



PLANNING COMMISSION STAFF REPORT

From: Millcreek Staff
To: Planning Commission
Meeting Date: January 17, 2024
RE: File Number ZT-23-013 – Light Manufacturing (M) Zone
File Number ZT-23-020 – Mixed Development (MD-3) Zone
File Number ZT-23-021 – Mixed Development (MD) Zone

Presented by: Robert May, Long Range Planning Manager

Background & Request

Staff is seeking a recommendation from each of the Community Councils in addition to input and feedback regarding the proposed updates to the Light Manufacturing (M) Zone, the Mixed Development (MD) Zone and the Mixed Development (MD-3) Zone. Feedback from the Community Councils on the proposed updates is crucial in ensuring that the zoning code aligns with community needs and aspirations and is significant in shaping Millcreek.

The scope of the decision is 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. Community councils are encouraged to make written recommendations concerning such applications to the community development department. Recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan.

Included in the staff report:

- A summarized breakdown of each proposed code update describing the content that is slated to remain and the new changes proposed by staff.
- Links to each of the current zones.
- A map of Millcreek illustrating the location of the zones following each zone summary.
- Community council recommendation.
- A draft copy of each proposed code update is attached in the supporting documents.
- A copy of East Mill Creek's Recommendation Letter

ZT-23-013 Manufacturing Zone (M) Summary

Millcreek's existing M zone was modified several years ago after a discussion of eliminating it. Property owners raised many serious concerns and as a result of that process the M zone was retained and updated to assure non-conforming rights were more clearly retained. Few changes proposed and the zone is already defined as a "Legacy" district, meaning no future rezones will be entertained.

What remains from the current code:

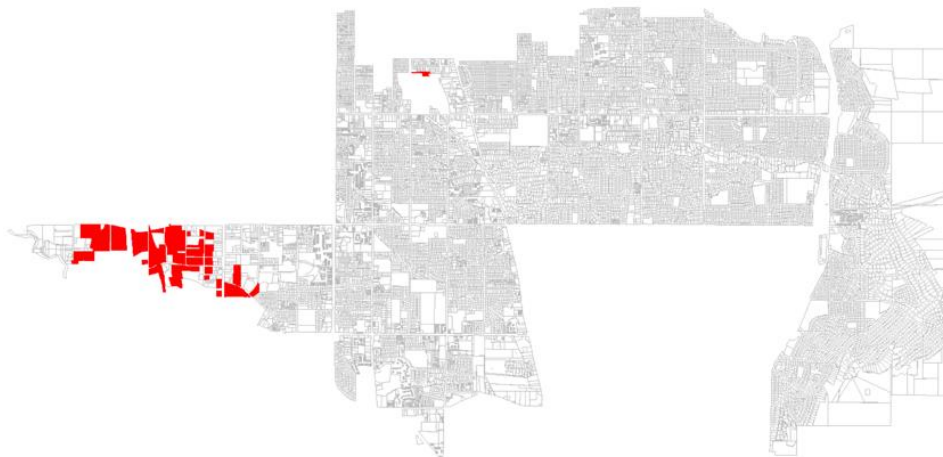
- Most uses remain the same.

What is new:

- Re-formatted to be consistent with other updated Zone Districts (changed lists to tables and renumbered)
- Removed residential use
- Changed max elevation from 100 feet to 45'
- Added community garden and greenhouses uses
- Added language requiring additional buffering next to Big Cottonwood Creek
- Updated references to other sections and final numbering per final format outline
- Eliminated redundant language
 - Fencing regulations that are covered in the landscape section and referenced the landscape chapter instead
 - Nonconforming language and referenced the nonconforming chapter

Link to current code: [Light Manufacturing \(M\) Zone](#)

M ZONES (LIGHT MANUFACTURING)



ZT-23-020 Mixed-Use Development Zone (MD-3) Summary

The existing Mixed Development district is only found on 9th East and includes the Millcreek Gardens business and two adjacent lots on the corner of Scott's Avenue. Staff is suggesting this zone become a "legacy" district, meaning that the City would not allow any properties to be rezoned to MD-3 in the future, but the current properties may remain zoned as such. There are many more up-to-date Zone Districts that can accomplish similar objectives to the MD-3 for future developments.

What remains from the current code:

- Spatial requirements

What is new:

- Re-formatted to be consistent with other updated Zone Districts (changed lists to tables and renumbered)
- Removed outdated and redundant uses
- Replaced lighting and screening standards with references to new lighting and screening sections of the updated code

Link to current code: [Mixed Development \(MD-3\) Zone](#)

ZT-23-021 Mixed Development Zone (MD) Summary

Millcreek's existing MD zone was created to encourage mixed uses and higher density in the Meadowbrook area of Millcreek. It is a relatively new ordinance and therefore does not require extensive changes. It has been broadened to suggest its use near the TRAX stations and incentives created for affordable housing and ownership. Some design standards have been refined based on development constructed or proposed in the zone.

What remains from the current code:

- Most of this district remains the same with slight modifications

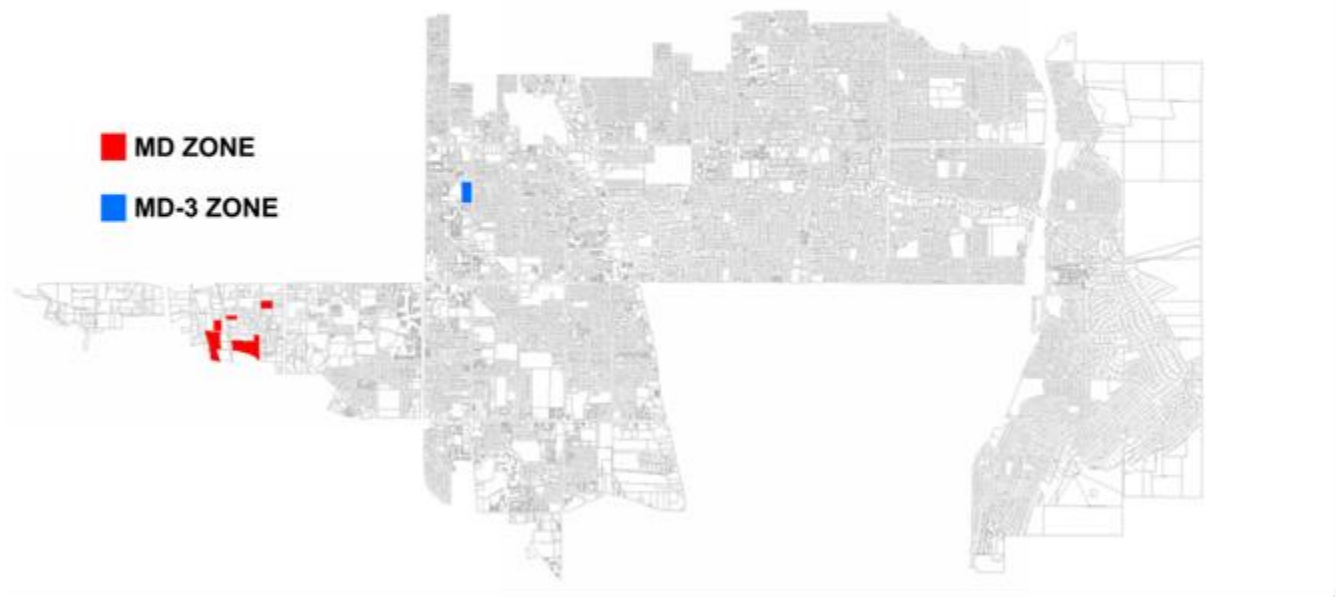
What is new:

- Re-formatted to be consistent with other updated Zone Districts (changed lists to tables and renumbered)
- Added more permitted uses
- An increase in max building height proposed to 85' from 72'
- Affordable housing and ownership incentives added
- Mixed-income housing incentives added
- Design standards remain intact with some minor updating and clarifications
- References to other chapters - landscaping, parking, etc. are made to assure consistent requirements
- Updated references to other sections and final numbering per final format outline

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- Increased setback to Cottonwood Creek

Link to current code: [Mixed Development \(MD\) Zone](#)

MD AND MD-3 ZONES (MIXED DEVELOPMENT)



Community Council Recommendation

Canyon Rim Citizens Association (January 3rd, 2024)

- 7 members in attendance
- Commented on how grateful they are for accommodating Millcreek Gardens in the MD-3 Zone.
- Expressed satisfaction with all the affordable housing incentives included in the MD Zone.
- A couple members questioned why the additional height allowance. Staff responded that while many developers find it too expensive to construct over 70 feet, there have times additional height has been requested. Staff finds that if anywhere in the city could accommodate additional building elevations, it would be in the Meadowbrook area of Millcreek near mass



transit. The additional height would also follow suit with surrounding developments in Murray and South Salt Lake.

- One member commented about off-street parking and whether additional reductions in the minimum amount of parking is possible. Staff responded that the agenda item is about the code update for the M Zones and that Millcreek has already adopted an off-street parking code that includes a handful of additional off-street parking reduction incentives for affordable housing developments. Staff also commented that many of these code changes and additional incentives are a result of the moderate income housing goals and strategies adopted by city council just last year.
- A resident commented in regard to the community council member that developers are encouraged to supply adequate off-street parking otherwise placing tenants is difficult. This is largely the reason why much of the ground floor retail you see is vacant.

East Mill Creek Community Council (January 4th, 2024)

- 10 members in attendance
- Voted unanimously to approve each proposed zone
- Some clarifying questions about uses were asked
 - Animal Services
 - Offices (*too generic*)
 - Truck Transfer
 - A couple questions about the increased height to 85' feet

Mount Olympus Community Council (January 8th, 2024)

- 6 members in attendance
- Confirmed MD limited to Meadowbrook.
- Most members supports high density housing near transit
- Members support incentives for affordable housing
- Some questions about where the line is between light industrial and commercial uses that include production.
- Use commercial design standards for mixed use (eg stepbacks) apply in MD as well.
- One member commented that they hated building stepbacks. They should be optional. Maybe Provide flexibility. Another member commented to keep standards similar to adjacent cities.
- Get opinion of MCC on building stepbacks



Supporting Documents:

1. Proposed (M) Zoning Ordinance
2. Proposed (MD) Zoning Ordinance
3. Proposed (MD-3) Zoning Ordinance
4. East Mill Creek Community Council Recommendation Letter

18.48 LIGHT MANUFACTURING ZONE (M)

18.48.10 Purpose

- A. The purpose of the Light Manufacturing (M) Zone is to provide areas for light manufacturing, warehousing, and commercial uses as allowed in the C zone.

18.48.20 Applicability

- A. The Light Manufacturing (M) Zone may be applied to existing geographic zone boundaries of the already included in the Light Manufacturing (M) Zone at the time of adoption of this ordinance, but no new land may be added to the M zone. Rezoning to the M zone is prohibited.
- B. In the event standards in this chapter conflict with other standards found elsewhere in MKZ Title 18, the more restrictive standards apply.

18.48.30 Permitted and Conditional Uses

- A. Uses in the Light Manufacturing (M) Zone are as determined by the Table 18.48.031 Permitted and Conditional Uses in Light Manufacturing (M) Zone. If a use is not specifically designated in the table, then it is prohibited.

Table 18.48.031 Permitted and Conditional Uses in Light Manufacturing (M) Zone

Table 18.48.031 Permitted and Conditional Uses in the Light Manufacturing (M) Zone		
<i>P= Permitted C= Conditional Use Review Required</i>		
Land Use	M Zone	Limitations / References
<i>Commercial Uses</i>		
Financial Institution	P	Prohibited within 300' of a major intersection
Animal Services (Vet Clinic)	P	
Automobile / recreational vehicle sales or rental	C	Only allowed when located on arterial roadways 80' or greater in width. Prohibited within 150' of a residential use or a residential zone. ¹ Additional use standards apply as set forth in MKZ 18.46.090

Table 18.48.031 Permitted and Conditional Uses in the Light Manufacturing (M) Zone

P= Permitted C= Conditional Use Review Required

<i>Land Use</i>	<i>M Zone</i>	<i>Limitations / References</i>
Automobile service and repair	C	Prohibited within 300' of a residential use or a residential zone and within 1,320' (1/4 mile) of an established substantially similar business. ¹ Additional use standards apply as set forth in MKZ 18.46.090. Does not include any impound, salvage yard, or vehicle recycling facilities
Car wash	C	Prohibited within 150' of a residential use or a residential zone ¹ and within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business. ¹
Medical or Dental Clinic	P	
Commercial Daycare	P	
Commercial Entertainment under 25,000 square feet	P	Outdoor entertainment uses prohibited within 150' of a residential use or a residential zone ¹ . Gun ranges (indoor or outdoor) are prohibited.
Commercial Entertainment, 25,000 square feet or more	C	Outdoor entertainment uses prohibited within 150' of a residential use or a residential zone. ¹ Outdoor gun ranges are prohibited.
Commercial kitchen / ghost kitchen	P	
Commercial parking lot/ parking garage	C	Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street. Subject to Landscaping standards.
Community Garden	P	Limited to one acre or less with no onsite retail allowed.

Table 18.48.031 Permitted and Conditional Uses in the Light Manufacturing (M) Zone		
<i>P= Permitted C= Conditional Use Review Required</i>		
Land Use	M Zone	Limitations / References
Drive through window	C	Drive through windows prohibited within mixed-use developments.
Eating and drinking establishment	P	
Industrial Flex Center (Industrial space used for a variety of uses. Typically leased and is flexible to accommodate needs of businesses.)	P	Maximum square footage of 10,000 square feet per building, a minimum of 20% of floor area must be office and or retail uses.
Fuel Station	C	Prohibited within 1,320' (1/4 mile) of an existing fuel station and within 300' of a major intersection.
Funeral Home / Mortuary	P	
Greenhouse / plant nursery	P	No onsite retail sales.
Gym / fitness studio under 5,000 square feet	P	
Gym / fitness studio 5,000 square feet or more	C	
Light Manufacturing	P	Developments that share a common boundary with a residential use and/or zone require a conditional use review.
General Retail	P	See definition.

Table 18.48.031 Permitted and Conditional Uses in the Light Manufacturing (M) Zone

P= Permitted C= Conditional Use Review Required

<i>Land Use</i>	<i>M Zone</i>	<i>Limitations / References</i>
Office uses	P	
Pawn Shop	P	Prohibited within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business. ¹
Reception or event center	P	Outdoor uses prohibited within 300' of a residential use or a residential zone. ¹
Self-storage facility	C	Prohibited within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business. ¹ Additional location restrictions apply as set forth in MKZ 18.46.090
Sexually Oriented Business	C	Subject to Chapter MKZ 18.XX
State Store or Packing Agency	P	Developments that share a common boundary with a residential use and/or zone require a conditional use review.
Truck Transfer Company (Trucking Company-Trailer storage)	C	Temporary outside storage of trucks and trailers allowed as defined by MKZ 18.48.080

Table 18.48.031 Permitted and Conditional Uses in the Light Manufacturing (M) Zone

P= Permitted C= Conditional Use Review Required

<i>Land Use</i>	<i>M Zone</i>	<i>Limitations / References</i>
Warehousing	P	Developments that share a common boundary with a residential use and/or zone require a conditional use review.
<i>Institutional Uses</i>		
Commercial wireless communication facilities	P	Only stealth type towers/ accessory structures permitted
Public uses	P	
Religious Assembly	P	
Quasi-Public Use	C	
<i>Residential Uses</i>		
Residential Facility For Persons With A Disability	P	
Residential Facility For Elderly Persons	P	

Caretaker dwelling	P	-Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately. -Caretaker dwelling shall consist of a minimum habitable floor area of 600 square feet and not to exceed a maximum habitable floor area of 1,200 square feet. -Shall be subject to the off- street parking requirements of MKZ 18.66. -Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking. -Home businesses with a customer base visiting the caretaker dwelling shall be prohibited.
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B. Table 18.49.031 Notes:

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

18.48.40 Prohibited Uses, Limitations

- A. Notwithstanding the permitted and conditional uses in Table 18.48.031 and other ordinances found in this Title, the following specific prohibitions and/or limitations apply:

Table 18.48.041 Prohibited Uses and Limitations in Light Manufacturing (M) Zone

Table 18.48.041 Prohibited Uses and Limitations	
Use	Specific Use Limitations
Detention facility/jail as a principal use	Not allowed
Outside storage as a principal use	New outside storage uses are prohibited
Composting	Not allowed
Tobacco Sales	Stores primarily selling tobacco and/ or associated paraphernalia are prohibited within 1,320' (1/4 mile) of an established substantially similar business.
Product displays over five feet in horizontal distance from the main building	Not allowed

18.48.50 Accessory Uses

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

18.48.60 Spatial Requirements

- A. The requirements for lot size, building setbacks, lot coverage and other spatial requirements are as set forth in and lot size requirements are as set forth in Table 18.48.61 Spatial Requirements for the Manufacturing (M) Zone.

Table 18.48.061 Spatial Requirements for the Manufacturing (M) Zone

Table 18.48.061 Spatial Requirements for the Manufacturing (M) Zone	
<i>Bulk Regulations</i>	<i>M</i>
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Maximum Building Height	45 feet
Maximum Lot Coverage	80 percent
Minimum Building Height	1 story
Minimum Front Yard Setback	20 feet
Minimum Rear and/or Side Yard Setback	If located adjacent to residential zoning, 20 feet, otherwise 10 feet required *
Minimum Interior Side Yard Setback	10 feet ¹
Minimum Corner Side Yard Setback	20 feet ¹
Accessory Structures: Rear And Interior Side Yard Setback	2 feet
Accessory Structures: Rear And Interior Side Yard Setback When Abutting Residential Use	10 feet

- B. Table 18.49.061 Notes:

- For buildings adjacent to residential uses, the side and rear yards abutting residential uses shall be increased by one foot for every two feet that the structure exceeds twenty-five feet in height.

18.48.70 Fuel Station setbacks.

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

18.48.80 Special Regulations for the Light Manufacturing Zone

- A. General Conditions in the M Zone. All uses in the M zone shall be permitted only under all of the following conditions:
 - 1. Business operations, when located adjacent to residential uses or adjacent to a public street, shall be conducted predominantly within an enclosed building, except for the parking and servicing of vehicles and equipment, loading and unloading of products, equipment, outside storage as described in #4 below, service to people in automobiles, and except that any type of restaurant may have outdoor dining.
 - 2. All uses shall minimize, so as not to become a nuisance, any unsafe, unhealthy, objectionable and unreasonable waste, odor, dust, smoke, other emissions, noise, vibration, as determined by any Federal, State, County, and/or City health and safety codes, regulations, or ordinances.
 - 3. All principal assembly, manufacturing, testing, cleaning, testing and associated services or processes shall be done wholly within completely enclosed buildings. Accessory use may include outside repair, fabrication, and cleaning of equipment, vehicles, and/or stored products.
 - 4. For new uses, outside storage of product, materials, vehicles, or equipment is allowed in the rear or side yard and may cover up to 60% of the parcel, subject to a solid visual barrier perimeter fence of 6’ to 8’, depending and relating to the height of the products, materials, or equipment stored outside. The maximum height of outside storage shall be established by a formula of setback to height where the minimum setback from the property line adjacent to a public street equals 1.5 times the height of the item being stored. The surface area of the outside storage area shall be paved with cement or asphalt hard surface paving or a contained durable permeable surfacing such as, gravel. Any outdoor storage of vehicles and equipment shall be considered temporary and only include operable, functional vehicles and equipment able to be immediately put to the intended use. Existing legal uses with outdoor

storage operating at the time of the adoption of this ordinance, January 22, 2018, shall retain the ability to store product, materials, vehicles, or equipment on 100% of the parcel or parcels occupied by such use.

5. Roof mounted mechanical equipment and vents, including swamp coolers shall be screened from view using a pedestrian vantage point along the adjacent street, but not including an elevated street such as a freeway.

18.48.90 Design Standards for all uses in the Mzone

- A. Main entrances to the first floor of manufacturing and commercial buildings shall front on the adjacent public street.
- B. Windows shall make up at least 10% of first floor street-facing facades for manufacturing buildings and 50% for commercial and mixed- use buildings. Top floors shall have architectural differentiation from the other floors in the building.
- C. Corner parcels are deemed to have two front yards, but only one front yard is required to have a building entrance.
- D. Garbage and Recycling.
 1. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of on-site generated garbage to minimize the detrimental effects of the collection, storage, and removal such as noise and odor.
 2. No refuse dumpster for refuse generated on site or dumpster enclosure structure shall be located closer than twenty feet (20') feet to any perimeter property line.
 3. All refuse storage including dumpsters and recycling collection shall be screened in accordance with Buffer C standards as set forth in the Landscaping Requirements of MKZ XX.XX
 4. All developments shall provide recycling services.
- E. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, concrete, prefinished panel, composite materials, painted block, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.
- F. Building relief. All buildings shall include façade differentiation through the use of varied materials and relief every 100 feet or less.
- G. Development sharing a common boundary with existing residential uses:

1. The required minimum six-foot high concrete or masonry wall shall be constructed concurrently with the foundation of the proposed building.
 2. No proposed manufacturing use shall be constructed which will allow a direct view into the rear yard of a residential use.
 3. Loading docks shall be located a minimum of 100 feet from an existing or proposed residential use. Such loading docks shall incorporate screening whether in the form of landscaping or wing walls.
- H. Curb cuts shall not be located closer than 50 feet to any corner. Loading docks shall not be visible from the adjacent street.
- I. Curb cuts shall not be located closer than 20 feet to a side or rear lot line, and the distance between separate curb cuts serving adjacent land uses shall not be less than 40 feet, unless one or more of the following circumstances apply:
1. A common curb cut serves adjacent land uses;
 2. Curb cuts cannot meet separation standards due to narrow lot frontage;
 3. Curb cuts cannot meet separation standards due to location of existing cuts on adjacent lots; or
 4. A professional traffic engineer, after preparing a traffic study, recommends that curb cuts be located closer to interior lot lines in order to maintain a safe distance from street intersections.
- J. In order to meet the purposes of this chapter
1. Lots may be accumulated to provide the minimum lot area. Individual lots with an area smaller than the minimum lot area are not suitable for development.
 2. The development shall provide appropriate buffering to adjacent properties and uses, as per the standards in MKZ 18.67.
 3. Safe access shall be provided within the site and to public streets as per the standards as set forth in MKZ 18.66
 4. Uses adjacent to defined creeks shall include a usable open space buffer area next to creek at least 50' from the high-water mark.
- K. Renovation or maintenance of existing structures shall not be deemed new construction for any of the foregoing requirements, unless such renovation or maintenance results in a structure's footprint being expanded by more than 25%.

18.01 Mixed Development Zone (MD)

18.01.10 Purpose

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

18.01.20 Applicability

- A. In the event there is language elsewhere in this Title that conflicts with language in this chapter, the more restrictive standard prevails.
- B. In any rezoning process for a mixed use or multi-household development larger than a four-plex, a development agreement shall be required at the sole discretion of the City. "Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City, see Utah Code 10-9a-532 and 10-9a-502 Development agreements.
- C. The Agreement must:
 - 1. Specify and describe the proposed development through text including any requests for modifications of the ordinance requirements, site plans, materials, and elevations.
 - 2. Detail the amenities and other benefits being provided to the City and its residents.
 - 3. Utilize a development agreement form approved by the City. The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Agreement.

18.01.30 Permitted And Conditional Uses

- A. Uses in the Mixed Development (MD) Zone are as determined by Table 18.43.031 permitted and Conditional Uses in the Mixed Development (MD) Zone. If a use is not specifically designated in the table, then it is prohibited.

Table 18.43.031 Permitted and Conditional Uses in Mixed-Use Development (MD) Zone

Table 18.43.031 Permitted and Conditional Uses in the MD Zone		
<i>P = Permitted Use C = Conditional Use Review Required</i>		
<i>Use</i>	<i>MD</i>	<i>Specific Use Standards</i>
Multi-Household Residential-Market Rate	C	Non-residential use or residential use that is convertible (built to city commercial building code standards) is required for at least 50% of the ground floor facing a public street. 24 hour on-site management required for projects with 50 or more residential units. Subject to the design standards within this Chapter.
Multi-Household Residential-Affordable or Individually Owned	P	Affordable housing developments or individually owned affordable units that are located further than 300' from a major intersection are exempt from including a Non-residential use or residential use that is convertible (built to commercial building code standards) to nonresidential use on the ground floor facing a public street. A minimum 50% of the multi- household residential must be affordable to be deemed Affordable Housing. 24 hour on-site management required for projects with 50 or more residential units. Subject to the design standards within this Chapter.
Multi-Household Residential Mixed Income Housing.	P	A minimum 20% of the multi household residential must be affordable to be deemed affordable housing. 24 hour on-site management required for projects with 50 or more residential units. Subject to the design standards within this Chapter.
Group Homes	C	
Hotel, Motel, Bed & Breakfast	C	Subject to the design standards in this Chapter
Public use	P	
Quasi-Public use	C	
Transit Station	P	

Table 18.43.031 Permitted and Conditional Uses in the MD Zone		
<i>P = Permitted Use C = Conditional Use Review Required</i>		
<i>Use</i>	<i>MD</i>	<i>Specific Use Standards</i>
Neighborhood Retail	P	No commercial building over 20,000 square feet on the first floor is allowed
General Retail and Entertainment	C	No commercial building over 20,000 square feet on the first floor is allowed.
Light Industrial / Warehousing	C	Operations within enclosed buildings only. Office or retail shop required in building. No light industrial/ware-housing building over 20,000 square feet.
Retail Food Trucks, Farmer's Market	C	See Temporary Uses and Structures in the Supplementary Chapter
Drive up uses with outside order windows or structures, such as restaurants, banks, etc.	C	No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses. No order or pick up windows in the front yard.
Neighborhood Service	P	
General Service	P	
Office uses	P	
Mixed Use (Commercial with market rate residential use within the same building or located adjacent within a unified site plan)	C	Non-residential use or residential use that is convertible (built to commercial building code standards) is required for at least 50% of the ground floor facing a public street. 24 hour on-site management required for projects with 50 or more residential units.
Mixed Use (Commercial with affordable residential use within the same building or located adjacent within a unified site plan)	P	Affordable housing developments or individually owned affordable units that are located further than 300' from a major intersection are exempt from including a Non-residential use or residential use that is convertible (built to commercial building code standards) on the ground floor facing a public street. A minimum 50% of the multi-household residential must be affordable to be deemed Affordable Housing. 24 hour on-site management required for projects with 50 or more residential units.

Table 18.43.031 Permitted and Conditional Uses in the MD Zone		
<i>P = Permitted Use C = Conditional Use Review Required</i>		
<i>Use</i>	<i>MD</i>	<i>Specific Use Standards</i>
Mixed Use (Commercial with Mixed-Income residential use within the same building or located adjacent within a unified site plan)	P	Non-residential use or residential use that is convertible (built to commercial building code standards) is required for at least 50% of the ground floor facing a public street. 24 hour on-site management required for projects with 50 or more residential units. A minimum 20% of the multi household residential must be affordable to be deemed Mixed Income Housing. Subject to the design standards within this Chapter.
Commercial parking lot / garage	C	Non-residential use is required for at least 50% of the ground floor facing a public street.
Short term rentals	P	Provided a valid Millcreek business license has been issued and in good standing with respect to the property.

18.01.40 Prohibited Uses, Limitations

- A. Notwithstanding the permitted and conditional uses in Table 18.43.041, the following specific prohibitions and/or limitations apply:

Table 18.43.041 Prohibited Uses and Limitations	
<i>Use</i>	<i>Specific Use Limitations</i>
Detention facility/jail as a principal use	Not allowed
Indoor/outdoor gun/archery range	Not allowed
Outside storage	Only allowed if not located within view of the street or in any front or side yard facing a street. Such storage requires a minimum 6' opaque fence. Storage is not considered "display" items. Includes storage containers.
Displays over five feet in horizontal distance from the main building.	Not allowed
Equipment, car, or truck rental	Not allowed
Non-stealth commercial wireless communication facilities	Only stealth type towers allowed

Table 18.43.041 Prohibited Uses and Limitations

<i>Use</i>	<i>Specific Use Limitations</i>
Sexually oriented businesses	Not allowed subject to MKZ 18.82
Pawnshop	Not allowed within 500' of an arterial/major* intersection or within 1,000' of an established pawn shop or substantially similar business.
Sale or lease of new or used vehicles of all types, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles	Not allowed
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer, military surplus	Not allowed if greater than 5,000 square feet
Self-storage facility of all types, including mini- storage units, neighborhood storage and temperature controlled storage facilities	Only allowed if such uses are located in a mixed use building with residential, general retail, or office uses on 100% of the first floor facing a public street and if located further than 300' from an arterial/major* intersection but not within 1,000' of an established substantially similar business.
Taxicab, limousine business	Not allowed
Sororities and fraternities	Not allowed
Short term ("payday", "car" title and similar) loan service	Not allowed within 300' of any arterial/major* intersection and not within 1,000' of other established "payday", "car title" and other short term loan businesses.
Flea markets, swap meets	Not allowed
Outdoor commercial recreation, amusement, or entertainment business	Not allowed
Recreational vehicle campgrounds	Not allowed

B. Table 18.43.041 Notes:

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

18.01.50 Accessory Uses

- A. Accessory uses and structures shall be subordinate/incidental to the main use and structure. Other than food trucks such uses shall not be allowed in the front or side yards facing a street.

18.01.60 Spatial Requirements

- A. Spatial limitations for development within the MD Zone are as set forth in Table 18.43.061.

Table 18.43.061 Spatial Requirements for the Mixed-Use Development (MD) Zone

Table 18.43.061 Spatial Requirements for MD Zones	
<i>Lot Requirements</i>	
Minimum Lot Area ¹	20,000 square feet
Minimum Lot Width ²	100 feet
<i>Building Requirements</i>	
Maximum Building Height	85 feet
Maximum Lot Coverage ³	80 percent
Minimum Building Height ⁴	2 story
<i>Yard Requirements</i>	
Minimum Front Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet – except when adjacent to a defined creek, then 50 feet
Minimum Interior Side Yard Setback	20 feet
Minimum Corner Side Yard Setback	20 feet
Accessory Structures: Rear And Interior Side Yard Setback	10 feet
Accessory Structures: Rear And Interior Side Yard Setback When Abutting Residential Use ⁵	20 feet
<i>Residential Density</i>	
Residential Use	Subject to the standards of this chapter. No maximum density required

- B. Table 18.43.061 Notes:

1. Mixed use buildings containing affordable or mixed-income housing, no minimum lot area is required.
2. Mixed use buildings containing affordable or mixed-income housing,, no minimum lot width is required.
3. Mixed use buildings containing affordable or mixed-income housing, no maximum lot coverage is required.
4. Mixed use buildings containing affordable or mixed-income housing,

maximum building height is 100'.

5. For buildings adjacent to single family residential uses, the side and rear yards abutting such uses shall be increased by one foot for every two feet that the structure exceeds twenty-five feet in height.
6. For Fuel Station uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.

18.01.70 Site and Design Standards

- A. Entrances to the first floor of commercial and mixed use buildings shall front onto the street. Functional transparent(at least 90%) windows shall make up at least 50% of first floor street-facing facades. Interior lighting is required. Living screens may replace up to 35% of the window requirement on the first floor street-facing facades. Top floors shall have architectural differentiation from the other floors in the building.
- B. No parking is allowed between the building(s) and the street.
- C. Corner lots are deemed to have two front yards. Any façade parallel to or within 60 degrees of the property frontage along a street as defined in MKZ 18.99 is deemed to front the street.
- D. The front yard setback is the build-to-line within 300' of any major intersection. At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line. A build-to-line is defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street.
- E. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any use within the development or abutting uses. Dumpster enclosures are required. No refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

- F. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent of street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.
- G. Residential uses shall include some commercial uses along the public street or be constructed in a manner to allow for future commercial uses on the first floor (convertible space).
- H. Uses adjacent to Big Cottonwood Creek shall include a usable open space buffer area next to that creek, defined as the high water mark or flood plain setback plus 50' as a minimum. Such areas are recommended for a trail system.

18.01.080 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 18.85	Measurement of Height
MKZ 18.65	Parking and Mobility
MKZ 18.67	Landscaping
MKZ 18.68	Signs
MKZ 18.69	Fences and Walls
MKZ 18.70	Outdoor Lighting

18.44 Mixed-Use Development Zone (MD-3)

18.44.10 Purpose.

- A. The purpose of the Mixed-Use Development Zone is to provide a variety of uses (limited commercial, office and residential) as an appropriate transition between high-traffic arterial streets and nearby residential uses. This district is intended to ensure compatibility of new development and residential conversions with existing and future residential development. It is also intended to ensure as well as encourage assemblage of properties in a unified plan with a coordinated and harmonious development which will promote outstanding design without unsightly and unsafe strip commercial development. Specific measures to mitigate negative impacts of mixed-use developments include standards for perimeter walls, vehicular access, lighting, signage, etc., which will be required at the time of design and site plan approval. Landscaping shall be as specified in MKZ 18.67.

18.44.20 Applicability.

- A. The Mixed-Use Development Zone (MD-3) may be applied to existing parcels, lots, and areas already included in the Mixed-Use Development Zone (MD-3) in the City, but no additional parcels, lots or land may be added to the MD-3 zoning district.

18.44.30 Permitted and Conditional Uses

- A. Uses in the Mixed-Use Development Zone (MD-3) are as determined by the Table 18.44.31 Permitted and Conditional Uses in the Mixed-Use Development Zone (MD-3). If a use is not specifically designated in the table, then it is prohibited.

Table 18.44.031 Permitted and Conditional Uses in Mixed-Use Development (MD-3) Zone

Table 18.44.031 Permitted and Conditional Uses in the Mixed-Use Development Zone		
<i>P= Permitted C= Conditional Use Review Required</i>		
<i>Land use</i>	<i>MD-3</i>	<i>Limitations/references</i>
Residential Uses		
Apartments	C	Maximum density of 12 units per acre
Group Dwellings	C	Maximum density of 12 units per acre
Household Pets	P	

Table 18.44.031 Permitted and Conditional Uses in the Mixed-Use Development Zone

P= Permitted C= Conditional Use Review Required

<i>Land use</i>	<i>MD-3</i>	<i>Limitations/references</i>
Multiple Dwellings	C	Maximum density of 12 units per acre
Nursing home	C	
Planned Unit Development	C	Maximum density of 12 units per acre
Residential Facility for Elderly Persons	P	
<i>Lodging</i>		
Bed and Breakfast Homestay	P	
Bed and Breakfast Inn	C	Including a restaurant and conference meeting rooms
Short-term rentals	P	Provided a valid Millcreek business license has been issued and in good standing with respect to the property;
<i>Civic and Institutional Uses</i>		
Private Educational Institution	C	
Private Nonprofit Recreational Grounds and Facilities	C	
Public uses	P	
Quasi-Public Uses	P	
<i>Commercial, Office, and Service Uses</i>		
Agriculture	P	
Antique shop	P	
Art gallery	P	

Table 18.44.031 Permitted and Conditional Uses in the Mixed-Use Development Zone

P= Permitted C= Conditional Use Review Required

<i>Land use</i>	<i>MD-3</i>	<i>Limitations/references</i>
Art shop and/or artist supply	P	
Bank or financial institution	P	
Barber shop	P	
Beauty shop	P	
Bicycle shop	C	
Bookstore	P	
China and/or silver service	P	
Class B beer outlet	C	
Clothes cleaning, dyeing and pressing agency	C	
Copy service	P	
Daycare Center	C	
Floral shop	P	
Gift shop	P	
Greenhouse	P	
Greeting card sales	P	
Gymnastics, Dance, Dramatic, Cosmetic, Modeling and Art studios	C	
Handicraft shop	P	
Health food store	P	
Hobby and/or crafts shop	P	
Key and lock service	P	

Table 18.44.031 Permitted and Conditional Uses in the Mixed-Use Development Zone

P= Permitted C= Conditional Use Review Required

<i>Land use</i>	<i>MD-3</i>	<i>Limitations/references</i>
Laundry, Automatic Self-Help Type	C	
Manicuring, pedicuring and electrolysis of hair	P	
Medical, optical and dental labs	P	
Mortuary	C	
Music store	C	
Nursery	C	
Office, business or professional	P	
Office supply	P	
Optometrist and/or oculist	P	
Parking lot	C	
Pharmacy	P	
Photographer	P	
Preschool	C	
Reception center	C	
Restaurant	C	Including fast-food, drive-through window, or liquor license
Shoe repair shop	P	
Stationery shop	P	
Tailor shop	P	

Table 18.44.031 Permitted and Conditional Uses in the Mixed-Use Development Zone

P= Permitted C= Conditional Use Review Required

<i>Land use</i>	<i>MD-3</i>	<i>Limitations/references</i>
Tanning studio	C	
Travel bureau	P	
Veterinary Clinic	C	No outside kennels
Wedding chapel	C	
<i>Miscellaneous Uses</i>		
Temporary structures	C	As set forth in MKZ 18.53 Temporary Uses
Temporary Buildings	p	For use incidental to construction work
Accessory Uses, Accessory Buildings and structures	P	As set forth in MKZ 18.54 Accessory Uses, Accessory Buildings and Structures

18.44.40 Hours Of Operation

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

18.44.50 Businesses And Uses; Conditions

- A. The uses specified in this chapter for the MD-3 zone shall be permitted only under the following conditions:
 - 1. No manufacturing is allowed;
 - 2. No outside storage of any stock, motor vehicles or other property is allowed except for two delivery vehicles three-quarter ton or smaller.

18.44.60 Spatial Requirements

- A. Spatial Requirements. The minimum setbacks, maximum height and lot size requirements are as set forth in Table 18.44.061 Spatial Requirements for the Mixed-Use Development Zone:

Table 18.44.061 Spatial Requirements for the Mixed-Use Development (MD-3) Zone

Table 18.44.061 Spatial Requirements for the Mixed-Use Development Zone							
Zone	Min. lot area	Min. lot width	Min. Front Setback	Min Side Setback	Min Rear Setback	Maximum Building Height	Max. Lot Coverage
MD-3	4 acres	250'	30'	30'	30'	3 stories 2 stories when located within 50' of a residential use	40%

18.44.70 Design and Site Plan Approval

- A. Design and site plan approval including, but not limited to, architecture, building materials, lighting, signage, vehicular access and noise for all development in the MD-3 zone is required by the Planning Commission as a conditional use pursuant to the requirements of MKZ 18.13.120.

18.44.80 Perimeter Wall

- A. All mixed-use developments shall have a decorative tinted concrete or masonry wall on all rear and side yards not fronting on a public street.
- B. All perimeter walls shall be a minimum of six feet high unless the Planning Commission requires a higher wall as part of the conditional use approval.

18.44.90 Landscaping and Screening

- A. Landscaping shall be as specified in MKZ 18.67.
- B. When off-street parking areas are situated across the street from a property in a residential zone, a masonry wall or berm a minimum of three feet in height shall be erected in the landscaped front yard or landscaped side yard which faces on a street on corner lots to adequately screen the parking areas from the residential properties.
 - 1. All ground-mounted mechanical equipment including, but not limited to, heating and air conditioning units, and trash receptacle areas shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.
 - 2. The design of all roof appurtenances including, but not limited to, air conditioning units, and mechanical equipment shall be approved by the Planning Commission to minimize visibility from on- site parking areas, adjacent public street and adjacent residentially zoned property.

3. All utility connections shall be designed to be compatible with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.

18.44.100 Lighting

- A. Lighting shall be as specified in MKZ 18.70.

18.44.110 Noise

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

18.44.120 Access

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

18.44.130 Odor

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

18.44.140 Design Considerations

- A. In order to meet the purposes of this chapter the Planning Commission shall consider the following prior to approval of any plan:
1. Lots should be accumulated to provide the minimum lot area. Individual lots with an area smaller than the minimum lot area are not suitable for a mixed development.
 2. The development shall provide on-site amenities and appropriate buffering to adjacent properties and uses.

3. The scale of the development shall be in character with the surrounding land uses.
4. Safe access shall be provided within the site and to public streets.
5. The development shall have a residential character if adjacent to residential areas.

DRAFT



January 8, 2024

To: Millcreek Planning and Zoning
Millcreek Planning Commission

Subjects: M ZT-23-013, MD ZT-23-021, MD3 ZT-23-021

At the January 4, 2024, meeting of the East Mill Creek Community Council (EMCCC), planner, **Robert May**, presented the Staff Report for three applications:

1. Light Manufacturing (M) Zone
2. Mixed Development (MD) Zone
3. Mixed Development (MD-3) Zone

The Planning and Zoning Department will present their recommendations to both the City Council and the Planning Commission in January.

After a lengthy discussion, East Millcreek Community Council gave a positive recommendation with the following considerations:

Manufacturing Zone (M)

1. Nancy Carlson-Gotts asked about the change to max elevation from one hundred' to forty-five.' Robert gave clarification.
2. Regarding Page 1, Animal Services; Per planner, this category is to be removed from zoning.
3. Asked for clarification on the "1 superscript" throughout the document; it provides confusion. The superscript is a reference to B. Table Notes
4. Page 3. Asked for clarification on Industrial Flex center.
5. Page 3. General Retail says, "See definition." On what page?
6. Page 4. Asked for clarification on Office category.
7. Page 4. Truck Transfer Company – asked for a description of this business.
8. Page 9. Asked about parking – no parking lot in front of building.

Mixed Development Zone (MD)

1. Page 4. Approves that only stealth towers allowed.
2. Page 6. There was a probing discussion on the seventy-two' to eighty-five' building height. They came to agree on this recommended condition.

Mixed Use Development Zon (MD-3) No comments or questions

There was discussion and a motion made to approve the recommendations. The vote was unanimous.

/s/

Lee Ann Hansen
Vice Chair Land Use

Cc: Francis Lilly, Brad Sanderson