



ZT-23-008

Planning Commission Staff Report

Meeting Date: 6/21/2023
Applicant: Millcreek
Re: Adoption of the R-1/RCOZ Zoning Code
Zone: R-1/RCOZ
Prepared By: Robert May & Francis Lilly

Scope of Decision: **Discretionary.** Discretionary. This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission.

REQUEST AND SYNOPSIS

The Planning and Zoning team is proud to present to the Millcreek Planning Commission, the proposed draft of the updated R-1/RCOZ code. In accordance with the provisions of Utah Code, before the City Council may adopt amendments to the zoning ordinance, any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the Millcreek Planning Commission.. The Planning Commission shall review the zoning text amendment request and a recommendation shall be made to the City Council to approve, disapprove or continue the application.

In Millcreek, the vast majority of land located within R-1 zoning are subject to an additional layer of standards known as the Residential Compatibility Overlay Zone (RCOZ). The RCOZ enacts special design standards that supersede the standards of the underlying R-1 zone which further restricts development. Currently there is a conflict, among those who wish to develop in the R-1 zone, of not knowing the standards of the RCOZ even apply. This is partly because the standards of the R-1 and RCOZ are separate chapters within the zoning code. Most people seeking to develop, tend to just seek the development standards of the underlying zone where their property is located, and are rarely ever aware that other overlay zones and chapters may exist.

What we are trying to achieve with the new R-1/RCOZ Code

- Clear up resident confusion and eliminate application conflicts
- Simplify and speed up building permit review times
- Enhance clarity with better definitions and images
- Incentivize development on smaller lots
- Continue to preserve the character of our single-family neighborhoods
- Provide alternative development standards for different lot sizes
- Encourage a variety of affordable single-family housing options

See “Supporting Documents” at the end of staff report to review the proposed draft of the R-1/RCOZ Code as well as the current R-1 and RCOZ Codes that are currently in effect.

GENERAL PLAN CONSIDERATIONS

Goal N-1: Preserve and enhance the physical elements of each neighborhood's character

Strategy 1.5: Ensure that new infill development is compatible with existing neighborhoods by regulating structure sizes and heights; building forms and materials; yard setbacks; streetscape character; height and bulk transitions; buffering; and other factors.

- **Height is regulated by zone – zones with bigger minimum lot sizes allow taller heights.**
- **Bulk and height transitions regulated by envelope. The new code proposes three different envelopes, depending on zone.**
- **Requirements can be modified based on neighborhood compatibility – this strategy has been a very successful way of making our existing residential standards work in existing neighborhoods.**

Goal N-2: Strive for a variety of housing choices in types, styles, and costs of housing throughout Millcreek.

Strategy 1.5: Promote the maintenance and improvement of the existing housing stock and allow for remodeling, expansion, and additions as appropriate in the area to accommodate the changing sizes and varieties of household types.

- **A steeper envelope for R-1-6 lots and the box for lots in R-1-5 and below recognizes that narrow lots have additional constraints. Some of these neighborhoods could benefit from additional homeowner investment in the form of 2nd floor additions.**
- **384 permits for additions and alterations have been approved under RCOZ since January 2018.**

Goal HE-7: Require that new development protects the treasured views of Mount Olympus, the Oquirrh Mountains, the Great Salt Lake, and other significant viewsheds from roadways, frequented public areas, community gateways, and other public places.

Strategy 7.2: Protect view corridors by creating visual breaks between buildings.

- **The building envelope has value to protect view corridors and to expand visual breaks between buildings, by pulling in second stories, particularly on larger lots in R-1-8 zones and above.**
- **Staff proposed establishing an envelope standard by zone, and not by neighborhood, because the strategy to protect viewsheds is not neighborhood-specific. It is a city-wide strategy applicable to any neighborhood.**

PROPOSED R-1/RCOZ CODE AMENDMENTS

Staff views the proposed code update as “adapting” rather than “changing”. The proposed code is a reflection based on what we are hearing from residents and observing development trends over the years. Understanding that there is not a “one size fits all” set of standards, we are proposing some alternative development standards for the small irregular shaped lots that have struggled to develop under the old code. We are trying to add flexibility where it counts, while embracing and preserving the design characteristics that make Millcreek single-family neighborhoods some of the most desirable neighborhoods in the valley.

What will stay the same

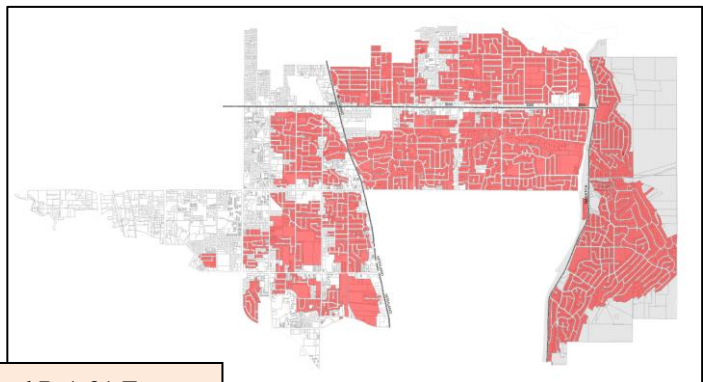
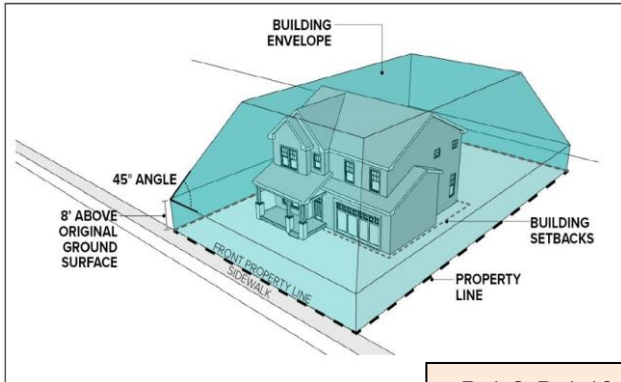
- Front and side yard setbacks will remain the same.
- The option to modify the requirements on the basis of neighborhood compatibility is proposed to remain.
- The 45-degree building envelope requirement is proposed to remain, for larger lots in the R-1-8, R-1-10, R-1-15, and R-1-21 zones.
- Existing exceptions for gables and dormers will remain, although staff is adding definitions for these terms.

What will change

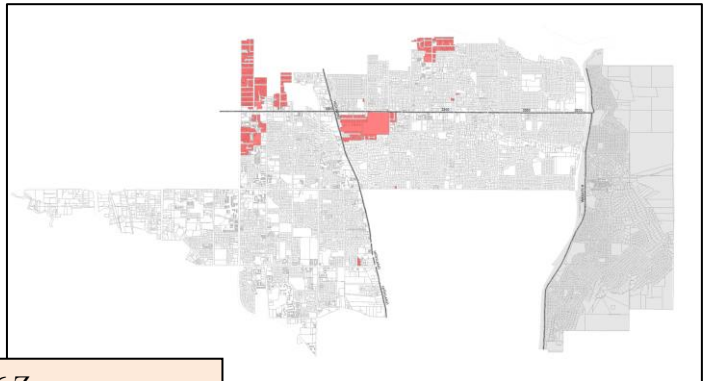
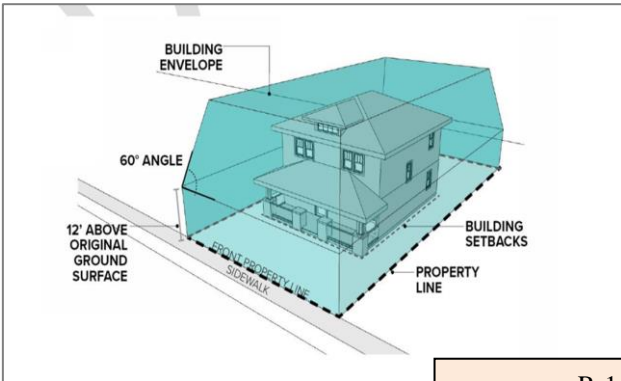
- The Option A standards from RCOZ becomes the proposed spatial standards for all R-1 zones.
- Option B from the RCOZ remains but is renamed to the Neighborhood Compatibility Modification (NCM).
- Staff is recommending to increase the rear yard setback from 15 feet to 20 feet. Proposing to add the rear yard setback as an option in the neighborhood compatibility modification.
- Option to have uncovered porches up to 10 feet into the front setback line.
- The combined side yard setback requirement from RCOZ remains but only applies to lots 50% or larger.
- A 60-degree building envelope is proposed for lots in the R-1-6 zone.
- A box envelope at the building setback line for the R-1-3, R-1-4, or R-1-5 zone. These changes are intended to allow existing homes on these smaller lots the option to add a second story.
- Building height is proposed to increase from 28 feet to 30 feet in the R-1-3, R-1-4, R-1-5, R-1-6, and R-1-8 zones. All other building heights will remain the same.
- Removal of the RCOZ Option C. Option C was discussed as potentially being a legislative process, but after more legal discussion, it is suggested that those wishing to go beyond the standards in the draft, should use a variance process. In such situations where unique circumstances for a particular lot could provide a variance option, the common process for such situations is a variance. State Law would suggest that a variance is the better option.
- A few uses were eliminated such as commercial daycares, pigeons, and sportsmen kennels.
- New graphics have been provided to show the building envelope options and allowances.
- All of the spatial requirements are in tables and diagrams.
- Removal of R-1-43 Zone. None exist.

See “Supporting Documents” at the end of staff report to review the proposed draft of the R-1/RCOZ Code as well as the current R-1 and RCOZ Codes that are currently in effect.

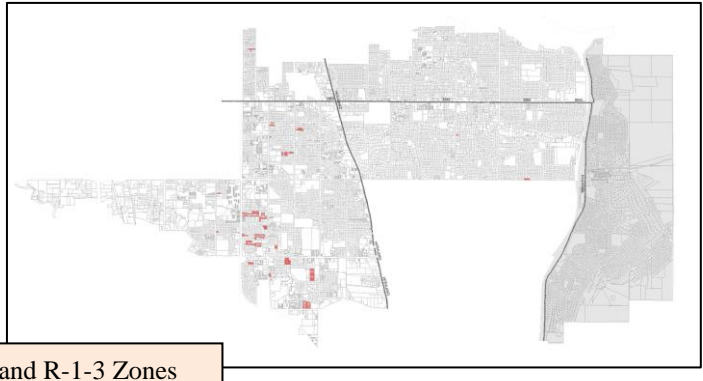
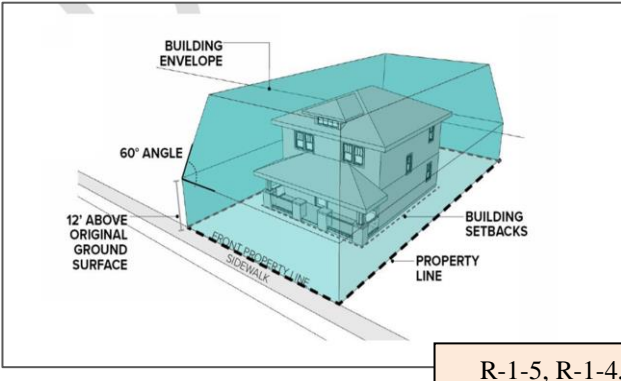
Building Envelope to Zones



R-1-8, R-1-10, and R-1-21 Zones



R-1-6 Zones



R-1-5, R-1-4, and R-1-3 Zones

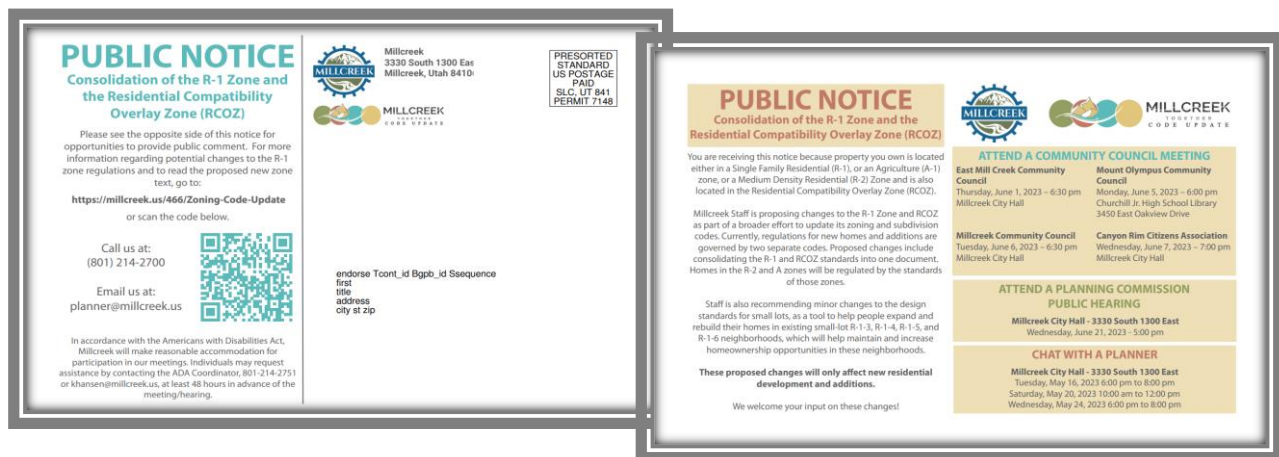
See “Supporting Documents” at the end of staff report to review the proposed draft of the R-1/RCOZ Code as well as the current R-1 and RCOZ Codes that are currently in effect.

RESIDENT PARTICIPATION AND FEEDBACK

In light of this conflict, staff found value in carving out a little more time examining the administrative conflicts the current R-1 code presents, while also focusing on specific design standards required in the R-1 and the RCOZ that may or may not create unnecessary development constraints. Due to how complicated the subject matter is and its high level of sensitivity among Millcreek residents, staff increased the amount of exposure to the residents with the goal in mind of obtaining additional resident feedback and participation.

Chat with a Planner Open House

To help spread the word, we published the public notice on two different occasions in the e-newsletter and once in the printed newsletter, which went to every residential address in the city. Millcreek also sent out nearly 18,000 mailed public notices sent to all property owners residing in a Residential Zone (**R-1, R-2, and R-4**) inviting them to attend and participate in the Community Council and Planning Commission meetings. Within the mailed notice, staff carved out three (3) specific dates and times where residents could visit City Hall and chat with a planner regarding the potential changes to the R-1 zone regulations.



Tuesday May 16th, 6-8pm
8 residents attended

Saturday May 20th, 10-12am
6 residents attended

Wednesday May 24th, 6-8pm
6 residents attended

Over the course of the three meetings, only twenty residents collectively attended the chat with a planner open house. Many who attended the open house had specific building questions pertaining to their property or just needed help understanding how the proposed zone update would affect them. Some saw this open house as an opportunity to voice their frustration about land use in general and their opinion concerning taxes. What staff learned from this open house is that most residents are completely unaware what R-1 and RCOZ even stand for and how zoning fundamentally works. However, after staff took the time to explain zoning and answered their questions, most were aloof and indifferent.

Staff also kept a log of all the residents phone calls and emails retrieved regarding the R-1/RCOZ update. The R-1/RCOZ resident log and emails are located in the supporting documents.

See "Supporting Documents" at the end of staff report to review the proposed draft of the R-1/RCOZ Code as well as the current R-1 and RCOZ Codes that are currently in effect.

COMMUNITY COUNCIL RECOMMENDATIONS

Staff has adopted the policy of bringing complicated and contentious applications to the Community Councils a month in advance (or more) to help flush out any concerns they may have before the application comes before them for their official recommendation. This also helps eliminate the shock factor and provides them with ample review time to digest the application in full. Each Community Council was given the opportunity to comment and make suggestions on the proposed R-1/RCOZ code during their regularly scheduled May meeting before being asked to make their official recommendation at their June meeting. While we summarize the discussion and vote each of the Community Council makes at their meeting, we request that a formal letter of their recommendation be submitted to staff. Letters of recommendation received from the Community Councils are included in the supporting documents for your review.

East Millcreek Community Council (EMCC) meeting June 1, 2023

Prior to making a recommendation, a couple members of the EMCC wanted further clarification on what architectural elements could protrude into the building envelope. In addition to explaining how staff calculates the degree gables and dormers can protrude into the envelope, it was also noted that eaves and roof overhangs could already project into the setback up to three feet area per the definition of “yard”. Staff noted that this was an existing function of the code and was not part of the R-1/RCOZ code update. There were several residents in attendance at the meeting that had received the public notice and wanted further clarification from staff. Questions from the residents were about the definition of RCOZ and whether the density of their neighborhood would change and begin to allow multi-family housing. Staff responded by explaining what RCOZ stood for and how it effects development and reassured them that staff was not proposing any changes to density and that multi-family housing would not be allowed in their single-family neighborhoods. [The EMCC made a motion to approve the proposed R-1/RCOZ draft as presented by staff with the exception that staff would re-visit the definition of “yard”. Motion passed unanimously 7-0.](#)

Mount Olympus Community Council (EMCC) meeting June 5, 2023

The MOCC members were comfortable with the proposed code and only had a few questions of concern. One member wanted clarification regarding the proposed increase of the rear-yard setback. Staff responded by adding that the main intent was to add more quality open space to the rear yards of our single-family neighborhoods. By doing so, it added more privacy and in instances where you have steep slopes, it helps push homes further away from homes directly adjacent and downhill. Staff noted that uphill homes dwarfing over the homes below is a common complaint and the increase in the rear yard setback is an attempt to mitigate this. Staff noted that many of these “dwarfing” homes are compliant with the standards of RCOZ. Another member made it clear that they were opposed to increasing the maximum building height from 28 feet to 30 feet for the R-1-8 Zones. He added that the two additional feet will diminish residents views. This member provided an email to staff explaining his opposition for the two foot height increase. This email is located in the supporting documents. Prior to making a motion, one last comment was made about the removal of commercial daycares from the use category. They explained daycares were a necessity and wanted an explanation from staff why it was being removed. Staff responded by commenting that, only commercial daycares were being removed but that daycares as a home occupation was still permitted. The day to day activities of a commercial daycare imposed too many impacts on a single-family neighborhood in terms of traffic and number of children. [The MOCC made a motion to approve the proposed R-1/RCOZ draft as presented by staff with the exception that staff would do more research on commercial daycares being located in residential neighborhoods. Motion passed unanimously 6-0.](#)

Millcreek Community Council (EMCC) meeting June 6, 2023

The MCCC members and staff discussed the proposed draft in detail. Although most members were comfortable with the proposed code, there were several members who added additional comments. One member commented that they would like to see duplexes and triplexes allowed in R-1 Zones in an effort to help add housing. That same member also added that this proposed code was a step in the right direction but that more should be done to increase affordable housing options. Another member commented that they shared the same feeling of allowing duplexes and triplexes allowed in R-1 Zones. Before making their final recommendation, the chair of the community council made it clear that there were items within the proposed R-1/RCOZ code they did not agree with. In summary, the chair commented that staff's proposed code needed to eliminate the standards of RCOZ from applying to properties west of I-215 or at minimum, apply the alternative envelope option of 60 degrees with a twelve foot wall height. They commented that Millcreek is becoming a "rent city" and that the RCOZ standards are forcing property owners to consider developing in other areas of the valley. [The MCCC made a motion to approve the proposed R-1/RCOZ draft as presented by staff with the exception that the alternative envelope option of 60 degrees with a twelve foot wall height would apply to all properties west of I-215. Motion passed 10-1.](#)

Canyon Rim Citizens Association (CRCA) meeting June 7, 2023

Members of the CRCA were generally pleased with the proposed R-1/RCOZ code presented by staff. There was very little discussion regarding the code specifically. There were a few comments made from members requiring further explanation about why staff was proposing alternative envelope options and the reasoning behind the increased rear yard setback. Staff responded that there is not a "one size fits all" set of standards. This has been an on-going issue when applying small narrow lots which is why we are proposing some alternative development standards for the small irregular shaped lots that have historically struggled to develop under the old code. Staff's reasoning behind increasing the rear yard setback five additional feet was to add more quality open space to the rear yards of our single-family neighborhoods. By doing so, it added more privacy and in instances where you have steep slopes, it helps push homes further away from homes directly adjacent and downhill. Staff noted that uphill homes dwarfing over the homes below is a common complaint and the increase in the rear yard setback is an attempt to mitigate this. [The CRCA made a motion to approve the proposed R-1/RCOZ draft as presented by staff. Motion passed 7-0.](#)

PLANNING STAFF FINDINGS & CONCLUSIONS

Millcreek Planning staff has been administering the development regulations of the underlying R-1 Zone and the Residential Compatibility Overlay (RCOZ) Zone for nearly 5 years and in that time, we have learned a few things. The RCOZ and its standards was originally adopted by Salt Lake County in 2009 with the intention to balance how residential neighborhoods build out. The standards required by RCOZ became the tool used by Planning to ensure residential neighborhoods with moderate homes sizes didn't become engulfed with "McMansions", or otherwise monster homes. The underlying R zones work but are too broad and didn't do much in terms of maintaining compatibility. These standards were designed to combat massive homes from being constructed next to moderately sized homes by restricting building height, property setbacks, lot coverage percentages and massing, and essentially preserving the character of these neighborhoods by zone. The RCOZ standards such as max building height, allowable lot coverage, and combined side yard setbacks shift slightly depending on zone type and lot sizes of the neighborhood, making development comparative to its surroundings, hence compatible.

Depending on who is inquiring, the RCOZ is a tool that "restricts" or a tool that "preserves".

See "Supporting Documents" at the end of staff report to review the proposed draft of the R-1/RCOZ Code as well as the current R-1 and RCOZ Codes that are currently in effect.

This is what we learned (*Data from 2018 to present*)

- 198 new permits for single-family homes were issued or closed. 187 of those new permits issued, met the minimum “RCOZ” standards. 384 new permits for residential additions and alterations were issued or closed. The vast majority of these are in RCOZ.
- 9 permits for a single-family home were approved for “RCOZ B” variations from the standards on the basis of neighborhood compatibility. 13 permits for additions were approved for “RCOZ B” variations from the standards on the basis of neighborhood compatibility. Most RCOZ B applications are for additions, not new homes.
- 2 permits for a single-family home received variances due to existing hardships owing to unique circumstances on these properties. 13 permits for additions were approved for “RCOZ B” variations from the standards on the basis of neighborhood compatibility. Most RCOZ B applications are for additions, not new homes.
- 2 “RCOZ C” special exceptions to build a home have been approved. 15 permits received special approval from the Land Use Hearing Officer because they were additions to homes that were *already* noncompliant in terms of RCOZ rules for setbacks, lot coverage, etc.
- 94% of those building a new home in Millcreek were able to build under the current code without need of a deviation or special exception.
- 92% of those seeking to do residential additions in Millcreek were able to build under the current code without need of a deviation or special exception.
- A large majority of the homes built and residential additions permitted without seeking relief were likely in the R-1-8 and R-1-10 zones. The vast majority of the R-1 zones are R-1-8 and R-1-10 which account for about 40% of the entire city. These zones are typically larger allowing for more flexibility making development easier. The remaining permits issued for new homes and permits issued for residential additions that sought relief were likely due to smaller lot sizes and/or homes recognized as noncomplying due to setbacks, lot coverage, etc.

What RCOZ Got Right

- Side yard setbacks are wider, particularly on wider lots. This keeps the mass of a home more consistent with the homes in the surrounding area.
- For the most part, especially on lots in an R-1-8 zone and above, it is easy to put a second story on a home. Gable and dormer exceptions ensure that these second stories are useful, while reducing the mass of taller homes.
- RCOZ considers neighborhood compatibility, by allowing applicants to modify setbacks, heights, and lot coverage based on the characteristics of surrounding homes. This is a rarely used tool but has proven useful.

Where RCOZ Could Be Better

- Definitions could be better.
- Building envelope standards prevent a second story on homes on narrower lots, particularly in an R-1-6 or R-1-5 zone. This could impact infill opportunities and neighborhood stability.
- Maximum heights may be a little low, considering market preferences for taller ceiling heights.
- Having two different zoning standards created confusion.

Staffs Goals for Revising the R-1/RCOZ Standards based on historical data and feedback from residents.

- Provide alternative development standards for different lot sizes
- Encourage a variety of affordable single-family housing options
- Incentivize development on smaller lots
- Continue to preserve the character of our single-family neighborhoods

- Clear up resident confusion and eliminate application conflicts
- Simplify and speed up building permit review times
- Enhance clarity with better definitions and images

SUPPORTING DOCUMENTS

- Proposed draft R-1/RCOZ Code ([Click here for link](#))
- Current R-1 Code ([Click here for link](#))
- Current RCOZ Code ([Click here for link](#))
- R-1/RCOZ Call List and email correspondences
- Received Community Council Letters

19.01.1.1 Single-Household Residential (R-1) Zones

A. Purpose

1. The purpose of the R-1 zones is to establish single-household neighborhoods that provide persons who reside therein a comfortable, healthy, safe and pleasant environment. 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.

B. Permitted Uses and Conditional Uses

1. Uses in the Single-Household Residential (R-1) Zones are as set forth in Table 19.XX.1 Permitted and Conditional Uses in the Single-Household Residential (R-1) Zones. If a use is not specifically designated in the table, then it is prohibited.

Table 19.XX.1 Permitted and Conditional Uses in the Single-Household Residential (R-1) Zones		
<i>P= Permitted C= Conditional Use Review Required</i>		
<i>Land Use</i>	<i>R-1 (All Zones)</i>	<i>Limitations / References</i>
<i>Residential Uses</i>		
Single Household Dwelling	P	Accessory dwellings permitted as set forth in MKZ 19.XX, Accessory dwellings. May be subject to the requirements set forth in the Sensitive Lands Chapter 19.XX.XX
Residential Facilities for Persons with a Disability	P	As set forth in MKZ 19.87 Residential Facilities for Persons with a Disability
Short-term rentals	P	As set forth in MKC 5.19, Short-term rentals
<i>Commercial Uses</i>		
Agriculture	P	Non-commercial
<i>Civic and Institutional Uses</i>		
Public Uses	P	
Quasi-Public Use	P	
Religious Assembly	P	
<i>Miscellaneous Uses</i>		
Accessory Uses, Buildings, and Structures	P	As set forth in MKZ 19.XX.XX Accessory Uses, Accessory Buildings, and Structures

C. Spatial Requirements.

1. Setback Measurements. The minimum setbacks and lot size requirements are as determined by Table 19.XX.2 Spatial Requirements for the Single-Household Residential (R-1) Zones.
2. Side Yard Setbacks on Lots 50% (*Alt. 100% or apply to all lots*) Larger Than Minimum Lot Width. Lots with a width 50% or more larger than the required minimum lot width shall measure side yard setbacks per the following:
 - a. The combined measurements of the side yard setbacks shall be at least 25% of the lot width.
 - b. No side setback shall be less than the required minimum side yard setback.
 - c. The width of the lot is measured as the diameter of the largest circle that can be inscribed entirely within the lot excluding any streams, floodplains, wetlands, areas of thirty percent slope or greater, or other natural hazard areas shall be excluded from the circle. See Figure 19.XX.2.

Figure 19.XX.1 Spatial Requirements Diagram (letter labels related to Table 19.XX.2)

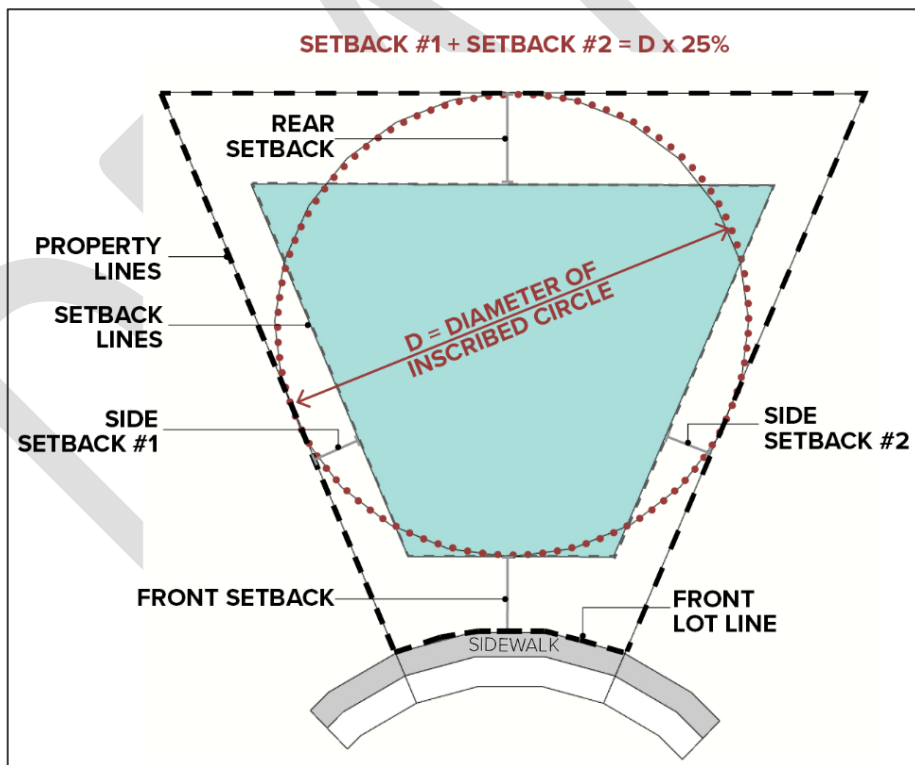


Figure 19.XX.2 Spatial Requirements Diagram

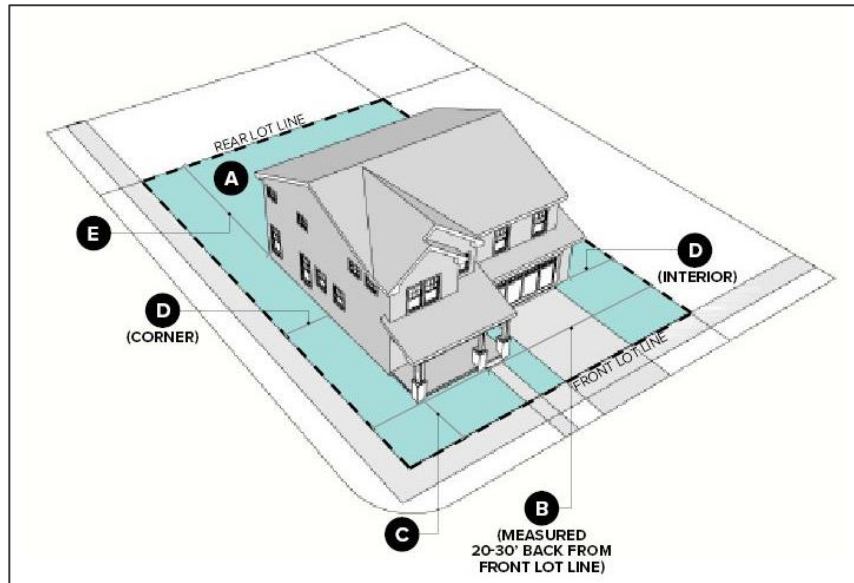


Table 19.XX.2 Spatial Requirements for the Single-Household Residential (R-1) Zones

Zone	Min. lot area (A)	Min. lot width (B)	Min. Front Setback (C)	Residential Use Min. Side Setbacks on interior lots (D)	Residential Use Min. Side Setbacks on corner (E)	Non-Residential Use Min. Side Setback	Min. Rear Setbacks (F)	Maximum Lot Coverage
R-1-3	3,000 sq ft	25'	20'	5'	20'	20' (15')	20'	40%
R-1-4	4,000 sq ft	25'	20'	5'	20'	20' (15')	20'	40%
R-1-5	5,000 sq ft	25'	20'	5'	20'	20' (15')	20'	35%
R-1-6	6,000 sq ft	60'	25'	8'	20'	20'	20'	35%
R-1-8	8,000 sq ft	65'	25'	8'	20'	20'	20'	33%
R-1-10	10,000 sq ft	80'	30'	10'	20'	20'	20'	31%
R-1-15	15,000 sq ft	80'	30'	10'	20'	20'	20'	25%
R-1-21	21,000 sq ft	100'	30'	10'	20'	20'	20'	25%

D. Building Height and Building Envelopes.

1. Minimum height. All dwelling structures shall be a minimum of one story in height.
2. Maximum Height. Maximum building height is as set forth in Table 19.XX.3 Building Height and Building Envelope for R-1 Zones.
3. 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 19.XX.3. The entire building shall fit under this envelope except as described in the projections section below. (See figures 19.XX.2, 19.XX.3, and 19.XX.4 for building envelope illustrations)

Table 19.XX.3 Building Height and Building Envelope for R-1 Zones					
	R-1-3 R-1-4 R-1-5	R-1-6	R-1-8	R-1-10 R-1-15	R-1-21
Building Envelope Wall Height	30'	30'	30'	30'	32'
Building Envelope Angle Starting Height	None (alt 12')	12'	8'	8'	8'
Building Envelope Angle	None (alt. 60 degree)	60°	45°	45°	45°

Figure 19.XX.3 R-1-3, R-1-4, and R-1-5 Building Envelope

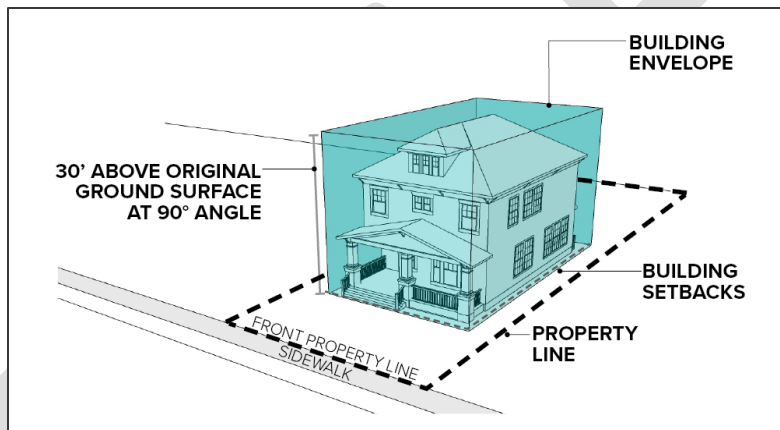


Figure 19.XX.4 R-1-6 Building Envelope (alternative – apply to R-3,4 and 5)

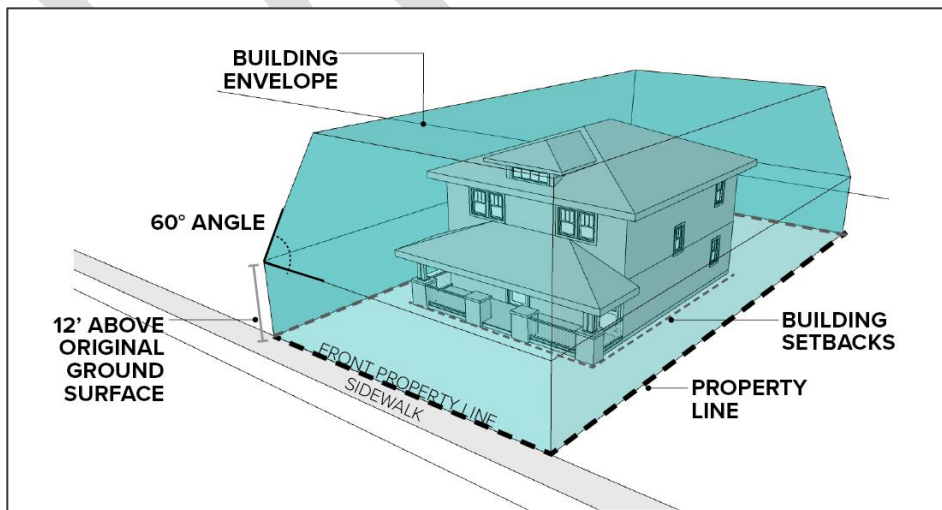
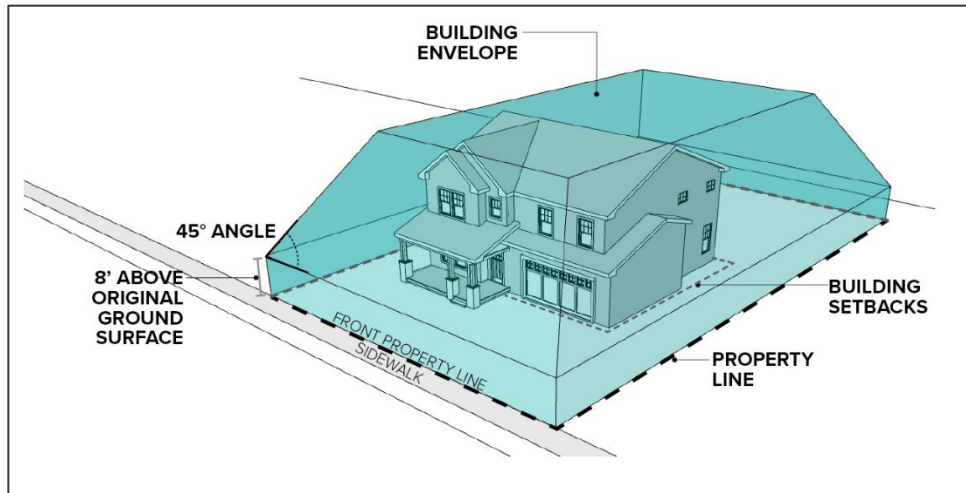


Figure 19.XX.2 R-1-8, R-1-10, R-1-15, and R-1-21 Building Envelope



- E. Projections. Dormers, Gables, and non-habitable architectural elements may project beyond the building height envelope if they meet the following criteria:
1. Dormers:
 - a. The width of the dormer shall not exceed fourteen (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% of the length of the building façade.
 3. Porches.
 - a. Uncovered front porches may project up to ten (10) feet into the front yard setback.
 - b. A porch or section of a porch with a deck above is considered covered
 4. Other architectural features such as eaves, railings, or windowsills:
 - a. The architectural feature does not extend beyond the building height envelope more than two (2) feet.
 - b. The architectural feature shall not include habitable space.

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 figures 19.XX.6 and 19.XX.7 below for dormer and gable exception illustration

Figure 19.XX.6 Dormer and Gable illustration

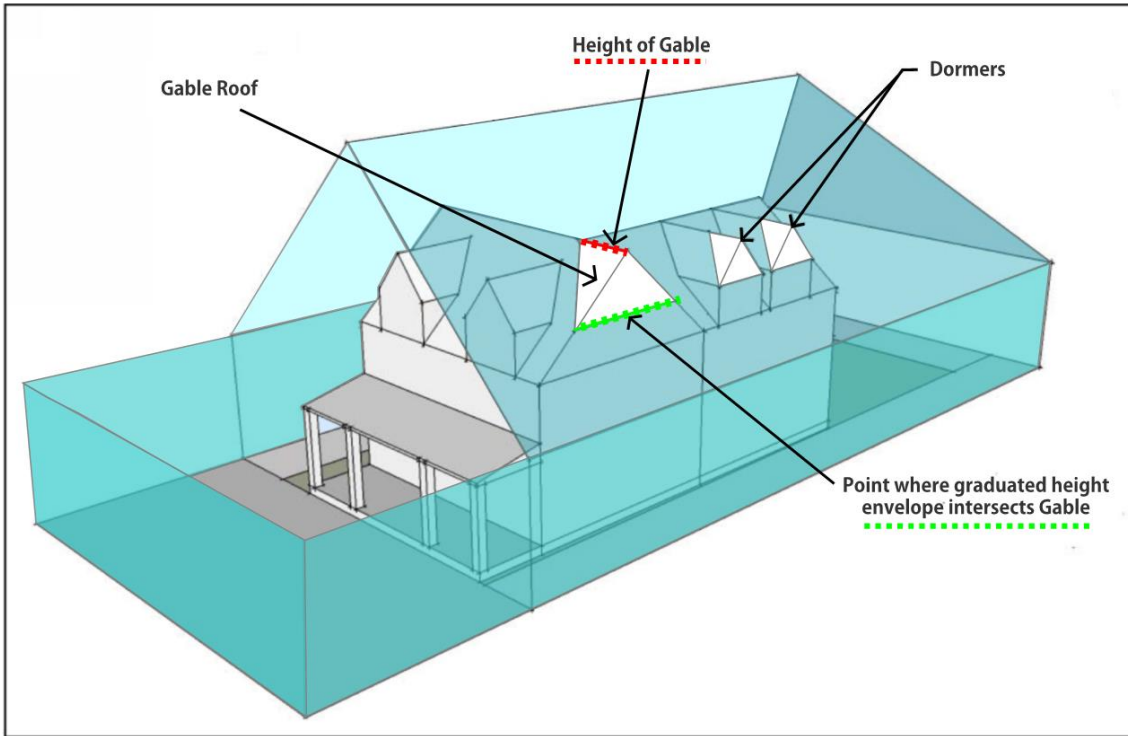
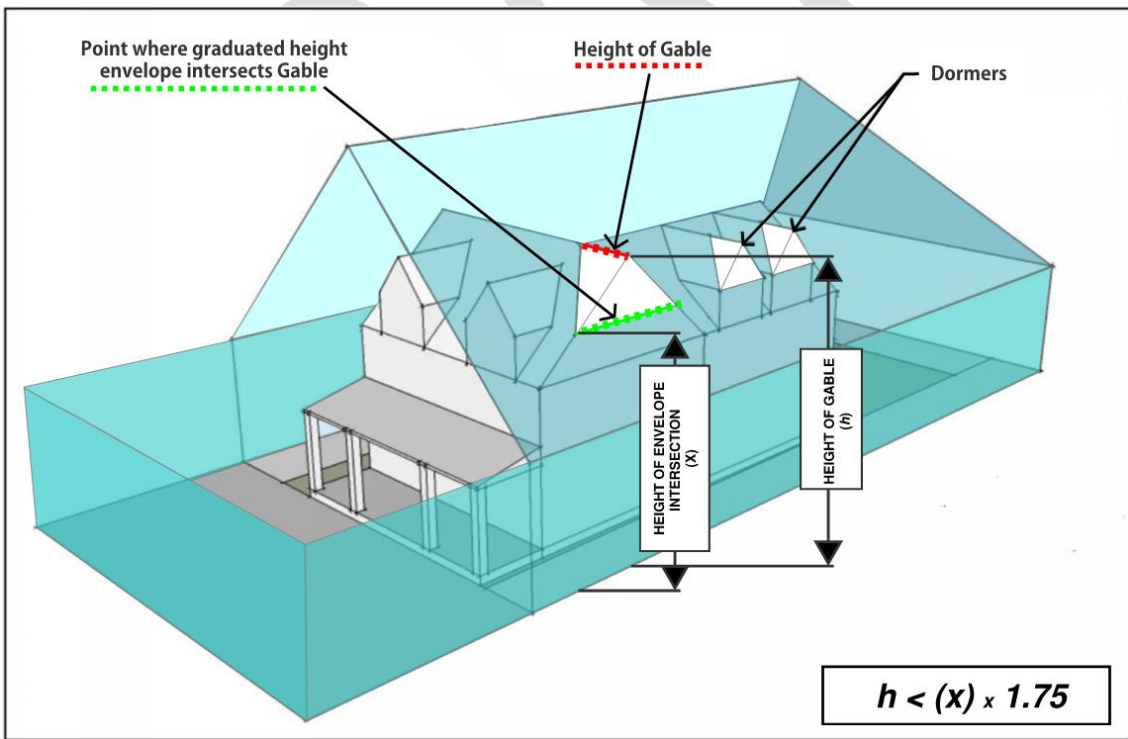


Figure 19.XX.7 Gable projecting beyond building height envelope exception



19.01.1.2 Neighborhood Compatibility Modification (NCM).

- A. Recognizing the wide variation of circumstances incident to a residential development application, Millcreek is providing for additional means to modify standards based on neighborhood compatibility. 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 a NCM request at time of site plan submittal provided the following conditions are met:
1. Evidence. Compliance with the corresponding neighborhood conditions must be established by an engineering survey from the proximate neighborhood, defined as a 200' radial distance from the property boundary.
 2. 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.
 3. Permissible Modifications. NCM Standards. Building height, setbacks and lot coverage modifications may be accommodated if the request does not exceed the allowances as set forth in Table 19.X.X NCM Standards.
 4. Non-Permissible Modifications. Rear-yard setbacks, building envelope, mass and scale, and accessory structure modifications do not qualify under the NCM.

Table 19.XX.4. NCM Standards

Table 19.XX.4 NCM Standards						
Zone	(A)	Lot Coverage	Front Setback	Side Setback	Rear Setback	Max Height
R-1-3	33'	40% *	The average of all lots of 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 width, and no less than six feet (6') on each side.	The average rear yard setback that are on six lots of the applicants 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 of applicants choice that are within the proximate neighborhood; and 2. The max height of the zone specified in column (A) of Table 19.XX.4 NCM Standards.
R-1-4	33'	40% *				
R-1-5	33'	40% *				
R-1-6	33'	40% *				
R-1-8	33'	38% *				
R-1-10	35'	36% *				
R-1-15	37'	30% *				
R-1-21	37'	30% *				

*Lot coverage for all lots may not exceed more than 1.15 times the average lot coverage of proximate neighborhood lots

- B. Related Provisions. For additional information refer to the zoning ordinance and in particular the following sections:

Related Provisions	
<i>Reference Section</i>	<i>Topic</i>
MKZ 19.76.020	Occupancy permit
MKZ 19.04.560	Yard
MKZ 19.76.080	Lots and buildings on private rights-of-ways
MKZ 19.76.100	Sale of space needed to meet requirements
MKZ 19.76.140	Private garage or carport—Reduced yards
MKZ 19.76.190	Height limitations—Exceptions
MKZ 19.76.200	Additional height allowed when
MKZ 19.76.210	Off-site improvements
MKZ 19.76.290	Single-household or two-household dwellings—Standards
MKZ 19.80.040	Number of spaces required
MKZ 19.89	Accessory Dwelling Units
MKZ 19.XX	Temporary Uses and Structures
MKZ 19.XX	Sensitive Lands
MKZ 19.82	Sign Ordinance
MKC Title 18	Subdivisions

19.01.1.3 Definitions (to be moved to definitions)

Single household detached dwelling means a separate building arranged or designed to be occupied by one household unit, the structure having only one primary dwelling unit.

Residential Facilities for Persons with a Disability (group home) means a home where a small number of unrelated people in need of care, support, or supervision can live together, such as those who are elderly or mentally ill or protected by federal fair housing laws.

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 thirty consecutive days.

Agriculture (non-commercial) means the tilling of the soil, the raising of crops, horticulture and gardening, 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.

Public and Quasi-Public Use means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.

Religious assembly means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

Accessory Uses and buildings/structures means a subordinate use or structure customarily incidental to and located upon the same lot occupied by a main use.

Dormer means a roofed structure, often containing a window, that projects vertically beyond the plane of a pitched roof. The peak roof elements of a dormer do not extend above the ridgeline of the pitched roof.

Gable means the triangular portion of a wall between the edges of intersecting roof pitches.

Habitable Space means any structure containing rooms that are used for living, sleeping, cooking, and eating.

Architectural Feature means a minor 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, and cupolas.

Proximate Neighborhood means the lots within a 200' radial distance from the subject property boundary.

Chapter 19.14 R-1-3, R-1-4, R-1-5, R-1-6, R-1-7, R-1-8, R-1-10, R-1-15, R-1-21, R-1- 43 SINGLE-FAMILY RESIDENTIAL ZONES

19.14.010 Purpose Of Provisions

19.14.020 Permitted Uses

19.14.030 Conditional Uses

19.14.040 Lot Areas And Widths

19.14.050 Yards

19.14.055 Density

19.14.060 Building Height

19.14.070 Accessory Buildings

19.14.080 Informational

19.14.010 Purpose Of Provisions

The purpose of the R-1 zones is to establish single-family neighborhoods which provide persons who reside therein a comfortable, health, safe and pleasant environment.

19.14.020 Permitted Uses

Permitted uses in the R-1 zones are as follows:

ZONE	PERMITTED USES
All R-1 Zones	Accessory uses and buildings
	Agriculture
	Home business, subject to MKZ 19.85;
	Home daycare/preschool, subject to MKZ 19.04
	Household pets
	Residential facility for persons with a disability
	Short-term rentals provided a valid Millcreek business license has been issued and in good standing with respect to the property;
	Accessory Dwelling Unit, subject to MKZ 19.89
R-1-6, R-1-7, R-1-8, R-1-10, R-1-15	Single-family dwelling
R-1-21, R-1-43	Guesthouse, the square footage must be less than one thousand two hundred square feet
	Maximum of four horses for private use only, not for rental
	Single-family dwelling

HISTORY

Amended by Ord. [18-28](#) on 5/14/2018

Amended by Ord. [18-35](#) on 6/11/2018

Amended by Ord. [21-39](#) on 9/27/2021

Amended by Ord. [23-12](#) on 4/10/2023

19.14.030 Conditional Uses

Conditional uses in the R-1 zones are as follows:

ZONE	CONDITIONAL USES
All R-1 zones	Cemetery
	Day care/preschool center, subject to MKZ 19.76.260
	Golf course
	Home day care/preschool, subject to MKZ 19.04
	Planned unit development
	Private educational institutions having an academic curriculum similar to that ordinarily given in public schools
	Private nonprofit recreational grounds and facilities
	Public and quasi-public uses
	Residential facility for elderly persons
	Temporary buildings for uses incidental to construction work, which building must be removed upon the completion of the construction work. If such buildings are not removed within ninety days upon completion of construction work or thirty days after notice, the building will be removed by the City at the expense of the owner.
R-1-3, R-1-4	Single-family dwelling
R-1-5	Single-family project developments The planning commission may approve a detailed development plan for the entire single- family project in

	an R-1-3, R-1-4, R-1-5 zone, pursuant to MKZ 19.84. Thereafter, the development services division director may, as authorized by the planning commission, approve use permits for individual residential uses, provided that the plans comply with all requirements and conditions of the approved development plan.
R-1-6, R-1-7, R-1-8, R-1-10	Nursery and greenhouse, provided that there is no retail sales
R-1-15	Pigeons, subject to health department regulations
	Sportsman's kennel with a minimum lot area of one acre
R-1-21, R-1-43	Animals and fowl for family food production
	Bed and breakfast homestay
	Nursery and greenhouse; provided, that there is no retail sales
	Pigeons, subject to health department regulations
	Sportsman's kennel with a minimum lot area of one acre

HISTORY
 Amended by Ord. [18-35](#) on 6/11/2018
 Amended by Ord. [19-19](#) on 5/28/2019
 Amended by Ord. [23-12](#) on 4/10/2023

19.14.040 Lot Areas And Widths

The minimum lot area and width requirements are as follows:

ZONE	MINIMUM LOT AREA	MINIMUM LOT WIDTH
R-1-3	3,000 square feet	25 feet at a distance 20 feet from the front lot line
R-1-4	4,000 square feet	Same as above
R-1-5	5,000 square feet	Same as above
R-1-6	6,000 square feet	60 feet at a distance 25 feet from the front lot line
R-1-7	7,000 square feet	65 feet at a distance 25 feet from the front lot line
R-1-8	8,000 square feet	Same as above
R-1-10	10,000 square feet	80 feet at a distance 30 feet from the front lot line
R-1-15	15,000 square feet	Same as above
R-1-21	21,780 square feet (1/2 acre)	100 feet at a distance 30 feet from the front lot line
R-1-43	43,560 square feet (1 acre)	Same as above

19.14.050 Yards

A. Dwellings: The minimum yard requirements for a private garage or dwelling are as follows:

ZONE	FRONT YARD	SIDE YARD (Interior)	SIDE YARD (Facing a public street)	REAR YARD WITHOUT GARAGE	REAR YARD WITH GARAGE
R-1-3, R-1-4, R-1-5	20 feet	5 feet unless attached to a dwelling on an adjacent lot	20 feet	20 feet	15 feet
R-1-6, R-1-7, R-1-8	25 feet	5 feet one side and 11 feet on the garage or driveway side or 8 feet on each side	20 feet	30 feet	15 feet
R-1-10, R-1-15, R-1-21	30 feet	10 feet on each side	20 feet	Same as above	Same as above
R-1-43	30 feet	15 feet on each side	20 feet	Same as above	Same as above

B. The minimum yard requirements for a main building other than residential are as follows:

ZONE	MINIMUM FRONT YARD	MINIMUM SIDE YARDS	MINIMUM REAR YARD
R-1-3, R-1-4, R-1-5	20 feet	20 feet	20 feet
R-1-6, R-1-7, R-1-8	25 feet	20 feet	30 feet
R-1-10, R-1-15, R-1-21, R-1-43	30 feet	20 feet	30 feet

HISTORY
 Amended by Ord. [18-35](#) on 6/11/2018

19.14.055 Density.

The allowable density for planned unit developments shall be determined by the planning commission on a case by case basis, taking into account the following factors: recommendations of non- City agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable general plan. Notwithstanding the above, the planning commission shall not approve a planned unit development with density higher than the following:

R-1-3	11.0 units per acre
R-1-4	9.0 units per acre
R-1-5	7.0 units per acre
R-1-6	6.0 units per acre
R-1-7	5.0 units per acre
R-1-8	4.5 units per acre
R-1-10	4.0 units per acre
R-1-15	2.5 units per acre
R-1-21	2.0 units per acre
R-1-43	1.0 units per acre

19.14.060 Building Height

Except as otherwise specifically provided in this title no building or structure shall exceed the following height (see MKZ 19.04 for definition of "height"):

A. Main Buildings.

1. Thirty feet on property where the slope of the original ground surface exceeds fifteen percent or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.
2. Thirty-five feet on properties other than those listed in number one of this subsection.
3. No dwelling shall contain less than one story.

HISTORY
 Amended by Ord. [18-35](#) on 6/11/2018
 Amended by Ord. [23-12](#) on 4/10/2023

19.14.070 Accessory Buildings

A. Location Requirements:

1. Accessory buildings shall only be allowed in a rear yard, or within the side or rear setbacks of the main building of the lot, provided the accessory building meets the separation requirement in section MKZ 19.14.070 (A)(2).
2. Accessory buildings must be located at least six feet from the main building on the lot.

B. Height:

1. For residential lots in a R-1 zone with rear yards that share a boundary with a commercial or multifamily zone or an institutional building or structure, accessory buildings may exceed the height of the main structure, up to a maximum height of 24 feet, provided it is in the rear yard.
2. Accessory buildings on all other residential lots shall not exceed 10 percent greater than the height of the main building, but are allowed to be at least 14 feet in height.
3. In no case shall an accessory building exceed 24 feet in height.
4. Accessory buildings in zones that are subject to the Residential Compatibility Overlay Zone standards must be constructed entirely within the building envelope described in MKZ 19.71.030 (C).

C. Setback Requirements.

1. Heights Up to Fourteen Feet: Accessory buildings 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 fourteen feet, accessory buildings shall be set back from the side and rear property lines an additional inch, up to twelve 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 building 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 building.
4. On lots where the rear yard abuts a side yard of another residential dwelling, the minimum setback for an accessory building is 10 feet from the abutting side yard.
5. Accessory buildings shall not encroach on any required easement.

D. Area Requirements.

1. For residential lots in a R-1 zone with rear yards that share a boundary with a commercial or multifamily zone, or an institutional building or structure, the total footprint of all accessory buildings on a lot shall not exceed the maximum coverage requirements established in Section E below, or 1,200 square feet.
2. The total footprint of all accessory buildings on lots except as described in section 1 above shall not exceed 60 percent of the footprint of the main building, or 600 square feet, whichever is greater. The total footprint of all accessory buildings shall not exceed the maximum coverage requirements.

E. Coverage Requirements. Coverage Requirements. The maximum lot coverage for accessory buildings is described in Table 19.14-1 below.

F. Design Standards. Accessory buildings shall incorporate at least one of exterior materials used in the main building for 20 percent of all facades of the structure, or shall be clad in wood, vinyl, or cementitious fiberboard siding. Accessory buildings must have a pitched roof unless the main building has a flat roof, in which case an accessory building 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 Buildings 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 in MKZ 19.85. Accessory buildings shall not be used as a dwelling.

J. 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 MKZ 19.14.070 (G).

K. Accessory buildings used for accessory dwelling units are subject to the standards of this chapter, and of the Accessory Dwelling Unit standards in MKZ 19.89.

Table 19.14-1

Lot Size in Square Feet	Maximum Accessory Building Coverage
6,000 or less	40 percent
6,000 to 6,999	35 percent
7,000 to 7,999	30 percent
8,000 or more	25 percent

Accessory buildings in lots subject to the Residential Compatibility Overlay Zone shall not exceed the maximum coverage requirements established in MKZ 19.71.030 (B).

HISTORY
 Amended by Ord. [18-35](#) on 6/11/2018
 Amended by Ord. [19-19](#) on 5/28/2019
 Amended by Ord. [21-39](#) on 9/27/2021

19.14.080 Informational

For additional information refer to the zoning ordinance and in particular the following sections:

MKZ 19.76.020	Occupancy permit
MKZ 19.04	Yard
MKZ 19.76.080	Lots and buildings on private rights-of-ways
MKZ 19.76.100	Sale of space needed to meet requirements
MKZ 19.76.140	Private garage or carport—Reduced yards
MKZ 19.76.190	Height limitations—Exceptions
MKZ 19.76.200	Additional height allowed when
MKZ 19.76.210	Off-site improvements
MKZ 19.76.290	Single-family or two-family dwellings—Standards
MKZ 19.80.030	Number of spaces required
MKZ 19.89	Accessory Dwelling Units

HISTORY
 Amended by Ord. [21-39](#) on 9/27/2021
 Amended by Ord. [23-12](#) on 4/10/2023
 Amended by Ord. [23-13](#) on 4/10/2023

Chapter 19.71 RESIDENTIAL COMPATIBILITY OVERLAY ZONE

19.71.010 Purpose Of Provisions

19.71.020 Overlay Zone, Scope And Application

19.71.030 Option A General Standards; Planning And Development Services Review

19.71.040 Option B Deviations From General Standards Based On Neighborhood Compatibility

19.71.050 Option C Special Exception; Planning Commission Review

19.71.060 Definitions

19.71.010 Purpose Of Provisions

- A. The general purpose of the residential compatibility overlay zone ("RCOZ") is to promote public welfare and 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.
- B. Recognizing the wide variation of circumstances incident to a residential application and the need for architectural freedom, the City is adopting a three-tiered approach:
 1. Option A provides for strict standards of height, area, and setback with permits issued by the City (the "division").
 2. Option B allows the City to consider deviations from one or more of the standards provided in Option A based upon the compatibility of the proposed residential application with other houses in the immediate neighborhood.
 3. Option C allows a planning commission to consider at a public hearing a special exception for unusual or extraordinary circumstances that justify deviations from one or more of the limitations under Options A and B.

HISTORY

Amended by Ord. [19-19](#) on 5/28/2019

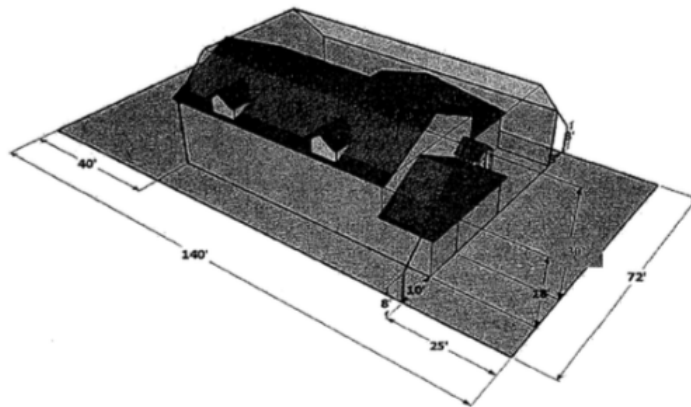
19.71.020 Overlay Zone, Scope And Application

- A. Geographic Area of Application. Maps delineating the boundaries of the RCOZ are attached to the ordinance from which this chapter derived as Appendix A and will remain on file with the division. Such maps, as amended, are a part of this title as if fully described and detailed herein. Additional areas may be approved by the council.
- B. Development Activities Covered. The standards and regulations contained in this chapter shall apply to all residential development, exterior remodeling and new construction projects commenced after the effective date of this chapter in the RCOZ, according to the zones listed in Table I below.
- C. Applicability to Lots of Record. The standards and regulations contained in this chapter shall apply to all legally subdivided lots, including those that were recorded prior to the enactment of this chapter.
- D. Exemption for Previous Residential Development. Noncomplying additions or expansions of buildings or structures commenced or completed prior to the enactment of this chapter are exempt from the requirements of this chapter.
- E. Inconsistent Provisions. When the provisions of this chapter are inconsistent with provisions found in any other chapters of City ordinances, the most restrictive provisions shall apply.

19.71.030 Option A General Standards; Planning And Development Services Review

- A. Application. Any person seeking to build a new residential structure or to significantly reconstruct, renovate or rebuild an existing structure in any zone listed in Table I shall obtain land-use approval from the division. An applicant may seek a determination of the applicable limits under Option A from the division prior to the submission of any building plans.
- B. Standards. Unless applying for approval under Option B or Option C, all applications shall comply with the following minimum standards:
 1. Maximum Building Height. Each point on the highest ridge of the structure shall be no more than that specified in Table I, column (b) for the zone in which the property is situated. Maximum building height shall be measured in feet from that point on the original grade vertically below the referenced ridge height (not including chimneys and vent stacks).
 2. Maximum Lot Coverage. The lot coverage of all structures on the lot shall be not more than the percentages given in Table I, column (d).
 3. Front Yard. The minimum front yard setback shall be as specified in the applicable City code.
 4. Side Yard. The combined side yard setbacks for any main structure shall be at least twenty-five percent of the lot width with no side setback less than eight feet. For purposes of this provision, "lot width" is the diameter of the largest circle that can be inscribed entirely within the lot, not including streams, floodplains, wetlands, areas of thirty percent slope or greater or other natural hazard areas. No extensions, bay windows or similar building elements may encroach into the required setbacks under Option A, except for (a) attached air conditioning units, electrical boxes, utility meters and the like and (b) roof overhangs or eaves that extend no more than two feet into the area of the minimum side setback.
 5. Rear Yard. The minimum rear setback of the primary residence and any accessory building shall be as specified in the applicable City code.
 6. Building Envelope. The height of all structures is further limited by the building envelope created by starting at a point eight feet above ground at each point on the property line of the lot and extending on a line at a forty-five degree angle from the vertical toward the interior of the lot, the projection of such line on the horizontal plane of the lot to be perpendicular to the property line. The entire building must fit under this envelope except for dormers and gables that satisfy the following limitations:
 - a. A dormer may exceed the graduated height envelope, provided:

- (1) The width of the dormer is no more than fourteen feet;
 - (2) With multiple dormers, the distance to the front, or side edges of the roof is at least one-half the distance between dormers; and
 - (3) The dormer is no higher than the ridge of the roof.
- b. A gable may exceed the graduated height envelope, provided:
- (1) The height of the gable is no more than 1.75 times higher than the point where the graduated height envelope intersects the gable; and
 - (2) The height of the gable is less than the maximum building height.
7. Mass and Scale. 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 an architectural element such as an overhang, projection, inset, material and textural change to create shadow patterns along the elevation of the building. The elements required by this section are in addition to all other requirements under this Part.
8. Accessory Building. Accessory buildings shall meet all of the requirements established in MKZ 19.14.070 and the building envelope and lot coverage requirements of this chapter.
9. The following figure depicts selected building limitations as described above and is for illustrative purposes only:



HISTORY
Amended by Ord. [18-35](#) on 6/11/2018

19.71.040 Option B Deviations From General Standards Based On Neighborhood Compatibility.

- A. Application. To obtain division approval of deviations from one or more of the requirements of MKZ 19.71.030.B.1, B.2, B.3 or B.4, an applicant must file a separate application in compliance with the corresponding conditions of Subsections D.1, D.2, D.3 or D.4. An applicant may seek a pre-determination of the allowable deviations for proposed construction under Option B from the division prior to submitting building plans.
- B. Evidence. Compliance with the corresponding conditions of Option B must be established by reliable photographic, engineering, architectural or other evidence from the proximate neighborhood.
- C. Deviations from Other Option A Requirements. No deviations from the Option A requirements of MKZ 19.71.030.B.5 through B.8 may be approved by the division.
- D. Permissible deviations from maximum building height, maximum lot coverage and minimum front and side setbacks under Option B are:
1. Maximum Building Height. The maximum building height that may be approved by the division under Option B is the lesser of:
 - a. Three feet plus the average maximum ridge height of residential structures that are on six lots of applicant's choice that:
 - (1) Are within the proximate neighborhood of the subject property, as defined in MKZ 19.71.060.B; and
 - (2) For which the applicant provides adequate evidence of the maximum building height, as defined in this chapter; or
 - b. The heights specified in column (c) of Table I for the applicable zone.
 2. Maximum Lot Coverage. The maximum lot coverage is 1.15 times the average of the lot coverage percentages of residential structures that are on six lots of applicant's choice that are within the proximate neighborhood of the subject property, such coverage not to exceed the percentages specified in Table I, column (e) for the applicable zone.
 3. Minimum Front Setback. The minimum front setback is the average of the front setbacks of residential structures that are on six lots of applicant's choice that are within the proximate neighborhood of the subject property.
 4. Minimum Side Setbacks. Subject to the twenty-five percent requirement of MKZ 19.71.030.B.4, the minimum side setback is the average of the shorter side setback of residential structures that are on six lots of applicant's choice that are within the proximate neighborhood of the subject property, but in no event may it be less than six feet.

5. Approval of more than one deviation from subsections D.1 through .4 must use the same six lots from the proximate neighborhood to support the requested deviations, whether or not requests for multiple deviations are in one or separate applications.

E. Table I below summarizes and further defines lot coverage and distance in the various zones under Options A and B:

ZONE (a)	OPTION A MAXIMUM BUILDING HEIGHT ⁽¹⁾ (b)	OPTION B MAXIMUM BUILDING HEIGHT ⁽¹⁾ (c)	OPTION A MAXIMUM LOT COVERAGE ⁽²⁾ (d)	OPTION B MAXIMUM LOT COVERAGE ⁽²⁾ (e)	OPTION B PROXIMATE NEIGHBORHOOD ⁽³⁾ (f)
R-1-5	28 ft.	33 ft.	35%	40%	100 ft.
R-1-6	28 ft.	33 ft.	35%	40%	100 ft.
R-1-8	28 ft.	33 ft.	33%	38%	150 ft.
R-1-10	30 ft.	35 ft.	31%	36%	175 ft.
R-1-21	32 ft.	37 ft.	25%	30%	200 ft.
R-1-43	35 ft.	40 ft.	23%	28%	300 ft.
R-2-6.5	28 ft.	33 ft.	40%	45%	100 ft.
R-2-8	28 ft.	33 ft.	38%	43%	150 ft.
R-2-10	30 ft.	35 ft.	35%	40%	175 ft.
A-1	30 ft.	35 ft.	31%	36%	175 ft.

(1) Main dwelling

(2) All structures

(3) Radial distance from property boundaries

19.71.050 Option C Special Exception; Planning Commission Review

A. An applicant whose proposed residential structure meets neither the requirements of Option A nor of Option B may seek extraordinary relief and exceptions to the limitations of MKZ 19.71.030.B.5, B.6, or B.7 or MKZ 19.71.040.D.1, D.2, D.3 or D.4 by submitting an original and seven copies of an application to the applicable planning commission setting forth in detail:

1. The specific provisions from which the applicant seeks exceptions and the requested relief;
2. Detailed information and explanation establishing that:
 - a. The proposed residence will be in harmony with the purpose of this chapter, the general plan and any other land use document applicable to the area.
 - b. The proposed residence will be compatible with existing residential development within a reasonable distance in terms of height, mass and lot coverage, with particular focus on the proximate neighborhood.
 - c. The proposed residence will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance, with particular focus on the proximate neighborhood.
 - d. Each point on the highest ridge of the structure will be no more than forty feet above the point on the original grade vertically below it (with allowances for chimneys and vent stacks).
 - e. The front yard setback will be at least eighteen feet.
3. Additional factors that the planning commission may consider in deciding whether to grant an exception under this Part include:
 - a. Unusual lot shape;
 - b. Unusual or difficult terrain;
 - c. Drainage problems;
 - d. Situations that appear not to be clearly addressed by the provisions of Options A or B.
4. An application for an exception under this Option C will be subject to a public evidentiary hearing before the planning commission, for which notice of no less than ten days prior to the hearing will be given to:
 - a. All property owners appearing on the latest plat in the Salt Lake County recorder's office who own property within three hundred feet of the boundary of the subject lot; and
 - b. The chair of the community council for the area in which the subject lot is located.

B. A decision on the application shall be based on the evidence presented at the hearing. The burden of proof shall rest with the applicant. The planning commission may impose such conditions and limitations upon the approval of an exception to the requirements of this chapter necessary to prevent or mitigate adverse effects on other properties in the neighborhood of the subject properties, consistent with the standards of this chapter.

19.71.060 Definitions

For the purposes of this chapter, the following terms shall have the following meanings:

- A. "Residential lot" means a legal lot included in one of the zones listed in Table I, column (a).
- B. "Proximate neighborhood" of a subject lot means every residential lot, excluding the subject lot, which is within the distance from the subject lot specified in Table I, column (d). For the purpose of calculating maximum building height only, an immediately adjacent multi-resident structure such as an apartment or condominium building may be considered part of the proximate neighborhood.
- C. "Lot coverage" means the measurement of land use intensity that represents the portion of the site occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, patios, decks and open porches.

R-1 & RCOZ Call Log

Residents Name	Residents Address & Zone	Concern or Question	Planner	Date
Bob Lay	Olympus Cove	Wanted to know if it would affect zip codes or addresses.	Francis	5/4/2023
Jay Bingham	Somewhere in Millcreek. I don't want to tell you.	Will it change my neighborhood? Will there be apartments?	Francis	5/4/2023
Elaine	~3900 S & 2700 E	Whats is this all about!?	Sean	5/5/2023
Lady	Canyon Rim	No more tall apt buildings	KD	5/5/2023
Tam	~900 E & 4500 S	Whats is this all about!?	Brad	5/5/2023
William	2077 E ATKIN AVE	This isnt allowing ADUs is it? Told him they were already allowed. Complained about developers and said we should line them up against a wall and "do a ukraine on them"	Sean	5/5/2023
Rodney	3456 S EL SERRITO DR	Does this allow for duplexes now?	Sean	5/8/2023
Pete Taylor	Millbrook Dr	Limitations to building envelope, new development on Millbrook	KD	5/8/2023

?	3959 E Viewcrest	How does this change R-1-10 zones?	Sean	5/8/2023
Hans Ahen	Mt. Aire Acres	Does not like RCOZ standards	Robert	6/8/2023

RE: [Ext] R1/RCOZ changes

Tom Stephens <tstephen@xmission.com>

Tue 6/6/2023 9:42 AM

To: williamson_richard@hotmail.com <williamson_richard@hotmail.com>

Cc: Francis Lilly <flilly@millcreek.us>; Robert May <rmay@millcreek.us>

Hi Richard,

Your points are well taken. I suggest you send your email to Francis Lilly and Robert May, as I don't see their email addresses on your email.

flilly@millcreek.us

rmay@millcreek.us

Tom

From: R Williamson <williamson_richard@hotmail.com>

Sent: Monday, June 5, 2023 11:48 PM

To: david baird <davidbaird70@yahoo.com>; John Knoblock <johnhknoblock@yahoo.com>; Britt McPartland <brittmcpartland66@gmail.com>; Kumar Shah <shahk@comcast.net>; JOLENE CROASMUN <jolene.croasmun@gmail.com>; Brian Jorgensen <bjorgens@hotmail.com>; Kate Johnson <katejmocc@gmail.com>; Chuck Pruitt <charles.w.pruitt@comcast.net>; Heather May <heathermayslc@gmail.com>; Kyle Taft <kstaft@comcast.net>; Naziol Scott <naziol.scott+mocc@gmail.com>; Cabot Jennings <cabot.jennings@gmail.com>; tom stephens <tstephen@xmission.com>; R Williamson <williamson_richard@hotmail.com>

Cc: Jeff Silvestrini <jsilvestrini@millcreek.us>; Bev Uipi <buiipi@millcreek.us>

Subject: R1/RCOZ changes

Hi David,

My only concern about the R1/RCOZ changes is the increased building height moving from 28' to 30' in the R1-8 zone.

With modernization and progressive development increasing the size and height of remodels and rebuilds in our neighborhoods, I would propose that Millcreek City Planners carefully consider the impact that increasing the building height for R1-8 from 28' to 30' would partially block the view of the existing neighbor who does not (or cannot) remodel or rebuild their home.

The explanation that was given during our MOCC meeting this evening to increase the height maximum of R1-8 to have 30' was to allow for taller ceilings; however, I propose that builders who remodel or rebuild and who want taller ceilings should then dig the extra space into the basement level (below ground) and keep the height maximum at 28', which is the same height maximum for R1-8 in Salt Lake County (Title 19 Zoning, Chapter 19.71 RESIDENTIAL COMPATIBILITY OVERLAY ZONE, Table 1).

From a sketch perspective, the additional two feet (from 28' to 30') would minimize the lateral views of existing homeowners by approximately 6 degrees, and in my opinion, that would be unwelcoming to neighbors -- to block the beautiful scenery of Millcreek.

When my R1-8 neighborhood was originally organized in 1959, the owners of Park Terrace No. 4 established Building Restrictions and covenants for the residential lots, to protect the subdivision and allow neighbors to freely enjoy the view within the set building restrictions (SLCo Record, April 1, 1959, M. Kenneth White et. al.).

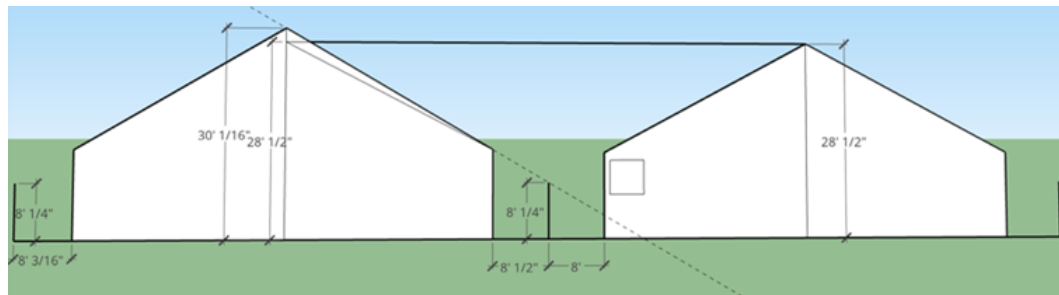
I would kindly ask that Millcreek City Planners and the Millcreek City Council keep the building height maximum for the R1-8 zone at 28'.

Thank you for your consideration.

Richard Williamson

MT. Olympus Community Council

3549 E Warr Rd



From: david baird <davidbaird70@yahoo.com>

Sent: Monday, June 5, 2023 12:13 PM

To: John Knoblock <johnhknoblock@yahoo.com>; Britt McPartland <brittmcpartland66@gmail.com>; Kumar Shah <shahk@comcast.net>; JOLENE CROASMUN <jolene.croasmun@gmail.com>; Brian Jorgensen <bjorgens@hotmail.com>; Kate Johnson <katejmocc@gmail.com>; Chuck Pruitt <charles.w.pruitt@comcast.net>; Heather May <heathermayslc@gmail.com>; Kyle Taft <kstaft@comcast.net>; Naziol Scott <naziol.scott+mocc@gmail.com>; R. Williamson

<williamson_richard@hotmail.com>; Cabot Jennings <cabot.jennings@gmail.com>; tom stephens <tstephen@xmission.com>

Cc: Francis Lilly <flilly@millcreek.us>; Jeff Silvestrini <jsilvestrini@millcreek.us>; Bev Uipi <buiipi@millcreek.us>; Rita Lund <rlund@millcreek.us>; Doug Owens <dougowens.ut@gmail.com>; spitcher@le.utah.gov <spitcher@le.utah.gov>

Subject: Tonight's MOCC agenda attached

Good afternoon everyone,

Tonight's MOCC agenda is attached for your review. We'll start at 6 pm. We'll be meeting outside near the main entrance doors on the north side since the school will be closed. Please bring a lawn chair. Thanks!



Jamie Walker

To: sowardsah@gmail.com; jeremiahkclark@gmail.com; chip.spencer.spencer@gmail.com; dan@1000kilometers.com; jrich046@gmail.com; emilywright485@gmail.com; eherschthal@gmail.com; kchambers@columbusseves.org +5 others



Wed 6/7/2023 12:40 PM

Here is a copy of my notes for reference.

RCOZ just my thoughts

Staff has been great to work with for the past few years as we have learned how to become our own city. I appreciate their hard work and long hours navigating codes and dealing with tough decisions. I won't pretend to have all the answers but in my 30 years of professionally designing homes here is what I've learned:

1. Humans like easy solutions. The R-COZ is not easy. Radius, angles and averages vs. setbacks and heights plus slipped lots equals a recipe for problems and confusion.
2. All examples in the presentation are shown with the home on flat lots, sloped lots don't stand a chance with the RCOZ. Past experience in the cove and even a home we designed on Hineycut struggled and had to be revised. Current examples on presentation are shown out of proportion and not to scale
3. R-1-3 to R-1-6 Changes are only on postage stamp lots which may not even be built on and represent a minority of build lots.
4. Why increase rear yards making it even more difficult to build on?
5. Who would ever do an uncovered front yard porch?
6. Why would "architectural features" not be allowed to have living space in them to maximize the use of the space? Bookshelves or closets or window seat.
7. Are flat roof/modern homes described in the proposal?
8. Offer same standard across the board on R-10 and R-15 and R-21 zones. This would be a good start. Or consider wall heights as the guide and not roof tops. This would allow for compliance for multiple styles of homes and not limit to flatter roofs which can be unattractive.
9. Consider eliminating RCOZ for all property west of I-215 or other.
10. The removal of option "c" makes the property on mile high drive non buildable according to this code. The owner would need a variance and those can be nearly impossible to get.
11. The city is modifying codes to allow taller city buildings but reducing the ability to construct a realistic buildable size home in our city turning it into a rental city like south salt lake.
12. I would propose that rental communities are typically more transient compared to home ownership which shows more commitment and owners have longevity.
13. District one and two compromise over 1/2 the city population. Shouldn't we have at least 50% of the say in how our city codes operate?
14. We need to ask ourselves if we want to be a city that invites others to move here permanently or if we want to put up a sign that says come to visit buy our services and rent for a while, just don't stay. Be careful of continuing to use the word "restrict." It's a perfect description of the RCOZ and it does restrict what property owners are allowed to do.

Thanks again for considering these thoughts and ideas.

Jamie

CRCA R-1/RCOZ RECOMMENDATION

From: Canyon Rim Communications <canyonrimcommunications@gmail.com>
Sent: Wednesday, June 7, 2023, 8:38 PM
To: Francis Lilly <flilly@millcreek.us>
Subject: [Ext] Canyon Rim Citizens Association Recommendation

Hi Francis,

Please accept this email as CRCA's approval for the proposed R-1 zoning change.

**Matt Gardner moved to accept as presented
Noel Koons seconded
The proposal was accepted unanimously.**

**Let me know if you have any questions,
Matt Gardner
Secretary, CRCA**

CRCA MEETING

JUNE 7, 2023

8 MEMBERS IN ATTENDANCE

THREE RESIDENTS ATTENDED



June 1, 2023

To: Millcreek Planning and Zoning
Millcreek Planning Commission

Subject Application: Ordinance Recommendations: ZT-23-008 R-1/RCOZ Code Update

Applicant: Millcreek City
Robert May, Long Range Planning Manager

At the June 1st meeting of the East Mill Creek Community Council (EMCCC), the subject application was presented by Robert May, Long Range Planning Manager.

The application makes changes to Options A and B of RCOZ and possible changes to Option C. The proposed change to Option C would allow for a variance process.

The council had a discussion which included public feedback from residents attending the meeting.

1. The council recommends a review of current standards related to cantilevers and pop outs such as fireplaces and bay windows that may encroach into side yard setbacks. The current standards allow for 3' encroachment. A recommendation of keeping these items within the footprint is more desirable. Newer homes being built near existing homes with older standards may not always be compatible.

The application was open for discussion prior to a motion. Including the noted recommendation, the Council forwards a positive recommendation for proposed changes.

/s/

Lee Ann Hansen
Vice Chair Land Use
Cc: Francis Lilly



June 13, 2023

Millcreek City Planning Commission Members
Robert May, Long Range Planner, Millcreek City
Francis Lilly, Assistant City Manager, Millcreek City

RE: consideration of ZT-23-008, proposed Millcreek code text amendments altering the R-1 zones and Residential Compatibility Overlay Zone (RCOZ)

Dear Millcreek Planning Commission Members, Mr. May and Mr. Lilly,

As part of its June 5, 2023 agenda, the Mt. Olympus Community Council (MOCC) discussed the draft amendments to the R-1 and RCOZ city codes. We support staff's suggested amendments as we believe the modifications successfully consolidate all development and design elements into one location within the code. This streamlining of the ordinances will hopefully ensure property owners, architects and contractors will efficiently anticipate all requirements for the residential zones in this great city. We hope we would all like to avoid unexpected surprises, and we believe this consolidation helps everyone avoid this horrible outcome.

Parallel to the MOCC's support of the draft amendments, we also want to convey some concerns from a MOCC council member living in a R-1-8 zone that does not support raising the allowable building height from 28 to 30 feet. This council member believes this modification creates a negative impact on views from surrounding properties as a result of this increased 2 feet in height. Instead, new development should focus on ways to achieve desired heights by creating an offsetting lowering of the entry level of the home.

We endorse the draft Millcreek code text amendments and support each critical tenet of the previous RCOZ now being reflected in the updated R-1 zones as drafted. We would also like to thank staff for undertaking this effort of modifying one of the most complicated parts of the zoning code while still maintaining the character of our wonderful community.

Sincerely,

A handwritten signature in black ink, appearing to read "David Baird".

David Baird
Chair, Mt. Olympus Community Council



ZT-23-009

Planning Commission Staff Report

Meeting Date: 6/21/2023

Applicant: Millcreek

Re: Adoption of the Medium-Density Zone

Zone: Medium Density Zone

Prepared By: Carlos Estudillo, Brad Sanderson, Planners

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

REQUEST AND SYNOPSIS

The Planning and Zoning team is proud to present to the Millcreek Planning Commission the proposed draft of the updated Medium Density Zone Ordinance (R-2/R-4). In accordance with the provisions of Utah Code, before the City Council may adopt amendments to the zoning ordinance, any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the Millcreek Planning Commission. The Planning Commission shall review the zoning text amendment request and a recommendation shall be made to the City Council to approve, disapprove or continue the application.

What we are trying to achieve with the new Medium-Density Code

- Consolidate the contents of MKZ 19.32 (R-2) and MKZ 19.40 (R-4) into one ordinance named “Medium-Density zone.”
- Clear up resident confusion and eliminate application conflicts.
- Simplify and speed up building permit review times.
- Enhance clarity with better definitions and images.
- Incentivize development on smaller lots.
- Continue to preserve the character of our single-family neighborhoods.
- Encourage a variety of affordable medium-density housing options (duplex, triplex, fourplex.)

GENERAL PLAN CONSIDERATIONS

The Millcreek General Plan lays out goals and strategies that pertain to the proposed ordinance. These goals and strategies are listed below, each with a summary describing how it achieves the goals set out in the General Plan for this area.

Goal N-1: Preserve and enhance the physical elements of each neighborhood’s character.

Strategy 1.5: Ensure that new infill development is compatible with existing neighborhoods by regulating structure sizes and heights; building forms and materials; yard setbacks; streetscape character; height and bulk transitions; buffering; and other factors.

- **Height is regulated by zone – zones with bigger minimum lot sizes allow taller heights.**
- **Bulk and height transitions regulated by envelope. The new code proposes a new 90- degree building envelope in the entire of the R-2 and R-4 zones.**

Goal N-2: Strive for a variety of housing choices in types, styles, and costs of housing throughout Millcreek.

Strategy 1.5: Promote the maintenance and improvement of the existing housing stock and allow for remodeling, expansion, and additions as appropriate in the area to accommodate the changing sizes and varieties of household types.

- **A 90-degree (box) building envelope for R-2 lots and R-4 lots recognizes that narrow lots have additional constraints. Some of these neighborhoods could benefit from additional homeowner investment in the form of 2nd floor additions.**

PROPOSED MEDIUM-DENSITY ZONE CODE AMENDMENTS

Staff views the proposed code update as “adapting” rather than “changing”. The proposed code is a reflection based on what we are hearing from residents and observing development trends over the years. Understanding that there is not a “one size fits all” set of standards, we are proposing some alternative development standards for the small irregular shaped lots that have struggled to develop under the old code. We are trying to add flexibility where it counts, while embracing and preserving the design characteristics that make Millcreek’s neighborhoods some of the most desirable neighborhoods in the valley.

What will stay the same

- Minimum lot areas will remain the same.
- Minimum lot width will remain the same.
- Front and side yard setbacks will remain the same.
- Underlying zones will not change, only the ordinance name and content will change as staff is proposing a consolidation of ordinances 19.32 (R-2) and 19.40 (R-4).

Table 19.XX.XX.X Setback and Lot Size Minimums for Medium Density Residential Zoning Districts						
Zone	Min. lot area (A)	Min. lot width (B)	Min Front Setback (C)	Min. Side Setback (D)	Min Rear Setback (E)	Maximum Building Height
R-2-6.5	6,500 square feet 8,000 sq ft for any other main building	60' measured at 25' from the front lot line	25'	8' interior 20' corner	20' *	30' ** †
R-2-8	8,000 square feet 8,000 sq ft for any other main building	65' measured at 30' from the front lot line	30'	8' interior 20' corner	20' *	30' ** †
R-2-10	10,000 square feet 10,000 sq ft for any other main building	65' measured at 30' from the front lot line	30'	8' interior 20' corner	20' *	30' ** †
R-4-8.5	8,500 square feet 8,000 sq ft for any other main building	60' measured at 25' from the front lot line	25'	8' interior 20' corner	30'	30' ** †

- Items highlighted in yellow are proposed to change from the old ordinances. (See summary below)

What will change

- There no longer be any design standards, except standards that impact site design (spatial requirements). State Legislature has prohibited communities from establishing building design standards for two-unit and four-unit dwellings.
- Staff recommends increasing the rear yard setback from 15 feet to 20 feet.
- A box envelope at the building setback line for the medium-density zone. These changes are intended to allow existing homes on these smaller lots the option to add a second story.
- Building height is proposed to increase from 28 feet to 30 feet in the medium-density zone.
- A few uses were eliminated such as airports, golf courses, commercial daycares, pigeons, and sportsmen kennels.
- New graphics have been provided to show the building envelope options and allowances.
- All the spatial requirements are in tables and diagrams.
- Creation of the R-4 legacy zone. While it will continue to exist, staff will stop taking in applications to rezone any properties into the R-4 zone.
- Most uses were amended from conditional uses to permitted uses. Some uses, such as public vs quasi-public were clarified. Some other uses were eliminated (see uses table)

Table 19.02.3.1 Permitted and Conditional Uses in Medium Density Residential (R-2/4) Zones					
<i>P = Permitted Use</i>		<i>C = Conditional Use Review</i>			<i>Blank means prohibited</i>
<i>Land use</i>	<i>R-2-6.5</i>	<i>R-2-8</i>	<i>R-2-10</i>	<i>R-4-8.5</i>	<i>Limitations/References</i>
<i>Residential Uses</i>					
Single household detached dwellings	P	P	P	P	
Two household dwelling	P	P	P	P	
Three and Four household dwelling				P	
Residential Facility For Elderly Persons or person with a Disability	P	P	P	P	Up to four occupants allowed without a request for a reasonable accommodation
Short-term rentals	P	P	P	P	Requires a valid Millcreek business license
<i>Civic and Institutional Uses</i>					
Public Use	P	P	P	P	
Quasi-Public Use	P	P	P	P	
Religious Assembly	P	P	P	P	
<i>Commercial Uses</i>					
Agriculture	P	P	P	P	
<i>Miscellaneous Uses</i>					
Temporary uses and buildings / structures	P	P	P	P	See Temporary Use section xxx
Accessory uses and buildings / structures	P	P	P	P	See Accessory Use / structure section xxx

COMMUNITY COUNCIL RECOMMENDATIONS

- Millcreek Community Council.** The Millcreek Community Council met on 06/06/2023. They voted 3 in favor to 6 opposed for the adoption of Title 19 updates to the Medium-Density zones. The Millcreek Community Council did not recommend anything specific to the Medium-Density zone in their motion; Although, many comments against the proposed allowing a box building envelope were part of the discussion during community council meeting.
- Canyon Rim Citizens Association.** The Canyon Rim Citizens Association met on 06/07/2023. They voted unanimously in favor of the adoption of the Medium Density Zone.
- East Mill Creek Community Council.** The East Mill Creek Community Council met on 06/01/2023. They voted unanimously in favor of the adoption of the Medium Density Zone with a condition to evaluate the possibility of adopting a 60-degree building envelope, rather than the proposed Box building envelope.

Medium Density Zones Text Amendment Summary

Millcreek's existing R-2 and R-4 zones are intended for the construction of duplexes (2 units on one lot) and four-plexes (4 units on one lot) Many of the standards shown in these zones do not reflect the actual title of the zone, and were intended to promote single family homes within the zone by allowing a smaller lot size. This seems contrary to the zone intent. The R-4 zone would allow subdivisions of four-plexes where no on-site management is required, which seems to eventually lead to poor neighborhood compatibility. The RM zone is a better alternative and is suggested here, as the replacement for the R-4 zone

What remains from the current code:

- Most standards stay the same, except the confusing lot sizes by use types - height has been lowered to 30'.

What is new:

- The zones had no design standards - some have been added that mostly impact site design. The State Legislature has prohibited communities from establishing building design standards for two unit dwellings.
- Most uses are permitted instead of conditional. The principal here is that if the zone intent is to allow for duplexes, then they should be permitted with standards.
- A few uses were clarified such as public versus quasi-public.
- New graphics to describe the site standards and height have been provided
- Tables are provided for the uses and spatial requirements
- Design standards, where allowed, are added using the standards found in the RM zone

Updates since previous draft:

- None yet, first review will be on Konveio soon

Community Council Input:

- Anticipated in May

Planning Commission Recommendation:

- No hearing date has been set yet. PC will discuss in May. June public hearing is likely.

19.01.1.1 Medium Density Residential (R-2/4) Zones

A. Purpose

1. The purpose of the Medium Density Residential (R-2/4) Zones are to establish medium density residential neighborhoods which provide persons who reside therein a comfortable, healthy, safe and pleasant environment, to provide more housing choices, and to promote affordable housing options.
2. The R-4-8.5 zone is designated a "Legacy" district. New applications for Legacy zones will not be accepted.

B. Uses

1. Uses in the Medium Density Residential (R-2/4) Zones are as set forth in Table 19.3.X Permitted and Conditional Uses in Medium Density Residential Zone. If a use is not specifically designated in the table, then it is prohibited.

Table 19.XX.XX.1 Permitted and Conditional Uses in Medium Density (R-2/4) Residential Zones

Table 19.02.3.1 Permitted and Conditional Uses in Medium Density Residential (R-2/4) Zones					
<i>P = Permitted Use</i>		<i>C = Conditional Use Review</i>			<i>Blank means prohibited</i>
<i>Land use</i>	<i>R-2-6.5</i>	<i>R-2-8</i>	<i>R-2-10</i>	<i>R-4-8.5</i>	<i>Limitations/References</i>
<i>Residential Uses</i>					
Single household detached dwellings	P	P	P	P	Includes detached and internal ADUs
Two household dwelling	P	P	P	P	
Three and Four household dwelling				P	
Group Homes	P	P	P	P	Up to four occupants allowed without a request for a reasonable accommodation
Short-term rentals	P	P	P	P	Provided a valid Millcreek business license has been issued and in good standing with respect to the property.
<i>Civic and Institutional Uses</i>					
Public Use	P	P	P	P	
Quasi-Public Use	P	P	P	P	
Religious Assembly	P	P	P	P	
<i>Commercial Uses</i>					
Agriculture	P	P	P	P	
Commercial daycare/preschool				C	See MKZ 19.04.260

Table 19.02.3.1 Permitted and Conditional Uses in Medium Density Residential (R-2/4) Zones

	<i>P = Permitted Use</i>				<i>C = Conditional Use Review</i>	<i>Blank means prohibited</i>
<i>Land use</i>	<i>R-2-6.5</i>	<i>R-2-8</i>	<i>R-2-10</i>	<i>R-4-8.5</i>	<i>Limitations/References</i>	
<i>Miscellaneous Uses</i>						
Temporary uses and buildings / structures	P	P	P	P	See Temporary Use section xxx	
Accessory uses and buildings / structures	P	P	P	P	See Accessory Use / structure section xxx	

C. Spatial Requirements

- The minimum setbacks, maximum height and lot size requirements are as set forth in Table 19.2.X Setbacks and Lot Size Minimums for Medium Density Residential Zoning Districts.

Figure 19. 1 Spatial Requirements Diagram

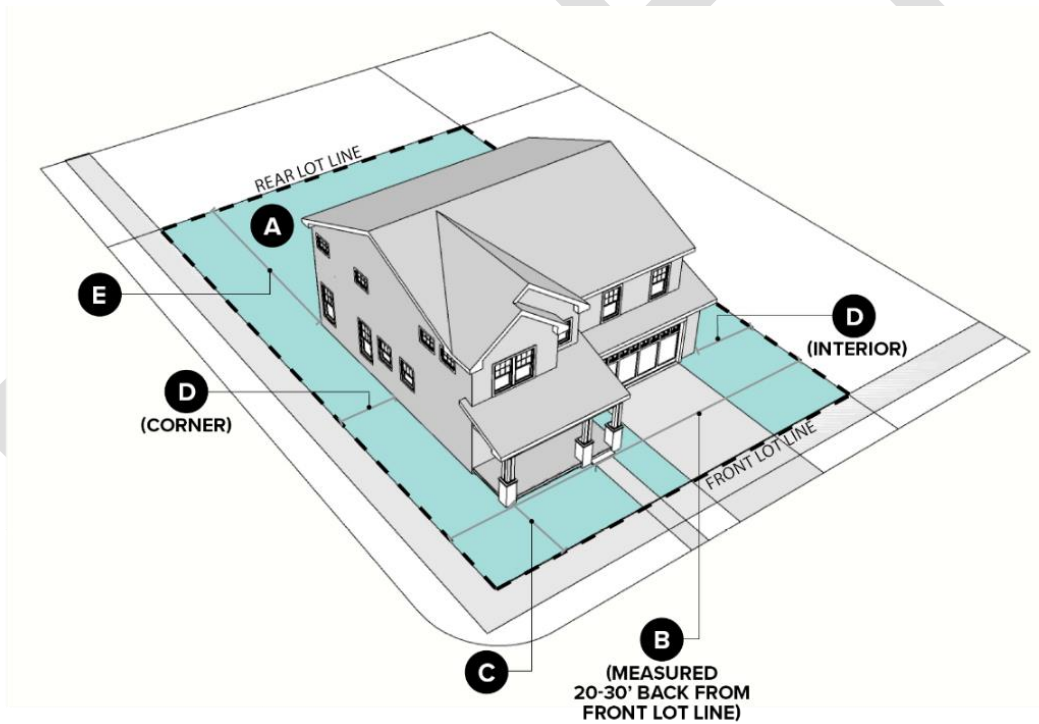


Table 19.XX.XX.X Setback and Lot Size Minimums for Medium Density Residential Zoning Districts

Zone	Min. lot area (A)	Min. lot width (B)	Min Front Setback (C)	Min. Side Setback (D)	Min Rear Setback (E)	Maximum Building Height
R-2-6.5	6,500 square feet 8,000 sq ft for any other main building	60' measured at 25' from the front lot line	25'	8' interior 20' corner	20' *	30' ** †
R-2-8	8,000 square feet 8,000 sq ft for any other main building	65' measured at 30' from the front lot line	30'	8' interior 20' corner	20' *	30' ** †
R-2-10	10,000 square feet 10,000 sq ft for any other main building	65' measured at 30' from the front lot line	30'	8' interior 20' corner	20' *	30' ** †
R-4-8.5	8,500 square feet 8,000 sq ft for any other main building	60' measured at 25' from the front lot line	25'	8' interior 20' corner	30'	30' ** †

* Non-residential uses require a minimum thirty foot (30') rear setback

** No dwelling shall contain less than one story.

† On property where the slope of the original ground surface exceeds fifteen percent (15%) or the property is located in the hillside protection zone, the maximum building height shall be thirty feet (30'). The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.

- D. Development Standards. The following general development standards are applicable to Non-residential and Residential uses with three or more dwelling units in the R-2/4 zones:
1. Building Orientation. Primary structures shall be oriented to public and/or private streets along the frontage of the property to create a unified streetscape. Where buildings are situated internally and are not along a public or private street, buildings shall be oriented toward a courtyard, or similar common open space.
 2. Building Entrances. Functional residential entrances are required on a street-facing façade, or for internal structures on common open spaces which buildings are oriented. Such entrance areas shall include a 100 square foot patio with an enclosure (fence, wall, hedge), no higher than 4' and a pedestrian access to the street.
 3. Building Massing and Façade Variation for 3 and 4 Household Developments Containing Multiple Buildings. No more than two adjacent buildings in these zones shall exhibit the same or substantially the same front façade. For purposes of this section front façade variation includes:
 - a. Foundation jogs;
 - b. Bay or box windows;
 - c. Cantilevered living areas;
 - d. Recessed garages; and/ or
 - e. Usable front porches of at least six feet in depth that extend across 40 percent or more of the front façade.
 4. Building Materials.
 - a. Durable 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.
 - b. Coverage. With the exception of brick or stone, no single material is allowed to exceed 50 percent on all street-facing facades, excluding windows. 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, smoothed or polished concrete, or metal siding shall comprise no more than 20 percent of any façade visible from a street or from an abutting R-1 property.

- c. Material Variation. A change of materials is required between the ground story and all upper stories for 3 and 4 unit dwellings. Buildings with a primary material of brick or stone are exempt from this requirement.
 - d. Windows. Windows or doors shall comprise at least 25 percent (25%) of the area of each story of any building facade facing a street, in side yards facing a street, or for the primary facade of internal buildings facing the common open space.
5. Required features. All residential development with more than three (3) dwelling units shall provide the following:
- a. Unit Storage. Each unit shall be required to contain interior storage equal to 100 cubic feet.
 - b. Washers and Dryers. All units shall include either washer and dryer hook-ups in each dwelling unit or provide a shared on-site laundry facility.
6. Privacy between units. Each development shall provide adequate visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and internal 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.
7. Fencing shall meet the standards for buffers found in the Landscape Chapter.
8. Garbage and Recycling. Residential uses with three (3) or more units shall provide garbage and recycling facilities on site and are subject to the following requirements for garbage and recycling:
- a. Garbage and recycling storage must occur on the property, and not on a public right-of-way.
 - b. Refuse totes, bins and dumpster storage shall not be located closer than 10 feet to any perimeter property line.
 - c. Dumpsters shall be located in a fully accessible area for collection by truck. Developments utilizing curbside collections must provide a dedicated space outside of rights-of-way, internal circulation areas, sidewalks, and driveways for curbside collection.
 - d. Refuse totes, bins, and dumpster storage areas must be fully screened with an opaque fence or wall enclosure that is at minimum as tall as the objects being screened. An opaque gate the full height of the enclosure is required. Screening is also subject to the requirements of landscape buffer C as set forth in MKZ19.77.

9. HVAC Systems. HVAC systems shall be screened from view from the ground level vantage point along an adjacent street or private vehicular access. Screening must meet the requirements for landscape buffer C as set forth in MKZ19.77.

10. Utilities. All utilities shall be located underground. Utility equipment shall be screened from view as set forth in landscape buffer C in MKZ 19.77. Overhead telephone, cable, fiber optic, or transmission power lines shall be located underground.

11. Private Garages. If private garages are used to provide required parking spaces, the private garage shall meet the following standards:

- a. For a two-parking space garage, the minimum unobstructed size shall be twenty-two feet (22') by twenty feet (20').
- b. For a single parking space garage, the minimum unobstructed size shall be ten feet (10') wide by twenty-two (22') feet in length, or eleven feet (11') wide by twenty feet (20") in length.
- c. All private garages must have a minimum unobstructed height of six feet for the entire required length and width of the private garage.
- 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. Vehicle access serving a private garage shall be at least 24 feet in width.

12. Vehicular Entry Gates. Vehicle entry gates are prohibited unless the gate services a parking garage 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.

13. Private or Shared Driveways. ~~No more than two units may share a driveway.~~ No driveway or combined driveway with the adjacent unit shall exceed twenty-four feet (24') in width unless such driveways are separated by a minimum five feet (5') wide irrigated planter that includes at least one shrub and one medium size tree. Driveways located on a street with a right of way greater than or equal to sixty-six feet (66') shall provide turnaround capabilities to prevent backing out onto the public street.

14. Sidewalks. Pedestrian circulation for the interior of the development shall be connected and contiguous. Pedestrian circulation paths shall link the primary public access of each building, unit or structure to the public street. All sidewalks are subject to applicable standards as set forth in Title 14.

15. 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 5 feet in height and are not required to be screened from view. Solar carport rooftops are encouraged. Wind power generators shall have a set back 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.

16. Yard Lights. An energy efficient street oriented yard light, maximum height of 8 feet is required, where public street lighting is inadequate, per street facing facade with a minimum lighting capacity of 0.2 foot candles and/or 500 lumens. Yard lights shall direct the light downward and include cut offs to prevent dark sky illumination. Yard lights shall be located within 5 feet of the public right of way.

- E. Related Provision. For additional information refer to the zoning ordinance and in particular the following sections:

Table 19.XX.2 Related Provisions

Table 19.XX.XX.XX Related Provisions	
<i>Reference Section</i>	<i>Topic</i>
MKZ 19.76.020	Occupancy permit
MKZ 19.76.070	Division of a two-family dwelling
MKZ 19.76.100	Sale of space needed to meet requirements
MKZ 19.76.140	Private garage or carport—Reduced yards
MKZ 19.76.190	Height limitations—Exceptions
MKZ 19.76.200	Additional height allowed when
MKZ 19.76.020	Occupancy permit
MKZ 19.76.070	Division of a two-family dwelling
MKZ 19.76.100	Sale of space needed to meet requirements
MKZ 19.76.140	Private garage or carport—Reduced yards
MKZ 19.76.190	Height limitations—Exceptions
MKZ 19.76.200	Additional height allowed when
MKZ 19.76.210	Off-site improvements
MKZ 19.80.040	Number of spaces required

19.01.1.2 Definitions (to be moved)

Building Orientation means Oriented in this purpose means the direction a structure's principal access and primary façade are facing. Any façade that is parallel to or within an oblique angle of 60 degrees of the property frontage along a street as defined in MKZ 19.04.260 is deemed to front the street.

Dwelling means any building, or portion thereof, which is designated for use for residential purposes. Transitory facilities like hotels, apartment hotels, boardinghouses, lodging houses or similar are not considered dwellings.

Dwelling Unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one household with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the Planning Director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

- A building design which 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, Primary means the principal residential dwelling unit on a lot or parcel. A primary dwelling unit is the largest of the two if there is an accessory dwelling unit on the lot or parcel.

Dwelling Unit, Accessory (ADU) means a residential dwelling unit occupied as a separate dwelling unit on the same lot 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. An accessory building does not include a mobile home or manufactured home.

Dwelling Unit, Accessory - Attached means an accessory dwelling unit that shares a wall and roof with or as an additional story above or below the primary dwelling unit.

Dwelling Unit, Accessory - Internal means an accessory dwelling unit created within the primary dwelling or within the footprint of the primary dwelling.

Dwelling Unit, Accessory - Detached means an accessory dwelling unit that shares no common walls or roof with the primary dwelling.

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) 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) 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 Household (Triplex) means a single building under a continuous roof containing three 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, Four Household (Fourplex, Quadplex) means a single building under a continuous roof containing 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, Multiple Household (Apartment) means a building arranged or designed to be occupied by more than four households.

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.

Household means:

- A. Any number of people living together in a dwelling unit and related by blood, marriage or adoption, and including up to three additional people; or
- B. One to four people living together in a dwelling.

4. **Mount Olympus Community Council.** The Mount Olympus Community Council met on 06/05/2023. They unanimously voted in favor of the adoption of the Medium Density Zone with a condition to research the potential effects of making Commercial Daycare/Preschool a prohibited use in the Medium Density Zone.

PLANNING STAFF FINDINGS & CONCLUSIONS

1. The new “Medium-Density Zone” will consolidate the contents of MKZ 19.32 (R-2) and MKZ 19.40 (R-4), containing the requirements of the R-2-6.5, R-2-8, R-2-10 and R-4-8.5 zones, into a single ordinance.
2. Minimum lot areas will remain the same.
3. Minimum lot width will remain the same.
4. Front and side yard setbacks will remain the same.
5. There no longer be any design standards, except standards that impact site design (spatial requirements). State Legislature has prohibited communities from establishing building design standards for two-unit and four-unit dwellings.
6. Most uses were amended from conditional uses to permitted uses. Some uses, such as public vs quasi-public were clarified. Some other uses were eliminated (see uses table)
7. Staff recommends increasing the rear yard setback from 15 feet to 20 feet.
8. A box envelope at the building setback line for the medium-density zone. These changes are intended to allow existing homes on these smaller lots the option to add a second story.
9. Building height is proposed to increase from 28 feet to 30 feet in the medium-density zone.
10. A few uses were eliminated such as airports, golf courses, commercial daycares, pigeons, and sportsmen kennels.
11. New graphics have been provided to show the building envelope options and allowances.
12. All the spatial requirements are in tables and diagrams.
13. Creation of the R-4 legacy zone. While it will continue to exist, staff will stop taking in applications to rezone any properties into the R-4 zone.
14. Text Amendments and Ordinance approvals are legislative items, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission.

MODEL MOTION

I move to recommend the adoption of an ordinance amending Title 19 updating definitions, amending, and consolidating the R-2-6.5, R-2-8, R-2-10, R-4-8.5 into a new Medium-Density Residential (R-2/4) Zone, based on the finding and conclusions as presented by staff.

SUPPORTING DOCUMENTS

1. URL: [Medium-Density Zone Draft Proposal](#)
2. URL: [General Plan](#)
3. Proposed Ordinance Amendments



**Minutes of the
Millcreek Planning Commission
May 17, 2023
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, May 17, 2023, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair (excused)
David Hulsberg (excused)
Christian Larsen
Nils Per Lofgren
Skye Sieber
Dwayne Vance
Ian Wright (arrived at 5:18pm, electronic)

City Staff

Elyse Sullivan, City Recorder
John Brems, City Attorney
Robert May, Long Range Planning Manager
Brad Sanderson, Current Planning Manager
Katie Larsen, Planner
Sean Murray, Planner
Jake Green, Development Review Specialist
Francis Lilly, Planning & Zoning Director
(electronic)

Attendees: David Baird (electronic), Jay Johnson, Allie Platt

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED – 5:06 p.m.

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

1. Public Hearings

1.1 Consideration of CU-23-004, Conditional Use Permit for a Retaining Wall Over 8 Feet in Height Location: 4621 S. Jupiter Drive Applicant: Ishan Dillon Planner: Katie Larsen

Katie Larsen said the applicant was seeking conditional use approval for a retaining wall that did not meet the generally permitted standards stipulated in Millcreek Code 19.95.090. Single retaining walls are limited to 8 feet in height, additionally, terraced retaining walls are limited to 6 feet in height. Residential properties that are not in the Foothills and Canyons Overlay Zone and that have slopes that are greater than 30 percent are eligible for an exemption to the requirements, subject to a conditional use permit that follows the process and meets the standards of approval established in code 19.84, and subject to the following additional standards:

1. No wall may be greater than sixteen (16) feet in height, as measured from finished grade.
2. Walls may be terraced. Terraces must be at least three feet in depth.

3. Walls visible from rights-of-way must include landscaping, including at least one tree planted at a minimum of 2” caliper, spaced every 30 lineal feet along the retaining wall.

Larsen said the applicant originally proposed to build a single retaining wall composed of soil nails and shotcrete (shoring) with a maximum height of 14 feet above the lower driveway where slopes on the property are 30% or greater. The proposal was heard by the Mount Olympus Community Council, wherein they recommended that the applicant produce a design of a shorter, terraced wall, to reduce visual impacts. The applicant has provided a design of two terraced retaining walls with a maximum height of 8 feet. The terraced proposal is contingent upon the Planning Director’s approval of a drive approach exceeding 10% slope, which has been granted, the proposed driveway with the terraced walls would be on a 15% slope. She presented a slope analysis to the commission showing where the slope was 30% or greater.

Larsen reviewed the following staff findings:

1. The proposal must meet Millcreek engineering standards before final approval is issued.
2. Approval of the structural engineer in charge of the design will be required.
3. An independent geologic consultant will review the proposal and issue an approval.
4. The applicant must meet all applicable criteria stipulated in the exemption process in MKZ 19.95.090.
5. The proposal must meet Conditional Use Permit standards of approval found in MKZ 19.84.
6. The Mount Olympus Community Council recommended a lower wall height and increased landscaping that is harmonious with the surrounding area. Recommended landscaping included evergreen trees, juniper trees and Swedish ivy.
7. The wall/walls will be below the maximum allowable height of 16 feet.
8. As per original Millcreek Engineering approval associated with the issued building permit – “Conditional Approval has been granted, based on debris mitigation at the time of landscaping. The Certificate of Occupancy should be held until a licensed geologist can verify with Millcreek’s geologist, that the mitigation is sufficient once landscaped.”
9. The applicant has provided a written landscaping plan.
 - A. Commitment to plant 2” caliper tree every 30’ along the walls.
 - B. Addition of cascading landscaping, such as creeping juniper along the wall.
10. Per Millcreek Code Section 14.12.110 the planning director can approve an exception to the 10% drive approach slope rule within 20 feet of the roadway. The maximum slope the director can approve is 15%.
11. The single-family home built on site was reviewed and approved by Millcreek Planning and Engineering in 2021. Before 2021, the property was vacant.
12. The design of the new, terraced walls will be in harmony with the surrounding neighborhood by using similar material, such as oxidized steel panels.

Larsen then made conclusions based on the staff findings:

1. The proposal preliminarily meets the criteria outlined in MKZ 19.95.090.
 - a. Areas where the retaining wall will be located are on slopes of 30% plus, and not located in the Forest Compatibility Overlay Zone (FCOZ).
 - b. Landscaping must be approved by Millcreek Planning and Zoning at the Certificate of Occupancy (C/O) inspection as per MKZ 19.95.090.
2. Prior conditions of approval stipulated in the building permit for the single-family residence must be met.

3. The applicant listened to the community and proposed a design in harmony with the Mount Olympus neighborhood. Staff recommends that the planning commission approve the proposal to construct two eight-foot terraced retaining walls.

Chair LaMar asked about the length of the walls. Larsen said a maximum of 30 feet where it exceeds heights of 8 feet. He asked about the evergreen landscaping recommendation from the community council. Larsen said the trees would be planted along the top portion of the wall where the terraces were located. Chair LaMar asked about the distance between the walls. Larsen said 8 feet. Commissioner Vance asked about the driveway grade changing because of the terracing. Larsen said it would be steeper with the terraces; it was 10% and would be 15%.

The applicant was not present for comment.

Chair LaMar opened the public hearing.

Elyse Sullivan read an online comment from Nikole Bench, 1530 S. West Temple, “Please be advised that any plans for demolition or development on the properties located at 4261 S Jupiter Drive and 3564 S 1100 E must be submitted to the Development Services office at 1530 S West Temple, Salt Lake City, 84115. Salt Lake City Department of Public Utilities is the water service provider for both properties.”

Chair LaMar closed the public hearing.

Commissioner Sieber moved, as respects to application CU-23-004, conditional use permit for a retaining wall over 8 feet in height at 4621 S. Jupiter Drive, recommended the Planning Commission approve the conditional use permit with the conditions stated in the staff report. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

1.2 Consideration of ZM-23-003, Rezone Request from R-1-8 to R-1-5 on the Northeast Portion of the Property Location: 3564 S. 1100 E. Applicant: Austin Dent Planner: Katie Larsen

Katie Larsen said the purpose of the rezone was to allow a smaller minimum lot frontage than what would otherwise be allowed in the current zone. If approved, the zone change would enable the applicant to get three residential lots, whereas the current R-1-8 Zone only allowed for two residential lots. She described the subdivision. Much of the lot width would be reduced due to the creation of a new access on the northern portion of the of the property to create an access for proposed “lot 2”. The lots would be arranged in such a way that proposed “lot 1” would become a flag lot, resulting in two lots. The southern portion of the property could then be subdivided to create a new “lot 3” with a private access that was already established by an existing prescriptive easement. The rezone would align with the General Plan Goal N-1, to preserve and enhance the physical elements that define each neighborhood’s character. If the rezone was granted and the lot was subdivided, each home would have to comply with underlying zone requirements as well as meet conformance with the Residential Compatibility Overlay Zone (RCOZ). The lot was currently vacant and had

never been developed. The surrounding neighborhood was largely made up of single and multi-family uses. The property was located in the Neighborhood 1 future land use classification. Neighborhood 1's primary use is single-family detached homes, with a density of 1-6 dwellings per acre.

Larsen reviewed her staff findings:

1. The entire property is 0.72 acres or, approximately 31,363 square feet in size.
2. The applicant wishes to subdivide into three lots, which causes a challenge due to the narrowness of the parcel near the north-east portion fronting 1100 East.
3. Lots in the R-1-8 Zone require a 65-foot lot width, whereas the R-1-5 Zone would allow for a minimum lot width as little as 25 feet whereas the proposed width is 53 feet.
4. The purpose of the rezone is to allow the applicant to get 3 lots, the current R-1-8 zoning only allows for 2 lots.
5. The proposal is in harmony with the future land use designation, as it complies with housing type and density.
6. The applicant held a neighborhood meeting onsite on April 12, 2023. Several people from the surrounding area showed up, mainly with questions as to what was happening; the consensus was positive.

Larsen said the Millcreek Community Council unanimously approved the application as proposed by staff with the recommendation that a zone condition be added to the property limiting the site to three lots. The zone condition would run with the land longer than a development agreement would. The proposed development agreement included provisions on dedication, utilities, screening, density, lighting, detached accessory dwelling units, and driveway and access widths. She concluded that:

1. The applicant wishes rezone to R-1-5 to allow for further density and a smaller lot width for the proposed 'lot 1.'
2. The proposal is in harmony with the future land use designation, as it complies with housing type and density.
3. The rezone application will be accompanied by a development agreement; the agreement would run with the land for 10 years. Staff welcomes feedback on the conditions of the agreement.
4. The rezone application may also include a zone condition on the property limiting the site to three lots now and into the future. A zone condition can run with the land indefinitely.

Commissioner Lofgren asked about the prescriptive easement. He did not want to approve a lot that was not guaranteed access. Larsen said there was recognition of it in a recorded deed. Commissioner Vance asked about the location of the prescriptive easement. Larsen showed on the site map the location of the easement, where the existing driveway was. She was not sure about the ownership of it. Chair LaMar asked about the R-1-5 setback. Larsen said the side yard was 8 feet, the front was 25 feet, and the back was 20 feet. Chair LaMar noted the density would be the same, aside from the needed lot width.

Joe Johnson, Jay Development, said they were hoping to utilize the parcel as best as they could. This was not a matter of density, but the lot width. The easement runs concurrent with the property they were purchasing. The existing property outside of the rezone benefited from the easement. Those property owners support the development.

Chair LaMar opened the public hearing.

Elyse Sullivan noted the prior online comment also pertained to this application.

Chair LaMar closed the public hearing.

Commissioner Vance thought the rezone made sense and appreciated the zone condition. Commissioner Larsen was pleased to see the proposal. Commissioner Sieber felt the comparative analysis by the developer on the lot size in comparison to the character of the neighborhood provided in the staff report was great information.

Commissioner Larsen, based on the findings and conclusions listed within the staff report, moved that the Planning Commission forward a recommendation to approve the rezone, development agreement and zone condition associated with application file ZM-23-003. Commissioner Sieber seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

Commissioner Lofgren recused himself from item 2.1 and left the room at 5:36 p.m.

2. Continued Items

2.1 Consideration of ZM-22-009, Request to Rezone from Commercial (C) to Residential Multi-Family (R-M) and Amend the Future Land Use Map within the General Plan by Changing the Designation from Commercial/Office to Neighborhood 2 Location: 3739 S. 900 E. Applicant: Lotus Homes Planner: Brad Sanderson

Brad Sanderson said the application was for a rezone, land use amendment, and development agreement. He noted the site was formerly the home of the Fat Cats bowling business. The 2.7 acre commercial site was considered substantial and required a 30% ground floor commercial component for development. The rezone was for a portion of that property. He said the mid-block location was difficult for a successful business. He presented the site plan for the site which included a 3,000 square foot restaurant on the northwest corner, 9 live/work units abutting 900 East, 50 additional residential units, 40 onsite parking stalls, each unit would have a two car garage, and 9 onstreet parking stalls on 900 East. He noted the right-of-way on 900 East would shift to the east to accommodate the onstreet parking. There would be shared parking to the north of the property on the adjacent site. This development would create a standard road from 900 East to the residential development to the east of the property. He showed the commission renderings of the live/work units, the site plan, a bus shelter for 900 East, and the building elevations. The development agreement acknowledged uses, building orientation, ownership, access and parking, amenities, landscaping, architecture, and utilities.

Commissioner Sieber asked about signage for the live/work units. Sanderson said the sign code would dictate that, but he would work that through with the developer. Chair LaMar asked about the parking on 900 East being time limited. Sanderson said it would be unrestricted since it was in the public right-of-way. Chair LaMar wondered about spill over parking from other properties taking over those spots.

Allie Platt, Lotus Company, noted they designed awnings for the live/work units to accommodate signage. She was okay if the street parking was restricted on 900 East. She said the developers were proud of the open space park. They planned to have swings, a pickleball court, a BBQ/fire pit area with a pergola, and a gated dog area. The site had a full perimeter walking path.

Sanderson said the Millcreek Community Council brought up wanting a mixture of housing types in the neighborhood, wanting more owner occupancy, and had a concern about losing commercial property. He said there was no affordable housing component with the development agreement. The council voted to recommend approval 6-2.

Chair LaMar invited public comment. There was none.

Chair LaMar noted the 49 to 40 surface parking stall change. He said exhibit d referenced exhibit c, but he could not find it. Sanderson said the exhibits would probably be combined, but exhibit c was the site plan and renderings. Commissioner Vance appreciated the balance of uses and design for open space. He would like more owner occupancy and wondered if the townhome units could be individually platted for the option in the future. Commissioner Larsen echoed the owner occupancy sentiments. He appreciated the quantity and quality of amenities. Chair LaMar appreciated the site as well. Commissioner Sieber noted the nice public amenities on 900 East. She felt parking and signage could be addressed with the conditional use permit.

Commissioner Larsen, regarding ZM-22-009, based on the findings and conclusions listed within the staff report and all other information presented, moved that the Planning Commission recommend to the City Council approval of the following: an ordinance to amend the land use designation of a certain portion of the property from Retail/Commercial to Neighborhood 2 as described therein; and, an ordinance to rezone a certain portion of property from the Commercial C-3 Zone to the Residential Multifamily R-M Zone as described therein; and, an ordinance authorizing the City to enter into a development agreement with the developer, which specifies the use of property, concept layout, elevations, timing of development, and other design and improvement criteria, as proposed; and, with the additional recommendation that all units be platted for potential owner occupancy. Commissioner Vance seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

Commissioner Lofgren rejoined the meeting at 6:06 p.m.

**2.2 Consideration of ZT-23-007, Amendments to Title 19 Updating Definitions, Renaming the Residential Mobile Home Zone (RMH) to the Mobile Home / Tiny Home Zone (MHTH), and Amending and Adopting New Standards for the MHTH Zone
Planner: Sean Murray**

Sean Murray said the application was a continuance from the prior meeting. Millcreek's code currently includes a Residential Mobile Home Zone that was inherited from Salt Lake

County and was intended to manage the usage of mobile home parks within Millcreek. There are currently no properties in Millcreek with this zoning designation. Changes to this chapter include adding tiny homes as a permitted use within this zone as well as adding certain requirements and design standards. The proposal helps to achieve General Plan Goal N-2 to provide a variety of housing typologies. Manufactured home and tiny home developments have often been designed to create a community feel. These developments could potentially be catered to populations needing extra support, such as for the elderly or disabled. The future land use map does not call out a specific manufactured home or tiny home area in Millcreek, however, areas designated as Neighborhood 2 or Neighborhood 3 would likely be the best fit for the use.

Murray said revised changes from the proposal at the last meeting included that the new mobile home and tiny home parks must be platted to provide ownership opportunities. The tiny homes pads must be at least 20 feet by 40 feet. With setbacks, this makes the buildable area about a 225 square foot minimum. Each tiny home dwelling must be at least 200 square feet. The manufactured homes require two parking spots per unit and tiny homes require 1 parking spot per unit. He noted there was a 54 unit per acre density. He expressed a national desire for smaller living as house prices have increased and at risk populations find barriers to housing. The community councils all recommended approval of the ordinance. The Millcreek Community Council recommended removing short term rentals as a use in the zone. Staff disallowed them in the ordinance. Murray's staff findings and conclusions were:

1. Amending Title 19 updating definitions, renaming the RMH Residential Mobile Home Zone to the MHTH Mobile Home / Tiny Home Zone, and amending and adopting new standards for the MHTH Zone supports the General Plan by providing more housing types which can support various populations, as described in the staff report.
2. Proposed updates to the spatial requirements allow for more opportunity to build Tiny and Mobile Homes as Millcreek is a built-out city, the current 5-acre requirement is virtually impossible to acquire.
3. Mobile and Tiny Homes are only allowed as part of a Mobile Home Park, Mobile Home Subdivision, a Tiny Home Park, or a Tiny Home Subdivision.
4. Interested parties looking to rezone to the MHTH zone must file an application with planning to ultimately be decided by the City Council. This rezone would likely include a development agreement.
5. Changes to the draft ordinance add more stringent design standards as well as ownership opportunities.
6. Staff has not received comment regarding MHTH zone updates from residents.
7. Text Amendments and Ordinance approvals are legislative items, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission.
8. Staff recommends that the Planning Commission gives a positive recommendation on ordinance ZT-23-007 to the City Council as proposed by staff.

Murray recommended a positive recommendation to the city council. Chair LaMar asked about individual utilities. Murray said they would likely all have their own meters. Chair LaMar asked about Salt Lake City's tiny home development square footage requirement. Murray did not know what it was. Chair LaMar wondered about decreasing the minimum square footage. Murray pointed out there was an 8 unit minimum park for a subdivision.

Chair LaMar invited public comment. There was none.

Commissioner Vance appreciated the individually platted lots. Commissioner Larsen was opposed to incorporating tiny homes into the ordinance because it did not help with housing affordability. Housing that was not single level, but stacked multifamily, would be better in that regard. Commissioner Wright asked if the public had inquired about this use. Murray said no, it was an attempt at a modern standard. Commissioner Wright wondered about requiring more than 8 units to encourage larger parks. Murray said the intent was to allow for infill development.

Commissioner Vance moved that the Planning Commission recommend that the City Council adopt an amendment to Title 19 updating definitions, renaming the RMH Residential Mobile Home Zone to the MHTH Mobile Home / Tiny Home Zone, and amending and adopting new standards for the MHTH Zone, based on the findings and conclusions as presented by staff. Commissioner Sieber seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted no, Commissioner Lofgren voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed.

3. Commission Business

3.1 April 10, 2023 Special Meeting Minutes

Chair LaMar moved to approve the April 10th meeting minutes as presented in the packet. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren abstained, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed.

3.2 Approval of April 19, 2023 Regular Meeting Minutes

Chair LaMar moved to approve the April 19th minutes from the regular meeting. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Sieber voted yes, Commissioner Vance abstained, and Commissioner Wright voted yes. The motion passed.

3.3 Updates from the Planning and Zoning Director

Francis Lilly reported that he went to the International City Manager's Association Conference in Kentucky. The purpose of the conference was to talk about public engagement and sustaining democracy. He invited the commission to purchase a dedicated paver that would be placed in front of the new city hall.

3.5 Zoning and Subdivision Code Update

Robert May said the city was taking the R-1 zones and Residential Compatibility Overlay Zone (RCOZ) and fusing them together instead of having a separate RCOZ code chapter. He showed a map of the R-1 zones in Millcreek. The RCOZ was adopted in 2009 as an overlay zone covering the majority of residential zones in Millcreek. It was meant to balance neighborhood compatibility for those who wished to expand, develop, improve or otherwise

make exterior modifications to single family dwellings and further restrict residential development in terms of height, setbacks, lot coverage, and massing. The R-1 zones mean residential – single family – square feet of lot. He showed maps highlighting the different R-1 zones in the city. May said the standards found in the R-1 zone and RCOZ needed to be revisited and updated. Issues arise among those submitting for a building permit or simply striving for compliance within the R-1 zones because most people are unaware the RCOZ exists and supersedes the R-1 zones.

May said the R-1 zones update process included public feedback from an online survey, monthly steering committee meetings, and weekly code update meetings with the consultant. The proposed changes included an increase in the rear yard setback from 15 to 20 feet. The lot coverages would remain the same. They revised the combined setback requirements of 25% to only apply to lots that are 150% of the required lot width of the zone. Otherwise, a set distance is required for side yard setbacks. He showed a rendering of the combined side yard setback. The combined side yard setbacks for any main structure shall be at least 25% of the lot width with no side setback less than 8 feet. This was a tool to prevent massing. Building height would be increased from 28 feet to 30 feet for R-1-8, R-1-6, R-1-5, R-1-4, and R-1-3 zones only. The building envelope dimensions would remain the same for R-1-8 and greater zones. The suggested building envelope alternatives included creating an option with a 60 degree building envelope with a 12 foot wall height for R-1-6 zones only and creating an option with a building envelope box for R-1-5, R-1-4, and R-1-3 zones only. The envelope would be placed on the setback line instead of the property line. He said, historically, RCOZ has never applied to these zones.

May said the proposal would provide clarification and new definitions. It would revise language for gables and dormers projecting into the building envelope, revise language allowing architectural elements to project outside of the building envelope, and provide the existing RCOZ option B as a neighborhood compatibility modification. He said the proposed code would add images to explain the concepts. The RCOZ option C would be removed in favor of a variance procedure.

Commissioner Larsen appreciated the changes to the height of the building envelope to 30 feet. He found value in the box shape for the smaller zones. May felt it was not much of a difference from the prior 28 feet.

3.4 Sidewalk and Trails Master Plan Discussion

Robert May said Millcreek received a Transportation and Land Use Connection (TLC) grant from the Wasatch Front Regional Council for the development of a sidewalk and trails masterplan as an expansion of the Walk Millcreek Plan. The sidewalk and trails masterplan would prioritize neighborhoods with missing or substandard sidewalks and safety concerns, identify existing trail and future trail opportunities, create a plan that reaches out to all user groups, provide infrastructure policy meant to increase access to key destinations within Millcreek, create a well-connected network of sidewalks and trails, and focus on areas where pedestrian infrastructure was poor. The plan would include a sidewalk deferral process as the current code did not include a formal sidewalk exception process. May created a sidewalk map book divided by community councils to highlight sidewalk priority areas. There would also be reference maps. Chair LaMar wondered about levels of sidewalk priority, such as a certain linear amount. May said the community councils would just identify priority, not

levels of priority. Commissioner Sieber asked if the plan would consider logical crossings between sidewalks. May confirmed.

4. Calendar of Upcoming Meetings

- East Mill Creek Community Council Mtg., 6/1/23, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 6/5/23, 6:00 p.m.
- Millcreek Community Council Mtg., 6/6/23, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 6/7/23, 7:00 p.m.
- Historic Preservation Commission Mtg., 6/8/23, 6:00 p.m.
- City Council Mtg. 6/12/23 7:00 p.m.
- Planning Commission Mtg., 6/21/23, 5:00 p.m.

ADJOURNED: Commissioner Larsen moved to adjourn the meeting at 7:08 p.m. Commissioner Vance seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Shawn LaMar, Chair

Attest: _____
Elyse Sullivan, City Recorder