



ZM-25-002

Planning Commission Staff Report

Date of Meeting: 02/19/2025

Applicant: Millcreek

Re: Request to Rezone 2 Properties

Property Address: 4471 S Covecrest Drive & 4548 S Mathews Way

Zone: From R-1-21 To R-1-10

Prepared By: Zack Wendel

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

Millcreek Staff is processing an application, on behalf of two individual landowners, located at 4471 South Covecrest Dr and 4548 South Mathews Wy, to rezone the properties from the Single-Family Residential Zone (R-1-21) to Single-Family Residential Zone (R-1-10). The purpose of the application is to adjust the zoning map to better align with current and minor adjustments to the property lines. No new development is being proposed on either of these properties.

This application is being initiated as the property owner for 4471 S Covecrest Dr and the neighboring property owner for 4463 S Covecrest Dr submitted an application for a lot line adjustment to adjust their property lines to follow an existing fence line between the properties. As the two properties are not within the same zone, this lot line adjustment would already require a rezone application to move the zone boundary line along with the lot line. As such Millcreek Staff has determined that changing the zone for 4471 S Covecrest Dr would be the better option as the property currently does not meet the standards set forth in Millcreek's Single-Family Residential Zone (R-1-21). By rezoning to the R-1-10 zone, the property would be brought further into compliance.

Millcreek Staff also determined that it would be worthwhile to also include the neighboring property of 4548 S Mathews Wy in this rezone application as it currently is split between the R-1-21 Zone and the R-1-10 Zone allowing the opportunity to bring the whole property under one zone regulation instead of two.

FINDINGS:

1. The adopted Future Land Use Map shows the future land use designation of the entire property, as well as the abutting properties to the North, East, and West, as being 'Neighborhood 1'.
2. Staff finds that the subject rezone application is consistent with Staff's internal policy to clean up inconsistent zone boundaries.
3. Staff finds that the setback and height requirements between the R-1-21 and the R-1-10 are the same with the only difference being that R-1-21 has a lot coverage limit of 25% while R-1-10 has a lot coverage limit of 31%.

CONCLUSIONS:

1. The proposed zone change likely will not have a significant affect to the surround area, since the properties are already within the Single-Family Residential Zone and a both properties already have a built single-family home.
2. The zone change is supported by the adopted Future Land Use Map showing the land use designation as being 'Neighborhood 1'.
3. The proposed zone change will clean up a misaligned zone boundary for one property and bring the other better into compliance with the Single-Family Residential Zone requirements.
4. No development improvements are currently being proposed.

RECOMMENDATIONS

The **Mount Olympus Community Council** met on February 3rd to review and discuss the proposal. Most questions were regarding the differences between the R-1-21 and the R-1-10. There was some concern whether the rezone would affect existing easements. And interest into what initiated the rezone application. After some discussion, 7 Council members recommended in favor of changing the zone from the R-1-21 to the R-1-10 Zone with 1 Council member abstaining.

Based on the findings and conclusions listed above, Staff recommends that the Planning Commission take public comments and make a positive recommendation to the City Council to rezone the properties located at 4471 S Covecrest Dr and 4548 S Mathews Wy from the R-1-21 Zone to the R-1-10 Zone. Unless during the hearing facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

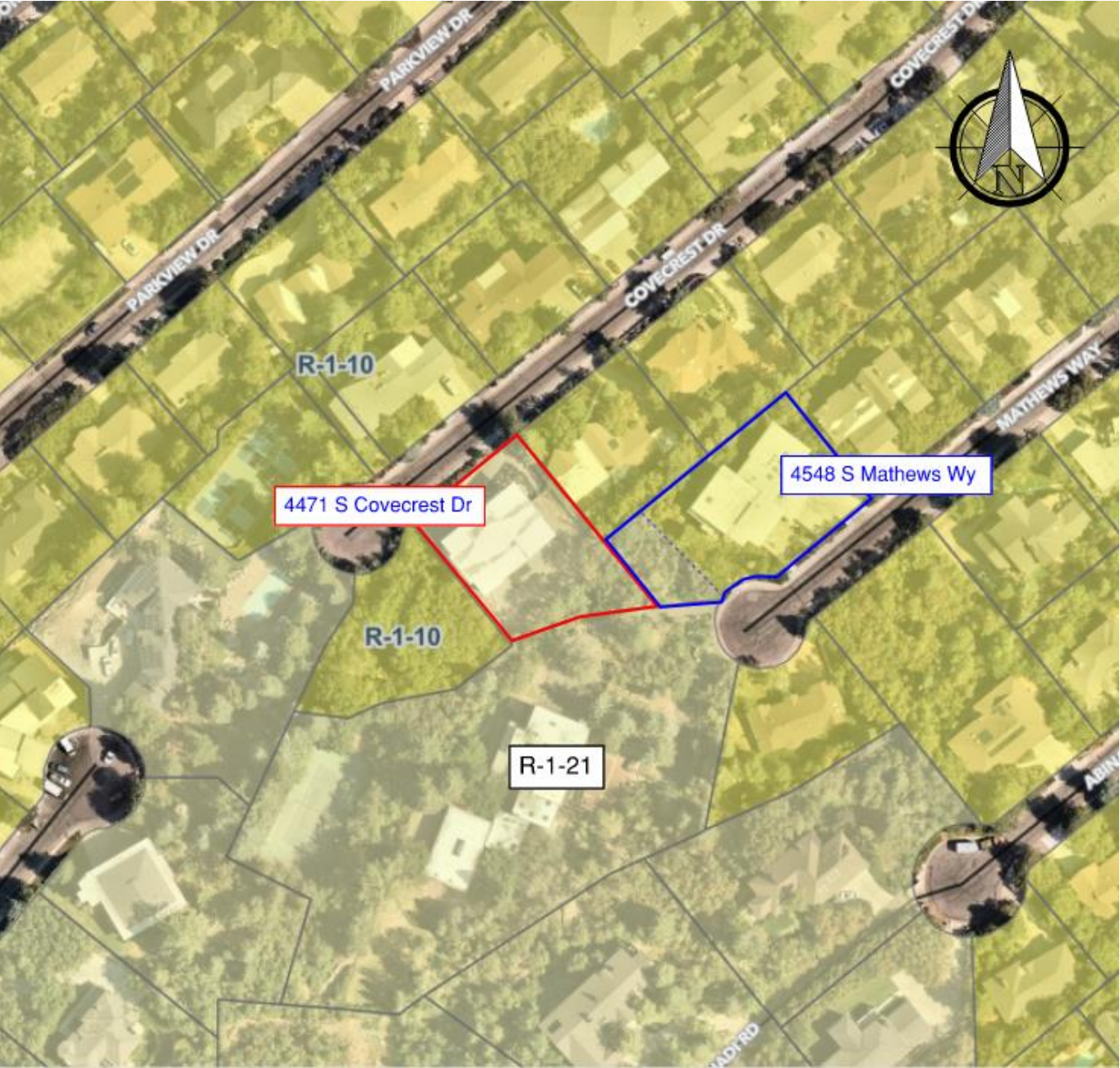
SUPPORTING DOCUMENTS

- Aerial Map
- Zoning Map
- Land Use Map

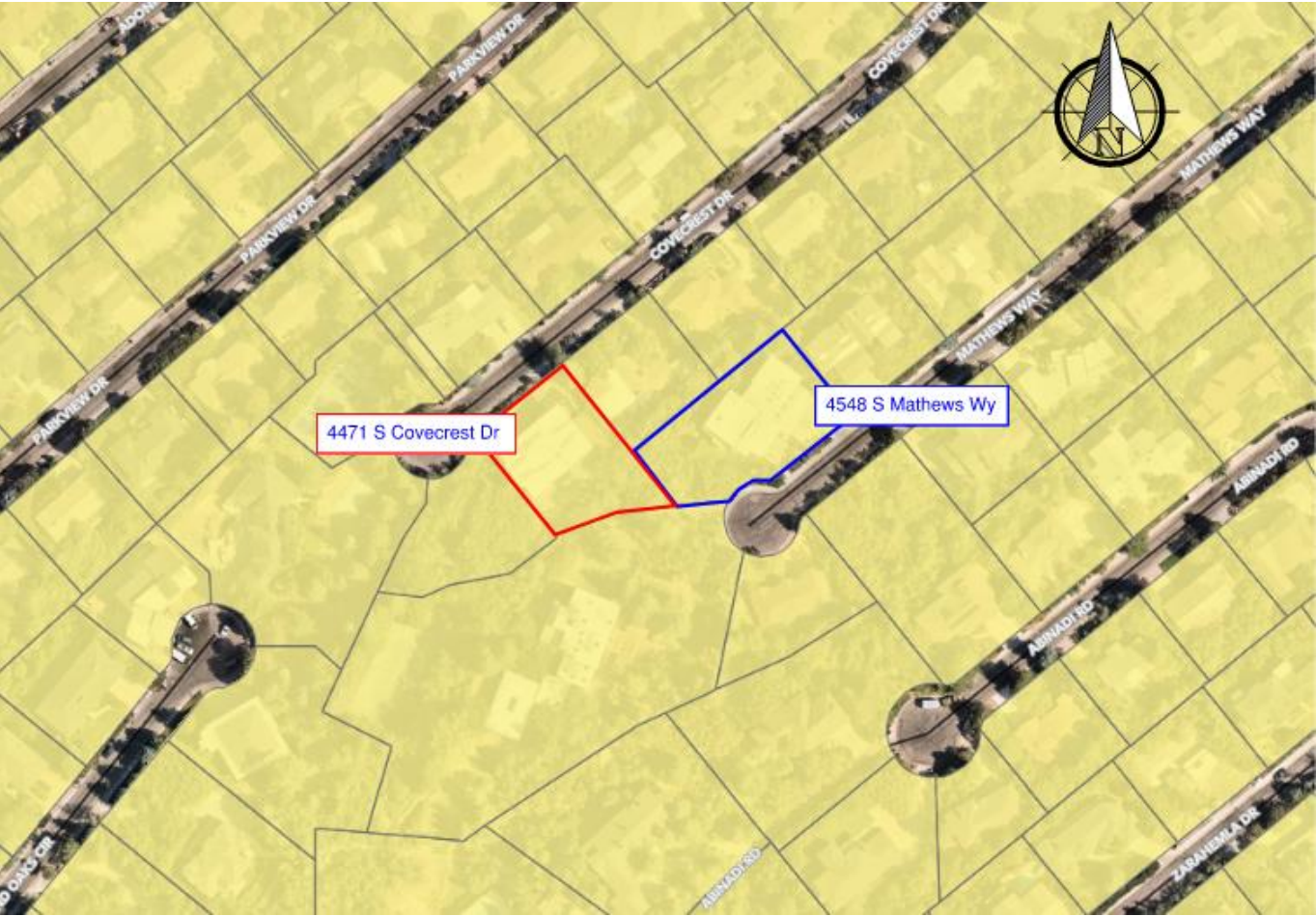
Arcial Map of Properties



Zoning Map of Properties



Land Use Map of Properties





ZT-24-018

Staff Report

Re: Zoning and Subdivision Code Update – Final Approval and Recodification

Prepared By: Staff

Meeting Date: 19 February 2025

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.

HOW TO USE THIS GUIDE

Millcreek has been working on an updated to the Zoning and Subdivision Code since early 2023, and community councils and the Planning Commission have been involved in this process from the beginning. A brief summary of the code update in presentation format is attached to the end of this report.

This staff report is intended to quickly summarize the new Zoning and Subdivision Code and to provide community councils with a ready reference for their recommendations. Most of the code chapters have been discussed previously by the community council and planning commission, and a summary of each recommendation can be found beginning on page 15 of this report. Links to the code drafts and the original staff reports for each code chapter that was previously presented can be found on the following pages. These staff reports contain extensive information and analysis regarding the rationale and general plan considerations for each of the proposed changes. The Community Councils met to discuss the final code update in the first week of March, 2024. Each community council recommended adoption of the code update, although some community councils recommended additional clarifications or changes. A summary of the final community council recommendations are on the following pages. Two community councils provided a written summary of their motions to staff; these are appended to the end of this staff report.

The summary of the code is divided into four parts:

- **General Provisions, Review Bodies, Appeals, and Procedures**
- **Subdivisions**
- **Zone Districts**
- **Development and Use Standards**

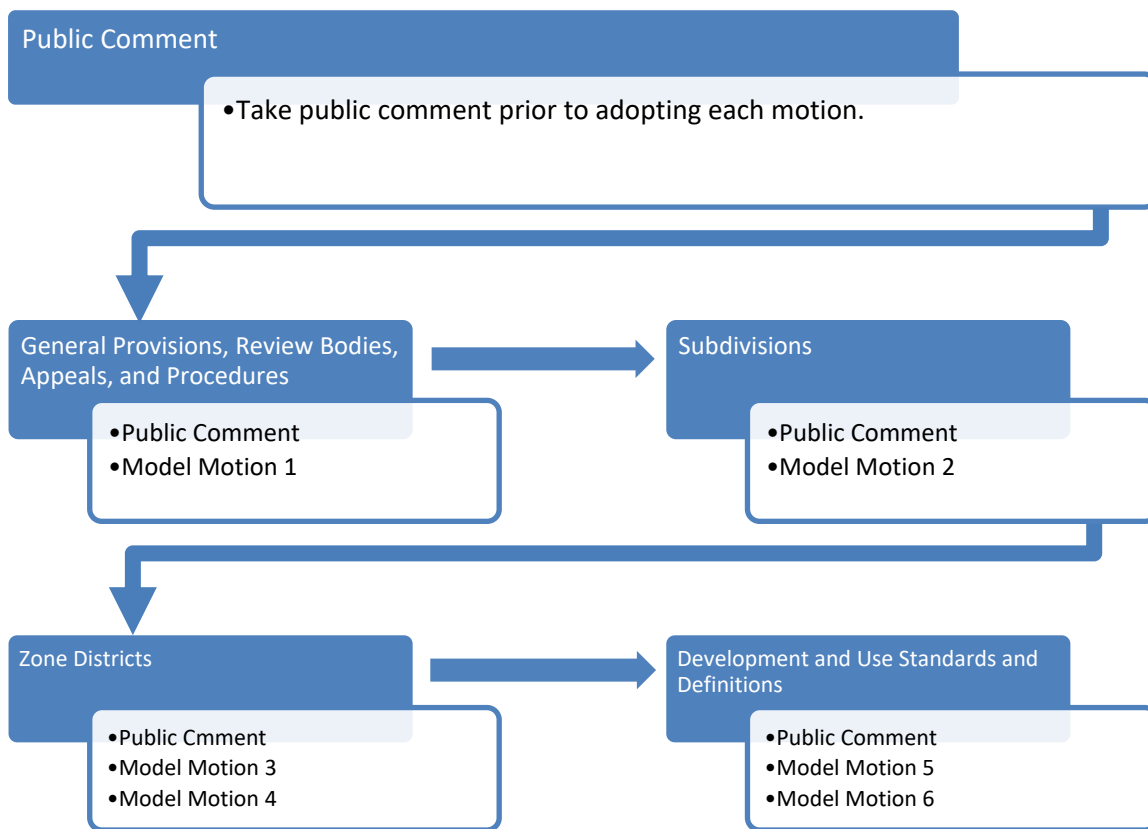
Each part includes a summary table of each chapter, and an indicator of what has changed in each chapter

Zoning and Subdivision Code Update – Planning Commission Staff Report

(no revisions, minor revisions, major revisions) since the last time the community council has reviewed the chapter. In some cases, the code has been reorganized since the community council reviewed a chapter. For example, lighting standards were moved from each zone into one Lighting Standards Chapter, and clear view requirements were moved from the fencing chapter to its own chapter.

Some of the tables include policy questions for the community councils to consider as they prepare their recommendations. At the end of each summary table, staff has prepared a model motion for the community council to consider. This will allow the Planning Commission to have a focused discussion on each of the four main parts of the code, before moving onto the next part. The model motion is a suggestion, although it is designed to provide as much clarity and detail as possible to the City Council as they make their final decisions regarding the Zoning and Subdivision Code Update.

Staff recognizes that this is a significant series of recommendations for the Planning Commission to make. In order to facilitate an efficient conversation, staff suggests taking public comment first, followed by a discussion of each of the four parts of the zoning code update, with a motion after each discussion, as indicated in the flowchart below:



This guide is intended to supplement the extensive materials staff prepared as part of the code update, which can be accessed at the links below:

[Draft Code Chapters, Chapter Summaries, and Previous Staff Reports](#)
[Summary of Community Council and Planning Commission Recommendations / Final Code Update Presentation](#)
[Current Millcreek Zoning Ordinance](#) (Title 18 – Subdivisions, Title 19 – Zoning)
[Interactive Zoning Map](#)

SUMMARY OF MAJOR CODE SECTIONS, COMMUNITY COUNCIL RECOMMENDATIONS, AND MODEL MOTIONS

Part 1: General Provisions, Review Bodies, Appeals, and Procedures

The general provisions, review bodies, appeals, and procedures sections includes language that is typical in all land use codes, and regulates who does what, and how appeals must be followed. In addition, staff proposed additional language that describes a process for every significant application type that the zoning code requires.

General Provisions, Review Bodies, Appeals, and Procedures

<i>Code Chapter</i>	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.01 General Provisions, 18.02 Enforcement, 18.03 Review Bodies Land Use Authority, 18.04 Appeals		✓		Subsequent to the initial Community Council review, we adjusted the ordinance for compliance with recent state statute changes regarding subdivisions. We added new application procedures, for residential facilities for persons with a disability, and for eligible facility requests for wireless telecommunication facilities. The other sections, 18.01-18.04, have not previously been reviewed by the community council, but this language is substantially similar to the language that is in the current zoning ordinance.
18.12 Generally Applicable Land Use Provisions 18.13 Land Use Authority Designations 18.14 Specific Land Use Application Steps 18.15 Specific Procedures by Land Use Application and Type		✓		

Community Council Recommendations:

Recommend adoption of the General Provisions, Enforcement, Review Bodies and Land Use Authority, Appeals, Generally Applicable Land Use Provisions, and Procedures Chapters of the Revised Zoning and Subdivision Code

<i>Community Council</i>	<i>Vote</i>	<i>Recommended Changes or Clarifications</i>
MOCC	8-0	None
MCC	7-0	None
CRCA	5-0	None
EMCCC	5-0	None

Model Motion 1:

I move that the Planning Commission recommends adoption of the General Provisions, Enforcement, Review Bodies and Land Use Authority, Appeals, Generally Applicable Land Use Provisions, and Procedures Chapters of the Revised Zoning and Subdivision Code, with the following recommended changes or clarifications:

- 1.**
- 2.**
- 3.**

Part 2: Subdivisions

The Subdivisions Section of the Code involves three chapters: Subdivisions, Lots, Parcels, and Buildings on a Private Street, and Division of Legally-Established Two-Household Dwellings. These standards exist in our current ordinance, but modifications are proposed. Community Councils reviewed these standards twice previously, but as part of the recodification, the text is being reorganized.

Subdivisions				
<i>Code Chapter</i>	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.24 Subdivisions		✓		Subsequent to the Community Council reviews, staff revised language further to ensure compliance with state statute changes regarding subdivisions. No substantive changes have been made otherwise.
18.25 Lots, Parcels, and Buildings on a Private Street		✓		Exchanged “Right of Way” with “Street or Lane.” Requires new streets to be a minimum 25’. Minimum lot area of one- half acre changed to the minimum area of the zone and included standards for when certain requirements must be met.
18.26 Division of Legally-Established Two-Household Dwellings			✓	Currently, only duplexes in an R-2 zone can be subdivided to provide affordable homeownership. By moving this standard to the subdivision section, and by applying the standard to any legally-established dwelling (see definition), this expands the opportunity for duplex subdivisions in other zones.

Community Council Recommendations:

Recommend adoption of the Subdivisions Chapters of the Revised Zoning and Subdivision Code, with the following recommended changes or clarifications:

<i>Community Council</i>	<i>Vote</i>	<i>Recommended Changes or Clarifications</i>
MOCC	8-0	None
MCC	7-0	None
CRCA	5-0	None
EMCCC	5-0	None

Model Motion 2:

I move that the Planning Commission recommends adoption of the Subdivisions Chapters of the Revised Zoning and Subdivision Code, with the following recommended changes or clarifications:

- 1.**
- 2.**
- 3.**

Part 3: Zone Districts

The zone districts section includes all the regulations for each zone, including setbacks and design standards. Community councils have reviewed most of these regulations previously, and spent considerable time evaluating R-1 zone building envelope and height allowances, and design standards in the commercial and multifamily zone. Staff incorporated the standards the city council adopted for the R-1 zone into the other zones that have significant residential development: R-2, R-4, and Agriculture. Pursuant to the Planning Commission’s recommendation, acting on the recommendations of many community councils, staff is preserving the C-1 and R-4 zones, and staff added design standards to these zones, to match the residential and commercial character that staff believes the community desires in these transitional zones.

As part of the adoption of these zoning standards, the C-2 and C-3 zones will be repealed in favor of a new Commercial (C) zone, the A-1, A-2, and A-5 zones will be repealed in favor of a new Agriculture (AG) zone, and the Residential Compatibility Overlay Zone will be repealed in favor of improved design standards in the AG, R-1, R-2, and now R-4 zones.

Zone Districts				
Code Chapter	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.34 Agriculture Zone (AG)		✓		Subsequent to the initial Community Council review, staff added building envelope and projection requirements to the AG Zone. These standards are identical to those found in the R-1 and R-2 zones, and are intended to replace the RCOZ standards currently in effect in these zones.
18.35 Forestry Recreation Estate Zone (FRE)		✓		The City Council ultimately adopted the FRE Zone, with the five-acre minimum lot or parcel size. Enactment of the zone change was delayed to allow a concerned resident to file a subdivision application under the FR-1 zone standards, which allowed for a one-acre minimum lot size. Subsequent to the initial Community Council Review, staff adjusted the use list to match the use terms in the definitions chapter, and to update the code format for consistency.
18.36 Single household Residential Zone (R-1)			✓	The City Council ultimately adopted the proposed changes and incorporated them into the current RCOZ Zone. As part of the recodification, RCOZ will be eliminated and the standards will be incorporated into the AG, R-1, R-2, and R-4 zones, respectively.

Zone Districts				
Code Chapter	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.37 Two-Household Residential Zone (R-2)			✓	The City Council ultimately adopted the proposed changes and incorporated them into the current RCOZ Zone. As part of the recodification, RCOZ will be eliminated and the standards will be incorporated into the AG, R-1, R-2, and R-4 zones, respectively.
18.38 Medium Density Residential Zone (R-4)		✓		The current proposal removes most commercial uses from the R-4 zone but adds the envelope and other design requirements from the R-2 zone. Staff believes this should address most of the concerns the Planning Commission raised about appropriate design standards for medium-density zones. POLICY QUESTION: Should C-1 and R-4 zones be “legacy zones” such that new property cannot be rezoned into these zones, or are these zones useful for missing-middle housing and neighborhoods?
18.39 Residential Mixed Zone (RM)		✓		Subsequent to the initial Community Council review, staff added design standards, updated images, consolidated the list of permitted uses and defined each permitted or prohibited use, reduced the number of units for a multiple-household project eligible for a permitted use approval, and moved the affordable housing incentive language to a separate chapter, 18.77.
18.40 Mobile Home / Tiny Home (MH/TH)	✓			Subsequent to the initial Community Council review, staff consolidated the list of permitted uses and defined each permitted or prohibited use, added home businesses as a use, and removed short-term rentals and other uses.

Zone Districts				
Code Chapter	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.41 Mixed Development Zone (MD)			✓	Subsequent to the Planning Commission meeting, staff added design standards for residential developments that are not mixed use. Staff is proposing an exception to the garage clearance requirement of 7 feet for internal stairways (See 18.41.070 (Q)(3)(f)). Similar language is found in the C and RM zones. Use list updated to match defined terms.
18.42 Mixed Use Development Zone (MD-3)		✓		Subsequent to the community council meetings, staff revised a very long list of uses that were unique to the MD-3 zone with broader use categories that matched defined terms in the code. Some references to specific design standards for buffering and lighting were replaced with references to buffering and lighting found elsewhere in the code. Otherwise, no substantive changes were made to the MD-3 zone.
18.43 Neighborhood Commercial Zone (C-1) 18.44 Commercial Zone (C)			✓	Subsequent to the Planning Commission meeting, staff separated the C-1 Zone regulations from the rest of the C Zones, and characterized the C-1 zone as a “legacy district.” Staff added the same design standards to C-1 that are proposed for the C Zone. Staff welcomes your feedback on whether or not the C-1 Zone should be a legacy district, or if the standards are sufficient to promote additional properties to rezone into C-1. In both zones, the uses lists were updated to match defined terms. <u>POLICY QUESTION:</u> Should C-1 and R-4 zones be “legacy zones” such that new property cannot be rezoned into these zones, or are these zones useful for missing-middle housing and neighborhoods?
18.45 Institutional Facility Zone (IF)	✓			This zone applies to the St. Mark’s Hospital campus. No significant changes were made to this zone, other than to adjust the height along a residential zone boundary to 35 feet, consistent with the height transition requirements in the other commercial zones.
18.46 Light Manufacturing Zone (M)	✓			Subsequent to the Planning Commission meeting, staff updated the staff report to align uses with terms defined in the code, and to make technical and editorial corrections for readability.

Zone Districts

Code Chapter	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.47 City Center Overlay Zone (CCOZ)			✓	Subsequent to the Planning Commission Meeting, the CCOZ was reorganized slightly, graphics were updated, and the uses lists were updated to match defined terms. The requirements for commercial uses in mixed use buildings on corner lots can be found in Table 18.47-12 and in 18.47.070 (A) <u>POLICY QUESTION:</u> Staff notes that there are a variety of opinions on the efficacy of building setbacks and welcomes a discussion and recommendation on how uniformly setbacks should be applied in CCOZ. Are there areas in CCOZ, such as across from existing commercial uses, where a setback may not be necessary?. A staff proposal regarding CCOZ setbacks is attached to the end of this staff report.
18.48 Village Center Special District (VCSD)	✓			Aside from minor technical corrections, and ensuring that the use list matches defined terms, no changes were made to Chapters 18.48 or 18.49. For a summary of the VCSD efforts and the community council recommendations at the time, see the links below.
18.49 Olympus Hills West Village Center Special District (OHV-VCSD)	✓			

Community Council Recommendations:

<i>Community Council</i>	<i>Vote</i>	<i>Motion/Discussion:</i>
MOCC	8-0	Recommend adoption of the Zone Districts Chapters of the revised zoning and Subdivision Code, except for the provisions relating to setbacks in the City Center Overlay Zone and the Legacy Zone status of the R-4 and C-1 zones, which were the subject of separate discussions and motions.
	7-1	Legacy Zones: Amend the C-1 and R-4 zones so that they are not legacy zones – to make them available for new properties to be rezoned into in the future

Community Council Recommendations:

<i>Community Council</i>	<i>Vote</i>	<i>Motion/Discussion:</i>
	8-0	Stepbacks: The Mount Olympus Community Council understands appreciates that changes to the stepback provisions in the CCOZ may be warranted, but until there is draft language to review, the MOCC moves to continue the matter to a future meeting.
MCC	5-0	Recommend adoption of the Zone Districts Chapters of the revised zoning and Subdivision Code, with the following recommended change: Multifamily projects of 12 or more units in an RM Zone should be conditional uses, not permitted uses, because these projects tend to abut single-family residential, and the notice and additional review gives the community council an opportunity to identify reasonably-anticipated detrimental effects and propose mitigations. Legacy Zones: No motion was taken, but the sentiment as summarized by staff was: we should encourage development in the C-1 and R-4 zones, because they are more gentle approaches to density than larger townhome projects and apartment buildings typically found in the RM zone. C-1 and R-4 zones should not be “legacy zones”. Stepbacks: No motion was taken, but the sentiment as summarized by staff was: we should not get rid of stepbacks in the CCOZ entirely, but some creative design approaches in some cases may make sense. Staff will return to the community council to discuss this option in more depth.
CRCA	5-0	Recommend adoption of the Zone Districts Chapters of the revised zoning and Subdivision Code, with no recommended changes. Stepbacks: No motion was taken, but the sentiment as summarized by staff was: we should not get rid of stepbacks in the CCOZ entirely, but some creative design approaches in some cases may make sense. Staff will return to the community council to discuss this option in more depth.

Community Council Recommendations:

<i>Community Council</i>	<i>Vote</i>	<i>Motion/Discussion:</i>
EMCCC	6-0	Recommend adoption of the Zone Districts Chapters of the revised zoning and Subdivision Code, with no recommended changes. Legacy Zones: No motion was taken, but the sentiment as summarized by staff was: we are intellectually curious, but not unequivocally enthusiastic about opening up the C-1 zone and R-4 to parcels not already zoned C-1 and R-4 respectively. In other words we lean towards the C-1 and R-4 as “legacy zones”. Stepbacks: No motion was taken, but the sentiment as summarized by staff was: we are guarded about stepback relief in CCOZ. We wanted to see more ideas on it, depending on location and where those stepbacks would be (streetside, abutting other buildings, etc.)

Community Council Recommendations:

Recommend repeal of the following zones as part of the adoption of the Zone Districts Chapters of the Revised Zoning and Subdivision Code:

1. Repeal of the A-1, A-2, and A-5 Zones and Adoption of an Agricultural Zone to regulate all properties within an A-1, A-2, or A-5 Zone.
2. Repeal of the C-2 and C-3 Zones and Adoption of a Commercial Zone to regulate all properties within a C-2 and C-3 zone.
3. Repeal of the Residential Compatibility Overlay Zone and Adoption of design standards in the R-1, R-2, R-4, and Agricultural Zones.

<i>Community Council</i>	<i>Vote</i>	<i>Recommended Changes or Clarifications</i>
MOCC	8-0	None
MCC	6-1	None
CRCA	5-0	None
EMCCC	6-0	None

Model Motion 3:

I move that the Planning Commission recommends adoption of the Zone Districts Chapters of the Revised Zoning and Subdivision Code, with the following recommended changes or clarifications:

- 1.**
- 2.**
- 3.**

Model Motion 4:

I move that the Planning Commission recommends repeal of the following zones as part of the adoption of the Zone Districts Chapters of the Revised Zoning and Subdivision Code:

- 1. Repeal of the A-1, A-2, and A-5 Zones and Adoption of an Agricultural Zone to regulate all properties within an A-1, A-2, or A-5 Zone.**
- 2. Repeal of the C-2 and C-3 Zones and Adoption of a Commercial Zone to regulate all properties within a C-2 and C-3 zone.**
- 3. Repeal of the Residential Compatibility Overlay Zone and Adoption of design standards in the R-1, R-2, R-4, and Agricultural Zones.**

Part 4: Development and Use Standards and Definitions

The development and Use Standards Chapters address development and use standards that apply city-wide, such as landscaping, fencing, sensitive lands, parking, animals, and signs. In addition, this section covers clear view requirements, includes a chapter detailing how to measure the height of buildings, and includes standards for any study or major plan staff requires prior to a development approval.

As part of the adoption of these standards, the Foothills and Canyons Overlay Zone will be repealed in favor of a new Sensitive Lands Standard that applies to any property in the city that has a sensitive land feature, such as liquefaction potential or a steep slope, regardless of zone.

Development and Use Standards				
<i>Code Chapter</i>	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.58 Temporary Uses and Structures			✓	The Community Councils have not formally reviewed this chapter. The temporary uses and structures chapter is a new chapter to the Millcreek zoning and subdivision code but, for the most part, the chapter compiles standards found elsewhere in the code, such as farmers markets, temporary signs, food trucks, and fireworks sales. These standards are currently outlined, inconsistently, in the various zone district chapter in the current code. Putting the standards in one chapter will help residents and business owners understand the rules for temporary uses and will help staff administer these rules in a more consistent manner.
18.59 Accessory Structures	✓			Commissioners voted unanimously to recommend approval of the proposed ordinance to the City Council with the added language of dropping the 10 foot rear / side yard setback rule in the RM Zone and allowing for accessory buildings to be built within the 20 foot setback on flag lots. Subsequent to the Planning Commission's review, staff made technical corrections to the code for clarity.
18.60 Nonconformities		✓		The Community Councils have not formally reviewed this chapter. The Nonconformities chapter establishes regulations governing legally established uses, structures, lots, or parcels that do not conform to the current standards in the code, and establishes a process for many of these uses to become more conforming over time, such as when they are rebuilt or added upon. Proposed language includes a new section referencing nonconforming lots and parcels, and outlines a nonconforming determination process for applicants in Millcreek. Currently there is no such process.
18.61 Sensitive Lands	✓			Subsequent to the Planning Commission's review, definitions were added, and minor formatting adjustments were made to the Sensitive Lands chapter. Note: this chapter replaces the current Foothills and Canyons Overlay Zone.

Development and Use Standards				
<i>Code Chapter</i>	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.62 Floodplain Hazards Mitigation	✓			This chapter has not been reviewed by the Community Councils, but it is almost identical to the current standards in effect. Changes were limited to technical corrections and formatting changes to align with the format of the new code. This chapter regulates how development happens in floodplains, to ensure compliance with federal law and to maintain our residents' and property owners' eligibility for flood insurance programs.
18.63 Parking and Mobility Standards		✓		The City Council adopted the parking standards in early 2023, after the Planning Commission's recommendation. In the latest draft, we aligned uses in Table 18.63-2 to the defined terms in our code, added detail on electric vehicle charging infrastructure, and made minor formatting adjustments. Staff is adding language that clarifies what a 'bedroom' is for the purpose of calculating parking.
18.64 Landscape Standards	✓			The City Council adopted the landscape standards in early 2023, after the Planning Commission's recommendation. In the latest draft, staff made minor formatting adjustments. Staff will update the Millcreek Plant List pursuant to the Community Council and Planning Commission recommendations in time for final adoption. POLICY QUESTION: Should we consider a maximum impervious surface coverage for residential parcels? What about 2 driveways?
18.65 Signs	✓			Subsequent to the Planning Commission's review, the City Council adopted a sign ordinance that included all of the planning commission's recommended changes, except for digital district signs. Note: The measurement requirements for illuminance studies have been moved to the Required Studies and Plans chapter.
18.66 Fences and Retaining Walls			✓	Subsequent to the Planning Commission's review, staff relocated the clear view requirements to a new chapter, 18.68. Staff added a provision for a neighborhood compatibility modification to allow for flexibility in fence height in neighborhoods where taller fences are common. Language was edited for clarity, and an update to Figure 18.62.7 is pending.

Development and Use Standards				
<i>Code Chapter</i>	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.67 Clear View Areas	✓			The language in this chapter was formerly in the draft Fence, Walls, and Retaining Walls Chapter, and was reviewed previously by the community councils and planning commission.
18.68 Outdoor Lighting			✓	The Community Councils have not formally reviewed this chapter, although similar standards were formerly in the other chapters the councils and Planning Commission have reviewed, including the RM and C Zone standards. Outdoor lighting standards are now in one location. POLICY QUESTION: These standards apply to all new construction, including residential additions. Should we exempt existing dwellings from our lighting standards?
18.69 Required Studies and Plans		✓		After the Planning Commission’s review, staff edited the proposed ordinance for clarity. Study requirements for illuminated signs were moved from the Signs chapter to this chapter.
18.70 Single-Household and Two-Household Dwelling Standards		✓		These standards are intended to align design standards for traditional single-family homes with those for manufactured or mobile homes, as required by federal law. No significant changes were made to this chapter, other than to align the standards with state code limits on a city’s authority to regulate mass, window locations, and roof pitches of single-family homes.
18.71 Accessory Dwelling Unit Standards			✓	After the Planning Commission’s review, a majority of City Council members indicated a preference at their first reading that parking for ADUs be established at 1 stall per ADU, and that the prohibition of attached ADUs on lots or parcels less than 6,000 sf be removed. These changes are reflected in the final draft ordinance. Otherwise, minor technical corrections and formatting changes were made to the ordinance. A previous draft showed a table for attached ADU standards in 18.71.080. This table was replaced with text.
18.72 Building Height		✓		After the Planning Commission’s review, staff edited the ordinance for clarity and updated a figure.

Development and Use Standards				
<i>Code Chapter</i>	<i>No Revisions</i>	<i>Minor Revisions</i>	<i>Major Revisions</i>	<i>Notes</i>
18.73 Historic Preservation	✓			After the Planning Commission review, minor editorial changes were made for clarity.
18.74 Residential Facilities for Persons with a Disability	✓			After the Planning Commission’s recommendation, minor editorial changes were made for clarity.
18.75 Wireless Telecommunication Facilities	✓			After the Community Council reviews, images were updated, and the code was modified to make it clear that a building permit would not be required for residential small-dish receivers. The City Council recommended the addition of language that prohibits monopoles in sensitive lands areas, unless they are made “stealth”. Appropriate definitions were added to 18.97.
18.76 Special Business Land Use Regulations		✓		The Community Councils have not formally reviewed this chapter, although many standards were found in other zoning district drafts that the councils did review. These standards include requirements for home businesses, daycares and preschools, and sexually oriented businesses. The language pertaining to SOBs is substantially the same as the language currently in effect, although SOBs are proposed to be limited to manufacturing zones moving forward. Regulation of SOBs is heavily influenced by case law and legal precedent around the First Amendment.
18.77 Animal Regulations		✓		The Community Councils have not formally reviewed this chapter, although the standards are similar to what is now in effect. Staff added a new table and set a flat number (10) on the amount of domestic fowl permitted.
18.78 Affordable Housing Incentives		✓		After the Planning Commission reviewed the Affordable Housing Incentives chapter, staff added an enforcement section, and created incentives for mixed affordable developments, upon the recommendations of the Planning Commission.
18.97 Definitions		✓		The Community Councils have not formally reviewed the Definitions chapter, although new definitions were incorporated into each of the chapter drafts that the Community Councils previously reviewed. This chapter compiles all the definitions in one place. Significantly, any use listed as permitted, conditional, or prohibited now has a defined term, and these uses are described consistently across all zones.

Community Council Recommendations:

<i>Community Council</i>	<i>Vote</i>	<i>Motion/Discussion:</i>
MOCC	8-0	Recommend adoption of the Development and Use Standards and Definitions Chapters of the revised Zoning and Subdivision Code, except for lighting provisions and impervious surface requirements.
	8-0	Lighting Standards: Recommend adoption of a Lighting Standards ordinance that includes new single-household and duplex dwellings, and additions to single-household and duplex dwellings being subject to these lighting standards.
	8-0	Impervious Surfaces: The MOCC supports city staff in drafting ordinance language dealing with maximum impervious surface standards and return to the council at a future date.
MCC	5-1 (1 abstain)	Recommend adoption of the Development and Use Standards and Definitions Chapters of the revised Zoning and Subdivision Code, with no recommended changes or clarifications. No motions were taken, but the MCC offered the following sentiments, as summarized by staff: Parking and Open Space: It may make sense to have a provision in the code to allow for some open space to be converted into parking in situations where additional parking may be warranted. Lighting Standards: While we should impose lighting design requirements on commercial properties, we should not impose those requirements on residential properties (such as single-family homes and duplexes). Impervious Surfaces: Residential properties should be allowed to have two driveways, and we should be careful about imposing limits on how much hard surface a residential property is allowed to have.

Community Council Recommendations:

<i>Community Council</i>	<i>Vote</i>	<i>Motion/Discussion:</i>
CRCA	5-0	Recommend adoption of the Development and Use Standards and Definitions Chapters of the revised Zoning and Subdivision Code, with the following recommended changes or clarifications: 1. Lighting Standards. Existing dwellings should also be subject to lighting standards. These rules should not just apply to residential additions or commercial properties. 2. Parking: Minimum parking requirements established in the Parking and Mobility Chapter should be eliminated entirely. 3. Impervious Surfaces: Consider a maximum impervious surface requirement for residential properties.
EMCCC	5-0	Recommend adoption of the Development and Use Standards and Definitions Chapters of the revised Zoning and Subdivision Code, with no recommended changes or clarifications. No motions were taken, but the EMCCC offered the following sentiments, as summarized by staff: 1. Lighting Standards: Residential additions and new construction should be subject to the lighting standards ordinance. 2. Impervious Surfaces: Consider a maximum impervious service requirement for residential properties.

Community Council Recommendations:

Recommend repeal of the Foothills and Canyons Overlay Zone as part of the adoption of the Sensitive Lands Chapter of the Revised Zoning and Subdivision Code.

<i>Community Council</i>	<i>Vote</i>	<i>Recommended Changes or Clarifications</i>
MOCC	8-0	None
MCC	5-1 (1 abstention)	None
CRCA	5-0	None
EMCCC	5-0	None

Model Motion 5:

I move that the Planning Commission recommends adoption of the Development and Use Standards and Definitions Chapters of the Revised Zoning and Subdivision Code, with the following recommended changes or clarifications:

- 1.**
- 2.**
- 3.**

Model Motion 6:

I move that the Planning Commission recommends repeal of the Foothills and Canyons Overlay Zone as part of the adoption of the Sensitive Lands Chapter of the Revised Zoning and Subdivision Code:

PRIOR COMMUNITY COUNCIL AND PLANNING COMMISSION RECOMMENDATIONS

18.12 – 18.15 Application Procedures

- CRCA:** CRCA voted unanimously in favor.
- EMCCC:** EMCCC voted unanimously in favor, subject to typographical corrections.
- MCC:** MCC voted unanimously in favor, subject to the addition of language to ensure that an applicant required to conduct a neighborhood meeting gives email notice to the relevant community councils one week prior to the meeting. *See 18.14.040 (C)(3).*
- MOCC:** MOCC voted unanimously in favor.

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend approval of the Application Procedures ordinance, subject to the addition of an application procedure for reasonable accommodations and an additional technical review by staff and the city attorney. *See 18.15.030 (F).*

Subsequent to the initial Community Council review, we adjusted the ordinance for compliance with recent state statute changes regarding subdivisions. We added new application procedures, for residential facilities for persons with a disability, and for eligible facility requests for wireless telecommunication facilities.

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18.24 - Subdivisions

- CRCA:** CRCA lacked a quorum, but expressed support.
- EMCCC:** EMCCC voted unanimously in favor, and included a recommendation letter.
- MCC:** MCC did not have any comments on the changes. They included a recommendation letter.
- MOCC:** MOCC voted to recommend the changes to the planning commission 5-0 with one abstention, with a request that the City consider appropriate language that could give a right of first refusal to existing tenants of a multifamily building being proposed for a condominium conversion. *This change did not make it to the final draft. There are legal and logistical concerns about requiring and monitoring a ROFR, however tenants get advanced notice of a conversion. See 18.15.020 (C)(6).*

Planning Commission Recommendation:

The Planning Commission unanimously recommended adoption of the proposed amendments to the subdivision, subject to the addition of language that ties Figure 18.01.1 to the code and clarifying language regarding flag lots that share an access. *See 18.030(B)(9)(c) for*

clarifying language regarding two flag lots that share an access.

The subdivisions chapter was reviewed twice by the Community Council, and the recommendations above address the second review, in August 2024. Subsequent to the Community Council reviews, staff revised language further to ensure compliance with state statute changes regarding subdivisions. No substantive changes have been made otherwise.

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18.34 – Agricultural Zone

- CRCA:** CRCA voted unanimously in favor of the adoption of the Agriculture (AG) zone. Council members and citizens voiced concern about the continuation of grandfathered or legally non-compliant uses, which staff clarified.
- EMCCC:** EMCCC voted unanimously in favor.
- MCC:** MCC voted 5 in favor to 3 opposed for the adoption of Title 19 updates to the AG, FRE, and MHTH zones. The Millcreek Community Council did not recommend anything specific to the AG zone, but rather suggested changes to the proposed FRE and MHTH zones.
- MOCC:** MOCC voted unanimously in favor for the adoption of Title 19 updates to the AG, FRE, and MHTH zones. MOCC recommended removing campgrounds and outdoor dog kennels as conditional uses in the AG zone. Council members also recommended refining the definition of private recreational facilities. *See Table 18-34.1 for an updated list of uses, and Chapter 18.97 for an updated definition of 'private recreation facilities'*

Planning Commission Recommendation:

The Planning Commission unanimously recommended approval of ZT-23-005. The commission recommended to remove campgrounds and outdoor dog kennels as uses, as well as clean up the definition of private recreational facilities. *See Table 18-34.1 for an updated list of uses, and Chapter 18.97 for an updated definition of 'private recreation facilities'*

Subsequent to the initial Community Council review, staff added building envelope and projection requirements to the AG Zone. These standards are identical to those found in the R-1 and R-2 zones, and are intended to replace the RCOZ standards currently in effect in these zones.

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18.35 – Forestry Recreation Estate Zone

- CRCA:** CRCA voted 4 in favor to 5 opposed for the adoption of ZT-23-006. The opposition to this text amendment was due to the fact that the new ordinance would require 5 acre minimums to lots in the FRE zone.
- EMCCC:** EMCCC voted 7 in favor to 0 opposed for the adoption of ZT-23-006 with the condition that the FR-1 zone be exempted from being included in the new FRE zone.
- MCC:** MCC voted 5 in favor to 3 opposed for the adoption of ZT-23-006, with a recommendation that the 5-acre minimum be removed from the proposed ordinance.
- MOCC:** MOCC voted unanimously for the adoption of ZT-23-006 as presented by staff.

Planning Commission Recommendation:

The Planning Commission voted six (6) in favor and one (1) opposed to the recommendation that the City Council adopt an amendment to Title 19 updating definitions, repealing the F-1, FM-10, FM-20, FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50, and FR-100 Zones and enacting a new Forestry and Recreation Estate Zone to encompass all properties currently located in an FR-1, FR-2.5, FR-5, FR-10, and FR-20 zone, based on the findings and conclusions as presented by staff.

The City Council ultimately adopted the FRE Zone, with the five-acre minimum lot size. Enactment of the zone change was delayed to allow a concerned resident to file a subdivision application under the FR-1 zone standards, which allowed for a one-acre minimum lot size. Subsequent to the initial Community Council Review, staff adjusted the use list to match the use terms in the definitions chapter, and to update the code format for consistency.

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18.36 – Single-Household Residential (R-1) Zone

- CRCA:** CRCA made a motion to approve the proposed R-1/RCOZ draft as presented by staff. Motion passed 7-0.
- EMCCC:** EMCCC 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. *See 18.97 for a definition of ‘yard’ and of ‘setback’*
- MCC:** MCC 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. *The City Council adopted an ordinance that created different envelope options by zone, and added to the list of items that can project into setbacks. See 18.36.070 and 18.37.070.*
- MOCC:** 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. *Use lists updated to prohibit commercial daycares in R-1 zones. For more information on Commercial and Home Daycares and Preschool, see the definitions in 18.97 and the standards for each use in 18.75.050 and 18.75.060.*

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend adoption of the proposed text amendments, subject to the following clarifications:

1. A 32-foot height should be allowed in all zones. *The City Council increased building heights to 30 feet for R-13 to R-18 zones; and 32 feet for R-1-10 and above. See Table 18.36-3.*
2. Box envelope for the R-1-3 to R-1-5 zones.
3. 60-degree / 12 foot envelope for R-1-6
4. 45-degree / 8 foot envelope for R-1-8 and above, except for lots with nonconforming widths or areas. *Envelopes adopted pursuant to Planning Commission recommendation. See Figure 18.36.3. Exception for nonconforming lots or parcels in the R-1-8 zone is found at 18.36.050 (D).*
5. Allowance for balconies and decks on the second floor to project into front yard. *See 18.36.070 (E).*
6. 15-foot rear yard setback, with consideration for wider setbacks on steep slopes (20% or greater), up to 25 feet. *Setback remains at 15’, with exception for steep slopes. See 18.36.040 (C).*

The City Council ultimately adopted the proposed changes and incorporated them into the current RCOZ Zone. As part of the recodification, RCOZ will be eliminated and the standards will be incorporated into the AG, R-1, R-2, and R-4 zones, respectively.

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18.37 – Two-Household Residential (R-2) Zone

- CRCA:** CRCA voted unanimously in favor of the adoption of the Medium Density Zone.
- EMCCC:** EMCCC 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.
- MCC:** MCC 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. *The City Council established envelope standards for R-2 zones that parallel those for the R-1 zones.*
- MOCC:** MOCC voted unanimously 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.. *Use lists updated to prohibit commercial daycares in R-2 zones. For more information on Commercial and Home Daycares and Preschool, see the definitions in 18.97 and the standards for each use in 18.75.050 and 18.75.060.*

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend that the R-2 zone be adopted, subject to the same design conditions they listed for the R-1 zone, and to move the R-4 zone chapter into the RM Zone. *Building Envelope, setback encroachments, and design standards identical to those found in the R-1 zone are also found in the R-2 zone, under 18.37.040 - .080.*

The City Council ultimately adopted the proposed changes and incorporated them into the current RCOZ Zone. As part of the recodification, RCOZ will be eliminated and the standards will be incorporated into the AG, R-1, R-2, and R-4 zones, respectively.

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18.38 – Four-Household Residential (R-4) Zone

- CRCA:** CRCA voted unanimously in favor of the adoption of the Medium Density Zone
- EMCCC:** EMCCC 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. *The final draft of the R-4 zone includes design standards substantially similar to those in the R-1 and R-2 zones, including a 60-degree building envelope. See 18.38.050*
- MCC:** MCC 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. *The final draft of the R-4 zone includes design standards substantially similar to those in the R-1 and R-2 zones, including a 60-degree building envelope. See 18.38.050*
- MOCC:** MOCC voted unanimously 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. *Commercial Daycare made a conditional use, subject to new use standards, including being limited to streets with 80 feet of width. Standards are found in 18.75.050.*

Planning Commission Recommendation:

The Planning Commission recommended, ultimately, that the R-4 zone and the RM zone be combined, rather than the initial proposal to combine the R-2 and R-4 zones. Upon reviewing this possibility, staff concluded that it may make the most sense to leave the R-4 zone intact, but add reasonable design standards to the zone. Two community councils suggested a building envelope approach similar to those used in the R-1 and R-2 zones. Those changes were implemented into the final draft.

The current proposal removes most commercial uses from the R-4 zone, but adds the envelope and other design requirements from the R-2 zone. Staff believes this should address most of the concerns the Planning Commission raised about appropriate design standards for medium-density zones.

POLICY QUESTION:

Should C-1 and R-4 zones be “legacy zones” such that new property cannot be rezoned into these zones, or are these zones useful for missing-middle housing and neighborhoods?

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18.39 – Residential Mixed (RM) Zone

- CRCA:** Staff presented the revised RM Zone text to the CRCA in January 2024, but did not receive a recommendation from the CRCA.
- EMCCC:** EMCCC voted unanimously in favor of the RM Zone.
- MCC:** MCC voted to Approve the RM Residential Mixed Zone ordinance with the recommendation to consider changing Paragraph 18.01.30 (A) from "... and under 50 units" be changed to 12 units. *See Table 18.39-1. Multiple-Household Dwellings up to up to 32' building height and up to 25 units are permitted pursuant to the Planning Commission recommendation, as is affordable housing (See definition for 'affordable housing' in 18.97). All other multiple-household dwelling projects are conditional uses.*
- MOCC:** MOCC voted unanimously in favor of the RM Zone, as no concerns or qualifications at this point in time have been identified.

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend adoption of the new RM zone, subject to the following changes:

1. Revise 18.41.030 (A) to allow for permitted multi-family uses for dwellings under 25 units. *See Table 18.39-1.*
2. Revise 18.41.050 (A)(8)(c) to make compatible with landscaping chapter. *Reference added. See 18.39.050 (H).*
3. Consider incentives for 2-, 3-, and 4-plexes. Allow them to be platted. *Prior to final review, staff intends to add this incentive to the subdivision code, or the appropriate zone text.*

Subsequent to the initial Community Council review, staff added design standards, updated images, consolidated the list of permitted uses and defined each permitted or prohibited use, reduced the number of units for a multiple-household project eligible for a permitted use approval, and moved the affordable housing incentive language to a separate chapter, 18.77.

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

- CRCA:** CRCA voted unanimously in favor of the adoption of The Manufactured Home and Tiny Home (MH/TH) zone.
- EMCCC:** EMCCC voted unanimously in favor of the adoption of The Manufactured Home and Tiny Home (MH/TH) zone.
- MCC:** MCC voted 5 in favor to 3 opposed for the adoption of Title 19 updates to the AG, FRE, and MH/TH zones. The Millcreek Community Council did not recommend anything specific to the MH/TH in their motion. One comment was brought up by a council member to eliminate short-term rentals as a use in the zone. *See Table 18.40-1. Short-term rentals removed as a permitted use in the MH/TH Zone.*
- MOCC:** MOCC voted in favor of the adoption of Title 19 updates to the AG, FRE, and MH/TH zones.

Planning Commission Recommendation:

The Millcreek Planning Commission voted 5 in favor and 1 opposed to recommending ZT-23-007, as proposed by staff, to the Millcreek City Council. Commissioners discussed lowering the minimum size of a tiny home to 160 square feet and potentially increasing the minimum park size to consist of more than 8 units, but in the end did not vote to include those changes in their recommendation. The dissenting vote came from Commissioner Larsen due to the worry that Tiny Homes would not help with the housing affordability crisis and the land where they would be built could better accommodate more dense and tall housing options.

Subsequent to the initial Community Council review, staff consolidated the list of permitted uses and defined each permitted or prohibited use, added home businesses as a use, and removed short-term rentals and other uses.

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18.41 – Mixed Development (MD) Zone

- CRCA:** CRCA did not provide a formal recommendation to the City.
- EMCCC:** EMCCC voted unanimously in favor of the adoption of the M zone. Clarifying questions were asked about uses. *See 18.97 for defined uses as found in the use tables for each zone district.*
- MCC:** MCC voted to continue the discussion on the M, MD, and MD-3 zones, but did not provide a formal recommendation to the City.
- MOCC:** MOCC did not provide a formal recommendation to the City. MOCC suggested that commercial design standards for mixed use projects apply to those in the MD zone as well. *See 18.41.070 (M).* MOCC asked for the MCC’s opinion on the efficacy of building setbacks. *Mixed use buildings above 40 feet are subject to a setback requirement. See 18.41.070 (M).*

Staff met with the community councils in January 2023 to discuss the M, MD, and MD-3 zones. While we have no record of formal recommendations from most community councils on these matters, the staff report encapsulate substantive conversations staff had with each of the community councils.

Planning Commission Recommendation:

Motion to recommend approval of the proposed application ZT-23-021 to the City Council based on the staff’s summary and recommendation. No Changes.

Motion passed unanimously.

Subsequent to the Planning Commission meeting, staff added design standards for residential developments that are not mixed use. Staff is proposing an exception to the garage clearance requirement of 7 feet for internal stairways (See 18.41.070 (Q)(3)(f)). Similar language is found in the C and RM zones. Use list updated to match defined terms.

[Summary Sheet](#)
[City Council Staff Report](#)

18.42 – Mixed-Use Development (MD-3) Zone

CRCA: CRCA did not provide a formal recommendation to the City.

EMCCC: EMCCC voted unanimously in favor of the adoption of the MD-3 zone.

MCC: MCC voted to continue the discussion on the M, MD, and MD-3 zones, but did not provide a formal recommendation to the City.

MOCC: MOCC did not provide a formal recommendation to the City.

Staff met with the community councils in January 2023 to discuss the M, MD, and MD-3 zones. While we have no record of formal recommendations from most community councils on these matters, the staff report encapsulate substantive conversations staff had with each of the community councils.

Planning Commission Recommendation:

Motion to recommend approval of the proposed application ZT-23-021 to the City Council based on the staff's summary and recommendation. No Changes.

Motion passed unanimously.

The MD-3 zone is a “legacy zone” that applies to a handful of properties on 900 East. No new properties may be rezoned to MD-3. Subsequent to the community council meetings, staff revised a very long list of uses that were unique to the MD-3 zone with broader use categories that matched defined terms in the code. Some references to specific design standards for buffering and lighting were replaced with references to buffering and lighting found elsewhere in the code. Otherwise, no substantive changes were made to the MD-3 zone.

[Summary Sheet](#)

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18.43 – Neighborhood Commercial (C-1) Zone

18.44 – Commercial (C) Zone

CRCA: CRCA did not provide a formal recommendation to the City.

EMCCC: EMCCC voted unanimously in favor of the adoption of the C Zone amendments, subject to a letter provided by a council member, James Allyn. *Subsequent to the community council meeting, and on request of the Planning Commission, staff proposed leaving the C-1 zone intact, rather than rolling it into a combined commercial zone. The proposed C-1 zone includes additional design standards and maintains the use limitations found in the current C-1 zone.*

MCC: MCC recommended approval of the Commercial Zone, subject to the following:

1. Add a restriction on new storage units east of 700 East. *See 18.44.090 (E). The limitations prohibit self storage facilities east of 700 East.*
2. Reduce the percentage of affordable housing that can be build in the C Zone. As written, it is 100%. Perhaps a 25%-50% minimum will entice more potential developers interested in building affordable housing. *“Mixed affordable Housing” of at least 25% of units is eligible. See 18.77.030 for a definition.*

MOCC: MOCC provided a qualified recommendation for the adoption of the C Zone amendments, subject to remedying or clarifying the following issues:

1. The draft commercial zone ordinance reduces the geographical restrictions on a number of so-called “incompatible” uses, including, but not limited to) outdoor commercial recreation, vehicle service and repair, equipment car and truck rental, outdoor kennels, pawnshops, smoke shops, tattoo services, check cashing /payday lenders, flea markets, swap meets, etc. *Keeping the C-1 zone allows for a limited number of uses in those commercial areas that are closest to existing residential uses. Otherwise, most of the separation requirements are similar to those in the existing code: 300 feet, or 150 feet for drive-up windows.*
2. Related to the above, the draft ordinance will allow in the current C-1 zone areas a number of “Incompatible” uses that are currently prohibited or limited in that zone, as listed above. *C-1 zone is no longer proposed to be incorporated into the C zone standards.*
3. Although it is implausible for several reasons that such an outcome would occur, the draft commercial zone ordinance allows for a vehicle dealership at the Olympus Hills Shopping center location as a permitted use, an area designated in the General Plan as a prospective village center. In addition, there are a number of other uses that the draft ordinance will allow in this area that are also incompatible with the village center concept. *Automobile uses now have a 300-foot buffer from a residential zone boundary. See Table 18.44-1.*

Planning Commission Recommendation:

Following their second formal meeting, the Planning Commission made a 7-0 recommendation in favor of the proposed commercial zone with the additional changes below

- Commercial entertainment – increase the residential separation to 300 feet.
- Add vaping to tobacco sales. *See Table 18.44-1 and a definition of “Retail Tobacco Specialty Business” in 18.97. The definition comes from state statute and includes sale of “electronic cigarette products”.*
- Revise 18.45.060(7)(c) regarding perimeter fencing to make consistent with landscape buffer. *Buffering requirements added to Table 18.45-2; language updated in 18.44.060 (G).*

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- Exempt drive-throughs without speaker boxes from limits. *See 18.44.090(D).*
- Keep C-1 separate. *See Chapter 18.43.*
- Consider flexibility for entrances. Consider options that allow for entrances to be close to the street, but not on the front. *See 18.44.060 (C).*
- Consider separate enhanced incentives for low and very low AMI housing. *See 18.77.*
- 100-foot ROW minimum for automobile sales. *See 18.44.090 (A)*
- Separation between restaurant drive-throughs. *See 18.44.090(D) – separation applies to any drive-up window.*
- Minimum distance for restaurant drive-throughs from corner. *See 18.44.090(D).*

Subsequent to the Planning Commission meeting, staff separated the C-1 Zone regulations from the rest of the C Zones, and characterized the C-1 zone as a “legacy district.” Staff added the same design standards to C-1 that are proposed for the C Zone. Staff welcomes your feedback on whether or not the C-1 Zone should be a legacy district, or if the standards are sufficient to promote additional properties to rezone into C-1.

In both zones, the uses lists were updated to match defined terms.

POLICY QUESTION:

Should C-1 and R-4 zones be “legacy zones” such that new property cannot be rezoned into these zones, or are these zones useful for missing-middle housing and neighborhoods?

Is there an opportunity for more small-scale commercial in our neighborhoods?

[C-1 Zone Summary Sheet](#)

[C Zone Summary Sheet](#)

[City Council Staff Report](#)

18.46 – Light Manufacturing (M) Zone

CRCA: CRCA did not provide a formal recommendation to the City.

EMCCC: EMCCC voted unanimously in favor of the adoption of the M zone. Clarifying questions were asked about uses. *See 18.97 for defined uses as found in the use tables for each zone district.*

MCC: MCC voted to continue the discussion on the M, MD, and MD-3 zones, but did not provide a formal recommendation to the City.

MOCC: MOCC did not provide a formal recommendation to the City.

Staff met with the community councils in January 2023 to discuss the M, MD, and MD-3 zones. While we have no record of formal recommendations from most community councils on these matters, the staff report encapsulate substantive conversations staff had with each of the community councils.

Planning Commission Recommendation:

Motion to recommend approval of the proposed application ZT-23-013 to the City Council based on the staff's summary and recommendation with the following recommendations:

1. Commercial Entertainment uses which are outdoors be recognized as conditional uses. *See Table 18.46-1 for the changes.*
2. Increase buffer for Commercial Entertainment use to 300' from 150'. *See Table 18.46-1 for the changes.*
3. Add "Vape Sales" to the Tobacco Sales use in the Prohibited Uses and Limitations. *See Table 18.46-2 and a definition of "Retail Tobacco Specialty Business" in 18.97. The definition comes from state statute, and includes sale of "electronic cigarette products".*

Motion passed unanimously.

Subsequent to the Planning Commission meeting, staff updated the staff report to align uses with terms defined in the code, and to make technical and editorial corrections for readability.

[Summary Sheet](#)
[City Council Staff Report](#)

18.47 – City Center Overlay Zone (CCOZ)

- CRCA:** CRCA voted unanimously (5-0) to recommend approval.
- EMCCC:** EMCCC voted (7-1) to recommend approval. One member expressed opposition for reducing commercial on double-fronting lots.
- MCC:** MCC voted (8-0) to recommend approval with the condition that reduced commercial requirement be constructed as convertible space, meeting commercial design standards. *The Planning Commission did not include the convertible space requirement in their initial recommendation.*
- MOCC:** MOCC voted (8-0) to recommend approval with the condition that reduced commercial requirement be constructed as convertible space, meeting commercial design standards. *The Planning Commission did not include the convertible space requirement in their initial recommendation.*

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend approval of the proposed updates to CCOZ, based on the details of the staff report and the findings identified by staff. *The cost impacts of building convertible space were discussed at the Planning Commission meeting, but the motion did not include a provision requiring that noncommercial space on a second street-facing façade of a building on a corner lot be built as “convertible space”.*

Subsequent to the Planning Commission Meeting, the CCOZ was reorganized slightly, graphics were updated, and the uses lists were updated to match defined terms. The requirements for commercial uses in mixed use buildings on corner lots can be found in Table 18.47-12 and in 18.47.070 (A).

POLICY QUESTION:

Staff notes that there are a variety of opinions on the efficacy of building stepbacks, and welcomes a discussion and recommendation on how uniformly stepbacks should be applied in CCOZ. Are there areas in CCOZ, such as across from existing commercial uses, where a stepback may not be necessary?

[Summary Sheet](#)
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18.48 – Village Center Special Districts

18.49 – Olympus Hills West VCSD

The Village Center Special District standards and the Olympus Hills West VCSD were adopted by the City Council, as part of a public process initiated in 2023. More recently, the developer of the Olympus Hills West VCSD applied for additional changes to that district's use and design standards.

Aside from minor technical corrections, and ensuring that the use list matches defined terms, no changes were made to Chapters 18.48 or 18.49. For a summary of the VCSD efforts and the community council recommendations at the time, see the links below.

Village Center Special Districts: [Summary Sheet](#)
 [City Council Staff Report](#)

Olympus Hills West VCSD: [Summary Sheet](#)
 [City Council Staff Report – October 2023](#)
 [City Council Staff Report – December 2024](#)

18.59 – Accessory Structures

- CRCA:** During their regularly scheduled their meeting, the CRCA heard the proposed changes to the accessory building code and had no issues with the proposed changes. They did not have a quorum to make a recommendation but stated that the proposed changes made sense as proposed.
- EMCCC:** EMCCC voted unanimously to recommend approval.
- MCC:** MCC recommended approval.
- MOCC:** MOCC voted 5-0 with one abstention to support the accessory structures code as proposed by staff.

Planning Commission Recommendation:

Commissioners voted unanimously to recommend approval of the proposed ordinance to the City Council with the added language of dropping the 10 foot rear / side yard setback rule in the RM Zone and allowing for accessory buildings to be built within the 20 foot setback on flag lots. *See 18.24.030 (B)(8)(b) for accessory buildings on flag lots. The standards in the Accessory Structure chapter apply to properties in the RM zone. Setbacks are less than 10 feet, and are dependent on the height of the accessory structure.*

Subsequent to the Planning Commission’s review, staff made technical corrections to the code for clarity.

POLICY QUESTION:

The proposed accessory building standards do not impose a maximum size, instead relying on the maximum lot or parcel coverage in the underlying zone. For single-household residential zones, these lot coverage standards can be found in Table 18.36-2.

Can accessory buildings be any size, so long as they don’t exceed the lot coverage in a zone?

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18.61 – Sensitive Lands

CRCA: CRCA voted unanimously to recommend approval.

EMCCC: EMCCC voted unanimously to recommend approval.

MCC: MCC recommended approval, subject to adding an option that relieves the builder of a single-family home from the obligation of an extensive geotechnical study – and reinsert the table currently found in Section 19.75.050 of the Geological Hazards Ordinance. *See Table 18.61-1. The Planning Commission opted not to categorically exempt single-family homes from a geotechnical requirement, but staff notes that in most cases, such as a low liquefaction area, a “Level 1 Geotechnical Report” is required, which doesn’t require extensive boring. See MKZ 18.61.100(C)(8) for requirements for Level 2 Geotechnical Reports.*

MOCC: MOCC voted 5-0 with one abstention to support the accessory structures code as proposed by staff.

Planning Commission Recommendation:

The Planning Commission held a public hearing regarding the sensitive lands ordinance on 28 February 2024. At that meeting, the planning commission discussed a number of items, including landscaping and tree preservation along stream corridors, and the thresholds for geological studies and Geotech reports. At that meeting, the planning commission made a unanimous recommendation of approval of the proposed changes to the sensitive lands ordinance, adding vegetation along waterways, protecting existing vegetation and trees, adding definitions for “alluvial fan” and “riparian area” and clarifying the type of licensed professional required for studies. *See 18.97 for updated definitions. See 18.61.140 (C) for added standards for tree protection. See 18.61.080(D)(3) for updated language regarding landscaping along riparian buffers.*

Subsequent to the Planning Commission’s review, definitions were added, and minor formatting adjustments were made to the Sensitive Lands chapter.

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18.63 – Parking and Mobility Standards

- CRCA:** CRCA voted unanimously to recommend approval of the ordinance updates, with the following considerations:
1. Requesting bike areas be well lit and in a useful location. *See 18.63.040 (A)(1)(d).*
 2. Parking be lit - not as a requirement but a recommendation *Parking lot lighting standards are found in 18.68.040 (E).*
 3. Parking revenue and sharing be taken into consideration around the city center. *This is not a zoning code issue, but the city is sharing costs for a public parking structure on Millcreek Common.*
- EMCCC:** EMCCC voted unanimously to recommend approval.
- MCC:** MCC recommended approval, 6 in favor with 3 abstentions, provided that parking ratios do not change from the current (2022) standards.
- MOCC:** MOCC voted unanimously to recommend approval.

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend approval of the parking and mobility standards ordinance, subject to the following:

1. Include additional location criteria for Electric Vehicle charging outlets to ensure they are accessible by users. *See 18.63.020 (B).*
2. Create an additional parking use category for high turnover gyms and sport facilities. *See Table 18.63-2, Notes 2 and 3.*
3. Revise the minimum parking requirement for multiple-dwelling buildings to 1.0 spaces per studio and 1.25 spaces per one bedroom. *See Table 18.63-2. This recommendation was adopted, except for projects in CCOZ.*

The City Council adopted the parking standards in early 2023, after the Planning Commission's recommendation. In the latest draft, we aligned uses in Table 18.63-2 to the defined terms in our code, added detail on electric vehicle charging infrastructure, and made minor formatting adjustments. Staff is adding language that clarifies what a 'bedroom' is for the purpose of calculating parking.

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18.64 – Landscape Standards

- CRCA:** CRCA voted unanimously to recommend approval of the ordinance updates, with the following consideration: adjust code to be more clear as to what an activity zone is to decrease abuse without overburdening developers. *See 18.97 for a definition of ‘activity zone’. Activity Zones are applied to single-household and two-household design standards in 18.64.080 (C)(1)(c).*
- EMCCC:** EMCCC voted unanimously to recommend approval.
- MCC:** MCC voted 6 in favor to recommend approval of the ordinance updates, with 3 abstentions.
- MOCC:** MOCC voted unanimously to recommend approval of the ordinance updates, and recommended adding landscaping known to harm wildlife such as deer or elk to a list of prohibited species. *The plant list was not updated with these considerations. Staff welcomes further input from the community council on this question. Staff will update the plant list in time for final adoption of the code.*

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend approval of the landscape standards ordinance, subject to the addition of language that clarifies that invasive trees such as Russian Olive, Box Elder, Siberian Elm, and Tree of Heaven are exempted from tree preservation requirements. *The plant list was not updated with these considerations. Staff welcomes further input from the community council on this question. Staff will update the plant list in time for final adoption of the code.*

The City Council adopted the parking standards in early 2023, after the Planning Commission’s recommendation. In the latest draft, staff made minor formatting adjustments. Staff will update the Millcreek Plant List pursuant to the Community Council and Planning Commission recommendations in time for final adoption.

POLICY QUESTION:

Should we consider a maximum impervious surface coverage for residential parcels? What about 2 driveways?

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18.65 – Signs

CRCA: *Sign Code and Digital District Sign and Exchange Agreement Recommendation.* Three residents commented, two opposed and one supported. Some members expressed concern about the impact of digital signage, while others expressed support for an exchange agreement that results in a net reduction of billboard square footage. In the end, as indicated in an email to staff from their Council Co-Chair, “The motion that [passed] recognized that half the CRCA present were not moved in favor of the changes - so the recommendation we had put forward, seconded, and voted with three in favor, two abstains, and 1 nay was to ‘encourage the city of Millcreek to pursue the digital signs.’ This recommendation is not of the ordinance change as there were many on the CRCA that felt that we needed more information to appropriately understand the ordinance change and implications. The sign trade idea as was quite contentious and the CRCA recognized the differing view points. While the three voting in favor of the resolution did want to see older billboards updated, this specific deal presented to the CRCA had us divided.

EMCCC: *Sign Code and Digital District Sign and Exchange Agreement Recommendation.* A member expressed concerns about distraction and road safety. A member expressed concern about the last painful public process, and ensuring that there is a place of repose and serenity at Millcreek Common. A majority of the council supported the possibility of digital district signs and the opportunity to reduce billboards in Millcreek, subject to an exchange agreement. Some discussion was had about whether a 3sf:1sf ratio of static billboard area to digital district sign area was appropriate. They voted 5 in favor to 3 opposed for the adoption of the sign ordinance, including the provision for digital district signs subject to an exchange agreement.

MCC: *Sign Code Recommendation.* The MCC voted unanimously in favor of the adoption of the sign ordinance in general.

Digital District Sign and Exchange Agreement Recommendation. There was considerable discussion. A handful of residents commented, all opposed. Some members expressed concern about digital signage in general, while others expressed support for the city negotiating with sign companies with a goal to reduce the area and number of billboards in Millcreek. A general consensus emerged in the meeting that a 3sf:1sf ratio of static billboard area to digital district sign area was not sufficient. They expressed a desire for a more favorable exchange. The MCC voted 9 in favor, 2 against, and one abstaining to approved the city’s plan to add digital district signs in removing traditional billboards.

MOCC: *Sign Code Recommendation.* As respects the draft sign ordinance, but specifically not including the draft language dealing with two additional “district signs within the city center, the Mount Olympus Community Council gave a positive recommendation with a unanimous vote of all 8 members present.

Digital District Sign and Exchange Agreement Recommendation. At their meeting on March 4, 2024, the Mount Olympus Community Council voted unanimously among the members present to recommend denial of the addition of digital district signs, citing aesthetic and safety concerns.

Planning Commission Recommendation:

Sign Code Recommendation. The Planning Commission voted 5 in favor to two opposed to

recommend that the City Council approve the sign ordinance revision ZT-23-016 as presented by staff, not including the provision regarding digital district signs, and with the following recommended changes:

1. Window signs should be limited to the ground story of a building. *See 18.65.150 (D)*
2. Amend 18.68.140 (C) to clarify durations of temporary signs. *See 18.65.140 (D).*
3. Pure white materials should be allowed for logos and wording in a sign. *See 18.65.120 (C)(3).*

Digital District Sign and Exchange Agreement Recommendation. The Planning Commission voted six in favor to one opposed to recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Table 18.16.113 in the Draft Ordinance should be amended to state that no additional digital district signs are allowed in the City Center Overlay Zone. The Planning Commission had a robust discussion over the course of two meetings regarding digital district signs. Discussions included potential options such as smaller digital signs, a monument sign at Highland Drive, and a digital district sign at 1300 East, and an exchange ratio that benefitted the city. After making their motion at the March 20, 2024 meeting, the Planning Commission discussed that, if the City Council were to pursue an exchange, the City Council should emphasize the removal of billboards that have the greatest nonconformities, including billboards that are:

1. Taller than 32 feet in height.
2. Larger than 300 sf in sign area.
3. Located within 150 feet of a residential zone.
4. A two-decked billboard.
5. Any billboard within 500 feet of a municipal boundary.

Subsequent to the Planning Commission's review, the City Council adopted a sign ordinance that included all of the planning commission's recommended changes, except for digital district signs. The City Council approved the addition of one additional digital district sign at some point in the future.

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18.66 – Fences and Retaining Walls

CRCA: CRCA did not have enough members present at the meeting on 9/4/2024 to vote during the meeting but ensured staff that they would discuss and formulate a formal recommendation. No recommendation was given by the date of the planning commission meeting however staff conveyed their understanding of the issues discussed during their regular meeting. The CRCA later gave a recommendation concerning file number ZT-23-017 as follows:

- Unable to support the code update [draft] as it is currently written
- The code is written quite poorly. It is unclear and the syntax is not flowing. This means it is difficult for us, the CRCA, to truly understand the changes being made in the code. Like all code updates, we request that the code being updated be written in clear, concise, and easy to understand language. This code update did not meet that criteria. *Chapter was reorganized and edited for clarity. More and better images were added.*
- The code update is eliminating wood from potential materials for fencing. The CRCA feels that, while it is true that unmaintained wood fences may not look appealing, wood fencing is the white picket American dream. We recommend that the code should reflect well maintained and good looking wood fencing should be allowed. We recommend the code be updated to include cases where wood fencing may be used. *Wood fencing added as an allowed material. See 18.66.080 (A)(1)(d).*
- Making Fencing unaffordable. Wood fencing is one of the cheaper materials used for fencing. We recommend that this code update considers the needs of our less wealthy residents and provides accommodations for homeowners that may not be able to afford the current proposed fencing materials. Owning a home is expensive, we should try to limit how the code can be cost prohibitive to homeowners. When you read of local or municipal codes that are prohibitively affecting housing prices and availability, I am concerned that this update would fall into that category making it harder for first time homeowners to find a place in Millcreek. *See above.*
- Additional materials can be used for potential fencing materials. We recommend that the code explore the uses of additional fencing materials, such as TREX fencing materials as suitable fencing. *See 18.66.080 for an updated list of permitted materials, including composite materials. Figure 18.67.1 added to describe open-style fencing.*
- 3' height limit in the front yards does not consider the needs of pet ownership, especially on busy streets. We recommend that fencing heights may be tall enough to prevent average sized pets from escaping owner properties into traffic, e.g. removing the 3' height limit in the front yards. Again, I am concerned about this code update negatively affecting homeownership and availability in Millcreek. *Taller fences are allowed in front yards, if they are "open style". See 18.66.070(A). Definition added to 18.97.*

EMCCC: EMCCC voted unanimously to recommend approval, subject to the following considerations:

- Fence Materials, as listed within sections 18.67070.A3 & 18.67.080.B.3, be changed to allow wood and chain link fence materials in front yards with added language to limit wood fences to a more weather resistant wood material (i.e. cedar, redwood, cypress, bamboo etc. Also, added language to prohibit wood panels or sheathing, etc. Front yard fencing needs to remain as an open style as proposed. *Wood fencing added as an allowed material. See 18.66.080 (A)(1)(d).*
- Concerns with single retaining walls being changed from 8' to 12' tall. *The Planning*

Commission recommended a 12' maximum retaining wall height, given that the walls mostly affect residents in the Mount Olympus Community Council District, and that council generally expressed a preference for allowing taller walls.

MCC:

MCC voted unanimously to recommend approval, subject to the following considerations:

- Exterior Waste Receptacles, as listed under the General Requirement (18.67.040A), be clarified to mean “shared” or “common” and not necessarily individual receptacles and, the waste receptacle gates/doors should have to be of a “solid steel” material; *See 18.66.040 (B).*
- Allow other fencing materials besides decorative solid precast/masonry fences for developing properties which are an incompatible use such as nonresidential and existing residential uses, as listed under Fencing Between Incompatible Uses (18.67.050.A); *Section discussing fencing between incompatible uses removed. Buffering requirements as set forth in Landscaping Ordinance remain. See 18.64.050.*
- Wood and Chain link should be allowed materials instead of prohibited materials, as proposed under sections 18.67.070.A.3 and 18.67.080.B3. Also, “corrugated sheet metal” should be allowed if it is “decorative”. *Wood fencing added as an allowed material. See 18.66.080 (A)(1)(d). The Planning Commission recommended an ordinance that prohibited new chain link fencing.*
- Concerns with single retaining walls being changed from 8' to 12' tall. *The Planning Commission recommended a 12' maximum retaining wall height, given that the walls mostly affect residents in the Mount Olympus Community Council District, and that council generally expressed a preference for allowing taller walls.*

MOCC:

MOCC voted unanimously to recommend approval of the ordinance updates, subject to the following considerations:

- Concerns single retaining walls not being allowed taller than the proposed height of 12' tall. *Two other community councils recommended shorter maximum height for retaining walls. The Planning Commission recommended a 12' maximum height.*
- Would like the city to consider scalable stepping of retaining wall systems. *See 18.66.020 (E).*
- Consider adding setback between retaining walls and property lines. *The Planning Commission did not include a property line setback requirement in their recommendation, except for retaining walls abutting a right-of-way.*
- Consider adding railing, guardrails, or barrier on top of significantly tall retaining walls along property lines. *Guardrail requirement added. See 18.66.030 (B).*
- No maximum cap on terraced retaining walls as long as they kept the 2:1 ratio, as proposed. *Maximum cap removed. See 18.66.020.*
- Generally, did not like wood, chain link, or vinyl materials - particularly within front yard areas. *Two other community councils recommended adding wood fencing as an allowed material. The Planning Commission accepted these recommendations in their recommendation to the City Council.*

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend approval of the fencing ordinance, subject to the following changes:

- Allow a single retaining wall to be as high as 12 feet. *See 18.66.020 (C).*

- No limit on the diameter of trees within the clear view area. *Clear View Requirements moved to its own chapter, 18.67, and the maximum diameter for tree trunks was removed. See 18.67.040.*
- Continue to require the clear view area to be 20 feet as measured from the center of a driveway as per current code, rather than ten feet from the edge of driveway as proposed. *Staff remains concerned that measuring clear view triangles from a center of a driveway will result in inconsistent outcomes, because driveway widths vary considerably across Millcreek. Sometimes, the clear view triangle can be too extreme; other times, too narrow.*
- A clarification to change the figure/exhibit to show the street side yard fence to allow a 6' tall privacy fence once beyond the front plain of the home. *Staff will ensure that Figure 18.62.7 will be corrected in time for final adoption.*

Subsequent to the Planning Commission's review, staff relocated the clear view requirements to a new chapter, 18.68. Staff added a provision for a neighborhood compatibility modification to allow for flexibility in fence height in neighborhoods where taller fences are common. Language was edited for clarity, and an update to Figure 18.62.7 is pending.

[Fences and Retaining Walls Summary Sheet](#)
[Clear View Requirements Summary Sheet](#)
[City Council Staff Report](#)

18.69 – Required Studies and Plans

CRCA: CRCA did not meet in July 2024, when this ordinance was presented to the community councils for their review. Staff sent copies of the proposed text amendments to each member to respond. One individual response was received. It expressed that they had reviewed all the proposed code changes, do not have any additional comments, and would recommend the adoption of each change.

EMCCC: EMCCC voted unanimously to recommend approval.

MCC: MCC voted unanimously to recommend approval.

MOCC: MOCC voted unanimously to recommend approval.

Planning Commission Recommendation:

The Planning Commission met on July 17, 2024, and unanimously recommended approval, subject to removing the exemption for a traffic study for drive-up windows on development sites less than ½ acre, and that the traffic study threshold requirements coincide with UDOT’s traffic study threshold requirement. *Chapter updated with Planning Commission recommendations. See 18.69.040 (A).*

Subsequent to the Planning Commission’s review, staff edited the proposed ordinance for clarity.

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18.71 – Accessory Dwelling Unit Standards

- CRCA:** CRCA had few concerns about the proposed changes. There was discussion on whether detached ADUs should be allowed on flag lots. CRCA did not have a full quorum so they could not make a formal recommendation but stated that they accepted with the proposed changes, including adding detached ADUs on flag lots so long as they were beholden to the normal rules for height, setbacks, and lot coverage area. *The prohibition on detached ADUs on flag lots has been removed.*
- EMCCC:** EMCCC discussed the proposed changes with emphasis focused on occupancy limits and parking requirements. There was concern that there would not be enough parking for ADUs. Council members also expressed the desire to update the ordinance so that it works for residents that are pursuing ADUs. Members expressed differing opinions on detached ADUs on flag lots with there not being a clear outcome on their collective preference. EMCCC motioned to make a positive recommendation on the proposed ordinance by staff. The motion passed 7 to 1. The 1 opposing vote was based on any changes to the ADU ordinance in general.
- MCC:** MCC heard the proposed ordinance changes by Millcreek staff and had a few recommendations to be considered. Some members express concerns that Millcreek was changing too much too soon to the original date of ADU code adoption. Concerns about parking also arose, specifically for detached ADUs. In the end the council made a motion to recommend approval of the ADU ordinance as proposed with the changes that 1 parking stall be required per adult that will use the ADU, only count floor area to the total detached ADU size (basements, lofts, and attic spaces should not count towards the total ADU allowable square footage), add a hyperlink in the ADU code to the enforcement chapter of the Millcreek code, and allow for up to 33% of the rear yard to be covered instead of 50%. This motion passed unanimously. *The City Council directed staff to require a parking ratio of 1 space per ADU. This requirement is found in Table 18.63-2. Theoretically, an accessory structure can become an accessory dwelling unit. In order to remain consistent with the proposed policy for accessory structures, staff presented an ADU ordinance to the City Council that limited the square footage of an ADU to 1,000 square feet, and the footprint of the ADU to the maximum lot or parcel coverage allowed in the underlying zone.*
- MOCC:** MOCC had similar concerns about parking for detached ADUs, specifically if we were to allow them on flag lots. Some members didn't want ADU parking requirements to outstrip the parking requirements for the primary residence on the property, which requires 2 spots currently. In the end, they motioned for a positive recommendation to planning commission for the ordinance as proposed by staff, with the added stipulation that designated off street parking for detached ADUs on flag lots should have 1 designated spot per bedroom. The motion passed unanimously. *The City Council directed staff to require a parking ratio of 1 space per ADU. This requirement is found in Table 18.63-2.*

Planning Commission Recommendation:

A final motion was made recommending the proposed changes to the ADU ordinance to the City Council as proposed by staff with the conditions added that total lot coverage calculations should be used instead of rear yard calculations, one parking stall per bedroom up to two parking stalls per ADU, flag lots should be allowed to build attached and detached ADUs so long as they meet all the ADU standards in code, keeping the two adults and any

number of children language for attached and detached ADUs, and keeping the limit on lots under 6,000 square feet from having internal ADUs. This motion passed five to two. The two dissenting votes stated that they wanted to see four adults allowed per ADU, allowing larger ADUs for large lots, and removing the limit on lots under 6,000 square feet. *At their first reading, the City Council directed staff to remove the prohibition on attached ADUs on lots or parcels under 6,000 square feet. The occupancy limit for detached ADUs is proposed to remain as 2 adults and any number of children.*

Subsequent to the Planning Commission's review, a majority of City Council members indicated a preference at their first reading that parking for ADUs be established at 1 stall per ADU, and that the prohibition of attached ADUs on lots or parcels less than 6,000 sf be removed. These changes are reflected in the final draft ordinance. Otherwise, minor technical corrections and formatting changes were made to the ordinance. A previous draft showed a table for attached ADU standards in 18.71.080. This table was replaced with text.

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18.72 – Building Height

CRCA: CRCA did not meet in July 2024, when this ordinance was presented to the community councils for their review. Staff sent copies of the proposed text amendments to each member to respond. One individual response was received. It expressed that they had reviewed all the proposed code changes, do not have any additional comments, and would recommend the adoption of each change.

EMCCC: EMCCC voted unanimously to recommend approval as proposed.

MCC: MCC voted unanimously to recommend approval as proposed.

MOCC: MOCC voted unanimously to recommend approval as proposed.

Planning Commission Recommendation:

The Planning Commission voted unanimously recommended approval, except that allowable height exceptions be limited to:

1. 14 feet for stairways and elevators;
2. 5 feet for parapet walls and mechanical equipment. *See 18.72.040 for height limits pursuant to the Planning Commission recommendation.*

Subsequent to the Planning Commission’s review, staff edited the ordinance for clarity and updated a figure.

[Summary Sheet](#)
[City Council Staff Report](#)

18.73 – Historic Preservation

- CRCA:** During their regularly scheduled their meeting, the CRCA heard the proposed changes to the historic preservation code and had no issues with the proposed changes. For enforcement, they thought a 5-year lien would make sense along with some fees for illegal demolitions. They did not have a quorum to make a recommendation but stated that the proposed changes were good.
- EMCCC:** EMCCC voted unanimously to recommend the changes as proposed.
- MCC:** MCC voted unanimously to recommend the changes as proposed.
- MOCC:** MOCC voted 5 in favor with one abstention to recommend the changes as proposed.

Historic Preservation Commission Recommendation:

The Historic Preservation Commission (HPC) met on 8/8/24 and discussed the changes to the historic preservation code. The HPC has discussed these changes at past meetings as well with the general consensus on enforcement for illegal demolitions being a mix of fees and a lien.

Planning Commission Recommendation:

The Planning Commission recommended approval of the historic code as proposed to the city council with the added language that illegal demolitions of historic properties should have a sliding scale of fines that apply to the property owner and operator, that a 7 year clouding of the title is enforced, and that the current 10 day demo permit stay be increased to 21 days. The motion passed unanimously. *See 18.73.120 (C) for enhanced demolition penalties. For projects on the Historic Landmarks List, demolition waiting period extended to 10 business days – two work weeks. This is the maximum delay allowed pursuant to state statute limits for building permit approvals. See 18.73.060 (H).*

Subsequent to the Planning Commission review, minor editorial changes were made for clarity.

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18.74 – Residential Facilities for Persons With a Disability

CRCA: CRCA heard the proposed amendments to the Millcreek Code regarding residential facilities for persons with a disability and reasonable accommodation and had no issues with the proposed changes. They did not have a quorum to make a recommendation but stated that the proposed changes made sense as proposed.

EMCCC: EMCCC voted unanimously to recommend the changes as proposed.

MCC: MCC voted unanimously to recommend the changes as proposed.

MOCC: MOCC voted unanimously to recommend the changes as proposed.

Planning Commission Recommendation:

The Planning Commission unanimously recommended adoption of the proposed amendments, with the addition of language that allows the city to conduct a building and site inspection of the proposed residential facility as part of a review of an application for a residential facility or a reasonable accommodation request. *See 18.74.010 (E).*

Subsequent to the Planning Commission’s recommendation, minor editorial changes were made for clarity.

[Summary Sheet](#)

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18.75 – Wireless Telecommunication Facilities

- CRCA:** CRCA voted unanimously in favor to recommend adoption of the ordinance as proposed.
- EMCCC:** EMCCC voted unanimously in favor to recommend adoption of the ordinance as proposed.
- MCC:** MCC voted 7 in favor to 4 opposed to recommend adoption of the ordinance. The Millcreek Community Council recommended limiting monopole heights to a maximum of 60 feet with the understanding that modification could be made through the eligible facility request process to further change the physical dimensions of pole. *Maximum height for a monopole is 60 feet. See 18.74.090 (G).*
- MOCC:** MOCC voted 6 in favor to 1 opposed to recommend adoption of the ordinance, subject to the following:
1. In the absence of a “slim pole” design that incorporates telecommunication equipment within a very slim profile, a monopole wireless telecommunications facilities pole height should be limited to a maximum height of 60 feet. If the pole will be of a “slim pole” design with the equipment mounted in a very slim profile, then the maximum height allowed should not exceed 80 feet. *Maximum height for a monopole is 60 feet. See 18.74.090 (G).*
 2. Monopole wireless telecommunications facilities should be required (not recommended) to be of a “stealth” design, subject to the planning director being authorized to waive the stealth requirement, subject to good cause as petitioned for by the applicant. *Monopoles are prohibited in any sensitive land designation (which is much of the city), unless it is made stealth. See 18.74.090 (B).*

Planning Commission Recommendation:

During the regularly scheduled public meeting held June 19, 2024, the Planning Commission considered public comment and recommended (5-0) to the City Council to approve the proposal as presented/proposed by Staff.

Subsequent to the Community Council reviews, images were updated, and the code was modified to make it clear that a building permit would not be required for residential small-dish receivers. The City Council recommended the addition of language that prohibits monopoles in sensitive lands areas, unless they are made “stealth”. Appropriate definitions were added to 18.97.

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18.77 – Affordable Housing Incentives

- CRCA:** CRCA did not meet in July 2024, when this ordinance was presented to the community councils for their review. Staff sent copies of the proposed text amendments to each member to respond. One individual response was received. It expressed that they had reviewed all the proposed code changes, do not have any additional comments, and would recommend the adoption of each change.
- EMCCC:** EMCCC voted unanimously to recommend approval with the following conditions:
1. The Community Council did not agree with the increased height (10') in R-1-“3-5” zones. *Allowable height reduced to 5 feet. See Table 18.78-1.*
 2. The Community Council did not agree with waiving ground-floor commercial requirements where mixed-use developments are required in the City Center and future Village Centers to promote community gathering areas. *Incentive does not apply to developments within 250' of a major intersection, and only applies to completely affordable development.*
- MCC:** MCC voted (7-1) to recommend approval with the condition that the affordable housing chapter be reviewed and amended as better data reveals itself. While MCC members agreed that the proposed Affordable Housing chapter was crucial in satisfying the state mandated implementation actions regarding the moderate-income housing adopted strategies, members expressed the following concerns:
1. Staff's proposed incentives were disproportionate and only incentivized affordable housing on the west side. Some members are concerned that all the new density is being targeted in their district.
 2. Data from the Zions Housing Report. Some council members expressed concern about the data, specifically data showing deficit of housing units targeted at deeply affordable housing 30% AMI.
 3. Some community council members expressed concern that incentives were largely aimed at incentivizing moderate income housing at %50 AMI+ and not nearly enough towards deeply affordable housing at 30% AMI. *Fee waiver limited to Low Income and Very Low Income developments. See Table 18.77-1.*
- MOCC:** MOCC voted unanimously to recommend the affordable housing incentives ordinance as presented, with these major exceptions: The proposed 100' maximum height to be used for affordable housing should be limited to the following zones:
- a) Mixed Development (MD) zone – note: the current maximum height is currently 72' with the option for greater height, subject to a conditional use application, for all allowed uses. *The conditional use provision for additional height has been removed from the MD Zone. See Table 18.41-3.*
 - b) Light Manufacturing zone – note: the current maximum height is already 100' for all allowed uses. *New housing is not allowed in the M Zone.*
 - c) Commercial zones, but only within ¼ mile of a transit station. Other than this one exception, it is inappropriate to allow structures up to 100' in height in any commercial zone. *Additional height only allowed in adopted station area plan boundaries, which are by state statute definition within ¼ mile of a fixed guideway transit station. See Table 18.77-1.*

Planning Commission Recommendation:

The Planning Commission voted unanimously to recommend approval of the affordable

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housing incentives ordinance as proposed by staff with the additional conditions:

1. A right of repurchase enforcement. *See Enforcement Mechanisms, 18.77.070, particularly (B)(5).*
2. Revising the open space reductions within proximity to a park. *See Table 18.77-1 for updated standard.*
3. Incentivizing mixed income levels rather than entirely 100% low income/deeply affordable income. *Definition for Mixed Affordable Developments (consisting of 25% qualifying affordable unites) added, and incentives proposed for this category.*

After the Planning Commission reviewed the Affordable Housing Incentives chapter, staff added an enforcement section, and created incentives for mixed affordable developments, upon the recommendations of the Planning Commission.

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CODE CHAPTERS NOT YET FORMALLY REVIEWED:

General Provisions, Enforcement, and Appeals | [Summary Sheet](#)

Definitions | [Summary Sheet](#)

Note: Many definitions were included in the individual chapters that were reviewed previously.

Institutional Facilities Zone | [Summary Sheet](#)

Note: This zone applies to the St. Mark's Hospital campus. No significant changes were made to this zone, other than to adjust the height along a residential zone boundary to 35 feet, consistent with the height transition requirements in the other commercial zones.

Temporary Uses and Structures | [Summary Sheet](#)

Nonconformities | [Summary Sheet](#)

Floodplain Hazards Mitigation | [Summary Sheet](#)

Note: This chapter is almost identical to the current standards in effect.

Clear View Areas | [Summary Sheet](#)

Note: The language in this chapter was formerly in the draft Fence, Walls, and Retaining Walls Chapter, and was reviewed previously by the community councils and planning commission.

Outdoor Lighting | [Summary Sheet](#)

Note: Some outdoor lighting standards were found in other zone district and development standards chapters previously reviewed by the community councils and planning commission. Outdoor lighting standards are now in one location.

POLICY QUESTION:

These standards apply to all new construction, including residential additions. Should we exempt existing dwellings from our lighting standards?

Single-Household and Two-Household Dwelling Standards | [Summary Sheet](#)

Note: These standards are intended to align design standards for traditional single-family homes with those for manufactured or mobile homes, as required by federal law. No significant changes were made to this chapter, other than to align the standards with state code limits on a city's authority to regulate mass, window locations, and roof pitches of single-family homes.

Special Business Land Use Regulations | [Summary Sheet](#)

Note: These standards include requirements for home businesses, daycares and preschools, and sexually oriented businesses. The language pertaining to SOBs is substantially the same as the language currently in effect, although SOBs are proposed to be limited to manufacturing zones moving forward. Regulation of SOBs is heavily influenced by case law and legal precedent around the First Amendment.

Animal Regulations | [Summary Sheet](#)



To: Millcreek Planning Commission
Re: City Center Overlay Zone (CCOZ) Policy Question Rationale
Date: February 19th 2025
From: Staff

Many properties in the city center have already been developed, leaving only small, irregular parcels that struggle to meet the current stepback requirements. Current building stepback requirements has deterred a handful of development proposals resulting in staff questioning if the building stepback design feature may be repelling future development and unintentionally making some city center sites unfeasible and economically burdensome. In some cases, where sites have multiple frontages, building design and development opportunities are severely hindered due to stepback requirements.

While building stepbacks are a useful design tool for mitigating bulk, having a one-size-fits-all approach often times ignores unique property configurations that result in undesirable building designs, unattractive site conditions, or vacant. What we intended to be a design feature for mitigating building bulk and massing, is also, unintentionally, forcing many buildings into rigid designs that hamper development feasibility.

Incorporating some alternative strategies that balance flexibility for high quality unique design with community concerns about massing end bulk without sacrificing the vision of the city center. Greater flexibility will attract high-quality development and make more efficient use of limited space in the city center. Rather than relying solely on stepbacks, staff is considering a menu of design options that allow developers to mitigate massing while maintaining flexibility.

1. Compatibility. Waive building stepback requirements for certain building types, size characteristics, or by location. Essentially carving out specific areas where building stepbacks are not required. For example, waive building stepback requirements for:

- a. Commercial single-purpose buildings;
- b. Buildings less than 100 feet wide;
- c. Buildings along larger street types and street types with less visible frontages.

2. Performance. Waive building stepbacks in exchange for innovative use characteristics and public space. For example, waive building stepback requirements in exchange for:

- a. Additional green roofs or terraced upper floors.
- b. Buildings offering a percentage of affordable housing. (50-80% AMI)
- c. Publicly accessible open space or ground level plaza. (minimum 10% of lot area)
- d. Projects that include a mid-block pedestrian pathway connecting to a landscaped public courtyard. (minimum of 10 feet wide)
- e. Projects that incorporate plaza space with public art & integrated landscaping.



3. Aesthetics. Waive building setbacks in exchange for enhanced design contributions. For example, waive building setback requirements in exchange for:

- a. High-quality materials such as brick, metal, or decorative panels
- b. Enhanced facade modulation (more varied depths, recesses, projections).
- b. Incorporate 100% brick or stone for street or common facing facades.
- c. Incorporate intricate brick arch and brick lintel design around all street facing windows.

Mount Olympus Community Council

Feb. 3 2025

Passed Motions

1. **General Provisions, Enforcement, Review Bodies and Land Use Authority, Appeals, Generally Applicable Land Use Provisions, and Procedures Chapters of the revised Zoning and Subdivision Code.**

Passed motion: recommendation that these draft ordinances be adopted, as presented by staff.

2. **Subdivisions Chapters of the revised Zoning and Subdivision Code**

Passed motion: recommendation that this draft ordinance be adopted, as presented by planning staff

3. **Zone Districts Chapters of the revised Zoning and Subdivision Code,**

Passed motion: except for the topics related to setbacks in the City Center Overlay Zone and the Legacy Zone status for the R-4 and C-1 zones, recommendation that these draft ordinances be adopted, as presented by planning staff.

4. **Zones C-1 and R-4, whether to be legacy zones policy discussion**

Passed motion: the C-1 and R-4 zones should not be legacy zones – they should remain available for new properties to be rezoned in the future

5. **City Center Overlay Zone, whether to amend the setback provisions policy discussion**

Passed motion: the Mount Olympus Community Council appreciates that changes to the setback provisions in the CCOZ may be warranted, but until there is draft language to review, the MOCC moves to continue this matter to a future meeting.

6. **Repeal of the following zones as part of the adoption of the Zone Districts Chapters of the Revised Zoning and Subdivision Code:**

1. Repeal of the A-1, A-2, and A-5 zones and adoption of an Agricultural Zone to regulate all properties within an A-1, A-2, or A-5 zone.
2. Repeal of the C-2 and C-3 zones and adoption of a Commercial Zone to regulate all properties within a C-2 or C-3 zone.
3. Repeal of the Residential Compatibility Overlay Zone and adoption of design standards in the R-1, R-2, R-4, and Agricultural Zones.

Passed motion: recommends the repeal of these zones, as presented by staff.

7. Development and Use Standards and Definitions Chapters of the revised Zoning and Subdivision Code, except for lighting provisions and impervious surface requirements.

Passed motion: recommend their adoption, but not including the lighting and impervious surface requirements policy discussion.

8. Whether to make new single-household and duplex dwelling and additions subject to Lighting Standards policy discussion

Passed motion: Lighting standards should apply to single-household and duplex dwelling and additions

9. Should impervious surfaces be subject to certain maximum standards policy discussion

Passed motion: the MOCC supports city staff in drafting ordinance language that deals with maximum impervious surface standards, and then return to the council at a future date for further discussion and recommendation.

10. Repeal of the Foothills and Canyons Overlay Zone as part of the adoption of the Sensitive Lands Chapter of the revised Zoning and Subdivision Code.

Passed motion: recommends the repeal of this zone, as presented by staff

11. ZT-25-002 Zone change application: the zone change is intended to align a zone boundary with a minor property line adjustment

Passed motion: recommends that this zone change application be approved, as presented by staff.

12. ZT-24-001 Adding the Baldwin Piano structure to the historic registry

Passed motion: recommends that this structure be added to the historical buildings registry.



February 8, 2025

To: Millcreek Planning and Zoning
Millcreek Planning Commission

Subject: ZT-24-018 Zoning and Subdivision Code Update—Final Approval and Re-codification

At the February 6, 2025, meeting of the East Mill Creek Community Council (EMCCC) Planning Director Francis Lilly presented Millcreek City's request for final approval of the update and re-codification of the Zoning and Subdivision codes. Mr. Lilly provided summaries for the four major code sections as well as model motions for purposes of incorporating the updates and re-codification into Millcreek's Code.

The following is a list of recommendations from the EMCCC after consideration of the items:

- ~To recommend adoption of the **General Provisions, Enforcement, Review Bodies and Land Use Authority, Appeals, Generally Applicable Land Use Provisions, and Procedures Chapters** of the Revised Zoning and Subdivision Code. *Passed unanimously*
- ~To recommend adoption of the **Subdivisions Chapters** of the revised Zoning and Subdivision Code. *Passed unanimously*
- ~To recommend adoption of the **Zone Districts Chapters** of the Revised Zoning and Subdivision Code. *Passed unanimously*
- ~To recommend repeal of the following zones as part of the adoption of the **Zone Districts Chapters** of the Revised Zoning and Subdivision Code. *Passed unanimously:*
 - Repeal of the **A-1, A-2, and A-5 Zones and Adoption of an Agricultural Zone to regulate all properties within an A-1, A-2, or A-5 Zone.**
 - Repeal of the **C-2 and C-3 Zones and Adoption of a Commercial Zone to regulate all properties within a C-2 and C-3 zone.**
 - Repeal of the **Residential Compatibility Overlay Zone and Adoption of design standards in the R-1, R-2, R-4, and Agricultural Zones.**
- ~To recommend adoption of the **Development and Use Standards and Definitions Chapters** of the Revised Zoning and Subdivision Code. *Passed unanimously*
- ~To recommend repeal of the **Foothills and Canyons Overlay Zone as part of the adoption of the Sensitive Lands Chapter** of the Revised Zoning and Subdivision Code. *Passed unanimously*

In addition, with respect to answers for the “Policy Questions” solicited in the Staff Memorandum we provided the following input upon which general consensus was achieved:

- ~ That we are intellectually curious, but not unequivocally enthusiastic about opening up the C-1 zone and R-4 to parcels not already zoned C-1 and R-4 respectively. In other words, we lean towards the C-1 and R-4 as legacy zones.
- ~ That we are guarded about stepback relief in CCOZ and would like to see more ideas on it, depending on location and where stepbacks would be or not be (streetside, abutting other buildings, etc.)
- ~ That we would like to see considered a maximum impervious surface for residential properties.
- ~ That only new residential additions and new construction should be subject to the outdoor lighting standards ordinance.

/s/

Jamie Allyn

Vice Chair | Land Use, EMCCC

CC: Francis Lilly
EMCCC



**Minutes of the
Millcreek Planning Commission
January 15, 2025
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, January 15, 2025, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, Utah 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
Steven Anderson
Christian Larsen
Nils Per Lofgren
Jacob Richardson (electronic, arrived at 5:11pm)
Diane Soule
Dwayne Vance (arrived at 5:05pm)
Ian Wright

City Staff

Elyse Sullivan, City Recorder
Francis Lilly, Planning & Zoning Director
John Brems, City Attorney
Brad Sanderson, Current Planning Manager
Sean Murray, Planner

Attendees:

**REGULAR MEETING – 5:00 p.m.
TIME COMMENCED – 5:02 p.m.**

Commissioner LaMar called the meeting to order and briefly described the duties of the Planning Commission.

1. Commission Business

1.1 Election of Chair and Vice Chair for 2025

Commissioner Reid nominated Shawn LaMar as Chair. Commissioner Lofgren seconded. Commissioner LaMar nominated Victoria Reid as Vice Chair. Commissioner Larsen seconded. Commissioner LaMar called for the vote. Commissioner LaMar voted yes, Commissioner Anderson voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Reid voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

2. Public Hearings

2.1 Consideration of CU-24-007, Request for a Conditional Use Permit to Modify the "Use" of a Secure Residential Treatment Facility for Youth (Ages 12-17) by Adding Psychiatric Care/Treatment Location: 1624 East 4500 South Applicant: Cheryl Meibos, on behalf of Ascent Behavioral Hospital Planner: Brad Sanderson

Brad Sanderson said the commission recently rezoned a piece of the subject property. The applicant was looking to introduce a treatment component for psychiatric care/treatment which triggered the need for a conditional use permit as an administrative decision. The applicant provided a letter which gave an overview of the operations plan, included in the staff report. There are 30-40 licensed beds. There are no site plan improvements other than a fenced courtyard and some internal remodeling. The Millcreek Community Council unanimously recommended approval of the application. Staff recommended approval of the application subject to the following provisions:

- Specialty Hospital, specifically for patients needing behavioral treatment and, as a secured/locked facility, the conditional use permit may allow psychiatric treatment requiring onsite medical staff members for such treatment.
- The facility shall not exceed 40 patients.
- Patients shall be limited to youth ages 12-17.

A representative on behalf of the applicant said the difference from the current use to the proposal was the ability to employ a psychiatrist to check on the youth and insurance would bill differently as a psychiatric facility.

Chair LaMar opened the public hearing.

There were no comments. Sanderson said he received a phone call inquiring about the nature of the business.

Chair LaMar closed the public hearing.

John Brems asked about the staff condition specifying the number of patients in the staff report. The applicant's representative said it would be 34 beds for psychiatric patients. The building is licensed to 60 patients.

Commissioner Larsen, regarding CU-24-007, moved the Planning Commission approve the conditional use permit based on the findings and conclusions in the staff report, with the additional provisions that the specialty hospital, specifically for patients needing behavioral treatment and, as a secured/locked facility, the conditional use permit may allow psychiatric treatment requiring onsite medical staff members for such treatment, that the facility shall not exceed 40 psychiatric patients or 60 patients total, and the patients shall be limited to ages 12-17. Commissioner Vance seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Anderson voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

1. Commission Business

1.2 Approval of December 18, 2024 Regular Meeting Minutes

Chair LaMar moved to approve the [December 18, 2024 meeting] minutes as presented in the packet. Commissioner Soule seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Anderson voted yes, Commissioner Larsen voted yes,

Commissioner Lofgren voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

1.3 Comprehensive Code Update Discussion

Francis Lilly said next month, the Planning Department would present the final draft of the updated zoning and subdivision code, a process that has spanned over two and a half years. The department has made significant progress, including developing a live website where chapters are updated as the code is audited. A document summarizing recommendations from the four community councils, the Planning Commission, and corresponding changes in the new code will be shared with the Commission shortly. The code update process involved extensive public outreach, including over 43,000 pieces of mail sent to property owners, five newspaper articles, and five "Chat with the Planner" sessions with about 80 attendees. Key updates to the code include reducing the number of zoning categories, eliminating outdated zones, and modernizing application procedures. The code now features better graphics, updated landscaping and parking standards, and a simplified approach to nonconforming structures, sensitive lands, and floodplain hazards. Significant changes also include improved standards for subdivisions, affordable housing, and signage. The department is seeking feedback on several policy questions, including lighting standards for residential expansions, the potential for impervious surface coverage limits for residential lots, and whether the step-back requirement in the City Center Overlay Zone is still necessary. As the final stages of the process unfold, the department looks forward to continued collaboration and guidance from the Planning Commission and City Council to ensure the code reflects the city's needs and goals.

Commissioner Reid asked if the commission needed to look at condo conversions. Lilly said no, it would come to the commission as a major subdivision because they have more than four lots but there could be an exception for that. He would like to make condo conversions as easy as possible as it is one of the most effective ways to deliver affordable, owner-occupied housing. He said he could update the code accordingly. Chair LaMar asked if there were council recommendations. Lilly said there had not been any except for the codes that have already been adopted. Chair LaMar asked if there were any upcoming bills that would affect the commission in the upcoming legislative session. Lilly did not foresee anything. Commissioner Richardson asked about the potential of "legacy zones" going away. Lilly said the zones do not go away. "Legacy zones" describes a policy where the city will not support a rezone into that district but wants to keep existing zoning intact for existing properties. Commissioner Richardson asked if planning staff's vision is that the other commercial zones will not allow the type of housing that the C-1 currently permits. Lilly said the other commercial zones do; the C-1 just has a limited list of uses because it tended to be historically adjacent to single family neighborhoods.

1.4 Updates from the Planning and Zoning Director

Francis Lilly reviewed what the planning department did in 2024 and its goals for 2025. The Planning Department had a busy year in 2024, focusing on a variety of key initiatives and projects. Among these were significant permitting activities, including over 1,000 business and building permit reviews, conditional use permits, site plan approvals, and zoning code updates. Notable projects included the Porsche dealership, Olympus Hills West Village Center, and the Mount Aire Acres National Historic District nomination, which is nearing

completion. The department also successfully adopted the Murray North Station Area Plan, received a \$10,000 grant from Utah Division Water Resources for the Water Use and Preservation Element, exceeded state moderate-income housing requirements for the second consecutive year, and worked closely with community councils on sidewalk planning for the sidewalk and trails masterplan. Looking ahead to 2025, the department has set ambitious goals such as adopting a new zoning code, implementing a planning portal for electronic applications, nominating historic districts like the Veterans Heights neighborhood, adding Iceberg Drive-Inn and the Baldwin Radio Factory to the local historic sites list, adopting the Meadowbrook Station Area Plan, and finalizing plans for sustainability and water use preservation. Additionally, the department aims to streamline the permit process by hiring a plan review coordinator to improve coordination and customer service. These efforts are intended to enhance planning efficiency, foster historic preservation, and ensure the city's continued growth and development.

3. Calendar of Upcoming Meetings

- City Council Mtg. 1/27/25 7:00 p.m.
- Mt. Olympus Community Council Mtg., 2/3/25, 6:00 p.m.
- Millcreek Community Council Mtg., 2/4/25, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 2/5/25, 7:00 p.m.
- East Mill Creek Community Council Mtg., 2/6/25, 6:30 p.m.
- City Council Mtg. 2/10/25 7:00 p.m.
- Planning Commission Mtg. 2/19/25, 5:00 p.m.

ADJOURNED: Chair LaMar moved to adjourn the meeting at 5:57 p.m. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Anderson voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

APPROVED: _____ Date
Shawn LaMar, Chair

Attest: _____
Elyse Sullivan, Recorder