited to the drain system/canyon drain, benching, soil nails, and material with optimal moisture content used with the proctor. The design engineer must certify in writing that all slopes are built according to the approved design and shall submit that certification to the City.

18.61.130 Acceptable Permanent Sensitive Land Preservation Instruments

- A. If sensitive lands are not retained in private ownership, such areas shall be preserved through either a conservation easement, a dedication as accessible public open space to the City with a conservation easement, a deed restriction with an HOA or common area maintenance commitment, or other means that assure permanent preservation and are accepted by the City. Such areas shall include public access points, where trails are included in the preserved sensitive lands. If one of the above techniques is not utilized other preservation techniques may be negotiated as part of a Development Agreement with the City Council. Undevelopable sensitive lands held privately shall include a recorded deed restriction easily found in a Title report that states portions of the lot are undevelopable. Such portions shall be clearly identified via mapping or a legal description.

- B. Sensitive Lands Preservation Incentives through Density Transfers within the Development. To promote the preservation and avoidance of identified sensitive lands, density transfers/clustering may occur within a development proposal. The density shall reflect only the additional units that could have been built on the preserved areas. Any sensitive lands defined in this ordinance may qualify for density transfers except for unbuildable areas above a 30% slope, avalanche/landslide/mud/debris flow corridors, fault lines, and areas delineated by ACOE as wetlands. Where densities are transferred within a project, the resulting new development shall receive flexibility in setbacks, and lot sizes. Such transfers shall be implemented and established through negotiation with the City Council in a Development Agreement, after a recommendation by the Planning Commission.
- C. Developments that include Homeowner's Associations. Such developments shall include restrictive covenants with mitigation techniques for the continued maintenance, preservation, and enhancement of Sensitive Lands and their associated open spaces.

18.61.140 Other Considerations

- A. Buried springs and streams. Existing development may have buried springs and/or piped streams, which could have potential cultural and historical value. If new development or significant redevelopment of the site's structures, defined as over 50 percent of the building is being proposed, modified, or replaced, efforts to re-establish an open stream or utilize the spring as a water feature, shall be considered in the design process. Buried/capped wells and pipes may be impractical in reestablishing the natural feature.
- B. Low-Impact Development (LID) Storm Water Erosion and Pollution prevention techniques are required as set forth Millcreek Stormwater Management Plan, which the City Council has adopted and amended from time to time. Any retention basins shall be free-form, following the natural landforms. If such forms do not exist, the basin shall be shaped to emulate a naturally formed depression, including the sloped edges, which shall prevent erosion and be landscaped with native vegetation. Natural drainage channels shall be preserved.
- C. Trees, including Heritage Trees shall be preserved as set forth in MKZ 18.64, Landscape Standards. Oak and maple groves over 5,000 square feet in size shall be identified and avoided in the site design.
- D. Recorded Deed Restrictions. Where sensitive lands are identified and represent a hazard, a deed restriction shall be recorded, defining the sensitive land hazard, and locating it on the property for future owners to be aware.
- E. Existing Properties and Lots or Parcels of Record. The owner of an existing property or a lot or parcel of record legally created prior to the adoption of this chapter is not entitled to a building permit, unless that building permit fully complies with this chapter's requirements, and all other applicable requirements. These requirements protect the public health, safety, and welfare of the community, and may prevent development on sensitive lands, especially steep slopes, areas with hazardous soils, and other sensitive lands features.

18.61.150 Warning And Disclaimer

The Sensitive Lands ordinance codified in this chapter and Sensitive Lands hazard maps represent only those hazardous areas known to the City and should not be construed to include all possible potential hazard areas. This ordinance and associated maps may be amended as new information becomes available pursuant to procedures set forth in this ordinance. This chapter's provisions do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of geologic hazards. This chapter shall not create liability on the part of the City, any officer or employee thereof for any damages from geologic hazards that result from reliance on this chapter.

18.62 Floodplain Hazards Mitigation

18.62.010 Purpose

It is the purpose of this chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for flood-control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard to minimize future flood-blight areas;
- G. Ensure that potential buyers are notified that the property is in an area of special flood hazard; and
- H. Ensure that those occupying special flood hazard assume responsibility for their actions.

18.62.020 Methods of Reducing Flood Losses

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases of erosion, flood height, or velocities;
- B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

- E. Preventing or regulating the construction of flood barriers that divert floodwaters or that may increase flood hazards in other areas.

18.62.030 Areas of Special Flood Hazard

- A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Salt Lake County, Utah, Unincorporated Areas," December 18, 1985, with accompanying Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, and any revisions thereto, for areas located within the City and are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file with Millcreek Public Works.
- B. The City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in zone A meet the provisions of this section. Such other source base flood elevation data shall be more specifically provided by the developer as provided by a registered professional engineer for subdivision and other proposed developments that contain at least fifty lots or five acres (whichever is less), at the developer's expense.

18.62.040 Floodways

- A. Located within areas of special flood hazard established in MKZ 18.62.030 are areas designated as "floodways." Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - 1. Encroachments, including fill, new construction, substantial improvements, the placement of manufactured homes, and other developments, are prohibited unless a professional engineer licensed to practice in the State of Utah certifies that they will not increase flood levels during the base flood discharge.
 - 2. If subsection 1 of this section is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of MKZ 18.62.090 through MKZ 18.62.170.

18.62.050 Relationship of Floodplain Hazard Regulations to Zones

The floodplain hazard regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the zone in which the land is located, and/or general provisions under MKZ 18, as amended. Property located within such areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. In cases of conflict between such zone classifications and the floodplain hazard regulations, the most restrictive provisions shall govern. Permitted and conditional uses permitted in the areas of special flood hazard shall

be developed only in conformance with the provisions set forth herein. All uses involving development, as defined in this chapter, shall further meet the supplemental conditions and standards set forth in this chapter.

18.62.060 Conditional Use Permits Required When

If required by this title, a conditional use permit shall be obtained prior to special flood hazard area approval under MKZ 18.62.030. The City Engineer shall insure that requirements of this chapter are met before the permit is issued.

18.62.070 Construction or Development; Special Approval Required

- A. Approval by the Planning Director and City Engineer shall be obtained before construction or development begins within an area of special flood hazard established in MKZ 18.62.030. Application for such approval shall be made on forms furnished by the Planning Department, and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.
- B. Specifically, the following information is required:
 - 1. Elevation in relation to mean sea level of the lowest floor, including the basement, of all structures except those located in zone A where base flood elevation data was not available nor required by this chapter;
 - 2. Elevation in relation to mean sea level to which any structure has been floodproofed except those located in zone A where base flood elevation data was not available nor required by this chapter;
 - 3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in MKZ 18.62.140 through MKZ 18.62.170; and
 - 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

18.62.080 Construction or Development: Duties of the City Engineer

- A. The City Engineer is responsible to:
 - 1. Review Applications.
 - a. Review all applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of MKZ 18.62.040 are met,
 - b. Review all applications to determine that the requirements of this chapter have been satisfied,
 - c. Review all applications to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required;

2. Maintain Information File.
 - a. Obtain and record the actual elevation provided by the developer (in relation to mean sea level) of the lowest floor, including the basement, of all new or substantially improved structures except those located in zone A where base flood elevation data was not available nor required by this chapter,
 - (1) For all new or substantially improved floodproofed structures except those located in zone A where base flood elevation data was not available nor required by this chapter:
 - (2) Verify and record the actual elevation provided by the developer (in relation to mean sea level), and
 - (3) Maintain the floodproofing certifications required in MKZ 18.62.070 (B)(3).
3. Maintain for public inspection all records pertaining to the provisions of this chapter;
4. Verify Alteration of Watercourses. Verify that:
 - a. A permit has been obtained from the Salt Lake County Division of Flood Control for any alteration of a watercourse identified as a flood-control facility in MKC Title 17.
 - b. A permit has been obtained from the State Engineer for the alteration of a natural stream channel,
 - c. Maintenance is provided for within the altered or relocated portion of such watercourse so the flood-carrying capacity is not diminished,
 - d. Prior to any alteration or relocation of a watercourse, cities adjacent to it and the Utah Division of Emergency Management were notified and evidence of this notification has been submitted to the Federal Emergency Management Agency.

18.62.090 Protective Standards Generally

- A. The following standards, set forth in MKZ 18.62.100 through MKZ 18.62.130, are required in all areas of special flood hazards.

18.62.100 Anchoring

- A. All new construction and substantial improvements shall be anchored to prevent the structure's flotation, collapse, or lateral movement.
- B. All manufactured homes shall be installed using methods and practices that minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Anchoring methods may include,

but are not limited to, over-the-top and frame ties to ground anchors. This requirement is in addition to applicable anchoring requirements for resisting wind forces.

18.62.110 Construction Materials and Methods

- A. All new construction and substantial improvements shall be made of materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. Fully enclosed areas below the lowest story, subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - 1. A minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2. The bottom of all openings shall be no higher than one foot above grade.
 - 3. Openings shall have screens, louvers, or other coverings or devices that permit floodwaters to enter and exit automatically.

18.62.120 Utilities

- A. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharge from the systems into floodwaters; and
- C. On-site waste-disposal systems shall be located to avoid impairment to them or contamination from them during the flooding.

18.62.130 Subdivision Proposals

- A. All subdivision proposals shall minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- D. Such proposals and mitigation techniques shall be certified by a professional engineer.

18.62.140 Specific Protective Standards

- A. In all areas of special flood hazards where base flood elevation data has been provided as set forth in MKZ 18.62.030, the following provisions set out in MKZ 18.62.150 through MKZ 18.62.180 are required.

18.62.150 Residential Construction

- A. Any residential structure that is newly constructed or substantially improved shall have the lowest story, including the basement, elevated to a minimum of one foot above the base flood elevation.

18.62.160 Nonresidential Construction

- A. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest story, including the basement, elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that below one foot above the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. Provide that where a nonresidential structure is intended to be made watertight below the base flood level:
 - a. A professional engineer or architect licensed to practice in the State of Utah shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction adhere to accepted standards of practice for meeting the applicable provisions of this section, and
 - b. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the City Engineer as set forth in MKZ 18.62.080.A.2.a.(2).

18.62.170 Manufactured Homes

- A. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.

18.62.180 Variances and Appeal Procedures for Floodplain Construction

- A. The land use hearing officer in consultation with the City Engineer, as designated by the zoning ordinance of the City, shall hear and decide all appeals and requests for Floodplain variances from the requirements of this chapter, as provided in MKZ 18.15.040 (C), as amended. The following conditions shall apply, in addition to the provisions of MKZ 18.15.040 (C).
- B. Generally, Floodplain Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below one foot above the base level, providing the land use hearing officer has considered all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, providing the following items have been considered:
 - 1. The danger that materials may be swept onto other land to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with the existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- C. Floodplain Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- D. Floodplain Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- E. Floodplain Variances shall only be issued upon a determination that the Floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Floodplain Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, as identified in subsection B.1 of this section, or conflict with existing local laws or ordinances.
 - 3. Substantial evidence was presented to meet all of the following State Code criteria:
 - a. Does not constitute an unreasonable hardship;
 - b. The site presents special circumstances not found elsewhere in the zone;
 - c. Does not result in a loss of a property right others have in the zone;
 - d. Is not contrary to the General Plan and the Public Interest; and
 - e. The spirit of the ordinances is maintained.
- G. Any applicant to whom a Floodplain variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation.
- H. The land use hearing officer shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

18.62.190 Warning and Liability Disclaimer

- A. The degree of flood protection this chapter requires is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Human-caused or natural causes may increase flood heights. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

18.62.200 Definitions

- A. As used in this chapter:
 - 1. "Lowest floor" or "lowest story" means the lowest floor or story of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in

an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this title.

2. "Manufactured home" means a structure, transportable in one or more sections, built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
3. "Manufactured home park or subdivision" means a real property divided into two or more manufactured home lots for rent or sale.

18.63 Parking and Mobility Standards

18.63.010 General Provisions

- A. Purpose. The purpose of this chapter is to reduce street congestion and traffic hazards in the City by incorporating efficient, attractive facilities for off-street parking, loading, bicycle parking, and internal automobile and pedestrian circulation as an integral part of every use of land.
- B. Applicability.
 - 1. When any building or structure is erected, enlarged, or increased in capacity, when any change of land use occurs, or when any new land use is established, off-street parking, loading, and bicycle parking shall be provided according to the standards of this chapter.
 - 2. Plans Required to Obtain Building Permit. All applications for a building permit shall be accompanied by a site plan showing a parking layout that complies with the provisions of this chapter, including ingress and egress, loading areas, internal automobile, bicycle and pedestrian circulation, and landscaping. The plan shall be reviewed and approved by Planning Director in a manner consistent with the provisions of this chapter. Parking requirements may be calculated separately for each business or land use in a building.
 - 3. If a land use changes and parking becomes inadequate, the City may require a revised site plan to evaluate the need for additional required parking.

18.63.020 Vehicle Parking Requirements

A. General Parking Design Specifications

Figure 18.63. 1 General Parking Design Specifications

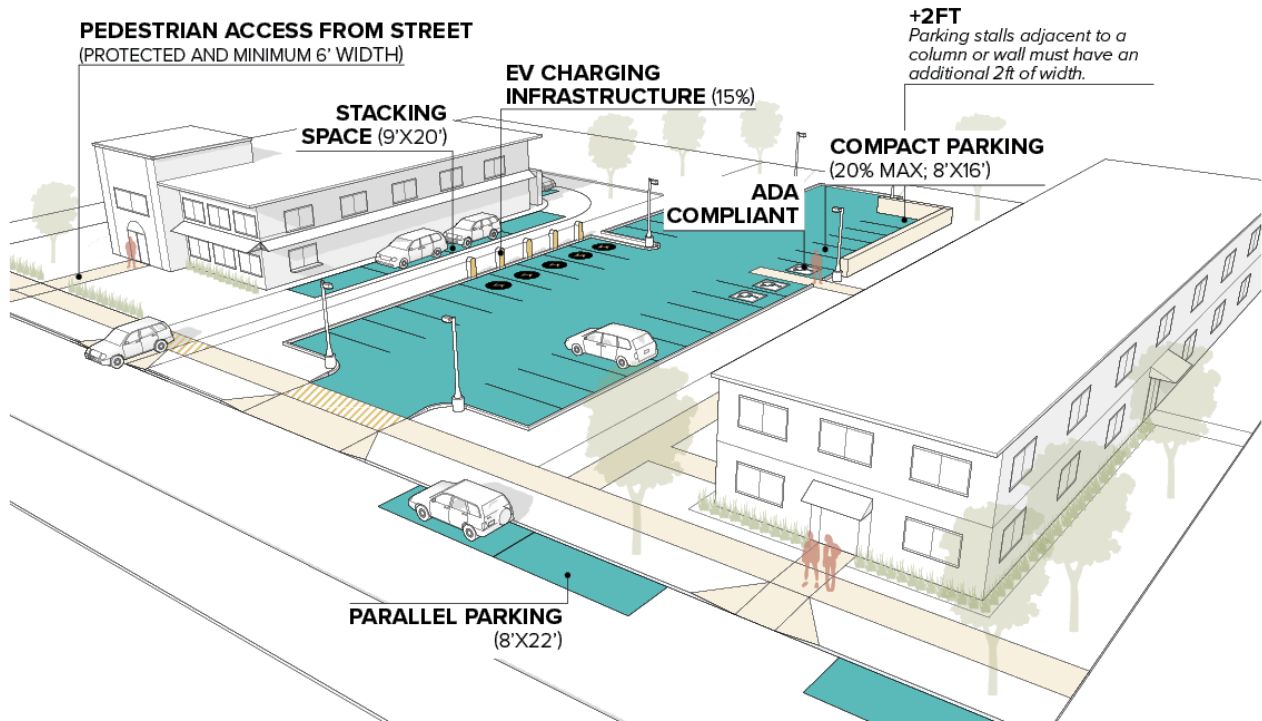
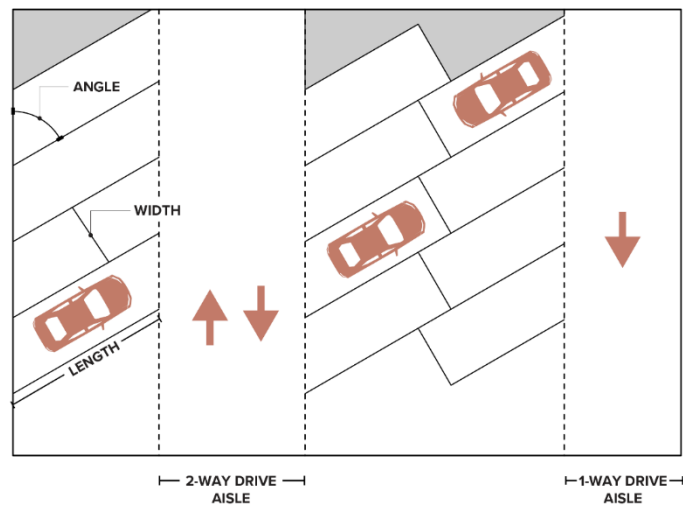


Figure 18.63.2 Minimum Parking Space Dimensions



1. All on-site parking facilities required by this section shall comply with the minimum parking and maneuvering space standards specified in this section, and the landscape standards as set forth in MKZ 18.64.100, Parking Lot Landscaping, and shall comply with the standards as depicted in Figures 18.63.1, General Parking Design Specifications, and 18.63.2, Minimum Parking Space Dimensions.
2. Minimum Parking Space Dimensions. The arrangement and type of parking spaces as set forth in Table 18.63-1, Minimum Parking Space Dimensions Table and in Figures 18.63.1 and 18.63.2, shall determine the minimum dimensions for parking spaces.

Table 18.63-1 Minimum Parking Space Dimensions Table				
Parking Angle or Type	Standard Width	Standard Length	Compact Width (3)	Compact Length (3)
90°	9' (1)	18'	8' (1)	16'
45°	9' (1)(2)	18' (2)	8' (1)(2)	16' (2)
60°	9' (1)(2)	18' (2)	8' (1)(2)	16' (2)
Parallel	8' (1)	22'	None	None
Stacking	9' (1)	20'	None	None

Table Note 1. Parking spaces located adjacent to walls must be one foot (1') wider to accommodate door opening clearance and vehicle maneuverability. Parking spaces located adjacent to columns, such as in parking structures or under canopies, also must be one foot (1') wider, except for columns placed within four feet (4') of the front or back of the parking space. The parking space width must be the clear width measured from the inside edge of a column to the inside edge of a column.

Table Note 2. Angled parking space dimensions are measured as a rectangle at right angles within the angled space.

Table Note 3. A maximum of 20 percent of the total required spaces may be compact spaces.

3. Access and Maneuverability
 - a. Off-street parking spaces shall be accessed from private roadways, not from public streets. One-way drive aisles for angled parking be a minimum of 12 feet wide. Two-way drive aisle for angled and 90-degree parking shall be a minimum of 24 feet wide.
 - b. A minimum six-foot (6') wide pedestrian path from a street as defined in MKZ 18.97, Definitions, to the entrance(s) of the building shall be provided. Pedestrian paths must be protected from vehicular traffic by grade separation, bollards, landscaping, planters, or other similar

methods. Pedestrian paths that cross internal traffic shall be raised and clearly striped as pedestrian priority areas.

- c. Vehicular cross access to adjacent parking lots serving nonresidential uses shall be provided. Should a neighboring property have a topographical change of more than four feet (4') from the logical cross access point, this requirement shall not apply.
4. Surfacing
 - a. Required parking, associated access drives, and required internal walkways shall be surfaced with an asphaltic or concrete/cement or other binder pavement, to provide a durable and dustless surface.
 - b. Surfaces shall be graded and drained to dispose of all surface water accumulated within the area and arranged and marked to provide the orderly and safe loading or unloading, parking, and storage of vehicles.
 - c. Any parking area surface exceeding the number of minimum parking spaces by 10 percent, as established in this ordinance, shall incorporate low impact storm water retention practices as set forth in MKZ 18.64.100, Parking Lot Landscaping, throughout the parking lot.
5. Maintenance. Every public or private parking area, including commercial parking lots and outdoor sales lots, shall be maintained according to the requirements of this chapter.
6. Parking Structures or Podiums. In any Town Center, Meadowbrook, or Village Center identified in the adopted Future Land Use Map where a proposed use shall demand a parking lot of 200 or more spaces, a parking structure or podium is required to accommodate at least 50% of the parking demand. Parking structures or podiums shall incorporate commercial uses fronting the street for at least 75% of the linear footage facing any public right-of-way. Any other part of the façade facing a public right-of-way shall incorporate decorative front facades facing the street to minimize the visual impact and provide screening of the use.
7. Electric Vehicle (EV) Charging Infrastructure.
 - a. EV charging infrastructure is divided into three levels:

- (1) Level 1 is considered slow charging. Voltage including the range from 0 to 120.
 - (2) Level 2 is considered medium charging. Voltage is greater than 120 and includes 240.
 - (3) Level 3 is considered fast or rapid charging. Voltage is greater than 240.
- b. For non-residential parking lots with eight (8) or more spaces, at least 15percent of all spaces in a parking area shall provide Level 2 or Level 3 EV charging infrastructure to accommodate the potential future hardwire installation of a Level-2 or Level 3 EV charging station.
 - c. For Multiple-Household residential uses with eight (8) or fewer units, a minimum of one Level 2 EV charging station infrastructure must be provided to accommodate the potential future hardwire installation of a Level-2 EV charging station. If a dwelling unit has a dedicated parking space or spaces, at least one dedicated Level 1 or Level 2 outlet shall be provided at the dedicated parking space for the use of the dwelling unit.
 - d. For Multiple-Household residential uses with more than eight (8) units, at least 20 percent of the required minimum parking spaces shall provide Level 2 EV charging infrastructure to accommodate the potential future hardwire installation of a Level-2 EV charging station. If a dwelling unit has a dedicated parking space or spaces, at least one dedicated Level 1 or Level 2 outlet shall be provided at the dedicated parking space for the dwelling unit's use.
 - e. For Mixed Use developments, the commercial and residential EV charging spaces requirement shall be calculated independently using the standards in MKZ 18.63.020 (A)(7)(c) and MKZ 18.63.020(A)(7)(d), then combining the standards to determine the total number of required EV charging spaces. EV spaces for residential portions of the project may be publicly accessible.
 - f. All charging outlets shall be placed in areas accessible to the parking space and shall maintain minimum clearances and placements as set forth in all applicable building codes.
 - g. A parking space dedicated as an electric vehicle charging station may count toward a minimum parking requirement provided that the electric vehicle charging station is not limited in function to a singular vehicle manufacturer.
 - h. The required electric vehicle parking space shall be located in the same lot as the principal use.

- i. EV charging stations may be provided with on-street parking, however charging infrastructure must not impede the required walkways, rights-of-way, or other access areas. Charging cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading areas.
 8. Lighting. Lighting used to illuminate any off-street parking area shall comply with the standards set forth in MKZ 18.68, Outdoor Lighting.
 9. Accessible Parking Spaces. For all parking areas, the accessible parking spaces required to satisfy the Americans with Disabilities Act shall be provided within the total number of stalls required.
- B. Design Specifications for Residential Uses with Four or Fewer Units.
 1. Access. A driveway shall be provided for vehicular access from the street or right-of-way to the required parking spaces of any dwelling.
 - a. Driveways accessing a street in excess of 66 feet in width shall include a means to prevent backing out onto the street, such as a circular drive or a perpendicular paved area to the driveway that enables the driver to turn the vehicle around, so that the vehicle can access the street without backing out onto the street. If such driveways are required, the required front yard landscaping set forth in MKZ 18.64.080 is waived for the driveway area.
 - b. Width. Residential driveways shall not exceed 35 feet in width, although lots or parcels with two driveways shall have one of the driveways restricted to 12 feet and such driveways shall be separated by a minimum of 20 feet.
 2. Surfacing. The driveway shall be constructed of a durable, hard surface such as: concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. The number, location, and width of driveways shall comply with the specifications set forth in MKC 14.12.110 and MKC 14.36.060. Driveways over 150 feet in length are subject to approval by the fire marshal.
 3. Landscaping. The area within the front yard not occupied by a driveway or parking surface set forth above shall be landscaped as set forth in MKZ 18.64, Landscape Standards.
 4. Electric Vehicle Infrastructure. New residential developments and any addition to a single-household dwelling, two-household dwelling, three-household dwelling, or four-household dwelling where the gross floor area is changed, modified, or expanded by 50 percent shall provide a 220-240-volt / 40 amp

outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.

5. Charging outlets shall be placed in areas accessible to the parking space and shall maintain minimum clearances and placements as set forth in all applicable building codes.
6. Private Vehicle Parking and Storage
 - a. A private vehicle may park in the front, side, or rear yard of a dwelling, provided the it is parked on a paved surface in compliance with this chapter.
 - b. If a private vehicle is parked or stored on any other type of surface, private vehicles must be behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence at least six feet (6') tall.
7. Recreational Vehicles (RVs)
 - a. Residential Driveways in a Front Yard.
 - (1) Recreational vehicles shall not be parked within a front setback of a residence unless they are parked on a paved surface in compliance with this chapter.
 - (2) Recreational vehicles parked on driveways must be at least 10 feet back from the edge of the street or the public right-of-way, whichever is greater.
 - (3) Recreational vehicles parked on a driveway in the front yard must be licensed, operable and parked perpendicular to the street.
 - b. Side or Rear Yards.
 - (1) Recreational vehicles may be parked or stored on a parking pad in a side or rear yard. A parking pad for a recreational vehicle shall extend the full length and width of the vehicle or trailer. Parking pads shall be constructed of a hard surface as defined in this Chapter, or of six inches (6") of compacted gravel and must be kept weed free.
 - c. Recreational vehicles shall not be stored in excess of twenty-four (24) consecutive hours in the public right-of-way, including any portions of the public right-of-way that are not improved.
8. Commercial vehicles. Commercial vehicles shall not be parked or stored on residential property, except in the following circumstances:
 - a. Commercial vehicles may be parked on a property in conjunction with lawfully permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.

- b. One commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties, as well as an opaque fence or opaque gate that is at least six feet (6') tall.
- c. One commercial vehicle may be parked in the front yard or side yard of a dwelling, in any R-1 or R-2 zone upon issuance of a permit by the City, provided that all of the following criteria are met:
 - (1) No other commercial vehicle is parked or stored on the property.
 - (2) The operator of the vehicle is required to be on call twenty-four (24) hours a day to use the vehicle in response to an emergency;
 - (3) The commercial vehicle is parked on a paved surface in compliance with this Chapter;
 - (4) The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; and
 - (5) The commercial vehicle does not exceed Class 5 (two-axle, six-tire single-unit trucks) in the Federal Highway Administration vehicle classification.

C. Minimum Parking Requirements

- 1. Unless otherwise specified by this Chapter, each development or land use listed in Table 18.63-2 Minimum Vehicle Parking Requirements shall provide the minimum number of on-site parking and stacking spaces in accordance with Table 18.63-2 Minimum Vehicle Parking Requirements
- 2. Parking calculations are based on gross square footage.
- 3. When the required number of vehicle parking is computed as a fraction, the requirement is rounded to the nearest whole interval. Fractions less than one-half are rounded to the next lowest whole number.
- 4. Unlisted Uses. For uses not expressly listed in Table 18.63-2 Minimum Vehicle Parking Requirements, the Planning Director or their designee shall have the authority to make the following determinations, in conjunction with a site plan application based on the following considerations:
 - a. A use that is listed in Table 18.63-2 Minimum Vehicle Parking Requirements is deemed similar to the proposed use, in which case the similar use requirement may be applied; or
 - b. A newly established parking minimum requirement may be determined for an unlisted use by referencing standards in parking resources published by the National Parking Association, American Planning Association, Institute of Traffic Engineers (ITE), Urban Land Institute, International Conference of Shopping Centers, or through a parking study commissioned by the City and performed by a

professional transportation engineer licensed to practice in the State of Utah. Parking studies shall follow the format and procedure set forth in MKZ 18.69, Required Studies and Plans.

Table 18.63-2 Minimum Vehicle Parking Requirements		
<i>Use</i>	<i>Minimum Requirement</i>	<i>Notes</i>
<i>RESIDENTIAL USES</i>		
Residential Facility for the Elderly or for Persons With a Disability	A minimum of 4 parking spaces plus 1 parking space for every 5 residents.	If the number of residents who own or operate a motor vehicle exceeds the number of parking spaces required for Residential Facilities for Persons With a Disability, additional parking shall be provided to ensure that every resident who owns or operates a motor vehicle has a lawfully located off-street parking space.
Mobile Home Park	2 spaces per unit	
Single-Household Dwelling, Two-Household Dwelling, Three-Household Dwelling and Four-Household Dwelling	2 spaces per unit	One space must be covered parking, except for single-household dwellings and two-household dwellings developed as affordable housing. Existing dwellings that lack one covered space as of March 12, 2018 are exempt from a covered parking requirement.
Accessory Dwelling Units	1 stall per unit	
Multiple-Household Dwelling in the CCOZ or MD zones (5 or more units) (2)(3)	1.0 spaces per studio unit 1.0 space per one bedroom unit 1.5 spaces per two-bedroom unit 2 spaces per unit for units with three or more bedrooms 0.25 spaces per unit for visitor parking	

Table 18.63-2 Minimum Vehicle Parking Requirements		
Use	Minimum Requirement	Notes
Multiple-Household Dwelling in all other zones (5 or more units) (2)(3)	1.0 spaces per studio unit 1.25 space per one bedroom unit 1.5 spaces per two-bedroom unit 2 spaces per unit for units with three or more bedrooms 0.25 spaces per unit for visitor parking	
Affordable Housing (1)(2)(3)	0.50 spaces per studio unit 0.75 space per one bedroom unit 1 space per unit with two or more bedrooms 0.25 spaces per unit for visitor parking	The application must demonstrate that units are allocated as permanent affordable housing, either through deed restriction, covenant, or other means of legal documentation deemed acceptable by the City Attorney.
Senior (55+) Housing	0.5 spaces per unit	
INSTITUTIONAL USES		
Religious assembly, auditoriums, and other places of public assembly	1 space per 300 square feet in the primary seating area	
Daycare, Preschool and Nursery Schools	1 space per 400 square feet of gross floor area	If drop-off facilities are present, a minimum of 3 stacking spaces shall be provided
Primary Schools and Middle Schools	1 parking space per classroom	If drop-off facilities are present, a minimum of 6 stacking spaces shall be provided
High School	1 space per classroom plus 1 space per 5 non-bussed students	If drop-off facilities are present, a minimum of 3 stacking spaces shall be provided
Trade School, College, or University	1 space per classroom plus 1 space per 4 students	
Homeless Resource Center	1 space per 15 beds	
Hospitals	1.5 spaces per bed in the total facility	
Nursing Homes	4 parking spaces plus 1 parking space for every 5 beds.	

Table 18.63-2 Minimum Vehicle Parking Requirements		
Use	Minimum Requirement	Notes
Detention Facility/Jail	2 spaces per 3 employees and 1 space per each service vehicle stored on site.	Parking for non-standard size vehicles such as busses is required if such vehicles are to be stored outdoors in parking areas.
ENTERTAINMENT AND RECREATION USES		
Amusement Center	1 space per 150 square feet	
Dance Halls, Concert Halls, Club Licensees	1 space for each 150 square feet	
Movie Theater	1 space per 10 seats	
Stadiums	1 space per 1,000 square feet of seating area	
Gym or Fitness Studio, low volume (4)	1 space per 250 square feet	
Gym or Fitness Studio, high volume (5)	1 space per 150 square feet	
Soccer, Baseball, or Football field	20 spaces per field area	
Tennis, Pickleball Handball and Racquetball facility	1 space per court	
Swimming Pools (Commercial and Public)	1 space per 1,000 square feet of usable area	
COMMERCIAL USES		

Table 18.63-2 Minimum Vehicle Parking Requirements		
<i>Use</i>	<i>Minimum Requirement</i>	<i>Notes</i>
Fuel Station	1 space per 300 square feet plus 2 stacking spaces per fueling pump	Fueling pumps may not be located within twenty-four (24) of a property line or street or thirty (30) of a Residential Zone Boundary line. Stacking spaces may not infringe on vehicular access ways. Canopies over fuel pump islands shall be set back not less than ten (10) feet from any street property line and not less than ten (10) feet from any Residential Zone Boundary.
Automobile Service and Repair	2 spaces for each service bay	If towing service is provided, sufficient area shall be located on-site for temporary storage of vehicles and the tow truck.
Automobile, Equipment, or Recreational Vehicle Sales	1 customer parking space per 400 square feet of gross floor area in the automobile sales area or 4 parking spaces, whichever requirement is greater.	
Depository Financial Institutions	1 per 400 square feet	If drive through windows, or automobile use Automated Teller Machines (ATM) are provided, a minimum of 3 stacking spaces shall be provided
Lodging	1 space per room	
Professional Offices	1 space per 400 square feet for the first 20,000 square feet plus 1 space per 1000 square feet excess of 20,000 square feet.	
Medical, Dental, Veterinary Offices	1 space per 300 square feet	
Mortuary or Funeral Home	1 per 300 square feet	
Restaurants without drive a drive-up window	1 space per 150 square feet of seating area	

Table 18.63-2 Minimum Vehicle Parking Requirements		
<i>Use</i>	<i>Minimum Requirement</i>	<i>Notes</i>
Restaurant with a drive-up window	1 space per 150 square feet of seating area plus 4 stacking spaces from place of order and 4 stacking spaces from pick up window.	Stacking spaces may not infringe on vehicular access ways. A traffic study subject to the standards as set forth in MKZ 18.69, Required Studies and Plans is required to verify that the minimum stacking spaces are sufficient, which is applicable to a change of use.
Retail Sales and Shopping Centers	1 space per 300 square feet of gross floor area for the first 20,000 square feet plus 1 space per 1000 square feet of gross floor area in excess of 20,000 square feet.	
Personal Service	1 per 300 square feet	
INDUSTRIAL		
Manufacturing and Industrial Uses	1 space per 3 employees plus 1 space per company vehicle	
Flex Space	1 space per 1,000 square feet up to 40,000 square feet, plus 1 space for each 2,000 square feet over 40,000 square feet	
Warehouse	1 space per 2000 square feet of gross floor area for the first 20,000 square feet plus 1 space per 3000 square feet of gross floor area in excess of 20,000 square feet.	
Self-Storage Facility	1 per 50 units, plus 1 per 400 square feet of office area, plus 2 vehicle stacking spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls	

Table Note 1. "Affordable housing", as used in this table, is defined as a development that is the recipient of a low-income housing tax credit or other public financing and in which all units in the project provide affordable housing to a target population with a household income less than

or equal to 80 percent of Salt Lake County's area median income for a time period of at least 30 years.

Table Note 2. Off-street parking requirements for residential units will be based on the number of bedrooms as defined in MKZ 18.97, regardless of how the rooms are labeled (such as "den", "office", "bonus room", and "flex space").

Table Note 3. If a room within a residential unit meets the criteria of a bedroom, it will be considered a bedroom for the purposes of determining parking requirements.

Table Note 4. "Low Volume Gym or Fitness Studio," as used in this table, is defined as a gym or fitness studio that is less than 5,000 square feet in area.

Table Note 5. "High Volume Gym or Fitness Studio," as used in this table, is defined as a gym or fitness studio that is 5,000 square feet in area or larger.

D. Reductions, Alternative Plans and Required Studies

1. Stacking Study. For uses with a drive through window, a stacking study is required to determine if the minimum stacking required by this Chapter is sufficient for the proposed use. Stacking studies shall follow the format and procedure set forth in MKZ 18.69, Required Studies and Plans. A reduction or increase in stacking requirement may be approved by the Planning Director pursuant to the following criteria:
 - a. The stacking study shall be commissioned by the City, conducted by a professional transportation engineer licensed to practice in the State of Utah, and paid for by the applicant;
 - b. The study calculates the projected demand for stacking at the site in comparison to the requirements of Table 18.63-2 Minimum Vehicle Parking Requirements;
 - c. The stacking study demonstrates that the proposed site plan will not exacerbate an existing deficiency in circulation, stacking, or parking;
 - d. Any proposed stacking spaces are sufficient for the use and will not result in blockage of rights of way, internal parking, or circulations spaces;
 - e. If a reduction in stacking spaces is requested, the stacking study shall provide industry-standard evidence of similar uses in similar contexts indicating a lesser number will meet or exceed the intent of this Chapter due to any of the following:

- (1) The likelihood that patrons or tenants have reduced car ownership or drive less;
 - (2) The availability and practicality of walking, bicycling or transit access supporting the use; or
 - (3) Other transportation demand management plans proposed by the applicant.
2. Transit Proximity Reduction. The minimum number of required parking spaces may be reduced up to 20 percent for uses that are located within one-quarter mile of a high frequency transit station such as light rail, commuter rail, or bus rapid transit (BRT) lines.
3. Valet Parking Program. A valet parking program is a parking plan with personnel retained to assist parking at a drop-off area and exclusively controls the parking of vehicles into valet spaces until they are returned to a pick-up area. A valet parking program may reduce the required parking of a use up to 90 percent of the required parking minimum if the valet program meets the following requirements:
 - a. A valet parking plan must include the following:
 - (1) A document detailing the location of valet parking lots, pick up and drop off areas, stacking spaces, and egress/ingress information.
 - (2) A document detailing the hours of operation, staffing required, a minimum lease period of 10 years, and any other applicable operational procedure information.
 - b. A parking study commissioned by the City, conducted by a professional transportation engineer licensed to practice in the State of Utah, and paid for by the applicant must show that the proposed valet program provides sufficient peak time parking.
 - c. A minimum of eight percent (8%) of the required parking is reserved for self-parking.
 - d. Valet parking lots, located on a major street with a minimum width of 66 feet, must be on the same side of the street as the use they serve. Valet parking lots may be provided on the opposite side of the use being served, of a minor street, a street with a width less than 66 feet.
4. Shared Parking. Shared use of required non-residential parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Shared use of required nonresidential parking spaces is allowed, subject to approval by the Land Use Authority, and provided that the following documentation is submitted in writing with the site plan application:

- a. Names and addresses of the property owners that are engaging in a shared parking agreement.
- b. A parking study commissioned by the City, conducted by a professional transportation engineer licensed to practice in the State of Utah, and paid for by the applicant demonstrating the shared spaces are sufficient for each use at peak times. The parking study must include a breakdown of uses, comparing the peak times of weekday night, day, evening, and weekend day and evening hours as set forth in Table 18.63-3 Shared Parking Percentage Requirements.
- c. A map of shared parking areas along with number of parking spaces to be shared.
- d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- e. In determining the total requirements for shared parking facilities, the Planning Director or Planning Commission shall use Table 18.63-3 Shared Parking Percentage Requirements according to the following guidelines:
 - (1) For each applicable general land use category, calculate the number of spaces required for a use as if it were the only use (refer to the schedule of minimum off-street parking requirements).
 - (2) Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in the table (six time periods per use).
 - (3) For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
 - (4) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.
 - (5) For uses not listed in Table 18.63-3 Shared Parking Percentage Requirements, or in otherwise unique circumstances, the Planning Director shall determine the required parking for the six time periods. These determinations shall be made in accordance with the National Parking Association, International Council of Shopping Centers (ICSC) American Planning Association, Urban Land Institute (ULI), Institute of Traffic Engineers (ITE) or other reputable sources of parking data.

Table 18.63-3 Shared Parking Percentage Requirements						
General Land Use Category	Weekdays			Weekends		
	12:00 a.m. - 7:00 a.m.	7:00 a.m. - 6:00 p.m.	6:00 p.m. - 12:00 a.m.	12:00 a.m. - 7:00 a.m.	7:00 a.m. - 6:00 p.m.	6:00 p.m. - 12:00 a.m.
Office and Industrial	5%	100%	5%	0%	5%	0%
Retail	5%	100%	80%	5%	100%	60%
Restaurant	50%	70%	100%	70%	50%	100%
Hotel	100%	65%	100%	100%	65%	100%
Residential	100%	50%	80%	100%	75%	75%
Theater/Entertainment	5%	20%	100%	5%	50%	100%
Religious Assembly	0%	30%	50%	0%	100%	75%

5. Offsite Parking Credits

- a. If offsite parking is available either on public property or on property provided by deed, lease, or easement by a public entity or private landowner for offsite parking, which parking is within 300 feet as measured from the closest property lines of a particular land use, credits may be given toward the parking requirement for said land use.
- b. In cases where multiple businesses or land uses qualify to use the same parking spaces for offsite parking credits, the credits shall be pro-rated for each land use. In calculating the pro-rated offsite parking credits, the Planning Director shall consider such factors as:

- (1) The amount of frontage a property has on the street;
 - (2) The total number of parking stalls required for a given land use; and
 - (3) The potential that future development in the immediate vicinity creates further demand for parking spaces. The Planning Director may also use Table 18.63-2 Minimum Vehicle Parking Requirements for land uses in different general categories to consider shared offsite parking.
 - c. If offsite parking is provided by deed, lease, or easement, the deed, lease, or easement shall require the owner and/or heirs, successors or assigns to maintain the required number of parking spaces for a minimum duration of at least ten (10) years. The City shall be notified when a lease or easement is terminated. If for any reason the lease or easement is terminated during the ten (10) year minimum contractual period, the lessee shall either replace the parking being lost through the terminated lease or easement or obtain approval for alternative parking requirements as found in this Chapter. A business license may be suspended until a new lease is secured for off-site parking.
 - d. Following approval of a building permit or conditional use permit, the lease or easement shall be recorded, referencing and appearing on the title to both the primary use property and the property to be used for off-site parking. Off-site parking areas shall include, at a minimum, one pedestrian connection to the primary use. The City shall approve such connections to the off-site parking areas. A pedestrian connection shall be installed prior to the use of an off-site parking area if one does not exist.
6. Street Parking Credits. When striped public parking spaces are present along the street frontage of a site, those spaces may contribute to the minimum parking requirement, subject to the following criteria:
- a. Striped on-street parking spaces must abut the frontage of a given site. Parking spaces on the opposite side of the street may not contribute to the required parking.
 - b. Striped on-street spaces may contribute up to 50 percent of the parking minimum requirement.
 - c. In the case that street parking is constructed as an improvement in conjunction with an approved site plan, the striped on-street spaces may contribute up to 75 percent of the parking minimum requirement.
 - d. These spaces may not be used for community parking credits.

- E. Alternative Travel Mode Reduction. For sites providing enhancements, a total reduction of up to 15percent of the minimum parking requirement may be granted by the Planning Director at the time of site planning if the site provides one or more of the following enhancements:
1. Enhanced walkways that exceed the minimum required sidewalk width by two feet (2') with enhanced landscaping adjacent to the walkways.
 2. A paved plaza must be located between the primary structure and the right-of-way, covering at least 10 percent of the site's square footage. The plaza must provide seating and shade trees.
 3. Enhanced bicycle parking is provided by exceeding the minimum requirement by at least 50 percent.
 4. If a site fronts a bus stop, additional enhancements at the stop such as benches, a shelter, or similar amenities are provided.
- F. Provisional Parking. Provisional parking is defined as an area or areas within a parking lot where the spaces shown on the approved parking plan are landscaped rather than paved. The site plan must show that the provisional parking spaces comply with the Chapter's parking stall size requirements and the maneuverability and aisle requirements as set forth in this Chapter.

18.63.030 Off-Street Loading Requirements

- A. Loading Space Design Requirements
1. Minimum Dimensions: Each loading space shall be at least 10 feet wide, 25 feet long and 14 feet high.
 2. Loading spaces must be located on the same property that they are intended to serve.
 3. For industrial and commercial uses, a loading space may occupy any required yard or court only if it is enclosed by a brick or stone wall not less than six feet (6') in height.
 4. Loading spaces for Multiple-Household dwellings must be located in an easily accessible area that will eliminate deliveries and moving vehicles from frequently blocking the right-of-way or other major internal access drives.
- B. Off-Street Loading Requirements
1. Each development or land use listed in Table 18.63-4 Minimum Off-Street Loading Requirements shall provide the minimum number of on-site loading spaces in accordance with Table 18.63-4 Minimum Off-Street Loading Requirements.
 2. When the computation of the required loading spaces results in a fraction, the requirement is rounded to the nearest whole interval. Fractions less than one-half are rounded to the next lowest whole number.

3. Reductions of up to 100 percent of the loading space requirement may be considered at time of site planning by the Planning Director, which shall be considered according to the following criteria:
 - a. The required number of loading spaces is unnecessary due to the nature of the proposed use;
 - b. Reducing the requirement will not result in frequent delivery traffic blocking the right-of-way or high-traffic internal circulation areas.

Table 18.63-4: Minimum Off Street Loading Requirements	
<i>Use</i>	<i>Minimum Requirement</i>
Multiple-Household dwelling with 15 or more units	1 loading space per 150 units, maximum of 3
Commercial and industrial uses with no docking facility up to 10,000 gross square feet	1 space

18.63.040 Bicycle Parking Requirements

A. Bicycle Parking Design Standards

1. Bicycle parking spaces shall be:
 - a. Located on the same lot as the principal use;
 - b. Located and designed to prevent damage to bicycles by cars;
 - c. Located so as not to interfere with pedestrian movements;
 - d. Located in a highly visible, well-lighted area that is located near the entrance(s) to the building;
 - e. Located to provide safe access from the spaces to the public right-of-way or bicycle lane;
 - f. Designed with racks to accommodate a range of bicycle shapes and sizes, and to allow the frame and wheel(s) of each bicycle to be supported and secured against theft without interfering with adjacent bicycles;
 - g. Racks shall be anchored to resist removal by vandalism and resistant to rust or corrosion.
 - h. Bicycle parking spaces that meet the above requirements may be located within the building.
 - i. The proposed bicycle parking spaces shall be clearly shown on the site plan indicating location and type.

- j. Multiple-Household dwellings with more than eight (8) units shall provide an on-site enclosed and secured bicycle storage room with racks for the use of the residents.
- B. **Bicycle Parking Requirements.** Bicycle parking facilities shall be provided for any new commercial, office, manufacturing, industrial, Multiple-Household residential, recreational, public and/or quasi-public use for which automobile parking is required; or for modification or change of any use listed above that results in the need for additional automobile parking facilities and is required for all principal uses as outlined in Table 18.63-5 Bicycle Parking Requirements.

Table 18.63-5: Bicycle Parking Requirements	
<i>Use</i>	<i>Minimum Requirement</i>
Residential, Multiple-Household with 3-8 units	2 spaces per 4 dwelling units
Residential, Multiple-Household more than 8 units	2 spaces per 4 dwelling units, 50% of which must be in an enclosed and secured bicycle storage room
Office	2 publicly available spaces per establishment or 1 space per 15,000 square feet, whichever is greater
Restaurant	4 publicly available spaces per establishment
Retail	2 publicly available spaces per establishment
School	1 space per classroom

18.64 Landscape Standards

18.64.010 General Provisions

- A. **Purpose.** The landscape design and development standards set forth in this chapter are intended to facilitate water conservation and promote the following:
1. More efficient use of water resources;
 2. Preservation and enhancement of the City's environmental and aesthetic character;
 3. Promotion of design continuity between adjacent land uses;
 4. Preservation, enhancement, and expansion of the urban tree canopy;
 5. Improved management of stormwater runoff;
 6. Reduction in the absorption and re-generation of heat from paved vehicular parking areas and other impervious surfaces;

7. Promotion of screening and buffering between land uses by way of providing adequate vegetation;
8. Re-introduction of native and low water use plant species into the developed environment;
9. Reduction of landscape maintenance responsibilities and costs.

B. Applicability

1. All land development applications shall be accompanied by a landscape plan prepared by a licensed Landscape Architect. Building permit applications for individual single-household dwellings require a landscape plan but are exempt from the requirement that it be prepared by a licensed Landscape Architect unless applying for a rebate program. All landscaping within the City shall comply with this section.
 - a. New Development. These landscape standards shall be applied to all new developments in the City including surface or at-grade parking areas and the exterior perimeter of parking structures.
 - b. Existing Development. Development in existence at the effective date of this chapter shall be brought into compliance with these provisions if:
 - (1) Commercial, Mixed use, Multiple-Household, Manufacturing: The gross floor area of improvements is changed, modified, or expanded by more than 20 percent,
 - (2) Single household and/or two-household developments: The gross floor area of improvements is changed, modified, or expanded by 50 percent.
 - (3) An existing off-street parking area is expanded by 10 parking stalls.
 - c. Exemptions. The provisions of this chapter do not apply to the following:
 - (1) The interior undercover portions of parking structures;
 - (2) The interior undercover portions of carports containing 10 parking spaces or fewer
 - (3) The interior display areas of vehicle and equipment sales lots;
 - (4) The interior areas of vehicle and equipment storage lots;
2. Certificate of Occupancy. All required public landscaping improvements shall be installed in accordance with this Chapter, or an improvement assurance guarantee shall be submitted for required Public Landscaping Improvements prior to the issuance of a Certificate of Occupancy. Installation of Public Landscaping Improvements is subject to an improvement assurance guarantee as set forth in MKZ 18.24.060.

18.64.020 Water Efficiency Requirements

- A. Purpose. To ensure more efficient water consumption in establishing and maintaining landscape improvements.
- B. Landscape Hydrozones. Plants with similar water needs shall be grouped together in Hydrozones as set forth in Table 18.64-1, with no more than 10 percent of plants to be identified as Zone 3 and Zone 4.
 1. Plant Material Requirements. According to the adopted Millcreek Plant Species List, all plant material used on a site shall be water-conserving and adapted to the local climate..
 2. Plantings for the intent of food production are exempt from Hydrozone requirements.

Table 18.64-1 Hydrozones		
HYDRO ZONE	IRRIGATION FREQUENCY	NOTES
Zone 0	Little or no water needed	Plant material in Zone 0 and 1 with water use requirement, as noted in the Millcreek Plant Species List, shall be used at the interface between urban areas and natural (non-irrigated) open space
Zone 1	Plants require supplemental irrigation once per month	
Zone 2	Plants require supplemental irrigation twice per month	
Zone 3	Plants require supplemental irrigation once per week	No more than ten percent (10%) of plant material may fall under zone 3 and/or 4 watering frequency
Zone 4	Most intensive water-use zone, plants require supplemental irrigation twice per week	

- C. Water Efficient Irrigation System Requirements
 1. Designer Qualifications. All landscape irrigation plans required with development applications shall be designed by a Landscape Architect licensed to practice in the State of Utah or by a person exempt from professional licensure requirements for the scope of work performed. Building permit applications for individual single-household dwellings are exempt from the designer qualification requirement that they be prepared by a Landscape Architect licensed to practice in the State of Utah.
 2. Design Standards. The design of irrigation systems required by this chapter are subject to the following standards:

- a. Drip Irrigation. Drip technology shall be used to the greatest extent possible, and shall be used to irrigate plants in non-turf areas. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve. Filters and end flush valves shall be provided as necessary for drip irrigation lines.
 - b. Overhead Sprinklers. Overhead sprinklers shall only be used for turf grass areas. Stream rotary nozzles shall be placed a minimum of four inches (4") of height to clear turf. Sprinklers shall have matched precipitation rates with each control valve circuit. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
 - c. Operation Limits. Irrigation systems shall not be scheduled to operate between the hours of ten (10) a.m. to seven (7) p.m.
 - d. Automatic Controller. All irrigation systems shall include an electric automatic controller capable of utilizing an automatic rain shut-off device and shall not be scheduled to operate between the hours of ten (10) a.m. to seven (7) p.m. to reduce water loss from wind and evaporation.
 - e. Slope Adjustments. On slopes exceeding 30 percent, the irrigation system shall consist of low angle spray heads, drip emitters, or bubblers.
 - f. Elevation Adjustments. Check valves, pressure regulating valves, and pressure compensating heads shall be required where elevation differences will cause low-head drainage.
 - g. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
 - h. Valves. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
3. Operational Efficiency. The minimum efficiency required for irrigation systems established in accordance with the requirements of this chapter is 75 percent for the distribution efficiency for all fixed spray systems and 70 percent distribution efficiency for all rotor systems.

18.64.030 Landscape Design and Installation Standards

- A. Applicability. All required site landscape improvements shall be provided in accordance with the following standards.
- B. Retention of Significant Natural Features.
 - 1. Features that are unique to a property, such as but not limited to that property's natural topography, existing vegetation, or riparian features shall be taken into consideration in the planning and design of landscape improvements for that property.
 - 2. Existing trees and plants on development sites that are within 100 feet of a natural waterway and that are not identified as an unhealthy or invasive species as indicated by the Millcreek Plant Species List or the Utah Department of Agriculture shall be retained.
- C. Plant Material Specifications
 - 1. Measurements and Specifications. The measurements and specifications for all plant material shall be as set forth in the American Standard for Nursery Stock (ANSI Z60.1-2014) as periodically amended.
 - 2. Plant Quality. All plant material shall be healthy, well branched, and well rooted, formed true to variety and species.
 - 3. Plant Material. Plant material shall consist of native and regionally adapted species per the Millcreek Plant Species List with selection based on suitability to conditions of the site such as existing plant palette, soil conditions, wildlife habitat, microclimate, water requirements, and the surrounding environment.
 - 4. Prohibited Plant Material. Noxious or invasive species as identified by the Millcreek Plant Species List or the Utah Department of Agriculture and Food shall be prohibited from newly installed landscapes.
 - 5. Plant Coverage and Growth Rate. The quantity and size of materials planted shall be sufficient to cover 75 percent of designated landscape areas within three years of initial planting.
 - 6. Species Diversity. A variety of plant species shall be utilized in all site landscaping. No one species may make up more than 25 percent of the total non-turf plant material within the landscaped area including a diverse range of tree species. Additionally, tree species shall vary as set forth in Table 18.64-.2, Species Diversity:

Table 18.64-2 Species Diversity	
TOTAL NUMBER OF TREES ON SITE	MAXIMUM PERCENT OF ANY ONE SPECIES
19 or fewer	50%
20—39	33%
40 or more	25%

7. Tree Root Establishment. All trees shall be provided a plant-free mulched area with a minimum radius of four feet (4') around the trunks in order to expedite tree root establishment.
8. Trees in Proximity to Powerlines. Trees planted within 10 feet of overhead powerlines shall have a mature canopy height of less than 25 feet.
9. Lawn and Turf Areas. Areas proposed for planting in turf or lawn shall be a minimum of 10 feet wide.
10. Mulch. All landscape areas planted with trees, shrubs, perennials, or other groundcover shall be covered with a minimum three-inch (3") layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Bare soil is not permitted in any required landscape area.
 - a. Newly planted trees in areas predominantly improved with turf shall be provided a plant-free mulched area with a minimum radius of four feet (4') around the trunks to protect the trunks from turf-maintenance operations and expedite tree root establishment.
 - b. Nonporous materials (such as plastic) shall not be placed under the mulch. Bare soil is not permitted.
11. Root Accommodation. Root barrier collars and root path trenches shall be installed around trees within three feet (3') of sidewalks to protect the pavement and to ensure healthy tree root growth.
12. Plant Size Requirements at Planting. All new and replacement plant material shall meet the following minimum size requirements at planting, as indicated in Table 18.64-3, Plant Size Requirements:

Table 18.64-3 Plant Size Requirements	
Deciduous Trees	two-inch (2") caliper
Ornamental and Flowering Trees	two-inch (2") caliper
Evergreen Trees	six feet (6') tall
Shrubs	five (5) gallon container
Perennials and Ornamental Grasses	one (1) gallon container

13. Applicability. In all zones where a front yard is required the entire frontage and depth of that yard area and any side yard area abutting a street shall be landscaped. Visibility at intersecting streets shall be maintained as set forth in MKZ 18.67, Clear View Areas. Parking areas shall not encroach on these minimum required setbacks except as set forth in MKZ 18.63.020, Vehicle Parking Requirements.

D. Installation Specifications

1. Irrigation System Installer Qualifications. Irrigation Association (IA) certification shall be required for all contractor-installed landscape irrigation systems except where construction observation services are provided by a Landscape Architect licensed to practice in the State of Utah.
2. License, Insurance and Bonding Requirements. All installers, designers, and auditors shall meet state and local license, insurance, and bonding requirements and be able to show proof of such.
3. Plant Delivery and Installation.
 - a. Plants shall be protected during delivery to prevent leaf desiccation.
 - b. Upon delivery, unplanted trees, shrubs, and other live plants shall be kept in shade, well protected with soil, mulch or other acceptable material and appropriately watered. Plants that have died or show signs of serious deterioration prior to planting shall be replaced.
 - c. All trees and shrubs shall be planted in such a manner as to ensure their survival and to prevent girdling of trunks. This shall include the planting of intact balls, planting at proper depth, properly backfilling, mulching and watering, and the addition of topsoil and mulch around the base of tree or shrub that is designed to accept rain and irrigation around the tree or shrub.
 - d. In order to protect plantings from traffic, de-icing salts, and snow plowing operations, landscaped areas with tree or shrub plantings within six feet (6') of a paved vehicle parking area or access way shall be raised above such areas by use of curbing or edging or, where depressed for stormwater collection and aquifer recharge, clearly posted for protection during periods of inclement weather.

- E. Excavation. Site excavation shall be accomplished in accordance with industry standards and applicable ordinance requirements, including but not limited to the Storm Drainage Development and Stormwater Quality requirements as set forth in MKC Title 17.

F. Encroachments

1. Encroachments to Within Twelve Feet (12'). Off-street parking areas may encroach into required front and street side setback areas such that a minimum depth of not less than 12 feet is maintained.

2. Encroachments to Within Eight Feet (8'). Off-street parking areas may encroach into required front and street side setback areas such that a minimum depth of not less than eight feet (8') is maintained, provided that a contiguous evergreen hedge or decorative wall is placed along the interior edge of the setback area. Wall or hedge shall have a minimum height of thirty-six inches (36"), a maximum height of forty-eight inches (48") as measured from the adjacent paved parking area.

18.64.040 Tree Preservation Standards

- A. Purpose. To maintain the environmental integrity of trees for shade, evapotranspiration, and habitat along with preserving the aesthetic of mature, and healthy vegetation for Millcreek's streetscapes.
- B. Applicability. All healthy trees having a caliper of four inches (4") in size or larger shall be preserved to the maximum extent feasible. Species identified as noxious or invasive as declared by the Millcreek Plant Species List or the Utah Department of Agriculture and Food are exempt from this requirement.
- C. Design Standards
 1. Preserved trees shall be credited toward the satisfaction of the tree planting requirements of this chapter at a rate of 1:1 based on caliper size, except for the replacement of large caliper trees as set forth in Table 18.64-4, Tree Replacement Table. For example, a six-inch (6") caliper tree preserved shall count toward three (3) two-inch (2") caliper trees.

Table 18.64-4 Tree Replacement Table	
<i>Tree Replacement Table</i>	
Tree to be removed	Replace with
4" to 12" caliper tree	Three trees as 2" caliper min. size
12" to 24" caliper tree	Six trees at 2" caliper min. size
24" or larger caliper tree	Eight trees at 2" caliper min. size

2. Where existing trees are to be protected during site development or construction activity, the following standards shall apply:
 - a. A fenced tree protection zone shall be established around the dripline of each tree or cluster of trees to be retained with high-visibility materials at a minimum height of four feet (4').
 - b. The storage or movement of equipment, material, debris, or fill is prohibited within the tree protection zone to minimize soil compaction.

- c. The cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree is prohibited within the tree protection zone.
3. No cut or fill is permitted within the tree protection zone unless Landscape Architect licensed to practice in the State of Utah or an ISA Certified Arborist has evaluated and approved the disturbance.
4. All protected existing trees shall be pruned as specified by an ISA Certified Arborist.
5. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.
6. Trees being preserved that are located further than 50 feet from the primary area being disturbed by construction may be ribboned off in lieu of erecting protective fencing. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
7. The removal of trees is allowed under the following circumstances by way of a tree removal permit as set forth in MKZ 18.64, Landscape Standards.
 - a. Where trees have naturally fallen or are determined by an ISA Certified Arborist to be dead or dying.
 - b. Where trees have been diagnosed by an ISA Certified Arborist as unhealthy beyond reasonable rehabilitation.
 - c. Where trees are determined to be potentially harmful to the public health, safety, or welfare.
 - d. Where it has been determined by the City that tree removal is necessary to restore clear visibility at driveways and intersections.
8. Plants considered noxious or invasive species as identified in the Millcreek Plant Species List or the Utah Department of Agriculture and Food are not required to meet these requirements.
9. Trees having a caliper of four inches (4") in size or greater which are removed shall be replaced on the development site at the following rate, except that street trees are to be replaced at a rate of one new tree per tree removed.

D. Tree Preservation Site Plan Submittal

1. Applicants seeking to remove trees as part of a land use application shall seek a tree removal permit and shall submit a tree preservation plan as part of their application, to include the following:
 - a. Purpose of the requested tree removal permit.
 - b. Plan showing existing and proposed land uses, buildings, parking, utilities, and light poles; existing trees over four (4) inch diameter at

breast height to be preserved; and other pertinent development elements.

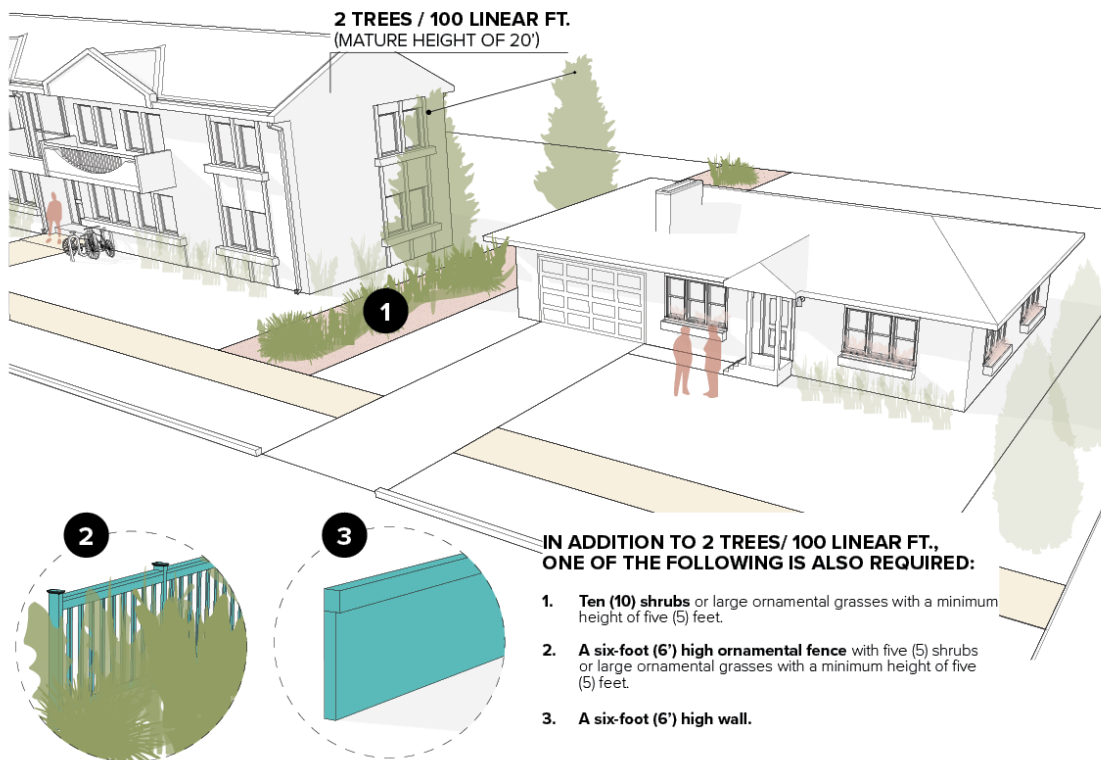
- c. A boundary survey which shall include the location of all easements, building setback lines, nearby zoning district boundaries; and
 - d. A location map showing the location of the property within the City.
2. If a permit is denied, the reason for denial shall be furnished to the applicant in writing, either electronically or by mail. The applicant or any person adversely affected by a final decision on a tree removal permit shall have the right to appeal the decision to the land use hearing officer, as set forth in MKZ 18.04, Appeals.

18.64.050 Screening and Buffering

- A. Purpose. Buffers and screening are intended to minimize conflicts between potentially incompatible land uses and development on abutting property.
- B. General Design Standards
 1. All required buffers shall be located along the entire property line between the two uses and entirely on the developing property's side of the required buffer.
 2. Parking of vehicles and placement of buildings or structures, except for walls, fences, and landscaping, shall not be allowed in the required buffer.
 3. Under no circumstances shall a fence be the only screening material as a buffer between land uses. Walls as required for buffering between incompatible uses as described below shall consist of any of the following materials:
 - a. Solid decorative precast concrete panels; or
 - b. Integrally colored and textured block, brick, stone, or masonry.
- C. Buffer Design Standards
 1. Buffer Type A, as illustrated in Figure 18.64.1, shall be placed within 10 feet (of the property line as site conditions permit and shall consist of trees, shrubs, and ornamental grasses at the following rates per 100 linear feet of buffer:
 - a. Two (2) trees with a minimum mature height of 20 feet, and
 - b. One of the following is required:

- (1) 10 shrubs or large ornamental grasses with a minimum height of five feet (5').
- (2) A six-foot (6') high ornamental fence with five (5) shrubs or large ornamental grasses with a minimum height of five feet (5').
- (3) A six-foot (6') high wall.

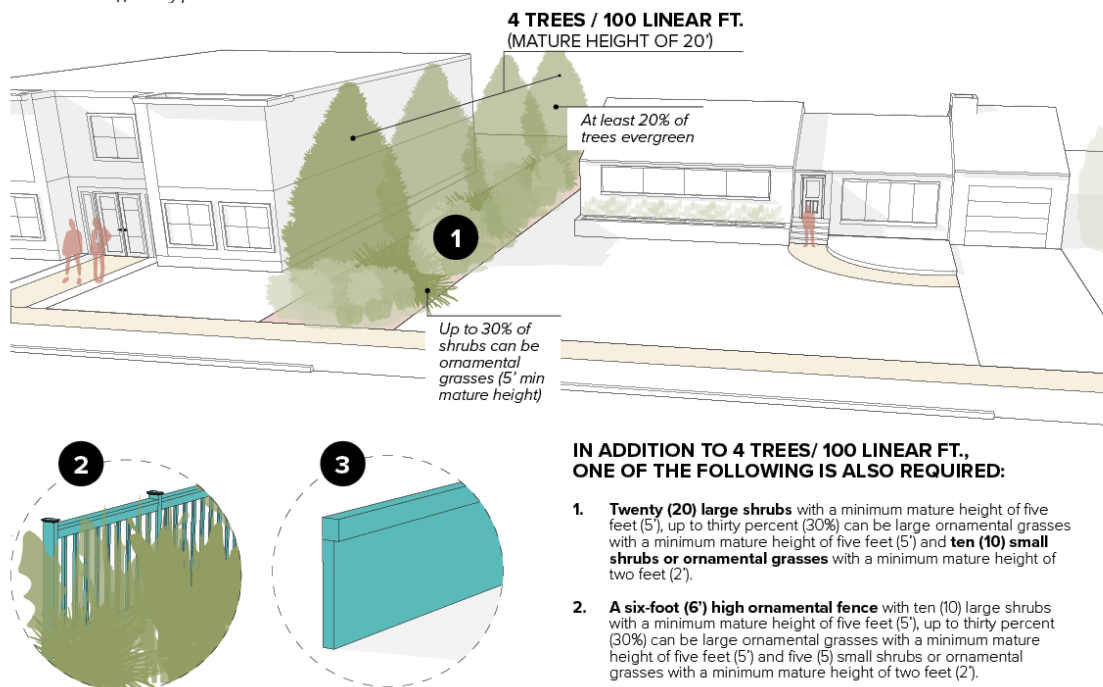
Figure 18.64.1 Buffer Type A



2. Buffer Type B, as illustrated in Figure 18.64.2, shall be placed within 10 feet of the property line as site conditions permit and shall consist of trees, shrubs, and ornamental grasses at the following rates per 100 lineal feet of buffer:
 - a. Four (4) trees with a minimum mature height of 20 feet with at least 20 percent being evergreen;
 - b. One of the following is required:

- (1) 20 large shrubs with a minimum mature height of five feet (5'), up to 30 percent can be large ornamental grasses with a minimum mature height of five feet (5') and 10 small shrubs or ornamental grasses with a minimum mature height of two feet (2').
- (2) A six-foot (6') high ornamental fence with 10 large shrubs with a minimum mature height of five feet (5'), up to 30 percent can be large ornamental grasses with a minimum mature height of five feet (5') and five (5) small shrubs or ornamental grasses with a minimum mature height of two feet (2').
- (3) A six-foot (6') high wall.

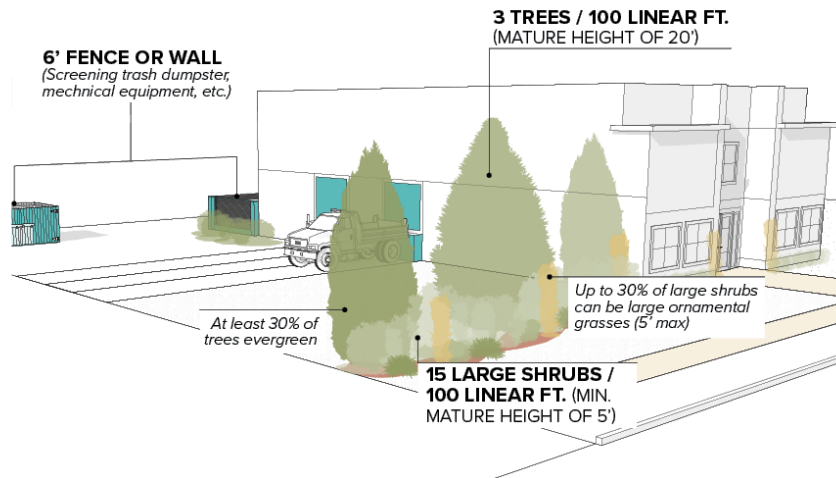
Figure 18.64.2 Buffer Type B



3. Buffer Type C, as illustrated by Figure 18.64.3, shall be placed adjacent to the object(s) being screened as site conditions permit and shall consist of a six foot (6') tall solid fence or wall and trees, shrubs, and ornamental grasses at the following rates per 100 linear feet of buffer:
 - a. Three (3) trees with a minimum mature height of 20 feet with at least 30 percent being evergreen. Items being screened that are less than 20 feet in width do not require trees; and
 - b. 15 large shrubs with a minimum mature height of five feet (5'), up to 30 percent can be large ornamental grasses with a minimum mature height of five feet (5'); and

- c. 10 small shrubs or ornamental grasses with a minimum mature height of two feet (2').

Figure 18.64.3 Buffer Type C

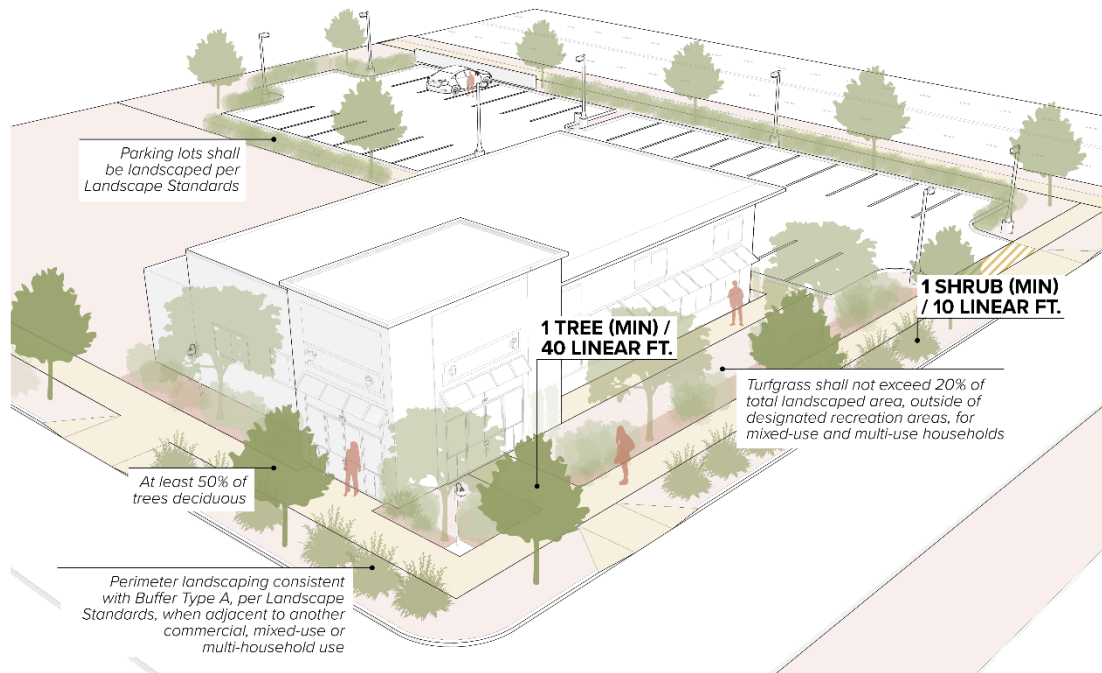


D. Buffer Requirements

1. All multiple-household development abutting residential uses shall incorporate a Buffer Type A along the perimeter between the two uses.
2. All manufacturing and commercial development abutting a residential use shall incorporate a Buffer Type B along the perimeter between the two uses.
3. All outdoor storage, service areas, and on-grade mechanical equipment shall be screened with from public view with a Buffer Type C. Site elements that are subject to this provision include but are not limited to the following:
 - a. Air conditioning units;
 - b. Electrical transformers;
 - c. Loading areas and docks;
 - d. Mechanical equipment;
 - e. Outdoor storage areas;
 - f. Public utility transformers;
 - g. Service yards;
 - h. Telephone transformers;
 - i. Trash collection areas;
 - j. Trash dumpsters.

18.64.060 Commercial, Mixed Use, Institutional, Public or Quasi-Public Use, and Multiple-Household Development Landscape Standards

Figure 18.64.4 Commercial, Mixed Use, Institutional, Public or Quasi-Public Use and Multiple-Household General Design Standards

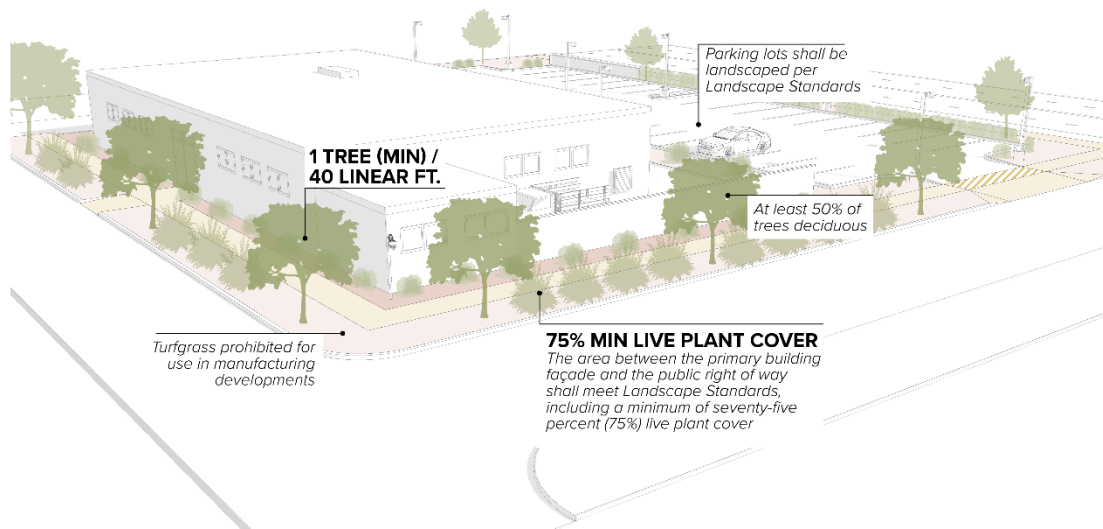


- A. Purpose. To ensure water conscious landscape improvements that are designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and in the surrounding neighborhood.
- B. Applicability. All land development of commercial, mixed use, institutional, public or quasi-public uses, and multiple-household uses shall comply with the standards as illustrated in Figure 18.64.4 and as set forth in this section, in addition to the General Landscape Standards outlined in this chapter.
- C. General Design Standards
 - 1. Landscaping is required around the perimeter of the building along facades that face public streets, transportation corridors, or public open spaces. These design standards also apply to building entrances, drop-off and pick up areas, and outdoor dining areas.

- a. A minimum of one (1) tree shall be provided for every 40 linear feet of building perimeter landscape area. At least 50 percent of required trees shall be deciduous with a shade forming canopy.
 - b. A minimum of one (1) shrub or ornamental grass shall be provided for every 10 linear feet of building perimeter landscape area.
2. Landscaping is required around the perimeter of the site, along all side and rear property lines, and around the perimeter of drive-through service facilities at the following rates:
 - a. Consistent with Buffer Type A, as set forth in MKZ 18.64.050 (1), when adjacent to another commercial, mixed use, or multiple-household dwelling use; or
 - b. Consistent with Buffer Type B, as set forth in MKZ 18.64.050 (2), when adjacent to a single-household detached, single-household attached, two-household attached, or three-household attached dwelling use.
3. Parking lots shall be landscaped as set forth in MKZ 18.64.100.
4. Turfgrass shall only be allowed as functional space for mixed use and multiple-household developments. Turfgrass is prohibited for ornamental or aesthetic purposes and may not exceed 20 percent of the total landscaped area, outside of designated recreation areas.

18.64.070 Manufacturing Development Landscape Standards

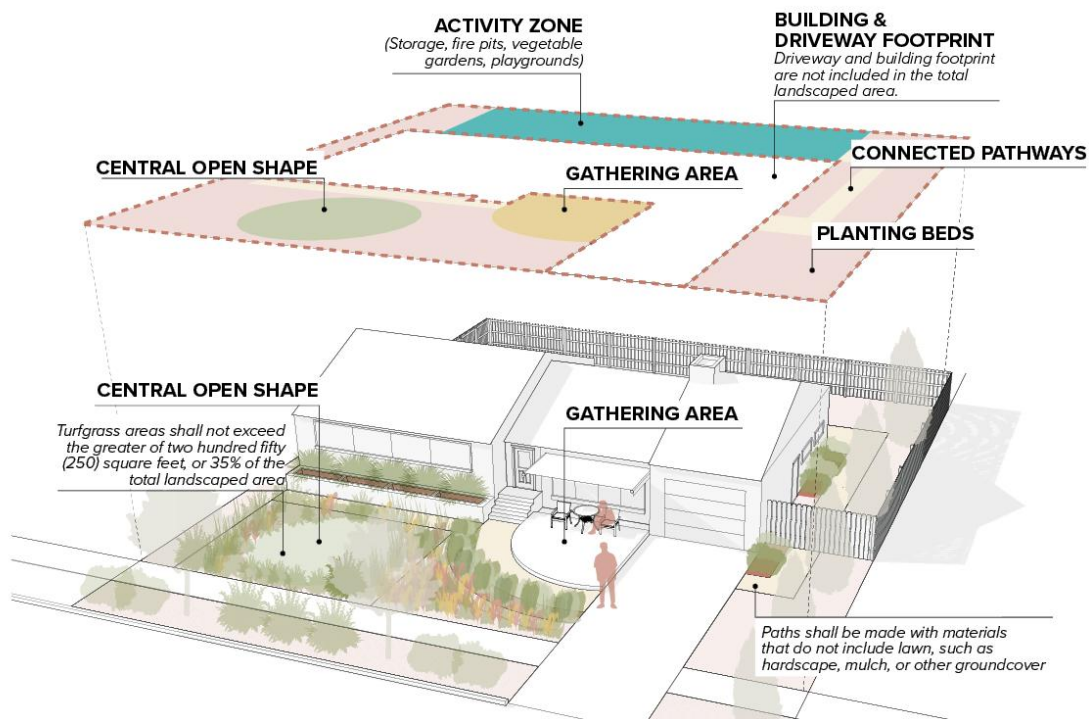
Figure 18.64.5 Manufacturing Development General Design Standards



- A. Purpose. To ensure landscape improvements are designed primarily at the public facing building entry to be consistent with commercial landscape standards and at the perimeter to screen manufacturing activities from property's exterior.
- B. Applicability. All land development for manufacturing uses shall comply with the standards illustrated in Figure 18.64.5 and as set forth in this section, in addition to the General Landscape Standards outlined in this chapter.
- C. General Design Standards
 - 1. Turfgrass is prohibited from being used in manufacturing developments.
 - 2. The perimeter of the property shall be landscaped one (1) tree per 40 lineal feet. At least 50 percent of required trees shall be deciduous with a shade-forming canopy.
 - 3. The area between the primary building façade and the public right-of-way shall meet the commercial design standards detailed in MKZ 18.64.060 with all landscape areas including a minimum of 75 percent live plant cover.
 - 4. Parking lots shall be landscaped as set forth in MKZ Section 18.64.100.

18.64.080 Single-Household and Two-Household Residential Landscaping Standards

Figure 18.64.6 LocalScape Design Standards

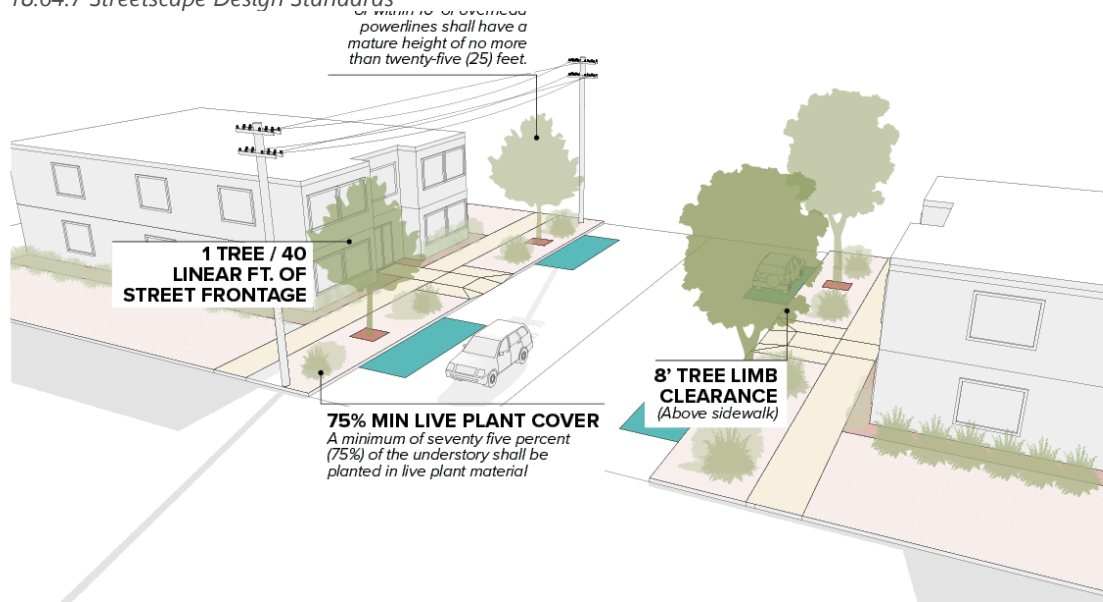


- A. Purpose. To provide the opportunity for property owners to apply for Landscaping Rebate Programs as outlined by the Central Utah Water Conservancy District.

- B. Applicability. The standards illustrated in Figure 18.64.6 and set forth in this section apply to all new single-household and two-household- residential development and any redevelopment of single-household and duplex residential properties in addition to the General Landscaping Requirements outlined in this Chapter.
- C. Maximum Impervious Surfaces for Single-Household and Two-Household Dwellings.
 - 1. Except as provided below, no more than 50 percent of the area of a front or corner side yard may be covered with impervious surfaces such as driveways.
 - 2. For lots or parcels with less than 60 feet of frontage as measured at the right-of-way line, impervious surfaces used for driveways and permitted parking may exceed the 50 percent limitation if necessary to meet the minimum driveway standards set forth in MKC 14.20.110.
- D. LocalScape Design Standards. LocalScapes consist of up to five (5) types of landscape elements:
 - 1. Central Open Shape. If size permits, the landscaped areas of the front and back yards may include a designed central open shape created by using turfgrass, hardscape, groundcover, gravel, or mulch. The central open shape minimizes angles and extensions that make watering less efficient.
 - a. Turfgrass areas shall not exceed the greater of two 250 square feet, or 35 percent of the property's total landscaped area.
 - b. A turfgrass central open shape may not be less than 10 feet in width.
 - c. Small residential lots in which the total landscaped area is less than 250 square feet are exempt from the 10 feet minimum width requirement for turfgrass.
 - 2. Gathering Areas. Gathering areas shall be constructed of hardscape and placed outside the central open shape. The gathering area may function as the central open shape in a landscape without a turfgrass lawn.
 - 3. Activity Zones. Activity zones shall be located outside the central open shape and shall be surfaced with materials other than turfgrass lawn. Vegetable gardens, playground areas, and sport courts are examples of potential activity zones.
 - 4. Connecting Pathways. Paths and walkways shall be made of materials other than lawn, such as hardscape, mulch, or other durable materials.
 - 5. Planting Beds. Planting beds shall be located outside of the central open shape and may not utilize turfgrass. They shall be surfaced by mulch, rock, gravel, or other similar material where not covered by plantings. A minimum of 75 percent of the planting bed shall be comprised of live plant material.

18.64.090 Streetscape Design Standards

Figure 18.64.7 Streetscape Design Standards



- A. Purpose. All streetscapes shall be lined with canopy trees to provide shade and include a waterwise and balanced approach to plant material design for year-round visual interest.
- B. Applicability. The standards illustrated in Figure 18.64.7 and as set forth in this section shall apply to all development abutting Minor Arterial, Major / Minor Collector, and Principal Arterial Streets as well as any single-household subdivisions with frontage along Local Streets as set forth in the Millcreek Transportation Master Plan, in addition to the General Landscape Standards throughout this Chapter.
- C. Streetscape Design Standards
 - 1. Plant Quantities. All landscape areas adjacent to a street (including required park strips) shall be planted and maintained with the following:
 - 1. One canopy tree to provide shade per 40 lineal feet of street frontage.
 - 2. A minimum of 75 percent of the understory shall be planted in live plant material.
 - 2. Street trees shall be planted within a public or private street as set forth in **MKC 14.28.070**. If the width of the park strip within a public or private street is less than six (6) feet wide, no street trees shall be planted within the street right-of-way, or within 10 feet of the right-of-way line.
 - 3. Street trees shall be watered using a drip or deep root irrigation system with irrigation lines sleeved under sidewalks and pavement for ease of maintenance.
 - 4. Street trees shall be limbed up to maintain a minimum eight-foot (8') clearance above all sidewalks.

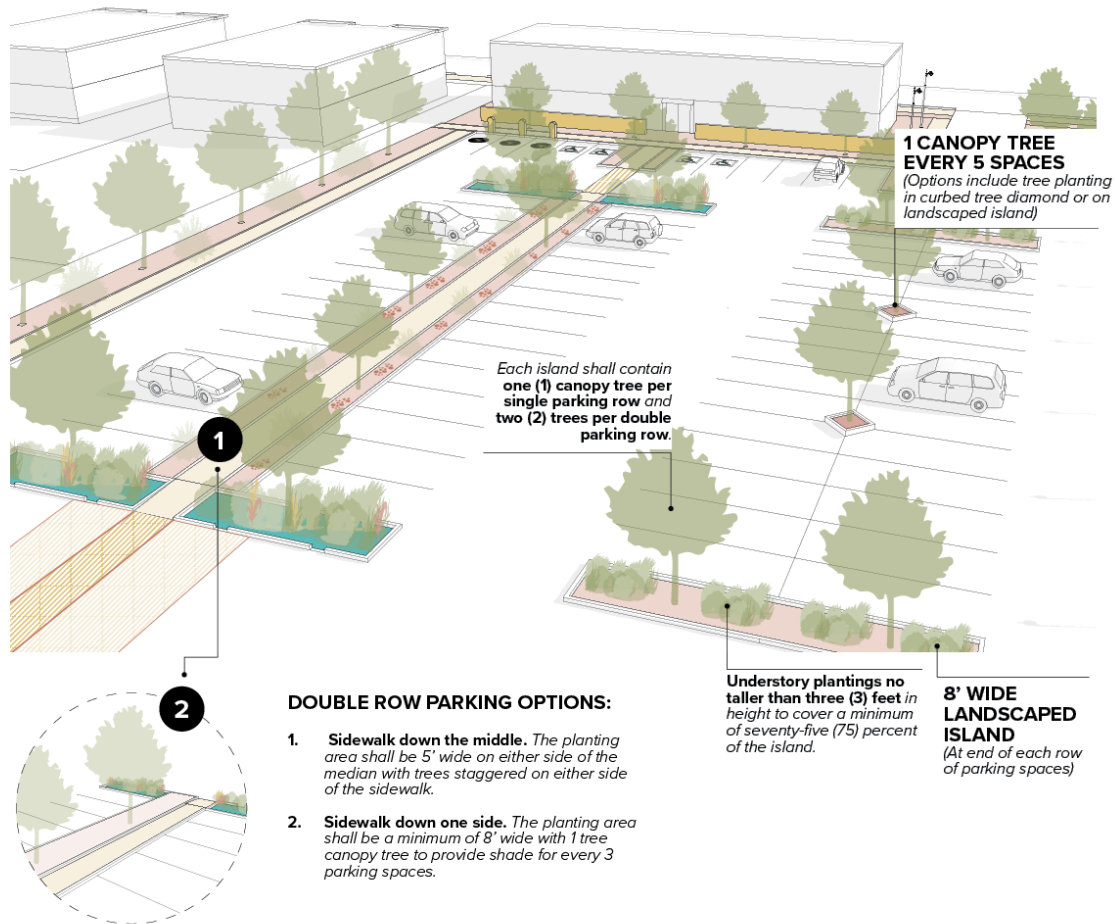
5. Tree species planted under or within 10 feet of overhead powerlines shall have a mature height of no more than 25 feet.
6. Streetscape must include curb and gutter as set forth in the Millcreek Standard Plans for Public Works Construction.
7. Streetscape must include a detached sidewalk as set forth in the Millcreek Standard Plans for Public Works Construction, unless modified by any other adopted streetscape standard or zoning regulation.
8. Where an adopted streetscape standard or zoning regulation requires a continuous hardscape surface between the curb and the building is required. Hardscape can include standard concrete or pervious pavement per Low Impact Development Standards.
9. Street tree grates shall have a minimum dimension of five feet (5') square. Soil volume shall be equivalent to three times the width of the tree's root ball at the time of planting, which can be achieved by the use of structural cells, suspended pavements, or other methods proposed by a Landscape Architect licensed to practice in the state of Utah under [Utah Code Title 58](#), and as approved by the Planning Director.

18.64.100 Parking Lot Landscaping

- A. Purpose. Parking lot landscaping is intended to break up large expanses of pavement, create shade, screen headlights, and enhance the site's overall appearance.
- B. Applicability. All parking lots with ten (10) spaces or more or expansions to parking lots of at least ten (10) spaces shall be subject to the standards as illustrated in Figure 18.64.8 and as set forth in this section.
- C. General Design Standards
 1. Interior Parking Lot Landscape.
 - a. A landscape island at the end of each row of parking, with a minimum width of eight feet (8').
 - (1) Each island shall contain one (1) canopy tree per single parking row and two (2) trees per double parking row to provide shade; and
 - (2) Understory plantings no taller than three feet (3') in height to cover a minimum of 75 percent of the island.
 - b. One canopy tree shall be provided for every five (5) spaces or less for a single parking row and every 10 spaces or fewer for a double parking row by way of one of the following methods:

- (1) A landscape island with a minimum width of eight feet (8') and a length matching the parking stall length;
 - (2) A curbed tree diamond with a minimum inside dimension of four feet (4') square
- c. If a covered parking canopy is provided, the requirement for a tree every five (5) spaces shall not apply to the parking row covered by the canopy.
- d. Every other double row of parking spaces shall include a planted median with one (1) shade tree for every five (5) stalls and shall satisfy the following standards:
 - (1) Planted medians shall be a minimum of eight feet (8') wide and contain understory plantings no taller than three feet (3') in height to cover a minimum of 75 percent of the median.
 - (2) If a sidewalk is incorporated into the landscape median, the width of the median shall be as follows:
 - (A) Sidewalk down the middle. The planting area shall be five feet (5') wide on either side of the median with trees staggered on either side of the sidewalk.
 - (B) Sidewalk down one side. The planting area shall be a minimum of eight feet (8') wide with one (1) canopy tree to provide shade for every five (5) parking spaces.

Figure 18.64.8 Interior Parking Lot Landscape



2. Perimeter Parking Lot Landscape. Perimeter parking lot landscape shall comply with the standards illustrated in Figure 18.64.9 and as set forth in this section:
 - a. A minimum eight-foot (8') wide landscape area shall be provided at the perimeter of surface parking lots abutting any public right-of-way containing a minimum of one (1) canopy tree to provide shade per 30 lineal feet of required perimeter landscape area.
 - b. Parking spaces facing a street or an institutional or residential use shall screen headlights from view by one of the following methods:
 - c. A hedge of shrubs and ornamental grasses with a minimum height of three feet (3') for a minimum of 75 percent (75%) of the length of the parking lot;
 - d. A berm with a minimum height of three feet (3'); or
 - e. A masonry wall with a height between three and four feet (3' - 4') paired with landscape material for at least 50 percent of the length of the landscape area placed on the street side of the wall.

3. Pedestrian Accommodation. Stepping stones or graveled pathways shall be dispersed across and along landscape medians to minimize soil compaction and protect plant root zones from pedestrian traffic, as illustrated in Figure 18.64.10.
4. All landscaped areas adjacent to parking spaces shall be constructed of a continuous concrete curb as set forth in the Millcreek Standards for Public Works Construction and of no less than six inches (6") in height.
 - a. Landscape areas used for collecting stormwater runoff shall be constructed of a continuous concrete curb with curb cuts at regular intervals to allow stormwater from an adjacent impervious surface to flow into a depressed infiltration and planting area.
 - b. Where vehicular parking stalls abut landscaping that is not protected by a curb, wheel stops shall be installed at a minimum of two feet (2') from the edge of that landscaped area.
5. Tree and Shrub Distribution within landscape island and medians.
 - a. Trees shall not be planted closer than three feet (3') to the top back of the curb or the exterior edge of the depressed parking lot landscaped planters, as illustrated in Figure 18.64.10.
 - b. Shrubs shall be situated such that they remain within the confines of the planter at maturity.
6. Mulch Required. Organic mulch shall be spread to a minimum depth of three inches (3") and rock to at least two and one-half inches (2 ½") in depth in all parking lot landscaped planters.
7. Irrigation. Landscape planters within parking areas shall only be irrigated with drip emitter or irrigation systems.
8. The property owner shall be responsible for maintaining all landscaping within and adjacent to parking lots.

Figure 18.64.9 Perimeter Parking Lot Landscape

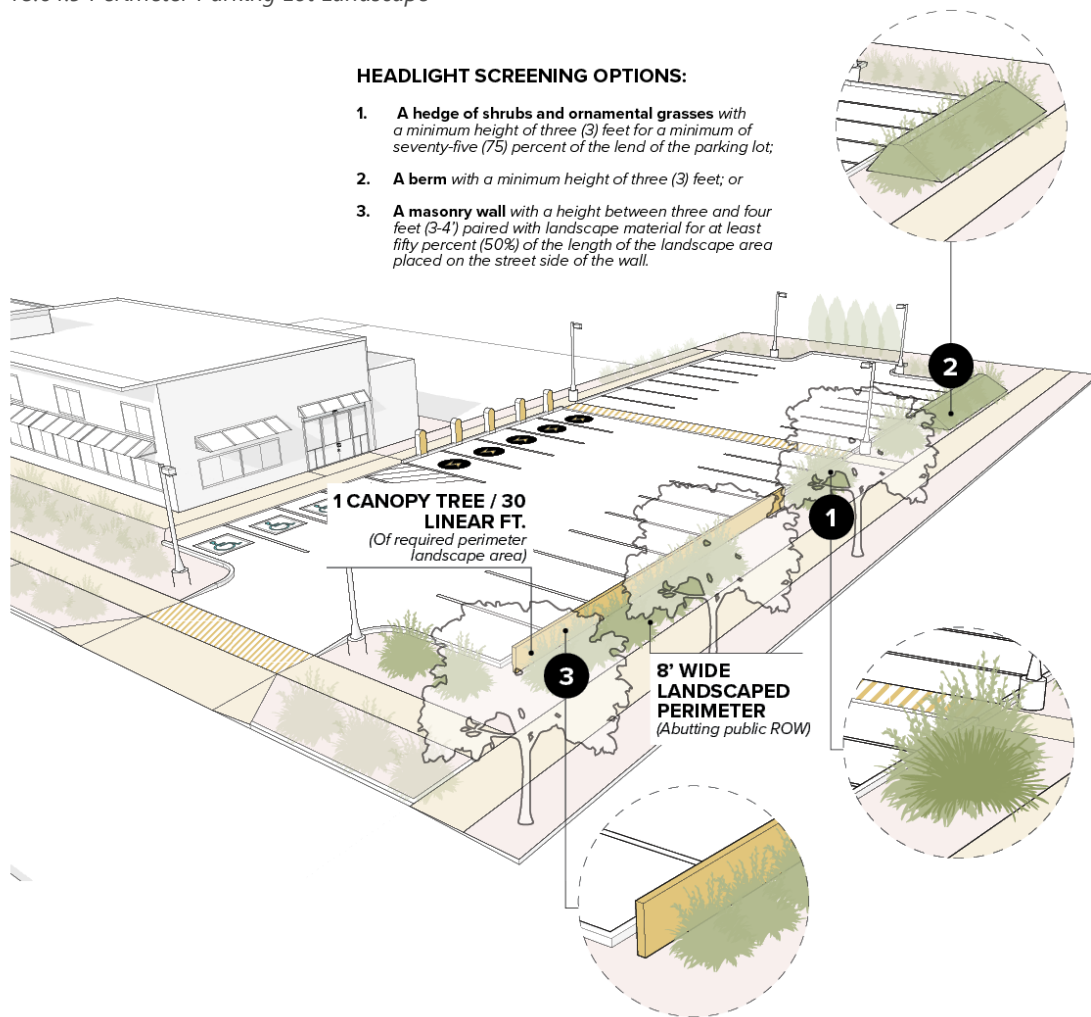
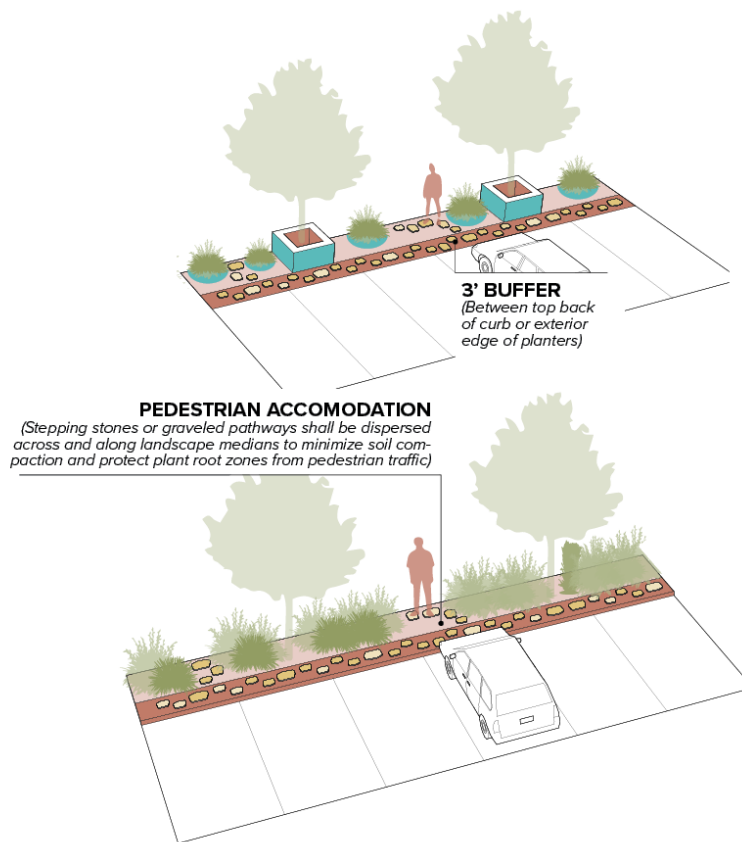


Figure 18.64.10 Pedestrian Accommodation



18.64.110 Park and Open Space Landscape Standards

- A. Purpose. Landscaping in parks and open spaces areas that are commonly used by the public for passive and active recreation shall be appropriate to the area's use and function, respectful of water conservation practices, and include canopy trees to provide shade, shrubs, ground cover, and site furnishings appropriate to the use.
- B. Applicability. The following requirements shall apply to all new development of public and private parks, pocket parks, detention ponds, trail connections, and common open space areas for public use.
- C. General Design Standards
 - 1. All parks shall be landscaped and programmed to balance plant material with no more than 30 percent of the total landscaped area comprised of plant species falling in Hydrozones 3 and 4.
 - 2. All park and open space areas shall include site trees at a rate of at least one (1) canopy tree to provide shade per 5,000 square feet of landscaped area, distributed appropriately throughout the site. Required trees shall be placed in upland areas, above the anticipated high-water mark or floodway of detention ponds or drainage ways.

3. Turfgrass shall be used only in high-traffic areas such as sports fields, cemeteries, golf courses, putting greens, and informal play spaces adjacent to playgrounds.
4. Park periphery and detention pond areas shall consist of low water or native plant material and grass seed mix.
5. Common open spaces and trail connections shall be landscaped with a balance of low water or native plant material and grass seed mix to reduce the need for supplemental irrigation in hard-to-reach areas.
6. The retention of native areas for purposes of maintaining viewsheds or healthy existing ecosystems is highly encouraged.
 - a. Existing plant material shall be identified on the landscape plan with a statement explaining how the native area will be protected from construction.
 - b. These areas shall be excluded from the landscape area used to calculate required site trees as set forth in MKZ 18.64.110 (C)(1).
7. Green roofs, garden decks, planted building stepbacks, and other similar landscape elements can count toward the overall open space requirements.
8. Parking lots shall be landscaped as set forth in MKZ 18.64.100.
9. The development of shared parks, open space, and stormwater detention and retention facilities shall provide a mechanism, such as a homeowners' association and covenants for long-term maintenance of parks, stormwater detention and retention facilities, and common open space, to ensure the continued upkeep of the property.

18.64.120 Stormwater Detention and Retention Facilities

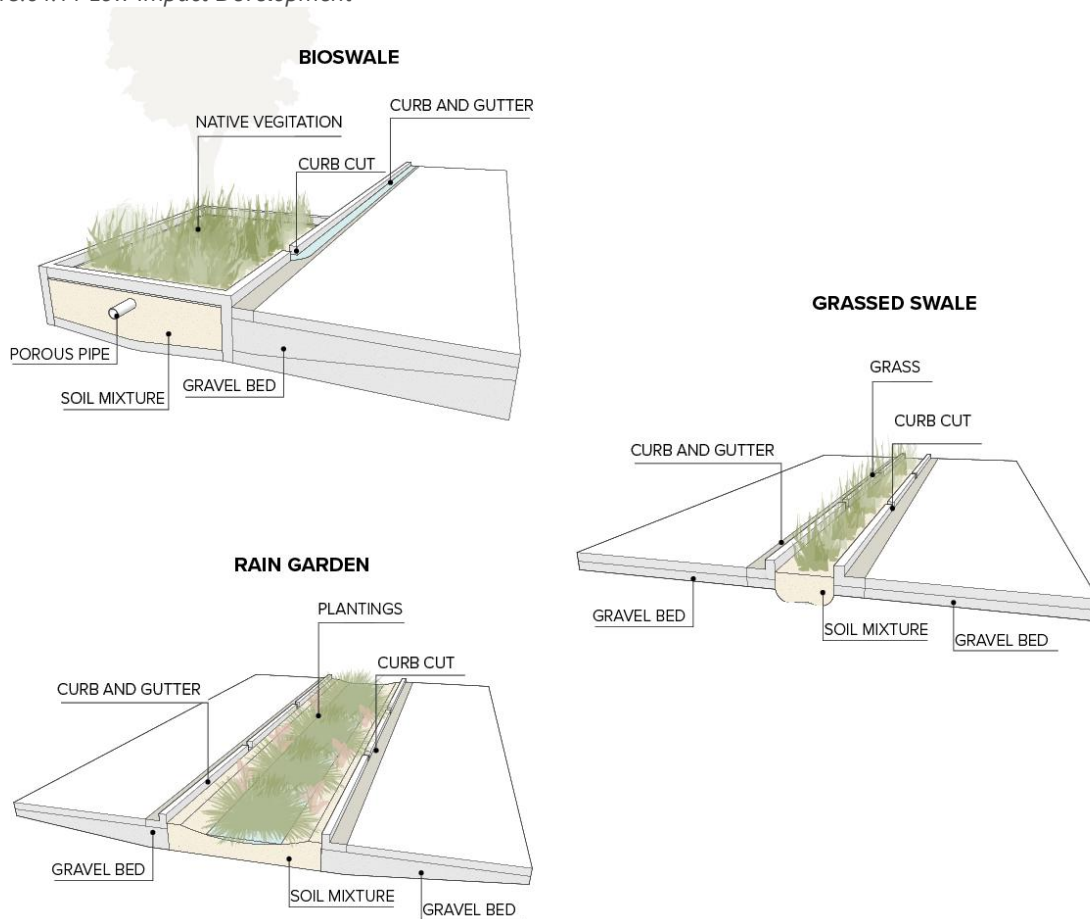
- A. Purpose. Stormwater facilities shall be installed to serve a development to promote innovative and effective land and water management techniques that protect and enhance water quality.
- B. Applicability. All required stormwater detention and retention facilities shall comply with the standards in this section.
- C. General Design Standards
 1. Landscaping is required around detention/retention basins and ponds at the following rate:
 - a. One (1) canopy tree to provide shade per 5,000 square feet of detention area, located above the anticipated high-water mark.
 - b. This requirement is in addition to any site perimeter or street tree requirements.
 2. Minimum storm drainage improvements shall be constructed such that:
 - a. Landscape improvements enhance the function of the facility.

- b. All facilities shall be seeded with grass appropriate to the function of the area.
- c. Detention areas may be used for passive and active recreation.
- d. Areas to be maintained for habitat enhancement shall be seeded with native grasses and wildflowers.

D. Low Impact Development

- 1. Low-impact development (LID) techniques as illustrated in Figure 18.64.11 shall be used to better manage stormwater and reduce the size of required detention and retention ponds.
- 2. Low Impact Development can include but is not limited to the following:
 - a. Permeable Pavement. Permeable pavement can consist of porous concrete or permeable concrete pavers.
 - b. Bioswales. Bioswales are vegetated swales planted with various plant species that can tolerate occasional water inundation and serve to transport, store, and allow water infiltration.
 - c. Grassed Swales. Grassed swales are designed to convey water over the ground's surface to a point of disposal and serve to slow water flow, allowing some particulates to drop out before the water reaches the disposal point.
 - d. Rain Gardens. Rain gardens are small, shallow, depressions planted with a variety of native or ornamental plants that can treat small amounts of runoff to improve water quality.

Figure 18.64.11 Low Impact Development



18.64.130 Landscaping Along Natural Waterways

- A. Purpose. Riparian buffers are essential to mitigate urban runoff from entering natural waterways and provide wildlife corridors. Vegetation can act as a natural barrier that infiltrates excess nutrients.
- B. Applicability. The following provisions apply to all properties within 100 feet of a natural waterway.
- C. General Design Standards. Utilization of native riparian plants shall be required within 50 feet of waterways, and shall comply with the following standards:
 1. Plant selection shall be made from Salt Lake County's Stream Care Guide. Specifically, plant selection shall correlate with the Foothill and Valley elevations (4,200-6,000 feet).
 2. Retention of existing plants shall be the preferred landscaping method unless further restoration of native species is deemed necessary due to the following:
 - a. The Millcreek Plant Species List and the Utah Department of Agriculture declare existing plants to be unhealthy or invasive.

- b. Existing plants do not meet the selection guidance of Salt Lake County's Stream Care Guide.
3. Apply multiple vegetation layers to enhance the habitat and attractiveness of the buffered area.
4. To minimize impact in a riparian buffer, pedestrian access paths in the riparian buffer shall be made of decomposed granite, gravel, or other permeable soft surface path material.
5. Consider the water and shade tolerance needs of the species planted.

18.64.140 Landscape Plan Submittal Requirements

A. General Provisions

1. All applications for a Conditional Use Permit, a Site Plan Approval, or a Minor Site Plan Amendment must be accompanied by a landscape plan package prepared in accordance with the requirements of this chapter.
2. Submitted landscape plan packages shall be prepared and certified for compliance with all requirements of this chapter by a Landscape Architect licensed to practice in the State of Utah. A landscape designer certified by the Utah Nursery and Landscape Association may submit a landscape plan package if the certified designer is employed by the contractor installing plantings of the specific project submitted.
3. All submitted irrigation plans shall be prepared by a Landscape Architect licensed to practice in the State of Utah or by a person exempt from professional licensure requirements for the scope of work performed.

B. Landscape Plan Package Contents

1. The landscape plan package shall include at least the following:
 - a. A landscape plan to include the following information:
 - (1) Layout of all plant material representing the size of the plants at maturity.
 - (2) Detailed plant list identifying common and botanical names of plant species, specified size of all plant material (including trees, shrubs, perennials, and grass species), quantity, and water usage based on the landscape Hydrozones detailed in MKZ 18.64.020 (B).
 - (3) Planting notes and detail drawings illustrating methods of installation.
 - b. An irrigation plan to include the following information:

- (1) Layout of point of connection, mainline, laterals, spray heads or drip irrigation area.
- (2) Irrigation notes and detail drawings illustrating methods of installation specifications.

C. Alternative Compliance

1. As authorized by this chapter, an alternative landscape plan may be substituted in whole or part for a landscape plan prepared in strict compliance with this chapter's requirements.
 - a. Alternative Plan Preparation and Submittal. Alternative landscape plans shall be prepared and submitted according to the submittal requirements for a landscape plan package.
 - b. The submittal shall clearly identify and discuss the modifications and alternatives proposed and explain how the plan will better accomplish the purposes and intent of this chapter than a plan strictly complying with the chapter's specified standards.
2. Alternative Plan Review Criteria. The qualified professional who prepared the plans shall clearly demonstrate how the alternative plans will:
 - a. Provide exceptional preservation and incorporation of existing site vegetation;
 - b. Provide significant protection of natural areas and features;
 - c. Provide for maximum retention of existing tree canopy cover;
 - d. Create exceptional enhancement of neighborhood continuity and connectivity;
 - e. Provide for extensive accommodation of nonvehicular access and use; and
 - f. Represent greater innovation in site design and plant use.
3. Alternative Plan Approval. Upon completion of the review, the Planning Director shall grant final approval to ensure satisfaction of the above criteria.

- D. Plan Revisions. The Planning Director shall review and approve any revisions to the landscape plan package in writing prior to commencing construction. The qualified professionals who prepared and submitted the plan revisions shall provide re-certification of compliance with the requirements of this chapter. Substantial revisions to site development plans may require commensurate revisions to associated landscape plans.
- E. Phasing. Landscape plans for projects proposed for development in multiple phases shall clearly specify the landscape improvements required in conjunction with each phase.

18.64.150 Construction Inspection and Compliance Requirements

- A. Construction Verification.

1. A licensed landscape architect shall provide construction observation and monitoring of all required landscape improvements to ensure compliance with the site's approved landscape plans.
 - a. A letter of compliance with the landscape plan shall be submitted to the Planning Director to verify installation of required public landscaping improvements prior to bond release.
 - b. Upon issuance of a certificate of occupancy, the property shall comply with the requirements of this chapter, and any re-landscaping that occurs shall be in accordance with the certified landscape plan for the property. If a certificate of occupancy was issued accompanied by an improvement assurance guarantee for the completion of landscaping, the improvement assurance guarantee shall not be released until the property complies this chapter.
2. Following construction and prior to issuing an approval for occupancy, a water audit shall be conducted by an IA-certified landscape irrigation auditor. Irrigation system improvements required to comply with this chapter's requirements shall be provided by the property owner as necessary. The performance audit shall verify the following:
 - a. The irrigation system complies with the minimum standards of this chapter;
 - b. The minimum efficiency required for the irrigation system is 75 percent for the distribution efficiency for all fixed spray systems and 70 percent distribution efficiency for all rotor systems;
 - c. Copies of the auditor's certification of compliance shall be provided to the Planning Director for retention in the project file as well as to the irrigation system designer, installer, and owner/developer of the property; and
 - d. Compliance with this provision is required before the City will issue a bond release.
3. The Planning Director reserves the right to perform site inspections at any time and to require corrective measures for installing site landscaping and irrigation system improvements that do not comply with the chapter's requirements.

B. Long-Term Viability of Established Landscapes

1. Plant Maintenance. The owner, tenant, and any agent shall be jointly and severally responsible for maintaining all landscaping in good condition and free from refuse and debris to present a healthy, neat, and orderly appearance.
2. Plant Survival. All plant material shall be regularly maintained in a healthy condition and shall be guaranteed for survival for two years from planting.

- a. During this period, each plant shall show at least 75 percent healthy growth and shall have the natural characteristic of the plant of its species.
- b. Any plant found dead or unsatisfactory by the Planning Director during the guarantee period shall be replaced until it has lived through the required two-year survival period.

18.65 Signs

18.65.010 Purpose and Intent

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.

18.65.020 Applicability

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

18.65.030 Prohibited Signs

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

on publicly owned lands or inside street rights-of-way include, but are not limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any object or structure located on publicly owned land or inside street rights-of-way.

18.65.040 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.

18.65.050 Conformity Required

- A. No person shall erect, alter, relocate, or modify any sign regulated by this chapter without first obtaining a sign permit and a building permit, if required. Signs that do not require a permit and are not regulated by this chapter are as follows:
 - 1. Yard signs that do not exceed six feet (6') in height or 32 square feet in area.
 - 2. Interior signs, not including window signs. Interior signs placed within three feet (3') of window are considered window signs.
 - 3. A sign, excluding the prohibited signs listed in MKZ 18.65.030, that is not visible from the public right-of-way and not exceeding the maximum height of the tallest pole or monument sign allowed in the zone.
- B. Signs for churches, schools, and private educational institutions having an academic curriculum similar to that ordinarily given in public schools shall be subject to the requirements for signs located in the C-1 zone and shall be regulated pursuant to state and federal law.

18.65.060 Approval of Sign Plans

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

1. The sign type, height, area, and setback of each existing and proposed sign on the property.
2. A conceptual rendering of each proposed sign on the property.
3. A site plan showing the location of existing and proposed signs on the property.
4. Building elevations showing any wall signs.

18.65.070 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 that abuts an interstate highway may not be used to compute sign area.
- B. The height of pole and monument 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.

18.65.080 Imprint Of Ownership Required

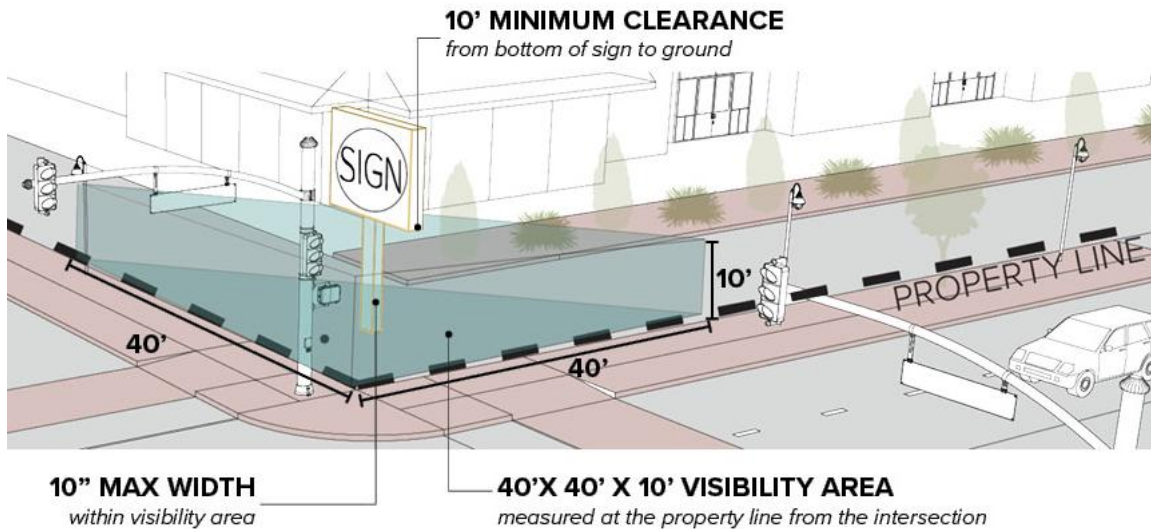
The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

18.65.090 Sign Location Standards:

- A. Visibility at intersections shall be as depicted in Figure 18.65.1, and more particularly as described herein:
 1. For the purposes of this chapter, visibility at intersections is measured from the grade of the intersecting streets and located within the clear view triangle of an intersection, which is a triangular area formed by the property lines and a line connecting them at points 40 feet from the intersection or a driveway at a point formed by an extension of the two curb faces until they meet. In instances where property lines are not readily visible or established, the triangular area shall be formed by following the edge of pavement and a line connecting them at points 50 feet from the point of intersection.
 2. There shall be a minimum sign clearance of 10 feet 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 triangle of an intersection and nearer the ground than 10 feet may not exceed ten inches in width, thickness, or diameter.

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

Figure 18.65.1 Visibility diagram



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

18.65.100 Design Standards

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

18.65.110 Sign Allowances By Zoning Districts

- A. Tables 18.65-1, 18.65-2, and 18.65-3 describe which types of signs are permitted in each zoning district and provide size, location, height, and other relevant limitations that shall be applied in addition to the other standards of this Code.

Table 18.65-1 Signs Allowed in All Zones					
<i>Type</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Location Requirement</i>	<i>Maximum Quantity</i>	<i>Other</i>
General Construction/development sign	32 square feet plus 1 square foot for each 10 feet of frontage over 30 feet, not to exceed 64 square feet per development	12'	Minimum 5' from a public or private right-of-way.	One per development or subdivision.	- Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. - No illumination allowed
Construction/development Sign for Subdivisions of 5 lots or more	32 square feet plus 1 square foot for each lot over 5 not to exceed 64 square feet.	12'	Prohibited in a public or private right-of-way.	One per development or subdivision.	
Construction/development Sign for Multiple-Household developments of more than 20 units	10' vertical and 20' horizontal	12'	- Must be on the development site. - Located on private property. Minimum of 5' from the public ROW.	One per development or subdivision.	- All signs must be approved by the Planning Director for a period not to exceed one year. - Approval may be renewed by the Planning Director.
Nameplate sign	3 square feet per use		Attached to main structure.	One per residential unit or business	Backlit only

Table 18.65-1 Signs Allowed in All Zones					
<i>Type</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Location Requirement</i>	<i>Maximum Quantity</i>	<i>Other</i>
Property sign	6 square feet	4'	On private property and a minimum of 5' from a public or private right-of-way	One sign for each access, and one sign for every 50 feet of frontage	
Directional / Circulation sign	6 square feet	3' when freestanding	On private property and a minimum of 5' from a public or private right-of-way	Two per development, per frontage.	- Only permitted for non-residential uses - No illumination permitted.

Table 18.65-2 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)					
<i>Type</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Location</i>	<i>Maximum Quantity</i>	<i>Other</i>
Monument sign	32 square feet plus 1 square foot for every 10 feet of frontage over 30 feet	6'	- Prohibited in a public or private right-of-way. - Minimum of 5' from any property line	One per street frontage	- Only permitted for: - Nonresidential uses allowed in the zone. - Residential structures with 5 or more dwelling units - Subdivisions with more than 5 lots - May be illuminated if: - Located on major arterial street and - Not directly shining onto a property occupied by a residential use.

Table 18.65-2 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

Type	Maximum Size	Maximum Height	Location	Maximum Quantity	Other
Flat/Wall sign	• 5 % in FRE and R-1 zones • 15% of a wall area in all other residential zones, up to a maximum of 200 square feet		Must be attached to a building	One per street frontage	• Only permitted for: ○ Nonresidential uses allowed in the zone. ○ Residential uses with 5 or more dwelling units • Downlit illumination permitted if the sign is not exposed to abutting properties occupied by a residential use.

Table 18.65-3 Signs in Nonresidential Zones: (C-1, C, M, MD, MD-3, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
District sign	288 square feet	• 26.5 feet for signs located on 3300 South or Highland Drive. • 30 feet for a sign located on 1300 East.	• Must be located on City Property	Two within the City Center Overlay Zone	• Only allowed in CCOZ.
Pole sign	48 square feet plus 1 square foot for each 4 feet of street frontage over	15' in C-1 zone, 20' in C, M, MD, MD-3, and IF Zones	• 15' from any property line • At least 100' from any other	One per street frontage.	• Illumination may be built into or attached to signs.

Table 18.65-3 Signs in Nonresidential Zones: (C-1, C, M, MD, MD-3, IF and CCOZ)					
Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
	30 feet, not to exceed 150 square feet		pole or monument sign.		- No upward illumination is permitted. - If a pole sign is located within 100 feet of an existing legally-established dwelling or a residential zone boundary, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.65.120. - Prohibited in CCOZ.
Monument sign	32 square feet plus 1 square foot for every 4' of frontage over 30', not to exceed 64 square feet	6' in C, M, MD, MD-3, and IF Zones 4' in C-1 Zone and CCOZ	- 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.	If a monument sign is located within 100 feet of an existing legally-established dwelling or a residential zone boundary, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.65.120.
Flat/Wall sign	20% of a wall area, up to a maximum of 300 square feet in the C-1 zone, or up to a maximum 600 square feet in the C, M, MD-3, and IF zones.		Must be attached to a building.		- Only permitted if an awning sign is not used. - Illumination permitted if the downlit or built into the letters. - No upward illumination permitted.
Awning sign	25% coverage of a first	May not extend above the	Must be attached to a building.	Up to 3 walls per building	An awning sign may only be used if

Table 18.65-3 Signs in Nonresidential Zones: (C-1, C, M, MD, MD-3, IF and CCOZ)					
<i>Type</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Location Requirements</i>	<i>Maximum Quantity</i>	<i>Other</i>
	story wall area 50% of an awning may be covered with graphics	top of the wall it is attached to.	6' maximum projection from building. 8' minimum clearance from the ground to the bottom of the awning.		a flat or wall sign is not used. - Primary graphics must be on street side or primary face of structure. - No internal illumination permitted.
Projecting / Blade sign	12 sq. ft. - Maximum 42" width	May not extend above the top of the wall it is attached to.	- 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	- 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	

18.65.120 Illuminated Signs

- A. Any sign that is illuminated shall not permit the light source to be directly visible from any ground-level vantage point on a residential property. All illuminated signs shall direct their light downward to prevent dark sky illumination.
- B. If an illuminated sign is alleged to violate the requirements of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified lighting professional to the Planning Director. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.
- C. Lighting for signs shall meet the following standards:
 1. All illuminated signs:

- a. Any sign that is illuminated shall not permit the light source to be directly visible from any ground-level vantage point on a residential property.
 - b. All lighted signs shall have stationary and constant lighting. Flashing, blinking, chasing or similarly changing lights are prohibited.
 - c. The use of uplighting on signs is prohibited. All lighted signs shall direct their light downward.
 - d. Except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than 4,000 degrees Kelvin (4,000°K).
 - e. The nighttime illuminance of an illuminated sign shall not increase ambient lighting by more than 0.2 footcandles when measured pursuant to the requirements for Sign Illuminance Studies as set forth in MKZ 18.69.040 (E).
 - 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 before 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 (2') 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 semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear, materials are not allowed for sign copy. Pure white materials are permitted for copy and logo portions of the sign but are prohibited for any other portion of the sign. Sign backgrounds shall be made of completely opaque material.
4. Standards for backlit signs:
 - a. Backlit signs shall be designed so 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 evaluation to the Planning Director by a qualified professional. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

18.65.130 Electronic Message Center (EMC) Requirements

- A. On-Premise Electronic Message Centers are permitted in certain zones in Millcreek, subject to the limitations and standards as set forth in Table 18.65-4, Electronic Message Center Allowances.
- B. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed. Light source shall not be seen from adjacent residential properties.
- C. The minimum image display duration shall be eight seconds.
- D. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve into the next static image without the use of flashing, animation, or movement.
- E. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions.
- F. Electronic Message Centers greater than one hundred square feet (100 sf) in area shall include physical light-blocking louvers to provide for vertical and horizontal light protected areas beyond 38 degrees of site broadcast.
- G. The nighttime illuminance of an electronic message center does not increase ambient lighting by more than 0.2 footcandles when measured pursuant to the requirements for Sign Illuminance Studies as set forth in MKZ 18.69.040 (E).
- H. Upon receipt of an ambient light measurement and certification that the EMC meets all applicable requirements, the City shall record a Notice of Compliance and Acknowledgement of Sign Requirements with the Salt Lake County Recorder, on the property on which the EMC is located.

Table 18.65-4 Electronic Message Center Allowances

Zone	Sign Type	Allowable EMC size as a percentage of total allowable sign size as set forth in MKZ 18.65.110	Other
MD	Monument	50%	May not be located within 100' of a residential use or zone
C	Monument	50%	May not be located within 100' of a residential use or zone
	Pole	50%	May not be located within 100' of a residential use or zone
M	Monument	70%	May not be located within 100' of a residential use or zone
	Pole	50%	May not be located within 100' of a residential use or zone
CCOZ	District	100%	
All other zones	None	NA	EMC Not Permitted

18.65.140 Temporary Signs**Table 18.65-5 Temporary Signs Table**

Type	Maximum Size	Location	Maximum Quantity	Other
Temporary attached	50 square feet not to exceed 30% of the first-story building façade or, 10% of the first-story 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 square feet	5' from property line	The cumulative total of all temporary freestanding signs may not exceed 20 square feet per business.	

Table 18.65-5 Temporary Signs Table				
Type	Maximum Size	Location	Maximum Quantity	Other
A-frame	12 square feet	1' from ROW	One per business	
Temporary Window	Up to 50% of window may be covered			No illumination permitted.

- A. Temporary Signs are permitted in Millcreek, subject to the limitations and standards as set forth in Table 18.65-5, Temporary Signs Table
- B. All temporary signs shall be located a minimum of five feet (5') from a property line or right-of-way line, or as noted for a particular temporary sign type, from the public right-of-way.
- C. Each business may have a temporary banner sign(s) located on the building with a total maximum square footage of fifty (50) square feet unless the business encompasses a building face with over one hundred fifty (150) linear feet. Such businesses may use up to ten percent (10%) of the first-floor building face square footage, but at no time shall the combination of temporary signs equal more than thirty percent (30%) of the first-floor building face. Other banners located in the landscaping, at least five feet (5') from the property line, with temporary independent supports shall not exceed twenty (20) square feet and shall conform to the time limits specified in MKZ 18.65.140 (D).
- D. Temporary and banner signs are subject to the following display periods:
 1. Temporary banner signs may be installed on a building façade for up to six (6) months during any calendar year.
 2. Temporary grand opening signs may be installed on a building face for up to three (3) months during any calendar year. Grand-opening signs shall be allowed for any new business that obtains a new business license for the opening of a new establishment. A facility renovation requiring a building permit qualifies for a grand-opening sign.
 3. All other temporary signs, except A-frame signs, may be displayed for a total time period of 45 days during any calendar year.
 4. A minimum of 30 days shall elapse between each display period listed in this section.
 5. The display periods listed in this section apply to any temporary sign located on a building or property. Relocation of any temporary sign to another building façade or to another location on a property shall not initiate a new display period.

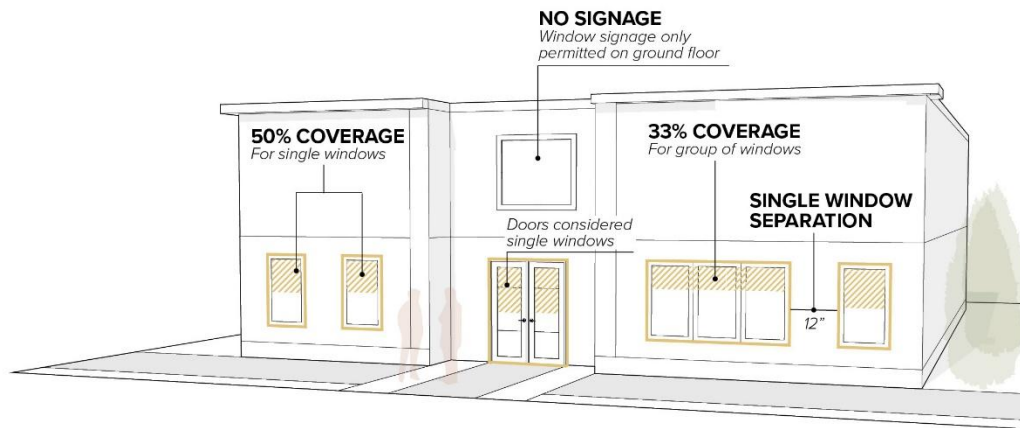
- E. All A-frame signs shall be taken indoors at night or at the close of business. All A-frame signs shall be located at a minimum of at least one foot back from the public right-of-way. Only one A-frame sign is allowed per business, it shall include weights on the bottom and be no larger than six (6) 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 thirty two (32) square feet. Shall not be internally lit but may include external down lighting. Such signs shall not exceed ten feet (10') in height. Such signs may be constructed of wood (including simulated wood products) or metal with painted advertising or other professional applications, excluding paper. Such signs shall be removed within thirty (30) days of the final inspection or completion of the project.
- H. Temporary window signs shall be limited to a maximum of fifty percent (50%) coverage of window area. The fifty percent (50%) shall be calculated per façade or elevation. Where paint of marker is used on the window, the area shall be measured by creating the smallest rectilinear shape that completely contains the entire message. Where one window is completely covered in signage, another window of equal or greater size shall be left free of any window signs.
- 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 MKZ 18.65.140 (E).

18.65.150 Window Signs

Window signs are subject to the following standards, as illustrated in Figure 18.65.2:

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

Figure 18.65.2 Window Sign Allowances



18.65.160 Off-Premises Sign Requirements

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

18.65.170 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 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 Millcreek's policy 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 existed as defined herein as of December 27, 2013, within the boundaries of the City as it was incorporated and 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 to the additional restrictions established in this chapter.
- D. Location. Billboards shall not be allowed in those locations listed in Subsection F, 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 billboards 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 Consolidated 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.

18.65.180 Maintenance; Removal of Sign

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

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

18.65.190 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.

18.65.200 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 the Planning Director may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the City costs incurred in such removal within thirty calendar days after written notice of the costs is mailed to such person.

4. Fines may also be imposed as set forth in MKZ 18.02, Enforcement.
- 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 unsafe by the Building Inspector or the Planning Director.

18.66 Fences and Retaining Walls

18.66.010 Purpose

The purpose of this chapter is to promote the use of high-quality materials in fences and retaining walls, while providing privacy, safety and security for individual properties and pedestrians through design, height, materials, and placement.

18.66.020 Applicability

- A. All fences and walls shall comply with the standards of this chapter.
- B. Any fence and/or walls in existence prior to the adoption date of this ordinance may remain, provided that the fence and/or wall satisfies all three of the following criteria:
 1. The fence and/or wall existed before the adoption date of this ordinance and complied with the standards in effect at that time,
 2. The fence and/or wall has been maintained continuously in good condition since the adoption of this ordinance,
 3. The fence and/or wall does not encroach into a public right-of-way or violates a clear view area.
- C. The provisions of this chapter may be superseded by specific regulations found in other chapters.

18.66.030 Permit Requirements

- A. Department approval required. Unless otherwise stated, fences or retaining walls that comply with this section are permitted by right without the need to obtain a site plan approval from the Planning Director.
- B. Building permit. A building permit shall be obtained for fences exceeding seven feet (7') in height and retaining walls with a height greater than four feet (4') of unbalanced fill, or walls supporting a surcharge, or as required by the currently adopted version of the International Building Code (IBC) or International Residential Code (IRC).
- C. Review of Construction Drawings. Prior to construction, all fencing and walls for new development shall have construction drawings submitted to the City for review and approval by the City Engineer. These drawings shall be considered part of the project improvements for bonding and occupancy purposes. Such plans shall include existing and proposed fences, style, material, heights, site plan and profile views, and original and finished grades as measured within four feet (4') of both sides of the fence.

18.66.040 General Requirements

- A. Fencing may be described as open-style or opaque fencing, as depicted in Figure 18.66.1. Open-style fencing is when a minimum of 70% of the fence area is transparent. Opaque fencing is where more than 70% of the fence area is obscured.

Figure 18.66.1 Fence Types



- B. Waste Receptacles. All waste receptacles associated with commercial uses or multiple-household dwellings of more than four units shall be enclosed by a minimum six-foot (6') high masonry or precast wall and shall include solid steel access doors. The color and materials of waste receptacle enclosures shall be consistent with the colors used on the associated buildings. All gates and doors shall be made of a solid steel material. Exterior waste enclosures are prohibited within ten feet (10') of a residential property line or the front and street side yard areas.
- C. Recreation Fencing. All recreation sports court fences in excess of eight feet (8') in height shall be a dark-colored open-style net, mesh, or powder-coated chain-link material.
1. Commercial ball field fences/nets may be allowed up to 60 feet in height when associated with a park, golf course, ball field, or similar commercial or

recreational facility. Fences/nets above eight feet (8') in height shall be located a minimum 10 feet from property lines.

2. A residential sports court fence shall only be located within the rear and interior side yard areas. Sports court fences exceeding eight feet (8') in height shall be located a minimum of 30 inches from the property lines. Residential sports court fences may exceed eight feet (8') in height when the fence is setback a minimum of thirty 30 inches from the property lines. For each foot of fence height in excess eight feet (8'), the setback shall also increase by one foot. No residential sports court shall exceed 14 feet in height.
- D. Temporary Fencing. A temporary six-foot (6') chain-link or similar six-foot (6') safety fence shall be installed around construction sites throughout the construction project. All construction fences shall be well-maintained and in excellent condition. All gates shall be securely locked when the construction site is unattended. Temporary construction fencing is exempt from the size and location requirements but must still meet all clear vision area requirements.
- E. Decorative Treatment. All sides of fencing shall be treated equally.
- F. Trail and Parks. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces, or other uses as the Planning Director determines.
- G. Fence and Wall Maintenance. The property owners abutting a fence or wall shall continually maintain them in good repair and ensure that the fence or wall is structurally sound, and in a safe condition. Repairs and patching shall use similar fencing materials and shall blend with the fence. The fence and wall owners are responsible for removing graffiti within 10 days of receiving a notice from a City code compliance officer.
- H. Utility Clearance and Easements:
1. No fence or retaining wall may be within four feet (4') of an above-ground utility including but not limited to, fire hydrants, water meter boxes, telecommunication pedestals, and streetlights, without written permission from the utility company.
 2. Fences and retaining walls shall not be constructed within an easement without prior written permission from each affected party, on a form acceptable to the City. Notwithstanding any written permission, the City reserves the right to deny a permit for a wall within or over a municipal or utility easement.

18.66.050 Hazardous Area Fencing

- A. Unless the Planning Director directs otherwise, fencing is required along hazardous areas including, but not limited to, railroads, canals, ditches, flood channels, waterways, unless as otherwise directed by the Planning Director.

- B. Fencing along hazardous areas shall be a minimum six feet (6') in height. Taller fences or walls for properties with unusual topography or for a central utility facility may be required by the Planning Director.
- C. Cap fences along hazardous areas must be made of approved materials.
- D. Fencing along hazardous areas shall be solid decorative precast and integrally colored and textured block, brick, stone, or other masonry fence.
- E. Sidewalks or trails that cross over or are perpendicular to hazardous areas must have decorative open-style fencing such as decorative metal picket, split rail, or other decorative open-style fences made of high quality, durable, low maintenance materials.

18.66.060 Collector and Arterial Street Fencing

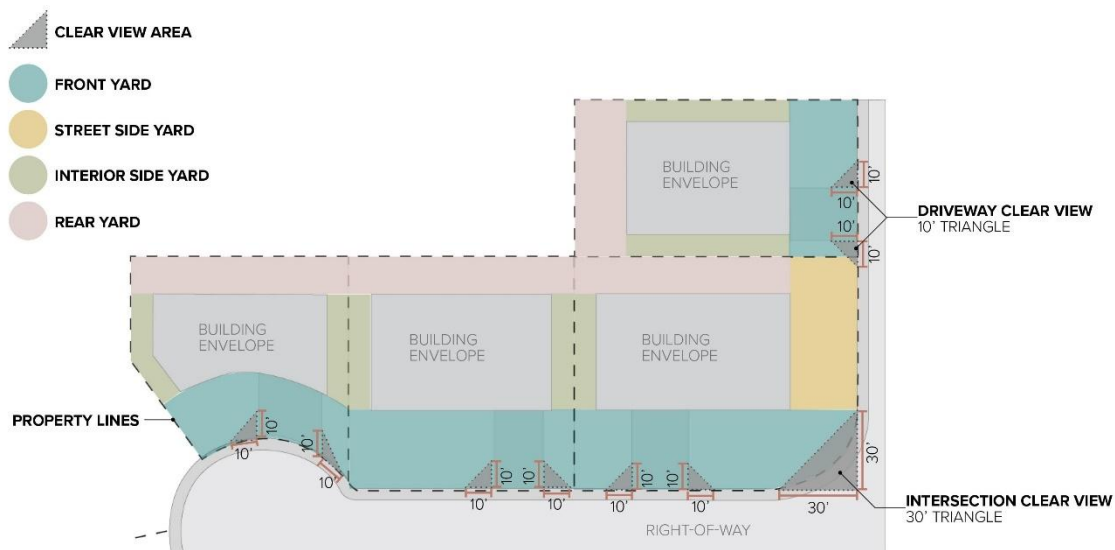
- A. Properties with a rear or side yard abutting a collector or arterial street, as identified in the Roadway Functional Classification Map of the adopted Millcreek Transportation Master Plan, may install a decorative masonry or precast fence that is at least six feet (6') high along the abutting a street right-of-way line adjoining the property. Colors and patterns shall match other masonry walls located within five hundred feet (500') of either end of the fence.
- B. Masonry fences located along collector streets or arterial streets as identified in the Roadway Functional Classification Map of the adopted Transportation Master Plan shall include an anti-graffiti sealant.
- C. Noise Walls
 - 1. Any development abutting I-215 or I-15 shall install a noise wall along the corridor right-of-way line if the Utah Department of Transportation determines whether such a wall is necessary.
 - 2. Sound walls are exempt from the height and location requirements of this Chapter.

18.66.070 Fence Location and Height

- A. Front Yards and Street Side Yard Fences
 - 1. Fences may be located within the front yard or street side yard setback area along a street right-of-way, as indicated in Figure 18.66.2 Yard Fence Locations, provided that:
 - a. Privacy fences shall not exceed six feet (6') in height within the street side yard area and not exceed three feet (3') in height within the front yard and/or clear view areas, as measured from the nearest sidewalk, top of curb, or asphalt improvements,
 - b. Front yard fences may be allowed up to six feet (6') in height if designed and maintained as an open-style non-obscuring fence.
 - c. Chain-link fences are prohibited within a side yard abutting a street and all front yard areas except for during construction.

- d. Fences located within clear view areas as set forth in MKZ 18.67, Clear View Areas, shall be less than three feet in height unless designed and maintained as an open-style and non-obscuring fence.
- e. Fences abutting a collector street or arterial street, as identified in the Roadway Functional Classification Map of the adopted Transportation Master Plan shall meet the requirements for Collector and Arterial Street Fencing as set forth in this chapter.

Figure 18.66.2 Yard Fence Locations



B. Interior Side Yard and Rear Yard Fences

1. A fence not exceeding seven feet (7') in height may be installed between abutting properties within side or rear yard area and/or along a rear or side property line without a building permit.
2. Fences and/or walls in the rear or side yard area may extend up to a maximum of eight feet (8') in height, however, according to applicable building codes, fences and/or walls may require a building permit.
3. All rear and side yard fences shall comply with applicable clear view areas as set forth in MKZ 18.67, Clear View Areas.

18.66.080 Fence Materials

A. Permitted Fence Materials

1. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. The following materials and colors shall be used for all fences, except as otherwise provided in this section or by a more restrictive provision of this title or engineering standard:
 - a. Decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry wall materials;
 - b. Vinyl, polyethylene materials with beige, white or other neutral color;
 - c. Composite fence materials (Trex®, SimTek®, or similar);
 - d. Weather-tolerant wood materials such as but not limited to cedar, redwood, cypress, bamboo;
 - e. Decorative wrought iron or metal picket materials;
 - f. Powder-coated chain-link may be allowed for public recreational uses or sport courts;
 - g. Chain-link is allowed for temporary construction fences.

B. Prohibited Fence Materials

1. The following fencing materials shall be prohibited in all zones:
 - a. Plastic materials other than vinyl and composite;
 - b. Materials not typically used, designated, or manufactured for fencing, such as but not limited to roofing panels, corrugated or sheet metal, tarps, wood panel (plywood OSB sheeting), scrap lumber or metal, rubber, tires, containers;
 - c. Chain-link, when located within a front or street side yard area.
 - d. Barbed wire, concertina wire, razor ribbon, and similar fencing materials;
 - e. Electric fences.

- C. Fences on properties zoned as agricultural and large enough for livestock animals shall be constructed of sturdy fence materials, such as metal pipes, horse-grade vinyl, wood posts or similar materials the manufacturer recommends and as the Planning Director determines.

18.66.090 Fence Height Measurement

- A. Fence height shall be measured from the finished grade to the highest point of the fence.
- B. Berms, retaining walls, or other means to raise the elevation of the ground upon, or within four feet of a fence, shall be included in the measurement of fence height.
- C. When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured as follows:
 1. Height is measured at the property line from the lower property grade.
 2. The higher property grade may not exceed 12 feet of elevation gain at any point within four feet (4') of the property line.

18.66.100 Neighborhood Compatibility Modification (NCM) for Fence Height

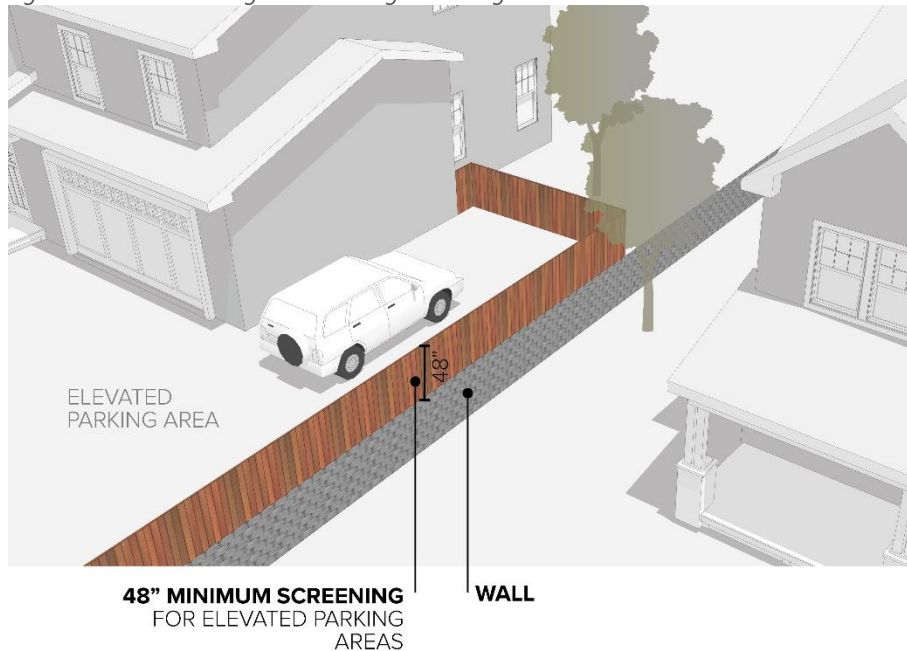
The Neighborhood Compatibility Modification (NCM) allows for modified standards for the height of fences in A, R-1, R-2, R-4, RM, and FRE based upon the compatibility of the proposed residential development application with other lots and parcels in the proximate neighborhood. The Planning Director may approve an NCM request at time of site plan submittal provided the following conditions are met:

- A. Evidence. Compliance with the corresponding neighborhood conditions must be established by a survey of the proximate neighborhood.
- B. Submittal. NCM requests shall be submitted on a separate land use application and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
- C. Permissible Modifications. NCM Standards. Fence height modifications may be accommodated if the request does not exceed a fence height of twelve feet (12').
- D. Non-Permissible Modifications. Modification of fence heights in clear vision areas as set forth in MKZ 18.67, Clear View Areas, do not qualify under the NCM.

18.66.110 Retaining Walls – General Requirements

- A. Walls requiring a building permit shall submit a Geotechnical Report for soil stability by a certified geotechnical engineer licensed to practice in the state of Utah.
- B. Wall systems that are four feet (4') or higher and that are made of organic material, such as treated lumber or railroad ties, are prohibited.
- C. Retaining walls located on properties subject to Sensitive Lands standards, shall comply with all applicable standards of MKZ 18.61, Sensitive Lands.
- D. A minimum 48-inch opaque screening fence, as depicted in Figure 18.66.3, shall be utilized for retaining walls used to extend driveways or to create additional surface parking or vehicular access when a fill is required to raise the elevation of the property from the original grade.

Figure 18.66.3 Retaining Wall Parking Screening



18.66.010 Retaining Wall Submittal and Inspections

- A. A site plan and wall design plan stamped by a structural or geotechnical engineer licensed to practice in the State of Utah, must be submitted in order to obtain a building permit for a retaining wall.
- B. Site plans shall include the following:
 - 1. The boundary of the property, including any required setbacks, easements, and building envelopes;
 - 2. The existing and proposed surrounding surface grades and structures located in front of, behind, and to the side of the retaining wall at a distance equivalent to three times (3x) the height of the wall. If the wall is supporting a slope, the site plan shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to the height of the slope;
 - 3. The location of the proposed retaining wall(s);
 - 4. The height and elevation of the bottom of the lowest point of the wall, the top of the wall and the finish elevation of the fill on both sides of the wall;
 - 5. The drainage plan for the surrounding area and how the walls drainage system will connect to the site drainage system;
- C. Wall Design plans shall:
 - 1. Reference any geological and geotechnical studies conducted on the site and incorporate the findings into the design.

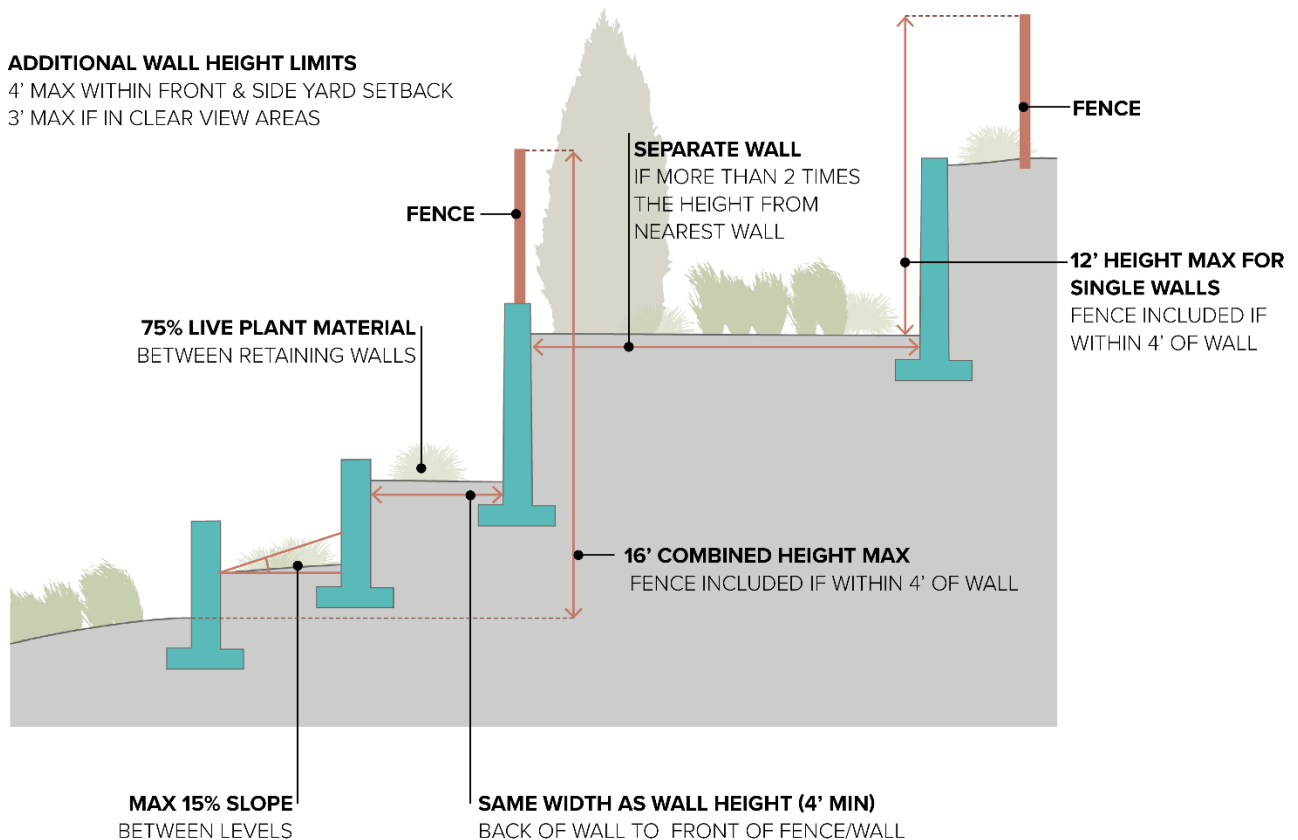
2. Include sections and details to be utilized in the construction of the retaining wall showing:
 - a. A detailed cross-section showing each lift's minimum rock or block size, or a cross-section showing concrete thickness and re-bar size and spacing.
 - b. The maximum wall height.
 - c. The backfill material and specification.
 - d. Soil stabilization methods or reinforcement materials and the required frequency of installation.
 - e. A retaining wall drainage detail.
 - f. The slope of the adjacent ground, including the surrounding properties
 - g. Minimum embedment into the existing soil
 - h. The inward slope of a retaining wall's outside face.
- D. Inspections and Final Report: The engineer of record shall monitor all phases of retaining wall construction to verify that the nature and quality of the materials being used are appropriate and that the construction is in accordance with the engineered design. The engineer shall verify and submit to the City in writing that the materials and construction of the retaining walls are as built in accordance with the engineered design after construction.
- E. Conflict:
 1. Millcreek retains a City Geologist to review, suggest modifications, and approve Geotechnical Reports. The City reserves the right to commission the City Geologist to review or inspect all retaining walls, whether existing or proposed at the applicant's expense.
 2. The City may request an as-built survey of retaining walls to verify height and surrounding grades at the applicant's expense prior to approval.
 3. In cases of conflict between the provisions contained in this chapter, other adopted zoning regulations, the building code, and the adopted standards for Sensitive Lands standards as set forth in MKZ 18.61, Sensitive Lands, or any other ordinance of Millcreek, the most restrictive provision shall apply.

18.66.020 Retaining Wall Height and Terracing

- A. Retaining wall height and terracing requirements are generally depicted In Figure 18.66.4.
- B. To calculate the height of a retaining wall for compliance with the standards of this code, height shall be measured from finished grade to the top of the retaining wall system.
- C. Retaining Walls shall not exceed three feet (3') in height when located within a clear view area as established in MKZ 18.67, Clear View Areas.
- D. A single retaining wall shall not exceed 12 feet in height.

- E. For a Retaining Wall System that uses terracing and/or a combination of multiple retaining walls:
 - 1. The combined height of all retaining walls shall not exceed sixteen feet (16') in height.
 - 2. The height of any upper wall shall not exceed the height any lower wall.
 - 3. The engineer of record shall establish a minimum separation between the walls as measured from the back of the lower wall to the face of the upper wall. In no case shall the minimum separation be less than a one-to-one (1:1) ratio based on the height of the taller wall or be less than four feet (4') in width.
 - 4. Terraces between retaining walls shall be permanently landscaped or revegetated with shrubs and other similar perennials with at least 75 percent live plant material.
 - 5. Any slopes in excess of 15 percent between terraces or tying into the original or proposed finished grade must be certified by the engineer of record and shall not exceed 50 percent slope.
- F. Retaining walls with a separation distance of at least two times (2x) the height of the tallest wall from the back of the lower wall to the face of the upper wall are considered separate walls.
- G. Fences on top of, or within four feet (4') parallel to the top of a retaining wall are considered part of the overall wall height, excluding open-style guardrails and fences.

Figure 18.66.4 Retaining Wall Requirements



18.66.030 Retaining Wall Setbacks

- A. The following shall apply to retaining walls within the front and street side yard setback areas:
 1. Each retaining wall shall not exceed four feet (4') in height.
 2. Fences shall not be installed on the top of, or within four (4') feet parallel to the top of a retaining wall.
- B. Any retaining wall exceeding 30 inches in height and within 36 inches of a walking surface or a property line shall provide a minimum 42-inch high guardrail, or similar barrier on top of the retaining wall.
- C. At no point shall a retaining wall be located within four feet (4') of the current or future public right-of-way as set forth in the adopted Millcreek Transportation Master Plan.

18.66.040 Special Requirements for Rockery Walls

- A. Fill Compaction: Where the rockery walls are constructed in front of a fill, the fill shall be placed, compacted, and tested as directed in a geotechnical study. All fills shall consist of quality fill meeting APWA standards.

- B. Rock Selection. Rock shall be of a cubical, tabular, or rectangular shape. Rounded rocks shall not be used, and internal void spaces in the facing shall be kept to a minimum. The rock shall be preapproved by the engineer of record.
- C. Rock placement. The engineer of record shall recommend the placement of rocks. A keyway shall be constructed into unyielding soil, as the engineer of record recommends..
- D. Building permits for rockery walls shall include details specific to the site and not a generic standard design.
- E. Steepness of walls. The steepness of the rockery wall shall be noted in the drawings.

18.67 Clear View Areas

18.67.010 Purpose

The purpose of this chapter is to establish standards to maintain a clear view area at the intersection of every street and at the intersection of every driveway with a street, in order to provide adequate vision of vehicle and pedestrian traffic.

18.67.020 Applicability

All structures, including fences as walls, but excluding signs, shall comply with the clear view area requirements set forth in this Chapter. Clear view requirements for signs is set forth in MKZ 18.65.090.

18.67.030 General Requirements

- A. A clear view area is a 10-foot triangular area formed by the edge of any driveway or automobile access and the street right-of-way line or within a 30-foot triangular area formed by intersecting street right-of-way lines. A lesser or greater clear view triangular area may be approved or required by the City Engineer based upon traffic speeds, flows, volumes, and other traffic related variables. Clear View Areas for Driveways and intersecting streets are depicted in Figure 18.67.1 and Figure 18.67.2.
No view-obscuring object(s) shall be placed within the clear view area, including walls or opaque fencing that exceeds three feet (3') in height.
- B. Open-style fences up to six feet (6') in height or a combination of opaque fencing up to three feet (3') with an open-style fence above is permitted.

Figure 18.67.1 Driveway Clear View Areas

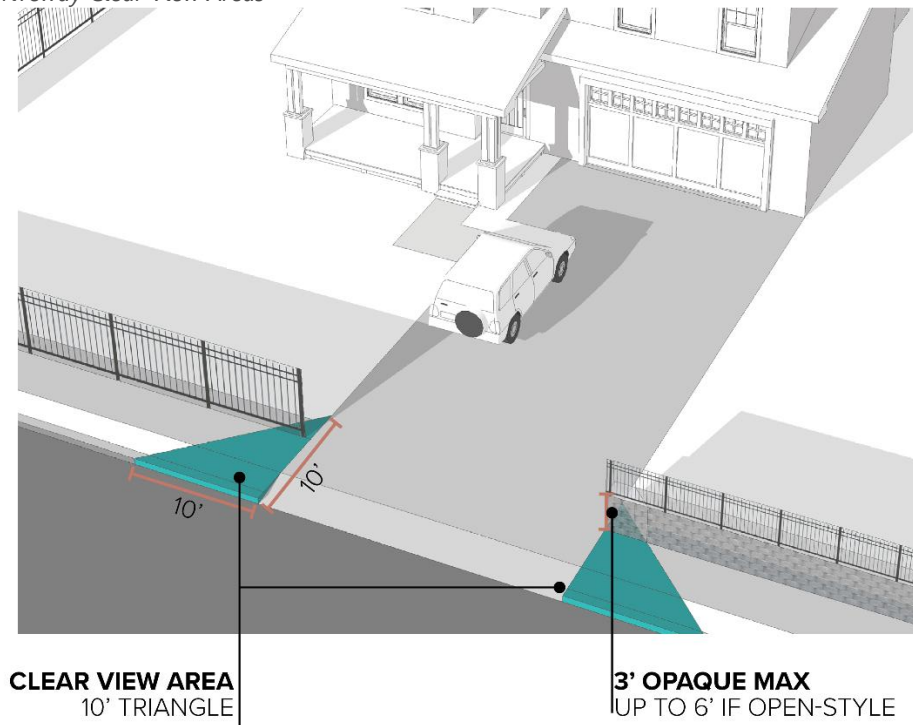
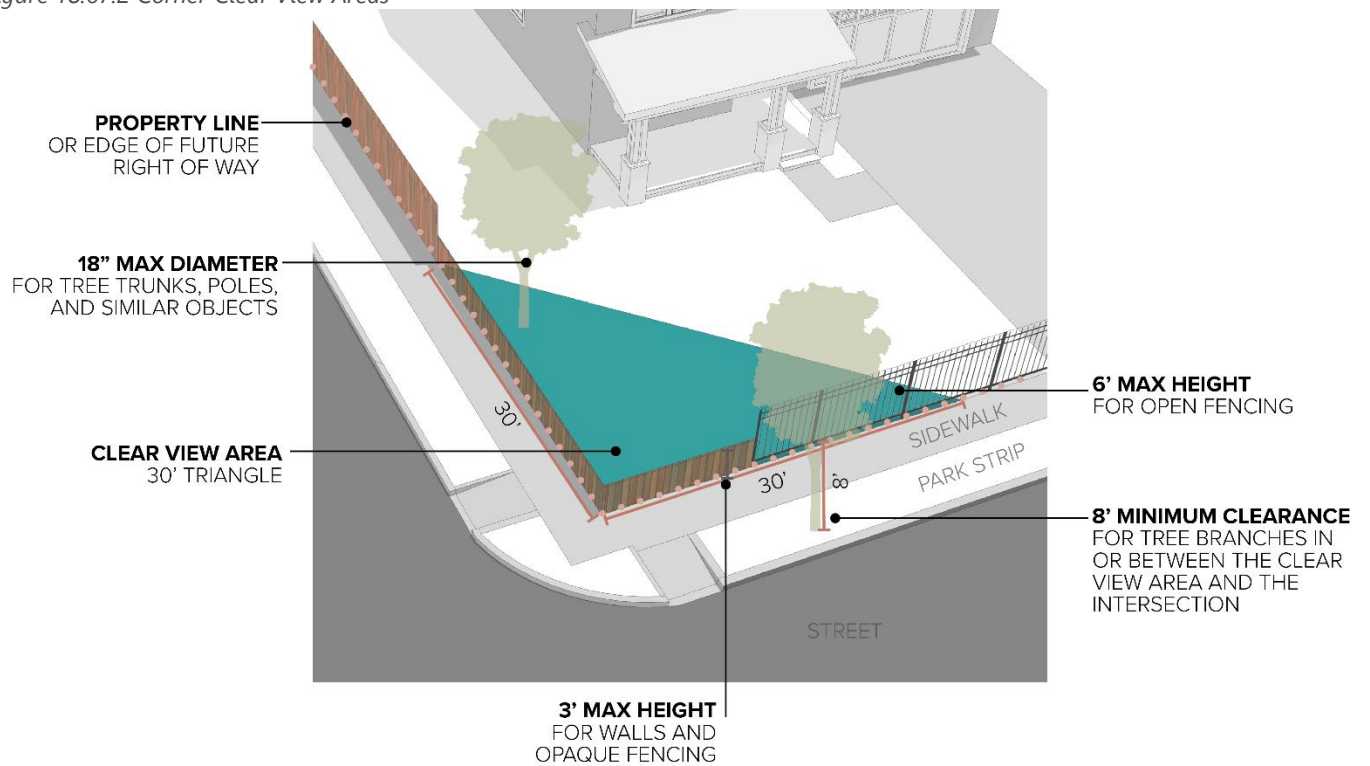


Figure 18.67.2 Corner Clear View Areas



18.67.040 Exceptions

Fences, trees, utility poles, standard mailboxes approved by the U.S. Postal Service, and street signage may be located within the clear view area provide that:

- A. Fences and other objects shall not exceed three feet (3') in height or shall be an open-style and non-obscuring material as approved by the City Engineer.
- B. Tree branches shall be pruned at least eight feet (8') above the ground and shall not block street signs or signals.
- C. Tree trunks, utility poles, and similar objects may be allowed if approved by the City Engineer.

18.68 Outdoor Lighting

18.68.010 Purpose

The Millcreek Together General Plan identifies sustainable design and buildings as a goal. Dark Sky lighting standards are explicitly recognized as a strategy to implement. The purpose of these standards is to acknowledge dark skies as a resource to be protected and enjoyed by the Millcreek community and to limit light pollution and light trespass across property lines, reduce energy consumption, minimize the potential disruption to nocturnal ecosystems, and promote safe and efficient outdoor lighting.

18.68.020 Applicability

All development in Millcreek shall comply with the standards in this chapter. All outdoor lighting installed after the effective date of this section shall comply with the requirements herein. This includes but is not limited to new lighting in parking areas, new residential, commercial, and manufacturing developments, including any site plan approval or change of use permit, and any new lighting installed as part of a minor site plan amendment. Lighting upgrades to existing single-household or two-household dwellings are not required to follow the requirements of this chapter, unless as part of a site plan approval or site plan amendment.

18.68.030 Outdoor Lighting Design

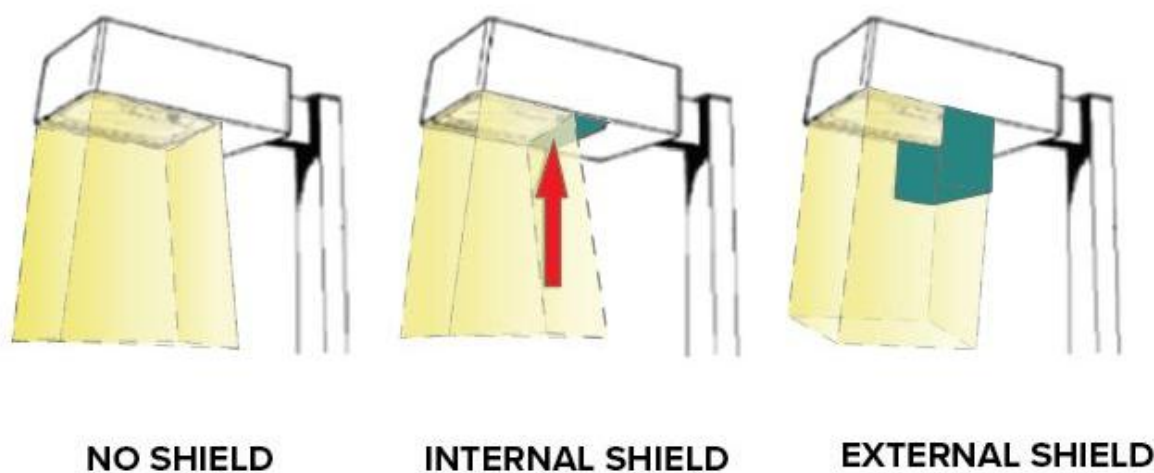
- A. Location. Outdoor lighting shall be designed at the minimum necessary to provide for the safety and functionality of the property. Outdoor lighting shall be limited to areas with a functional purpose (including but not limited to doors, pathways, driveways, parking areas, outdoor gathering areas). The following outdoor lighting is permitted:
 - 1. Entrances to buildings (including garages)
 - 2. Pathways and walkways
 - 3. Outdoor gathering areas
 - 4. Architectural and landscape lighting provided the following are met:

- a. The light fixture is mounted on and directed onto the front of a commercial building so that the light falls on the building, not on the ground abutting the building or into the night sky.
 - b. The light fixture is sufficiently shielded so that the light source does not trespass beyond the property lines.
 - c. The light fixture uses a low lumen count (less than 2,000 degrees Kelvin).
5. Lighting for security purposes shall satisfy the following:
 - a. Lighting is activated by motion sensor and does not stay on for longer than five (5) minutes..
 - b. Lighting is placed and directed so that no direct illumination surpasses property lines and satisfies the standards outlined in MKZ 18.68.030 (D).
6. Outdoor water features may be illuminated shall satisfy the following:
 - a. The light fixtures are angled at or below the horizontal plane.
 - b. The light fixture is placed underneath or behind the water so that the water diffuses the light from all points where the light is visible.
 - c. The light source is 1,000 lumens or less.
- B. Light Color Temperature. All outdoor lighting shall be a warm light temperature color. All light sources for outdoor lighting temperature shall be equal to or less than 3,000 degrees Kelvin.
- C. Fully Shielded Fixture Requirements. Unless otherwise stated in this section, all outdoor lighting shall include fully shielded fixtures and shall be installed so light is directed downward with no light emitting above the horizontal plane extending from the bottom of the light fixture. The following characteristics shall qualify as "fully shielded":
 1. The top and sides of the fixture shall be made of completely opaque material, so light escapes only from the bottom of the fixture.
 2. For fixtures mounted on or attached to a building or structure other than a parking lot light pole or a sign, the bottom of the light source shall be at least two inches higher than the bottom of the fixture housing.
 3. Structures such as eaves, overhangs, canopies, or patio covers are not considered when determining whether a fixture is fully shielded.
 4. If mounted on or attached to a building or structure to a building other than a parking lot light pole, the light source of the fixture shall not be visible from any point not on the property where the fixture is located.
- D. Light Trespass Standards. The following standards apply to all outdoor lighting fixtures with the intent to limit light trespass from one property to another:
 1. All outdoor light fixtures shall be located, aimed, and shielded so that any direct illumination from the light fixture is confined to the property in which

the fixture is installed. Permissible light shielding configurations are illustrated in Figure 18.68.1.

2. Any light fixture with an output of 10,000 lumens that is located within 50 feet of a residential property line (including but not limited to multiple-household development) or public right-of-way shall utilize either an internal or external shield, in which the light fixture is oriented to prevent direct illumination over the adjacent property or right-of-way and the shield shall be painted in a way that minimizes reflections.

Figure 18.68.1 Shielding Configurations



- E. Exemptions. An outdoor light fixture with a total light output of less than 1,000 lumens is exempt from the shielding requirements, provided the following are satisfied:
 1. The fixture has a top that is entirely opaque to ensure that no light is directed upwards.
 2. The fixture's sides completely cover the light that is made of semi-opaque to opaque material and may have incidental decorative perforations that emit small amount of light. Completely transparent materials, such as glass, are not allowed.
 3. The light source shall not be visible from any point outside of the property in which the fixture is located.

18.68.040 Specialized Outdoor Lighting

- A. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are fully shielded as illustrated in Figure 18.68.1. Except for downward-directed beam lighting, merely placing the fixtures on the

underside of the canopy does not qualify as fully shielding the light fixture. Unshielded downward-directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen outside the property boundaries.

- B. All public outdoor lighting, including streetlights, shall utilize LED lamps or to minimize sky glow and other unintended impacts of artificial lighting. For lights along residential streets, the lowest illumination design that satisfies the minimum illumination requirements set by UDOT shall be used. Location of streetlights are subject to the provisions as set forth in MKC Title 14.
- C. Public outdoor lighting other than streetlights shall satisfy all the requirements of this chapter. Such lighting is only permitted if the lighting enhances safety and security for users of the public property being illuminated.
- D. All public outdoor lighting shall include adaptive controls that adjust illumination levels based on the time of day. The scheduling and illumination level for the adaptive controls shall be based on the nature of the public lighting, as determined by the City Engineer, with the goal of minimizing the amount of light to the greatest extent possible.
- E. Parking Lots.
 - 1. Spot or flood lighting of parking lots from a building or other structure is prohibited.
 - 2. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed 25 feet. All post-mounted parking lot lights shall be set back from property lines at a distance equal to two and one-half times the height of the pole.
 - 3. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed 14 feet.
 - 4. All parking lot lighting shall use fully shielded fixtures.
 - 5. No display area or parking lot light poles shall be located within 20 feet of the public street. Parking lot lighting adjacent to residential uses shall utilize full cut off luminaries.
- F. Recreational lighting.
 - 1. Recreational lighting fixtures for fields or courts shall satisfy the following requirements:
 - a. The recreational lighting has provisions for minimizing glare, light spillover, and uplighting using louvers, hoods, or shielding;
 - b. The recreational lighting will only illuminate the field or court area with no direct illumination falling outside of those areas; and
 - c. The recreational light source will not be visible from adjacent properties.
 - 2. Pole-mounted recreational lighting shall be limited to 60 feet in height. Pole-mounted recreational lighting shall be set back a at least 60 feet from adjacent properties.

3. The lighting for non-field and non-court areas shall conform to all provisions of this chapter.
 4. Illumination levels for recreational area lighting shall be adjustable based on the task (e.g., active play vs. field or court maintenance).
 5. Recreational lighting shall be turned off no later than 10:00 p.m., or one hour after the end of play, whichever is earlier. Recreational lighting installations shall include timers or auto-shut-off controls that prevent lights from being left on when the recreational area is not in use.
- G. Amphitheater Lighting. Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and for public safety. The following standards apply to all amphitheater lighting:
1. Lighting used to illuminate the performance area may only be turned on during performances, rehearsals or during maintenance.
 2. Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater shall meet all standards of this chapter.
- H. Vending machines, gas station pumps, ATMs, and Kiosks. Machines and kiosks that provide self-service dispensing of goods or money, including but not limited to vending machines, gas station pumps, and ATMs, may be illuminated subject to the standards of this section:
1. The machine is placed entirely underneath a solid covering (such as a patio cover) so that its light does not escape into the night sky.
 2. The machine is either:
 - a. Completely screened from view from adjacent properties and streets by a solid and opaque screen such that no illumination from the machine is visible from adjacent properties or the street, or
 - b. The light source used to illuminate the machine has a constant illumination level. The light source may not blink on and off or undulate in lighting intensity.
- I. Flagpoles. Property owners are encouraged not to illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:
1. Only the flag of the United States of America or the flag of the State of Utah may be illuminated.
 2. Flags on poles over 20 feet above ground level shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole. The luminaire shall comply with all sections of this Chapter. The total light output from any luminaire mounted on top of a flagpole shall not exceed 800 lumens.

18.68.050 Prohibited Lighting

The following are prohibited:

- A. Uplighting of any type including but not limited to lighting used to illuminate buildings and other structures, except as otherwise stated in this Chapter,
- B. Laser source lights, searchlights, or similar high-intensity lights,
- C. Strip LED lights that do not meet the provisions of this Chapter.

18.68.060 Review Procedures and Compliance Requirements

- A. All new development applications shall include an outdoor lighting plan. The lighting plan shall show evidence that the proposed lighting fixtures and light sources comply with the provisions outlined in this Chapter. The lighting plan shall include the following:
 - 1. Plans shall indicate the proposed location, height, and type of fixtures. Including but not limited to, lamps, supports, shielding and reflectors, and installation and electrical details;
 - 2. Descriptions and illustrations of lighting fixtures. Manufacturer's catalog cuts may suffice. The descriptions shall include, but are not limited to, bulb wattage, shielding, and light temperature;
 - 3. A table indicating the total amount of proposed exterior lights, by fixture type, color temperature, lamp type, and
 - 4. A calculation of the total lumen output for all outdoor fixtures on the property.
- B. The lighting plan shall be submitted for approval in accordance with all other associated application processes.

18.69 Required Studies and Plans

18.69.010 Purpose

This chapter establishes requirements for professional studies to be conducted as part of the application process for land use permits. This chapter establishes a framework for evaluating and mitigating potential negative impacts of land use developments through comprehensive professional studies. For the purposes of this chapter, the term "Studies" or "Study" shall also mean other professional documentation required such as but not limited to reports, analysis, plans, and surveys.

18.69.020 Applicability

This chapter applies to all proposed developments seeking a building permit or land use approval. Studies are required for land use applications as set forth in MKZ 18.69.040, Study Types. Required studies must be submitted with a Land Use Application. Standards in other chapters may apply. In the event the regulations of this chapter conflict with other regulations of this Title, then the more restrictive regulations shall apply.

18.69.030 Study and Plan Requirements

- A. Study Preparation. Each study shall be prepared by a qualified professional in the respective field, licensed to practice in the State of Utah. Studies shall be based on methodologies recognized by professional organizations and industry standards approved by the City.
- B. Commission of Study. Except for photometric studies and sign illuminance studies, the City shall commission the applicable study from a pool of licensed professional engineers, architects, and surveyors, at the applicant's expense. The applicant shall pay the cost of the study before its commencement. The City shall not begin the commencement of the study until the estimated cost is paid in full.
- C. Scope of Study. The qualified professional performing the study shall determine the scope of the study, including the methodology used to analyze negative impacts accurately and propose recommended mitigation measures. The City must approve this scope. The Planning Director may modify the scope of the study if it is determined to be in the City's best interest.
- D. Submission Requirements. The applicant shall submit a PDF copy of the study and plan with the required land use application.

18.69.040 Study Types

A. Traffic Impact Study

1. A traffic impact study includes but is not limited to a detailed analysis of existing and anticipated traffic impacts generated by the proposed development, including but not limited to vehicle, pedestrian, cyclist movements, drive up and drop off lane stacking. The traffic impact study shall be supported by appropriate data presented in the latest edition of the Institute of Transportation Engineers' (ITE) publication, *Trip Generation Manual*. Other studies recognized by the traffic engineering profession may be used for analysis purposes. Those conducting impact studies should consult ITE's *Traffic Access And Impact Studies For Site Development* (1991), and the U.S. Federal Highway Administration's "Site Impact Traffic Evaluation (SITE) Handbook" report number FHWA/PL/85/004, January 1985, or the most recent publication update. The latest edition of the ITE publication *Trip Generation – An Informational Report* or any successor publication by the ITE will be used to determine average daily trips (ADT) generated based on the applicant's proposed development.
2. A traffic impact study shall be required in conjunction with all developments based on the following development threshold Study Types:
 - a. Developments that include a drive-up and/or drop-off lane as part of a land use application submittal.
 - b. Developments anticipated to generate between 50-100 Average Daily Trips (ADT) according to *Trip Generation – an Informational Report* or any successor publication by the ITE.
 - c. Developments generating more than 100 Average Daily Trips (ADT) according to *Trip Generation – an Informational Report* or any successor publication by the ITE.
3. All traffic impact studies shall, at minimum, incorporate the traffic Study Criteria identified in Table 18.69-1, Study Type and Criteria.

Table 18.69-1 Study Type and Criteria

Study Type			
	Type 1	Type 2	Type 3
Study Criteria	Developments that Include a Drive-Up and/or Drop-Off Lane	Developments Generating between 50–100 Average Daily Trips (ADT)	Developments Generating more than 100 Average Daily Trips (ADT)
Study Area	The study area shall be identified by the lot or parcel boundaries of the area of immediate influence. Study area shall include property frontages. The study area shall Identify site, cross access, and adjacent up and down stream access points within access category distance of property boundaries.	The study area shall be identified by the lot or parcel boundaries of the area of immediate influence. Study area shall include property frontage and adjacent lots or parcels. The study area shall Identify site, cross, and adjacent up and down stream access points within access category distance of property boundaries.	The study area shall be identified by the lot or parcel boundaries of the area of immediate influence. Study area shall include property frontage and adjacent lots or parcels. The study area shall Identify site, cross, and adjacent up and down stream access points within access category distance of property boundaries. Include any identified queuing distance at site and study intersections.
Design Year	Current plus Opening day.	Current plus Opening day. (City may include Future design with 5 year post Opening)	Current plus Opening day of project. (City may include Future design with 10 year post Opening)
Analysis Period	Peak hours (AM/PM and peak period of operation). Identify site traffic volumes and characteristics.	Peak hours (AM/PM and peak period of operation). Identify site traffic volumes and characteristics.	Peak hours (AM/PM and peak period of operation). Identify site traffic volumes and characteristics.

Table 18.69-1 Study Type and Criteria

Study Type			
	Type 1	Type 2	Type 3
Conflict and Capacity Analysis	Identify vehicle conflicts at access points.	Identify vehicle conflicts at access points. Analyze site and adjacent road traffic for key intersections	Diagram flow of traffic at access point(s) for site and adjacent development. Perform capacity analysis as determined by City. (May include full analysis of intersection and corridor capacity)
Data Collection	Identify traffic counts at site access and adjacent intersections.	Identify traffic counts at site access and adjacent intersections.	Identify site and adjacent street roadway and intersection geometries. Identify adjacent street(s) traffic volume and characteristics.
Right of Way Access	Review of driveway location, spacing, and queuing.	Identify right-of-way, geometric boundaries, and physical conflicts. Investigate existence of federal or state, no access or limited access control line.	Identify right-of-way, geometric boundaries, and physical conflicts. Investigate existence of federal or state, no access or limited access control line.
Design and Mitigation	On-site queuing and operational design.	Identify operational concerns and mitigation measures to ensure safe and efficient operation pursuant to appropriate state highway access category.	Determine and document safe and efficient operational design needs based on site and study area data. Identify operational concerns and mitigation measures to ensure safe and efficient operation pursuant to appropriate state highway access category.

B. Shade Study

1. A shade study is study that evaluates the movement of the sun across a site and understand how shadows cast by nearby buildings, trees, or other objects will impact solar access and natural lighting.
2. Any proposed development requesting an increase in height and or massing that exceeds the maximum height and spatial requirements of the Millcreek Zoning Code.
3. A shade study shall evaluate the entire scope of development, including all affected properties.

C. Photometric Study

1. A photometric study is a digital simulation of how light from a fixture will spread out in a space. A photometric study a key step in the lighting design process for many construction sites, including offices, restaurants, and shopping centers.
2. A photometric study is required for the following developments:
 - a. All proposed developments in the RM, C-1, C, CCOZ, MD, MD-3, M, IF, and VCSD zones with interior streetlights or parking lot lighting.
 - b. All proposed commercial or manufacturing developments abutting a Residential Zone Boundary.
3. A photometric study shall evaluate the entire scope of development, including all affected properties, drive aisles, parking lots, and abutting streets. For property lines that abut public walkways, bikeways, plazas and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut streets, other public rights-of-way, or public transit corridors, the property line may be considered to be the centerline of the street, right-of-way, or public transit corridor for the purpose of determining compliance with this section.

D. Parking and Mobility Study

1. A Parking and Mobility Study is a study that assesses parking demands and provides recommendations for new parking requirements for selected land uses associated with new development. Typically based on ITE standards, local parking counts, and proximity to existing and future transit.
2. A Parking and Mobility Study is required when:
 - a. A development is proposed that includes a land use or land uses that are not listed in Table 18.63-2 in MKZ 18.63.020.
 - b. An applicant requests a reduction in required parking on the basis of a shared parking analysis pursuant to the requirements of MKZ 18.63.020 (D).

- c. An applicant requests a reduction in required parking on the basis of a valet parking program pursuant to the requirements of MKZ 18.63.020 (D).
3. A parking and mobility study shall evaluate the entire scope of development and is subject to all requirements as set forth in MKZ 18.63.020.

E. Sign Illuminance Study

1. A sign illuminance study is a study that establishes illumination levels projected from illuminated signs and analyzes light trespass and glare impacts from sign lighting. The study includes an existing site analysis measuring light trespass and glare at all property boundaries of the site location.
2. A sign illuminance study is required for all electronic message centers and may be required for illuminated signs to evaluate the compliance of an existing illuminated sign.
3. A sign illuminance study shall evaluate the impacts of all proposed illuminated signs, to verify that the nighttime illuminance of illuminated signs and electronic message centers does not increase ambient lighting by more than 0.2 footcandles when measured as follows:
 - a. The measurement distance is determined by the following formula:
 - (1) $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$
 - (2) For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50$.
 - b. Measurements shall be taken at the required distance perpendicular to the sign face.
 - c. An ambient light measurement shall be taken using a footcandle meter at the required distance with the sign turned off.
 - d. 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.
 - e. Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.

F. Noise Study

1. A noise study is a study that assesses the impact of all existing noise sources on residential development, including industrial or commercial stationary sources, transportation noise sources, and new noise sources from the proposed development.
2. A noise study is required as part of a zoning map amendment, development agreement, site plan approval, or a change of use where a commercial or

industrial use is being proposed within 100 feet of a Residential Zone Boundary or a legally-established dwelling.

3. A noise study shall evaluate the entire scope of development and shall demonstrate that the noise generated from the proposed use will not exceed the standards of the Salt Lake County Health Department standards for residential development.

18.69.050 Plan Types

A. Circulation and Access Plan

1. A circulation and access plan shall identify a proposed project's potential traffic conflicts generated by proposed access points and vehicle, pedestrian, and bicycle routes. The circulation plan shall show adjacent roads, access points, primary travel routes, drop off and pick up areas, stacking and queuing areas, connections with adjacent properties, and pedestrian and bicycle routes.
2. A circulation and access plan is required when:
 - a. A proposed development includes the use of a drive-up window, a car wash, or a vehicle bay.
 - b. A traffic impact study is required as set forth in MKZ 18.69.040 (A).
 - c. A project includes proposed private streets serving residential uses in an AG, R-1, R-2, R-4, MH/TH, RM, C-1, C, MD, MD-3, CCOZ, or VCSD Zone.
 - d. A development is proposed as part of a zoning map amendment or development agreement. This requirement may be waived at the City's discretion.
3. At a minimum, a circulation and access plan shall show abutting streets, access points, primary travel routes, drop off and pick up areas, stacking and queuing areas, connections with abutting properties, vehicular and pedestrian access easements, and pedestrian and bicycle routes.

B. Operations Plan

1. An Operations Plan shall identify the potential sound, vibration, light, glare, odor, crime, hazardous materials, fire, and environmental impacts generated by a use or project based on the operational nature, scale, or practices of an establishment.
2. An operations plan is required for:
 - a. Applications for a conditional use permit involving a change of use or a site plan approval.
 - b. A commercial, industrial, or mixed use development is proposed as part of a zoning map amendment or development agreement. This requirement may be waived at the City's discretion.

3. An operations plan shall include the following information, if applicable:
 - a. date of commencement of operations;
 - b. proposed hours and days of operation; a general description of the operation;
 - c. a projection of the number of persons on site (e.g., employees and customers);
 - d. types of accessory uses anticipated;
 - e. hazardous materials to be used or produced on site; and
 - f. all other relevant information to describe the nature, scale, practices of the establishment.

C. Rehabilitation and Containment Plan

1. A Rehabilitation and Containment Plan is required if hazardous materials are to be stored, used, or produced in significant quantities as part of a proposed use. A rehabilitation and containment plan shall identify the policies and practices to prevent and contain the accidental or inappropriate discharge of those materials. The plan shall demonstrate that the proposed use will comply with all State and Federal requirements and that the public and the environment will be protected from hazardous conditions.
2. A rehabilitation and containment plan is required for:
 - a. Applications for a conditional use permit involving a change of use or a site plan approval.
 - b. Any change of use or site plan approval for a development that involves significant quantities of hazardous materials.
 - c. A commercial, industrial, or mixed use development is proposed as part of a zoning map amendment or development agreement. This requirement may be waived at the city's discretion.
3. At a minimum, a rehabilitation and containment plan shall:
 - a. demonstrate that the proposed use will comply with all State and Federal requirements and that the public and the environment will be protected from hazardous conditions; and
 - b. a description of include actions that will be taken upon cessation of activities or uses involving potentially hazardous materials to ensure that the site is free from hazardous materials for future activities or uses.

18.70 Single-Household and Two-Household Dwelling Standards

18.70.010 Purpose

These standards are intended to create a harmonious and compatible standard for single and two household dwellings.

18.70.020 Applicability

These standards apply to all single-household and two-household dwellings in all zoning districts in Millcreek.

18.70.030 Standards

- A. Any detached single-household or two-household dwelling located on an individual lot or parcel outside of a mobile home park or mobile home subdivision must satisfy the off-street parking requirements in MKZ 18.63, Parking and Mobility Standards, and the following standards in addition to any others required by law except as provided below:
1. The dwelling unit must satisfy the International Building Code or International Residential Code, as applicable, or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development and must not have been altered in violation of such codes. A used manufactured home must be inspected by the City building official or his designated representative prior to placement on a lot or parcel to ensure it has not been altered in violation of such codes.
 2. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to [Utah Code Section 59-2-101 et seq., Property Tax Act.](#)
 3. The dwelling must be permanently connected to and approved for all required utilities.
 4. The dwelling must provide a minimum of 72 square feet per dwelling unit of enclosed storage, with a minimum height of six feet (6'), located in the basement or garage area or in an accessory structure. The accessory structure shall conform to the requirements of MKZ 18.59, Accessory Structures, and all applicable building codes.
 5. The dwelling must be attached to a site-built permanent foundation which satisfies the International Building Code or International Residential Code, as applicable or, if the dwelling is a manufactured home, the installation must satisfy the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of 36 inches by

36 inches and that is constructed to meet the requirements of the International Building Code or International Residential Code, as applicable. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.

6. The width of the dwelling shall be at least twenty feet at the narrowest part of its first story for a length of at least twenty feet exclusive of any garage area. The width shall be considered the lesser of the two primary dimensions. Factory-built or manufactured homes shall be multiple transportable sections at least ten feet wide unless transportable in three or more sections, in which case only one section need be ten feet wide.
7. Except as limited by subsection 8 of this section, use of one manufactured home as a dwelling on a lot or parcel located outside of a mobile home park or mobile home subdivision prior to the initiation by the City of the enactment of the ordinance codified in this section, which use does not satisfy the requirements set forth in subsections 1 through 6 of this section shall be considered as a nonconforming dwelling though not previously approved by the City if such manufactured home and the parcel on which it is located comes into compliance by December 31, 1990, with all development standards which would have applied to a single-household dwelling located on such parcel at the time the manufactured home was first used on the parcel as a dwelling. Development standards shall include subdivision, zoning, flood control, outside electrical hookup, applicable fees, health, and fire service provider requirements for single-household dwellings on such lot or parcel.
8. The use of a manufactured home as a dwelling located on a lot or parcel or lot outside of a mobile home park or mobile home subdivision shall terminate on December 31, 1990, unless the owner opts to have the manufactured home taxed as real property on or before such date by filing an affidavit with the State Tax Commission pursuant to [Utah Code Chapter 59-2, Property Tax Act](#), and meeting the requirements of that statute for having the manufactured home taxed as real property.
9. Replacing an existing nonconforming manufactured home on a lot or parcel outside a mobile home park or mobile home subdivision shall comply with all requirements herein, and the requirements of the applicable zone.

18.71 Accessory Dwelling Unit Standards

18.71.010 Purpose

Accessory Dwelling Units (ADUs) in single-household residential zones are an important tool in the overall housing goals and needs of the City and allow for alternative and flexible housing options in owner-occupied single-household dwellings. The purposes of the ADU standards of this code are to:

- A. Create new housing units while respecting the appearance, neighborhood character, and scale of single-household residential development.
- B. Provide more housing choices in residential zones.
- C. Allow more efficient use of existing housing and large yards.
- D. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households.
- E. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.
- F. Broaden the range of affordable housing options throughout the City.

18.71.020 Interpretation

The City's intent in adopting this ordinance is not to increase the density of the underlying zone designation. An ADU shall always be an accessory use to the principal dwelling.

18.71.030 Applicability

Properties are eligible for an accessory dwelling unit if:

- A. The property is owner occupied,
- B. The use of the property at the time of application and at any time thereafter is single-household residential, and
- C. The property is in an R-1 or A zone.

18.71.040 Permitted and Conditional Uses and Limitations

- A. Internal ADUs are a permitted use as set forth in [Utah Code Section 10-9a-530](#), with additional requirements set forth in MKZ 18.71.070.
- B. Attached and Detached ADUs are permitted uses in the R-1 and A zones are subject to the design standards of this chapter.

18.71.050 Request For Compliance Determination

A property owner may request a review to determine the compliance of an accessory dwelling unit. This request shall be conducted following the procedure as set forth in MKZ 18.15.030 (E). The Planning Director shall issue a Compliance Determination in writing. If the Planning Director determines that an Accessory Dwelling Unit complies with the standards of this chapter, then a notice of compliance shall be recorded on the property at the Salt Lake County Recorder's Office. Notices that demonstrate compliance with the City's land use regulations and state statute shall include, at a minimum, the following:

- A. A description of the primary dwelling;
- B. A statement that the primary dwelling or property contains an ADU;
- C. A statement that the primary dwelling or property is owner-occupied; and
- D. A statement that the ADU may only be used in accordance with the City's land use regulations.

18.71.060 Development Standards Generally

- A. An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or property.
- B. A property may have either an internal or attached ADU as part of a primary dwelling, or a detached ADU on the lot or parcel that is shared with the primary dwelling. No property may have more than one ADU.
- C. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new ADU is proposed in an existing single-household dwelling, the entire ADU shall comply with all applicable standards.
- D. The installation of separate utility meters is prohibited.
- E. An ADU shall comply with the regulations of the underlying zone for accessory buildings. Where the provisions in this chapter are inconsistent with provisions found in any other chapters of City ordinances, the most restrictive provisions shall apply.
- F. Design Standards. The ADU, attached or detached, shall incorporate at least one of the exterior materials used in the principal dwelling for 20 percent of all structure facades. The ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case an ADU may have a flat roof or a pitched roof. The ADU shall maintain the same color of the primary dwelling for at least 50 percent of all facades.
- G. ADUs may not be built within a recorded easement.
- H. Additional requirements for internal ADUs shall be as set forth in MKZ 18.71.070.
- I. Additional requirements for attached ADUs shall be as set forth in MKZ 18.71.080.
- J. Additional requirements for detached ADUs shall be as set forth in MKZ 18.71.090.

18.71.070 Development Standards for Internal Accessory Dwelling Units

Internal ADUs are regulated pursuant to [Utah Code Section 10-9a-530](#), and additionally shall

- A. Not change the appearance of the primary dwelling as a single-household dwelling;
- B. Be prohibited from having separate utility meters from the primary dwelling; and
- C. Be prohibited in a mobile home or manufactured home.

18.71.080 Development Standards for Attached Accessory Dwelling Units

Attached ADUs are permitted, subject to the following standards:

- A. The entrance for the attached ADU shall not be visible from a public right-of-way.
- B. The occupancy limit for an attached ADU is two adults and any number of children.
- C. The lot or parcel coverage for an attached ADU is determined by the underlying zone standards.

18.71.090 Development Standards for Detached Accessory Dwelling Units

- A. A detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures, especially structures with wheels, shall not be permitted as a detached ADU.
- B. A detached ADU is not eligible for The Neighborhood Compatibility Modification provisions found in [MKZ 18.34](#) or [MKZ 18.36](#).
- C. A detached ADU shall not be used as a short-term rental.
- D. Exterior lighting shall provide illumination directed downward and shall follow the standards as set forth in [MKZ 18.68, Outdoor Lighting](#). Light sources shall not be visible from abutting properties.
- E. Windows on a façade, located within 15 feet of an abutting property containing a single-household, twin home, or duplex dwelling, shall be fixed (non-operable) and translucent or shall be installed skylights.
- F. Entrances, parking, and stairways within 15 feet of an abutting property shall not be visible from the abutting property. This may be done with a fence along the side and rear property lines, landscaping that is dense enough to obscure activity or by placing the entrances and stairs out of view of abutting properties. Corner properties with ADU entrances facing a right-of-way are not required to screen the entrance if not facing the same right-of-way as the primary dwelling entrance.
- G. Detached ADUs shall not be built on slopes of 30 percent or greater.
- H. Balconies on the second story of an ADU are prohibited.
- I. Exterior stairways and landing shall not encroach into a setback.

Table 18.71-2		
<i>Detached Accessory Dwelling Unit Standard</i>		<i>Specific Use Limitations or Specific Standards</i>
Minimum Property Area	8,000 SF	
Location	Rear Yard	
Gross Square Footage	An ADU shall be the lesser of the gross square footage of the existing main building, or 1,000 square feet.	
Property Coverage Total	Determined by the underlying zone designation	
Setbacks from Side and Rear Yards	5 Feet	For heights above 14 feet, the setback shall increase by 1 inch for each added inch of height.
Setback from Main Building	6 Feet	
Maximum Height	The lesser of 24 feet or the height of the existing main building.	
Occupancy Limit	2 adults and any number of children	

18.71.100 Termination

If a property owner is found to be in violation of this title the City may revoke the use of an ADU on the property.

18.71.110 Addressing

The property owner may request to have an ADU be given a separate address from the primary dwelling. A property owner requesting an additional address and shall submit for a site plan review to the City Planning and Zoning Department and pay any associated fees.

18.71.120 Enforcement And Noticing

- A. In addition to any other legal or equitable remedies available to a municipality, City may hold a lien against a property that contains an internal accessory dwelling unit if:

1. The owner of the property violates any provisions of this Title, and any other applicable section of the code;
 2. The City provides a written notice of violation in accordance with section B;
 3. The owner of the property fails to cure the violation within the time period prescribed in the written notice;
 4. The City provides a written notice of lien in accordance with MKZ 18.71.120(C);
 5. The City records a copy of the written notice of lien with the County Recorder.
- B. The written notice of violation shall:
1. Describe the specific violation;
 2. Provide the owner of the ADU a reasonable opportunity to cure the violation that is:
 - a. At least 14 days after the day on which the City sends the written notice of violation, if the violation results from the owner renting or offering to rent the ADU as a short-term rental; or
 - b. At least 30 days after the day on which the City sends the written notice of violation, for any other violation.
 3. State that if the owner of the property fails to cure the violation within the time period described above, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 4. Notify the owner of the property:
 - a. That the owner of the property may file an appeal of the notice of violation within 10 days after the day on which the written notice of violation is postmarked or posted on the property; and
 - b. Of the name and address of the City office where the owner of the property may file the written objection;
 5. Be mailed to:
 - a. The property's owner of record; and
 - b. Any other individual designated to receive notice in the owner's license or permit records; and
 6. Be posted on the property.
- C. The written notice of lien shall:
1. Comply with [Utah Code Section 38-12-102](#);
 2. State that the property is subject to a lien;
 3. Specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 4. Be mailed to:
 - a. The property's owner of record; and

- b. Any other individual designated to receive notice in the owner's license or permit records; and
 5. Be posted on the property.
- D. Appeals. A property owner that receives a written notice of violation or a written notice of lien may file an appeal in accordance with MKZ 18.04, Appeals.
 1. If the owner of property files a written objection to a notice of violation, the City may not record a lien until a hearing is held to determine that the specific violation occurred.
 2. If the City determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the expiration of the opportunity to cure the violation, regardless of whether the hearing is held after that day.
 3. If the owner of property cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation.
- E. Upon issuing a permit or business license for an ADU, the City may record a notice in the Salt Lake County Recorder's Office. Upon recording a notice, the City shall deliver a copy of the notice to the property owner via First Class Mail. The notice shall include:
 1. A description of the primary dwelling;
 2. A statement that the primary dwelling contains an ADU; and
 3. A statement that the ADU may only be used in accordance with City ordinances.

18.71.130 Existing Buildings

- A. Existing buildings in Millcreek that were permitted prior to September 17, 2021, that are intended to be used as an ADU and cannot satisfy the standards set forth in this chapter must file an application to have a structure declared a noncomplying structure and then follow the application process for a Nonconformities Determination as set forth in MKZ 18.15.040 (A) and MKZ 18.60.090 to have the use legally established. A property with an existing guest house does not qualify for an additional detached ADU. By definition, a guest house may not be rented out or leased. If a property owner wants to convert a guest house to a detached ADU the property owner must follow all applicable processes and design requirements for detached ADUs.
- B. Attached Accessory Dwelling Unit Conversions
 1. A portion of a building attached to the primary dwelling that is noncomplying and was legally established as determined under MKZ 18.60, Nonconformities, may be converted or expanded for the purpose of converting or enlarged for

the purpose of converting, into an ADU upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find that:

- a. The primary dwelling, or portion thereof, is no less than three feet (3') from the side and rear property lines;
- b. The attached ADU does not have a light source projecting onto abutting properties;
- c. The attached ADU does not have any balconies, porches, or windows facing abutting property owners, unless facing a property located in an R-M, C-1, or C Zone.
- d. The attached ADU does not protrude higher than the measured height of the existing noncomplying structure being expanded as measured from original ground surface.
- e. The attached ADU can accommodate all required parking on the property, and does not violate the required off-street parking standards, including parking requirements of this title.

C. Detached Accessory Dwelling Unit Conversions

1. A detached building that complies with all applicable height, building envelope, setback, and property coverage requirements may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit, provided the existing setbacks of the detached building are not further reduced and the structure complies with or can be altered to comply with the applicable sections of the adopted building and fire codes of the City.
2. A detached building, that is noncomplying and was legally established as determined under MKZ 18.60, Nonconformities, may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find:
 - a. The side or rear setbacks of the detached building are not further reduced to accommodate the ADU;
 - b. The detached building does not have a light source projecting onto an abutting property;
 - c. The facade of the detached building located within five feet (5') and facing an abutting property line, does not have any balconies, porches, landings, stairs, doors, or windows;
 - d. For properties with rear yards that abut an RM, C-1, or C Zone, the detached building does not exceed 24 feet in height;
 - e. For all properties, located abutting a Residential Zone Boundary or a legally-established residential dwelling, the detached building does

- not protrude higher than the measured height of the existing noncomplying structure being expanded;
 - f. Does not create any new visual impacts that a fence or wall cannot otherwise mitigate;
 - g. The detached ADU can accommodate all required parking on the property, and does not violate or diminish the required off-street parking standards, including parking requirements of this title;
 - h. Does not violate applicable standards and regulations outlined in the applicable zoning district;
 - i. The structure or proposed expansion of the structure is not within any recorded easement;
 - j. Does not result in runoff or drainage from the accessory building onto an abutting property;
 - k. The detached building shall meet all other requirements of MKZ 18.71.090, except as provided otherwise in this section; and
 - l. Meets the applicable sections of the adopted building and fire codes of the City.
- D. The Land Use Hearing Officer may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties located in the neighborhood of the subject property, consistent with the standards of this Title.

18.72 Building Height

18.72.010 Purpose

The purpose of this Chapter is to determine how building and structure height is measured and how it is applied.

18.72.020 Applicability

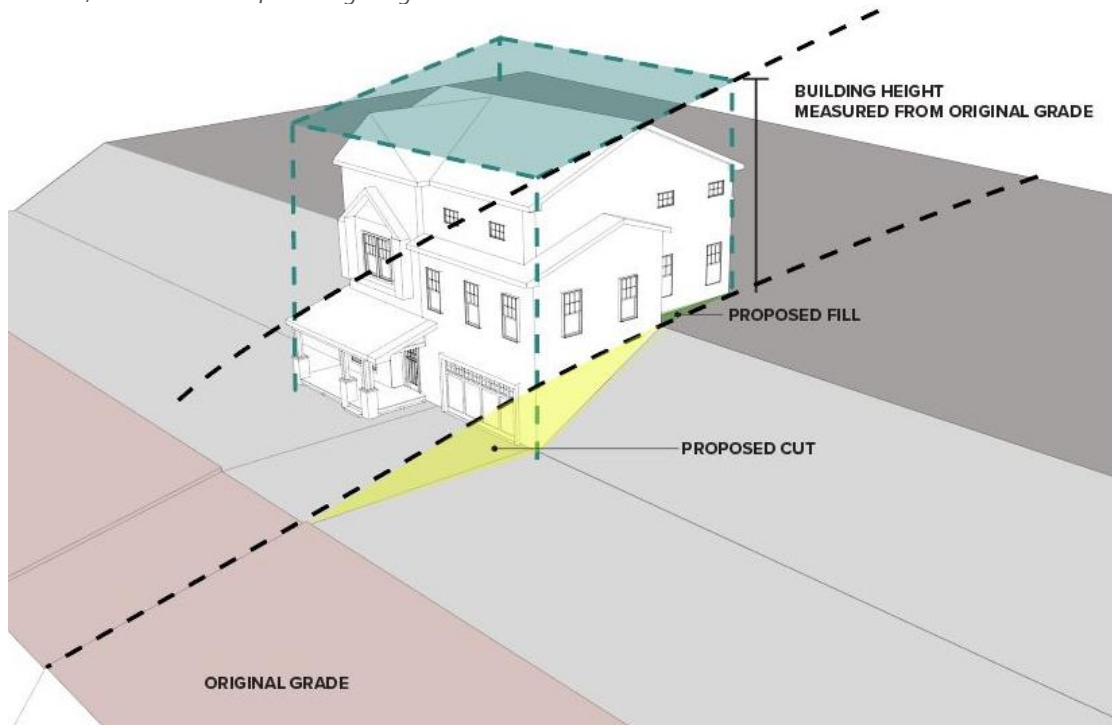
This Chapter is applicable to buildings and structures in all zones throughout Millcreek, except for fences and walls. Measurement of fences and walls is set forth in MKZ 18.66.090. The maximum allowed height of projections as described in MKZ 18.72.040 may be further limited by the standards in the underlying zone.

18.72.030 Measurement of Building Height

- A. The height of a building is measured as the vertical distance above the lowest original grade at any point on the perimeter of the building to the highest point, generally as depicted in Figure 18.72.1.
- B. The highest point includes the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs.

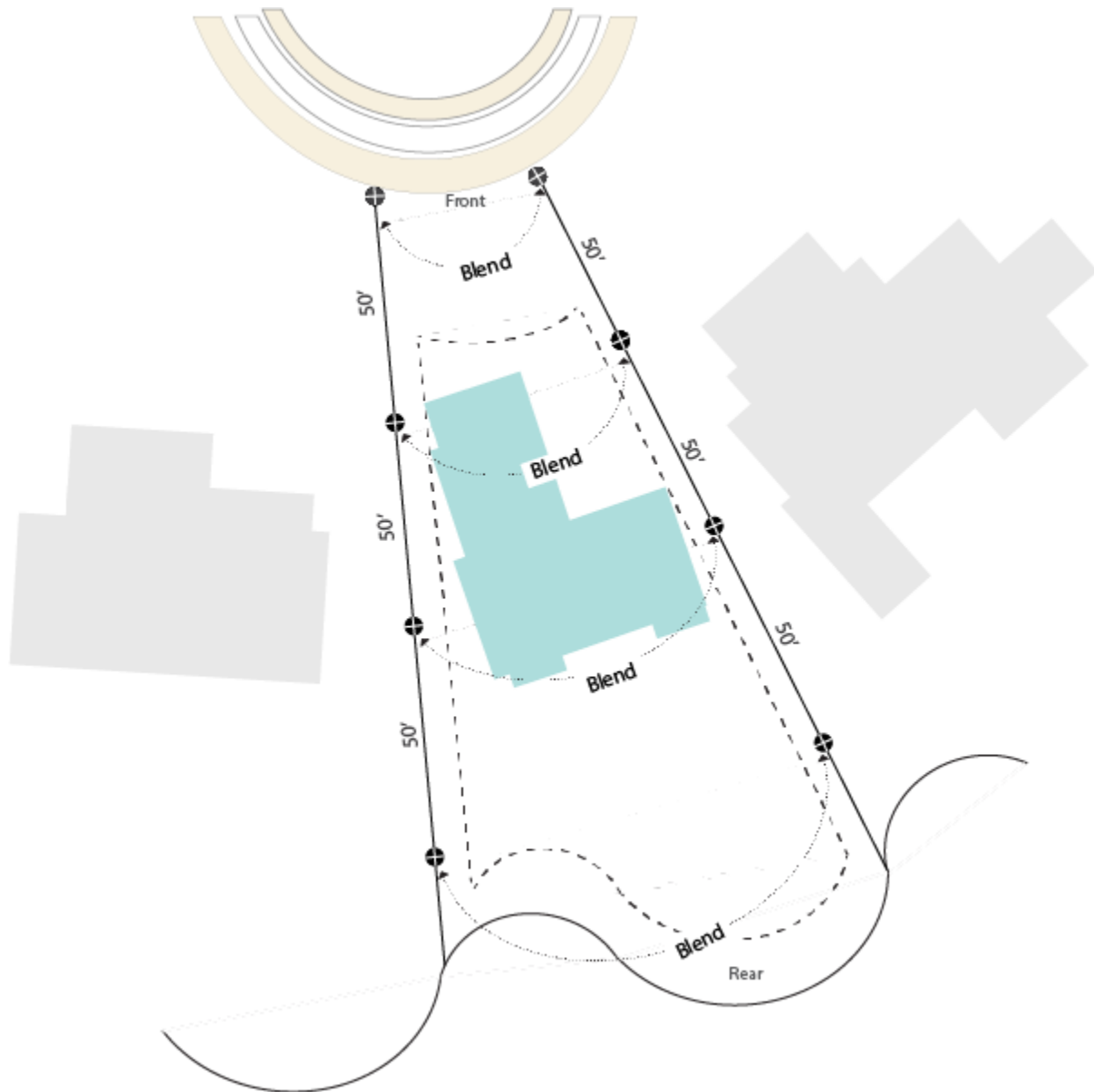
- C. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least 12 feet in horizontal dimension. The height of each stepped building segment shall be measured as required in Subsection A.

Figure 18.72.1, Measurement of Building Height



- D. The original grade is the elevation of the ground surface in its natural state before any human-caused alterations including but not limited to grading, excavation, or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent, the Planning Director shall determine the elevation of original grade using one of the following methods:
1. The original grade established related to the most recent building permit activity on the property.
 2. Referencing original grade where the developed area appears to meet the undeveloped portions of the land. The estimated grade shall tie into the elevation and slopes of adjoining properties, measured along the side property lines from the front property line to the rear property line, measured in 50-foot intervals, without creating a need for new retaining wall, abrupt differences in the visual slope and elevation of the land or redirecting the flow of runoff water. Original grade is the average of the elevations measured at the side property lines at each interval line, as illustrated in Figure 18.72.2.

Figure 18.72.2, Referencing original grade where the developed area appears to meet undeveloped portions of the land.



18.72.040 Height Projection Allowances

- A. For multiple-household dwellings, mixed use buildings, and any building housing a non-residential use located in an RM, MD, MD-3, C-1, C, M, CCOZ, or VCSD Zone, the following height projections are allowed:
1. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks,

water tanks, wireless or television masts, theater lofts, silos, or similar structures, may be erected above the height limits prescribed in this title, but no space above the height limit shall be allowed for the purpose of providing additional floor space. Maximum additional height for projections is as follows:

- a. RM, MD, MD-3, C, M, CCOZ, VCSD Zones: 14 feet
 - b. C-1 Zone: 10 feet
 - c. IF Zone: Maximum height is as set forth in MKZ 18.45.070 (C).
2. Fire or parapet walls may be erected above the height limits prescribed in this title. Maximum additional height for fire or parapet walls is as follows:
 - a. RM, MD, MD-3, C, C-1, M, CCOZ and VCSD Zones: 5 feet
 - b. IF Zone: Maximum height is as set forth in MKZ 18.45.070 (C).
 3. No structures identified above except towers, stairways and elevators, fire or parapet walls, and solar panels, may be located nearer than 10 feet to the edge of the building.

- B. Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding 40 feet if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

18.72.050 Certification and Verification of Building Heights

- A. Prior to being issued a building permit, the applicant shall certify on a form provided by the City that the building or structure complies with all applicable height requirements.
- B. Prior to being issued a Certificate of Occupancy, the building official or designee shall verify that the building or structure complies with all applicable height requirements. As part of the verification, the building official or designee may require the applicant to supply an elevation certificate prepared by a professional surveyor on a form approved by the City prior to receiving approval for a footing or foundation. If, during inspection, the City determines that a building or structure does not comply with all applicable height requirements, it is the responsibility of the applicant to modify the building or structure to ensure compliance with all applicable height requirements prior to being issued a Certificate of Occupancy.

18.73 Historic Preservation

18.73.010 Purpose

Millcreek recognizes that the historical heritage of the community is among its most valued and important assets. It is the intent of the City to identify, preserve, protect, and enhance historic neighborhoods, buildings, sites, monuments, streetscapes, and landmarks within the City

deemed architecturally or historically significant. By protecting such historically significant sites and structures, they will be preserved for the use, observation, education, pleasure, and general welfare of the present and future residents of the City.

18.73.020 Applicability

- A. Any property designated as a Historic Site or District shall be subject to this section.
- B. Each of the following structures and sites in the City is a Historic Site:
 - 1. Gardner Home and Mill Site, 1475 Murphy's Lane, Millcreek.
 - 2. Edward Pugh Home, 1299 East 4500 South, Millcreek.
 - 3. Butler House, 1045 East 4500 South, Millcreek.
 - 4. Mill Creek Farmhouse, 1106 East 4500 South, Millcreek
 - 5. Baldwin Radio Factory, 3474-3476 South 2300 East, Millcreek
- C. Each of the following districts in the City is a Historic District:
 - 1. Evergreen Avenue Historic District as listed on the National Register of Historic places in 2007.

18.73.030 Amendments

The City Council may amend the above list of Historic Sites and Districts, including designating additional Historic Sites, Structures, and Districts after review and recommendation by the Historic Preservation Commission and Planning Commission, following the procedure for a zoning map amendment as set forth in **MKZ 18.15.010 (C)**.

18.73.040 Historic Preservation Commission

- A. Establishment of the Historic Preservation Commission. There is hereby created a commission to be known as the Millcreek Historic Preservation Commission.
 - 1. The Historic Preservation Commission shall be composed of seven (7) members. Members of the Historic Preservation Commission shall consist of those individuals appointed by the mayor with the advice and consent of the City Council and may be removed by the mayor with the advice and consent of the City Council. All members of the Historic Preservation Commission shall be bona fide residents of Millcreek.
 - 2. Members of the Committee shall serve for a term as set forth in their appointment and may serve successive terms. Vacancies may be filled by the mayor with the advice and consent of the City Council for a term as set forth in the appointment; however, it is understood that the membership of the Committee may fluctuate. Members of the Committee shall serve without compensation.
 - 3. It is the intent of the City Council that the Historic Preservation Commission represent the interests of the community as a whole; that the membership of

the historic preservation commission provides balanced representation in terms of geographic, professional, neighborhood, and community interests.

4. All members of the Historic Preservation Commission shall be bona fide residents of Millcreek.

B. Terms and Organization of the Historic Preservation Commission

1. Each member of the Commission shall be appointed by the mayor with the advice and consent of the City Council.
2. One member shall be chosen from each of the four City Council districts within Millcreek and three shall be chosen at large.
3. To the extent available in the community, at least two (2) members of the Commission shall be professionals in fields related to historic preservation (i.e., history, architectural history, archaeology, historic architecture, or planning).
4. Commission members shall serve for a term of four (4) years and until their successor is appointed.
5. The terms of the members shall be staggered such that the term of four members shall expire on January 31st of the year when the mayor takes office, and the terms of the other three members shall expire two (2) years later on January 31st. New members shall be appointed as soon as possible following the expiration of term.
6. The mayor may remove any member of the Historic Preservation Commission for cause, with the advice and consent of the City Council. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term.
7. In the event that the City Council are unable to find someone from one of the four City Council districts to be appointed as a Historic Preservation Commissioner, a person may be chosen from any of the other districts.

C. Power and Duties of the Historic Preservation Commission. The Historic Preservation Commission shall have the following duties:

1. Review and issue recommendation on Conditional Use Permits associated with alteration of a historic site or structure on the Historic Landmarks List.
2. Issue Certifications of Historical Appropriateness (COA).
3. Conduct research and collect information on the history of Millcreek, including the establishment of a repository for important documents, artifacts, and other items of historical significance.
4. Provide a written history of Millcreek, as well as an historical program which outlines Millcreek's history for various age groups in the community. This may include, but not be limited to, the use of written summaries of history, visual exhibits, video tapes, displays, and other media.

5. Increase the awareness of Millcreek's history through the commemoration of historical events.
6. Designate entries on the National Register of Historic Sites in Utah and recommend to the State Historic Preservation Officer nominations for the National Register of Historic places, utilizing the criteria for evaluation from the National Register.
7. Attend at least one informational or educational meeting each year, sponsored by the State Historic Preservation Office, pertaining to the work and functions of the Commission or to historic preservation.
8. Submit an annual report of the activities of the Commission to the State Historic Preservation Office and to the City Council.
9. Review all proposed National Register nominations for properties within the boundaries of the City.
10. Conduct or cause to be conducted a survey of cultural resources in the City which in form and content will be compatible to the Utah inventory of historic and archaeological sites.
11. Act in an advisory role to other officials and departments of the City regarding the protection of local cultural resources and shall act as a liaison on behalf of the City to individuals and organizations within the City concerned with historic preservation.
12. Support the enforcement of all state and local legislation relating to historic preservation.

18.73.050 Historic Preservation Commission Meetings and Notification

- A. The Historic Preservation Commission shall provide for adequate public participation in the historic preservation programs, including the process of recommending properties for nomination to the National Register.
- B. Commission meetings shall occur at regular intervals, and at least twice a year.
- C. Minutes of all meetings shall comply with the requirements of [Utah Code Section 52-4-203\(2\)](#).
- D. The Historic Preservation Commission may organize committees; adopt administrative rules, bylaws, and procedures necessary to accomplish its purpose. Such rules, bylaws and procedures shall be submitted to the City Council for approved before taking effect.

18.73.060 Historic Landmarks List

- A. Created. There is hereby created a Millcreek Historic Sites and Districts List (the "list"), which shall serve as a means of providing recognition to and encouraging the preservation of historic resources in the City. The list shall be prepared and maintained by the Historic Preservation Commission and filed with the City recorder's office and incorporated into the applicability section of this Chapter. Owners of property where historic sites and districts are found shall be

notified by the City recorder's office that a site found on the owner's property has been included on the list.

- B. Contents. The list shall describe each historic resource included therein, the date or approximate date of its construction, the date during which its historic significance was established, the reason for including it on the list, and the names and addresses of the current owners as shown on the records of the Salt Lake County Recorder.
- C. Criteria. The Historic Preservation Commission may designate any neighborhood, building, structure, object, site, or district to the list as a historic resource in accordance with the procedures set forth herein if it is determined by the Historic Preservation Commission that the historic resource satisfies all the following criteria:
 - 1. It is located within the official boundaries of the City;
 - 2. It is at least 50 years old; and
 - 3. There are no major alterations or additions that have obscured or destroyed the historic significance.
- D. Notification. The owners of the items under consideration for inclusion on the list shall be notified in writing either by certified mail or hand delivery of the proposed action to designate the historic resource to the list and shall be invited to attend the historic preservation commission meeting in which the designation will be discussed. Said notification shall be provided as described herein not less than 14 days prior to the date of the Historic Preservation Commission meeting in which the designation will be discussed.
- E. Designation Procedures. The Historic Preservation Commission is charged with designating properties to list, and to maintain the same. The list shall reference any research related to the historic resource and a copy of the list shall be kept in the Historic Preservation Commission's historic sites files. The historic sites files shall be open to the public in accordance with the Utah Governmental Records Access and Management Act. This list shall be reviewed, and historic resources shall be added or deleted as appropriate on, at minimum, a yearly basis by the historic preservation commission. The list should include historic resources located within the City that satisfy the minimum requirements set forth below:
 - 1. The historic resource is rated an "A" or "B" on a professional reconnaissance level survey;
 - 2. The historic resource is deemed "A" or "B" by the Historic Preservation Commission (for properties outside of a surveyed area);
 - 3. An historic resource that does not satisfy the "A" or "B" criteria established by the National Register of Historic Places may nonetheless be included if it is of exceptional importance to Millcreek's history; or
 - 4. Any historic resource that has undergone major alterations or has been destroyed may be identified by markers may be placed on the original site of the historic resource with City Council approval; and

5. The designation under consideration is not objected to by the owner of the historic resource.
- F. Certificate. The owner of an officially designated historic resource may obtain an historic site certificate from the Historic Preservation Commission. The certificate shall contain the historic name of the property, the date of designation, and signatures of the mayor and the Historic Preservation Commission chairperson.
- G. Removal or Properties from the List.
 1. If, after review and consideration by the Historic Preservation Commission, it is determined that a historic resource no longer satisfies the criteria for listing, the Historic Preservation Commission may remove the historic resource from the list.
 2. A property owner of a historic resource may request removal of the historic resource from the list by submitting a request in writing to the City recorder's office, who shall promptly notify the Historic Preservation Commission of the written request.
 - a. The Historic Preservation Commission shall remove a historic resource from the list within 10 calendar days following the City Recorder's receipt of a written request.
 - b. The Historic Preservation Commission shall use reasonable efforts to document the historic resource prior to its removal from the list.
- H. Alteration, Relocation, and Demolition Process. A Conditional Use Permit is required for any modifications to a historic site or structure on the Historic Landmarks List, including modifications to the landscaping, fencing or appearance of any lot or parcel, or demolition, construction, alteration, relocation, improvement, or conversion of a historic site.
 1. Applications for a Conditional Use Permit on a historic site shall be made in the manner and subject to the procedures and requirements set forth in MKZ 18.15, Specific Procedures by Application Category and Type.
 2. The Historic Preservation Commission shall make a recommendation on all Conditional Use Permits for modification to a historic site or structure.
 3. To the extent that the requirements of this chapter and MKZ 18.15 are inconsistent, the requirements of this chapter shall prevail.
 4. Alteration, Relocation, and Demolition Review Criteria
 - a. The Planning Commission shall not approve a Conditional Use Permit for a historic site which would be contrary to the purposes of this chapter by adversely affecting the architectural significance, the historical appearance, or the educational and historical value of the site unless all the following conditions have been met:

- (1) The application satisfies the requirements for a conditional use permit set forth in MKZ 18.15.030 (A);
 - (2) The application satisfies all the requirements of the base zone in which the property is located;
 - (3) The application has been pending before the Planning Commission for a period of at least one year.
- I. Documentation prior to Demolition. If a historic resource is approved to be demolished or undergo major alterations, efforts shall be made by the Historic Preservation Commission to document its physical appearance before that action takes place.
 1. The City shall delay issuing a demolition permit for a maximum of 10 business days and shall notify a member of the Historic Preservation Commission, who will take responsibility for the documentation.
 2. Documentation shall include, at a minimum, exterior photographs of all elevations of the historic resource. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.
 3. A demolition permit shall be issued after the 10 business day delay from the initial date of permit application whether or not the Historic Preservation Commission has documented the building. The permit may be issued earlier if the Historic Preservation Commission has completed its documentation.
 4. Documentation shall be kept in the Historic Preservation Commission's historic sites files, which shall be open to the public in accordance with the Utah Government Records Access and Management Act.

18.73.070 Site Modification

- A. The Planning Commission may modify all yard, parking, landscaping, height, and other requirements of the base zone, as necessary to fulfill the purpose of this chapter. In so doing, the nature and character of adjacent properties shall be considered to ensure that the health, safety, convenience, and general welfare will not be impaired. The Planning Commission may establish development criteria to reasonably mitigate reasonably anticipated detrimental effects associated with a permitted or conditional use in the base zone, including, but not limited to, noise, glare, dust, or odor.
- B. When, by reason of unusual circumstance, the strict application of any provision of this section would result in exceptional practical difficulty or undue economic hardship upon any owner of a historic resource, the City Council, with recommendation from the Historic Preservation Commission, shall have the power to modify strict provisions, so as to relieve such difficulty or hardship; provided, such modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the historic resource, shall be conserved and substantial justice done. In granting

modifications, the City Council, with or without recommendation from the Historic Preservation Commission, may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. Undue hardship shall not include a situation of the person's own making.

18.73.080 Historic Landmarks Register

- A. Criteria. There is hereby created a Millcreek Historic Landmarks Register (the "register"), which shall provide further recognition of significant historic resources; provide protection for historic resources as set forth in this chapter; and may qualify owners of historic resources to special assistance from the City as may be determined by the City Council in its sole discretion.
 - 1. The register shall be prepared and maintained by the Historic Preservation Commission in accordance with the provisions set forth in this chapter.
 - 2. A notice of listing shall be filed for each property listed on the register with the City and recorded in the office of the Salt Lake County Recorder.
 - 3. Owners of property where historic landmarks are found shall be notified by the City Recorder's office that a landmark found on the owner's property has been included on the register.
- B. Contents. The register shall describe each historic resource, the date or approximate date of its construction, the date during which its historic significance was established, the qualifications for including it on the register, and the name and address of the current owner of the property as shown on the records of the Salt Lake County Recorder.
- C. Criteria. Any historic resource may be designated to the register in accordance with the procedures set forth herein if it satisfies all the criteria set forth below:
 - 1. The historic resource is located within the corporate boundaries of Millcreek;
 - 2. The historic resource is currently listed in the National Register of Historic Places (the "National Register"), or it has been officially determined eligible for listing in the National Register under the criteria of 36 C.F.R. 60.4, as amended.
 - 3. The historic resource shall also satisfy at least two of the following criteria:
 - a. It is an easily identifiable visual feature of its neighborhood or the City because of its positioning, location, age, scale, or style, and it contributes to the distinctive quality or identity of its area in such a way that its absence would negatively affect the area's sense of place;
 - b. It figures importantly into Millcreek's founding or development through its uses, especially public uses;
 - c. It is associated with persons significant in the founding or development of Millcreek, especially the earliest settler families (1847 – 1900);
 - d. It is associated with events that have made a significant contribution to the founding or development of Millcreek;

- e. It illustrates an important architectural form, style, or building technique, especially as an example of “local vernacular” (e.g., single- and two-story rock/adobe homes; simple brick Victorians) or as a singular example of form, style, or technique within the City;
 - f. It has been used as a way-finding landmark for at least 50 years; or
 - g. It has yielded, or may be likely to yield, information important in prehistory or history (e.g., archaeological sites).
- D. If a historic resource does not satisfy at least two of the criteria of subsection (3)(c) of this section but is of exceptional importance to Millcreek’s history and the owner of the property wishes to have it designated as a historic resource on the register, the Historic Preservation Commission may review the request and, if deemed suitably significant, may recommend to the City Council that the historic resource be added to the register.
- E. Notification. The owner of the historic resource shall be notified in writing either by certified mail or hand delivery of proposed action to designate the historic resource to the register and shall be invited to attend the Historic Preservation Commission meeting in which the designation will be discussed.
- F. Designation Procedures. Official designation proceedings shall begin with submittal of a written request for designation by either the property owner or a member of the Historic Preservation Commission. The request shall identify the property by its address and historic name, give the date the property was listed in the National Register or officially determined eligible, and include a statement summarizing the property’s significance to the City. This official request may be preceded by informal contacts with the property owner by Historic Preservation Commission members, private citizens, local officials, or others regarding designation of the property.
 - 1. Upon written request for designation, the Historic Preservation Commission chairperson shall arrange for the designation to be considered at the next Historic Preservation Commission meeting, which shall be held at a time not to exceed 30 days from the date the designation request was received.
 - 2. A decision by the Historic Preservation Commission shall be based on whether the property satisfies the criteria for designating properties to the register as set forth in subsection B.2.c of this section. The Historic Preservation Commission shall forward its recommendation in writing to the City Council within 14 days of the decision.
 - 3. The City Council may, by adopting an appropriate resolution, designate a historic resource to the register. The owner of the historic resource shall be notified at least three (3) days prior to the City Council meeting at which the ordinance will be considered and shall be allowed to address the council with regard to the designation. Following designation, a notice of such shall be mailed to the owners of record.

4. A historic resource which, in the opinion of the Historic Preservation Commission, no longer satisfies the criteria for eligibility may be removed from the register after review and recommendation by the Historic Preservation Commission and the adoption of an appropriate ordinance by the City Council.
 5. Upon official adoption of a designating or removal ordinance, the Historic Preservation Commission shall record proper notice with both the City Recorder's office and the County Recorder's office to indicate such designation or removal on the official records thereof.
- G. Result of Designation. An owner of a historic resource listed on the register may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating the owner's properties.
- H. Alteration, Relocation, and Demolition Process. Proposed repairs, alterations, additions, relocations, or demolitions to historic resources listed on the register requiring a building permit are subject to review by the Historic Preservation Commission and shall receive a "Certificate of Historic Appropriateness" prior to issuance of a building permit. The purpose of this review is to ensure the preservation of historic resources to the greatest extent reasonably possible.
 1. Any application for a building permit pertaining to a historic resource designated on the register shall be forwarded by the Planning Director to the Historic Preservation Commission for its determination prior to the issuance of the requested permit.
 - a. At its next scheduled meeting, the Historic Preservation Commission shall review the application and proposed work for compliance using the United States Secretary of the Interior's Standards for Rehabilitation, in effect at the time of the scheduled meeting.
 - b. The Historic Preservation Commission's determination shall be forwarded within three (3) days to the Planning Director for review.
 - c. If the Historic Preservation Commission denies or requires significant revisions to a permit application, the determination shall indicate the specific standards on which the decision of the Historic Preservation Commission is based and, where appropriate, shall provide a brief explanation setting forth the reasons for the determination. Copies of the determination shall be forwarded by the Planning Director to the property owner.
 - d. The Planning Director shall, upon receipt of the Historic Preservation Commission's determination, process the permit as set forth in this section. Projects which, as determined by the Historic Preservation Commission, are consistent with the standards shall be issued a Certificate of Historical Appropriateness which authorizes the building

permit to be issued upon compliance with all other applicable requirements of this title or any other applicable ordinance.

- e. An applicant whose submittal does not comply with the standards may, for a period of sixty (60) days, meet with the Historic Preservation Commission, together with the Planning Director, to explore means for proper repair, alteration or addition to the historical resource which are consistent with the standards, which may include the following:
 - (1) Feasibility of modifications to the plans;
 - (2) Feasibility of alternative uses of the historic resource;
 - (3) Feasibility of acquiring easements and/or variances;
 - (4) Feasibility of acquiring financial or other forms of assistance from preservation organizations.
- f. If no approval is granted within the initial sixty (60) days, the Historic Preservation Commission may grant an extension of an additional sixty (60) days. If no approval is granted at the conclusion of one hundred twenty (120) days, the Certificate of Historic Appropriateness shall be denied if the standards for rehabilitation cannot be satisfied and the requested building permit shall not be issued by the Planning Director until the historic resource is removed from the register or list, following documentation of the historic resource described in this chapter.

I. Alteration, Relocation, and Demolition Review Criteria. A decision by the Historic Preservation Commission approving or denying a Certificate of Historic Appropriateness for the relocation of a historic resource shall be guided by the following criteria:

- 1. How the historic character and aesthetic interest of the historic resource contributes to its present setting;
- 2. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
- 3. Whether the historic resource can be relocated without significant damage to its physical integrity; and
- 4. Whether the proposed relocation area is compatible with the historical and architectural character of the historic resource.

J. A decision by the Historic Preservation Commission approving or denying a Certificate of Historic Appropriateness for the demolition of a historic resource listed on the register shall be guided by the following criteria:

- 1. The historic, scenic, or architectural significance of the historic resource;
- 2. The importance of the resource to the character of the neighborhood or City;

3. The difficulty or the impossibility of reproducing the historic resource because of its design, texture, material, detail, or unique location;
 4. Whether the historic resource is one of the last remaining examples of its kind in the neighborhood or City;
 5. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
 6. Whether reasonable measures can be taken to save the historic resource from deterioration or collapse; and
 7. Whether the historic resource is capable of being used to earn a reasonable economic return on its value.
- K. A Certificate of Historical Appropriateness shall become void unless construction authorized by a building permit is commenced within 180 days after issuance of the certificate.
- L. Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a historic resource to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a Certificate of Historic Appropriateness.
- M. An owner of a historic resource listed on the register shall not allow any building to deteriorate by failing to provide ordinary maintenance or repair. The Historic Preservation Commission shall be charged with the following responsibilities regarding deterioration by neglect:
1. The Historic Preservation Commission shall monitor the condition of historic resources to determine if any historic resource is being allowed to deteriorate by neglect. Conditions such as broken windows, doors and exterior openings which allow the elements to enter or otherwise become an attractive nuisance, or the deterioration of a historic resource's structural system shall constitute failure to provide ordinary maintenance or repair.
 2. In the event the Historic Preservation Commission determines there is a failure to provide ordinary maintenance or repair, the historic preservation commission shall notify the owner of the historic resource and set forth the steps which need to be taken to remedy the situation. The owner of the historic resource shall have 30 days to make necessary repairs.
 3. In the event that the condition is not remedied in 30 days, the historic preservation commission may remove the historic resource from the register. This section shall not be construed as a limitation to other enforcement actions which may be undertaken by the City in accordance with other statutes or ordinances.
- N. When, by reason of unusual circumstance, the strict application of any provision of this section would result in exceptional practical difficulty or undue economic hardship upon any owner of a historic resource, the City Council, with recommendation from the Historic Preservation

Commission, shall have the power to modify strict provisions, so as to relieve such difficulty or hardship; provided, such modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the historic resource, shall be conserved and substantial justice done. In granting modifications, the City Council, with or without recommendation from the Historic Preservation Commission, may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. Undue hardship shall not include a situation of the person's own making.

- O. A person who alleges that action by the Historic Preservation Commission or the City will result in an unconstitutional taking of property may request a review thereof as provided in the Code.

18.73.090 Standards for Rehabilitation.

- A. The following standards for rehabilitation shall be used when determining the historic appropriateness of any application pertaining to a historic resource:
 - 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.
 - 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - 4. Most properties change over time; those changes that have acquired historical significance shall be retained and preserved.
 - 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - 8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

18.73.100 General Design Guidelines.

- A. These Guidelines expand on some of the concepts articulated in the Standards for Rehabilitation in the previous section.
 1. Avoid demolition of historic and contributing buildings. They are finite resources and cannot be replaced.
 2. Vacant buildings should be weather- and vandal-proofed in order to minimize further deterioration and the threat of public safety.
 3. Rehabilitation work, especially on the exterior and the principal façade, should preserve existing historic features or replace them. If absolutely necessary, with features and materials known to have existed on the building. Avoid “dressing up” buildings by adding features on speculation.
 4. Avoid moving buildings whenever possible, especially to create artificial groupings of historic buildings. If buildings must be removed, the new site should be similar to the original site, and the original setback and orientation of the building on the lot or parcel should be replicated.

18.73.110 Additions to Historic Buildings and New Construction Within an Historic District.

- A. New additions to historic buildings should be subordinate to the original building, that is, lower in height, attached to the rear or set back along the side, and subordinate in scale and architectural detailing.
- B. Height, width, setback, roof shape, and the overall scale and massing of new buildings within a historic district should be compatible with surrounding historic buildings and the overall streetscape.
- C. Materials on at least the primary façade(s) should be similar to the original materials on facades of surrounding historic buildings (usually brick, stucco, stone, or wood siding, depending on the specific characteristics of the district).
- D. Architectural details (including wood or metal trim, porches, cornices, arches, window, and door features, etc.) should be compatible with but not replicable historic features on surrounding historic buildings.

- E. Window and door openings should be similar in size and orientation (vertical or horizontal) to openings on historic buildings and should take up about the same percentage of the overall façade as those on surrounding historic buildings.
- F. Proportion to Principal Facades. The relationship of the width to the height of the principal buildings shall be in scale with surrounding structures and streetscape. Wider new buildings can be divided into segments that more closely resemble the façade widths of historic buildings.
- G. Roof Shape. The roof shape of a building shall be visually compatible with the surrounding structures and streetscapes. Unusual roof shapes, pitches, and colors are discouraged.

18.73.120 Enforcement.

- A. Failure to Comply. Failure to follow the procedure for acquiring a Conditional Use Permit or a Certificate of Historical Appropriateness may result in the Planning Director issuing a stop-work order while a review is conducted. The review will determine if revocation of a conditional use permit granted for a use associated with the historic resource, revocation of building permits and/or other penalty fines are necessary as set forth in MKZ 18.02, Enforcement.
- B. Failure to follow the procedure set forth in this chapter for acquiring a Conditional Use Permit or Certificate of Historic Appropriateness may result in removal of the historic resource from the register and the National Register, thus rendering the property ineligible for federal, state, and City tax credits, grant and loan programs.
- C. In addition, if the historic resource has received land use entitlements as a result of its placement on the register, the City may consider the revocation of such entitlements and/or the acceleration of any debt issued by the City as part of a program of historic preservation/rehabilitation consistent with applicable law.
- D. Any demolition or alteration, or whole destruction of locally-designated historic landmark site or structure, and their character defining features, without prior approval as set forth this chapter shall result in a seven (7) year clouding of the property title limiting development on the site and the greater of twenty percent (20%) of the prior year's assessed tax value of the demolished property, or \$5,000.

18.73.130 Appeals

Any person adversely affected by any final decision of the Historic Preservation Officer or the Planning Director in the administration of this chapter may appeal such decision to the Land Use Hearing Officer in accordance with MKZ 18.04, Appeals.

18.73.140 Interpretation of Chapter

This chapter does not guarantee the right of any person, firm, or corporation to any provision of this chapter.

18.74 Residential Facilities for Persons With a Disability

18.74.010 Purpose

The purpose of this chapter is to:

- A. Balance local zoning considerations with state and federal mandates including those that may require a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.
- B. Avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the federal Fair Housing Act, as amended, as interpreted by the courts having jurisdiction over the City.

18.74.020 Applicability

The requirements of this chapter apply to any facility, residence, group home or other congregate housing arrangement for Persons With a Disability notwithstanding any conflicting provision in this title or any other section of this Code.

18.74.030 Licensing For Residential Facilities

Residential Facilities for Persons With a Disability require a license or certification by the Utah Department of Health and Human Services as a Human Services Program or Facility, or as a Health Facility, and is subject to the requirements as set forth in Utah Code Section [26B-2-1-101 et seq.](#) and the Utah Administrative Code.

18.74.040 Uses and Requests for a Reasonable Accommodation Determination

- A. Subject to the provisions of this chapter, and notwithstanding any contrary provision of this title, a residential facility for Persons With a Disability shall be a permitted use in any zone where similar residential dwellings that are not residential facilities for Persons With a Disability are allowed. A residential facility for Persons With a Disability that would likely create a fundamental change in the character of the neighborhood may be excluded from a zoning area. A residential facility for Persons With a Disability shall be a permitted use in any zoning district where a dwelling is allowed, subject to the occupancy limits established for the relevant zone.
- B. No Permit Required. Four or less unrelated individuals who share housekeeping responsibilities in a single dwelling do not require a zoning permit but function as a "household," as set forth in [MKZ 18.97, Definitions](#).
- C. Notice of Intent. Prior to submitting an application to the Utah Department of Health and Human Services for a license to operate a Residential Facility for Persons With a Disability, and prior to submitting an application for a Permitted Use Approval for a Residential Facility for Persons With a Disability with the City, the applicant shall provide notice to the Mayor, of its intent to operate a Residential Facility for Persons With a Disability. The Notice of Intent shall

include the following information relating to the Residential Facility for Persons With a Disability:

1. An accurate description of the Residential Facility for Persons With a Disability;
 2. The location where the Residential Facility for Persons With a Disability will be located;
 3. The services that will be provided by the Residential Facility for Persons With a Disability;
 4. The type of clients that the Residential Facility for Persons With a Disability will serve;
 5. The category of license for which the Residential Facility for Persons With a Disability is applying;
 6. The name, telephone number, and address of a person that may be contacted to make inquiries about the Residential Facility for Persons With a Disability; and
 7. Any other information that the Utah Department of Health and Human Services may require by administrative rule.
- D. The Planning Director, with the assistance of the City Attorney, shall consider requests for a permitted use/reasonable accommodation determination for a residential facility for Persons With a Disability ("facility"). An application for a Reasonable Accommodation determination for Residential Facilities for Persons With a Disability must be submitted following the procedure as set forth in MKZ 18.15.030 (F). The Planning Director shall approve a complete application for a land use permit for the facility in any zone, including residential zones where only single household dwellings are a permitted use, provided:
1. The facility meets or will meet all program, physical facility, and licensure requirements of the state department of human services and/or department of health.
 2. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable City development standards, licensing, and zoning requirements, unless a reasonable accommodation is requested.
 3. The facility shall not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.
 4. The facility shall not be made available to or occupied by any person whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 5. The facility, if located in residential zone, shall be capable of use as a facility without structural or landscaping alterations that would change the structure's residential character or appearance. Any new or remodeled structure

constructed for use as a facility shall be of a size, scale and design that is in harmony with other residential uses in vicinity and shall not create a fundamental change in the residential character of the neighborhood in which it is proposed to be located.

- E. Procedure. An application for a Reasonable Accommodation Determination shall follow the application procedure as set forth in MKZ 18.15.030 (F). As part of a Permitted Use Approval or a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability, the City shall conduct an inspection of the building and property for which a Permitted Use Approval or Reasonable Accommodation Determination is sought, prior to issuing a Site Plan Approval.
- F. Institutional Uses. Consistent with the International Building Code, residential facilities designed to house more than sixteen individuals constitute "institutional facilities" that are likely to change the character of a single household residential neighborhood. The only residential zone where an application for an institution serving more than sixteen residents may be approved is in a zone that allows multiple-household dwellings as a conditional or permitted use.
- G. Parking. Parking for a Residential Facility for Persons With a Disability shall follow the standards as set forth in MKZ 18.63.020 (C).

18.74.050 Reasonable Accommodation

- A. None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a Residential Facility for Persons With a Disability; provided, however, that an accommodation cannot be granted to waive a material zoning requirement (such as lot coverage, parking, setback or height standards), as reasonably determined by the Planning Director; to diminish the required spacing of such facilities as established in MKZ 18.63, Parking and Mobility Standards; to waive a requirement of the International Building Code or the International Residential Code, as amended in the State of Utah; or to increase the maximum number of occupants of such facilities above the limit specified in MKZ 18.74.040 (D).
- B. If a reasonable accommodation is requested, the applicant shall provide sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits/needs of the facility and persons residing in the care facility, and applicable law. The applicant shall submit an application for a Reasonable Accommodation Determination for Residential Facilities for Persons with a Disability, following the procedure as set forth in MKZ 18.15.030 (F).
- C. Review of an application for a Reasonable Accommodation Determination for Residential Facilities for Persons With a Disability shall follow the criteria as set forth in MKZ 18.15.030 (F).

- D. In no case shall a reasonable accommodation be approved, that if the premises are vacated or the facility no longer exists at the approved location, the remaining structure or use would become nonconforming in the zone in which it is located.

18.74.060 Residential Day Treatment

To avoid excessive traffic, on-street parking, and related impacts that could alter a neighborhood's residential character, day treatment for non-residents shall not be permitted in Residential Facilities for Persons With a Disability in the R-1 or R-2 residential zones.

18.74.070 Appeals

Any person adversely affected by a final decision of the zoning authority may appeal that decision to the Land Use Hearing Officer (LUHO), subject to the standards as set forth in MKZ 18.04, Appeals.

18.75 Wireless Telecommunication Facilities

18.75.010 Purpose

The purpose of this chapter is to reasonably regulate, to the extent permitted by Utah and federal law, the location, installation, operation, collocation, modification, and design of personal transmission equipment and commercial wireless telecommunications facilities. All facilities shall comply with the following regulations and all other ordinances of the City and any pertinent regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

18.75.020 Applicability

- A. This chapter's requirements apply to existing and new installations of both personal transmission equipment and commercial transmission equipment, which are referred to as commercial wireless telecommunication facilities. Commercial wireless telecommunication facilities are categorized into the following four types of facilities: roof mount, wall mount, freestanding stealth structures, and monopoles.
- B. This chapter does not regulate small wireless facilities, which are defined and regulated in MKZ Title 16.
- C. Amateur radio antennas and related equipment are exempt from the regulations of this chapter.
- D. This chapter does not regulate TV and radio broadcasting towers as they are not permitted in the City, and this chapter does not govern such facilities.
- E. Lattice or guyed structures intended for transmission equipment of any type are not permitted.

18.75.030 Site Plan Review Required

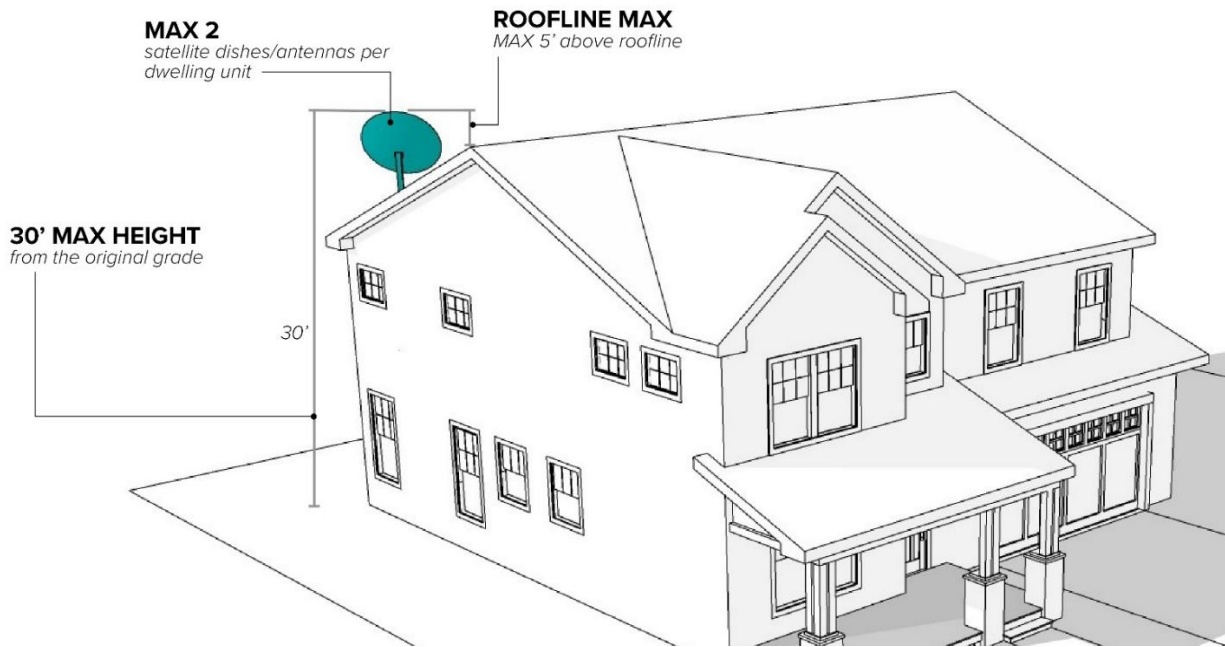
An applicant who desires to place personal and commercial transmission equipment, including wireless telecommunication facilities, shall submit a site plan to the Planning Department following the procedures as set forth in MKZ 18.15.030 (B) for review prior to submitting and processing any building permits.

18.75.040 Personal Transmission Equipment

This section shall apply to all personal transmission equipment for individual use such as antennas or satellite dishes. Personal transmission equipment associated with legally-established single-household or two-household dwellings, provided that the installation and maintenance of transmission equipment complies with the following standards, as depicted in Figure 18.75.1:

- A. All personal transmission equipment shall be ancillary and accessory to legally established single or two-household dwellings.
- B. An antenna or dish may extend up to five feet (5') above the highest point of the primary structure to which it is affixed and in no case shall antennas, dishes, or any other transmission equipment exceed an overall height of 30 feet as measured from original grade.
- C. Satellite dishes shall not exceed three feet (3') in diameter.
- D. No more than two (2) antennas or dish per dwelling unit may be installed.
- E. Individual freestanding structures used for transmission equipment of any kind are prohibited except as regulated by the FCC for amateur radio.
- F. Antennas, dishes, and other transmission equipment shall be attached to the primary structure and shall make a reasonable effort for complete concealment or locate such transmission equipment in the least conspicuous location possible as viewed from a public street as determined by the Planning Director.

Figure 18.75.1, Personal Transmission Equipment Illustration



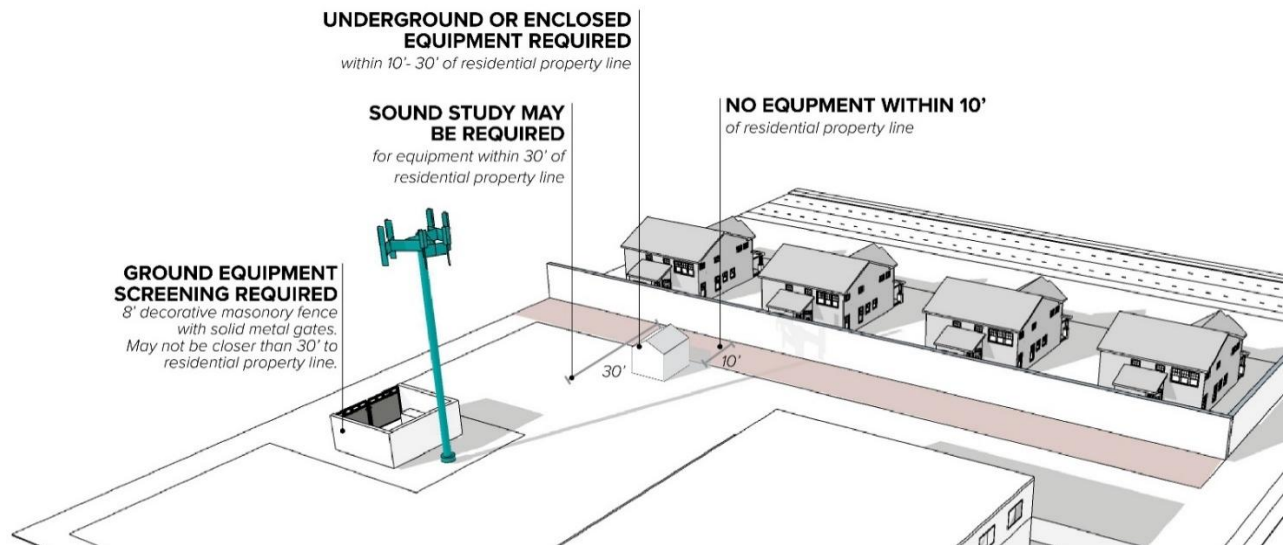
18.75.050 General Standards for Wireless Telecommunication Facilities

Commercial wireless telecommunication facilities are permitted in non-residential and non-agricultural zones according to the standards listed within this chapter.

- A. Commercial mechanical and transmission equipment shall satisfy the following standards, as depicted in Figure 18.75.2:
 1. The property shall be used as a commercial, office or manufacturing use or is in conjunction with a public property with a public or quasi-public use such as a public school, fire station, library, park, or other government use.
 2. Equipment may be located within 30 feet, but no closer than 10 feet of a residential property line if:
 - a. All mechanical equipment shall be placed within a below-grade vault, or;
 - b. All ground equipment shall be located within a completely enclosed decorative masonry accessory building. Such accessory buildings shall satisfy the height and setback requirements prescribed by the underlying zone.
 - c. A sound study may be required, as determined by the Planning Director, for equipment located within 30 feet of a residential property line as set forth in MKZ 18.69, Required Studies and Plans.

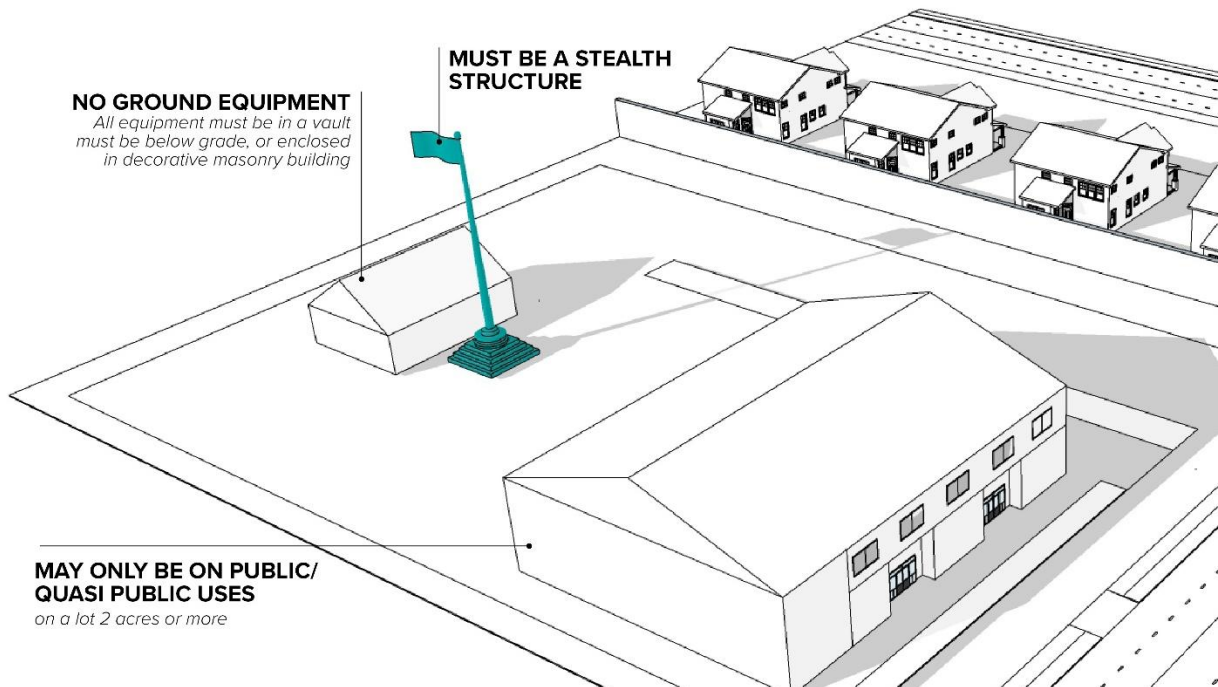
3. Ground equipment shall be entirely screened with a minimum eight foot (8') tall decorative masonry wall with solid metal gates and may not be located closer than 30 feet to any residential property line.
4. Antennas, dishes, and other commercial mechanical and transmission equipment shall not create visual clutter, nuisance or hazard as determined by the Planning Director.

Figure 18.75.2, Commercial Transmission Equipment Illustration



- B. Commercial wireless telecommunication facilities may be located within a residential or agricultural zone, provided that the installation and maintenance of commercial wireless telecommunication facilities comply with the following standards, as depicted in Figure 18.75.3:
1. To the Planning Director's satisfaction, the applicant has provided technological justification and made all reasonable efforts to first exhaust all other options before locating or co-locating a new facility within a non-residential or non-agricultural zone.
 2. Facilities shall only be installed on public property and shall be associated with public or quasi-public uses such as a public school, fire station, library, park, or other government use.
 3. Facilities satisfy all commercial mechanical and transmission equipment standards as set forth in MKZ18.75.050 (B).
 4. Facilities shall be made stealth within a steeple, flagpole, or as an approved freestanding stealth structure.

Figure 18.75.3, Commercial Transmission Equipment in Residential or Agricultural Zone Illustration

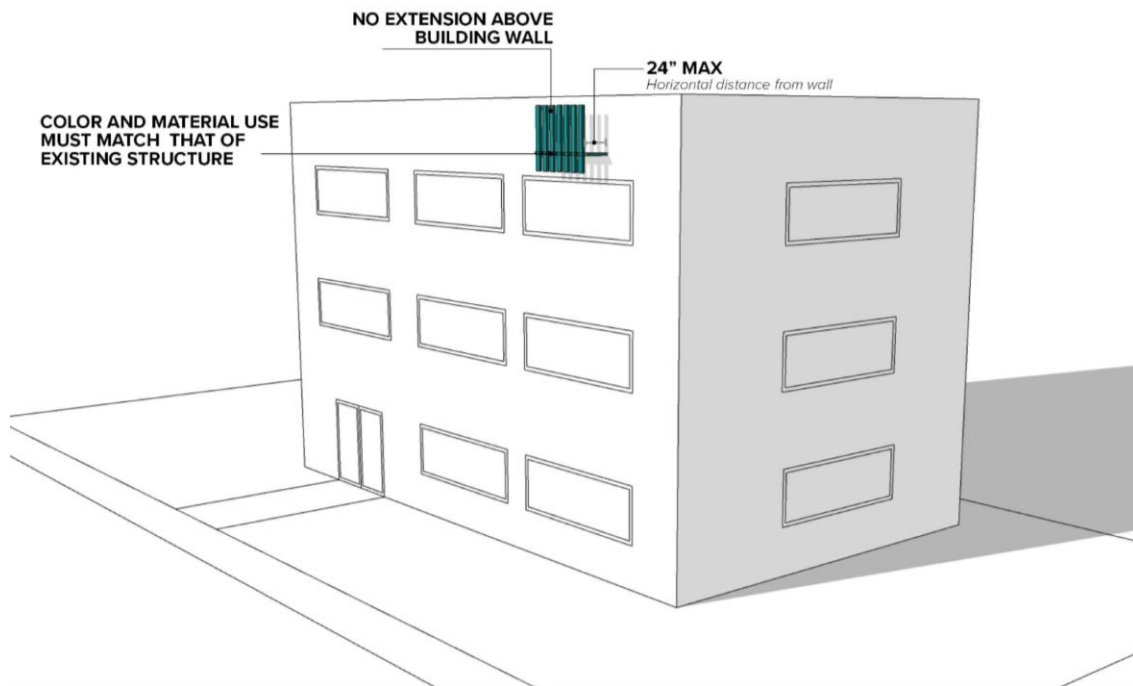


18.75.060 Wall Mounted Wireless Telecommunication Facilities

Wall-mounted wireless telecommunication facilities shall satisfy the following standards, as depicted in Figure 18.75.4:

- A. Wall mounted wireless telecommunication facilities shall be mounted to the wall of the primary structure and not extend more than 24 inches as measured from the surface edge of the wall to the front or furthest portion of the equipment.
- B. Wall-mounted wireless telecommunication facilities shall be located at least 30 feet above the finished grade of the wall surfaces to which it is mounted.
- C. Wall-mounted commercial transmission equipment shall not extend above the wall to which it is mounted.
- D. Wall-mounted wireless telecommunication facilities, including the supporting structure, shall be colored to match the building colors, textures, and materials.

Figure 18.75.4, Wall Mounted Transmission Equipment Illustration

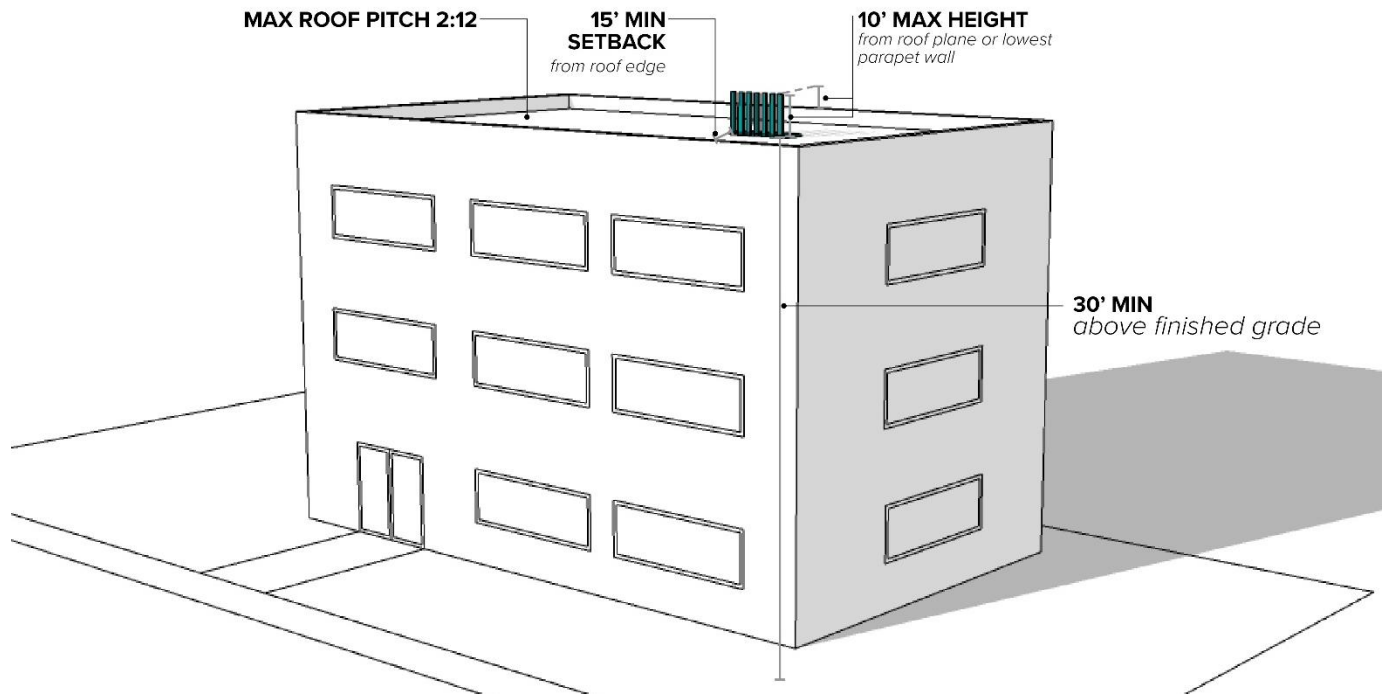


18.75.070 Roof Mounted Wireless Telecommunication Facilities

Roof-mounted wireless telecommunication facilities shall satisfy the following standards, as depicted in Figure 18.75.5

- A. Transmission equipment shall be located at least 30 feet above the finished grade to which it is mounted.
- B. Transmission equipment shall not be placed on a roof pitch that is greater than 2:12.
- C. The equipment shall be set back a minimum distance of 15 feet from the edge of the roof to which the equipment is mounted.
- D. The equipment shall not exceed a maximum of 10 feet in total height as measured from the roof surface to which it is mounted or the top of the lowest parapet wall on the same roof surface.
- E. Stealth roof-mounted wireless telecommunication facilities are encouraged and are allowed to vary from the height and setback provisions of this section if the stealth installation achieves the desired stealth appearance and provides a similar effect to the listed stealth options, as determined by the Planning Director.

Figure 18.75.5, Roof Mounted Transmission Equipment Illustration



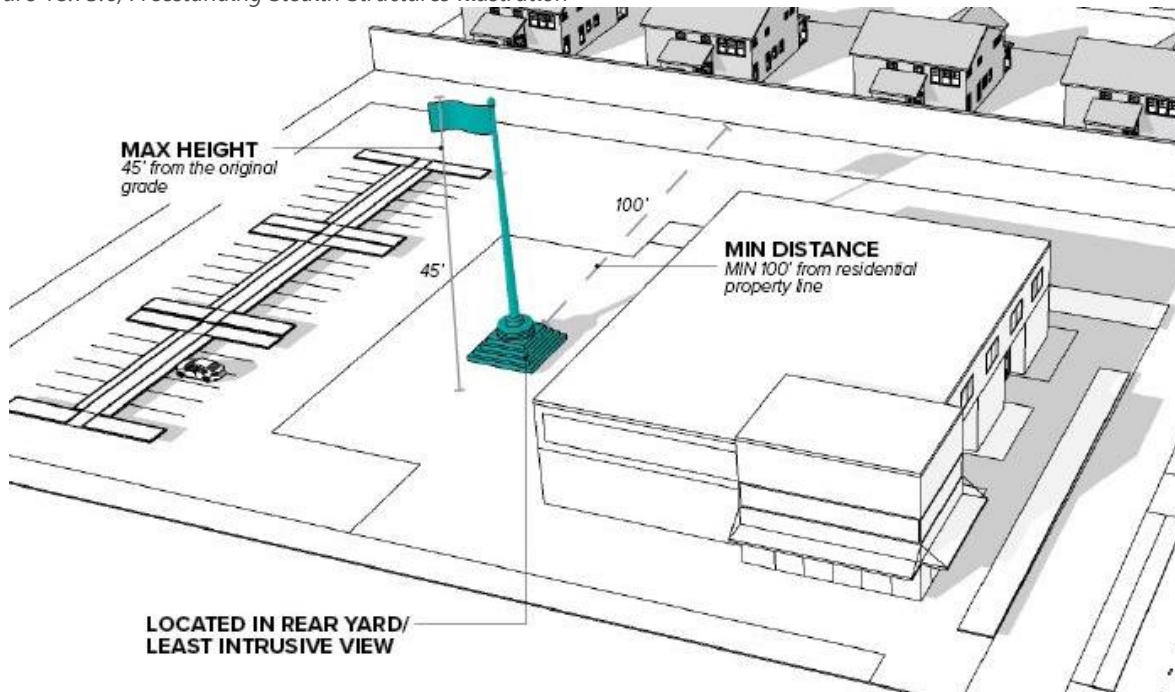
18.75.080 Freestanding Stealth Wireless Telecommunication Facilities

Freestanding stealth wireless telecommunication facilities shall satisfy the following standards, as depicted in Figure 18.75.6:

- A. Freestanding stealth wireless telecommunication facilities are defined by height and are limited to a maximum height of 45 feet.
- B. Freestanding stealth wireless telecommunication facilities are permitted in all non-residential zones and may be allowed in residential and agricultural zones when associated with public or quasi-public uses.
- C. No distance separation between the stealth wireless telecommunication facility and other wireless telecommunication facilities is required.
- D. Freestanding stealth wireless telecommunication facilities shall be located at least 100 feet from a residential property line.
- E. The applicant has demonstrated in writing that they have made at least three attempts to explore the option of first roof-mounting, wall-mounting, or co-locating on an existing monopole on properties located within a one-half ($\frac{1}{2}$) mile radius of the desired location.
- F. All freestanding wireless telecommunication facilities shall have a stealth design and shall be proportionate to the type of structure they intend to imitate. Depending on the environment and surrounding uses, freestanding wireless telecommunication facilities may include but are not limited to flag poles, water towers, ball field lights, steeples, clock towers, existing signs, utility poles, boulders, monopines, or other stealth designs as determined by the Planning Director.

- G. All antennas and other transmission equipment mounted on the freestanding stealth wireless telecommunication facility including cabling and other associated equipment shall be enclosed entirely within the structure or incorporated into the stealth design.

Figure 18.75.6, Freestanding Stealth Structures Illustration



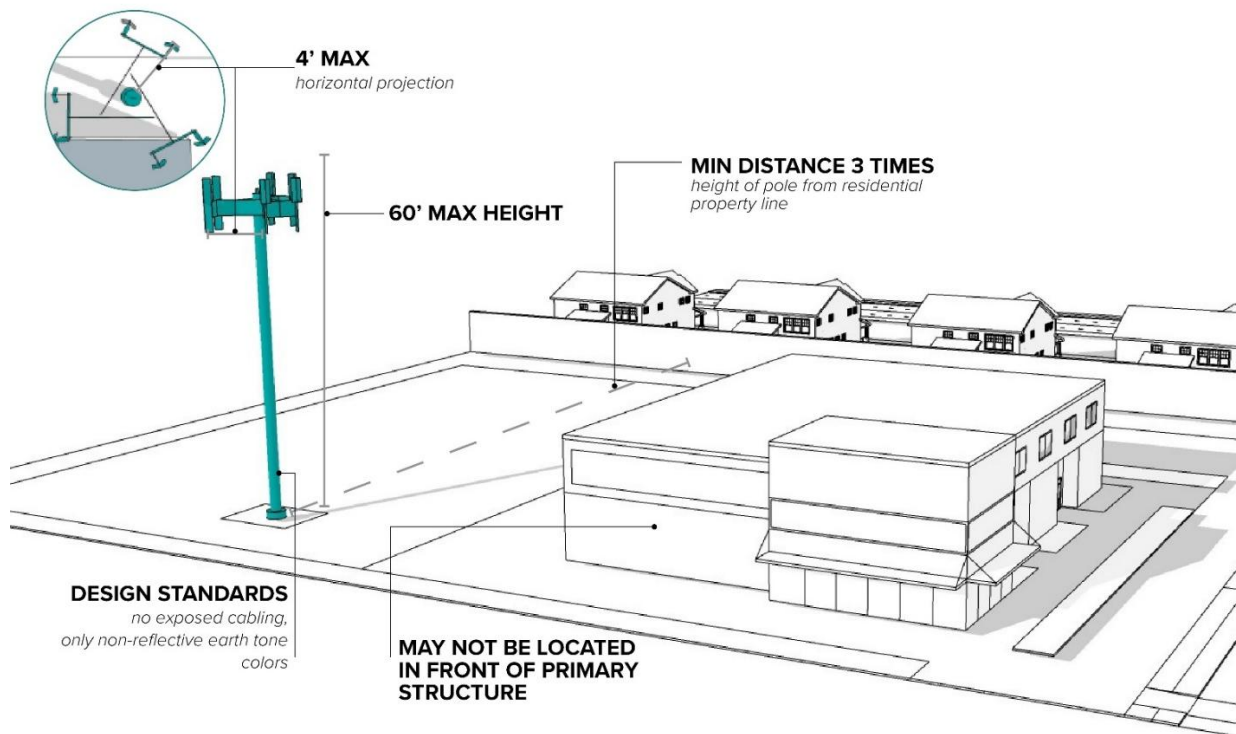
18.75.090 Monopole Wireless Telecommunication Facilities:

Freestanding stealth wireless telecommunication facilities shall satisfy the following standards, as depicted in Figure 18.75.7, provided that:

- A. Monopole wireless telecommunication facilities may only be considered after the applicant has submitted a statement of need demonstrating why the proposed facility cannot be wall-mounted, roof-mounted, co-located, or integrated into a freestanding structure.
- B. Monopoles are prohibited on properties within an R-1, R-2, R-4, or AG Zone, or a sensitive land designation unless the monopole and equipment are made stealth based upon the surrounding natural and architectural environment within 1,320 feet of the facility, as directed by the Planning Director.
- C. Monopoles are prohibited in residential and agricultural zones except in public parks and schools or properties exceeding two (2) acres in size.
- D. A minimum of one-half (1/2) mile distance is required between monopoles.
- E. Monopoles shall not be allowed in the front yard setback of any lot or parcel, or between the primary building and abutting right-of-way.
- F. Monopoles shall be set back from any residential property line three times (3x) the height of the monopole.

- G. Monopoles shall not exceed 60 feet in height as measured from the top of the monopole or equipment to the finished grade.
- H. Monopoles and related pole-mounted transmission equipment, including antennas, shall have non-reflective or powder coated surfaces in unobtrusive earth-tone colors.
- I. External pole mounted antennas shall not project more than four feet (4') as measured from the front of or furthest portion of the antenna, or similar equipment, to the nearest surface edge of the monopole.
- J. No exposed cabling is permitted, and all cables shall be routed internally within the pole and/or buried underground. The Planning Director may consider exterior cable trays designed to replicate an existing vertical element. Standard cable trays painted and textured to match the existing facade do not satisfy the intent or qualify as hidden or concealed.

Figure 18.75.7, Monopole Illustration



- K. Stealth monopole wireless telecommunication facilities are encouraged and shall be allowed to vary from this section's setback, height, and other design provisions if the stealth installation achieves the desired stealth appearance as determined by the Planning Director.

18.75.100 Eligible Facility Request (EFR)

- A. The purpose and intent of this section are:
 - 1. To implement § 6409(a), which requires the City to approve an EFR for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;

2. To implement the FCC rules set forth at 47 C.F.R. Part 1 (Part 1 - Practice and Procedure), new Subpart U § 1.6100 (Wireless Facility Modifications), which rules implement § 6409(a);
3. To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an EFR;
4. To ensure that application submittal requirements are related to information reasonably necessary to the determination of whether or not the proposed modification will result in a substantial change in the physical dimensions of the eligible support structure;
5. To exempt EFR from zoning and development regulations that are inconsistent with or preempted by § 6409(a);
6. To preserve the City's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;
7. To promote timely decisions under this chapter; and
8. To ensure that decisions are made consistently and predictably.

B. Applicability:

1. Sole And Exclusive Procedure: Except as may be otherwise provided in this chapter and notwithstanding any other provisions in the City Code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of an EFR which the applicant asserts are subject to review under § 6409(a). The provisions of this chapter shall control the extent that other provisions of the City Code establish a parallel process for review and approval of a project permit application for a proposed EFR..
2. First Deployment; Base Station: This chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.
3. Interpretation: Interpretations of this chapter shall be guided by § 6409(a) and applicable FCC reports and orders.
4. Building Permit: The City will process, review, and, if practicable, issue a decision regarding a building permit for the facility modification concurrent with the EFR permit described herein.
5. Reservation of Authority: Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

- C. Application and Submittal Requirements: Applications shall follow the procedures as set forth in MKZ 18.15.030 (G).
- D. Review and Approval of an Application:
 - 1. Application Review. The Planning Director will review and approve an EFR application. The Planning Director will determine if the proposed EFR will substantially change the physical dimensions of an eligible support structure.
 - 2. Timeframe For Review and Approval. The City shall comply with all applicable shot clocks when reviewing an EFR application. If an EFR application satisfies the requirements of this chapter, the Planning Director shall approve the EFR application and issue an EFR permit.
 - 3. Code Requirements. Any EFR permit issued pursuant to this chapter, and any approved application shall be and are conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the EFR or deemed approved application.

18.76 Special Business Land Use Regulations

18.76.010 Purpose

The purpose of this chapter is to describe additional requirements for certain businesses to minimize nuisance and land use conflict.

18.76.020 Applicability

This Chapter applies in addition to the governing standards of the zone where the use is located. Should conflicts occur, the more restrictive regulation applies.

18.76.030 Sexually Oriented Businesses

- A. Purpose. It is the purpose and objective of this chapter that the City establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or their location in areas deleterious to the incorporated area of the City; to regulate the signage of such businesses; to control the adverse effects of such signage; and to prevent inappropriate exposure of such businesses to the community. This chapter is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the limitations provided by provisions of the United States and Utah Constitutions.
- B. Business Permitted; Restrictions
 - 1. Sexually oriented businesses, other than outcall services and nude and seminude dancing agencies, shall be permitted only in areas zoned M pursuant to the provisions of MKZ 18.46, Light Manufacturing Zone, respectively, subject to the following additional restrictions:

2. Sexually oriented businesses shall be subject to conditional use requirements.
3. No sexually oriented business shall be located:
 - a. Within one thousand feet (1,000') from any school, public park, religious assembly, or other sexually oriented business;
 - b. Within three hundred feet (300') from a Residential Zone Boundary.
 - c. The distance requirements for this section shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the school, public park, religious assembly, agricultural or residential zoning district, or other sexually oriented business and to the nearest property line of the sexually oriented business.
 - d. Outcall services and nude and seminude dancing agencies shall be permitted only in the following zones:
 - (1) RM as an office, business use only, and subject to conditional use approval, pursuant to the provisions of MKZ 18.39, Residential Mixed Zone;
 - (2) C-1, C, and M as an office, business use only, pursuant to the provisions of MKZ 18.43, Neighborhood Commercial Zone, MKZ 18.44 Commercial Zone, and MKZ 18.46 Light Manufacturing Zone, respectively.
- C. Sign Restrictions. Notwithstanding anything contrary contained in MKZ 18.65, Signs, signs for sexually oriented businesses shall be limited as follows:
 1. No more than one exterior sign shall be allowed;
 2. No sign shall be allowed to exceed eighteen square feet;
 3. No animation shall be permitted on or around any sign, or on the exterior walls or roof of such premises;
 4. No descriptive art or designs depicting any activity related to, or inferring, the business's nature shall be allowed on any sign. Said signs shall contain alphanumeric copy only;
 5. Only wall signs shall be permitted;
 6. Painted wall advertising shall not be allowed;
 7. Other than the signs allowed explicitly by this chapter, the sexually oriented business shall not construct or allow to be constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.
- D. Severability. If any provision or clause of this chapter or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications

hereof which can be implemented without the invalid provision, clause or application hereof, and to this end, the provisions and clauses of this chapter are declared to be severable.

18.76.040 Home Business

- A. The purpose of the home business chapter is to allow the use of a portion of a dwelling by one of its residents for business purposes, while establishing standards to ensure that the business use of the home will not adversely impact the residential character of the neighborhood in which the home business is located.
- B. Home businesses shall include the following business activities, and those substantially similar. If a use is not explicitly designated below, then the use is prohibited. An applicant seeking a Millcreek Business License may submit a Classification Request by following the procedure as set forth in **MKZ 18.15.030 (J)**, to determine whether a proposed land use aligns with an existing business activity listed below.
1. Artists, authors, architectural services, advertising;
 2. Barber and beauty shops with no more than one chair;
 3. Dance studio, aerobic exercise, music lessons, tutoring and general educational instruction, provided the number of students is limited to two (2) at a time;
 4. Direct sales distribution, desktop publishing;
 5. Data processing, computer programming, and service;
 6. Home Daycare or Preschool, subject to the standards as set forth in **MKZ 18.76.060**
 7. Home crafts and sales;
 8. Garden produce;
 9. Janitorial services;
 10. Insurance sales or broker, interior design;
 11. Mail order;
 12. Home offices such as: real estate sales, broker, consulting, or appraiser;
 13. Sales representative; and
 14. Contractors provided there is no outside storage of equipment, and no more than one (1) company vehicle stored on site.
- C. Uses that are listed as permitted or conditional uses in residential zones are subject to a conditional or permitted use approval process but are not subject to regulation under this chapter. Such uses include, but are not limited to, short-term rentals, home daycare, home preschools, uses involving the raising, breeding, training, housing, keeping or care of animals where allowed set forth in **MKZ Title 8**, residential health care, residential facilities for Persons With a Disability, or bed and breakfasts.

- D. Garage or yard sales are exempted from regulation under this chapter, and are regulated as set forth in MKZ 18.58, Temporary Uses.
- E. Standards. The following standards shall apply to home businesses:
1. The primary use of the dwelling shall continue as residential.
 2. The person operating the business must reside in the dwelling on a full-time basis (at least nine months per year).
 3. Home Businesses with remotely located employees may occasionally gather at the dwelling but no more than once a week.
 4. Customers are only allowed at the dwelling between the hours of seven a.m. and ten p.m. Group lessons or sessions shall not exceed six people at a time.
 5. In addition to the parking spaces required for the residents of the dwelling, parking for customers and for an employee, if allowed, must be provided in the driveway or garage.
 6. No exterior remodeling shall take place that would change the residential appearance of the dwelling.
 7. Interior structural alterations made to the dwelling are allowed only if they are consistent with its primary use as a dwelling.
 8. All business activities must take place within the dwelling and/or attached or detached garage, or in/on an approved recreational facility and shall not occupy more than twenty-five percent or more than five hundred square feet (whichever is less) of the floor area of the home or approved recreational facility.
 9. It is prohibited to store or display supplies, inventory, equipment, or materials in any portion of a yard.
 10. Only those tools, equipment, or electric apparatus commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home business.
 11. Home businesses must be conducted in a manner that does not emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations or interference with radio and/or television reception.
 12. Only one three-square-foot, non-illuminated nameplate sign is allowed. The nameplate sign must be attached to a wall or window of the dwelling.
 13. No vehicle larger than a passenger car, van or one-ton pickup truck is allowed to be brought to, parked on, or stored on the property in conjunction with a home business.
 14. If the applicant for a home business is not the property owner, the applicant must obtain the property owner's or manager's written authorization to apply.
 15. The property address (house number) must be clearly posted on the home in letters at least four inches high and in a color contrasting with the building.

16. The condition of the dwelling and landscaped areas shall be well maintained.

F. Regulations And Enforcement

1. A land use application for home business shall be submitted to the City for review. Upon finding that the applicant understands and agrees to comply with the standards set forth in this section, the application shall be approved. An inspection of the exterior premises may be conducted to ensure there are no existing code violations.
2. All home businesses are required to obtain a City business license. The business license must be renewed each year that the home business is in operation.
3. Violations of these standards shall be subject to the civil penalties as set forth in MKZ 18.02, Enforcement. In addition, a business license revocation hearing may be scheduled at the discretion of the Planning Director for any business found to be in violation of the home business standards or of any other City ordinance.
4. The business owner is responsible for complying with all applicable health, fire, building and safety codes.
5. All home businesses shall be reviewed for compliance with the provisions of this chapter and approved under the application process mentioned above. For the purposes of this chapter, a change of business ownership and/or relocation to a new address is considered a new business and requires separate approval.

18.76.050 Commercial Daycare or Preschool

A commercial daycare or preschool shall be subject to the following conditions:

- A. Must be compatible with existing and proposed land uses in the vicinity;
- B. Receive and maintain a license in good standing from the Utah State Department of Health and Human Services.
- C. Provide required parking spaces on the site and an adequate pickup and delivery area;
- D. New construction must be compatible in design and scale of building with existing development in the area;
- E. Site must have frontage on a street with an existing or proposed right-of-way of eighty feet or greater, as identified on the road widening and improvement map available at the City (except where the site is located in the RM, MD, MD-3, C-1, C, or M zones).

18.76.060 Home Daycare or Preschool

A Home Daycare or Preschool must meet the following standards:

- A. When allowed as a permitted use there shall be a maximum of six (6) children without any employees not residing in the dwelling. When allowed as a conditional use there shall be a maximum of twelve (12) children with not more than one employee at any one time not residing in the dwelling;
- B. The use shall comply with the Salt Lake County Health Department noise regulations;
- C. The play yard shall not be located in the front yard and shall only be used between eight a.m. and nine p.m.;
- D. The lot or parcel shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The Planning Director shall approve the location of the parking area to ensure that the parking is functional and does not change the residential character of the lot or parcel;
- E. No signs shall be allowed on the dwelling, lot, or parcel except a nameplate sign;
- F. The use shall comply with all local, state, and federal laws and regulations. The Life Safety Code includes additional requirements if there are more than six children;
- G. Upon complaint that a home daycare or preschool caregiver is violating any requirements of this section or any other City ordinance, the City shall review the complaint and if substantiated may institute a license revocation proceeding under **MKC 5.07** and
- H. The caregiver shall notify all property owners within a 300-foot radius of the caregiver's property in writing, on a form provided by the City, concerning the licensing of a home day care or preschool at such property.

18.77 Animal Regulations

18.77.010 Purpose

The purpose of this Chapter is to allow areas within Millcreek for animals, where appropriate. The keeping and licensing of animals is also subject to **MKC Title 8, Animals**.

18.77.020 Applicability

This Chapter applies to all zones throughout Millcreek and supplemental requirements are as set forth in **MKC Title 8, Animals**.

18.77.030 Allowances and Spatial Requirements for Animals.

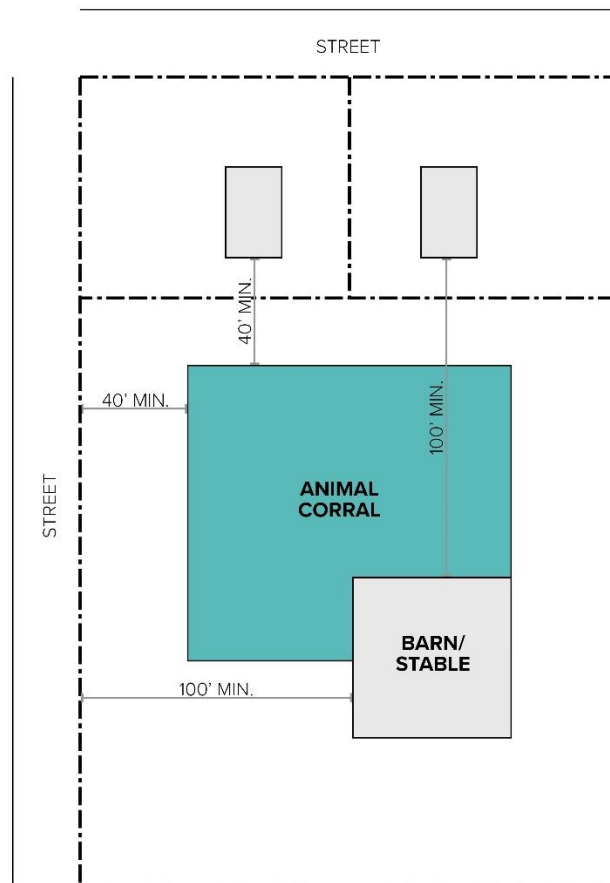
Animals shall be allowed as set forth in 18.77-1, Animals Table. Spatial requirements for stables, coops, enclosures, and other structures used to house animals are described in Table 18.77-1, and illustrated in Figure 18.77.1, Site Separations.

Table 18.77-1 Animals Table				
<i>Animal Type</i>	<i>Zones Where Permitted</i>	<i>Zones Where Allowed as a Conditional Use</i>	<i>Maximum Number per Lot or Parcel</i>	<i>Restrictions and Spatial Requirements</i>
Assistance Animal	All			
Household Pets	All			
Horses	A, FRE	R-1, R-2, R-4, RM	4	1. Minimum lot or parcel size 1/2 acre. 2. Stable a minimum of 100' from dwellings and street. (1)
Cows, Sheep, and Goats for Family Food Production (2)	A, FRE	R-1, R-2, R-4, RM	2	1. Minimum lot or parcel size 1/2 acre. 2. Stable with a minimum of 100' from dwellings and street. (1)
Rabbits for Family Food Production (2)	A, FRE	R-1, R-2, R-4, RM	20	1. Hutch and enclosures located at a minimum of 40' from dwellings and street. (1)
Domestic Fowl for Family Food Production (2)	A, FRE, R-1, R-2, R-4,	RM, C, M, and MD	10	1. Coop and enclosures located a minimum of 40' from dwellings and street. (1)
Ducks, Turkeys, and Geese for Family Food Production (2)	A, FRE, R-1, R-2, R-4,	RM, C, M, and MD	10	1. Coop and enclosures located a minimum of 40' from dwellings and street. (1)
Pigeons for Family Food Production (2)	A, FRE, R-1, R-2, R-4,	RM, C, M, and MD	20	1. Coop and enclosures located a minimum of 40' from dwellings and street. (1)
Animals for Commercial Production		A	As determined by the conditional use permit	1. 1-acre minimum lot or parcel size. 2. Stables are located at a minimum of 100' from dwellings and street. (1) 3. Enclosures, aviary, coops, apiary, and hutches located at a minimum of 40' from dwellings and street. (1)

Table Note 1. As measured from the edge of the structure to the nearest edge of any dwelling.

Table Note 2. No more than three animal species are permitted at any one time on any lot or parcel where family food production is a permitted or conditional use.

Figure 18.77.1, Site Separations



18.77.040 Maintenance of Animals and Fowl

- A. Animals and fowl shall be maintained to prevent dust, odor, vegetation loss, and topsoil loss due to erosion.
- B. In some areas, due to the fragile soil and sparse vegetative cover, the Planning Director for permitted uses or the Planning Commission for conditional uses may require that all animals and fowl be kept in an enclosed area or may deny a permit for animals and fowl on the property.
- C. Any domestic fowl enclosure or coop shall be located only in a side or rear yard. No coop, enclosure, or domestic fowl shall be allowed in any front yard.
- D. It is unlawful for any person who is the owner, keeper or temporary custodian of any domestic fowl to allow the fowl to be at large, off the premises or outside the enclosure owned by the owner, keeper or temporary custodian; provided, however, fowl may be permitted outside the enclosure in a fenced yard during daylight hours.
- E. It is unlawful for any person to keep or maintain in an unclean or unsanitary state or condition any coop, enclosure or other structure or area in which any domestic fowl is kept.

18.77.050 Watershed Prohibitions

Household pets, horses, animals for food production, and animals for farm production are prohibited within watershed areas as determined by the Salt Lake Valley Health Department or Utah Department of Environmental Quality.

18.77.060 Animals in Sensitive Lands

Horses and other animals or fowl for family food production may be permitted in areas inside designated sensitive lands, provided that:

- A. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the Planning Director shall seek and consider recommendations from the Salt Lake County Health Department and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and
- B. The Planning Director may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and
- C. After the use is established, if the Director determines, based on findings of facts, that unreasonable environmental degradation is occurring, the Planning Director may, after notifying the applicant, establish additional conditions or order the use to be abated.

18.78 Affordable Housing Incentives

18.78.010 Purpose

The purpose of this Chapter is to determine how affordable housing incentives are applied and are intended to encourage the development of affordable housing. The provisions within this section are intended to facilitate the construction of affordable housing by allowing more inclusive development than would otherwise be permitted in the base zoning districts. Housing constructed using the incentives is intended to be compatible with the neighborhood and provide safe and comfortable places to live, work, and play.

18.78.020 Applicability

- A. This Chapter applies to all zones where residential development is allowed throughout Millcreek.
- B. For the purposes of this chapter, qualifying affordable income housing development must provide affordable housing to a specific target population with a household income less than or equal to 80 percent of Salt Lake County's area median income (AMI) for a time period of at least 30 years, and must be the recipient of a low-income housing tax credit or other public funding.

18.78.030 Affordable Housing Income Types and Scale

- A. Affordable Income Housing Types
 1. Very Low-income housing means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 30% of the median gross income for households of the same size in Salt Lake County.
 2. Low-income housing means housing occupied or reserved for occupancy by households with a gross household income between 30% and 50% of the median gross income for households of the same size in Salt Lake County.
 3. Moderate-income housing means housing occupied or reserved for occupancy by households with a gross household income between 50% and 80% of the median gross income for households of the same size in Salt Lake County.
- B. Affordable Housing Scale Type
 1. Completely Affordable. Complete means 100% of the units are deemed qualifying affordable income housing.
 2. Mixed Affordable. Mixed means at least 25% of the units are deemed qualifying affordable income housing.

18.78.040 Incentive Types for Qualifying Affordable Housing Developments

Table 18.78-1 Incentive Types		
<i>Incentive</i>	<i>Description</i>	<i>Limitations and Restrictions</i>
Density Bonus	Allowance for increased number of residential units	Does not apply in A-1, R-1, and R-2 Zones.
		A maximum increase in density of 10% for Completely Affordable developments.
		A maximum increase in density of 5% for Mixed Affordable developments.
		Additional units due to increase must satisfy all off-street parking requirements.
Increased Building Height	Allowance for increased building height	Completely Affordable or Mixed Affordable Developments located in the AG, R-1, and R-2 Zones may be allowed an increase of building height up to an additional 5 feet. Developments must satisfy all other requirements of the zone.

Table 18.78-1 Incentive Types		
<i>Incentive</i>	<i>Description</i>	<i>Limitations and Restrictions</i>
		Completely Affordable Developments located in the MD or C Zones may be allowed an increase of building height to up to a maximum height of 100 feet, provided that the development is located within the boundary of an adopted Station Area Plan. Developments must satisfy all other requirements of the zone.
		Mixed Affordable Developments located in the MD or C Zones may be allowed an increase of building height up to a maximum height of 100 feet, provided 100% of the units set aside as owner-occupied affordable housing or are set aside as deemed Very Low income housing, and provided that the development is located within the boundary of an adopted Station Area Plan. Developments must satisfy all other requirements of the zone.
		Completely Affordable Developments located in R-4 or RM Zones may be allowed an increase of building height up to an additional 10 feet. Mixed Affordable Developments located in R-4 or RM Zones may be allowed an increase of building height up to an additional 5 feet. Developments must satisfy all other requirements of the zone.
Open Space Reduction	Allowance for an open space reduction	Does not apply in AG, R-1, and R-2 Zones.
		Completely Affordable Developments located in the MD or C Zones may receive a 20% reduction of required open space, provided the Completely Affordable Development is located within ¼ mile of a public park or trail. Developments must satisfy all other requirements of the zone.
		Mixed Affordable Developments located in the R-4 or RM Zones may receive a 10% reduction of required open space, provided the Completely Affordable Development is located within ¼ mile of a public park or trail. Developments must satisfy all other requirements of the zone.

Table 18.78-1 Incentive Types		
<i>Incentive</i>	<i>Description</i>	<i>Limitations and Restrictions</i>
First story commercial requirements waived	Waiving of first story commercial requirements where mixed use developments are required	Does not apply in AG, R-1, and R-2 Zones.
		Does not apply to developments located within 250 feet of a major intersection.
		Completely Affordable Developments located in the RM, MD, or C Zones may receive a waiver of up to 100% of the first story commercial requirements, where mixed use developments are required. Developments must satisfy all other requirements of the zone.
Fee Waiver	Waiving of development fees	Completely Affordable Developments located in the R-4, RM, MD, or C Zones may receive a waiver of 100% of development fees, provided at least 50% of the affordable units are deemed Low Income or Very Low income.
		Mixed Affordable Developments located in the R-4, RM, MD, or C Zones may receive a waiver of 50% of development fees, provided at least 50% of the affordable units are deemed Low Income or Very Low income.
Streamlined Application Process	Accelerated review process	Completely Affordable developments located in the RM, MD or C Zones are a permitted use, subject to attending a concept review and site plan review.
Parking Reduction	Allowance for a reduction in the minimum parking requirements	See MKZ 18.63, Parking and Mobility Standards

18.78.050 General Standards of Applicability

- A. The use and development of Affordable Housing is also subject to other applicable chapters in the zoning ordinance, including all health codes, building codes, and engineering standards.
- B. Standards in other chapters may apply. If standards elsewhere in MKZ 18 that conflicts with standards in this chapter, the more restrictive standard prevails.
- C. In any rezoning process, a Development Agreement that imposes conditions and requirements for affordable housing shall be required at the sole discretion of the City.

18.78.060 Affordable Housing Incentive Approval Process

- A. All requirements of this title shall apply.
- B. Applicants seeking an affordable housing incentive identified in this chapter shall submit an Affordable Housing Incentive Application and provide the following information:
 - 1. The applicant's name, address, telephone number and interest in the property to which the incentives apply.
 - 2. The owner's name, address, and telephone number, if different than the applicant, and an affidavit from the property owner consenting to the application..
 - 3. The street address, tax parcel number and legal description of the subject property.
 - 4. The zoning classification, zoning district boundaries and present use of the subject property.
 - 5. A site plan illustrating the location of all proposed principal and accessory buildings and structures, showing the number of stories and height, dwelling type, if applicable, building elevations and the total square footage of the floor area by proposed use and any additional information required for site plan review as set forth in MKZ 18.15.030 (B).
 - 6. The total number of dwelling units in the project, the number of affordable units, the number of bedrooms in the affordable units, the location of the affordable units, and the level of affordability; and
 - 7. Any additional information required by the Planning Director to demonstrate compliance with the requirements of this chapter, as applicable.
- C. Following the submittal of a complete Affordable Housing Incentives Application, the applicant shall submit the required application and documentation needed to schedule a concept review meeting as set forth in MKZ 18.14.020. All requirements and conditions established from the concept review shall be completed by the applicant prior to obtaining preliminary approval.
- D. Preliminary approval shall authorize the preparation, filing and processing of applications for any permits or approval that may be required by the City, including, but not limited to, a building permit. No permits shall be issued until final approval is obtained pursuant to this Chapter. Preliminary approval shall be valid for one year.
- E. Final approval shall be issued prior to obtaining a building permit for an affordable housing development. Final approval will be subject to an agreement between the City and the applicant, on a form approved by the City Attorney regarding deed restrictions, restrictive covenants, and other enforcement mechanisms as set forth in MKZ 18.78.070 to secure permanently affordable housing in Millcreek.

18.78.070 Enforcement

- A. The affordable housing incentives authorized by this chapter are intended to promote the development of permanently affordable housing in Millcreek. This section applies to all property owners, developers, and successors who benefit from the affordable housing incentives authorized by this chapter. Compliance is required for the duration of the affordability period specified in the agreement between the property owner and the City.
- B. Enforcement Mechanisms:
 - 1. Deed Restriction. A property owner benefiting from affordable housing incentives must record a deed restriction on the property with the Salt Lake County Recorder's Office, on a form provided by the City. The deed restriction must specify the required affordability period, rental or sale price limits, and eligible income levels of tenants or buyers, and shall include a right of first refusal pursuant to this section.
 - 2. Restrictive Covenants. Restrictive covenants are required for newly-created subdivisions to ensure ongoing compliance with affordability requirements. These covenants must be binding on all successors in interest and may not be removed or modified without City approval.
 - 3. Notice of Noncompliance. The City shall issue a Notice of Noncompliance to any property owner or developer found to be in violation of the affordability requirements.
 - 4. Liens. In cases of unresolved violations, the City may place a lien on the property to recover any financial benefits or incentives improperly utilized by the property owner. The lien may be enforced through judicial foreclosure or other legal means as permitted by state law.
 - 5. Right of First Refusal. In cases of extreme violations, including unauthorized sale or conversion of affordable units, the City retains the right of first refusal to purchase the property or unit at a fair market price adjusted for affordability. Proceeds from such actions will be allocated to the City's affordable housing fund to promote further development of affordable housing.
 - 6. Legal Remedies. The City reserves the right to pursue all available legal remedies, including injunctive relief, civil penalties, or termination of incentives, to enforce compliance with this ordinance.
 - 7. Compliance Monitoring and Reporting. All properties receiving incentives are subject to annual compliance audits conducted by the City. The City reserves the right to conduct on-site inspections of affordable units as part of the audit process. Property owners must provide documentation demonstrating compliance, which may include:
 - a. Tenant income certifications and lease agreements to verify eligibility.

- b. Annual rent or sale price reports.
 - c. Proof of adherence to any specific affordability terms in the agreement.
- C. Severability. If any provision of this enforcement section is found to be invalid, the remaining provisions shall remain in full force and effect.

18.79 Section Reserved

18.80 Section Reserved

18.81 Section Reserved

18.82 Section Reserved

18.83 Section Reserved

18.84 Section Reserved

18.85 Section Reserved

18.86 Section Reserved

18.87 Section Reserved

18.88 Section Reserved

18.89 Section Reserved

18.90 Section Reserved

18.91 Section Reserved

18.92 Section Reserved

18.93 Section Reserved

18.94 Section Reserved

18.95 Section Reserved

18.96 Section Reserved

18.97 Definitions

18.97.010 Purpose

For the purpose of this title, certain words and terms are defined as set out in this chapter. Additional definitions may be found in MKC 14.60. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; and words included herein but defined in the building code shall be construed as defined therein.

18.97.020 Organization

Defined words and terms are organized alphabetically.

18.97.030 Alphabetized Definitions

A

Abut or **Abutting** or **Adjoining** means immediately contiguous to, or physically touching, and when used with respect to lots, parcels, or development sites, means two lots, parcels, or development sites that share a common property line, including property separated by an alley, a private right-of-way or a utility strip.

Access means the ability for vehicles or pedestrians to enter or exit a site or building at a designated location.

Access Strip means the portion of a flag lot that connects the main body of the flag lot to a public street and that includes a driveway for vehicular access.

Accessory Uses and Buildings or Structures means a subordinate use or structure customarily incidental to and located upon the same lot occupied by a main or primary use.

Active Fault means a fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 10,000 years ago to the present).

Active Recreation Areas means areas of the landscape dedicated to active play where lawn may be used as the playing surface such as sports fields.

Activity Zones means portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

Adaptive Reuse means the process of repurposing a building for a use other than what it was built or designed for.

Affected Property Owners Within a Subdivision means property owners who have a direct interest in, or will be directly affected by, a proposed subdivision amendment or lot line adjustment, including the applicant.

Affected Entities means individuals, organizations, or governmental bodies that have a stake or are impacted by a proposed regulation or land use decision.

Affordable Housing means housing occupied or reserved for occupancy by households with the following gross household income levels:

- **Very Low-income Housing** means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 30% of the median gross income for households of the same size in the county in which the housing is located.
- **Low-income Housing** means housing occupied or reserved for occupancy by households with a gross household income between 30% - 50% of the median gross income for households of the same size in the county in which the housing is located.
- **Moderate-income Housing** means housing occupied or reserved for occupancy by households with a gross household income between 50% - 80% of the median gross income for households of the same size in the county in which the housing is located.

Agriculture, Commercial means tilling of soil, horticulture, raising crops, raising animals, and commercial greenhouses with the intent of selling the products for profit. Commercial agriculture includes the keeping or raising of domestic animals, except household pets or fowl, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals, or similar uses.

Agriculture, Noncommercial means tilling of soil, horticulture, raising crops, raising animals, and noncommercial greenhouses associated with residential uses, but not including the keeping or raising of domestic animals, except household pets or fowl, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals, or similar uses.

ALTA Survey means a standard survey format proposed by the American Land Title Association and the American Congress on Surveying and Mapping.

Antenna means a communication equipment that transmits or receives electromagnetic waves.

Animal Care, Grooming, Boarding, Daycare means a facility where dogs, cats or other domestic animals are provided care such as grooming, daycare, or overnight boarding.

Apiary means a place where one or more colonies of bees are located.

Architectural Feature means a decorative feature built into the design and construction of the building in addition to the occupiable space of the building. Such features may include but are not limited to overhangs, eaves, railings, bay windows, pelmets, façade variations, and cupolas.

Architectural Lighting means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, safety, or ornamentation.

Artisan Commercial means an establishment with retail offerings that also provides repair services or custom manufacturing of specialty items. Examples include bicycle repair, computer repair, jewelry repair, shoe repair, tailoring, custom picture framing, furniture repair, musical instrument repair, florist shops or other similar specialties.

Assistance Animal means a domestic animal trained to lead, guide, or assist a person with a disability.

Automobile, Equipment, or Recreational Vehicle Sales or Rental means a business involved in selling, leasing, and renting new or used automobiles, equipment, commercial vans, trucks, semi-trailer trucks, motorcycles, recreational vehicles, or boats. This use may also include on-site service, repair, and washing,

Automobile Service and Repair means an establishment primarily engaged in providing motor vehicle repair and maintenance, including activities such as lubrication, oil and tire changes, engine tune-ups and repair, brake repair, tire replacement, installation of after-market accessories such as window tinting, transmission or differential repair, automotive painting, and body and fender work. Automobile Service and Repair does not include impound and tow lots, salvage yards, or junk yards.

Avalanche means a large mass of snow, ice, and debris in swift motion down a slope, including both wet and dry snow avalanches.

Aviary means any pen or run enclosed by wire or similar materials located immediately adjacent to a coop, into which fowl can only enter directly from the coop.

B

Bank or Financial Institution means an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This classification includes credit unions, savings institutions, and Automated Teller Machines (ATMs) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. It does include a Non-Depository Financial Institution.

Bed and Breakfast means a residential dwelling with a maximum of six (6) guestrooms, is occupied by the owner or individual responsible for operating the facility and used for accommodations or lodging of guests paying compensation. Guest rooms have no provision for cooking in any individual guest room. Breakfast may be served during the morning hours. Lunch or dinner may not be served. This use shall not change the character of the dwelling or property for residential purposes and shall meet the requirements of the health department and the City fire service provider.

Bedroom, for the purpose of establishing a minimum parking requirement, means any room within a dwelling that:

- is designed, configured, and intended to be used for sleeping purposes, and can accommodate at least one full-sized bed.
- has adequate natural lighting and ventilation through a window or other acceptable means, as determined by the building code.
- has a minimum floor area of 70 square feet that can accommodate furniture and necessary living functions.
- Includes at least one doorway that provides ingress and egress for occupants.
- is intended to be used as a sleeping room for the duration of occupancy and is not a passageway or access corridor.

Benchmark means a mark affixed to a permanent object along a line of survey to furnish a datum level.

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.

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.

Block means a group of platted lots surrounded by streets or other features interrupting the street network such as parks, railroad rights-of-way, or municipal boundary lines.

Boundary Adjustment means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels. "Boundary adjustment" does not mean a modification of a lot or parcel boundary that creates an additional lot or parcel; or is made by the Utah Department of Transportation.

Boundary Adjustment, Full means a boundary adjustment that is not a simple boundary adjustment and that does not result in a lot or parcel that crosses a zone district boundary.

Boundary Adjustment, Simple means a boundary adjustment that does not affect a public right-of-way, municipal utility easement, or other public property; an existing easement, onsite wastewater system, or an internal lot restriction; or result in a lot or parcel out of conformity with land use regulations, including a lot or parcel that crosses a zone district boundary.

Buffer, Landscape means an area of natural or planted vegetation adjacent to or surrounding a land use to screen and soften the effects of the land use.

Buildable Area means that portion of a site, within the required setbacks of the underlying zone, where an approved engineering geology and/or geotechnical report, as required, has indicated that it is not impacted by geologic hazards or concluded that the identified hazards could be mitigated to a level where the risk to human life and property are reduced to an

acceptable and reasonable level, and where structures may be safely sited. Buildable areas must be clearly marked on the site plan and final approved plat, as appropriate.

Building means a roofed structure, supported by columns or walls, used for shelter meeting requirements of the Building Code and all the requirements of this title.

Building or Structure, Accessory means a building or structure which is incidental and subordinate to the use of the main building on the lot or parcel.

Building, Principal, Primary, or Main means a building which is integral to the principal use to which the premises are devoted, and which is usually the largest building or among the largest buildings on the lot or parcel.

Building Height

- A. "Building Height" means the vertical distance above the lowest original ground surface or "existing grade" at any point on the perimeter of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or the highest point of pitched or hipped roofs, or gambrel roofs.
- B. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in the horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.
- C. Original ground surface, or "existing grade," shall be the elevation of the ground surface in its natural state before any human-caused alterations including but not limited to grading, excavation, or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent, the Planning Director shall determine the elevation of the original grade using one of the following methods:
 - 1. The original grade established related to the most recent building permit activity on the property.
 - 2. Referencing the original grade where the developed area appears to meet the undeveloped portions of the land. The estimated grade shall tie into the elevation and slopes of adjoining properties without creating a need for the new retaining wall, abrupt differences in the visual slope and elevation of the land or redirecting the flow of runoff water.

Building Orientation means the position or alignment of a structure on a lot or parcel relative to key factors such as cardinal directions, street frontage, setbacks, topography, solar access, views, and climate elements.

Build to Line means a requirement that dictates the exact location where a building's façade must be constructed relative to the property line, typically along a street or public right-of-way, as defined by a line parallel to the property line, ensuring a uniform or consistently articulated façade line along a street.

Building Setback Line means a line within a lot or other parcel of land between which line and the adjacent property boundary the erection of an enclosed structure or portion thereof is prohibited.

C

Campground means land made available to persons for temporary outdoor lodging by tent, recreational vehicle, or similar resource. “Campground” does not include a manufactured home, tiny home, yurt, or mobile home park community.

Campus means a property in an Institutional Facilities Zone, typically controlled by an institution, and used by the institution or affiliated users in direct support of the institution’s purposes.

Cannabis Cultivation Facility means a facility that:

- Possesses cannabis;
- Grows or intends to grow cannabis;
- Sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

Cannabis Pharmacy means a business, licensed by the state of Utah, to distribute cannabis products by prescription for medical purposes.

Cannabis Processing Facility means a person that acquires or intends to acquire cannabis from a cannabis production establishment; possesses cannabis with the intent to manufacture a cannabis product; manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

Cannabis Production Establishment means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

Caretaker Dwelling means a residential unit designated for occupancy by a person or persons responsible for overseeing and maintaining a particular property or facility. The caretaker dwelling is usually located on the same site as the managed property, such as a large estate, industrial facility, commercial property, or public park, for security or maintenance purposes.

Car Wash means a self-service or full-service facility for washing, cleaning and drying vehicles including automobiles, motorcycles, buses, or recreational vehicles.

Cemetery means a property of at least fifteen (15) acres in area used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Central Open Shape means an unobstructed area that functions as the focal point of LocalScapes and is designed in a geometric shape that minimizes angles and encourages an efficient watering pattern.

Certificate of Historic Appropriateness (COA) means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic resource.

Checklist means a checklist for each application type that is approved by the Millcreek City Council and is updated from time to time by the Planning Director.

City or City Council means Millcreek or the Millcreek City Council.

Classification Request means a request to determine whether a proposed business use aligns with an existing land use specified in this Title.

Clear View Area means a triangular area formed by the edge of any driveway or automobile access and the street right-of-way line or within a thirty foot (30') triangular area formed by intersecting street right-of-way lines wherein no view obscuring object(s) including walls or opaque fencing in excess of three feet (3') in height shall be placed, except as provided in MKZ 18.67, Clear View Areas.

Clinic, Medical or Dental means an establishment where patients receive consultation, diagnosis, and treatment by doctors, dentists, or similar practitioners. This use includes medical services offered exclusively on an outpatient basis, including emergency services such as urgent care centers, and licensed facilities offering substance abuse treatment, blood banks, plasma donation centers, physical therapy and rehabilitation, and medical/ dental laboratories.

Commercial Daycare or Preschool means a facility not located within an occupied dwelling where children, the elderly, and/or people with special needs receive care from a person qualified by the state to provide supervision, protection, pre-school instruction, or similar care for less than 24 hours per day. This includes nursery schools, childcare centers, Montessori schools, private pre-kindergartens, and play groups. A commercial daycare may be located within commercial spaces of a mixed use building but may not occupy residential units. This definition excludes care for persons who are violent or being treated for alcoholism or drug abuse. Placement in a day care/preschool center may not be part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

Commercial Entertainment means one or more recreational activities or uses, either indoor or outdoor, operated as a business and open to the public for a fee. Commercial entertainment facilities include but are not limited to arcades, billiard halls, bowling alleys, theatres, skating rinks, sport court facilities, trampoline parks, miniature golf courses, axe-throwing, go-cart tracks, and performance venues. This definition does not include indoor or outdoor gun or archery ranges.

Commercial Kitchen/Ghost Kitchen means a facility containing a kitchen(s) where food for sale is prepared for off-premises consumption, such as a catering establishment, or delivery service pickup.

Commercial Wireless Telecommunication Facilities means a commercially operated unmanned structure consisting of equipment used primarily for the transmission, reception, or transfer of voice or data through radio waves or wireless transmissions. Such sites typically require constructing transmission support structures attached to antenna equipment.

Community Garden means an area of land managed and maintained by a group or community members used to grow and harvest food crops and/or nonfood, ornamental crops such as flowers, for personal or group use, consumption, donation, sale, or educational purposes. The private use of private land (not intended to benefit the community at large) does not constitute a community garden.

Complete Application means when the applicant provides a land use application in a form that complies with the submittal requirements of this title and applicable Millcreek ordinances and pays all applicable fees.

Composting Facility means a structure or yard used for composting and recycling organic solid waste including but not limited to wood, weeds, trees, yard trimmings, food scraps, and plant material.

Conditional Use Permit means authorization granted by the land use authority for a conditional use according to requirements of this title.

Conveyance Document means an instrument that meets the definition of "document" in [Utah Code Section 57-1-1](#), and meets the requirements of [Utah Code Section 57-1-45.5](#).

Conveyance of Property means the transfer of ownership of any portion of real property from one person to another person.

Convertible Space means ground floor space in a mixed use building that is built to the standards of a retail commercial space pursuant to the design standards of the Millcreek Code and the International Building Code, regardless of how it the space is used.

Corner Lot or **Corner Parcel** means a lot or parcel situated at the intersection of two or more streets, provided that the angle of intersection of such streets is not more than one hundred thirty-five (135) degrees. Corner lots or parcels may have two front yards depending on the zoning district.

Coop means a structure, enclosure, or cage for housing fowl such as chickens, ducks, or geese.

Crematorium means facility where the remains of deceased individuals are cremated. This process involves the use of specialized equipment to incinerate human or animal bodies.

Critical facilities mean essential facilities and lifelines, such as major utility, transportation, and communication facilities and their connections to essential facilities.

Cul-De-Sac means a minor street having one open end and being terminated at the other by a vehicular turnaround.

D

Debris Flow means a slurry of rock, soil, organic material, and water transported in an extremely fast and destructive flow that flows down channels and onto and across alluvial fans, including a continuum of sedimentation events and processes including debris, flows, debris floods, mudflows, clearwater floods, and alluvial fan flooding.

Den means a room in a dwelling that is:

- Designed and intended for uses other than as a primary sleeping area (such as a home office, study, or recreation room).
- Not capable of functioning as a full-time bedroom due to limitations such as lack of natural lighting, inadequate ventilation, or insufficient floor space.
- Not intended or advertised for use as a sleeping area or as a permanent residential space.

Density means the number of dwelling units per acre of land.

Depository Financial Institution means an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This classification includes credit unions, savings institutions, and Automated Teller Machines (ATMs) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

Detention Facility, Jail, or Correctional Facility means a place for the incarceration of individuals who have been convicted of violating the law.

Development Agreement means a written agreement or amendment to a written agreement between a municipality and one or more parties utilizing a Development Agreement form approved by the City that regulates or controls the use or development of a specific area of land. Development agreements run with the land and are binding on all successors and assigns of the property owner or developer. Development agreements specify and describe proposed development through text, site plans, and elevations; detail the amenities and other benefits being provided to the City and its residents; and include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the agreement.

Development (regarding Sensitive Lands) means all critical and essential facilities, subdivisions, single- and multiple-household dwellings, commercial and industrial buildings,

additions to existing buildings, storage facilities, pipelines and utility conveyances, and other land uses.

Development (in general) means any activity involving the alteration, improvement, or change in the use of land, buildings, or infrastructure.

Direct Illumination means illumination resulting from light emitted directly from a lamp, luminary, or reflector. Does not include reflected light from surfaces such as the ground or building faces.

Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. Disability does not include current illegal use of, and/or resulting addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

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.

Document, for the purposes of simple or full boundary adjustments, means the same as that term is defined in [Utah Code Section 57-1-1](#).

Dormer means a roofed structure, often containing a window, that projects vertically beyond the plane of a pitched roof.

Drive-up Window means a use with outside order windows, typically seen in association with banks, or eating and drinking establishments.

Drought-Tolerant Plant means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

Dwelling means a structure designated for residential purposes arranged to hold one or more dwelling units. Transitory facilities like hotels, apartment hotels, lodging houses or similar are not considered dwellings.

Dwelling, Legally-Established means a dwelling that complied with all zoning and building code requirements at the time it was constructed, and that received a building permit.

Dwelling, Multiple-Household means a building arranged or designed to be occupied by more than four households.

Dwelling, Single-Household – Detached means a building arranged or designed to be occupied by one household, the structure having only one primary dwelling unit, and is not attached to another primary dwelling unit.

Dwelling, Single-Household - Attached (Townhouse/Townhome) means a building arranged or designed to be occupied by one household, the structure having only one primary dwelling unit, and is attached to another single-household dwelling via a shared wall on one or both sides by a common wall(s). A common wall(s) may be located within an attached garage.

Dwelling, Two-Household (Duplex, Twin Home) means a single building under a continuous roof containing two primary dwelling units completely separated by either: (1) a common interior wall, where the units are side by side, or (2) a common interior floor, where the units are one above the other. A common wall may be located within an attached garage.

Dwelling, Three or Four Household (Triplex, Fourplex, Quadplex) means a single building under a continuous roof containing three to four dwelling units completely separated by either: (1) common interior walls, where the units are side by side, or (2) common interior floors, where the units are one above the other. A common wall(s) may be located within an attached garage.

Dwelling Unit means a habitable space physically arranged to create an independent housekeeping establishment for occupancy by one household with separate facilities for sanitation, cooking, and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to: A building design that allows all occupants ready access to all portions of the building including cooking facilities. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit; There is only one electric and/or gas meter for the building.

Dwelling Unit, Accessory (ADU) means a residential dwelling unit occupied as a separate dwelling unit on the same lot or parcel as a single-household dwelling unit, either within the same building as the single-household dwelling unit, attached to the single-household dwelling, or in a detached building. Mobile homes and manufactured homes are not considered ADUs.

- **Attached ADU** means an accessory dwelling unit that shares a wall and roof with or as an additional story above or below the primary dwelling unit, and that has an internal doorway connecting the attached ADU to the primary dwelling.
- **Detached ADU** means an accessory dwelling unit that shares no common walls or roof with the primary dwelling.
- **Internal ADU** means an accessory dwelling unit created within the primary dwelling or within the footprint of the primary dwelling.

Dwelling Unit, Primary or Main means the principal residential dwelling unit on a lot or parcel. The primary (or main) dwelling unit is the largest of the dwelling units on the lot or parcel.

E

Easement means the quantity of land set aside or over which liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

Eating and Drinking Establishment, Dine-in means a place of business where food is prepared, cooked, and served to the public for consumption on the premises, inside or outside, or made available for consumption off-site via delivery, pick up, or catering services. Alcoholic beverages may be served as set forth in State statute.

Eating and Drinking Establishment, Drive-up means a place of business where food is prepared, cooked, and served to the public for consumption on the premises, inside or outside, or made available via a drive-thru or outside pickup window. Alcoholic beverages may be served for dine-in customers as set forth in State statute.

Electric Vehicle (EV) means a vehicle registered for on-road use, primarily powered by an electric motor that draws current from a rechargeable storage source that is charged by being plugged into an electrical current source.

Electrical Vehicle Infrastructure means the following:

- **EV-Capable:** Parking spaces with the electrical panel capacity and conduit installed during construction to support future implementation of EV charging with 208/240-volt (or greater), and 40-ampere (or greater) circuits. Anticipating dual head EVSE, the same circuit may be used to support charging in adjacent EV-capable spaces.
- **EV-Ready:** Parking spaces with full circuit installations of 208/240-volt (or greater), 40-ampere (or greater) panel capacity, raceway wiring, receptacle, and circuit overprotection devices. Anticipating dual head EVSE, the same circuit may be used to support charging in adjacent EV-Ready spaces.
- **EVSE-Installed:** EV Supply Equipment (EVSE) that is fully installed from the electrical panel to the parking space.
- **Electric Vehicle Supply Equipment (EVSE)** means an apparatus installed specifically to transfer energy between the premises wiring and the Electric Vehicle.

Engineering Division means the City's Public Works Department or designee.

Engineering Geologist means a geologist who, through education, training, and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and the protection of the public.

Engineering Geology means the application of geological data, principles, and interpretation so that geological factors affecting the planning, design, construction, and maintenance of engineered works are properly recognized and adequately interpreted.

Essential Facility means buildings and other structures intended to remain operational during extreme environmental loading from snow or earthquakes, including all Category II and III structures as classified in Table 1604.5 of the Building Code.

Exterior Architectural Features means the architectural style, general design, and general arrangement of the exterior of a building, structure, or object, including but not limited to the texture of the building material and the type and style of windows, doors, signs, and other appurtenant architectural fixtures, details, or elements relative to the foregoing.

Exterior Environmental Features means all those aspects of the landscape or the development of a site that affect the property's historic character.

F

Façade means the exterior side of a building or structure extending from the ground to top of the roof, parapet, or wall and the entire width of the building elevation.

Facility, Critical means an essential facility, and lifelines such as major utility, transportation, and communication facilities and their connections to essential facilities.

Facility, Essential means a building or structure that is intended to remain operational in the event of extreme environmental loading from flood, wind, snow, or earthquakes, including all Category III and IV structures as identified in the Building Code.

Family Food Production means the keeping of animals or cultivating plants that provide food sources for the consumption by a property's occupants. "Family Food Production" does not include selling or commercial production of animals or crops, or food production that poses a risk to health, of spreading plant pest infestation, or of spreading agricultural disease.

Farm Stand means a kiosk or temporary structure engaged that sells agricultural products produced or grown on site such as fruits, vegetables, or eggs. "Farm Stands" are typically seasonal.

Fault means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (see "Active fault").

Fault Setback means an area on either side of a fault within which construction of structures for human occupancy or critical facilities is not permitted.

Fault Scarp means a steep slope or cliff formed by movement along a fault.

Fault Trace means the intersection of a fault plane with the ground surface, often present as a fault scarp or detected as a lineament on aerial photographs.

Fault Zone means a corridor of variable width along one or more fault traces, within which deformation has occurred.

Fence means an artificially constructed barrier to identify a property boundary or enclose a space.

Fence, barbed or razor wire, or similar means a fence with one or more strands of wire or other material having intermittent or continuous sharp points that may puncture, tear, cut, or snag.

Fence, private or privacy means a fence constructed of a solid material to prevent views through the fence.

Fence, open-style means a picket, post and rail or mesh style with a regular patterns and gaps that permits views through a minimum of 75% percent of the fence when viewed perpendicular to the plane of the fence.

Final Plat means an instrument approved for recording subdividing property into lots as depicted on a map that a licensed professional land surveyor makes and prepares in accordance with [Utah Code Sections 10-9a-603](#) or [57-8-13](#).

Flea Markets, Swap Meets means a use intended for the resale of used goods, typically within a permanent enclosed structure, but can be associated with a temporary open-air market by permit.

Flex Space means a building with an office or retail space for a portion of the floor area with the remaining floor area being used for warehouse or light industrial uses.

Flood, Areas of Special Flood Hazard means areas of the City that are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These areas are identified by the Federal Emergency Management Agency.

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

Frontage means the boundary of a property that abuts a right-of-way.

Fuel Station means a facility for retail dispensing and selling of vehicle fuels, including gasoline, gas/oil mixtures, diesel fuel, ethanol, or compressed natural gas through fixed dispensing equipment, operated by customers or employees. Ancillary sales of convenience items, food, lubricants, car washes, and similar accessory uses may be present.

Fully Shielded Fixture means an outdoor light fixture designed so that the installed fixture emits no light above the horizontal plane.

Funeral Home or Mortuary means a place for the storage of human bodies prior to their interment (burial, cremation, aquamation, or other similar preparation), or a building used for the preparation of the deceased for burial and the display of the deceased and associated ceremonies prior to interment.

G

Gable means the triangular portion of a wall between the edges of intersecting roof pitches.

Gathering Area means portions of the landscape dedicated to congregating, such as patios, gazebos, decks, and other seating areas.

General Plan means the adopted vision and policy document that establishes what residents, business owners, property owners, and other stakeholders envision for the City's future.

General Retail means selling goods intended to serve a community and regional market. Typical General Retail Uses include, but are not limited to, Appliance and Electronic Sales and Service, Automotive Supply (no service), Computer Software Sales and Leasing, Department Store, Gun Shop, Home Furnishings and Accessories Sales, Rental supply, Medical Supply Store and Rental, Motorcycle and Motor Scooter Sales, Heating, Air Conditioning and Plumbing Supplies, Sales, and Service, Cabinet Supply (display only), Machine Sales and Rental, Agriculture Equipment and Supply, Electrical Supplies.

General Service means a facility that provides the sale of services including but not limited to, Animal Boarding (interior only), Bowling Alley, Non-Depository Financial Institutions, Store, Concert Hall, Light Service and Repair, Pest Control, Cleaning Service, Funeral Home, Microbrewery, Miniature Golf Course, Movie Theater, Commercial Indoor Recreation, Repair of Small Goods and Electronics, Indoor Gun or Archery Ranges, or Skating Rinks.

Geologic Hazard means a surface fault rupture, liquefaction, landslide, debris flow, unstable soil, rockfall, avalanche, and/or other geologic processes that may risk life and property.

Geologic Hazard Maps means the following maps showing Geologic Hazards Special Study Areas in the City and by this reference the same is incorporated herein by reference:

1. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989, and revised March 1995;
2. "Avalanche Special Study Areas," dated March 31, 1989;
3. "Landslide, Debris Flow, and Rockfall Special Study Area Map" dated April 9, 2002.

Geologic Hazard Special Study Area means a potentially hazardous area, as shown on the geological hazards maps, or in other areas defined under "Applicability" (MKZ 19.62.030), within which hazard investigations are generally required prior to development.

Geotechnical Engineer means a professional engineer licensed to practice in the State of Utah with education, training, and experience is in geotechnical engineering.

Geotechnical Engineering means the investigation and engineering evaluation of earth materials including soil, rock, and manufactured materials, and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.

Geotechnical Report means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, or other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to abutting and nearby properties. Geotechnical Reports shall conform to accepted technical standards and must be prepared by a qualified Geotechnical Engineer or Geologist licensed to practice in the State of Utah.

Geotechnical Report, Level 1 means a Geotechnical Report that includes a soils analysis and recommendations on structural requirements for footings and foundations, and other items as required by the Engineering Review Checklist.

Geotechnical Report, Level 2 means a Geotechnical report for a development in a Sensitive Lands area that includes an analysis of any topographical or subsurface feature on the property that is identified as a sensitive lands area and includes other items as required by the Engineering Review Checklist.

Governing Body means the Millcreek City Council.

Greenhouse or Plant Nursery means a facility or structure used to cultivate trees, shrubs, or other plants grown for retail or wholesale trade. This may also include the accessory sale of soil, planting materials, garden equipment or similar materials.

Grocery Store means a full-scale supermarket or neighborhood market with least 5,000 gross interior square feet dedicated to products that shall include each of the following categories: fresh meat, fresh produce, fresh dairy products, baked goods, toiletries, baby food and diapers, cleaning products, paper towels and toilet paper, beverages, canned vegetables and fruits, cooking oils, flour, sugar, and frozen foods.

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

Gross Floor Area means the total area of all floors or stories within the exterior walls of a building or structure, including basements, mezzanines, and interior balconies, and all accessory structures on the property. Gross floor area includes:

- A. Habitable living spaces, including but not limited to bedrooms, lobbies, kitchens, living rooms, offices, workspaces, shop floors, or hallways.
- B. Accessory structures, such as detached garages, workshops, detached ADUs, or guest houses.
- C. Enclosed porches or sunrooms, regardless of heating or cooling.
- D. Storage areas and mechanical rooms if enclosed by permanent walls.
- E. Garages, whether attached or detached.
- F. Stairwells, elevator shafts, hallways, and similar vertical or horizontal circulation areas on each floor.
- G. Areas designed for mechanical equipment or utilities, such as HVAC or electrical systems.

The following areas are not included in a calculation of a gross floor area:

- A. Open or partially-open balconies, decks, or porches.
- B. Crawl spaces or attics that are not designed for occupancy or storage.
- C. Parking areas that are not enclosed, such as carports or parking lots.
- D. Unenclosed courtyards or breezeways.

Groundcover means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches.

Group Home means a residential facility home where fewer than sixteen (16) residents in need of care, support, or supervision can live together, such as those who are elderly, disabled, or protected by federal fair housing laws.

Guardrail means a strong barrier intended to prevent people from falling off or being hit by something, typically thirty-six inches (36") to forty-two inches (42") in height.

Guest House means a separate dwelling located on a lot or parcel with one or more main dwelling structures and used for housing of guests or servants, and not rented, leased, or sold separate from the rental, lease, or sale of the main dwelling.

Gym or Fitness Studio means a facility where members or nonmembers use equipment or space or receive instruction for the purpose of physical exercise, fitness, flexibility, and/or weight control. Facilities may include amenities such as whirlpools, saunas, massage rooms, locker rooms, and showers. Gyms and fitness studios may also cater to children with instruction classes, lessons, and accessible play areas.

H

Habitable Space means any space within a dwelling dedicated to rooms that are used for living, sleeping, cooking, and eating.

Hardscape means elements of the landscape such as sidewalks, pathways, patios, decks, seating areas, drives, and areas for vehicular parking typically constructed from non-living materials like concrete, boulders, brick, pavers, asphalt, or wood.

Hazardous Area means an area that poses a degree of hazard greater than normal to a pedestrian, such as a railroad corridor, irrigation canal, ditch, flood channel, stream, or waterway.

Historical Importance means marked by or indicative of significant worth or consequence.

Historic Preservation Commission means the Historic Preservation Commission of Millcreek.

Historic District means an area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are historically or aesthetically united by either a plan or physical development.

Historic Resource means any building, structure, object, site, or district that may be of historical importance to Millcreek and may or may not be listed on the City's historic sites list, or the historic landmarks register.

Historic Site means the location of a significant event where a historic occupation or activity occurred. It may be the site of a building or structure that no longer stands or exists only as a ruin. A site may also include a standing building if the location itself possesses historic, cultural, or archeological value, regardless of the value of any existing structure.

Historic Significance means the importance of a property to the history, architecture, archeology, engineering, or culture of a community, State, or Nation. It is achieved in several ways:

1. Associate with events, activities, or patterns.
2. Association with important persons.
3. Distinctive physical characteristics of design, construction, or form.
4. Potential to yield important information.

Holiday Lighting means string lights, often used in celebration and decoration for holidays. It may also include lighting for decorations that are not string lights during the holidays.

Home Daycare or Preschool means an accessory business located within a residential home that trains, educates, and/or supervises, and provides for the care and safety of up to 12 children, subject to the requirements as set forth in [MKZ 18.76.060](#).

Home Business means a business activity based in a dwelling, attached garage, or detached Accessory Structure, including sport courts and swimming pools, located in the rear yard, that is secondary to and in addition to using the structure for dwelling purposes.

Hospital means an institution licensed by the State of Utah that provides diagnostic, therapeutic, surgical, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office that offers any inpatient or overnight care or operates on a twenty-four (24) hour basis shall be considered a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary for the operation of the hospital. It includes both general acute and specialty hospitals and must be licensed by the Utah Department of Health and Human Services pursuant to the Health Care Facility Licensing and Inspection Act.

Hotel or Motel means a non-residential building or group of buildings designed for and occupied by individuals as a temporary dwelling places providing short-term occupancy. Services, including daily housekeeping and upkeep of furnishings, must be provided. Meeting rooms, fitness facilities, recreational facilities, and dining services shall be permitted for accessory uses within the buildings. This definition shall not include bed-and-breakfasts.

Household means any number of people living together in a dwelling unit and related by blood, marriage, or adoption, including up to three additional people; or one to four people living together in a dwelling.

Household Pet means a domesticated animal kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, mice, ferrets, and other similar animals.

Hydrozone means a planting method where plants with similar water needs are grouped and irrigated together for the purpose of using water efficiently. A hydrozone may be irrigated or non-irrigated.

I

Image means the display of text, numbers or the likeness of an object or living thing of any type on an electronic message center.

Image Display Duration means the time period that an image remains static.

Image Transition Duration means the time period in which one image changes to another on an electronic message center.

Impact Fee means a payment of money imposed under [Utah Code Section 11-36a-101 et seq.](#), Impact Fee Act.

Impervious Surface means a surface that does not allow water to percolate through it, thus eliminating stormwater infiltration and natural groundwater recharge.

Important, in reference to historic preservation standards, means marked by or indicative of significant worth or consequence.

Impound and Tow Lot, Salvage Yard, or Junk Yard means a property or structure that is used for impounding vehicles, salvaging materials, or storing junk. Included in Impound, Vehicle Recycling, or Junk Yard:

- **Impound and Tow Lot** means a property or a structure that is used for the temporary (less than 30 days) storage of motor vehicles awaiting insurance adjustment, transport to a repair shop, or to be claimed by titleholders or their agents. Impound and Tow Lot does not include the permanent storage of motor vehicles.
- **Salvage Yard** means a property or structure that is used for storing, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment, including automobiles.
- **Junk Yard** means a property or structure that is used for keeping, buying, or selling junk as defined in [MKC 9.56.010](#).

Indoor or Outdoor Gun or Archery Range means a practice facility for training and use of guns and archery bows.

Infrastructure Improvement Category means a category of infrastructure improvements, including a culinary water system, a sanitary sewer system, a stormwater system, a transportation system, a secondary and irrigation water system, public landscaping, or public parks, trails, or open spaces.

Inn means a building containing a minimum of six guestrooms, but not more than thirty guestrooms used for accommodations or lodging of guests paying compensation in which no provision is made for cooking in any individual guestroom.

J

No definitions in this section

K

Kennel, Indoor or Outdoor (also Pet Boarding) means a shelter for the keeping of dogs and/or cats.

L

Lattice Tower means a self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

Landslide means a general term for the downslope movement of a mass of soil, surficial deposits, or bedrock, including a continuum of processes between landslides, earthflows, mudflows, debris flows and debris avalanches, and rockfall.

Landscaped Area means an entire parcel of real property minus that area encompassed by building footprints, driveways, and the non-irrigated portions of parking lots. Water features and

areas improved with walkways, benches, seating areas and similar improvements are included in the calculation of the landscaped area.

Land Use Appeal Authority means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Land Use Application means a written application to Millcreek, on a form approved by the City, for a decision by the Land Use Authority. For land use applications that involve amending a future land use map or zoning map, or that involve development on a property, the land use application includes an affidavit from all property owners on a form approved by the City, approving the application.

Land Use Code means Title 18 and all other applicable provisions.

Light Pollution means any adverse effect of human-caused light. It is used to denote “sky glow” from cities, but it also includes glare, light trespass, visual clutter, and other adverse effects of lighting.

Light Service or Repair means the repair and maintenance of small industrial or commercial equipment and personal or household items where there are no nuisances created that could cause detrimental effects to abutting properties and neighborhoods. Light Service or Repair does not include Automobile Service and Repair.

Light Source means the fixture that emits light to illuminate an area.

Light Trespass means light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

Limits of Disturbance means the area(s) in which construction and development activity is to be contained, including the development and construction of the principal building, accessory structures, recreation areas, utilities, services, driveways, septic tank drain fields, and related system requirements, storm drainage, and other similar services or improvements.

Liquefaction means the process by which certain water-saturated soils lose bearing strength due to earthquake-related ground shaking and the subsequent increase of groundwater pore pressure.

Live/Work Unit means a unit that contains separate residential and non-residential areas intended for concurrent use and shares a common wall or floor with direct access between the residential and non-residential areas.

Living Screen means a screen façade attached parallel to the building consisting of a metal grid or trellis system designed to support an opaque massing of evergreen plants in a manner that covers or wraps portions of a building, visually shielding and obscuring the building.

LocalScapes® means a landscaping approach designed to create locally adapted and sustainable landscapes through a basic 5-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).

Lodging means a commercial establishment providing temporary residence to the general public, with a temporary stay not exceeding thirty (30) days. Terms commonly associated with this use include hotel, motel, and inn. This definition shall not include bed-and-breakfasts.

Lot means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the Salt Lake County recorder.

Lot or Parcel Coverage means the measurement of land use intensity that represents the portion of a lot or parcel occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, patios, decks and open porches.

Lot or Parcel of Record means a lot or parcel of land established in compliance with all laws applicable at the time of its creation and recorded in the office of the county recorder either as part of a recorded subdivision or as described on a deed, having frontage upon a street, a right-of-way approved by the land use hearing officer, or a right-of-way not less than twenty feet wide.

Lot Width means the width of the lot measured along the minimum building setback line.

Low Impact Development (LID) means stormwater and land use-management that mimics natural hydrologic conditions and emphasizes conservation, use of natural features, site planning and distributed best management practices for stormwater management. LID may include but is not limited to permeable pavement, bioswales, and rain gardens.

LUDMA (the Municipal Land Use Development Management Act) means the Utah State Law pertaining to land use codified at [Utah Code Section 10-9a-101 et seq.](#)

Lumen means a standard measurement of light emitted by a light fixture. The lumen output of a fixture shall be the manufacturer's published documentation of initial lumens for the fixture.

M

Main Building means the principal building on a lot.

Major Alteration means a change or alteration to a building or historic resource that would destroy the historic integrity, including, but not limited to, changes in the pitch of the main roof, enlargement or enclosure of windows on the principal facades, the addition of upper stories or the removal of original upper stories, covering exterior walls (except adobe) with non-historic materials, moving the historical resource from its original location to one that is dissimilar to the original, or additions which significantly detract from or obscure the original form and appearance of the historic resource when viewed from a public right-of-way.

Major Subdivision means a subdivision of four (4) lots or more.

Manufacturing, Light means manufacturing conducted predominantly within an enclosed building, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, mixing/blending/compounding, treatment, research, testing, and packaging of such products, and associated services, storage, sales (retail and wholesale), and distribution of such products, which minimizes noise, odors, vibration, hazardous waste materials, waste water runoff, or particulates that could be considered a nuisance to neighboring properties.

Material Change in Appearance means a change to a building or historic resource that would affect the exterior architectural or environmental features of a historic resource, such as:

1. Reconstruction or alteration of the size, shape, or facade of a historic resource, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
2. Demolition or relocation of a historic resource;
3. Commencement of excavation for construction purposes; or
4. The erection, alteration, restoration, or removal of any building or historic resource, including walls, fences, steps, pavements, or other appurtenant features, except exterior paint alterations.

Mayor means the Millcreek mayor.

Ministerial in Nature means a general plan and future land use map amendment, a land use code text amendment, or a zoning map amendment that brings the City's land use ordinances into compliance with a state or federal law, adopts a land use update that affects an entire zoning district or multiple zoning districts, adopts a non-substantive, clerical text amendment to an existing land use ordinance, recordings existing land use ordinances, or designate or define an affected area for purposes of a boundary adjustment or annexation. A proposed land use ordinance may include more than one of the purposes described above and remain ministerial in nature. If the proposed land use ordinance includes an adoption or modification not described above, the proposed land use ordinance is not ministerial in nature, even if the proposed land use ordinance also includes a change or modification described above and the notice requirements to provide notice to the area directly affected by the land use ordinance change applies.

Minor Subdivision means a subdivision of three (3) lots or less, or any condominium conversion subdivision.

Mixed Use means the mixing of uses in a vertically-integrated building or in a unified site plan, consisting of commercial uses and residential uses. A vertically-integrated mixed use building consists of commercial uses on the ground story and residential uses on upper stories. Mixed

use in a unified site plan consists of separate residential or commercial or vertically-integrated buildings in a site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use.

Mobile Food Vendor means an enclosed retail food truck, trailer, vehicle, or similar vehicle-mounted unit that is:

- a. A licensed motor vehicle or is capable of being moved by a licensed motor vehicle;
- b. Independent with respect to water, wastewater, and power utilities; and
- c. Used for the preparation, sale, or donation of food products and beverages.

Mobile Home and Tiny Home means a structure transportable in one or more sections, built on a permanent chassis, and designed for use as a dwelling with or without a permanent foundation when connected to the required utilities. Such structures may be permitted for temporary use in construction work for up to one year.

Mobile Home and Tiny Home Park means any plot of ground upon which two or more mobile homes, tiny homes, or combination thereof, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for such accommodation, pursuant to the mobile home/tiny home park ordinance.

Monopole Wireless Telecommunication Facility means an antenna or series of individual antennas mounted on a single cylindrical pole exceeding 45 feet in height, as well as associated equipment. For the purposes of this Title, if a facility does not fit the definition of a roof- or wall-mounted facility, it shall be considered a monopole facility.

Motel see Hotel.

Mulch means any organic material such as leaves, bark, wood chips, straw, inorganic material such as crushed stone or gravel, or other materials left loose and applied to the soil surface to suppress weeds and conserve soil moisture.

N

Neighborhood Retail means a use that occupies a space of less than 5,000 square feet for the sale of goods and supplies. Neighborhood Retail is intended to enhance neighborhood commercial areas by promoting a concentration of businesses that frequently provide goods and services used by local residents with a scale and character that promotes a walk-in clientele. Typical Neighborhood Retail Uses include, but are not limited to: Alcohol and Liquor Sales as a secondary use, Apparel and Accessory Stores, Art and Education Supplies, Bakery, Bicycle Sales and Repair, Book, Magazine, and Newspaper Store, Hardware, Garden Supply, Camera and

Photo Supply Store, Convenience Store, Pharmacy, Fabric and Craft Store, Florist, Gift, Souvenir, Grocery Store, Jewelry Sales and Repair, Music Store, Musical Instrument Repair and Sales, Office Supply, Optical Goods, Paint and Wallpaper, Pet and Pet Supply, Restaurant/cafe, Specialty Food Market of all types, Copy Store, Toy Shop.

Neighborhood Service means a use that occupies a space of less than 5,000 square feet for the sale of services. Neighborhood services are used frequently by residents with a scale and character that promotes a walk-in clientele. Neighborhood service includes, but is not limited to: Bank or other Financial Services, Catering, Child or Pet Day Care, Light Service and Repair, Adult Care Facility, Eating and Drinking establishments, Fitness, Dance Studio, Aquatics, Framing, Home Furniture and Equipment Repair, Lock smith, Mailing Services, Pet Grooming, Photocopying and Printing, Photography Studio and Supplies, Shoe Repair, Tailor and Seamstress, Travel Agency, Veterinarian, and small dental or medical offices.

New or Unlisted Business Use means a business activity that does not align with an existing land use specified in this Title.

Non-Buildable Area means a portion of a site where an engineering geology report concluded may be impacted by geologic hazards that cannot be feasibly mitigated to a safe level and where the siting of structures is not permitted.

Nonconforming Lot or Parcel means a lot or parcel that does not conform to the regulation of this Title, but which was in existence in the effective date of the ordinance codified in this Title.

Nonconforming Use means a use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land changed, and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Noncomplying Structure means a structure that legally existed before the structure's current land use designation, and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Non-Depository Financial Institution means a business, other than a Financial Institution, which is registered by the state of Utah pursuant to the Check Cashing and Title Lending Registration Act. Included in Non-Depository Institutions:

- **Check Cashing Business** means a person or business that, for compensation, engages in cashing a check for consideration or extending a Deferred Deposit Loan. Check Cashing does not include depository institutions, as defined by the state of Utah, Financial Institutions, or a Retail seller engaged primarily in the business of selling goods or services to Retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding one percent of the check or one dollar (\$1.00) as a service fee that is incidental to its main purpose or business.

- **Payday Loan Business** means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.
- **Title Loan Business** means an establishment providing short-term loans to individuals in exchange for the title of a motor vehicle, motor home, or other motor vehicle as collateral.
- **Deferred Deposit Loans** means a business that conducts transactions where a person presents to a check casher a check written on that person's account or provides written or electronic authorization to a check casher to affect a debit from that person's account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction and agrees not to cash the check or process the debit until a specific date.

Nursing Home or Assisted Living means an establishment where people are lodged and furnished with meals, assistance, and/or nursing care.

O

Office means a place where business transactions for a profession occur, including service, industry, or government transactions. Office uses include but are not limited to: Architecture/Engineering/Design, Building Contractor (office only), Business Consulting Charitable Institutions, Computer Programming and Support, Detective Services, Employment Agency, Financial and Insurance Government Offices, Legal Services, Management Services, PR and Advertising, Property Development, Radio and TV Studio, Real Estate, Recording and Sound Studio, Research and Development, Research Agency, Surveying. This definition of office use excludes medical and dental office uses.

Outdoor Display means a display of goods associated with a retail business outside the building that houses the retail use.

Outside Storage means areas on a lot that open to the sky and used for storing items or shipping containers related to the business conducted on the premises.

Owner means the plural and the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.

Owner-occupied means a dwelling in which the individual who owns the dwelling, solely or jointly, lives as the individual's primary residence for no less than five years.

P

Parcel means any real property that is not a lot.

Park Strip means a typically narrow landscaped area located between the back-of-curb and sidewalk.

Parking Lot or Parking Garage, Commercial means a stand-alone parking facility where spaces are rented or leased for a fee, typically to the general public. They can be privately or publicly owned but are operated for profit.

Parking Lot, Public means a stand-alone parking facility open to the public and not operated for profit. These are typically owned and managed by the City.

Parking Garage, also known as a **parking structure** or **parking deck**, means a multi-level structure designed to maximize parking capacity vertically rather than horizontally. Depending on their use, parking garages can be either commercial or noncommercial.

Parking, Shared means joint use of a parking lot or parking area for more than one principal use.

Parking Space means a space within a parking lot or garage dedicated to temporarily storing one vehicle.

Paths means a designed pedestrian route(s) between landscape areas and features.

Pawn Shop means an establishment regulated pursuant to [Utah Code Section 13-32a-101 et seq.](#) that offers loans secured by personal property and sells merchandise.

Personal Service means an establishment that primarily provides personal care services, including barber shops, beauty salons, piercing and tattoo studios, tanning salons, spas, licensed massage therapy studios, educational tutoring facilities, laundromats, and dry cleaners.

Pervious Surface means a layer through which water and air may freely migrate.

Pharmacy means a retail use where drugs are processed, handled and dispensed to patients and where pharmaceutical care is provided.

Planning Commission means the Millcreek Planning Commission.

Planning Director means the City's Planning and Zoning Director or designee(s).

Planting Bed means landscape areas that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

Plat means a preliminary and final plat required as part of the subdivision process.

Pop-Up Market and Farmer's Market means a temporary retail store or a location where producers can sell retail goods and agricultural products. Pop-Up Markets and Farmer's Markets operate for a limited time in a specific location.

Positioning means placing a historical resource on a property or its placement relative to other structures and/or landmarks in the general vicinity.

Preliminary Approval means an approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

Preliminary Plat means a map or plan of a proposed land division or subdivision.

Private Rights-Of-Way means any street or lane retained and maintained under the ownership of private individuals and intended for private use.

Private Recreation Facilities means a privately owned facility designed to provide recreational and social activities for its users and may include golf courses, stables, tennis courts, sport courts, swimming pools and buildings directly related to and supportive of the recreational activities.

Proximate Neighborhood means the lots within a 200' radial distance from the subject property boundary, as measured from the nearest property lines.

Public Park means a park, playground, swimming pool, golf course or athletic field that is under the control, operation, or management of the state, a state agency, the county, or a municipality.

Public Rights-Of-Way means streets dedicated for perpetual public use and are administered by the governing entities in which they are located.

Public and Quasi-Public Use means a use operated exclusively by a public body, or , a quasi-public body, or a nonprofit corporation, such use having the purpose of serving the public health, safety, or general welfare, and includes uses such as parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

Q

No definitions in this section

R

Reasonable Accommodation means a change in any rule, policy, practice, or service necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. The following words have the following definitions:

- **Reasonable** means that a requested accommodation will not undermine the legitimate purpose of existing zoning regulations, notwithstanding the benefit that the accommodation will provide to a person with a disability.
- **Necessary** means that the applicant must show that, without the accommodation, one or more Persons With a Disability would be denied an equal opportunity to enjoy the housing of their choice.
- **Equal Opportunity** means achieving equal results between a person with a disability and a nondisabled person.

Reception or Event Center means a commercial or non-profit facility that can be rented to accommodate groups of people for entertainment, conferences, weddings, and similar activities.

Recreational Vehicles (RVs) means motor vehicles or trailers with living space for traveling, camping, or daily living. These may include campers, travel trailers, or motor homes.

Reconnaissance Level Survey means a visual evaluation of a substantial portion of properties in a community for the purpose of providing a "first cut" of buildings that may, based on their age and integrity, be eligible for listing in the National Register of Historic Places. The evaluation rating of potential sites and historic resources shall be given one of the following ratings:

- **Eligible/Significant:** built within the historic period and retains integrity; excellent example of a style or type; unaltered or only minor alterations or additions; individually eligible for National Register of Historic Places under criterion "C;" also, buildings of known historical significance.
- **Eligible:** built within the historic period and retains integrity; good example of a style or type, but not as well-preserved or well-executed as "A" buildings; more substantial alterations or additions than "A" buildings, though overall integrity is retained; eligible for National Register of Historic Places as part of a potential historic district or primarily for historical, rather than architectural, reasons.
- **Ineligible:** built during the historic period but has undergone major alterations or additions; no longer retains integrity.
- **Out-of-period:** constructed outside the historic period.

Rehabilitation/Treatment Facility means a free-standing facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of adults or juveniles to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, conditions resulting from alcohol or drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A rehabilitation/treatment facility does not include a residential facility for Persons With a Disability.

Religious Assembly means any church, synagogue, mosque, temple, or building used primarily for religious worship and related religious activities.

Residential Facilities for Persons With a Disability means a residence in which more than one person with a disability resides, and is: (1) licensed or certified by the Department of Health and Human Services as a Human Services Program or Facility as regulated under [Utah Code Section 26B-2-1-101 et seq.](#) or (2) as a Health Care Facility as regulated under [Utah Code Section 26B-2-1-201 et seq.](#)

Residential Zone Boundary means the boundary between an A, R-1, R-2, or R-4 zone district, and any other zone district.

Retail Food Truck means a mobile food vendor located within a mobile truck that may move to various locations in the City and has Salt Lake County Health Department approvals and a Millcreek Business License and other permits.

Retail Sales means a category of uses involving the retail sale of goods or merchandise to the public for personal or household consumption. Retail sales include but are not limited to, apparel and accessory stores, art and craft supplies, book stores, hardware, garden supplies, camera and photo supply stores, convenience stores, pharmacies, gift shops, souvenir stores, grocery stores, office supplies, optical goods, paint and wallpaper, pet supplies, specialty food markets of all types, copy stores, toy shops, automotive supplies (no service), department stores, gun shops, home furnishings and accessories sales, rental supplies, medical supplies, heating, air conditioning and plumbing supplies, cabinet supplies (display only), machine sales and rentals, agriculture equipment and supplies, and electrical supplies.

Retail Tobacco Specialty Business means a commercial establishment regulated under [Utah Code Section 10-8-1-41.6](#) and in which:

- A. Sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment.
- B. 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
- C. 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products.
- D. The commercial establishment:
 - 1. holds itself out as a retail tobacco specialty business; and
 - 2. causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business; or
- E. the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products.

Retaining Wall means a wall or other retaining structure or system designed to provide lateral support of soil, water, or other materials, that does not provide vertical support for structural elements of a building and has any portion of its exposed face inclined steeper than one horizontal to one vertical. This definition shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, rockery walls, or other retaining structures.

Review Cycle means the occurrence of the applicant's submittal of a complete regular residential subdivision application, the City's review of that regular residential subdivision application, the City's response to that regular residential subdivision application, and the

applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

Ridgeline means an area of topographical change, running parallel to a slope with at least a twenty foot (20') rise over a sixty foot (60') wide area on one side of the ridge and extending for at least three hundred feet (300').

Riparian Buffer means the transitional area between wetland and upland, naturally characterized by a unique plant community that provides natural filtering for runoff into wetlands.

Rockery Wall means a retaining wall that consists of earth retaining and/or protection structures comprised of interlocking, dry-stacked rocks without mortar or steel reinforcement.

Rockfall means a rock or mass of rock, newly detached from a cliff or other steep slope that moves downslope by falling, rolling, toppling, or bouncing; it includes rockslides, rockfall avalanches, and talus.

Roof-Mounted Wireless Telecommunication Facility means an antenna or series of individual antennas mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure. It also includes associated equipment.

S

Scale means the distinctive relative size, extent, or degree of a historic resource.

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.

Schools, Public and Private means an institution where formal learning or education is conducted. This definition shall include kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the State Department of Education, but shall not include home occupations represented as schools, trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

Secondhand Store means a store that sells general merchandise, military surplus, or sells or processes precious metals or gems.

Self-Storage Facility means a building used exclusively for storing personal or business-related items/property including mini-storage units, neighborhood storage, or temperature-controlled storage facilities.

Sensitive Lands or **Sensitive Lands Area** means various geologic and physical land features that impact the built and natural environments in ways that require additional study and

solutions to mitigate potential development and environmental issues and are generally identified on the adopted Sensitive Lands map.

Service Animal means an animal trained to perform a task directly related to a person's disability.

Setback means an area where the construction of structures or critical facilities is not permitted.

Sexually Oriented Business means any business for which a sexually oriented business license is required as an adult business, nude entertainment business, or as a seminude dancing bar, pursuant to the sexually oriented business licensing requirements in the Millcreek Municipal Code.

Short-Term Loan Service means a facility where loans are given for a period of one year or less such as payday loans, car title loans, or similar.

Short-Term Rental means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days or a residential unit or any portion of a residential unit or that is actually used for accommodations or lodging of guests for a period of less than 30 consecutive days.

Significant means having or likely to have influence and effect.

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, A-frame 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.

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

Sign, Animated 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.

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

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

Sign, Balloon means a temporary sign attached to real or personal property that affects or attracts attention to an object or site.

Sign, Beacon Light or **Searchlight** means:

1. Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically, or
2. A fixed or flashing high-intensity light, such as a spotlight, a floodlight, or a strobe light.

Sign, Billboard means a free-standing ground sign with a sign face of at least one hundred twenty eight (128) square feet in area and with a height of at least thirty feet (30') , or a pole 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.

Sign, Blower Machine means a fan or mechanism that can move air under pressure. Used to provide air for certain processes.

Sign, Construction/Development means a sign located on a lot where construction or proposed development activities actively conducted and not permanently attached to a structure of the ground.

Sign, District 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.

Sign, Electronic Message Center, or "EMC" means a mechanism or device that 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 that may change within a given panel area.

Sign, 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.

Sign, 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.

Sign, 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.

Sign, 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.

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

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

Sign, Flat/Wall 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.

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

Sign, Iconic means a sign with significant historical character that has functioned as a landmark in the City and is specifically included in the iconic sign section of this chapter.

Sign 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.

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

Sign, Inflatable means an object or sign that is filled with air before use.

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

Sign, Mobile means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

Sign, Monument means a low-profile sign that is incorporated into the landscape or architectural design scheme where the sign is located.

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

Sign, 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.

Sign, Nonconforming or Sign Structure, Nonconforming 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.

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

Sign, Pedestal means a temporary and/or movable sign supported by a column(s) and a base so it can stand upright.

Sign, Projecting/Blade 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.

Sign, Property means a sign located on a property being sold, leased, or not offered for public access.

Sign, Roof means a sign that is erected on and attached partly or wholly on a building's roof.

Sign, Service 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 directions to parking lots, location of restrooms, entrance and exits, etc.

Sign Area means the area of a sign 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, the 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 replacing defective parts, repainting, removing rust, replacing or removing empty frames, cleaning and other acts required to maintain the sign. "Good condition" means signs shall not display rust, peeling paint, broken parts, discoloration, bent metal frames, or 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 to support a sign that requires a location on or below the ground or is attached to something having a location on or below the ground.

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

Sign, Static means no motion of any type or form.

Sign, Streamers/Pennants means decorations made from paper, cloth, canvas, light fabric, plastic, or other light materials used to decorate a property or building.

Sign, Temporary 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.

Sign, Temporary window means a temporary sign located on or within the window of a building.

Sign, Time and Temperature Device means any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

Sign, Window means a sign attached and located on a window that is visible from outside the building through a window or door.

Sign, Yard means a temporary sign placed upon or supported by the ground independently of any other sign on the property.

Site Plan means a drawing that shows existing and proposed property lines with dimensions, and the specific locations of all structures and proposed structures, including accessory structures, required parking and landscaping improvements, documented easements, location of existing and proposed utilities, and any designated sensitive lands.

Slope Stability means the resistance of a natural or artificial slope or another inclined surface to failure by land sliding, usually assessed under both static and dynamic (earthquake-induced) conditions.

Small Wireless Facility means a type of wireless facility that meets the following criteria:

- A. on which each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume, and
- B. for which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any:
 - 1. electric meter;
 - 2. concealment element;
 - 3. telecommunications demarcation box;
 - 4. grounding equipment;
 - 5. power transfer switch;
 - 6. cut-off switch;
 - 7. vertical cable run for the connection of power or other service;
 - 8. wireless provider antenna; or
 - 9. coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.

Special Event means a gathering of people for a specific activity over a limited time. Special events may include Concerts, Festivals, Film Production, Parades, Pageants, Political rallies, Markets, Seasonal events, Sporting events, Historical reenactments, and Religious processions.

Sport Court means an outdoor court constructed of a hard surface and designed for athletic or recreational purposes. Sport courts can be surrounded by fencing.

Stable, Private means a detached accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.

Stable, Public means a stable other than a private stable.

Stealth Wireless Telecommunication Facility means a wall, roof, or monopole facility disguised as another object or otherwise concealed from view. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, or architectural elements such as dormers, steeples, and chimneys.

Stepback means a required setback of a building face to minimize the impact of the building's height.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

Story, First means the lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

Story, Half means a story with at least two of its opposite sides situated within a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

Stream, Ephemeral means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (USGS) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall.

Stream, Perennial means those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (USGS) topographic maps as perennial streams.

Stream Corridor means the corridor defined by a perennial stream's ordinary high water mark.

Street means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

Street Right-of-Way Line means the location where a property meets a street right-of-way as indicated by the adopted Transportation Master Plan or as determined by the City Engineer.

Streetscape means the appearance of the full public right-of-way, possibly including the setback areas and the adjacent buildings.

Street Light means a raised light installed within or adjacent to the street right-of-way that is turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells that turn on at dusk and off at sunrise or activate automatically in inclement weather.

Street Tree means a tree located in the landscaped area within or abutting to a public right-of-way. These are located between the sidewalk and the street curb, or where there is no sidewalk present, they are located along the right-of-way.

Structure means any object or building erected or constructed on a lot or parcel which exceeds six feet (6') in height or exceeds two feet (2') in height and forms a geometric shape covering a ground area greater than thirty (30) square feet.

Structure Designed for Human Occupancy means any residential dwelling or other structure used or intended for supporting or sheltering any human occupancy.

Structure, Temporary means a building or structure which is not permanently affixed to a foundation or ground, designed and intended short-term use, such as events, storage, or temporary occupancy.

Subdivision means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development. Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes, as set forth in [Utah Code Section 10-9a-605\(2\)](#), a recorded conveyance document, consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description, joining a lot to a parcel, a bona fide division of land by deed or other instruments if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels, does not confer any land use approvals, and has not been approved by the City, a boundary adjustment, a boundary establishment, road, street, or highway dedication plat, a deed or easement for a road, street, or highway purposes, or any other division of land authorized by law. The word "subdivide," and any derivative thereof shall have reference to the term subdivision as defined in this Title.

Subdivision Amendment means an amendment to a recorded subdivision as set forth in [Utah Code Section 10-9a-608](#) that vacates all or a portion of a subdivision, increases the number of lots within a subdivision, that alters a public right-of-way, a public easement, or public infrastructure within the subdivision, or alters a common area or other common amenity within the subdivision. A subdivision amendment does not include a simple or full boundary adjustment.

Subdivision Application means a land use application for the subdivision of land.

Subdivision Improvement Plan means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.

Subdivision Ordinance Review means review by a municipality to verify that a subdivision application meets the criteria of the municipality's ordinances.

Subdivision Plan Review means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with City ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

Subdivision, Regular Residential means a residential subdivision limited to single-household dwellings, two-household dwellings, or townhomes that does not include property affected by a geologic hazard identified on the adopted Sensitive Lands Map.

Subdivision Requirements Checklist means the Subdivision Requirements Checklist that is approved by the Millcreek City Council and is updated from time to time by the Planning Director.

Substantial Addition means any new structure, addition, or aggregate thereof to the primary, secondary, or accessory dwelling unit that adds more than 1,000 square feet of gross floor area.

Surface Fault Rupture means ground displacement when the earth's surface visibly shifts due to an earthquake.

T

Temporary Use means a use or structure on improved or unimproved land which is of impermanent nature and is used for less than one hundred and eighty (180) days in a calendar year.

Terraced Retaining Wall System means a configuration of two or more retaining walls arranged on a slope in a stepped or tiered manner. This system functions as a single structural unit to stabilize the slope, manage soil erosion, and enhance the landscape's usability and aesthetic appeal.

Total Landscaped Area means improved areas of the property that incorporate all the completed landscape features. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.

Truck Transfer Facility means a facility serving as a transfer or trailer storage point for a trucking company, including associated offices, parking, and maintenance facilities.

Turfgrass or Turf means grasses that form a uniform low-growing cover that can tolerate traffic and mowing.

Trails means a system of designated public recreational pathways within the City for walking, biking, and/or horseback riding.

Transit Station means a covered passenger boarding facility with platform(s), that may include a waiting room, ticket office or machines, restrooms, or concessions.

Transparent or **Transparency** means the property of a window or material that allows light to pass through it without scattering. Objects behind a transparent material are readily identifiable. Transparent materials have a uniform index of refraction and appear clear or a single color. Frosted or opaque windows are not considered transparent.

U

Unified Site Plan means a mixed use site plan consisting of separate residential and commercial or vertically-integrated buildings that features consistent approaches to lighting, landscaping, signage, building design, and materials use.

Unshielded Fixture means a light fixture that allows light to be emitted above the horizontal plane either directly from the lamp or indirectly from the fixture or reflector. Includes any fixture that is not fully shielded.

Use, Compatible means an existing or proposed use which is like or similar to other neighboring uses.

Use, Conditional means any use listed as "conditional" in a zone and requiring land use authority approval of a conditional use permit, after a public hearing is held, and which may be incompatible with neighboring properties or which can be made compatible with certain conditions attached to the approval prior to or during conduct of the use.

Use, Incompatible means an existing or proposed use which is unlike other neighboring uses and which conflicts or may conflict with the neighboring use or uses. Incompatibility may be based on noise, traffic, light, odor, vibration, emissions or other environmental or aesthetic considerations.

Use or **Land Use** means the purpose for which a parcel, lot, building, or structure is developed or constructed, the manner in which it is occupied or maintained or an activity conducted on the premises on a regular basis.

Use, Permitted means any use listed as such and allowed within a particular zone which is established and conducted in compliance with City ordinances.

Use, Temporary means a use which is seasonal or promotional in nature which is not conducted on the premises on a regular basis and does not require permanent improvements.

V

Vacant Lot or Vacant Parcel means a lot or parcel that does not have a building or structure on it, or that has been cleared of buildings or structures for at least one year.

Variance means a waiver of specific regulations of this title in accordance with the provisions set forth in this title to assure that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone.

Veterinary Clinic means a neighborhood service use that provides diagnosis and medical treatment for cats, dogs, or other domestic animals, including surgical procedures, and may also include overnight accommodation within a building on premises for treatment, observation, and recuperation.

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

Village Center means a smaller center that include a mixture of neighborhood scale commercial and residential buildings.

W

Wall-Mounted Wireless Telecommunication Facility means an antenna or series of individual antennas mounted against the vertical wall of a building or structure. It also includes associated equipment.

Warehouse means a structure or building that stores raw, in-process and finished materials. Warehouses may include including retail and wholesale activities. Warehouses do not produce noise, odors, vibrations, hazardous waste materials, or particulates that negatively affect neighboring properties.

Water Efficiency means techniques to ensure more efficient water consumption in establishing and maintaining landscape improvements.

Weed means a wild, invasive, nuisance plant that does not enhance a landscaped area or invade poorly maintained areas.

Wildland Urban Interface means the line, area, or zone where structures or other human development (including critical infrastructure that, if destroyed, would result in hardship to communities) meet or intermingle with undeveloped wildland or vegetative fuel.

Wireless Telecommunication Facility means an unmanned structure consisting of equipment used primarily for transmitting, receiving, or transferring voice or data through radio waves or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

X

Xeriscape means a landscape method or area that utilizes creative, natural approaches for constructing low maintenance, water efficient, and sustainable landscapes. It includes the use of native and drought-tolerant plants that are intended to conserve water and reduce the reliance on chemical fertilizers.

Y

Yard means an open space on the same lot or parcel with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

Yard, Front means the minimum horizontal distance between the street front lot or parcel line and the front foundation of the building. Corner lots or parcels may have two front yards depending on the zoning district.

Yard, Side means the yard between the building and the side line of the lot or parcel and extending from the front yard to the rear yard.

Yard, Rear means an open, unoccupied space on the same lot or parcel as a building, measured from the rear line of the building (exclusive of steps), and the rear lot line, and extending for the entire width of the lot or parcel.

Z

Zoning Map means the zoning map or maps of Millcreek, Utah, adopted as part of a land use ordinance, depicting land use zones, and/or overlays.

Zoning Ordinance means the zoning map or maps of Millcreek, Utah, adopted as part of a land use ordinance, which depicts land use zones, or overlays.

EXHIBIT B

The Zone Districts identified on the Millcreek Zoning Map are hereby renamed as follows:

Former Zone District Name	Former Code Reference	New Zone District Name	New Code Reference
Agricultural (A-1)	19.48	Agricultural (AG)	18.34
Agricultural (A-2)	19.50	Agricultural (AG)	18.34
Agricultural (A-5)	19.52	Agricultural (AG)	18.34
Commercial (C-1)	19.60	Neighborhood Commercial (C-1)	18.43
Commercial (C-2)	19.60	Commercial (C)	18.44
Commercial (C-3)	19.60	Commercial (C)	18.44
Forestry Recreation Estate (FRE)	19.12	Forestry Recreation Estate (FRE)	18.35
Institutional Facilities (IF)	19.63	Institutional Facilities (IF)	18.45
Light Manufacturing (M)	19.66	Light Manufacturing (M)	18.46
Mixed Development (MD)	19.55	Mixed Development (MD)	18.41
Mixed Development (MD-3)	19.56	Mixed Use Development (MD-3)	18.42
Single-Family Residential (R-1-3)	19.14	Single-Household Residential (R-1-3)	18.36
Single-Family Residential (R-1-4)	19.14	Single-Household Residential (R-1-4)	18.36
Single-Family Residential (R-1-5)	19.14	Single-Household Residential (R-1-5)	18.36
Single-Family Residential (R-1-6)	19.14	Single-Household Residential (R-1-6)	18.36
Single-Family Residential (R-1-8)	19.14	Single-Household Residential (R-1-8)	18.36
Single-Family Residential (R-1-10)	19.14	Single-Household Residential (R-1-10)	18.36
Single-Family Residential (R-1-15)	19.14	Single-Household Residential (R-1-15)	18.36
Single-Family Residential (R-1-21)	19.14	Single-Household Residential (R-1-21)	18.36
Medium Density Residential (R-2-6.5)	19.32	Two-Household Residential (R-2-6.5)	18.37
Medium Density Residential (R-2-8)	19.32	Two-Household Residential (R-2-8)	18.37
Medium Density Residential (R-2-10)	19.32	Two-Household Residential (R-2-10)	18.37
Residential (R-4-8.5)	19.40	Medium Density Residential (R-4)	18.38
Multifamily Residential (RM)	19.44	Residential Mixed (RM)	18.39

EXHIBIT C

The Application Requirements Checklists are hereby adopted as follows:



General Plan or Future Land Use Map Adoption/Amendment Checklist

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

MKZ 18.15.010 Legislative Decisions (A) (4)

CHECK BOX WHEN COMPLETED	Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit, for Future Land Use Map Amendment Applications.	
☐	Application Fee.	
☐	Letter of Intent describing proposed amendments to the General Plan Text or the Future Land Use Map.	
☐	A summary of the rationale for proposed amendments to the General Plan Text or the Future Land Use Map. As applicable, answer the Essential Questions for Zoning, Development Agreements, and City Initiatives as set forth in Sections 3.1.7, 3.2.7, 3.3.7, 3.4.7, 3.5.7, 3.6.7, and 3.7.7 of the Millcreek Together General Plan.	
☐	Proposed text revisions to the General Plan, if applicable.	
☐	The current Future Land Use Map designation and present use of the subject property.	
☐	A legal description of the subject property.	
☐	A development agreement, if applicable, and a completed Development Agreement Checklist. See below.	
☐	A Summary of the Neighborhood Meeting, pursuant to MKZ 18.14.030	
☐	Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.	

Development Agreement Checklist

MKZ 18.15.010 Legislative Decisions (D) (5)

A Development Agreement is a voluntary agreement between Millcreek and the Applicant. A Development Agreement must be submitted concurrently with a land use application for a Legislative Decision.

CHECK BOX WHEN COMPLETED	Summary and Narrative Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application	
☐	Notarized Property Owner Affidavit	
☐	Application Fee	
☐	A Completed Checklist for the relevant application type for which a development agreement is being considered.	
☐	A Summary of the Neighborhood Meeting, pursuant to MKZ 18.14.030	
☐	A Summary of other Pre-Application Meetings, if required.	
☐	Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.	
☐	A completed Sensitive Lands Review Checklist, if required.	
CHECK BOX WHEN COMPLETED	Property Survey Requirements <i>A property survey showing, at a minimum:</i>	PAGE NUMBER IN PLANS REQUIREMENT IS MET

☐	Property boundaries	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	Site Plan Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings.	
☐	Location of proposed off-street and on-street parking areas.	
☐	Location of proposed open spaces.	
☐	A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location and Conceptual design and cross-sections of proposed streets, driveways, lanes, or paths.	
☐	Number, size, height, and location of all proposed signs.	
☐	Location of existing and proposed fire hydrants.	
☐	Conceptual landscape plan showing location and type of proposed plantings, and trees to be preserved, if applicable.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	
☐	Conceptual lighting plan showing location and height of proposed street and interior property lighting.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	Building and Elevation Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building bulk and height.	
☐	Proposed building elevations, including building color and materials.	
☐	Proposed building floor plans.	
CHECK BOX WHEN COMPLETED	Required Studies	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



Land Use Code and Text Amendment Checklist

MKZ 18.15.010 Legislative Decisions (B) (4)

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

CHECK BOX WHEN COMPLETED	Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Application Fee.	
☐	Letter of Intent describing proposed amendments to the Land Use Code.	
☐	A summary of the rationale for proposed amendments to the Land Use Code Text. As applicable, answer the Essential Questions for Zoning, Development Agreements, and City Initiatives as set forth in Sections 3.1.7, 3.2.7, 3.3.7, 3.4.7, 3.5.7, 3.6.7, and 3.7.7 of the Millcreek Together General Plan.	
☐	Proposed text revisions to the Land Use Code.	
☐	A development agreement, if applicable, and a completed Development Agreement Checklist.	
☐	Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.	

Development Agreement Checklist

MKZ 18.15.010 Legislative Decisions (D) (5)

A Development Agreement is a voluntary agreement between Millcreek and the Applicant. A Development Agreement must be submitted concurrently with a land use application for a Legislative Decision.

CHECK BOX WHEN COMPLETED	Summary and Narrative Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application	
☐	Notarized Property Owner Affidavit	
☐	Application Fee	
☐	A Completed Checklist for the relevant application type for which a development agreement is being considered.	
☐	A Summary of the Neighborhood Meeting, pursuant to MKZ 18.14.030	
☐	A Summary of other Pre-Application Meetings, if required.	
☐	Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.	
☐	A completed Sensitive Lands Review Checklist, if required.	
CHECK BOX WHEN COMPLETED	Property Survey Requirements <i>A property survey showing, at a minimum:</i>	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Property boundaries	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	

☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	Site Plan Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings.	
☐	Location of proposed off-street and on-street parking areas.	
☐	Location of proposed open spaces.	
☐	A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location and Conceptual design and cross-sections of proposed streets, driveways, lanes, or paths.	
☐	Number, size, height, and location of all proposed signs.	
☐	Location of existing and proposed fire hydrants.	
☐	Conceptual landscape plan showing location and type of proposed plantings, and trees to be preserved, if applicable.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	
☐	Conceptual lighting plan showing location and height of proposed street and interior property lighting.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	Building and Elevation Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building bulk and height.	
☐	Proposed building elevations, including building color and materials.	
☐	Proposed building floor plans.	
CHECK BOX WHEN COMPLETED	Required Studies	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



Zoning Map Amendment Checklist

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

MKZ 18.15.010 Legislative Decisions (C) (4)

CHECK BOX WHEN COMPLETED	Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application	
☐	Notarized Property Owner Affidavit	
☐	Application Fee	
☐	Letter of Intent describing proposed amendments to the Zoning Map.	
☐	A summary of the rationale for proposed amendments to the Zoning Map. As applicable, answer the Essential Questions for Zoning, Development Agreements, and City Initiatives as set forth in Sections 3.1.7, 3.2.7, 3.3.7, 3.4.7, 3.5.7, 3.6.7, and 3.7.7 of the Millcreek Together General Plan.	
☐	Proposed text revisions to the General Plan, if applicable	
☐	The current Zoning Map designation and present use of the subject property.	
☐	A legal description of the subject property.	
☐	A development agreement, if applicable, and a completed Development Agreement Checklist.	
☐	A Summary of the Neighborhood Meeting, pursuant to MKZ 18.14.030	
☐	A Summary of other Pre-Application Meetings, if required.	
☐	Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.	

Development Agreement Checklist

MKZ 18.15.010 Legislative Decisions (D) (5)

A Development Agreement is a voluntary agreement between Millcreek and the Applicant. A Development Agreement must be submitted concurrently with a land use application for a Legislative Decision.

CHECK BOX WHEN COMPLETED	Summary and Narrative Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application	
☐	Notarized Property Owner Affidavit	
☐	Application Fee	
☐	A Completed Checklist for the relevant application type for which a development agreement is being considered.	
☐	A Summary of the Neighborhood Meeting, pursuant to MKZ 18.14.030	
☐	A Summary of other Pre-Application Meetings, if required.	
☐	Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.	
☐	A completed Sensitive Lands Review Checklist, if required.	

CHECK BOX WHEN COMPLETED	Property Survey Requirements <i>A property survey showing, at a minimum:</i>	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Property boundaries	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	Site Plan Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings.	
☐	Location of proposed off-street and on-street parking areas.	
☐	Location of proposed open spaces.	
☐	A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location and Conceptual design and cross-sections of proposed streets, driveways, lanes, or paths.	
☐	Number, size, height, and location of all proposed signs.	
☐	Location of existing and proposed fire hydrants.	
☐	Conceptual landscape plan showing location and type of proposed plantings, and trees to be preserved, if applicable.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	
☐	Conceptual lighting plan showing location and height of proposed street and interior property lighting.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	Building and Elevation Requirements	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building bulk and height.	
☐	Proposed building elevations, including building color and materials.	
☐	Proposed building floor plans.	
CHECK BOX WHEN COMPLETED	Required Studies	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



Minor Subdivision Requirements Checklist

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

18.15.020 Administrative Decisions-Subdivisions (A) (5)

Plans must be prepared by professional engineer or land surveyor licensed in Utah.

Preliminary Plat Review		
CHECK BOX WHEN COMPLETED	ALL SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Project name and (when applicable) phase.	
☐	Drawing number and title.	
☐	Engineer's name, company and contact information.	
☐	Stamped and dated with name, signature and license number of engineer or surveyor.	
☐	North arrow and drawing scale (not to exceed 1:40)	
☐	Abbreviations and Legend.	
☐	"Call Before You Dig" logo on all plan sheets.	
☐	References to specific Standard Plans as applicable.	
CHECK BOX WHEN COMPLETED	COVER SHEET	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Project name, location and type of development	
☐	Owner's name, address and contact information	
☐	Contact information for all project team members.	
☐	Vicinity map with north arrow.	
☐	FIRM map number, effective date and flood zone	
☐	Sheet index for all sheets and index figure.	
☐	Reference to Millcreek General Notes.	
CHECK BOX WHEN COMPLETED	ALTA/NSPS SURVEY	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Property name and location.	
☐	Vicinity map.	
☐	Legend of symbols and abbreviations.	
☐	Dated Certification with surveyor's signature, printed name and seal with license number.	
☐	Name, company, address, telephone number, company website, and email address of surveyor who performed the survey.	
☐	Caption "ALTA/NSPS Land Title Survey."	
☐	Monuments placed.	
☐	Address(es) of surveyed property.	

☐	Flood zone classification.	
☐	Gross land area.	
☐	Vertical relief.	
☐	Exterior dimensions of all buildings.	
☐	Square footage of exterior footprint.	
☐	Substantial features.	
☐	Relationship and location of walls.	
☐	Location of utilities	
☐	Names of adjoining owners.	
☐	Discussion of alternate methodologies used (when applicable).	
☐	Proposed ROW changes.	
☐	Describe geological and geotechnical hazards identified by mapping, special studies, and disclosure notice.	
☐	Location of all wells and reservoirs within one hundred feet of the subdivision.	
CHECK BOX WHEN COMPLETED	PRELIMINARY PLAT / SITE PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Note stating, "Right-of-Way Encroachment Permit must be obtained from Millcreek prior to doing any work in the right-of-way. Contact the Millcreek Public Works Department.	
☐	Contact information for all project team members.	
☐	Vicinity map within subdivision for each sheet (for multiple sheets).	
☐	Typical road sections per Millcreek Standards	
☐	Pavement section design per geotechnical report (if greater than Millcreek min. standard).	
☐	All bearings, angles and distances along boundary and each lot line.	
☐	Lot number, address, square footage and acreage for each lot.	
☐	Proposed street names and coordinates.	
☐	Radius, length, chord distance, chord bearing, and other necessary curve data.	
☐	Boundary line closure to within 0.01 feet.	
☐	Boundary line, parcel number, address and property owner name for all adjacent properties.	
☐	The location, width and names of all existing streets, platted streets or other public ways within two hundred feet of the subdivision.	
☐	The location, width and names of all proposed streets within subdivision	
☐	Existing and proposed easements, R-O-Ws, buffer zones and public spaces.	
☐	Survey monuments provided at all intersections, centers of cul-de-sacs and points of center line curvature to maintain line of sight.	
☐	Location of street monuments with bearing and distance labeled, monument-to-monument, and location with respect to corners.	
☐	The distance and course to two (2) or more Section corners or identify existing monuments within subdivision.	
☐	Location of section and corporation lines within and adjacent to the tract.	

☐	Existing ditches, canals, water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands.	
☐	Proposed piping, realignment or abandonment of ditches, canals, natural drainage channels, and open waterways.	
☐	Location of all wells and reservoirs (proposed, active and abandoned) within one hundred feet of the subdivision.	
☐	Graphic depiction of existing slope characteristics of the property, illustrating areas with slopes thirty to forty percent, forty to fifty percent and greater than fifty percent.	
☐	Identified natural hazards including, but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.	
☐	Delineated setbacks for potential geological and geotechnical hazards.	
☐	The proposed name of the subdivision.	
☐	Location of subdivision, including address, section, township and range.	
☐	Names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision.	
☐	The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.	
CHECK BOX WHEN COMPLETED	GRADING AND DRAINAGE PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Note stating, "Land Disturbance and Grading Permit must be obtained from Millcreek prior to disturbing any vegetation or moving any soil. Contact the Millcreek Public Works Department.	
☐	Storm drain calculations using Rational Method with 80th percentile storm = 0.55"	
☐	Reference to report for infiltration rate (as applicable) using factor of safety of 2.0	
☐	Existing contour lines (gray) and proposed contour lines (black) at one-foot (1') intervals.	
☐	A graphic depiction of existing slope characteristics of the property illustrating areas with slopes thirty to forty percent, forty to fifty percent and greater than fifty percent.	
☐	Lot grading arrows indicating direction of flow.	
☐	Highwater levels of all watercourses indicated in the same datum for contour elevations	
☐	Salt Lake County benchmark elevation relative to identified Section Corner	
☐	Storm drain system showing pipe location, clean-out boxes, combination boxes and catch basins located on lot lines where possible.	
☐	Catch basins provided at all intersections and double catch basins at sag points.	
☐	Cul-de-sacs graded to drain away from the bulb where feasible.	
☐	100-year flood overland route clearly shown terminating at acceptable storm water facility (usually the street).	
☐	At least one LID measure for subdivisions > 1 acre.	
☐	FIRM map number, zone and effective date.	
☐	FEMA Flood Zone delineation and Salt Lake County 100-year flood elevation limits.	
☐	Overland runoff route for stormwater at all sag points.	
☐	Two-percent (2%) maximum slope in all directions in ADA parking areas with ADA accessible route from commercial buildings to public ROW.	
☐	Two-percent (2%) maximum slope along curb returns.	
CHECK BOX WHEN COMPLETED	UTILITY PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET

☐	Note stating, "A Right-of-Way Encroachment Permit must be obtained from Millcreek prior to doing any work in the right-of-way. Contact Millcreek Public Works Department.	
☐	Existing sewers, water mains, culverts or other underground facilities within one hundred feet of the subdivision, indicating pipe sizes, grades, manhole elevations and location.	
☐	Proposed storm drain pipe size, type, length and slope between manholes.	
☐	Proposed storm drain boxes with rim and flow-line elevations.	
☐	Catch basins at all intersections and double catch basins at sag points.	
☐	Minimum 15" RCP within Millcreek right-of-way.	
☐	Location of existing and proposed sewer and irrigation systems.	
☐	Utility locations (i.e. manholes) don't conflict with survey monuments.	
☐	Location and description of all existing and proposed easements.	
☐	Sewer, storm drain and irrigation systems to the next manhole beyond subdivision boundary.	
☐	Ditchmaster's name and phone number if altering existing irrigation ditches.	
☐	Locations of existing and proposed power poles.	
☐	Existing and proposed streetlights shown including power sources, wiring and utility boxes/cabinets.	
☐	Streetlights at 200' spacing (240' max.) on local residential roads located on lot lines wherever possible and placed at cul-de-sac ends and street intersections.	
Final Plat Review		
CHECK BOX WHEN COMPLETED	GENERAL NOTES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Legend of applicable line types distinctly showing new and existing features.	
☐	Legend of applicable symbols distinctly showing new and existing features.	
☐	List of abbreviations.	
☐	Contractor responsibility to attend pre-construction conference with Millcreek staff.	
☐	Statement requiring contractor to acquire all necessary permits from responsible entities.	
☐	Reference to current version of American Public Works Association Utah Chapter (APWA) Manual of Standard Specifications.	
☐	Reference to current publication of Millcreek Standard Plans for Public Works Construction.	
☐	Reference to applicable studies and reports that describe construction site conditions and responsibility for any recommended mitigation measures.	
☐	Contractor responsibility to schedule inspections and testing per Millcreek requirements.	
☐	Obligation of contractor to provide As-Built record drawings prior to final plat approval.	
CHECK BOX WHEN COMPLETED	PLAN AND PROFILE SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	1:30 max. horizontal scale, 1:10 max. vertical scale.	
☐	Consistent stationing and elevations with relationship to other plan sheets.	
☐	Existing grade and proposed finish grade with slopes labeled at centerline.	
☐	Vertical curve design showing PVI, curve length, BVC, EVC, curve length and k value.	

☐	Vertical alignment of street tying into existing improvements.	
☐	Detail showing detention/retention pond typical sections, sized orifice design, spillways, structural BMPs.	
☐	Storm drain pipe size, type, length and slope between manholes.	
☐	Storm drain boxes with rim and flow-line elevations.	
☐	Minimum 15" RCP within City right-of-way.	
☐	Potential conflicts between utilities.	
☐	Hydraulic grade line (if required).	
CHECK BOX WHEN COMPLETED	EROSION CONTROL PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Flow arrows indicating direction of surface runoff.	
☐	Location and design of stabilized construction exit.	
☐	Location and securement of portable restroom facilities.	
☐	Location of silt fence.	
☐	Location of dumpster and containment.	
☐	Identify all storm water inlet protections and other BMP's.	
☐	Location and description of all sediment control measures.	
☐	Inventory of all post-construction storm water controls.	
☐	Description of the routine maintenance required for each control.	
☐	Schedule for maintenance of each control.	
☐	Inspection requirements for each control.	
☐	Maintenance agreement, ready to be recorded.	
CHECK BOX WHEN COMPLETED	DETAIL SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	References clearly described and matching callout from plan set.	
☐	Details from published Millcreek Standard Plans for Construction (optional).	
☐	Specific details not included in Millcreek Standard Plans for Construction (required).	
☐	Erosion control measures and installation methods (if not included in Erosion Control Plan).	
☐	Section views labeled on both plan sheet and detail sheet.	
☐	Structural elements clearly described and dimensioned.	
CHECK BOX WHEN COMPLETED	MYLAR	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Approved subdivision name and phase.	
☐	Names and addresses of owner, subdivider (if different than owner) and designer.	
☐	Location of project by Quarter Section, Township and Range.	
☐	The distance and course to two (2) or more Section corners (including Township and Range) or identify existing monuments within subdivision.	
☐	Basis of bearing.	

☐	Written boundary description and acreage of property surveyed.	
☐	Surveyor's Certificate stamped, dated and signed.	
☐	Owner's Dedication and Acknowledgement.	
☐	Scale of drawing (no less than 1"=100') and north arrow.	
☐	All bearings, angles and distances along boundary and each lot line.	
☐	Lot number, address, square footage and acreage for each lot.	
☐	Proposed street names and coordinates.	
☐	Radii, internal angles, points and curvatures, tangent bearings and length of all arcs.	
☐	Boundary line closure to within 0.01 feet.	
☐	Survey monuments provided at all intersections, centers of cul-de-sacs and points of center line curvature to maintain line of sight.	
☐	Location of street monuments with bearing and distance labeled, monument-to-monument, and location with respect to corners.	
☐	Boundary line, parcel number, address and property owner name for all adjacent properties.	
☐	The location, width and names of all existing streets, platted streets or other public ways within two hundred feet of the subdivision.	
☐	Existing and proposed easements, R-O-Ws, buffer zones and public spaces shown with references to Salt Lake County Recorder's book and page numbers.	
☐	Location of section and corporation lines within and adjacent to the tract.	
☐	Record of Survey file number.	
☐	FIRM map number, zone and effective date.	
☐	Reference to recorded Storm Water Maintenance Agreement (as required).	
☐	Reference to recorded Geological Hazard Disclosure (as required)	
☐	Required signature blocks.	
☐	Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.	
☐	Warnings and recommended mitigation for potential geological and geotechnical hazards.	



Major Subdivision Requirements Checklist

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

18.15.020 Administrative Decisions-Subdivisions (B) (6)

Plans must be prepared by professional engineer or land surveyor licensed in Utah.

Preliminary Plat Review		
CHECK BOX WHEN COMPLETED	ALL SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Project name and (when applicable) phase.	
☐	Drawing number and title.	
☐	Engineer's name, company and contact information.	
☐	Stamped and dated with name, signature and license number of engineer or surveyor.	
☐	North arrow and drawing scale (not to exceed 1:40)	
☐	Abbreviations and Legend.	
☐	"Call Before You Dig" logo on all plan sheets.	
☐	References to specific Standard Plans as applicable.	
CHECK BOX WHEN COMPLETED	COVER SHEET	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Project name, location and type of development	
☐	Owner's name, address and contact information	
☐	Contact information for all project team members.	
☐	Vicinity map with north arrow.	
☐	FIRM map number, effective date and flood zone	
☐	Sheet index for all sheets and index figure.	
☐	Reference to Millcreek General Notes.	
CHECK BOX WHEN COMPLETED	ALTA/NSPS SURVEY	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Property name and location.	
☐	Vicinity map.	
☐	Legend of symbols and abbreviations.	
☐	Dated Certification with surveyor's signature, printed name and seal with license number.	
☐	Name, company, address, telephone number, company website, and email address of surveyor who performed the survey.	
☐	Caption "ALTA/NSPS Land Title Survey."	
☐	Monuments placed.	
☐	Address(es) of surveyed property.	

☐	Flood zone classification.	
☐	Gross land area.	
☐	Vertical relief.	
☐	Exterior dimensions of all buildings.	
☐	Square footage of exterior footprint.	
☐	Substantial features.	
☐	Relationship and location of walls.	
☐	Location of utilities	
☐	Names of adjoining owners.	
☐	Discussion of alternate methodologies used (when applicable).	
☐	Proposed ROW changes.	
☐	Describe geological and geotechnical hazards identified by mapping, special studies, and disclosure notice.	
☐	Location of all wells and reservoirs within one hundred feet of the subdivision.	
CHECK BOX WHEN COMPLETED	PRELIMINARY PLAT / SITE PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Note stating, "Right-of-Way Encroachment Permit must be obtained from Millcreek prior to doing any work in the right-of-way. Contact the Millcreek Public Works Department.	
☐	Contact information for all project team members.	
☐	Vicinity map within subdivision for each sheet (for multiple sheets).	
☐	Typical road sections per Millcreek Standards	
☐	Pavement section design per geotechnical report (if greater than Millcreek min. standard).	
☐	All bearings, angles and distances along boundary and each lot line.	
☐	Lot number, address, square footage and acreage for each lot.	
☐	Proposed street names and coordinates.	
☐	Radius, length, chord distance, chord bearing, and other necessary curve data.	
☐	Boundary line closure to within 0.01 feet.	
☐	Boundary line, parcel number, address and property owner name for all adjacent properties.	
☐	The location, width and names of all existing streets, platted streets or other public ways within two hundred feet of the subdivision.	
☐	The location, width and names of all proposed streets within subdivision	
☐	Existing and proposed easements, R-O-Ws, buffer zones and public spaces.	
☐	Survey monuments provided at all intersections, centers of cul-de-sacs and points of center line curvature to maintain line of sight.	
☐	Location of street monuments with bearing and distance labeled, monument-to-monument, and location with respect to corners.	
☐	The distance and course to two (2) or more Section corners or identify existing monuments within subdivision.	
☐	Location of section and corporation lines within and adjacent to the tract.	

☐	Existing ditches, canals, water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands.	
☐	Proposed piping, realignment or abandonment of ditches, canals, natural drainage channels, and open waterways.	
☐	Location of all wells and reservoirs (proposed, active and abandoned) within one hundred feet of the subdivision.	
☐	Graphic depiction of existing slope characteristics of the property, illustrating areas with slopes thirty to forty percent, forty to fifty percent and greater than fifty percent.	
☐	Identified natural hazards including, but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.	
☐	Delineated setbacks for potential geological and geotechnical hazards.	
☐	The proposed name of the subdivision.	
☐	Location of subdivision, including address, section, township and range.	
☐	Names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision.	
☐	The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.	
CHECK BOX WHEN COMPLETED	GRADING AND DRAINAGE PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Note stating, "Land Disturbance and Grading Permit must be obtained from Millcreek prior to disturbing any vegetation or moving any soil. Contact the Millcreek Public Works Department.	
☐	Storm drain calculations using Rational Method with 80th percentile storm = 0.55"	
☐	Reference to report for infiltration rate (as applicable) using factor of safety of 2.0	
☐	Existing contour lines (gray) and proposed contour lines (black) at one-foot (1') intervals.	
☐	A graphic depiction of existing slope characteristics of the property illustrating areas with slopes thirty to forty percent, forty to fifty percent and greater than fifty percent.	
☐	Lot grading arrows indicating direction of flow.	
☐	Highwater levels of all watercourses indicated in the same datum for contour elevations	
☐	Salt Lake County benchmark elevation relative to identified Section Corner	
☐	Storm drain system showing pipe location, clean-out boxes, combination boxes and catch basins located on lot lines where possible.	
☐	Catch basins provided at all intersections and double catch basins at sag points.	
☐	Cul-de-sacs graded to drain away from the bulb where feasible.	
☐	100-year flood overland route clearly shown terminating at acceptable storm water facility (usually the street).	
☐	At least one LID measure for subdivisions > 1 acre.	
☐	FIRM map number, zone and effective date.	
☐	FEMA Flood Zone delineation and Salt Lake County 100-year flood elevation limits.	
☐	Overland runoff route for stormwater at all sag points.	
☐	Two-percent (2%) maximum slope in all directions in ADA parking areas with ADA accessible route from commercial buildings to public ROW.	
☐	Two-percent (2%) maximum slope along curb returns.	
CHECK BOX WHEN COMPLETED	UTILITY PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET

☐	Note stating, "A Right-of-Way Encroachment Permit must be obtained from Millcreek prior to doing any work in the right-of-way. Contact Millcreek Public Works Department.	
☐	Existing sewers, water mains, culverts or other underground facilities within one hundred feet of the subdivision, indicating pipe sizes, grades, manhole elevations and location.	
☐	Proposed storm drain pipe size, type, length and slope between manholes.	
☐	Proposed storm drain boxes with rim and flow-line elevations.	
☐	Catch basins at all intersections and double catch basins at sag points.	
☐	Minimum 15" RCP within Millcreek right-of-way.	
☐	Location of existing and proposed sewer and irrigation systems.	
☐	Utility locations (i.e. manholes) don't conflict with survey monuments.	
☐	Location and description of all existing and proposed easements.	
☐	Sewer, storm drain and irrigation systems to the next manhole beyond subdivision boundary.	
☐	Ditchmaster's name and phone number if altering existing irrigation ditches.	
☐	Locations of existing and proposed power poles.	
☐	Existing and proposed streetlights shown including power sources, wiring and utility boxes/cabinets.	
☐	Streetlights at 200' spacing (240' max.) on local residential roads located on lot lines wherever possible and placed at cul-de-sac ends and street intersections.	

Final Plat Review

CHECK BOX WHEN COMPLETED	GENERAL NOTES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Legend of applicable line types distinctly showing new and existing features.	
☐	Legend of applicable symbols distinctly showing new and existing features.	
☐	List of abbreviations.	
☐	Contractor responsibility to attend pre-construction conference with Millcreek staff.	
☐	Statement requiring contractor to acquire all necessary permits from responsible entities.	
☐	Reference to current version of American Public Works Association Utah Chapter (APWA) Manual of Standard Specifications.	
☐	Reference to current publication of Millcreek Standard Plans for Public Works Construction.	
☐	Reference to applicable studies and reports that describe construction site conditions and responsibility for any recommended mitigation measures.	
☐	Contractor responsibility to schedule inspections and testing per Millcreek requirements.	
☐	Obligation of contractor to provide As-Built record drawings prior to final plat approval.	
CHECK BOX WHEN COMPLETED	PLAN AND PROFILE SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	1:30 max. horizontal scale, 1:10 max. vertical scale.	
☐	Consistent stationing and elevations with relationship to other plan sheets.	
☐	Existing grade and proposed finish grade with slopes labeled at centerline.	
☐	Vertical curve design showing PVI, curve length, BVC, EVC, curve length and k value.	

☐	Vertical alignment of street tying into existing improvements.	
☐	Detail showing detention/retention pond typical sections, sized orifice design, spillways, structural BMPs.	
☐	Storm drain pipe size, type, length and slope between manholes.	
☐	Storm drain boxes with rim and flow-line elevations.	
☐	Minimum 15" RCP within City right-of-way.	
☐	Potential conflicts between utilities.	
☐	Hydraulic grade line (if required).	
CHECK BOX WHEN COMPLETED	EROSION CONTROL PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Flow arrows indicating direction of surface runoff.	
☐	Location and design of stabilized construction exit.	
☐	Location and securement of portable restroom facilities.	
☐	Location of silt fence.	
☐	Location of dumpster and containment.	
☐	Identify all storm water inlet protections and other BMP's.	
☐	Location and description of all sediment control measures.	
☐	Inventory of all post-construction storm water controls.	
☐	Description of the routine maintenance required for each control.	
☐	Schedule for maintenance of each control.	
☐	Inspection requirements for each control.	
☐	Maintenance agreement, ready to be recorded.	
CHECK BOX WHEN COMPLETED	DETAIL SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	References clearly described and matching callout from plan set.	
☐	Details from published Millcreek Standard Plans for Construction (optional).	
☐	Specific details not included in Millcreek Standard Plans for Construction (required).	
☐	Erosion control measures and installation methods (if not included in Erosion Control Plan).	
☐	Section views labeled on both plan sheet and detail sheet.	
☐	Structural elements clearly described and dimensioned.	
CHECK BOX WHEN COMPLETED	MYLAR	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Approved subdivision name and phase.	
☐	Names and addresses of owner, subdivider (if different than owner) and designer.	
☐	Location of project by Quarter Section, Township and Range.	
☐	The distance and course to two (2) or more Section corners (including Township and Range) or identify existing monuments within subdivision.	
☐	Basis of bearing.	

☐	Written boundary description and acreage of property surveyed.	
☐	Surveyor's Certificate stamped, dated and signed.	
☐	Owner's Dedication and Acknowledgement.	
☐	Scale of drawing (no less than 1"=100') and north arrow.	
☐	All bearings, angles and distances along boundary and each lot line.	
☐	Lot number, address, square footage and acreage for each lot.	
☐	Proposed street names and coordinates.	
☐	Radii, internal angles, points and curvatures, tangent bearings and length of all arcs.	
☐	Boundary line closure to within 0.01 feet.	
☐	Survey monuments provided at all intersections, centers of cul-de-sacs and points of center line curvature to maintain line of sight.	
☐	Location of street monuments with bearing and distance labeled, monument-to-monument, and location with respect to corners.	
☐	Boundary line, parcel number, address and property owner name for all adjacent properties.	
☐	The location, width and names of all existing streets, platted streets or other public ways within two hundred feet of the subdivision.	
☐	Existing and proposed easements, R-O-Ws, buffer zones and public spaces shown with references to Salt Lake County Recorder's book and page numbers.	
☐	Location of section and corporation lines within and adjacent to the tract.	
☐	Record of Survey file number.	
☐	FIRM map number, zone and effective date.	
☐	Reference to recorded Storm Water Maintenance Agreement (as required).	
☐	Reference to recorded Geological Hazard Disclosure (as required)	
☐	Required signature blocks.	
☐	Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.	
☐	Warnings and recommended mitigation for potential geological and geotechnical hazards.	



Condominium Subdivisions, Conversions and Vacation Requirements Checklist

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

18.15.020 Administrative Decisions-Subdivisions (C) (4)

Condominium Subdivisions, Condominium Conversions, and Condominium Vacations shall be reviewed pursuant to the requirements as set forth in Utah Code Section Section 57-8-1 et seq., Condominium Ownership Act, et seq. and shall follow the major subdivision procedure with additional documentation as set forth in Utah Code Section 57-8-101 et seq., as amended. Any application affecting a plat or property that is defined as a Condominium Plat or Condominium as set forth in Utah Code Section 57-8-1 et seq., Condominium Ownership Act, is subject to the standards of this section. Condominium Subdivision, Condominium Conversion, or Condominium Vacation shall follow the procedures for the relevant application type, and Condominium Conversions shall follow the procedures set forth in this Section.

Plans must be prepared by professional engineer or land surveyor licensed in Utah.

Preliminary Plat Review		
CHECK BOX WHEN COMPLETED	ALL SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Project name and (when applicable) phase.	
☐	Drawing number and title.	
☐	Engineer's name, company and contact information.	
☐	Stamped and dated with name, signature and license number of engineer or surveyor.	
☐	North arrow and drawing scale (not to exceed 1:40)	
☐	Abbreviations and Legend.	
☐	"Call Before You Dig" logo on all plan sheets.	
☐	References to specific Standard Plans as applicable.	
CHECK BOX WHEN COMPLETED	COVER SHEET	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Project name, location and type of development	
☐	Owner's name, address and contact information	
☐	Contact information for all project team members.	
☐	Vicinity map with north arrow.	
☐	FIRM map number, effective date and flood zone	
☐	Sheet index for all sheets and index figure.	
☐	Reference to Millcreek General Notes.	
CHECK BOX WHEN COMPLETED	ALTA/NSPS SURVEY	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Property name and location.	
☐	Vicinity map.	
☐	Legend of symbols and abbreviations.	
☐	Dated Certification with surveyor's signature, printed name and seal with license number.	

☐	Name, company, address, telephone number, company website, and email address of surveyor who performed the survey.	
☐	Caption "ALTA/NSPS Land Title Survey."	
☐	Monuments placed.	
☐	Address(es) of surveyed property.	
☐	Flood zone classification.	
☐	Gross land area.	
☐	Vertical relief.	
☐	Exterior dimensions of all buildings.	
☐	Square footage of exterior footprint.	
☐	Substantial features.	
☐	Relationship and location of walls.	
☐	Location of utilities.	
☐	Names of adjoining owners.	
☐	Discussion of alternate methodologies used (when applicable).	
☐	Proposed ROW changes.	
☐	Describe geological and geotechnical hazards identified by mapping, special studies, and disclosure notice.	
☐	Location of all wells and reservoirs within one hundred feet of the subdivision.	
CHECK BOX WHEN COMPLETED	PRELIMINARY PLAT / SITE PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Note stating, "Right-of-Way Encroachment Permit must be obtained from Millcreek prior to doing any work in the right-of-way. Contact the Millcreek Public Works Department.	
☐	Contact information for all project team members.	
☐	Vicinity map within subdivision for each sheet (for multiple sheets).	
☐	Typical road sections per Millcreek Standards	
☐	Pavement section design per geotechnical report (if greater than Millcreek min. standard).	
☐	All bearings, angles and distances along boundary and each lot line.	
☐	Lot number, address, square footage and acreage for each lot.	
☐	Proposed street names and coordinates.	
☐	Radius, length, chord distance, chord bearing, and other necessary curve data.	
☐	Boundary line closure to within 0.01 feet.	
☐	Boundary line, parcel number, address and property owner name for all adjacent properties.	
☐	The location, width and names of all existing streets, platted streets or other public ways within two hundred feet of the subdivision.	
☐	The location, width and names of all proposed streets within subdivision	
☐	Existing and proposed easements, R-O-Ws, buffer zones and public spaces.	
☐	Survey monuments provided at all intersections, centers of cul-de-sacs and points of center line curvature to maintain line of sight.	

☐	Location of street monuments with bearing and distance labeled, monument-to-monument, and location with respect to corners.	
☐	The distance and course to two (2) or more Section corners or identify existing monuments within subdivision.	
☐	Location of section and corporation lines within and adjacent to the tract.	
☐	Existing ditches, canals, water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands.	
☐	Proposed piping, realignment or abandonment of ditches, canals, natural drainage channels, and open waterways.	
☐	Location of all wells and reservoirs (proposed, active and abandoned) within one hundred feet of the subdivision.	
☐	Graphic depiction of existing slope characteristics of the property, illustrating areas with slopes thirty to forty percent, forty to fifty percent and greater than fifty percent.	
☐	Identified natural hazards including, but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.	
☐	Delineated setbacks for potential geological and geotechnical hazards.	
☐	The proposed name of the subdivision.	
☐	Location of subdivision, including address, section, township and range.	
☐	Names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision.	
☐	The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.	
CHECK BOX WHEN COMPLETED	GRADING AND DRAINAGE PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Note stating, "Land Disturbance and Grading Permit must be obtained from Millcreek prior to disturbing any vegetation or moving any soil. Contact the Millcreek Public Works Department.	
☐	Storm drain calculations using Rational Method with 80th percentile storm = 0.55"	
☐	Reference to report for infiltration rate (as applicable) using factor of safety of 2.0	
☐	Existing contour lines (gray) and proposed contour lines (black) at one-foot (1') intervals.	
☐	A graphic depiction of existing slope characteristics of the property illustrating areas with slopes thirty to forty percent, forty to fifty percent and greater than fifty percent.	
☐	Lot grading arrows indicating direction of flow.	
☐	Highwater levels of all watercourses indicated in the same datum for contour elevations	
☐	Salt Lake County benchmark elevation relative to identified Section Corner	
☐	Storm drain system showing pipe location, clean-out boxes, combination boxes and catch basins located on lot lines where possible.	
☐	Catch basins provided at all intersections and double catch basins at sag points.	
☐	Cul-de-sacs graded to drain away from the bulb where feasible.	
☐	100-year flood overland route clearly shown terminating at acceptable storm water facility (usually the street).	
☐	At least one LID measure for subdivisions > 1 acre.	
☐	FIRM map number, zone and effective date.	
☐	FEMA Flood Zone delineation and Salt Lake County 100-year flood elevation limits.	
☐	Overland runoff route for stormwater at all sag points.	

☐	Two-percent (2%) maximum slope in all directions in ADA parking areas with ADA accessible route from commercial buildings to public ROW.	
☐	Two-percent (2%) maximum slope along curb returns.	
CHECK BOX WHEN COMPLETED	UTILITY PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Note stating, "A Right-of-Way Encroachment Permit must be obtained from Millcreek prior to doing any work in the right-of-way. Contact Millcreek Public Works Department.	
☐	Existing sewers, water mains, culverts or other underground facilities within one hundred feet of the subdivision, indicating pipe sizes, grades, manhole elevations and location.	
☐	Proposed storm drain pipe size, type, length and slope between manholes.	
☐	Proposed storm drain boxes with rim and flow-line elevations.	
☐	Catch basins at all intersections and double catch basins at sag points.	
☐	Minimum 15" RCP within Millcreek right-of-way.	
☐	Location of existing and proposed sewer and irrigation systems.	
☐	Utility locations (i.e. manholes) don't conflict with survey monuments.	
☐	Location and description of all existing and proposed easements.	
☐	Sewer, storm drain and irrigation systems to the next manhole beyond subdivision boundary.	
☐	Ditchmaster's name and phone number if altering existing irrigation ditches.	
☐	Locations of existing and proposed power poles.	
☐	Existing and proposed streetlights shown including power sources, wiring and utility boxes/cabinets.	
☐	Streetlights at 200' spacing (240' max.) on local residential roads located on lot lines wherever possible and placed at cul-de-sac ends and street intersections.	
Final Plat Review		
CHECK BOX WHEN COMPLETED	GENERAL NOTES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Legend of applicable line types distinctly showing new and existing features.	
☐	Legend of applicable symbols distinctly showing new and existing features.	
☐	List of abbreviations.	
☐	Contractor responsibility to attend pre-construction conference with Millcreek staff.	
☐	Statement requiring contractor to acquire all necessary permits from responsible entities.	
☐	Reference to current version of American Public Works Association Utah Chapter (APWA) Manual of Standard Specifications.	
☐	Reference to current publication of Millcreek Standard Plans for Public Works Construction.	
☐	Reference to applicable studies and reports that describe construction site conditions and responsibility for any recommended mitigation measures.	
☐	Contractor responsibility to schedule inspections and testing per Millcreek requirements.	
☐	Obligation of contractor to provide As-Built record drawings prior to final plat approval.	
CHECK BOX WHEN COMPLETED	PLAN AND PROFILE SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	1:30 max. horizontal scale, 1:10 max. vertical scale.	

☐	Consistent stationing and elevations with relationship to other plan sheets.	
☐	Existing grade and proposed finish grade with slopes labeled at centerline.	
☐	Vertical curve design showing PVI, curve length, BVC, EVC, curve length and k value.	
☐	Vertical alignment of street tying into existing improvements.	
☐	Detail showing detention/retention pond typical sections, sized orifice design, spillways, structural BMPs.	
☐	Storm drain pipe size, type, length and slope between manholes.	
☐	Storm drain boxes with rim and flow-line elevations.	
☐	Minimum 15" RCP within City right-of-way.	
☐	Potential conflicts between utilities.	
☐	Hydraulic grade line (if required).	
CHECK BOX WHEN COMPLETED	EROSION CONTROL PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Flow arrows indicating direction of surface runoff.	
☐	Location and design of stabilized construction exit.	
☐	Location and securement of portable restroom facilities.	
☐	Location of silt fence.	
☐	Location of dumpster and containment.	
☐	Identify all storm water inlet protections and other BMP's.	
☐	Location and description of all sediment control measures.	
☐	Inventory of all post-construction storm water controls.	
☐	Description of the routine maintenance required for each control.	
☐	Schedule for maintenance of each control.	
☐	Inspection requirements for each control.	
☐	Maintenance agreement, ready to be recorded.	
CHECK BOX WHEN COMPLETED	DETAIL SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	References clearly described and matching callout from plan set.	
☐	Details from published Millcreek Standard Plans for Construction (optional).	
☐	Specific details not included in Millcreek Standard Plans for Construction (required).	
☐	Erosion control measures and installation methods (if not included in Erosion Control Plan).	
☐	Section views labeled on both plan sheet and detail sheet.	
☐	Structural elements clearly described and dimensioned.	
CHECK BOX WHEN COMPLETED	MYLAR	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Approved subdivision name and phase.	
☐	Names and addresses of owner, subdivider (if different than owner) and designer.	

☐	Location of project by Quarter Section, Township and Range.	
☐	The distance and course to two (2) or more Section corners (including Township and Range) or identify existing monuments within subdivision.	
☐	Basis of bearing.	
☐	Written boundary description and acreage of property surveyed.	
☐	Surveyor's Certificate stamped, dated and signed.	
☐	Owner's Dedication and Acknowledgement.	
☐	Scale of drawing (no less than 1"=100') and north arrow.	
☐	All bearings, angles and distances along boundary and each lot line.	
☐	Lot number, address, square footage and acreage for each lot.	
☐	Proposed street names and coordinates.	
☐	Radii, internal angles, points and curvatures, tangent bearings and length of all arcs.	
☐	Boundary line closure to within 0.01 feet.	
☐	Survey monuments provided at all intersections, centers of cul-de-sacs and points of center line curvature to maintain line of sight.	
☐	Location of street monuments with bearing and distance labeled, monument-to-monument, and location with respect to corners.	
☐	Boundary line, parcel number, address and property owner name for all adjacent properties.	
☐	The location, width and names of all existing streets, platted streets or other public ways within two hundred feet of the subdivision.	
☐	Existing and proposed easements, R-O-Ws, buffer zones and public spaces shown with references to Salt Lake County Recorder's book and page numbers.	
☐	Location of section and corporation lines within and adjacent to the tract.	
☐	Record of Survey file number.	
☐	FIRM map number, zone and effective date.	
☐	Reference to recorded Storm Water Maintenance Agreement (as required).	
☐	Reference to recorded Geological Hazard Disclosure (as required)	
☐	Required signature blocks.	
☐	Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.	
☐	Warnings and recommended mitigation for potential geological and geotechnical hazards.	



Subdivision Amendment Requirements Checklist

18.15.020 Administrative Decisions-Subdivisions (D) (5)

A subdivision amendment may only be considered on approved subdivisions. If an application for a subdivision amendment cannot satisfy the approval criteria in this section, it shall be processed as a Minor or Major Subdivision. Only an owner of land within a platted subdivision, as shown on property records at the office of the County Recorder, may petition the City in writing to amend, alter or vacate any portion of a subdivision.

Plans must be prepared by professional engineer or land surveyor licensed in Utah.

Final Plat Review		
CHECK BOX WHEN COMPLETED	GENERAL NOTES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Legend of applicable line types distinctly showing new and existing features.	
☐	Legend of applicable symbols distinctly showing new and existing features.	
☐	List of abbreviations.	
☐	Contractor responsibility to attend pre-construction conference with Millcreek staff.	
☐	Statement requiring contractor to acquire all necessary permits from responsible entities.	
☐	Reference to current version of American Public Works Association Utah Chapter (APWA) Manual of Standard Specifications.	
☐	Reference to current publication of Millcreek Standard Plans for Public Works Construction.	
☐	Reference to applicable studies and reports that describe construction site conditions and responsibility for any recommended mitigation measures.	
☐	Contractor responsibility to schedule inspections and testing per Millcreek requirements.	
☐	Obligation of contractor to provide As-Built record drawings prior to final plat approval.	
CHECK BOX WHEN COMPLETED	PLAN AND PROFILE SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	1:30 max. horizontal scale, 1:10 max. vertical scale.	
☐	Consistent stationing and elevations with relationship to other plan sheets.	
☐	Existing grade and proposed finish grade with slopes labeled at centerline.	
☐	Vertical curve design showing PVI, curve length, BVC, EVC, curve length and k value.	
☐	Vertical alignment of street tying into existing improvements.	
☐	Detail showing detention/retention pond typical sections, sized orifice design, spillways, structural BMPs.	
☐	Storm drain pipe size, type, length and slope between manholes.	
☐	Storm drain boxes with rim and flow-line elevations.	
☐	Minimum 15" RCP within City right-of-way.	
☐	Potential conflicts between utilities.	

☐	Hydraulic grade line (if required).	
CHECK BOX WHEN COMPLETED	EROSION CONTROL PLAN	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Flow arrows indicating direction of surface runoff.	
☐	Location and design of stabilized construction exit.	
☐	Location and securement of portable restroom facilities.	
☐	Location of silt fence.	
☐	Location of dumpster and containment.	
☐	Identify all storm water inlet protections and other BMP's.	
☐	Location and description of all sediment control measures.	
☐	Inventory of all post-construction storm water controls.	
☐	Description of the routine maintenance required for each control.	
☐	Schedule for maintenance of each control.	
☐	Inspection requirements for each control.	
☐	Maintenance agreement, ready to be recorded.	
CHECK BOX WHEN COMPLETED	DETAIL SHEETS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	References clearly described and matching callout from plan set.	
☐	Details from published Millcreek Standard Plans for Construction (optional).	
☐	Specific details not included in Millcreek Standard Plans for Construction (required).	
☐	Erosion control measures and installation methods (if not included in Erosion Control Plan).	
☐	Section views labeled on both plan sheet and detail sheet.	
☐	Structural elements clearly described and dimensioned.	
CHECK BOX WHEN COMPLETED	MYLAR	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Approved subdivision name and phase.	
☐	Names and addresses of owner, subdivider (if different than owner) and designer.	
☐	Location of project by Quarter Section, Township and Range.	
☐	The distance and course to two (2) or more Section corners (including Township and Range) or identify existing monuments within subdivision.	
☐	Basis of bearing.	
☐	Written boundary description and acreage of property surveyed.	
☐	Surveyor's Certificate stamped, dated and signed.	
☐	Owner's Dedication and Acknowledgement.	
☐	Scale of drawing (no less than 1"=100') and north arrow.	
☐	All bearings, angles and distances along boundary and each lot line.	
☐	Lot number, address, square footage and acreage for each lot.	

☐	Proposed street names and coordinates.	
☐	Radii, internal angles, points and curvatures, tangent bearings and length of all arcs.	
☐	Boundary line closure to within 0.01 feet.	
☐	Survey monuments provided at all intersections, centers of cul-de-sacs and points of center line curvature to maintain line of sight.	
☐	Location of street monuments with bearing and distance labeled, monument-to-monument, and location with respect to corners.	
☐	Boundary line, parcel number, address and property owner name for all adjacent properties.	
☐	The location, width and names of all existing streets, platted streets or other public ways within two hundred feet of the subdivision.	
☐	Existing and proposed easements, R-O-Ws, buffer zones and public spaces shown with references to Salt Lake County Recorder's book and page numbers.	
☐	Location of section and corporation lines within and adjacent to the tract.	
☐	Record of Survey file number.	
☐	FIRM map number, zone and effective date.	
☐	Reference to recorded Storm Water Maintenance Agreement (as required).	
☐	Reference to recorded Geological Hazard Disclosure (as required)	
☐	Required signature blocks.	
☐	Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.	
☐	Warnings and recommended mitigation for potential geological and geotechnical hazards.	



Public Street or Municipal Utility Easement Vacation Checklist

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

18.15.020 Administrative Decisions-Subdivisions (H) (6)

CHECK BOX WHEN COMPLETED	SUMMARY	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application. All petitioners for a public street or municipal utility easement vacation must sign the land use application.	
☐	Application Fee.	
☐	Letter of Intent describing proposed public street or municipal utility easement vacation.	
☐	A narrative describing how the proposed public street or municipal utility easement vacation meets the requirements of MKZ 18.13.040, Submittal Requirements in General.	
☐	A legal description of the portion of the public street or municipal utility easement proposed to be vacated.	
☐	A development agreement, if applicable, and a completed Development Agreement Checklist.	
☐	A list of parcel numbers, property addresses, property owner names, and property owner addresses for all properties that adjoin the boundaries of the proposed public street or municipal utility easement vacation.	
☐	A letter from all utility providers who provide utilities within the proposed public street or easement to be vacated on properties that abut the proposed public street or easement to be vacated stating that they have no objection to the vacation.	
☐	A Summary of the Neighborhood Meeting, pursuant to MKZ 18.14.030	
☐	Any other relevant supporting documentation, maps, studies and any other information that would inform Staff and the Planning Commission in making a recommendation, and that would allow City Council to make a decision.	
CHECK BOX WHEN COMPLETED	PROPERTY SURVEY AND TITLE REPORT REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
<i>An ALTA property survey showing, at a minimum:</i>		
☐	Boundaries of the proposed public street or municipal utility easement vacation.	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of any sensitive lands features.	
☐	A Title report prepared and dated not more than thirty (30) days before application submittal.	



Conditional Use Permit Application Checklist

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

18.15.030 Administrative Decisions-Other Land Use Decisions (A) (16)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	A Summary of the Neighborhood Meeting, pursuant to MKZ 18.14.030	
☐	A Summary of other Pre-Application Meetings, if required.	
☐	Letter of Intent describing the proposed conditional use permit.	
☐	A narrative describing reasonably anticipated detrimental effects from the proposed conditional use and describing proposed mitigations to the reasonably anticipated detrimental effects.	
☐	A completed Sensitive Lands Review Checklist, if required.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	PROPERTY SURVEY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
<i>A property survey showing, at a minimum:</i>		
☐	Property boundaries.	
☐	Topographical Survey identifying existing and proposed building elevations, ground and elevation contours, property boundaries and any easements and encroachments.	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings.	
☐	Location of proposed off-street and on-street parking areas.	
☐	Location of proposed open spaces	
☐	A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.	

☐	Number, size, height, and location of all proposed signs.	
☐	Location of existing and proposed fire hydrants.	
☐	Landscape plan showing location and type of proposed plantings and trees to be preserved.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	
☐	Lighting plan showing location and height of proposed street and interior property lighting.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	BUILDING FLOOR PLAN AND ELEVATION REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building bulk and height.	
☐	Proposed building elevations, including building color and materials.	
☐	Proposed building floor plans.	
CHECK BOX WHEN COMPLETED	REQUIRED STUDIES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



Site Plan Approval for Permitted Uses Checklist

Millcreek City Hall
1330 East Chambers Avenue
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

18.15.030 Administrative Decisions-Other Land Use Decisions (B) (5)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	A Summary of the Neighborhood Meeting, pursuant to MKZ 18.14.030	
☐	A Summary of other Pre-Application Meetings, if required.	
☐	Letter of Intent describing the proposed conditional use permit.	
☐	A narrative describing reasonably anticipated detrimental effects from the proposed conditional use and describing proposed mitigations to the reasonably anticipated detrimental effects.	
☐	A completed Sensitive Lands Review Checklist, if required.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	PROPERTY SURVEY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
<i>A property survey showing, at a minimum:</i>		
☐	Property boundaries.	
☐	Topographical Survey identifying existing and proposed building elevations, ground and elevation contours, property boundaries and any easements and encroachments.	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings.	
☐	Location of proposed off-street and on-street parking areas.	
☐	Location of proposed open spaces	
☐	A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.	
☐	Number, size, height, and location of all proposed signs.	

☐	Location of existing and proposed fire hydrants.	
☐	Landscape plan showing location and type of proposed plantings and trees to be preserved.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	
☐	Lighting plan showing location and height of proposed street and interior property lighting.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	BUILDING AND ELEVATION REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building massing and height.	
☐	For buildings in an R-1 or R-2 zone, indicate the location of the building envelope for the existing building and the proposed expansion.	
☐	Proposed building elevations, including building color and materials.	
☐	Proposed building floor plans.	
CHECK BOX WHEN COMPLETED	ADDITIONAL REQUIREMENTS FOR NEIGHBORHOOD COMPATIBILITY MODIFICATION	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Describe in detail the land use code standard for which a neighborhood compatibility modification is sought. Neighborhood compatibility modifications are limited to building height, setbacks, and lot coverage modifications.	
☐	Requests for Neighborhood Compatibility Modifications are limited to conforming residential dwellings in an R-1 and R-2 zone, and are subject to the standards as set forth in MKZ 18.14.030	
☐	Provide a survey completed by a surveyor licensed to practice in the State of Utah that describes the applicable characteristics (building height, setbacks, and lot coverage) of residential properties located within 200 feet radial distance from the subject property boundary.	
CHECK BOX WHEN COMPLETED	REQUIRED STUDIES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



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Change of Use Application Checklist

18.15.030 Administrative Decisions-Other Land Use Decisions (C) (5)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	Letter of Intent describing the proposed change of use.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	PROPERTY SURVEY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
<i>A property survey showing, at a minimum:</i>		
☐	Property boundaries.	
☐	Topographical Survey identifying existing and proposed building elevations, ground and elevation contours, property boundaries and any easements and encroachments.	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of existing buildings and structures.	
☐	Location of existing off-street and on-street parking areas, and the total number of parking spaces.	
☐	A summary table showing floor area by proposed use, required parking by proposed use.	
☐	Location, design, and cross-sections of existing driveways, accesses, or paths.	
☐	Number, size, height, and location of all proposed signs.	
☐	Location of existing fire hydrants.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
CHECK BOX WHEN COMPLETED	REQUIRED STUDIES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



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Minor Site Plan Amendment Checklist

18.15.030 Administrative Decisions-Other Land Use Decisions (D) (5)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	Letter of Intent describing the proposed site plan.	
☐	A narrative describing how the proposed site plan meets the approval criteria for minor set plan amendments in MKZ 18.16.030 (D)(4).	
☐	A completed Sensitive Lands Review Checklist, if required.	
CHECK BOX WHEN COMPLETED	PROPERTY SURVEY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
	<i>A property survey showing, at a minimum:</i>	
☐	Property boundaries.	
☐	Topographical Survey identifying existing and proposed building elevations, ground and elevation contours, property boundaries and any easements and encroachments.	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings.	
☐	Location of proposed off-street and on-street parking areas.	
☐	Location of proposed open spaces	
☐	A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.	
☐	Number, size, height, and location of all proposed signs.	
☐	Location of existing and proposed fire hydrants.	
☐	Landscape plan showing location and type of proposed plantings and trees to be preserved.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	

☐	Lighting plan showing location and height of proposed street and interior property lighting.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	BUILDING AND ELEVATION REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building massing and height.	
☐	For buildings in an R-1 or R-2 zone, indicate the location of the building envelope for the existing building and the proposed expansion.	
☐	Proposed building elevations, including building color and materials.	
☐	Proposed building floor plans.	
CHECK BOX WHEN COMPLETED	REQUIRED STUDIES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



Compliance Determination for Accessory Dwelling Unit Checklist

18.15.030 Administrative Decisions-Other Land Use Decisions (E) (5)

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CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	A description of the primary dwelling.	
☐	A statement that the primary dwelling or property contains and ADU.	
☐	A statement that the primary dwelling or property is owner-occupied.	
☐	A statement that the ADU may only be used in accordance with the city's land use regulations.	
☐	Any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.	



Reasonable Accommodations Application Checklist

18.15.030 Administrative Decisions-Other Land Use Decisions (F) (5)

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CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	A completed Site Plan Approval for Permitted Uses Checklist.	
☐	Letter of Intent describing the proposed use and documenting the need for the proposed reasonable accommodation.	
☐	A statement describing how the request for a reasonable accommodation satisfies the approval criteria for reasonable accommodation determinations in MKZ 18.16.030 (E)(4).	
☐	A description of the specific regulation, policy, or procedure from which an accommodation is sought and/or for which deviation or waiver is requested.	
☐	A document that provides a detailed explanation of why the requested accommodation is warranted under federal and/or state law, including a description how the person(s) is disabled under the Americans with Disabilities Act or the Fair Housing Act.	
☐	An analysis with evidence, legal authorities, and other information showing that the accommodation is reasonable and necessary to afford the disabled person(s) an equal opportunity to use and enjoy the residential dwelling.	
☐	The number of residents and employees that will have vehicles at the property.	
☐	A statement regarding whether the owner/operator of the Residential Facility For Persons With A Disability or applicant has other facilities for the disabled and, if so, a description and copy of any complaints from neighbors, incident reports from a local police department, or investigations, citations, notices of violations(s) or complaints received from any federal, state, or local agencies, etc. relating to licensure , parking, traffic, a direct threat to health or safety of other persons, or substantial physical damage to the property of others.	
☐	An accurate description of the type of program(s), treatment(s), therapies, and/or services that will be provided to the residents of the Residential Facility For Persons With a Disability, and the clinical rationale for such program(s), treatment(s), therapies, and/or services.	
☐	The category of state licensure that the Residential Facility for Persons With a Disability will have.	
☐	An accurate summary and/or description of the admissions criteria and operational protocols for the Residential Facility for Persons With a Disability.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Number and location of off-street parking stalls where vehicles will be parked at the property.	

☐	Area calculations and footprints of all buildings, structures, impervious surfaces, and open spaces on the property.	
CHECK BOX WHEN COMPLETED	BUILDING FLOOR PLANS AND ELEVATION REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building floor plans, showing area calculations and proposed number of occupants for all bedrooms, location and area calculations for all bedroom closets, and locations and details for all bathrooms and common areas in the building.	



Eligible Facility Request (EFR) Checklist

18.15.030 Administrative Decisions-Other Land Use Decisions (G) (5)

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CHECK BOX if Yes	REQUIREMENTS (Check box if yes)	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee	
☐	Any other relevant supporting documentation, maps, studies, and any other information that would inform Staff and allow the Land Use Authority to make a decision.	
☐	Existing Concept Plan.	

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100. (Check Box If No)

☐	1. Does the modification increase the height of the tower by more than the greater of: (a) 10%; or (b) the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?	
☐	2. Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?	
☐	3. Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?	
☐	4. Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?	
☐	5. Does the modification defeat the concealment elements of the eligible support structure?	
☐	6. Does the modification violate conditions associated with the siting approval for the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?	

If all questions in the above section are checkmarked "No," then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100. If any of the above six enumerated criteria are not checkmarked, then a Site Plan Amendment Checklist must be completed and submitted.



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Sign Permit Application Checklist

18.15.030 Administrative Decisions-Other Land Use Decisions (H) (5)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	Letter of Intent.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	PROPERTY SURVEY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
<i>A property survey showing, at a minimum:</i>		
☐	Property boundaries.	
☐	Topographical Survey identifying existing and proposed building elevations, ground and elevation contours, property boundaries and any easements and encroachments.	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of all existing buildings on adjacent properties.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Number, size, height, and location of all proposed signs. Indicate on the site plan which signs are proposed to be illuminated.	
☐	A summary table showing the area and height of all signs by sign type.	
☐	Zoning and existing land use for the subject property and for all adjacent properties.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	
☐	Location of any existing pole or monument sign located within 100 feet of any proposed pole or monument sign, whether on the applicant's property or on other nearby properties.	
☐	Location of all driveways or other property accesses, and location of clear vision areas.	
☐	Elevations of each proposed sign, including color and materials of all components of the sign.	
☐	Indicate the area of each proposed sign.	
CHECK BOX WHEN COMPLETED	ILLUMINATED SIGN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Provide a specification that verifies that, except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than 4,000 degrees Kelvin (4,000°K).	

☐	Provide a sign illuminance study as set forth in MKZ 18.69	
CHECK BOX WHEN COMPLETED		PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Provide an elevation of the sign showing the percentage of the sign that will be used as an electronic message center.	
☐	Provide a specification for 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.	
☐	Provide a sign illuminance study as set forth in MKZ 18.69	
☐	Applicant shall sign and notarize a Notice of Compliance and Acknowledgement of Sign Requirements on a form provided by Millcreek.	



Temporary Use and Structure Permit Application Checklist

18.15.030 Administrative Decisions-Other Land Use Decisions

(I) (5)

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CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	Letter of Intent describing the proposed temporary use.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
☐	Salt Lake County Health Department and Unified Fire approvals, if applicable.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location and area of proposed temporary structures or buildings associated with the temporary use.	
☐	Location and number of parking spaces associated with the temporary use.	
☐	Location and area of existing permanent buildings on the property, and associated parking.	
☐	Zoning and existing land use for the subject property and for all adjacent properties.	
☐	Setbacks as required by the relevant zoning or landscaping standard.	
☐	Location, type, and area of any temporary signage associated with the temporary use.	
☐	Location of all driveways or other property accesses, and location of clear vision areas.	



Classification Request Checklist

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18.15.030 Administrative Decisions-Other Land Use Decisions

(J) (5)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	
☐	Completed and Signed Millcreek Land Use Application.	
☐	Application Fee.	
☐	Letter of Intent describing the proposed classification and how it aligns with an existing land use specified in the Code.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	REQUIRED EVIDENCE AND NARRATIVE. See Section 18.15.030 (J)(4)	
☐	Provide evidence that the proposed land use complies with the zone district's development standards, including but not limited to parking and vehicular access requirements, inventory storage, lighting, noise, and landscaping.	
☐	Provide evidence that the proposed land use is substantially similar to the uses allowed in that district and is more comparable to such uses than those uses allowed in a less restrictive district.	
☐	Provide evidence that the proposed use is consistent with the purpose statement of the underlying zoning district.	



Nonconformities Determination Application Checklist

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18.15.040 Administrative Decisions-Nonconformities and Variances (A) (5)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	Letter of Intent describing the nonconformities.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	EVIDENCE OF NONCONFORMITY	PAGE NUMBER IN PLANS REQUIREMENT IS MET
<i>Evidence may include:</i>		
☐	Historical zoning maps clearly identifying the use and structure existed.	
☐	Previously issued building permits.	
☐	Documentation supporting a variance was granted or issued for the use or structure.	
☐	Aerial imagery that clearly establishes use or structure existed.	
☐	Court Orders or Judgements.	
☐	Affidavits from previous property owners attesting to the use/structure.	
☐	Evidence of utility connections.	
☐	A building inspection that certifies that the building or structure was compliant with the codes in effect of the time it was built.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings.	
☐	Location of proposed off-street and on-street parking areas.	
☐	Location of proposed open spaces	
☐	A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.	
☐	Number, size, height, and location of all proposed signs.	
☐	Location of existing and proposed fire hydrants.	
☐	Landscape plan showing location and type of proposed plantings and trees to be preserved.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	

☐	Lighting plan showing location and height of proposed street and interior property lighting.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	BUILDING FLOOR PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Indication of the area of the property and location of all property lines on the subject property.	
☐	Location of existing buildings and structures, if applicable.	
☐	Setbacks as measured from property lines.	
☐	Floor plans of existing buildings and structures, if applicable.	



Expansion of Noncomplying Structure Application Checklist

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18.15.040 Administrative Decisions-Nonconformities and Variances (B) (5)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	Letter of Intent describing the request for an expansion or enlargement of a noncomplying structure.	
☐	A narrative describing how the proposal to expand or enlarge a noncomplying structure satisfies the approval criteria for expansions or enlargements of noncomplying structures.	
☐	An applicant may not apply for an expansion or enlargement of a noncomplying structure unless the application has obtained a nonconformities determination for the structure. Include a copy of a formal decision from Millcreek regarding the nonconformities determination.	
☐	A summary of other pre-application meetings, if required.	
☐	A completed Sensitive Lands Review Checklist, if required.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	PROPERTY SURVEY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
<i>A property survey showing, at a minimum:</i>		
☐	Property boundaries.	
☐	Topographical Survey identifying existing and proposed building elevations, ground and elevation contours, property boundaries and any easements and encroachments.	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of all existing buildings on adjacent properties.	
☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings or building additions.	
☐	Table identifying floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.	
☐	Landscape plan showing location and type of proposed plantings and trees to be preserved.	

☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	
☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	BUILDING FLOOR AND ELEVATION REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building massing and height.	
☐	For buildings in an R-1 or R-2 zone, indicate the location of the building envelope for the existing building and the proposed expansion.	
☐	Proposed building elevations, including building color and materials.	
☐	Proposed building floor plans.	
CHECK BOX WHEN COMPLETED	REQUIRED STUDIES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



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Variance Application Checklist

18.15.040 Administrative Decisions-Nonconformities and Variances (C) (5)

CHECK BOX WHEN COMPLETED	SUMMARY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Completed and Signed Millcreek Land Use Application.	
☐	Notarized Property Owner Affidavit.	
☐	Application Fee.	
☐	Letter of Intent.	
☐	A description of the specific land use ordinance from which a variance is requested.	
☐	A narrative explanation describing how request satisfies the approval criteria for variances.	
☐	A summary of other pre-application meetings, if required.	
☐	A completed Sensitive Lands Review Checklist, if required.	
☐	Any other relevant supporting documentation, photographs, maps and studies.	
CHECK BOX WHEN COMPLETED	PROPERTY SURVEY REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
	<i>A property survey showing, at a minimum:</i>	
☐	Property boundaries.	
☐	Topographical Survey identifying existing and proposed building elevations, ground and elevation contours, property boundaries and any easements and encroachments.	
☐	The location and type of easements, covenants, or other property restrictions.	
☐	Location of existing rights-of-way and right-of-way centerlines.	
☐	Location of all existing buildings, structures, and utilities, including water utilities.	
☐	Location of all existing buildings on adjacent properties.	
☐	Location of existing trees measured at four inch (4") caliper or greater.	
☐	Location of any sensitive lands features.	
CHECK BOX WHEN COMPLETED	SITE PLAN REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Location of proposed buildings or building additions.	
☐	Table identifying floor area by use, required parking by use, materials percentages, percentages of doors and windows, minimum lot size requirements, residential amenities if required, and open space requirements.	
☐	Location, design, and cross-sections of proposed streets, driveways, lanes, or paths.	
☐	Landscape plan showing location and type of proposed plantings and trees to be preserved.	
☐	Setbacks and buffers as required by the relevant zoning or landscaping standard.	
☐	Location of any required right-of-way dedications, as measured from a right-of-way centerline.	

☐	Site Grading and Drainage Plan.	
CHECK BOX WHEN COMPLETED	BUILDING FLOOR AND ELEVATION REQUIREMENTS	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Proposed building massing and height.	
☐	For buildings in an R-1 or R-2 zone, indicate the location of the building envelope for the existing building and the proposed expansion.	
☐	Proposed building elevations, including building color and materials.	
☐	Proposed building floor plans.	
CHECK BOX WHEN COMPLETED	REQUIRED STUDIES	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Geological Hazards Study, if required.	
☐	Parking and Traffic Impact Study, if required.	
☐	Photometric Study, if required.	



Sensitive Lands Checklist

18.61 Sensitive Lands

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(Please fill out and submit this checklist with your site and engineering plans)

CHECK BOX WHEN COMPLETED	General	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Provide a survey from a licensed surveyor	
☐	Is the lot part of a recorded subdivision?	
	☐ If so, provide the applicable plat with submittal	
	☐ If so, is there an overall drainage plan in place for the entire subdivision?	
	☐ If so, ensure the overall drainage plan is followed for the lot	
☐	If no, follow drainage plan requirements below	
☐	Does property fall within a Fault Study Area?	
☐	Is Liquefaction Potential moderate or high?	
☐	Are there any waterbodies near or adjacent to property?	
☐	Is the property within FEMA Floodplain Zones A, AE, or an Alluvial Fan? identify floodplain on cover sheet of plans and reference source, elevations, and obtain any floodplain permits required.	
☐	Is the subject property within debris flow path?	
If any of the above boxes are yes, follow the Geologic Hazard Ordinance 19.75 in the Millcreek Municipal Code found at https://millcreek.municipalcodeonline.com/book?type=ordinances#name=PrefaceSitePlan		
☐	Show ALL proposed conditions and improvements	
☐	Indicate the size of the project	
☐	Show Center Line of adjacent streets with distance from center line to property line	
☐	Label Adjacent Streets as Public or Private	
☐	Sidewalk, Curb, and Gutter are required along the frontage; if any of these items already exist, add a note that any damaged sidewalk, C&G must be replaced prior to issuance of C of O. Follow Millcreek Standard Plans 140 and 145 (see link below). https://millcreek.us/DocumentCenter/View/95/Standard-Plans-for-Public-Works-Construction-PDF-with-horizontal-control-and-construction-elevations-shown-on-the-plans .	
☐	Reference Millcreek Standard Plan 145 or other for drive approach(es)	
☐	Property is on or near sensitive lands (greater than 30%, near a water body, etc.) Ensure proper state and county permits are obtained. Stabilization is required for steep slopes, and a geotechnical report is required.	
☐	If Limits of Disturbance are over one acre or larger, contractor will need SWPPP, NOI, GCP or CPOD Permits (Contact Aaron Roberts at 801-214-2700 LOD is one acre or more for determination of permits)	

CHECK BOX WHEN COMPLETED	Site Plan	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Title Block	
☐	Project name, address, and date	
☐	Professional Engineer's Stamp	
☐	Project Description	
☐	Street Names labeled Public or Private	
☐	Line types, legible fonts, and legend	
☐	Drawn by name, designed by name, checked by name	
☐	Scale of drawing and north arrow	
☐	Revision Block	
☐	Total number of plan sheets	
☐	Identify Geological hazard, water bodies, flood plain designation	
☐	Proposed streets: names, coordinates, center lines, and adjacent streets	
☐	Buildable areas clearly defined	
☐	Proposed layout of development	
☐	Amenities with labels	
☐	Center line of all adjacent streets	
☐	Distance from road center line to property line	
☐	ADA accessible routes along frontage where applicable with features (i.e. ramps)	
☐	Any land dedications clearly identified	
☐	Line types and fonts legible with legend	
CHECK BOX WHEN COMPLETED	Grading and Drainage Plan	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Grading and drainage plan showing Existing contour lines (in gray scale) and proposed contour lines (in black) at a maximum of (2') two-foot intervals	
☐	Show storm drain calculations unless lot is part of a subdivision with an overall drainage plan.	
☐	Plan stamped and signed by a Utah-licensed Professional Engineer	
☐	Note: "A Land Disturbance and Grading Permit must be obtained from Millcreek prior to disturbing any vegetation or moving more than any soil greater than 1' in depth, areas over 1-acre, and/or on or near sensitive lands."	
☐	Salt Lake County benchmark elevation relative to identified Section Corner	
☐	Storm drain system showing pipe sizes with slopes and lengths (15" min. pipe in public R.O.W.), clean-out boxes, combination boxes and catch basins	
☐	100-year flood overland route clearly shown terminating at acceptable conveyance system or basin	
☐	FEMA Flood Zone delineation and Salt Lake County 100-year and 500-year flood elevation limits with reference to maps or studies used	
☐	Arrows depicting direction of grade and drainage	
☐	Catch basins showing elevations of inlet, outlet, and top of grate for each box	

☐	Double inlets to be used at all sag points in roadway	
☐	Slopes no greater than 2:1 allowed. Slopes over 3:1 require geotech report stating approval	
☐	Cul-de-sacs graded to drain away from the bulb where feasible	
☐	Name and location of ditches/canals if on or near property. Show any new plan for ditch.	
☐	Drainage calculations and method(s) used for stormwater management	
☐	Stormwater management system used including detention, retention, or combination used to comply with Millcreek code restrictions (see sections 17.25)	
☐	Retention of the 80th percentile storm (0.55 inches) per MS4 requirement	
☐	Low Impact Development systems and practices if one acre or more, or part of a plan of common development, or at the discretion of the City Engineer.	
☐	Detail showing detention/retention pond typical sections, sized orifice design, spillways, structural BMPs, etc. (may be on separate detail sheet)	
CHECK BOX WHEN COMPLETED	Demolition Plan	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Show existing conditions with all features (surveyed)	
☐	Indicate items to be removed, replaced, or to remain, etc.	
CHECK BOX WHEN COMPLETED	Erosion Control Plan/BMPs	PAGE NUMBER IN PLANS REQUIREMENT IS MET
☐	Silt fence or fiber roll to prevent silt and sediment from leaving the site	
☐	Storm drain inlet protection	
☐	Concrete Washout	
☐	Dumpster	
☐	Portable Toilet	
☐	Material Storage Area	
☐	Tracking pad at construction entrance	

EXHIBIT D

The Sensitive Lands Map is hereby adopted as follows:

Sensitive Lands Description

Sensitive Lands or **Sensitive Lands Areas** refer to various geologic and physical land features that significantly influence both the built and natural environments. These areas require additional study and the implementation of mitigation strategies to address potential development and environmental challenges. They are generally identified on the officially adopted Sensitive Lands Map.

Sensitive lands include characteristics that may influence, modify, or limit patterns of development through physical or regulatory constraints. These features are categorized as either **topographical** or **subsurface**.

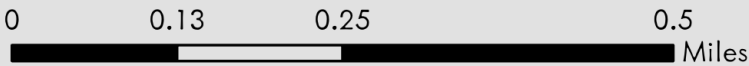
Topographical features encompass a range of visible landscape elements. These include areas with slopes averaging 15 percent or greater over a 50-foot interval in any direction; wetlands; rock outcroppings larger than 10 feet in width and 10 feet in height; avalanche zones; alluvial fans; rock fall areas; and gullies or ravines that are deeper than 10 feet and wider than 20 feet. Also included are intermittent or constant flow stream corridors, ridgelines, springs, habitat areas requiring species protection, designated Wildland Urban Interface (WUI) zones, and mapped floodplains. Additional standards and requirements related to floodplains are found in **MKZ 18.63, Floodplain Hazards Mitigation**.

Subsurface features refer to underlying geological or soil conditions that may impact land stability and development. These include areas with liquefaction potential, surface fault rupture hazards, and zones subject to debris flow. Additionally, soil types that reveal surface and foundation stability, ground movement potential, depth to bedrock, and shallow water table levels may indicate the need for preservation, avoidance, or design adjustments in site planning. These subsurface conditions are essential factors to consider when evaluating the extent of sensitive lands.

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Sensitive Land Areas

Millcreek Municipal Boundary



Author: Millcreek GIS - Brian Busch, GISP
Spatial Reference: NAD 1983 StatePlane Utah Central FIPS 4302 Feet

Data Sources:
Millcreek
Salt Lake County
OpenStreetMap
USGS
FEMA
Utah Geologic Survey (UGS)
UGRC

Sensitive Lands Overview Millcreek, UT

Date Printed:
Wednesday, April 23, 2025

This map is for informational purposes only and is not a legally binding document. The City of Millcreek makes no warranties, expressed or implied, regarding the accuracy, completeness, or reliability of the data presented. Boundaries, features, and designations are subject to change without notice. Users assume all risk associated with the use of this map.

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