MILLCREEK, UTAH
ORDINANCE NO. 17-__

AN ORDINANCE AMENDING SECTIONS 19.04.095, 19.76.190, AND 19.76.200 REGARDING THE DEFINITION OF "HEIGHT OF BUILDING"

WHEREAS, the Millcreek Council (the "Council") met in regular session on August 7, 2017, to consider, among other things, approving an ordinance to amend Sections 19.04,095, 19.76,190, and 19.76,200 regarding the definition of "height of building"; and

WHEREAS, pursuant to Utah Code Ann. § 10-2a-218 Millcreek ("City") has adopted a comprehensive zoning ordinance ("Zoning Ordinance"); and

WHEREAS, City consultants and other interested persons have recommended revisions to the Zoning Ordinance to amend Sections 19.04,095, 19.76,190, and 19.76,200 regarding the definition of "height of building"; and

WHEREAS, the Planning Commission has studied and recommended that the City make the revisions; and

WHEREAS, the Council has studied the proposed revisions; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to amend the referenced sections by making the revisions attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council that Sections 19.04,095, 19.76,190, and 19.76,200 regarding the definition of "height of building" be amended as attached hereto with the redlining removed.

PASSED AND APPROVED this ___ day of August, 2017.

MILLCREEK

ATTEST: By:

Jeff Silvestrini, Mayor

Leslie Van Frank, Acting City Recorder

CERTIFICATION OF CITY RECORDER

Leslie Van Frank, Millcreek's acting City Recorder, hereby certifies that Millcreek's Ordinance No. 17-___ was passed by the City Council on August _____, 2017 and was published in the Salt Lake Tribune on August _____, 2017.

Leslie Van Frank, Acting City Recorder

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Definitions

19.04.095 - Building, height of.

A. "Height of building" means the vertical distance above the lowest original ground surface at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to ~~a level midway between the level of the eaves and~~ the highest point of pitched or hipped roofs, or ~~to a level two-thirds of the distance from the level of the eaves to the highest point of~~ gambrel roofs~~. For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave.~~

B. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.

C. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the development services division using the best information available.

Supplementary and Qualifying Regulations

19.76.190 - Height limitations—Exceptions.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures, may be erected above the height limits prescribed in this title, but no space above the height limit shall be allowed for the purpose of providing additional floor space~~., and no heights are permitted above the maximum allowed under airport height provisions.~~

19.76.200 - Additional height allowed when.

Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding ~~seventy-five feet~~ forty (40) if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.