

## Chapter 19.73 – City Center Overlay Zone (CCOZ)

### 19.73.010 – Purpose and Intent

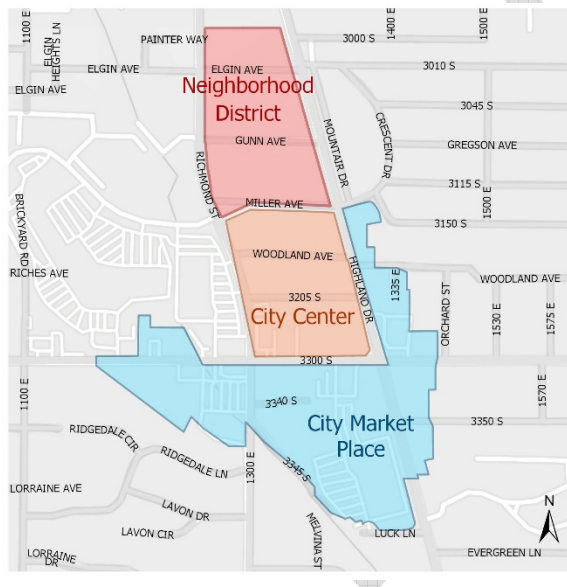
The purpose of the City Center Overlay Zone (CCOZ) is to supplement and modify the standards of the existing commercial and multifamily zones to promote the creation of a walkable mixed-use city center for Millcreek. The City Center is located approximately between Highland Drive and 1300 East, and 3000 South and along 3300 South and as particularly set forth on the Map 1 below and the official Millcreek Zoning Map. The CCOZ zone is intended to facilitate development that promotes quality growth, fosters harmonious development and outstanding design, increases property values, and creates new retail, residential, and other commercial opportunities.

### 19.73.12 Applicability and Use of the CCOZ

Any new development, exterior remodeling covering more than 50% of the building, or building expansions exceeding 15% of the gross square footage of the existing building, shall conform to the City Center Overlay Zone. Conformity shall not be required for maintenance, exterior painting, or interior remodeling of a building. New signs or sign replacements shall also comply with the CCOZ.

The CCOZ area is composed of three subdistricts – the Neighborhood, the Millcreek Center, and the Marketplace. The CCOZ covers the area shown in the map below:

**Map 1 – City Center Overlay Zone Boundaries**



### 19.73.15 CCOZ application processing

1. Preapplication conference meeting with representatives from the Community Development Department is required.
2. Application – an application and associated fees, shall be submitted and reviewed by staff for completeness. An incomplete application, that does not address the required CCOZ and other City ordinance required information, as determined by staff, will be returned to the applicant and not be processed until all information required by the City ordinances is provided. The City will provide a list of application requirements. The initial application will generally consist of concept plans with the following minimum requirements:

- a. The applicant's name, address, telephone number, e mail, and interest in the property.
- b. The property owner's name, address, e mail, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application.
- c. The street address and legal description of the subject property.
- d. The current zoning classification, zoning district boundaries, and present use of the subject property.
- e. A conceptual site plan or plans, drawn to scale, including sketches of the types of buildings proposed, floor plans, elevations of proposed buildings, materials, landscaping, parks, plazas, pedestrian pathways, parking, low impact design stormwater techniques to be applied to the site, known faultlines and recommended setbacks, oblique sketches of the project to show any view related issues (Valley and Mountains), and conceptual street cross sections using the requirements of sections 40 and 50 of this chapter.
- f. A written explanation of the project that describes the thematic elements of the project, the place making concepts, one or more signature features, commercial and mixed-use designs (if applicable), potential tenants, its' relationship to the goals for the City Center and other details that will provide reasons that the development will create a long term benefit to the City and proposed techniques to mitigate any anticipated detrimental effects.
- h. A preliminary traffic study that defines potential traffic generation, the integration of the new development with the adjacent street corridors, traffic capacity/level of service issues on adjacent roads and intersections, and suggest mitigation solutions for anticipated traffic congestion problems. The traffic study may also address parking demands, if the applicant believes that the standards found in the Parking Chapter are inappropriate. Applicants shall follow the requirements of 19.80.040 to create a parking study. Such studies are commissioned by the City.
- i. Provide for all utility companies, letters describing their ability to serve the project.
- j. Other information or documentation the Community Development Department and/or Public Works may deem necessary, as described on the application form, for proper review and analysis of a particular application and its potential detrimental effects.

2. Application processing and review – the initial application and fee, composed of the concept plan information as described above and the conceptual development agreement, shall be processed as a permitted use and shall be reviewed by staff and discussed with the applicant in an internal pre-development review meeting. Subsequent to that meeting, changes may be made to the submittal documents, if needed.

Staff will assess the application for its' compliance with the regulations of this chapter and determine if any potential detrimental effects need mitigation to include the following list of potential issues and standards, that may need to be addressed:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as faultlines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
6. Modifications to signs and exterior lighting to assure compatibility within the overlay zone.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the overlay zone in which the use will be located.
8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access.
11. Reduction in usable public open space
12. Graffiti prevention applications and designs
13. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

3. Final Development Plan – this plan submittal including an associated fee, is a detailed plan that addresses every section requirement of this ordinance, especially sections 40 and 50, in a precise manner. The City will provide a checklist of the information required. Final development plans shall be required to the detail required by the City and shall be processed by staff. Building permit applications may be submitted after appropriate assurances in the form of cash escrow bonds are submitted for the public improvements.

### **19.73.020 – Permitted and Conditional Uses**

The uses allowed on any lot in the CCOZ zone shall be the uses allowed in the C-2 zone, with the addition of multi-family dwellings in the Neighborhood Sub-District. All such uses, including the conditional uses, shall be considered permitted uses, except for the use limitations as set forth in Section 19.60.030.

|                                                           |
|-----------------------------------------------------------|
| <h4><b>General Categories of Use by Sub-District</b></h4> |
|-----------------------------------------------------------|

**Neighborhood District** - Multi-family, mixed use, neighborhood retail and services, office uses, (2500 square feet or less), commercial indoor recreation

**Millcreek Center** – mixed use including residential on upper floors, office, retail, service uses, entertainment, civic uses, commercial indoor recreation

**Marketplace** – retail commercial use, office, mixed use, commercial indoor recreation

### 19.73.030 – Prohibited Uses and Use Limitations

The following uses are prohibited or limited in CCOZ zone:

| USES                                                                                                                                                           | LIMITATION                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Automobile Service Station, car wash and detailing businesses                                                                                                  | Not allowed                                                                                                                                                      |
| Equipment, Car or Truck Rental or storage                                                                                                                      | Not allowed                                                                                                                                                      |
| Non-Stealth Telecommunications Facilities.                                                                                                                     | Not allowed                                                                                                                                                      |
| Sexually oriented businesses                                                                                                                                   | Not allowed subject to MKC 19.91.11                                                                                                                              |
| Pawnshop, smoke shops and related products, military surplus, and retail tobacco as the principal use                                                          | Not allowed                                                                                                                                                      |
| Residential Uses are permitted by sub-district and within the the building types specified in section <b>19.73.050 (14)</b>                                    | Shall include mixed uses on corners in the Neighborhood subdistrict, and 100% residential buildings are not allowed in the Mill Center and Marketplace districts |
| Rooftop Gardens                                                                                                                                                | Not allowed within 50 feet of a R-1 or R-2 zone boundary in the Neighborhood or Marketplace sub-districts.                                                       |
| Sale or lease of new or used vehicles of all types, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles, including | Not allowed                                                                                                                                                      |

|                                                                                                                                                                                                  |                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| licensed and non-licensed mobile construction equipment and other non-licensed mobile commercial equipment.                                                                                      |                                                                                                                                                                                                                                                      |
| Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer.                                                                                     | Limited to a maximum of 2,500 square feet                                                                                                                                                                                                            |
| Commercial indoor and outdoor self-storage facilities of all types as a principal use, including mini-storage units, neighborhood storage, indoor and temperature controlled storage facilities. | Not allowed. Self storage, for residents of the building, as part of and internal to a multi-family or mixed use development is allowed, if located on an upper floor.                                                                               |
| Tattoo Businesses                                                                                                                                                                                | Not allowed                                                                                                                                                                                                                                          |
| Short term ("payday", "car" title, check cashing and similar) loan services                                                                                                                      | Not allowed                                                                                                                                                                                                                                          |
| Drive-Through Uses as an Accessory Use                                                                                                                                                           | Not allowed for restaurant or food or beverage services uses in the Neighborhood district<br><br>None are allowed to front on the Mill Park, for all other districts drive-through uses shall conform to the requirements found in Section 19.62.050 |
| Indoor and outdoor gun ranges, both for profit and non-profit                                                                                                                                    | Not allowed                                                                                                                                                                                                                                          |
| Manufacturing as a principal use                                                                                                                                                                 | Not allowed, excepting the manufacture of beer and spirits                                                                                                                                                                                           |
| Freestanding fireworks seasonal sales                                                                                                                                                            | Not allowed.                                                                                                                                                                                                                                         |

#### **19.73.040 – Bulk and Yard Regulations**

Table 19.73-2 and Map 2 establish supplemental bulk and yard regulations for all buildings within CCOZ. These regulations modify or supersede any conflicting requirements found in the underlying zone.

Building Heights - Minimums and maximums are described in Map 2 below. For the purposes of this Chapter, a "story" or "floor" is calculated as a maximum of 12' in height, except the first floor which may be up to 14' in height. Any proposed develop that overlaps a defined height line that represents a

change in building heights, on the map, shall use the lower standard or may step up the building height as per the map, at that height line.

**Map 2**<sup>[JJ1]</sup>

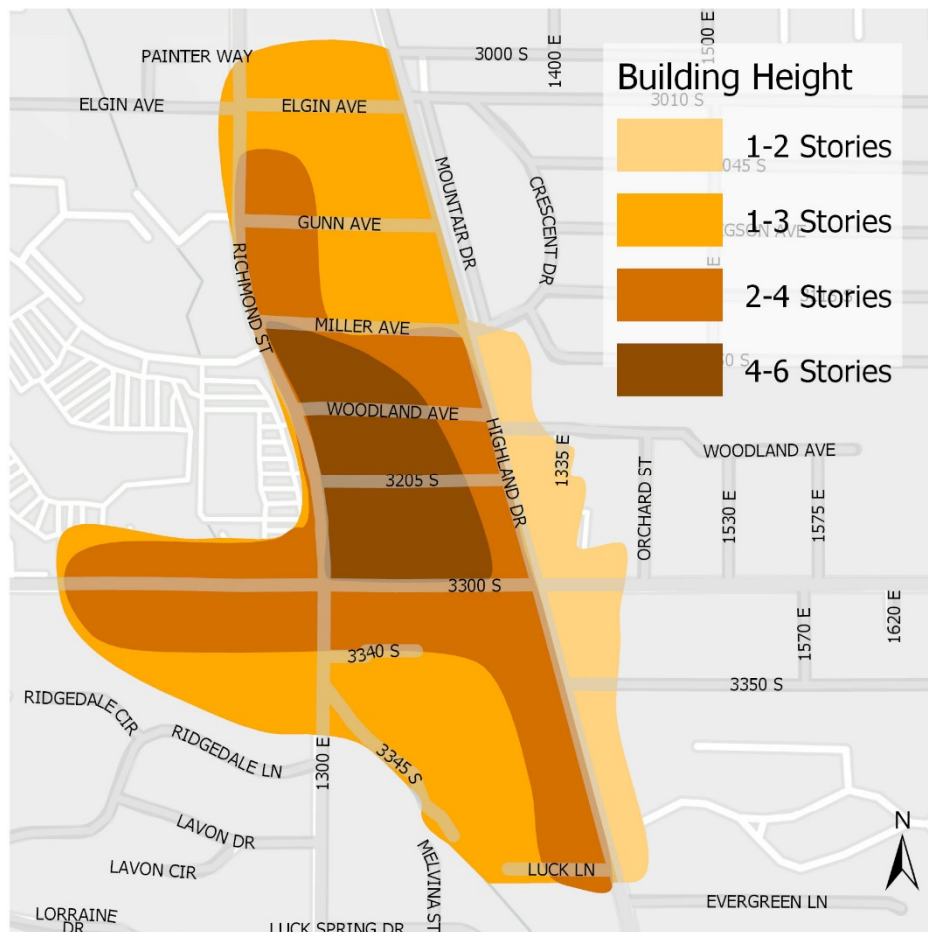


**TABLE 19.73-2**

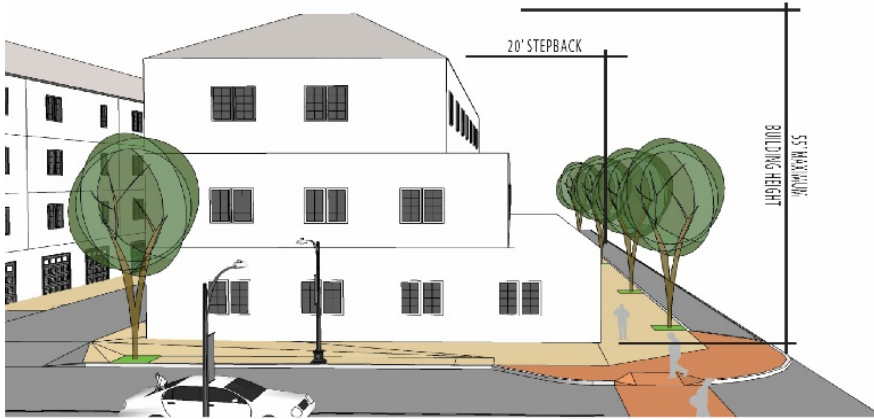
| BULK AND YARD REGULATIONS |                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum Building Height   | Minimum building heights are described in Map 2 above                                                                                                                                                                                                                                                                                                                                     |
| Maximum Building Height   | Varies by subdistrict – see section 14 (e) and Note 2, and Map 2 above                                                                                                                                                                                                                                                                                                                    |
| Height exceptions         | Roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, shade structures, towers where required by the ordinance, flagpoles, chimneys, wireless or television masts, theater lofts, may be erected above the height limits prescribed in this chapter, but no |

|                      |                                                                                                              |
|----------------------|--------------------------------------------------------------------------------------------------------------|
|                      | space above the height limit shall be allowed for the purpose of providing additional habitable floor space. |
| Height Transitions   | Height transitions are required for buildings within 100 feet of an R-1 or R-2 zone. See Note 1 and 2.       |
| Maximum Lot Coverage | 80 percent                                                                                                   |
| Minimum Lot Coverage | 50 percent                                                                                                   |
| Maximum Front Yard   | 10 feet, subject to the build-to-line (see Note 3) standards established in Section 19.73.050 (8) and (14).  |
| Off-Street Parking   | Not allowed between front plane of the building and the curb on the street it fronts.                        |
| Residential Density  | No maximum density is established.                                                                           |

TABLE 19.73-2: NOTES

1. For any development in CCOZ that is directly abutting an R-1 or R-2 zone (“residential zone”), the maximum height for structures within 100 feet of a residential zone shall not exceed 30 feet.
2. For any development on properties fronting on the Mill Park Street or with frontage on Highland Drive in the Neighborhood District, a twenty-foot stepback of the building façade is required between the first and third story and upper stories. As an option, this stepback may be segmented, such as, a ten foot initial stepback between the first and second floors and then an additional ten foot stepback between the second and third floors.
3. Build-to-lines are defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street. The flexibility provided in this Chapter is intended to allow for additional sidewalk space and façade variation, for outdoor uses such as restaurants.

**Figure 1 Building Stepbacks and Setbacks**<sub>[JJ2]</sub>

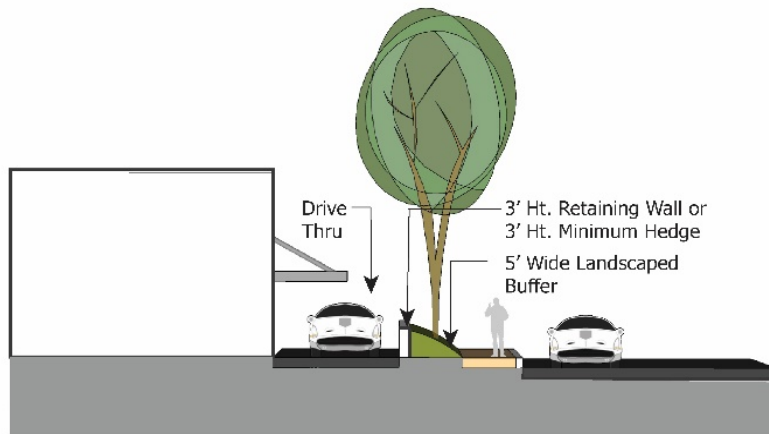


4. For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is directly abutting the public right-of-way.

#### 19.73.050 – Design Standards

1. **Objectionable Conditions and Violations of Applicable Law.** All uses shall be free from unsafe, unhealthy, objectionable and or unreasonable odor, dust, smoke, emissions, noise, vibration, or similar problems, nor be in violation of any federal, state or local law.
2. **Landscaping on Public Right-of-Way.** Where a development directly abutts a public right-of-way, the development is required to install the street tree, curb, gutter, and sidewalk, pavement matching, street lights, landscaped planters, and street furniture as per the appropriate street cross section as shown in sub-section 6 below.
3. **Drive-Through Uses as an Accessory Use.** Drive through uses are permitted as an accessory use in CCOZ, except that drive-throughs associated with a restaurant are not allowed in the Mill Park sub-district. Existing restaurants in the Mill Park sub-district continue to be a legal use. Drive through facilities shall include a canopy or roof that is architecturally integrated and attached to the building and that mirrors the roof form of the primary building. Drive through windows are not permitted on facades that face a right-of-way, unless existing site or access conditions prohibit a drive through window on a façade that does not face a right-of-way. In situations where a drive through window is required on a street facing façade, the building shall incorporate a five-foot wide landscaped buffer, either sloped to a 3' tall retaining wall or a minimum 3' hedge, between the drive-through lane and the adjacent parking or right-of-way.

**Figure 2 Drive-Through requirements**



4. **Requirements for Residential Uses.** Requirements for any residential use established in CCOZ shall comply with the requirements established in Chapter 19.44 of the Code, unless modified by this chapter.

#### 5. Street Trees

General street tree standards can be found in subsection 9, Landscaping General below. Additionally, to recognize the orchards that once stood in this area:

**Neighborhood Streets** shall be planted with groups of ornamental trees from the following list:

- Toba Hawthorn, *Crataegus x mordenensis* 'Toba'
- Spring Snow Crabapple, *Malus* 'Spring Snow'
- Radiant Crabapple 'Malus Radiant'
- Mayday Tree, *Prunus padus*
- Chanticleer Pear, *Pyrus calleryana* 'New Bradford'

**Highland, Richmond, and 33<sup>rd</sup> street trees** – wherever possible trees that consume greater CO<sub>2</sub> should be planted in expandable grates within the park strip. The London Plane tree "Platanus x acerifolia" or the Sycamore "Platanus occidentalis" is required.

#### 6. Street Types

The seven street types identified below are intended to create a specific identity for the City Center District. All public sidewalks shall be colored a consistent tan color with complimentary accent colors at intersections and mid-block crossings.

##### A. Highland Drive Boulevard

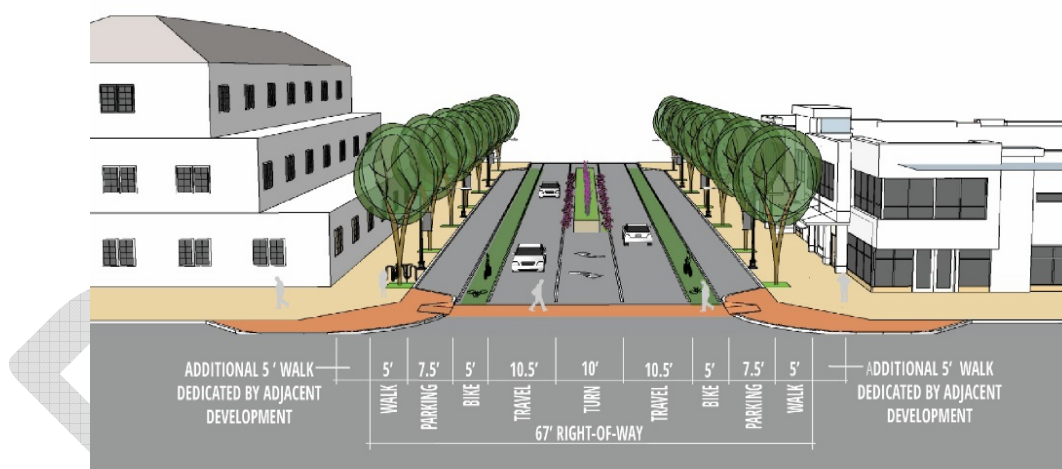
Highland Drive serves as the primary eastern collector through the district. This street section is characterized by narrow travel lanes, dedicated bike lanes, on-street parking (where feasible), generous sidewalks, and curb bulb outs at intersections for traffic calming. The intent is to slow traffic through the district, accommodate all modes of travel and focus on pedestrian connectivity. Exact dimensions will need to be coordinated with Public Works.

#### Requirements

##### Vehicular Zone

|                        |                                                                                                                                                                                                 |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ROW Width              | 67'                                                                                                                                                                                             |
| Travel Lanes           | 2                                                                                                                                                                                               |
| Center Turn Lane       | 1                                                                                                                                                                                               |
| Lane Width             | 10.5'                                                                                                                                                                                           |
| Center Median          | Permitted mid-block and low turn demand areas                                                                                                                                                   |
| Parking Lanes          | 7.5' On-street parallel required on each side                                                                                                                                                   |
| Bicycle                | 5' Dedicated bike lanes each side using green thermoplastic or colored concrete                                                                                                                 |
| <b>Pedestrian Zone</b> |                                                                                                                                                                                                 |
| Walkways               | 10' min. attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5' within ROW, 5' dedicated by property owner) |
| Street Buffer          | Trees in grates within the 10' walkway dimension noted above                                                                                                                                    |
| Furnishings            | Bike racks, seating, lighting, planters                                                                                                                                                         |

**Figure 3 Typical Cross Section for Highland Drive**



#### **B. Richmond Boulevard**

A minimum of two lanes in each direction with a median turning lane, punctuated with landscaped medians in areas not needing left turns, these streets are envisioned as grand boulevards.

| Requirements          |                                        |
|-----------------------|----------------------------------------|
| <b>Vehicular Zone</b> |                                        |
| ROW Width             | 90'                                    |
| Travel Lanes          | 4                                      |
| Center Turn Lane      | 1, 12'                                 |
| Lane Width            | 12'                                    |
| Center Median         | Permitted except at intersections, 12' |
| Parking Lanes         | No parking on street                   |

|                        |                                                                                                                                                                                                                                                                                                                |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bicycle                | 5' Protected bike lanes each side, using green thermoplastic or colored concrete                                                                                                                                                                                                                               |
| <b>Pedestrian Zone</b> |                                                                                                                                                                                                                                                                                                                |
| Walkways               | 5' min. attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5' within ROW, 5' dedicated by property owner which can be dedicated to city or provided through a public pedestrian easement and can encroach on the setback) |
| Street Buffer          | 5' park strip xeriscape with large trees                                                                                                                                                                                                                                                                       |
| Furnishings            | Bike racks, bus shelters, lighting                                                                                                                                                                                                                                                                             |

**Figure 4 Typical Cross Section for Richmond Boulevard**



### **C. 33<sup>rd</sup> South Boulevard**

This street is controlled by UDOT but plays an important role in the recognition of the City Center and the flow of major volumes of traffic in an east/west direction. To facilitate mobility with the City Center area, protected bike lanes are recommended to create better connections, between Highland and Richmond streets.

| Requirements          |                                        |
|-----------------------|----------------------------------------|
| <b>Vehicular Zone</b> |                                        |
| ROW Width             | 96'                                    |
| Travel Lanes          | 4                                      |
| Center Turn Lane      | 1, 12'                                 |
| Lane Width            | 12'                                    |
| Center Median         | Permitted except at intersections, 12' |

|                        |                                                                                                                                                                                                                                                                                                                |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parking Lanes          | No parking on street                                                                                                                                                                                                                                                                                           |
| Bicycle                | 5' Protected bike lanes each side, using green thermoplastic or colored concrete                                                                                                                                                                                                                               |
| <b>Pedestrian Zone</b> |                                                                                                                                                                                                                                                                                                                |
| Walkways               | 6' min. attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5' within ROW, 5' dedicated by property owner which can be dedicated to city or provided through a public pedestrian easement and can encroach on the setback) |
| Street Buffer          | 6' park strip xeriscape with large trees                                                                                                                                                                                                                                                                       |
| Furnishings            | Bike racks, bus shelters, lighting                                                                                                                                                                                                                                                                             |

**Figure 5 Typical Cross Section for 33<sup>rd</sup> South**



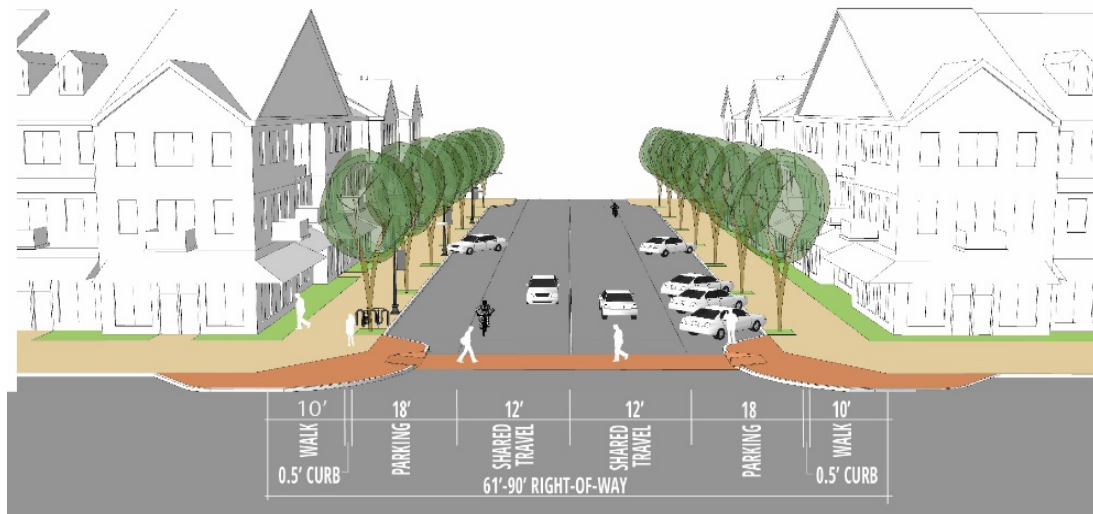
#### **D. Neighborhood Streets**

Connecting neighborhood streets include all of the streets that run east and west between Highland and Richmond Street/1300 East through the District. These streets are characterized by narrower right-of-way widths with similar goals of accommodating all modes of local traffic.

| <b>Requirements</b>   |               |
|-----------------------|---------------|
| <b>Vehicular Zone</b> |               |
| ROW Width             | 61' to 80'    |
| Travel Lanes          | 2             |
| Center Turn Lane      | None          |
| Lane Width            | 12'           |
| Center Median         | Not permitted |

|                        |                                                                    |
|------------------------|--------------------------------------------------------------------|
| Parking Lanes          | 8.5' On-street parallel, 18' for head in, or head out on each side |
| Bicycle                | Shared with travel lanes                                           |
| <b>Pedestrian Zone</b> |                                                                    |
| Walkways               | 5' min. attached sidewalk on each side                             |
| Street Buffer          | 5' min. landscape area with trees                                  |
| Furnishings            | Bike racks, seating, lighting, planters                            |

**Figure 6 Typical Cross Section for a Neighborhood Street**



#### **E. One Way Mill Park Street**

A looped one-way street with parallel parking on one side, intended for the area surrounding Mill Park and creates access to businesses and other uses that will line the street.

| Requirements           |                                                                              |
|------------------------|------------------------------------------------------------------------------|
| <b>Vehicular Zone</b>  |                                                                              |
| ROW Width              | 55'                                                                          |
| Travel Lanes           | 1                                                                            |
| Center Turn Lane       | None                                                                         |
| Lane Width             | 16'                                                                          |
| Center Median          | Not permitted                                                                |
| Parking Lanes          | 8.5' On-street parallel parking, both sides – or angled on the building side |
| Bicycle                | Shared with travel lanes                                                     |
| <b>Pedestrian Zone</b> |                                                                              |
| Walkways               | 10' min. outside edge, 5' inside edge                                        |
| Street Buffer          | 5' min. landscape area, with trees                                           |

|             |                                                     |
|-------------|-----------------------------------------------------|
| Furnishings | Bike racks, seating, lighting, planters, sculptures |
|-------------|-----------------------------------------------------|

**Figure 7 Typical Cross Section for Mill Park Street**



#### **F. Laneway**

Laneways are to be used as access to parking, rear loaded buildings, loading and delivery areas, services areas for refuse and utilities at the rear of lots, and as connectors for pedestrians. Laneways are intended as a shared vehicular access to the rear of buildings that allows the front façade to remain tied to the pedestrian realm.

| Requirements             |                                                                                             |
|--------------------------|---------------------------------------------------------------------------------------------|
| Vehicular Zone           |                                                                                             |
| ROW Width                | 30' (one way)                                                                               |
| Travel Lanes             | 1                                                                                           |
| Center Turn Lane         | None                                                                                        |
| Lane Width               | 16' (one way)                                                                               |
| Center Median            | Not permitted                                                                               |
| Parking Lanes            | Not permitted                                                                               |
| Bicycle Lane             | shared                                                                                      |
| Pedestrian Zone - shared |                                                                                             |
| Walkways                 | 5' one side, 4' other side                                                                  |
| Street Buffer            | 5' with tree grates and trees tied to 5' walkway, and breakable bollards on 4' walkway edge |
| Furnishings              | None                                                                                        |

**Figure 7 Typical Cross Section for a Laneway**



### G. Woonerf

A shared street promoting for pedestrian and bicycle use over vehicular use but in an undefined manner. No curbs and weaving vehicular ways, punctuated by landscaped islands, help to create a street that is open for all users but in a very low speed, safe, environment.

| Requirements             |                                                              |
|--------------------------|--------------------------------------------------------------|
| Vehicular Zone           |                                                              |
| ROW Width                | 40' (two way)                                                |
| Travel Lanes             | 2 but unmarked other than by pavement distinction            |
| Center Turn Lane         | None                                                         |
| Lane Width               | 10'                                                          |
| Center Median            | Not permitted                                                |
| Parking Lanes            | One side and purposefully restricts traffic flow to one lane |
| Bicycle Lane             | shared                                                       |
| Pedestrian Zone - shared |                                                              |
| Walkways                 | 10'                                                          |
| Street Buffer            | Regular spaced landscaped islands, with trees                |
| Furnishings              | Seating within the islands                                   |

**Figure 8 Typical Cross Section for a Woonerf**



## 7. Corner Lots

Corner lots are deemed to have two front yards. Building corners that face street intersections shall be angled, rounded, setback or otherwise designed to soften the intersection of the perpendicular building facades to ensure vision clearance and create a public space. A corner plaza is required with a minimum of 20' wide 15' deep usable public space and shall include provisions for shade in south facing locations, seating, and for sale art sculpture(s).

**Figure 9 Corner Plaza**



## 8. Front Yard Setback and Build-to-Line

The front yard setback is the build-to-line within 300' of all public street intersections within the CCOZ boundary. At least 50% of the front elevation of the building(s) must be within 10 feet of the build-to-line. A build-to-line is defined as the line at which construction of a building façade is to occur in a lot, running parallel to the front property, and ensuring a uniform building facade line on the street.

## 9. Landscaping General

Landscaping shall comply with this chapter and MKC 19.77. At a minimum, street trees are required in planting areas or tree grates every 40' on center and within 15' of back of curb. Trees must be canopy type, at least 30' in height at maturity and maintained with a limb clearance of 8' above the ground. A Street Tree planting plan is required and shall utilize the trees suggested in subsection 5 above. Landscaping along the street shall comply with the requirements of the street cross sections, the suggested tree list, and Chapter 19.77.

#### 10. Garbage and Recycling

The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any use within the development or abutting uses. Dumpster enclosures are required. No refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

#### 11. Parking General

General parking requirements are subject to MKC 19.80.40, except as specified below. Parking requirements may be modified as per 19.80.40.

| Requirements                 |                        |
|------------------------------|------------------------|
| Studio apartments            | 1 per unit             |
| 1 or more bedroom apartments | 1.5 per unit           |
| Commercial/retail            | 3 per 1000 square feet |
| Service uses                 | 3 per 1000 square feet |
| Office                       | 4 per 1000 square feet |

#### 12. Parking On-Street

On-street parking, where allowed, in the form of parallel or angled spaces can account for up to two-thirds of the required commercial, retail, or office parking.

#### 13. Parking Off-Street

All off-street and structured/garage parking shall be located to the side or rear of the building to preserve street facing facades for transparency and pedestrian activity. Surface parking lots are not allowed if visible from the adjacent street.

**Figure 10 Typical Off-Street Parking Locations**



## **14. Building Design**

### **a. Entrances and Windows**

Entrances to the first floor of buildings shall front on the public street. On double or triple frontage lots, entrances are required where the greatest amount of pedestrian traffic is anticipated. Windows shall constitute at least 50% of first floor street-facing facades. Windows shall be at least 50 percent transparent. Interior lighting is required. Street facing windows that are not on the same façade as the main building entrance, may cover the first floor windows with nonadvertising window films using a mountain, mill, orchard or mountain related sports theme. Living screens may replace up to 50% of the window requirement for the lowest anticipated pedestrian traffic frontage. Awnings or arcades are required for any west facing buildings along Mill Park.

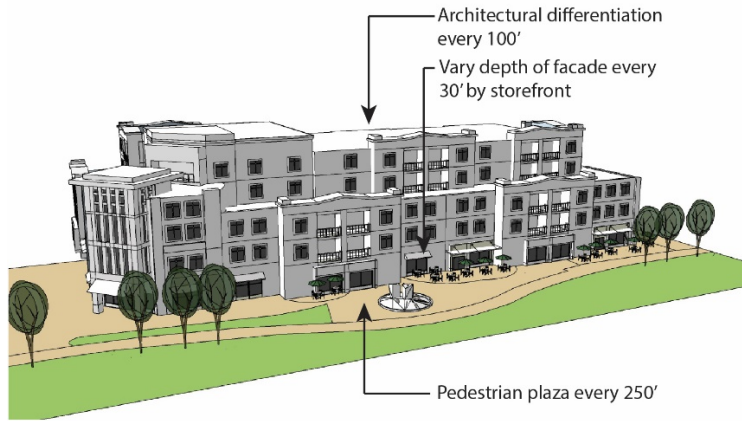
### **b. Building Materials**

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be required. New development in the CCOZ, shall incorporate common, locally found materials such as granite, stone, sandstone, and brick as part of the first floor of each building for at least 25% of the first floor, excluding the windows. For the Mill Center sub-district this requirement increases to a minimum of 50% for the first floor excluding the windows. No single material is allowed to exceed 50% of the street-facing facades. Other materials may be considered for soffits, or as accent or unique architectural features. Twenty-five year guarantee, architectural shingles are required for pitched roofs and other longer lasting roof materials for flat roofs are required. Mirrored windows are not allowed.

### **c. Building Length and Facades**

No new building elevation along a public right-of-way may exceed 250 feet in length without variations in the depth of the façade. As a minimum, provide pedestrian plazas every 250 feet of building length to break up long building façades along public rights-of-way. Top floors shall have architectural differentiation from the other floors in the building and rooflines shall vary every 100', as a minimum. For first floor commercial uses, the appearance of small shops/storefronts with variation in the first floor façade every 30' is required. All buildings fronting on Mill Park Street shall include a permanent or retractable fabric awning, extending a minimum of 6' from the storefront/façade to provide shade and refuge from rain, especially during the June, July, August and September months. Such awnings shall be provided in colors that reflect colors incorporated as part of the exterior of the building or the green or blue found in Millcreek's logo.

**Figure 11 Building Façade Variation**



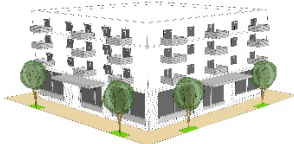
**d. Building Massing and Façade Articulation**

All buildings shall be designed to have at least three of the following:

- A. Visual breaks along the street-facing façade such as horizontal articulation in the plane of the façade by at least 2 feet.
- B. Change in height of the facade by at least 10 feet for every 100 feet of façade length.
- C. Changes in materials, color, texture or pattern for greater than 50% of the building facade.
- D. Indentations/recesses at least 10' in depth along the street facing facades.
- E. Usable terraces (a larger balcony intended as a private resident leisure space) at least 10' in depth along the street facing facades.
- F. Covered walkways on south or west facing facades.
- G. Columns or pilasters with a minimum 4-inch horizontal depth from the plane of the façade and spaced at a minimum interval of 50 feet.

**e. Building Types**

**A. Mixed Use** – Intended for a mix of primarily residential with commercial/office or commercial and office uses located on the first floor at or near the front build-to-line with parking to the rear. This building type may support office, retail, hotel/hospitality or residential uses mixed either vertically or horizontally. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6' deep and 60 square feet each. Provide indoor bike storage or bike lockers.



| Requirements        |        |
|---------------------|--------|
| Front Build-to Zone | 0'-10' |

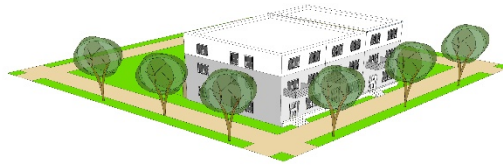
|                                           |                                                                                                                                                                                                                           |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum Side Yard Setback                 | 10' between buildings                                                                                                                                                                                                     |
| Minimum Rear Yard Setback                 | 10'                                                                                                                                                                                                                       |
| Minimum Height                            | See Map 2                                                                                                                                                                                                                 |
| Maximum Height                            | See Map 2                                                                                                                                                                                                                 |
| Principal Entrance Location               | Front or corner side of facade                                                                                                                                                                                            |
| Vehicular Access                          | From alley or rear of building                                                                                                                                                                                            |
| Minimum Transparency                      | 50% on ground floor                                                                                                                                                                                                       |
| Ground Story Uses                         | Office, retail, craftsman industrial or residential (50% must be non-residential use). Any mixed use building that fronts on Mill Park Street shall have 100% non-residential uses on the first floor facing that street. |
| Depth of first floor non-residential uses | 30' minimum depth                                                                                                                                                                                                         |
| Upper Story Uses                          | Any permitted use                                                                                                                                                                                                         |
| Where allowed                             | Corners in the Neighborhood Sub-District, all of the Millcenter, Marketplace                                                                                                                                              |
| Storefront Width                          | Not to exceed 30 feet                                                                                                                                                                                                     |

**B. Office/Commercial/Civic mixed use** – Minimum 2-story building that mixes uses with the primary use of office, retail, civic or commercial use.



| Requirements                |                                           |
|-----------------------------|-------------------------------------------|
| Front Build-to Zone         | 0'-15'                                    |
| Minimum Side Yard Setback   | 10' between buildings                     |
| Minimum Rear Yard Setback   | 10'                                       |
| Minimum Height              | See Map 2                                 |
| Maximum Height              | See Map 2                                 |
| Principal Entrance Location | Front or corner side of facade            |
| Vehicular Access            | From alley or rear or within the building |
| Minimum Transparency        | 50% on ground floor                       |
| Ground Story Uses           | Office, Retail, Civic, or Commercial      |
| Depth of first floor uses   | 30' minimum depth                         |
| Upper Story Uses            | May vary                                  |
| Where allowed               | Mill Center, Marketplace                  |

**C. Multifamily** – Generally characterized by a multistory building that contains residential uses internal to the structure with parking to the rear, in a structure or podium style below the building. Provide outdoor balconies or patios for 75% of the



units at a minimum of 6' deep and 60 square feet each. Provide indoor bike storage or bike lockers.

| Requirements                |                                                                                                                                                                                          |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Front Build-to Zone         | 0'-15'                                                                                                                                                                                   |
| Minimum Side Yard Setback   | 0' per unit, 10' between buildings                                                                                                                                                       |
| Minimum Rear Yard Setback   | 5'                                                                                                                                                                                       |
| Minimum Height              | See Map 2                                                                                                                                                                                |
| Maximum Height              | See Map 2                                                                                                                                                                                |
| Principal Entrance Location | Front or corner side of facade                                                                                                                                                           |
| Vehicular Access            | From alley or rear of building                                                                                                                                                           |
| Minimum Transparency        | 40% for ground floor and 15% for other floors                                                                                                                                            |
| Ground Story Uses           | For buildings located on corners; office, residential or live/work units, retail, personal services, or residential (50% of the street facing front facades must be non-residential use) |
| Upper Story Uses            | Residential or parking only                                                                                                                                                              |
| Where allowed               | Neighborhood Sub-District                                                                                                                                                                |

**D. Townhome** – Typically comprised of horizontally attached multi-story units in a



rowhouse configuration. This building type can include live/work units. Parking and private garages shall be to the rear of the building allowing the primary façade to front a public street or public greenspace. Provide outdoor balconies or patios for 100% of the units at a minimum of 6' deep and 60 square feet each.

| Requirements              |                                    |
|---------------------------|------------------------------------|
| Front Build-to Zone       | 0'-15'                             |
| Minimum Side Yard Setback | 0' per unit, 10' between buildings |
| Minimum Rear Yard Setback | 5'                                 |
| Minimum Height            | 2 stories                          |

|                             |                                |
|-----------------------------|--------------------------------|
| Maximum Height              | 3 stories                      |
| Principal Entrance Location | Front or corner side of facade |
| Vehicular Access            | From alley or rear of building |
| Minimum Transparency        | 15%                            |
| Ground Story Uses           | Residential or live/work units |
| Upper Story Uses            | Residential only               |
| Where allowed               | Neighborhood Sub-District      |

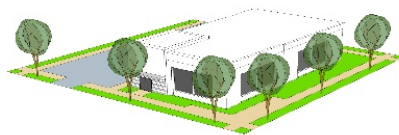
**E. Adaptive Reuse** – There are several existing buildings within the CCOZ that could be reworked into a new use. Any buildings proposed for adaptive reuse must meet this



chapter's minimum height requirements. The following general requirements are required:

- If the character of the existing building is deemed historic or historically significant due to its' age or displays a unique architectural style or unique features, as determined by the Zoning Administrator, then reconstruction should attempt to retain as much of that character as possible.
- Windows shall address the street frontage and encompass at least 50% of the first story building facades if structurally feasible.
- Parking shall be located (or relocated) to the rear of the building.

**F. Commercial single purpose buildings** – Buildings with the primary use being commercial use.



| Requirements                |                                |
|-----------------------------|--------------------------------|
| Front Build-to Zone         | 0'-15'                         |
| Minimum Side Yard Setback   | 10' between buildings          |
| Minimum Rear Yard Setback   | 10'                            |
| Minimum Height              | See Map 2                      |
| Maximum Height              | See Map 2                      |
| Principal Entrance Location | Front or corner side of facade |
| Vehicular Access            | From alley or rear of building |
| Minimum Transparency        | 50% on ground floor            |
| Ground Story Uses           | Commercial                     |

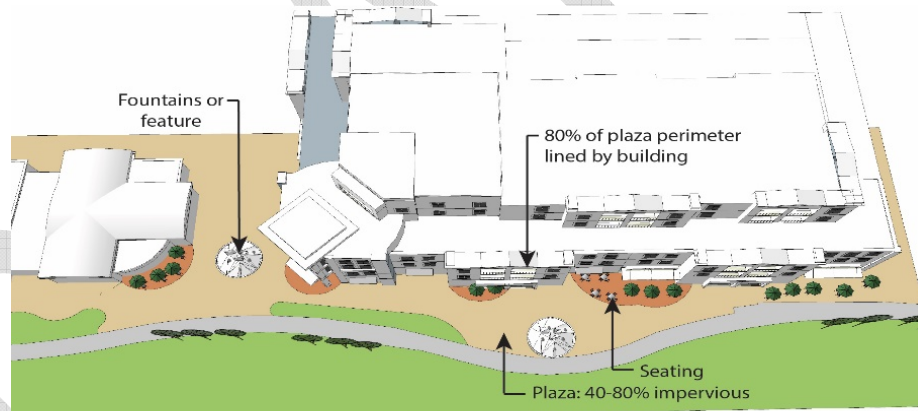
|                  |             |
|------------------|-------------|
| Upper Story Uses | Commercial  |
| Where allowed    | Marketplace |

#### 14. Plazas

For development or redevelopment involving sites that are one acre in size or greater, at least 20 percent of required open space must be in the form of a plaza that is located at the front, corner or side of the building, and open and accessible to the public at all times. The following requirements must be met:

- At least 80% of the plaza's perimeter that does not front on vehicular right-of-way shall be lined by building frontages.
- Fully enclosed structures are not permitted.
- Playgrounds are not permitted.
- Minimum pervious surface = 40%
- Maximum pervious surface = 80%
- Must include seating, shade structures, and one tree per 800 sf of plaza area
- Special features such as fountains and public art installations are encouraged. Active features should be incorporated into the plaza.

**Figure 11 Typical Plaza**



#### 15. Pocket Parks

In addition to the plaza requirement above, all developments shall provide at least 15% of the site as open space. Development involving sites 2 acres in size or greater shall include a pocket park that fronts on or is easily accessible from a public street, open and accessible to the public at all times, and meets the following requirements:

- Minimum size = 2,500 square feet
- Maximum size = 20,000 square feet
- Include some form of play structure
- Must include seating, shade structures, and one tree per 800 sf of park area

**Figure 12 Pocket Park**



#### **16. Rooftop Gardens**

Shall include a minimum of 25% of the rooftop space covered with trees to provide shade. This 25% is defined using the canopy of the tree at maturity. Seating, tables, outdoor gas bar-b-ques, solar cells (see #23), and shade structures are required. Grow boxes are encouraged.

Private roof top park space is encouraged to take advantage of the mountain and valley views.

#### **17. On-site open space/park substitution – in-lieu substitutions**

The open space/park requirement maybe modified through potential substitutions for any development that faces the Mill Park. Such substitutions are intended to enhance with features or acquire land or improve land that is destined to become part of the “Mill Park”. The Mill Park is the signature open space in the City Center and is a benefit to all development in the City Center.

In-lieu substitutions are encouraged for the benefit of the City Center by application to the Community Development Director, under the following circumstances:

1. In-lieu substitutions of land: are intended to fulfill the requirements for open/park space may be allowed when it can be factually established by a qualified land appraiser, that the substituted land is at least equal to or greater in value than the associated development property, as if it were to be fully developed as proposed. The City will determine with the developer the actual property to be appraised, both in the proposed development and in the “Mill Park”. The City will select and employ through a contract, an appraiser. The cost of the appraisal shall be born by the developer, through reimbursement to the City. New appraisals will not be required if recent information is readily available.
2. Cash in-lieu: the City may determine that in certain situations, accepting cash as an in-lieu substitution, where it can be shown that acceptance of those funds, is more effective in acquiring open space/park land within the City Center. Cash in-lieu payments shall not be accepted without a qualified appraisal process as per (1) above. The City shall be obligated, in a timely manner, to use the in-lieu funds within the City Center for land purchases or open space and park related improvements.
3. Any land which has been dedicated, set aside, platted, or otherwise approved as open space, may not be substituted or used for any purpose other than those allowed by this chapter.

4. In-lieu substitutions shall be reviewed by the Community Development Director, through an application, however, final approval of the in-lieu substitution rests with the City Council. Such approvals shall occur prior to issuance of a Final Site Plan approval or a building permit.

## **18. Perimeter Fencing**

To ensure maximum pedestrian connectivity, fencing between parcels is not required. No fencing of any kind will be allowed along the main street frontage. Privacy and/or security fencing is only allowed to screen unsightly, utility, or vehicle service areas from public right-of-way.

Fencing along a Neighborhood street frontage is permitted to define front porches and can consist of wrought iron, wood or vinyl fencing a minimum of 50% open at a max height of 42". Fences may incorporate a max 18" high stone, brick wall at the base.

## **19. Private Outdoor Lighting**

Lighting for streets and parking lots on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian/vehicular safety. Pedestrian lighting may include bollards and all lighting shall follow established themes described in subsection 21 below. Minimum average foot-candles for interior streets shall be 0.3 and the fixture height shall not exceed 25 feet. Such fixtures shall be located at least 10' from the public right-of-way. All parking luminaries, except those required for security, must be extinguished one hour after the end of business hours.

## **20. Access Between Uses**

Vehicular and pedestrian access is required between uses that does not force vehicles out to the adjacent streets.

## **21. Signs**

Signs are limited to low profile monument signs, wall signs, projecting signs with a minimum of 8 feet clearance above the ground, and temporary A-frame signs. Size, location, and number limitations are defined in MKC 19.44.

## **22. Street Lighting**

All street lights located on 33<sup>rd</sup> South, Richmond, and Highland Drive, shall incorporate (insert type) luminaire (Figure 12) atop a 14' pole. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from abutting properties, yet lighting the street and adjacent walkway. All lighting shall incorporate full cut-off fixtures to minimize light pollution and be dark sky compliant.

All lighting on Neighborhood streets and the Mill Park shall utilize the street light shown in Figure 13.

All lighting on Laneways and Woonerfs shall use downward directed sconce styles for wall lighting and lit bollards along the street, as shown in Figure 14 and in the Typical Cross section in Figure 7.

**Figure 12**

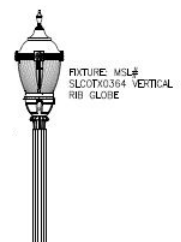


**Figure 13**

**Figure 14**

### **23. Rooftops and Charging Stations**

Rooftops may be used as garden type open space but shall incorporate solar panels for power generation. If a rooftop garden is not proposed, 50% of the space shall be covered with solar panels.

All Heating, Ventilating, and Air Conditioning equipment (HVAC) shall be recessed by at least 10' from the exterior edge of the building. Such equipment shall be enclosed such that it is not readily recognizable as HVAC equipment.

For multi-family buildings, one charging station is required for every 10 units. For mixed use, office, and commercial buildings, two charging stations per floor are required. Charging stations may be located in interior parking garages.

### **24. Overhead Utility Lines**

All existing overhead lines shall be located underground as part of any new development in the CCOZ. No new development shall exhibit any above ground utility or communication lines.

## **19.73.060 – General Standards of Applicability**

1. The use and development of property within CCOZ is also subject to other applicable chapters in the zoning ordinance and the specific regulations of the underlying zone except where specific regulations are provided in this chapter, including but not limited to health codes, building codes, and engineering standards.
2. Standards in other chapters may apply. In the event there is language elsewhere in Title 19 of this code that conflicts with language in this chapter, the more restrictive standard prevails.