

MILLCREEK, UTAH
ORDINANCE NO. 24-59

AN ORDINANCE AMENDING TITLE 19 (“ZONING”) OF THE MILLCREEK CODE OF ORDINANCES; REVISING CHAPTER 19.62A (“OLYMPUS HILLS WEST VILLAGE CENTER SPECIAL DISTRICT”) BY MAKING CERTAIN ADDITIONS AND DELETIONS PERTAINING TO BUILDING HEIGHT, SETBACKS, DESIGN, AND, AMONG OTHER THINGS, OVERALL SITE LANDSCAPING, LIGHTING, FENCING, AND SIGNAGE

WHEREAS, the Millcreek Council (“Council”) met in a regular session on December 16, 2024, to consider among other things, approving an ordinance amending Title 19 (“Zoning”) of the Millcreek Code of Ordinances, revising Chapter 19.62A (“Olympus Hills West Village Center Special District”) by making certain additions and deletions pertaining to building height, setbacks, design, and among other things, overall site landscaping, lighting, fencing, and signage; and

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

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

WHEREAS, City staff has recommended that the Council amend the Millcreek Code of Ordinances to revise the Olympus Hills West Village Center Special District as a Text Amendment; and

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

WHEREAS, on September 25, 2024, the required notice was published; and

WHEREAS, on October 16, 2024, the planning commission held the required public hearing with respect to amending Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, on November 13, 2024, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, at the November 20, 2024, planning commission meeting, the Millcreek Planning Commission recommended amending Title 19 of the Millcreek Code of Ordinances, revising Chapter 19.62A by making certain additions and deletions pertaining to building height, setbacks, design, and, among other things, overall site landscaping, lighting, fencing, signage, otherwise known as the Olympus Hills West Village Center Special District Zone Text Amendment; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such amendment, the Council shall consider the application during a public

meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on December 11, 2024, the Council caused the required notice to be given; and

WHEREAS, on December 9, 2024, the Council discussed the amendments; and

WHEREAS, on December 16, 2024, the Council considered additional amendments to Title 19 of the Millcreek Code of Ordinances, revising Chapter 19.62A by making certain additions and deletions pertaining to building height, setbacks, design, and, among other things, overall site landscaping, lighting, fencing, and signage, otherwise known as the Olympus Hills West Village Center Special District, Zone Text Amendment; and

WHEREAS, the Council finds that the Olympus Hills West Village Center Special District Zone Text Amendment does not conflict with any applicable policy and guidance of the General Plan; and

WHEREAS, the Council finds that the Olympus Hills West Village Center Special District Zone Text Amendment provides for better development than would be possible under the strict application of the city's zoning ordinances; and

WHEREAS, the Council finds that the Olympus Hills West Village Center Special District Zone Text Amendment does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, or sanitary sewer.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Council that Chapter 19.62A be amended as set forth in attached Exhibit "A" (designated by highlighting/underlining the words to be added)

This Ordinance assigned Ordinance No. 24-59, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 16th day of December 2024.



ATTEST:



Elyse Sullivan, City Recorder

MILLCREEK

By: 

Jeff Silvestrini, Mayor

Roll Call Vote:

Silvestrini	<u>Yes</u>	No
Catten	<u>Yes</u>	No
DeSirant	<u>Yes</u>	No
Jackson	<u>Yes</u>	No
Uipi	<u>Yes</u>	No

CERTIFICATE OF POSTING

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

ORDINANCE 24-59: AN ORDINANCE AMENDING TITLE 19 ("ZONING") OF THE MILLCREEK CODE OF ORDINANCES; REVISING CHAPTER 19.62A ("OLYMPUS HILLS WEST VILLAGE CENTER SPECIAL DISTRICT ZONE") BY MAKING CERTAIN ADDITIONS AND DELETIONS PERTAINING BUILDING HEIGHT, SETBACKS, DESIGN, AND, AMONG OTHER THINGS, OVERALL SITE LANDSCAPING, LIGHTING, FENCING, SIGNAGE; OTHERWISE KNOWN AS THE OLYMPUS HILLS WEST VILLAGE CENTER SPECIAL DISTRICT ZONE TEXT AMENDMENT was passed and adopted the 16th day of December, 2024 and certifies that a copy of the foregoing Ordinance 24-59 was posted in accordance with Utah Code 10-3-711 this 17 day of December 2024.



Elyse Sullivan, City Recorder

EXHIBIT A

Chapter 19.62A OLYMPUS HILLS WEST VILLAGE CENTER SPECIAL DISTRICT

19.62A.030 Development Standards

- A. Automobile Sales. The primary commercial use in the Olympus Hills West-VCSD shall be the sales and leasing of new automobiles. Automobile Sales shall be located in the southernmost four acres of the Olympus Hills West-VCSD and shall be configured as shown on the site plan located in Exhibit B in MKZ 19.62A.050.
1. All buildings including accessory structures shall incorporate a similar architectural theme as depicted in Exhibit C in MKZ 19.62A.050 and shall be predominantly metal panel and glass. Design elements shall be used to add interest on all visible sides of buildings.
 2. All building facades facing Wasatch Boulevard shall consist of at least 10 percent glass. Stucco is prohibited on any façade.
 3. One auto dealership building that shall not exceed 46,000 square feet in footprint that includes office spaces, service area and bays, and auto display areas. The auto dealership building shall include a showroom that does not exceed 20,000 square feet in area.
 4. The minimum setback as measured from the Wasatch Boulevard right-of-way shall be no less than 25 feet. All other setbacks are described in the Exhibit B in MKZ 19.62A.050.
 5. The showroom portion of the building shall be no taller than 36 feet as measured from the final engineered grade of the grading and drainage plan.
 6. The service portion of the dealership building shall be no taller than 28 feet as measured from the final engineered grade of the grading and drainage plan.
 7. Maximum lot coverage shall not exceed 30% of the site.
 8. Vehicle displays. No car displays shall block minimum required clear vision areas at driveway intersections or block lanes for public safety, egress or fire access. No vehicles may be displayed on elevated pedestals.
 9. Security For Display Vehicles. To the extent deemed necessary by individual dealers, curb walls no higher than sixteen inches (16"), closely spaced concrete bollards, berms, low security fencing and rails may be used. Design must be compatible with project theme and architectural detailing in other parts of the site.
 10. Parts Storage Areas. Parts storage areas shall be provided within buildings.
 11. Storage for lithium-ion batteries is subject to standards of an approval by the Unified Fire Authority and must be stored outside the main building.
 12. Access and Internal Circulation.
 - a. Driveway Access: Except where otherwise required for compliance with applicable codes and for fire lanes, driveways shall be a minimum of twenty-four feet (24') wide and all drives shall have a minimum 12.5-foot radius.
 - b. Service Area Access: Service areas shall have sufficient stacking lanes on site to stack a minimum of one vehicle per service lane. Stacking lanes shall not block flow of traffic or fire access lanes.

13. All mechanical equipment shall be screened from view, either by enclosure or parapet wall.
14. Dumpsters shall be enclosed within a decorative masonry enclosure designed to be compatible with overall project building and fence materials.
15. No portion of the site devoted to automobile sales may be sold or leased for any other purpose.

B. Mixed Use Including Retail, Restaurant, and Plaza. Village Retail and Restaurant uses will function as a buffer and transition between the automobile sales use and a multifamily or office use and are subject to a development agreement. Standards in this section may be further limited pursuant to MKZ 19.62.050 (E)(6). Village retail and restaurant uses shall be either a predominant feature along Wasatch Boulevard or shall flank a public plaza located between the automobile sales use and the multifamily use. A public plaza must be at least 10,000 square feet in area. Public Plazas shall follow the applicable design standards as set forth in MKZ 19.73.070(O).

1. Except as provided below, village retail and restaurants shall follow the applicable building design standards as set forth in MKZ 19.73.070 (N)(4).
2. Village retail may be located on the ground floor of a multifamily building. Retail and restaurant uses combined must be a minimum of 3,000 square feet in area, and restaurant uses shall be at least 1,500 square feet in area.
3. Retail spaces shall be a minimum of 30 feet in depth as measured perpendicular to the right-of-way or plaza.
4. Transparent windows or doors are required for at least 50 percent of the retail frontage.
5. Restaurant uses adjacent to public plaza must include at least 300 sf of outdoor seating area. Seating area may be within public plaza area.
6. No portion of the site devoted to village retail, restaurant, or plaza uses may be sold or leased for any other purpose.

C. Mixed Use Including Multifamily and Office. Multifamily and Office uses are allowed on a portion of the property as part of a mixed use development, within 700 feet of the south right-of-way line of 3900 South. Multifamily and office uses are subject to a development agreement. Standards in this section may be further limited pursuant to MKZ 19.62.050 (E)(6). ~~Multifamily uses in the Olympus Hills West VCSD Multifamily development shall be constructed in a manner that facilitates conversion to a residential condominium in the future.~~ Any approval of a Planned Unit Development or Condominium will require review of a site plan by the Millcreek Planning Commission.

1. Except as provided below, multifamily and office buildings shall follow the applicable building design standards as set forth in MKZ 19.73.070 (N).
2. No building may be taller than three stories. ~~The M~~maximum building height shall not exceed ~~42~~ **44** feet as measured from original ground surface at the ~~northeast~~ **southeast** corner of Parcel 2 ~~as depicted in Exhibit A in MKZ 19.62A.050.~~
3. The following features may exceed the maximum building height but in no case be over 7 feet from the highest point of the coping of a flat roof or the highest gable of a pitched roof.
 - a. Elevators, stairways, ventilating fans, or similar equipment **and related screening elements** required to operate and maintain the building.
 - b. No space above the height limit shall be allowed for the purpose of providing additional habitable floor space.

4. ~~Buildings shall not exceed 200 feet in length.~~

5. Façade articulation. All buildings shall be designed with the following articulation:

- a. ~~Visual breaks along the street facing façade such as horizontal articulation in the plane of the façade by at least 2 feet.~~
- b. Change in height at the top of the building by at least 3 feet for every 50 feet of façade length, **or similar, as approved by the planning commission.** Changes in materials, color, texture or pattern for greater than 50% of the building facade.
- c. Indentations/recesses at least 3 feet in depth along the street facing facades at 50-foot intervals, ~~or similar, as approved by the planning commission.~~
- d. Building lengths greater than 200 feet in length shall include indentations/recesses of at least 6 feet in depth along the street facing facades at 50-foot intervals, ~~or similar, as approved by the planning commission.~~

6. Setbacks. ~~With the exception of the Public Plaza area, T~~the following minimum setbacks shall apply **to all buildings:**

- a. Wasatch Boulevard right-of-way line shall be **2015** feet.
- b. 3900 South right-of-way line shall be 15 feet.
- c. All interior and side property lines shall be 10 feet.
- d. Rear property line shall be **10 4** feet.

7. Windows shall constitute at least 50 percent of first floor ~~street-facing commercial~~ facades **along local street right of ways, or 40% of those facades if uses include residential.** Windows shall **constitute at least and** 25 percent of all upper story facades.

8. Residential amenities shall include any of the following:

- a. Balconies or Patios of at least 40 square feet in area.
- b. Shared Public Plaza
- c. Indoor Amenities

9. No portion of the site devoted to multifamily or office uses may be sold or leased for any other purpose.

D. Building Materials and Color. Building materials and color are limited to the materials and colors described below.

1. Permitted primary materials for street facing facades, including facades facing plaza area include architectural metal panel, glass, **composite plank siding, carbonized wood,** brick ~~or~~ stone, **or treated** mass timber. ~~or other durable natural wood siding.~~
2. Permitted accent materials include any permitted primary material; board-formed concrete; corrugated metal panels or siding; and weathered steel panels or siding.
3. Building materials such as integrally colored concrete masonry, **fiber panel** and architectural tile may be used for facades that do not face a street or plaza.
4. The use of stucco or EIFS is prohibited as use as a material.

5. Materials and colors used for the Automobile Sales building and accessory structures shall be substantially as depicted in the Exhibits.

E. ~~Materials and colors for the village retail and office or multifamily buildings shall be substantially as depicted in Exhibit D in MKZ 19.62A.050.~~Fencing.

1. Fencing is required to screen any utilities or vehicle service or inventory areas.
2. Excluding frontages along vehicle service inventory areas, no fencing of any kind will be allowed along Wasatch Boulevard or 3900 South frontage. **Gates and railings on an above grade residential porch/patio/entry landing accessible from Wasatch Boulevard or 3900 South frontages shall not be considered fencing.**
3. Permitted materials for fencing include pre-cast masonry, stone, **metal** or weathering steel.

F. Lighting.

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

G. Landscaping

1. Landscaping of parking lots and required buffers shall follow the requirements of MKZ 19.77.
2. Landscaping shall incorporate plant species that are native or endemic to northern Utah.
3. Turf grass is limited to 25% of overall landscaping ~~and shall not be installed along any streetscape.~~
4. The Planning Director or designee can reduce planter bed widths and lengths up to 25% to accommodate unusual circumstances.
5. ~~Landscaping shall be installed substantially as depicted in Exhibit E in MKZ 19.62A.050.~~

H. Wasatch Boulevard Streetscape

1. The project shall include a consistent species of trees, planted every 30 feet on center. Trees shall be planted at a minimum of ~~23~~-inch caliper. Species of street trees ~~in the public way~~ shall be ~~determined~~~~approved~~ by Millcreek. ~~Millcreek may approve variations in street tree spacing to facilitate fire apparatus access from the public way.~~
2. ~~Turf grass shall not be installed within any streetscape right of way. Ground materials shall include bark and/or rock mulch and live plant material to the amount of 75% as measured at maturity.~~
3. Streetlights. The project shall include street lighting as approved by the City Engineer.

I. Signs

1. Automobile Sales

- a. Ground Signs. The automobile sales use may be allowed one ground sign, not to exceed eight 32 sf in area and 8 feet in height.
- b. Wall signs. The automobile sales use may be allowed up to one sign on the east and west facades, each sign not to exceed 132 sf in area. Wall signs must consist of logos or individual pan channel letters.
- c. Design. The design and locations of the signs shall be substantially as depicted in the Exhibit F in MKZ 19.62A.050.

~~2. Village Retail and Restaurant. Signage is limited to wall signs. A sign package shall be included as part of a site plan/CUP/Development Agreement approval, showing the location, type, and size of each sign. The sign package shall be included as an exhibit to any Development Agreement and to MKZ 19.62A.050~~

~~3. Mixed Use. Signage is limited to wall signs. A sign package shall be included depicting wall, ground, blade, directional and shared signage as part of a site plan/CUP/Development Agreement approval, showing the location, type, and size of each sign. The sign package shall be included as an exhibit to any Development Agreement and to MKZ 19.62A.050~~

- a. ~~Shared On-site~~ District Ground Sign. One additional ground sign is allowed for the Olympus Hills West VCSD, for the purposes of identifying and branding the district itself. The ground sign may not exceed 64 sf in area and may be eight (8) feet in height.
- b. ~~Ground Signs.~~ One ground (monument) sign may be allowed along Wasatch Blvd, not to exceed 32 sf in area and 8 feet in height.

~~4. General Requirements.~~

- a. ~~Wall signs must consist of logos or individual pan channel letters.~~
- b. ~~Any sign not expressly listed in this section is prohibited.~~

~~C. Temporary signage is prohibited, except for A-frame signs serving the village retail and restaurant uses.~~

5. Comprehensive Sign Plan Required. Any application for a development agreement approval of a future **third** phase of development shall be accompanied by a complete comprehensive sign plan showing the location and sign type of all proposed signs. The comprehensive sign plan shall also include conceptual renderings of each sign.