Building

Type	2018 (3/1-12/31)
Total Building Permits Issued	1683
Single Family Dwellings	50
Townhome Dwelling Units	61
Multifamily Dwelling Units (apartment/condo)	8
Salt Lake County Transfer Permits	374
Engineering Permits Issued	328
Building Inspections Completed	4607
Business License Inspections Completed	228
Building Permit Reviews Completed	1870
Stop Work Orders Issued	208

Building Department

Type	September	October	November
Total Building Permits Issued	168	180	146
Single Family Dwellings	3	2	2
Townhome Dwelling Units	8	9	0
Multifamily Dwelling Units (apartment/condo)	8	0	0
Engineering Permits Issued	40	54	24
Building Inspections Completed	407	531	438
Business License Inspections Completed	28	31	32
Building Permit Plan Reviews Completed	179	252	252
Stop Work Orders Issued	12	28	17
Building Permits Expired	44	29	5
Building Permits Reinstated	1	0	3
Notice of Non-Complaince Recorded	18	4	5
Notice of Non-Complaince Removal	50	1	0
Dangerous Building Notice Recorded	0	0	1
Training Hours Completed	40	48	48

LYRB

Millcreek Tax and Revenue Anticipation Notes, Series 2020A

Summary of Direct Placement Bid Responses

	Taxable & Tax-Exempt Notes		Taxable Notes Only	
	Bank of Utah	Zions Bank	Bank of Utah	Zions Bank
Total Par Amount of Notes:	$4,335,000	$4,335,000	$4,335,000	$4,335,000
Par amount of Tax-Exempt Notes	$1,500,000	$1,500,000	$0	$0
Par Amounf of Taxable Notes	$2,835,000	$2,835,000	$4,335,000	$4,335,000
Net Funds to Millcreek	$4,300,000	$4,300,500	$4,300,000	$4,300,500
Interest Rate				
Tax-Exempt Rate	1.75%	2.05%	N.A.	N.A.
Taxable Rate	2.46%	2.59%	2.46%	2.59%
True-Interest-Cost (TIC %):	2.21%	2.40%	2.46%	2.59%
Net-Interest-Cost (NIC %):	2.21%	2.40%	2.46%	2.59%
All-Inclusive-Cost (AIC%):	3.76%	3.93%	4.01%	4.12%
Total Note Issuance Costs:	$35,000	$34,500	$35,000	$34,500
DSRF Requirement:	None	None	None	None
Total Principal and Interest over life:	$4,385,929	$4,390,271	$4,391,579	$4,394,569
Other Bid Conditions				
Early Redemption Provisions:	Callable at any time at par plus accrued interest	Callable at any time at par plus accrued interest	Callable at any time at par plus accrued interest	Callable at any time at par plus accrued interest.
Purchaser Required Fees (purchaser, legal counsel or other):	$500	$0	$500	$0
Interest Rate Fixed:	Yes	Yes	Yes	Yes
Other Purchaser Requirements:	None	None	None	None

Recommendation

We recommend that the City acept the offer from Bank of Utah based on the following

Lowest interest rate bid received

-Lowest True Interest Cost and All-Inclusive-Cost

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.
AN INDEPENDENT MUNICIPAL FINANCIAL ADVISORY AND CONSULTING FIRM

CCOZ Structure

Structure and Characteristics

- **DETRIMENTAL EFFECTS:** Each application is required to go through the conditional use criteria of identifying and mitigating detrimental effects, even if it is not a conditional use.
- **PROTECTS EXISTING BUSINESSES:** An overlay zone protects the rights of existing businesses. Applicability triggered either when 50 percent or more of a building is remodeled, or when a building is added to by 15 percent.
- **NEIGHBORHOOD BASED STANDARDS:** Standards vary by district – Neighborhood, Mill Center, and Marketplace.

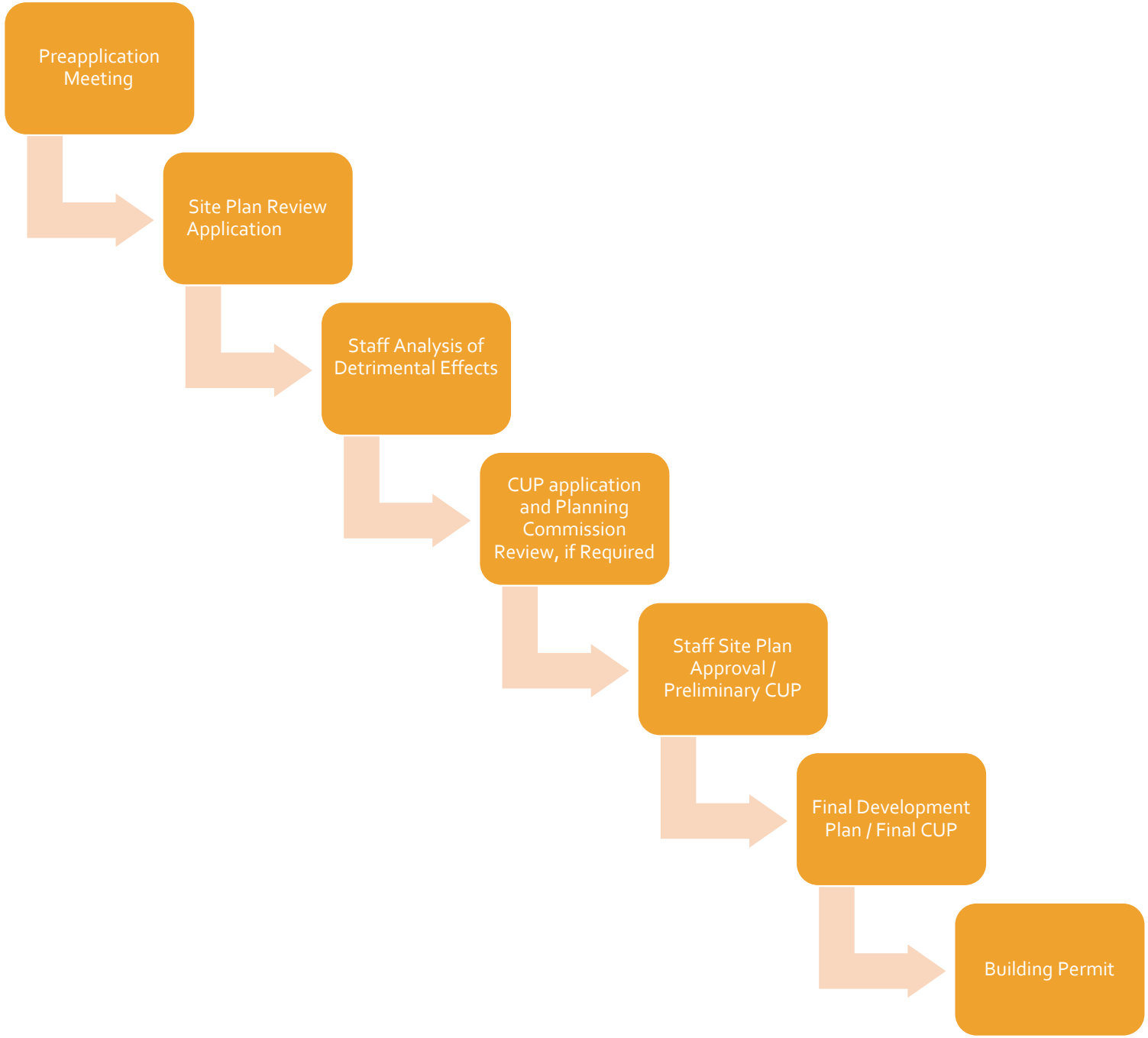
CCOZ Structure

Structure and Characteristics

- **PLANNING COMMISSION REVIEW / PUBLIC INPUT ON LARGER PROJECTS:** Conditional uses based on an intensity threshold - total square footage greater than 25,000 square feet or a ground floor footprint greater than 15,000 square feet or a height greater than 36 feet

- **DETAILED APPROACH TO BUILDING HEIGHT:** Height map that reflects sensitivity to views, mass, and neighborhood input.

Life Cycle of a CCOZ Application



CCOZ Design Requirements

A HIGH STANDARD FOR BUILDING DESIGN

Building form – types of buildings defined and associated design enhancements (stepbacks, materials, façade variation, building materials limitations, reduced building massing, storefronts, corner plazas, windows, building entrances facing the street, building separations at greater height for residential uses, canopies on the Commons, façade variations on all sides, rooftop gardens, dark sky lighting, wrapped parking garages, drive-in restrictions and appearance requirements, etc.)

Streets – defined street configurations intended for a walkable City Center, flowering street trees on the Neighborhood Streets (east/west), dark sky streetlights, underground utilities, on-street parking and off street parking locational limitations

CCOZ Design Requirements

A HIGH STANDARD FOR BUILDING DESIGN

Signs – reduced options but encourages projecting signs, and temporary a-frames

Open space – defined at a 20% requirement – essentially as roof tops, plazas and small pocket parks. A fee-in-lieu system set up to encourage investment in the Commons, instead of random open spaces. Fee-in-lieu also includes the potential to invest in pedestrian oriented improvements.

Resiliency and broadband service – solar roof top requirement, charging stations, garbage recycling, stealth towers, small wireless only on light poles and semaphores (if in ROW)

Community Input on CCOZ

- **General Plan** – city center suggested within the process – significant city-wide outreach
- **City Center Master Plan** – special study of the area suggested in the General Plan – significant outreach and interest from the entire City as well as Mount Air Neighborhood
- **Town Center Overlay Zone** – clearly meant to be a temporary overlay
- **City Center Overlay Zone** – PC workshops and public hearings, open house, Community Councils, Commons designers, traffic studies, resident input

Community Input on CCOZ

- Also, significant ***resident input*** on trees and setting back roof top features from the edge to prevent any conflicts below.
- ***Park designers*** – input on loop, restricting first floors to retail and restaurants, specifications about outdoor dining, setbacks on plazas
- ***Developers*** – residential window offsets and building separation requirements
- ***Planning Commission*** – many refinements and clarifications but larger issues were height, conditional use thresholds, safety in parking garages, parking in driveways not allowed to be counted as visitor parking, façade variation on all sides of a building, better transitions from R-1 and R-2 zones (setbacks and building heights)

Community Council Recommendations

- ***Millcreek Community Council*** – their input provided an addition to the fee-in-lieu to trade the 20% open space requirement for pedestrian improvements, and reinforced the questionable loop road (not part of the proposed ordinance) that the Commons designers had already begun questioning. They also expressed concerns about dogs and height, which were addressed in the November updates
- ***Canyon Rim Citizens Association*** - their height suggestions resulted in height adjustments to the southside of 33rd to preserve views in the November updates.
- ***East Mill Creek Community Council*** – their input resulted in additions and changes to the street tree list for Neighborhood Streets.
- ***Mount Olympus Community Council*** – their recommendation resulted in more non-residential use requirements for corner buildings on the north east and north west corners of 33rd.

- **ALL COMMUNITY COUNCILS RECOMMENDED APPROVAL**

Community Council Recommendations

Millcreek Community Council. The Millcreek Community Council voted seven in favor to one opposed for the adoption of the City Center Overlay Zone. The Millcreek Community Council stressed the need for a pedestrian connection across 3300 South to provide safe and pleasant access into the City Center from neighborhoods particularly to the south and west. The Millcreek Community Council also advised the city to reconsider the City Center Master Plan's recommendation of a one-way vehicle loop around the entirety of the open space.

Canyon Rim Citizens Association. The Canyon Rim Citizens Association voted five in favor to one opposed for the adoption of the City Center Overlay Zone. The CRCA recommended a lower maximum height for the southeast corner of 3300 South and Highland Drive, in order to better preserve the view corridor to Mount Olympus, Twin Peaks, and Lone Peak.

East Mill Creek Community Council. The East Mill Creek Community Council voted unanimously to recommend adoption of the City Center Overlay Zone. They recommended that planning staff further refine the list of acceptable street trees proposed in the ordinance.

Mount Olympus Community Council. The Mount Olympus Community Council voted unanimously to recommend adoption of the City Center Overlay Zone, subject to the inclusion of the requirement of more commercial space on developments on the north side of 3300 South, between Richmond Street and Highland Drive.

Where are we now?



General Plan and City Center Master Plan

Figure 3 – Town Center Land Use Category

Uses	Range of Density/Scale	Key Characteristics
Primary: Large format and specialty retail, professional uses, restaurant, and similar arts and entertainment uses that attract visitors from around the City and region. **Secondary:** Multifamily condominiums or apartments, hospitality, civic and public facilities, health services, as well as plazas, squares, pocket parks, community gardens, and other gathering spaces.	Building heights range from 2 – 6 stories. Development abutting lower intensity, established residential neighborhoods should provide transitions in massing and height.	• Diverse mix of land use, including restaurants, community facilities, and multifamily residential • Space for local community events and daily socialization • Designed as a walkable and pedestrian-scaled activity center • Encourages redevelopment and infill • Provides employment opportunities

General Plan and City Center Master Plan

Guiding Principles from the Master Plan

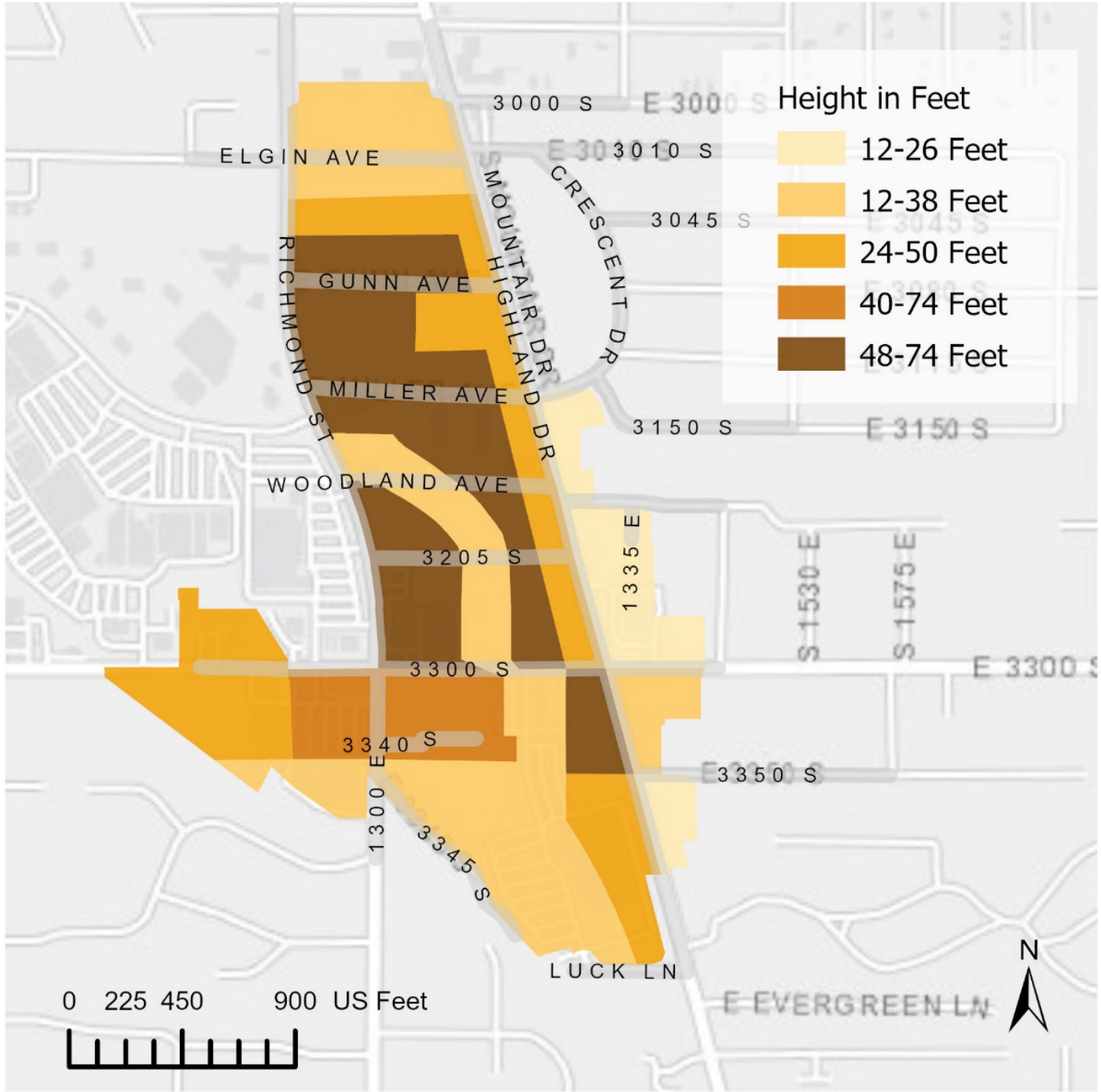
The Master Plan adopts four guiding principles to guide future ordinance development, municipal investments, public-private partnerships, and land use decisions:

1. The City Center Should Emphasize Walkability, and Minimize Internal Traffic and Parking Demand.
2. The City Center should include Municipal Property owned by the City and designated for public use.
3. The design of Millcreek's City Center should represent the city in ways that are distinctive from other cities and unique to Millcreek.
4. The City Center should emphasize culture, art, ideas, and interaction between citizens.

General Plan and City Center Master Plan



Building Heights



Staff Recommendation

Staff Recommendation

Staff requests Approval of the CCOZ ordinance, as recommended by the Planning Commission

Potential Zoning Ordinance Updates – City Council Priority Conversation
9 December 2019

- _____ **Fences and Retaining Walls – needs Planning Commission Recommendation. Will need Revisions to incorporate standards for retaining walls. (STAFF 1)**
- _____ **Signs – awaiting City Council Second Reading (STAFF 2)**
- _____ **Billboards – awaiting City Council First Reading (STAFF 2)**
- _____ **Medical Facility Overlay Zone (STAFF 3)**
- _____ **Accessory Dwelling Units (STAFF 4)**
- _____ **Historic Preservation Updates (STAFF 5)**
- _____ **Flag Lots – needs Planning Commission Recommendation**
- _____ **Fixes to the Commercial and RM Codes / Incorporation of Mixed Use Standards**
- _____ **Variances and Permits of the Land Use Hearing Officer**
- _____ **Slope. Should we consider a maximum developable slope city-wide?**
- _____ **Technical Corrections**


Villa



1 entry monument, brick wall, water wheel and rolled MILLCREEK letters



2 mass kim lilac hedge between brick privacy walls and fence



3 columnar hornbeam trees between brick privacy walls and fence



4 art-focal point centered on Villa Vista Way(example shown, TBD)



5 4 foot high brick privacy wall along Mount

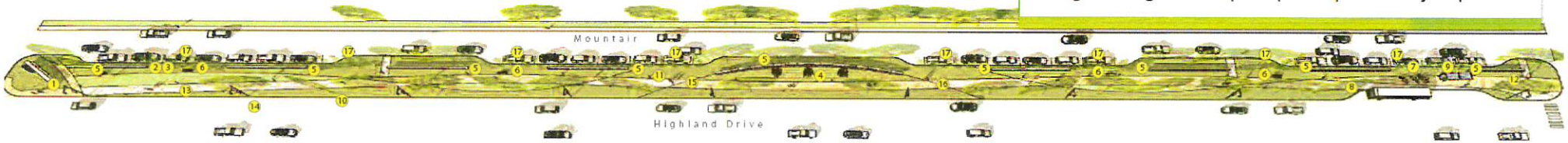






Marvsculptor 12/8/2019 6:10:11 PM Options

Provision should be made to provide Doggy Doo Doo pickup bags for those in the community who use this park-like corridor while walking their dogs and keep this public space as tidy as possible.





10 street tree, sycamore tree





















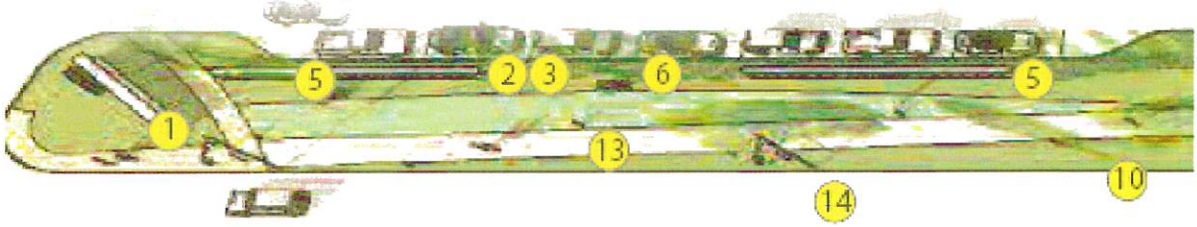
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As I have advocated extensively with City Staff, the Planning Commission, Sycamore Trees are the least desirable of all modern street trees, and at the bottom of virtually all regional crowd sourced urban tree lists. Sycamore trees are among the most likely to cause broken, lifted sidewalks and curbs as well as become shallowly rooted which results in maintenance issues as those surface roots "rob" water and nutrients from near by plants causing deteriorating vitality in those plants making the landscape aesthetics suffer.



Good public policy should not be allowed to put the cart before the horse as in the premature proposal to plant sycamore Trees in the Millcreek Mountain Entrance Corridor.

It is imperative that the Millcreek Urban Forest Policy not be driven by the rush on a single, premature project, lest that project form the ill-advised precedent for the entire City's Urban Forest.

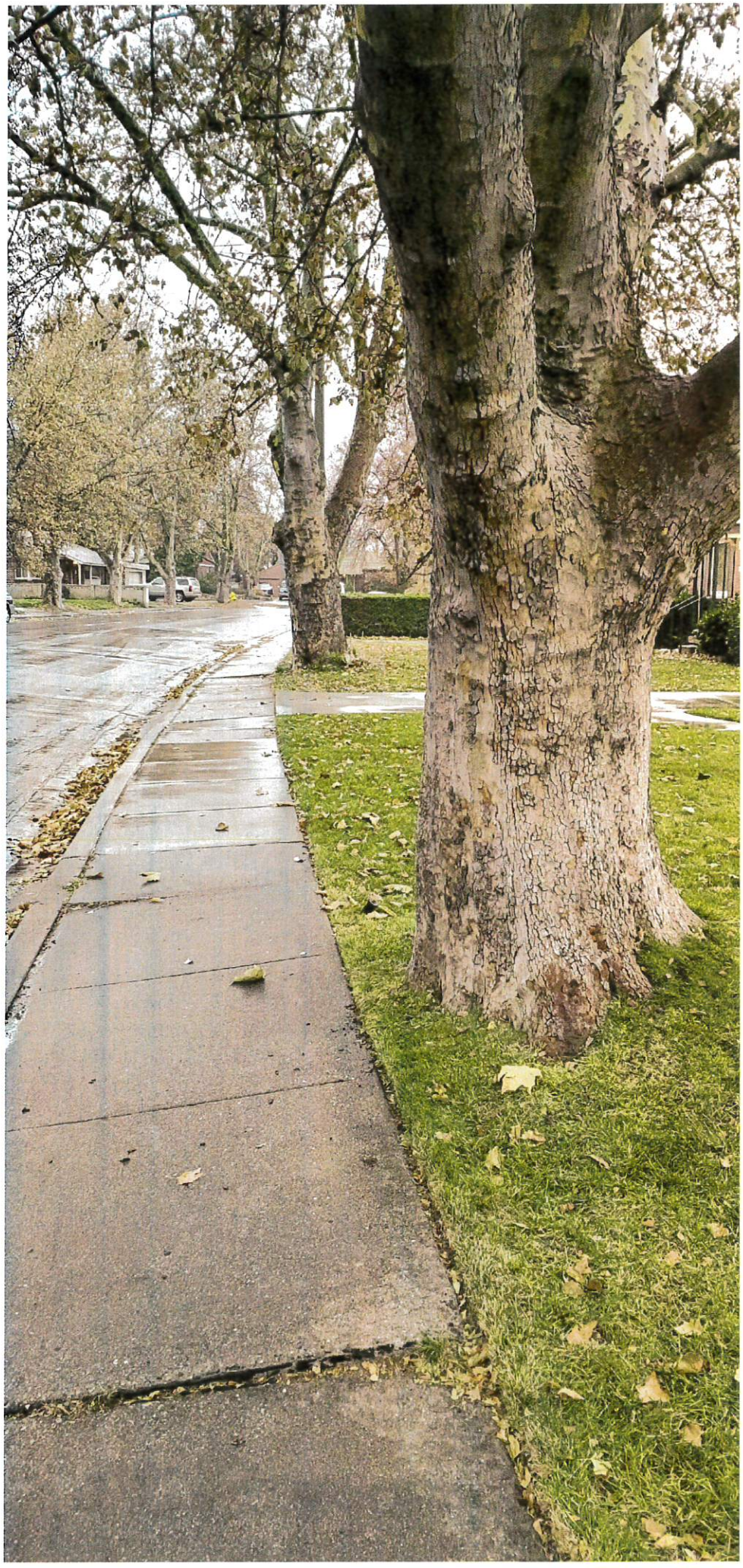


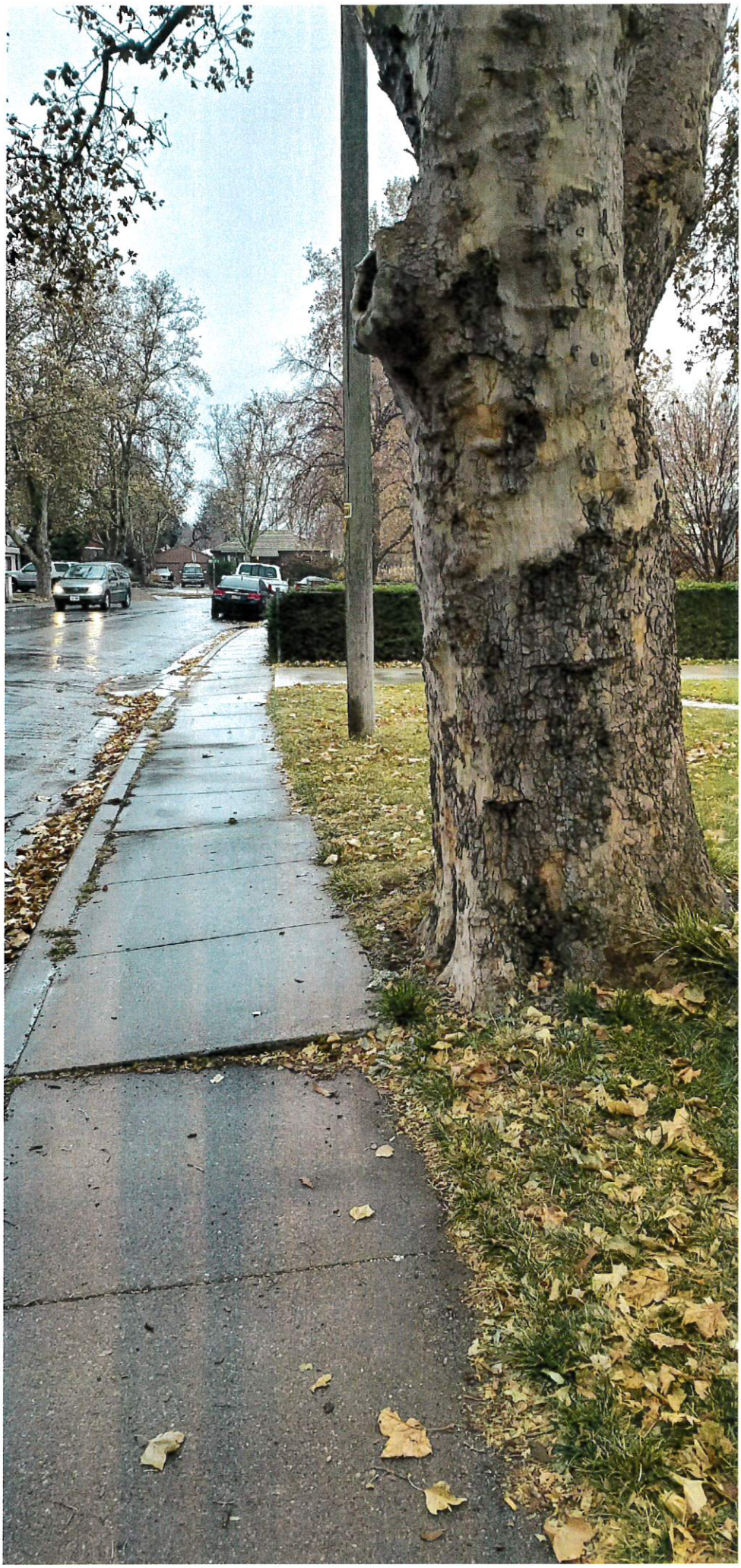
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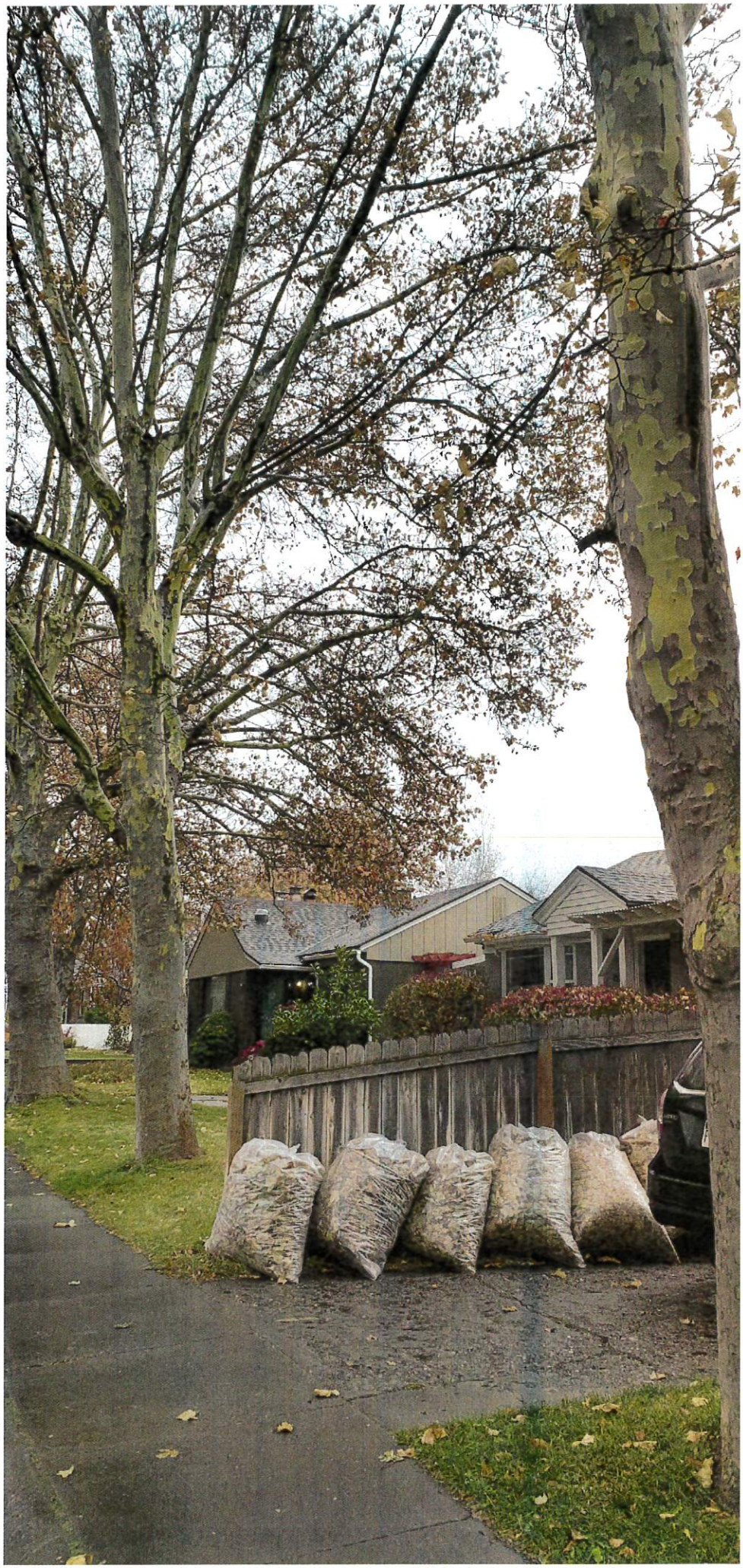


10 street tree, sycamore tree

Sycamore trees are among the most likely to cause broken, lifted sidewalks and curbs as well as become shallowly rooted which results in maintenance issues as those surface roots "rob" water and nutrients from n ear by plants causing deteriorating vitality in those plants making the landscape aesthetics suffer.







DENVER PARKS & RECREATION

Treeport Cards
How's your Neighborhood Doing?

BE A SMART ASH

Pick your Neighborhood

- Select all
- Athmar Park
- Auraria
- Baker
- Barnum
- Barnum West
- Bear Valley
- Belcaro
- Berkeley
- Capitol Hill
- CBD
- Chaffee Park
- Cheesman Park
- Cherry Creek
- City Park

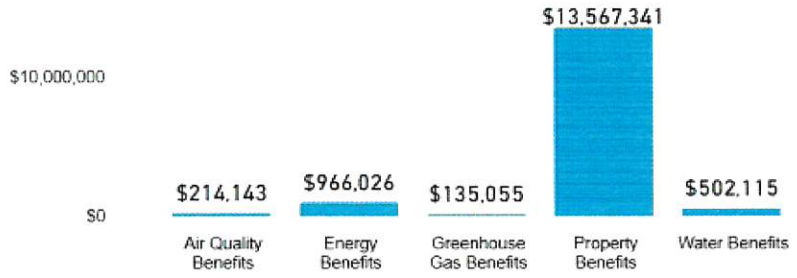
Number of Trees

182,659

Annual Ecosystem Benefits

$15,220,438

Savings by Ecosystem Benefits

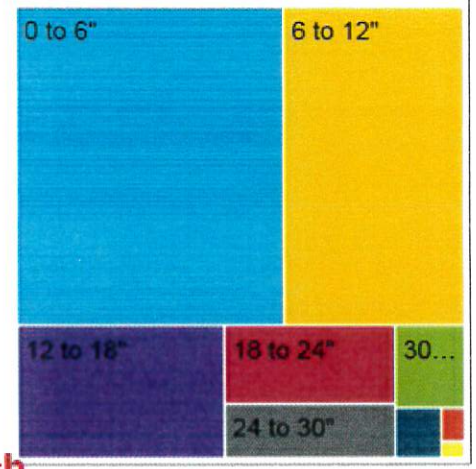


Fifteen Most Common Tree Types



Plane refers to the common name for Sycamore trees which make up a very small part of their urban forest as apposed to what we have being proposed by our "planners"

How big are your trees?



See if your neighborhood meets Denver's citywide goal of 18%

Tree Canopy Coverage %



TRAFFIC IMPACTS

Millcreek engaged Fehr and Peers to conduct a traffic impact study of the entire City Center area. Preliminary results show that there will be traffic impacts, particularly near the 3300 South intersection. That traffic study has been completed and is included by reference in this staff report.

1) The study looks at three basic scenarios for 2030: background growth (assuming no city-center redevelopment), redevelopment (assuming market-driven growth based on the Millcreek City Center master plan), and a *greatest impact scenario*, assuming extraordinary and unusual growth in the city center. The purpose of the greatest impact scenario was to explore the state at which intersection delays become difficult to tolerate.
2) The redevelopment scenario assumes 1,175 new residences and nearly 130,000 square feet of commercial space. Under this scenario, all of the 13 intersections perform reasonably well even at peak times, and even assuming a reduction of Highland Drive to three lanes through the City Center.
3) The greatest impact scenario assumes 3,808 new residences and over 500,000 square feet of commercial space. Under this scenario, intersections at 1300E/3300S, Highland/Richmond, Highland/3300S, and Highland/3350S experience significant delays. Under this scenario *and assuming a lane reduction along Highland Drive*, several other side street intersections experience significant delay.
4) We note that it is unlikely that the city center master plan will accommodate 3,800 new residences, although 500,000 square feet of commercial (mostly office) might be feasible under certain economic conditions. The likely development potential is somewhere between the redevelopment scenario identified in the report and the greatest impact scenario.
5) Under the greatest impact scenario, the likely mitigation would be restrictions on turn movements on side streets connecting to Highland Drive and Richmond Streets. In other words, they may become right-turn-only intersections at 2030.
6) Staff also notes that Salt Lake City intends to reduce Highland Drive to a three-lane section from 2700 South to the Millcreek municipal boundary at Elgin Avenue by 2030.
7) Development almost always results in traffic demand that requires some form of mitigation. The background growth scenario assumes that the City Center area would remain virtually unchanged. Currently, it is occupied by significant underutilized commercial, vacant or dilapidated commercial uses, and a handful of vibrant businesses. There is significant demand for development in this corridor, and Millcreek intends to address traffic demand appropriately, recognizing that Highland Drive may transition from a corridor designed to move vehicles as efficiently as possible through Millcreek, into a corridor designed to facilitate economic redevelopment. Provo City in recent years changed its Center Street corridor from a corridor designed for throughput into a corridor designed for placemaking. As a result, the city has redeveloped a tired commercial area into a vibrant mixed use area, one that includes significant commercial space, public facilities, residential, and drivers of significant regional traffic demand, such as a convention center and the new Provo City Center Temple. A strong argument could be made that these changes were good for Provo, despite localized traffic impacts.

Staff recommends that Millcreek plan appropriately for development intensity that is *likely to come*, to ensure that Millcreek residents and businesses get something of value out of the change. We acknowledge that traffic generation may result in mitigations that the city needs to make, but those impacts would happen almost under any development scenario, including one where we repealed the town center overlay zone and reverted to the base RM and C2 zoning in the area. This move may reduce heights and intensity, but it would come at the expense of a thoughtful plan that organizes open space, requires commercial components, and demands design standards for buildings well in excess of those of similar developments in the region. Mitigating impacts of traffic

and ensuring that a place is safe and convenient for pedestrians and motorists alike is an issue that Millcreek will be consistently engaged in as this development takes shape. The advantage of the City Center Master Plan, with respect to traffic impacts, is that it envisions a pattern of development that will allow residents and visitors to reduce driving by accommodating multiple activities in fewer trips, particularly in the future when regional traffic demand and air quality problems become more acute.

PROPOSED ORDINANCE AMENDMENTS

Attached to this staff report is a proposed draft of the City Center Overlay Zone. The Planning Commission recommended several changes to the ordinance, and the significant ones are discussed below:

1. **Height.** Maximum building heights are described on pages 8 and 9 of the map. In this update, the language makes clear that building heights within 75 feet of Highland Drive are limited to 50 feet. Heights for anything within the area identified as the City Center Open Space or Millcreek Common will be limited to 38 feet. In addition, staff recommends that the southeast corner of 3300 South and Highland Drive be limited in height to 38 feet, in order to better maintain a view corridor to the Wasatch Front.

2. **Commercial Use Requirements.** Except for development in the Neighborhood District, any residential development must be a part of a mixed use development.

    a. **Mixed Use along 3300 South.** On the north side of 3300 South between Highland Drive and Richmond Street, residential uses may comprise no more than 25% of the floor area of any mixed use building. This requirement is proposed in order to emphasize the commercial viability of these high-profile properties on either side of the proposed Millcreek Common.

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Marvsculptor
Options

Any thing to do with trees, shrubs or other horticultural subjects must be under the purview of a qualified Urban Forester, not engineers or other unqualified persons on horticultural matters.

mercial uses must comprise the full length of any addition, those uses are limited to retail or restaurant

0 feet, unless a building has more than 20% of its s.

re feet in floor area, a ground floor footprint of over approved through a conditional use process.

not be allowed as a material on any street-facing Building length shall not exceed 300 feet.

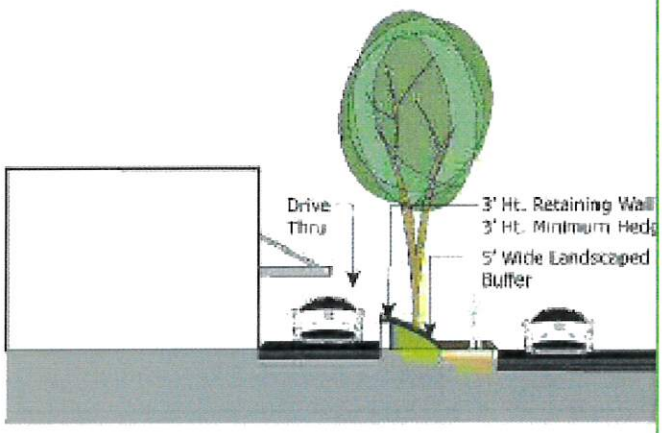
linance will require EV charging stations and solar

6. **Street Trees.** The ordinance proposes street trees along Highland Drive, to be approved by the City Engineer pursuant to a street tree plan.

7. **Separation Requirements for Residential Buildings.** In order to facilitate quality residential construction, the attached draft includes a provision requiring a window offset requirement and a minimum building separation between building walls that contain opposing residential bedrooms.

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



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Options

Any tree planting recommendations in narrow parking strips must be in full consultation with a qualified Urban Forester to assure long term tree health and sufficient growing space so as not to cause damage from tree root or tree truck growth in raised sidewalks or broken curbs. Such conditions are also the result of long term watering practices that don't encourage tree roots to grow deeply as apposed to common shallow watering that encourages tree roots to grow in the shallow watering zone close to the surface.

4. **Requirements for Residential Uses.** Requirements for any reside comply with the requirements established in Chapter 19.44 Multi 19.78 Planned Unit Development of the Code, unless modified by

5. **Street Trees**

General street tree standards can be found in subsection 9, L Additionally, to recognize the orchards that once stood in thi **Neighborhood Streets** shall be planted with groups of flower fruit bearing. Trees from the following list are suggested:

- Spring Snow Crabapple, *Malus 'Spring Snow'*
- Chanticleer Pear, *Pyrus calleryana 'New Bradford'*
- Kwanzan Flowering Cherry, *Prunus Serrulata*
- Eastern Redbud, *Cercis canadensis*
- Fruitless Mulberry, *Morus alba*

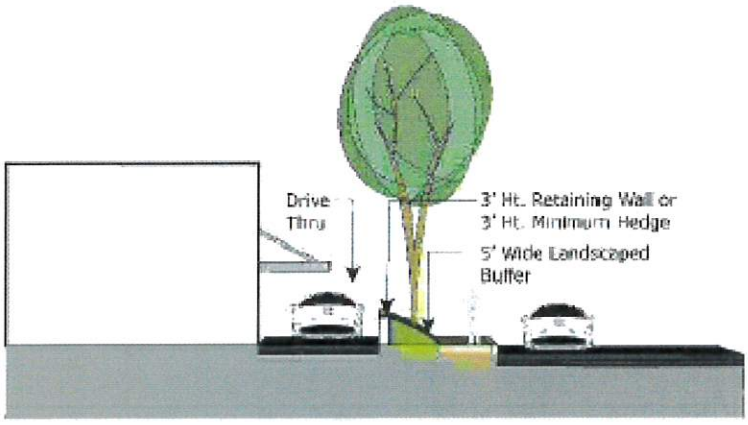
Highland, Richmond, and 33rd South street trees – wherever CO2 should be planted in expandable grates within the pa uniformity and distinction for these roads are suggested, s a Tree planting plan as required in subsection 9.

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. Exact dimensions and requirements will need to be coordinated with Public Works.

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 Multi-Family Residential and Chapter 19.78 Planned Unit Development 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 flowering ornamental trees that are non-fruit bearing. Trees from the following list are suggested:

- Spring Snow Crabapple, *Malus 'Spring Snow'*
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- Kwanzan Flowering Cherry, *Prunus Serrulata*
- Eastern Redbud, *Cercis canadensis*
- Fruitless Mulberry, *Morus alba*

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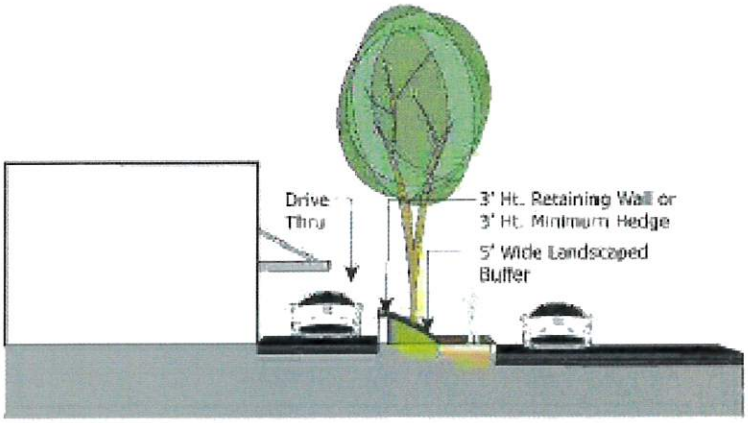
Marvsculptor

Options

Too Specific. Any tree list must be recommended by a qualified Urban Forester, not by planning staff or city engineer. Amy tree recommendations should include the many selection factors including above ground and below ground conditions, including available space and soil quality to assure long term tree health.

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



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- Kwanzan Flowering Cherry, *Prunus Serrulata*
- Eastern Redbud, *Cercis canadensis*
- Fruitless Mulberry, *Morus alba*

Highland, Richmond, and 33rd South street trees – wherever possible trees that consume greater CO2 should be planted in expandable grates within the park strip.Trees intended to create uniformity and distinction for these roads are suggested, subject to City approval, as well as a Tree planting plan as required in subsection 9.

Marvsculptor 12/8/2019 11:10:45 AM Options

This comment about selecting trees that "consume greater CO2" demonstrates the dangerous ignorance I worry about allowing the uninformed to set Urban Forestry policy, as well as any other policy affecting Millcreek City.

for the
ith
ensions

A. **Highland Drive**

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.

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
	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)
	Trees in grates within the 10′ walkway dimension noted above
	Bike racks, seating, lighting, planters

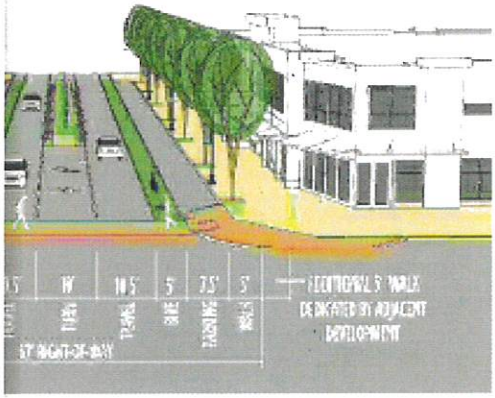
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Marvsculptor

Options

Any tree planting recommendations in narrow parking strips must be in full consultation with a qualified Urban Forester to assure long term tree health and sufficient growing space so as not to cause damage from tree root or tree truck growth in raised sidewalks or broken curbs. Such conditions are also the result of long term watering practices that don't encourage tree roots to grow deeply as apposed to common shallow watering that encourages tree roots to grow in the shallow watering zone close to the surface.

ighland Drive



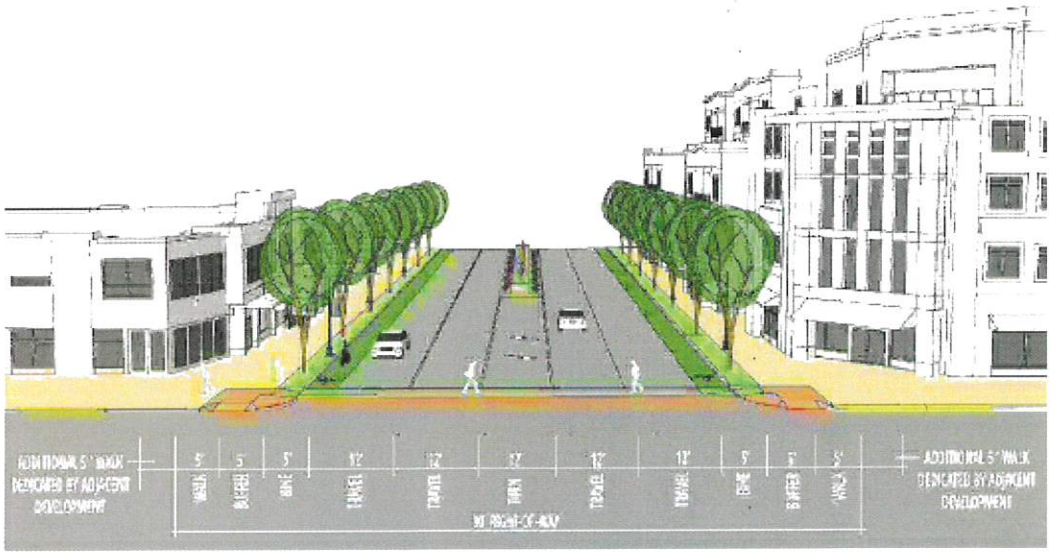
A minimum of two lanes in each direction with a median turning lane, punctuated with landscaped medians in areas not needing left turns, these streets are envisioned as grand boulevards.

Requirements	
Vehicular Zone	
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
Pedestrian Zone	
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 Cty or provided through a public pedestrian easement and can encroach on the setback)
Street Buffer	5′ park strip xeriscape with large trees

Marvsculptor 12/8/2019 11:09:47 AM Options

Any tree planting recommendations in narrow parking strips must be in full consultation with a qualified Urban Forester to assure long term tree health and sufficient growing space so as not to cause damage from tree root or tree truck growth in raised sidewalks or broken curbs. Such conditions are also the result of long term watering practices that don't encourage tree roots to grow deeply as apposed to common shallow watering that encourages tree roots to grow in the shallow watering zone close to the surface.

Figure 4 Typical Cross Section for Richmond/13th East Boulevard



C. 33rd South Boulevard

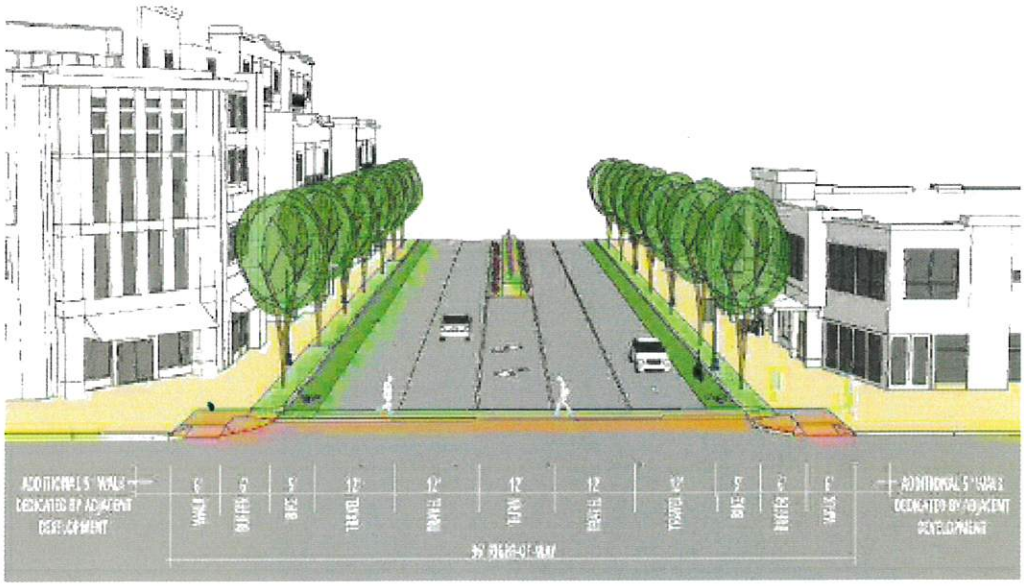
This street is controlled by UDOT but plays an important role in the recognition of the City Center and the flow of major volumes of traffic in an east/west direction. To facilitate mobilty with the City Center area, protected bike lanes are recommended to create better connections, between Highland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

Requirements	
	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

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Any tree planting recommendations in narrow parking strips must be in full consultation with a qualified Urban Forester to assure long term tree health and sufficient growing space so as not to cause damage from tree root or tree truck growth in raised sidewalks or broken curbs. Such conditions are also the result of long term watering practices that don't encourage tree roots to grow deeply as apposed to common shallow watering that encourages tree roots to grow in the shallow watering zone close to the surface.

Figure 5 Typical Cross Section for 33rd South



D. Neighborhood Streets

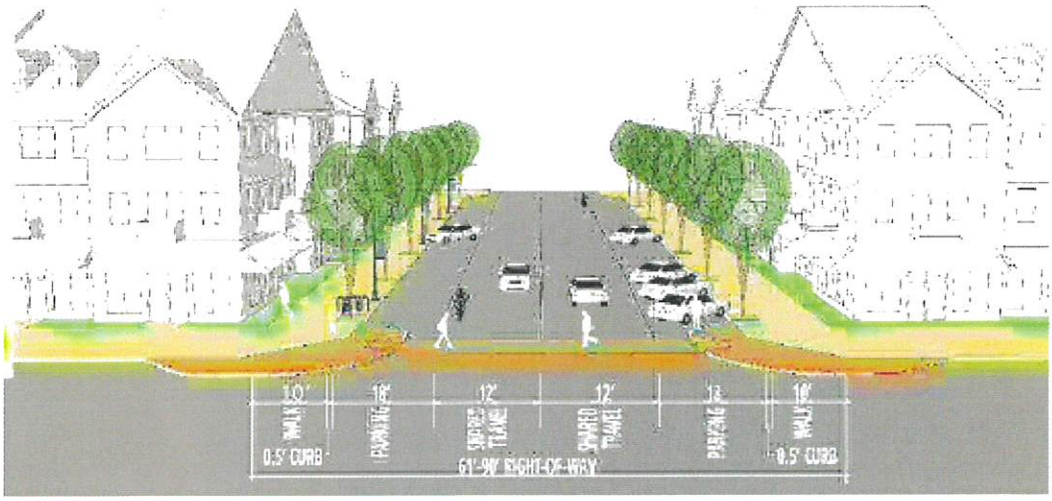
Connecting neighborhood streets include all of the streets that run east and west between Highland and Richmond Street/1300 East through the City Center. These streets are characterized by narrower right-of-way widths with similar goals of

Marvsculptor 12/8/2019 11:18:55 AM Options

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Street Buffer	5' min. landscape area with trees
Furnishings	Bike racks, seating, lighting, planters

Figure 6 Typical Cross Section for a Neighborhood Street



E. Millcreek Common Street and Frontage

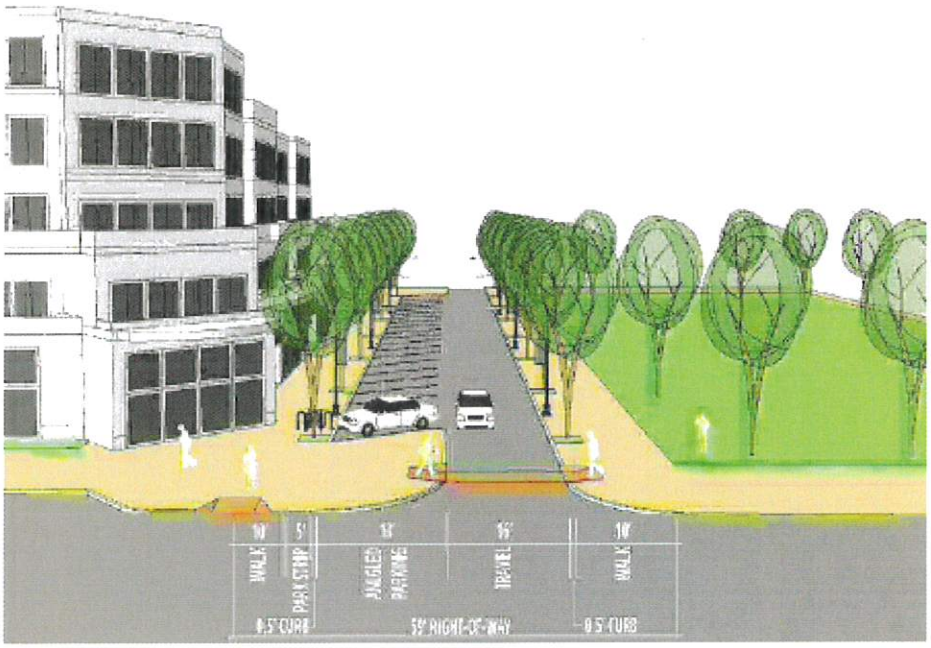
If vehicular access and parking is provided between any building and Millcreek Common

Marvsculptor 12/8/2019 11:20:40 AM Options

Any tree planting recommendations in narrow parking strips must be in full consultation with a qualified Urban Forester to assure long term tree health and sufficient growing space so as not to cause damage from tree root or tree truck growth in raised sidewalks or broken curbs. Such conditions are also the result of long term watering practices that don't encourage tree roots to grow deeply as apposed to common shallow watering that encourages tree roots to grow in the shallow watering zone close to the surface.

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 Potential Cross Section for Millcreek Common 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

Marvsculptor 12/8/2019 11:22:40 AM Options

Any tree planting recommendations in narrow parking strips must be in full consultation with a qualified Urban Forester to assure long term tree health and sufficient growing space so as not to cause damage from tree root or tree truck growth in raised sidewalks or broken curbs. Such conditions are also the result of long term watering practices that don't encourage tree roots to grow deeply as apposed to common shallow watering that encourages tree roots to grow in the shallow watering zone close to the surface.

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 8 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.

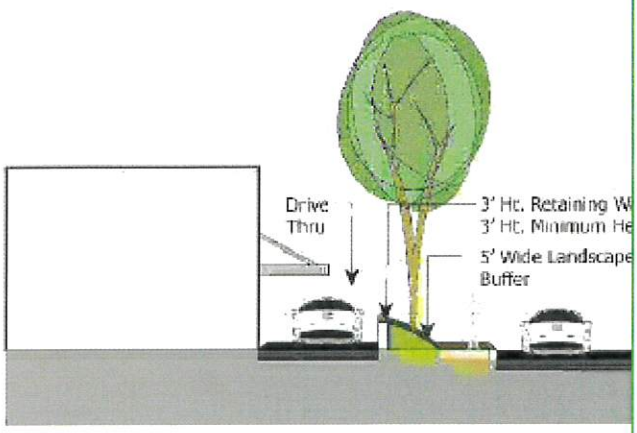
Marvsculptor 12/8/2019 11:24:53 AM Options

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Walkways	10'
Street Buffer	Regular spaced landscaped islands, with trees
Furnishings	Seating within the islands

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



12/8/2019 11:27:34 AM
Marvsculptor
Options

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4. **Requirements for Residential Uses.** Requirements for any resid
comply with the requirements established in Chapter 19.44 Mu
19.78 Planned Unit Development of the Code, unless modified

5. Street Trees

General street tree standards can be found in subsection 9,
Additionally, to recognize the orchards that once stood in th
Neighborhood Streets shall be planted with groups of flowe
fruit bearing. Trees from the following list are suggested:

- Spring Snow Crabapple, *Malus 'Spring Snow'*
- Chanticleer Pear, *Pyrus calleryana 'New Bradford'*
- Kwanzan Flowering Cherry, *Prunus Serrulata*
- Eastern Redbud, *Cercis canadensis*
- Fruitless Mulberry, *Morus alba*

Highland, Richmond, and 33rd South street trees – wherever possible trees that consume greater CO2 should be planted in expandable grates within the park strip.Trees intended to create uniformity and distinction for these roads are suggested, subject to City approval, as well as a Tree planting plan as required in subsection 9.

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. Exact dimensions and requirements will need to be coordinated with Public Works.

A. **Highland Drive**

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.

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
Pedestrian Zone	
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
	racks, seating, lighting, planters

12/8/2019 11:29:40 AM

Marvsculptor Options

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and Drive



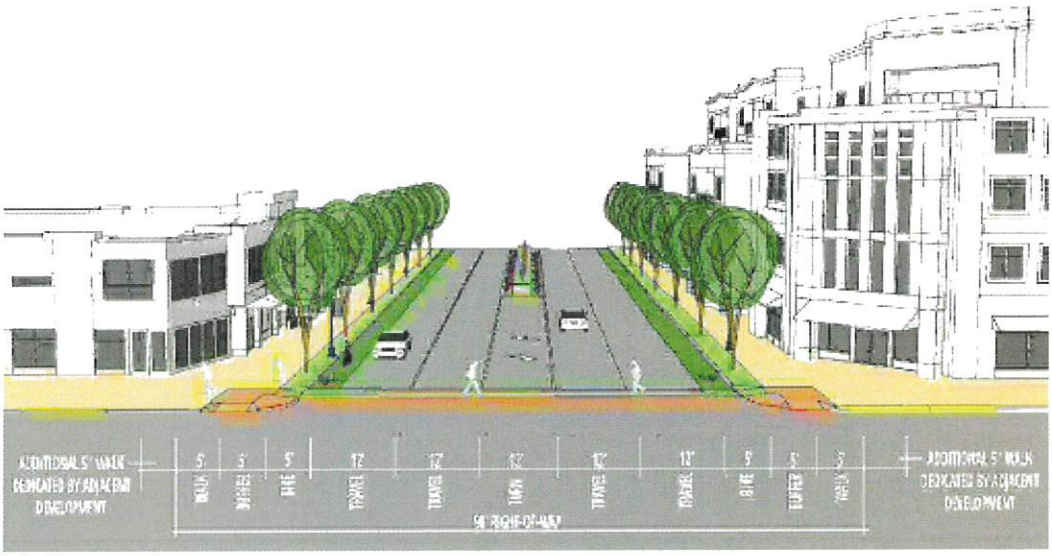
A minimum of two lanes in each direction with a median turning lane, punctuated with landscaped medians in areas not needing left turns, these streets are envisioned as grand boulevards.

Requirements	
Vehicular Zone	
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
Pedestrian Zone	
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 Cty 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

Marvsculptor 12/8/2019 11:31:07 AM Options

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Figure 4 Typical Cross Section for Richmond/13th East Boulevard



C. 33rd South Boulevard

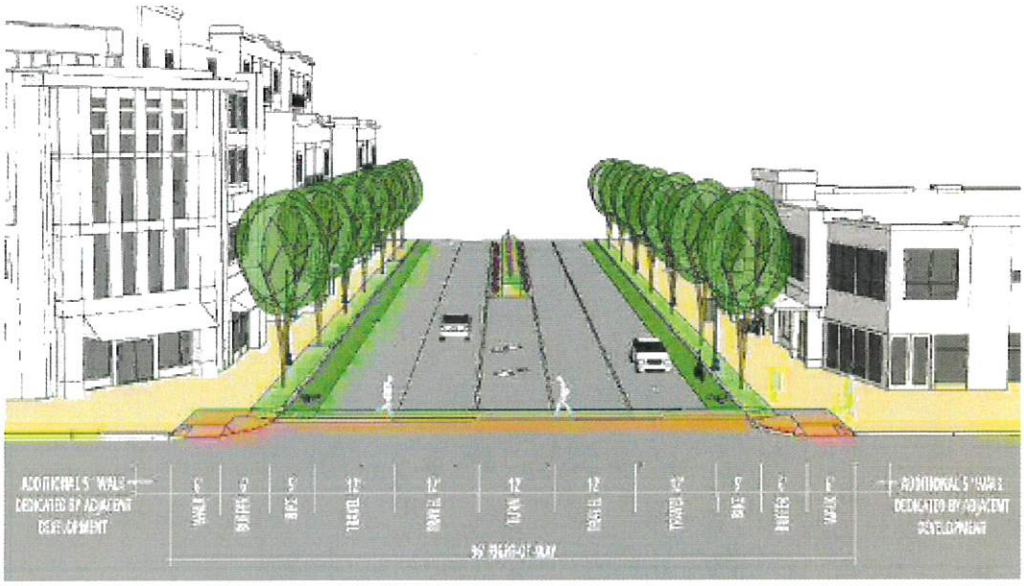
This street is controlled by UDOT but plays an important role in the recognition of the City Center and the flow of major volumes of traffic in an east/west direction. To facilitate mobilty with the City Center area, protected bike lanes are recommended to create better connections, between Highland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

Requirements	
Vehicular Zone	
ROW Width	96'
	pedestrian easement and can encroach on the setback)
Street Buffer	6' park strip xeriscape with large trees
Furnishings	Bike racks, bus shelters, lighting

Marvsculptor 12/8/2019 11:36:28 AM Options

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Figure 5 Typical Cross Section for 33rd South



D. Neighborhood Streets

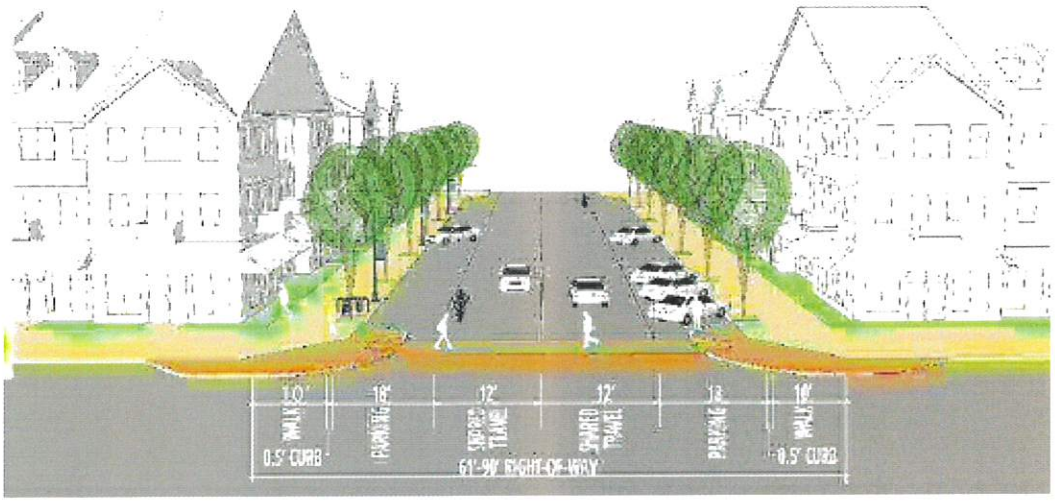
Connecting neighborhood streets include all of the streets that run east and west between Highland and Richmond Street/1300 East through the City Center. These streets are characterized by narrower right-of-way widths with similar goals of

Marvsculptor 12/8/2019 11:38:41 AM Options

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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



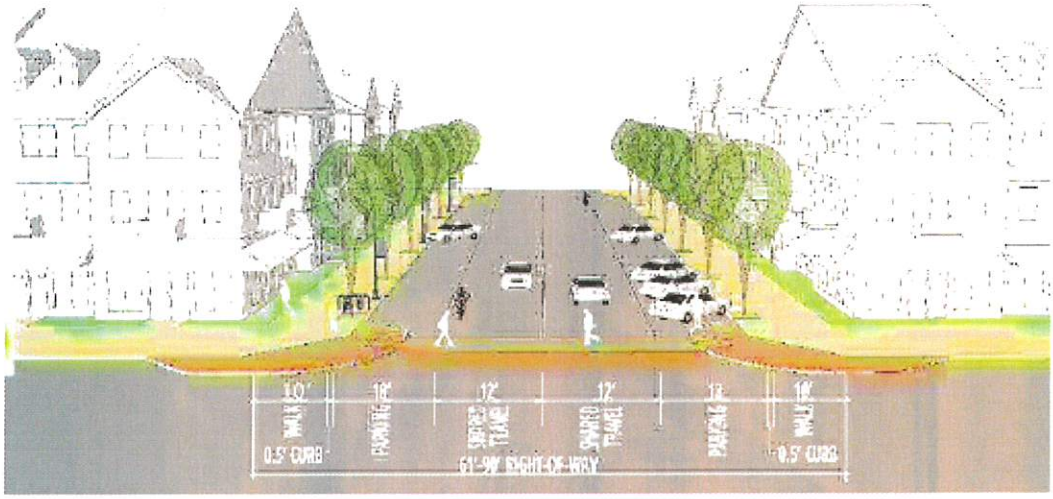
E. Millcreek Common Street and Frontage

Marvsculptor 12/8/2019 11:41:53 AM Options

Any tree planting recommendations in narrow parking strips must be in full consultation with a qualified Urban Forester to assure long term tree health and sufficient growing space so as not to cause damage from tree root or tree truck growth in raised sidewalks or broken curbs. Such conditions are also the result of long term watering practices that don't encourage tree roots to grow deeply as apposed to common shallow watering that encourages tree roots to grow in the shallow watering zone close to the surface.

Pedestrian Zone	
Walkways	10' min. outside edge, 5' inside edge
Street Buffer	5' min. landscape area, with trees
Furnishings	Bike racks, seating, lighting, planters, sculptures

Figure 6 Typical Cross Section for a Neighborhood Street



E. Millcreek Common Street and Frontage

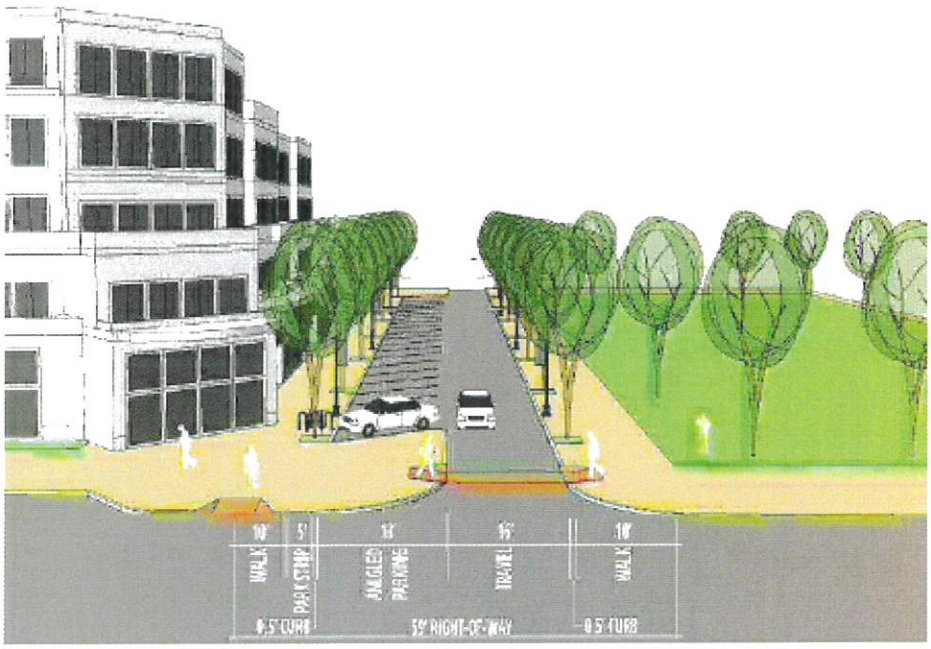
If vehicular access and parking is provided between any building and Millcreek Common

Marvsculptor 12/8/2019 11:20:40 AM Options

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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 Potential Cross Section for Millcreek Common 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

Marvsculptor 12/8/2019 11:43:37 AM Options

Any tree planting recommendations in narrow parking strips must be in full consultation with a qualified Urban Forester to assure long term tree health and sufficient growing space so as not to cause damage from tree root or tree truck growth in raised sidewalks or broken curbs. Such conditions are also the result of long term watering practices that don't encourage tree roots to grow deeply as apposed to common shallow watering that encourages tree roots to grow in the shallow watering zone close to the surface.

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 8 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.

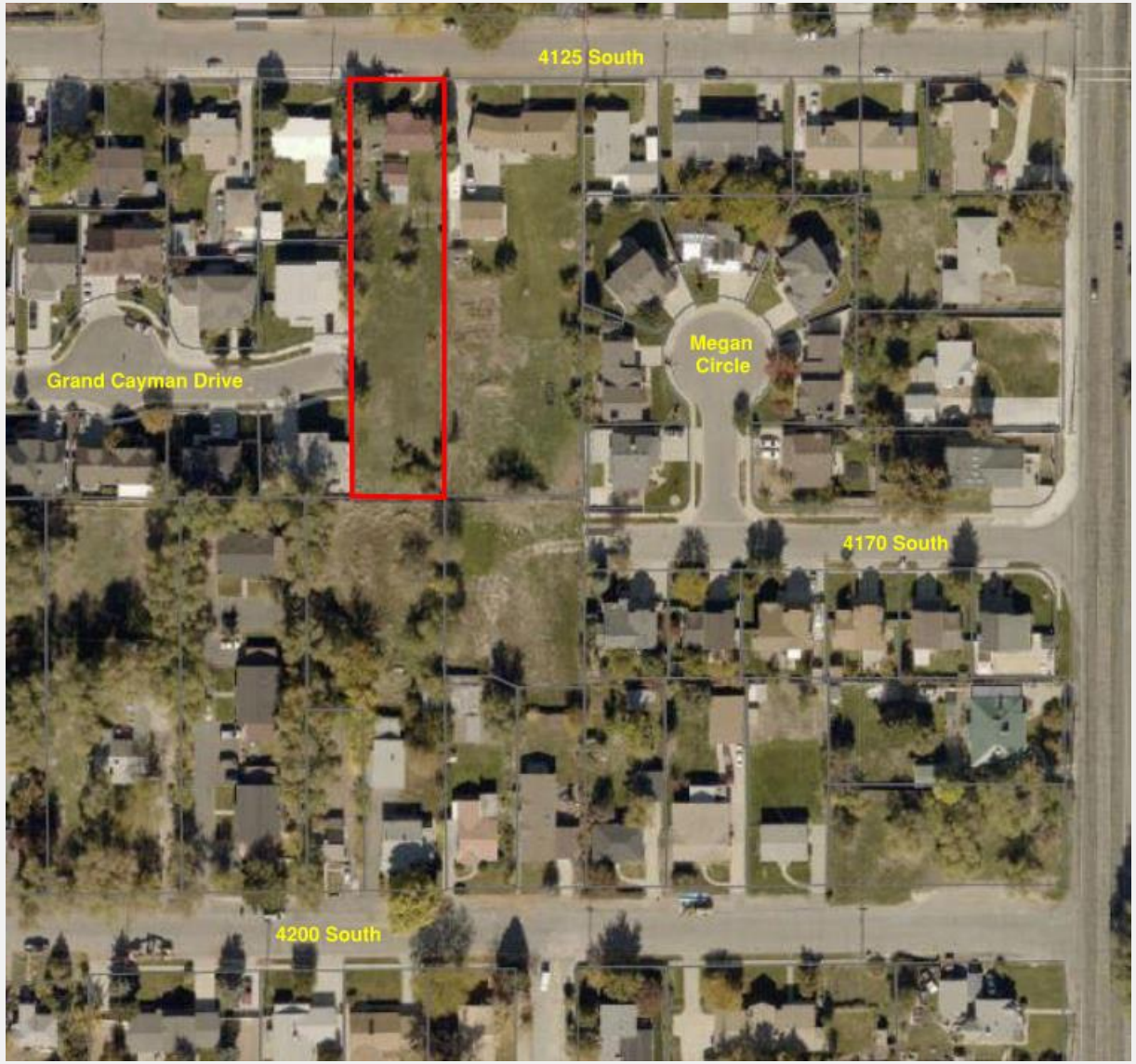
Marvsculptor 12/8/2019 11:45:42 AM Options

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Street Buffer	Regular spaced landscaped islands, with trees
Furnishings	Seating within the islands

REZONE FROM R-2-10 TO R-1-5
828 E. 4125 S.

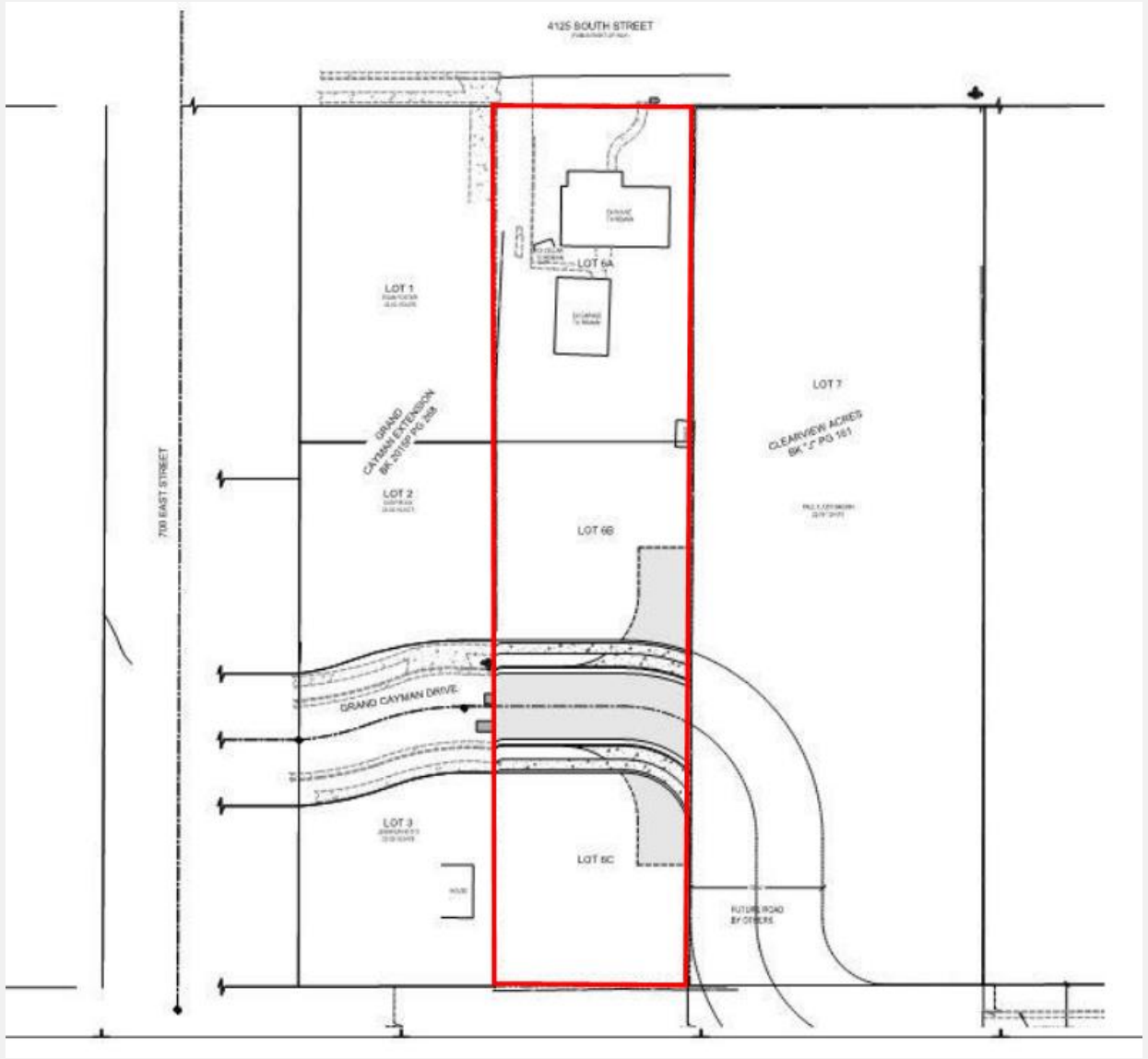
Aldo Arnone is requesting the rezone of property located at 828 E. 4125 S. from R-2-10 to R-1-5 to facilitate the subdivision of the property to create two new single-family lots at the end of Grand Cayman Drive.



The property is a narrow deep parcel fronting on 4125 South and adjacent to Grand Cayman Drive. It is .57 acres in size and adjacent to R-1-5, R-1-10 and R-2-10 zoning.



Mr. Arnone would like to create a 3-lot subdivision with two lots at the end of Grand Cayman Drive. The proposed subdivision would provide a hammerhead turnaround rather than a cul-de-sac to enable a future connection of Grand Cayman Drive to 4170 South to the east when warranted.



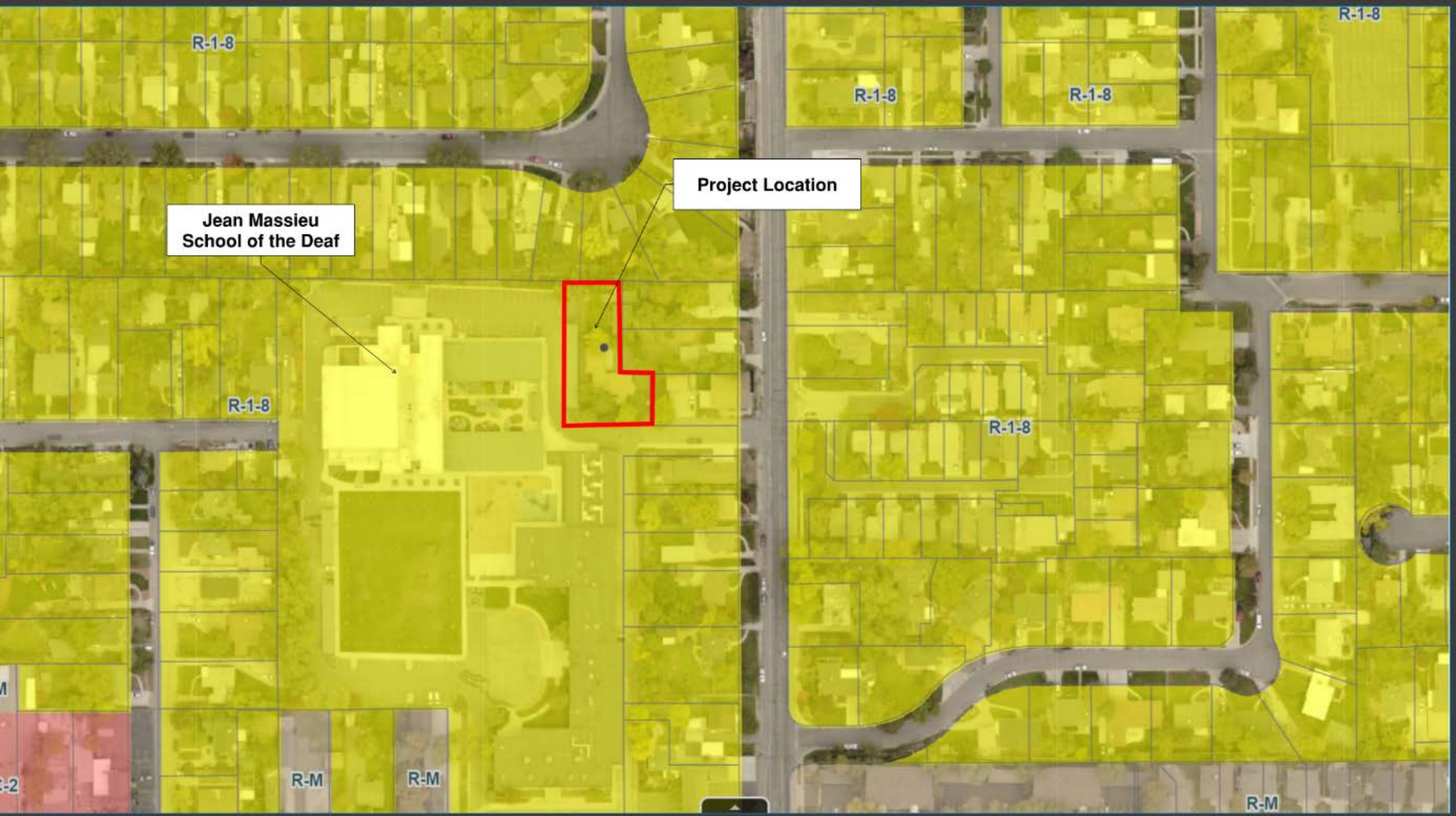
At their meeting on November 5, 2019, the Millcreek Community Council voted unanimously to recommend this rezone to the Planning Commission.

At their meeting on November 20, 2019, the Planning Commission voted unanimously to send a favorable recommendation to the City Council for this rezone.

ZM-19-016

(second reading)

Rezone from R-1-8 to 1-6 to allow for each home to be on separate parcel by utilizing the subdivision flag lot policy located at 1643-1647 East Woodland Avenue


R-1-8
R-1-8
R-1-8
R-1-8
Project Location
Jean Massieu
School of the Deaf
R-1-8
R-1-8
R-M
R-M
R-M


Woodland Ave
Woodland Ave
Google


LOT 2
9,904 SQFT.
BUILDABLE
AREA = 1,719 SQFT.
EXISTING ASPHALT
DRIVE
DEMOLISH EXISTING
STRUCTURES
EX. LOT (TO REMAIN)
EX. LOT (TAKE 513 SQFT.)
PROPERTY PURCHASE
AREA = 513 SQFT.
EXISTING PROPERTY LINE
(TO REMAIN)
LOT 1
BLDG FP = 1,600 SQFT.
LOT 1
7,592 SQFT.
ACCESS EASEMENT
AREA =2,180 SQFT.
EX. LOT (TO REMAIN)
IMPERIAL STREET
WOODLAND AVENUE


ADDITIONAL
PARKING


Woodland Ave

Project Characteristics					
Requirement	**R-1-8**	**R-1-6**	**R-1-6 Flag Lot**	**Proposed**	
				Base Lot	**Flag Lot**
Height	28' Max	28' Max	28' Max	**18'***	**28' Max***
Front Yard Setback	25'	25'	20'	**26'**	**20'**
Side Yard Setback	8'	8'	20'	**8'**	**20'**
Rear Yard Setback	15'/30'	15'/30'	20'	**15'**	**20'**
Lot Width	65'	60'	60'	**80'**	**76'**
Lot Area	8,000 s.f.	6,000 s.f	9,000 s.f. min.	**7,592 s.f.**	**9,000 s.f.**

***The proposed rezone to R-1-6 will still be subject to the Residential Compatibility Overlay (RCOZ) Zone limiting the development in terms of height and lot coverage, etc.



COMMUNITY COUNCIL RECOMMENDATION

At their regularly scheduled October meetings, the Canyon Rim Community Association and East Millcreek Community Council each **recommended approval** to the Millcreek Planning Commission of the proposed rezone from R-1-8 to R-1-6.

PLANNING COMMISSION RECOMMENDATION

The Millcreek Planning Commission **recommended approval** of rezone proposal ZM-19-016 located at 1643-1647 East Woodland Avenue based on Planning Staff analysis and findings and with a development agreement outlining the following conditions and added the condition of approval be subject to the Chapter 19.77 (*Water Efficient Landscape Design and Development*) in an effort to preserve as many of the mature tree as possible:

- Limiting the proposed rezone to a 2-lot flag lot subdivision as per plan
- Requiring the removal of the existing home to the north before a subdivision plat is recorded

PLANNING STAFF ANALYSIS AND FINDINGS

- Staff finds that the proposed rezone for two of the proposed lots is in harmony of the general plan and "Neighborhood 1" zoning designation

- Staff finds that by rezoning subject property to make way for a flag lot provides a secure access to the north dwelling and new tax identification number for tax assessment purposes.

- Staff finds that with a development agreement limiting the proposed rezone to a 2-lot flag lot subdivision as per plan and requiring the removal of the existing home to the north before a subdivision plat is recorded will guarantee the intent of the proposal and ensure zoning compliance.

CITY COUNCIL MODEL MOTION

Planning Staff recommends to the Millcreek City Council **to approve** rezone proposal ZM-19-016 based on Planning staff analysis and findings and with a development agreement outlining the following conditions:

- Limiting the proposed rezone to a 2-lot flag lot subdivision as per proposed in Exhibit A of the Development Agreement.

- Requiring the removal of the existing home to the north before a subdivision plat is approved by the City and plat is recorded.

3330 South 1300 East
Millcreek, UT 84107
801-214-2700
millcreek.us

File No. ZT-19-003

City Council Staff Report

Meeting Date: **9 December 2019**
Applicant: **City**

Request: **Amendment to Chapter 19.73 of the Millcreek Code Adopting the City Center Overlay Zone**

Prepared By: **Francis Xavier Lilly, AICP, Planning Director**

SYNOPSIS AND SCOPE OF DECISION

Millcreek is requesting that the City Council amend the current Town Center Overlay Zone text to adopt new building standards and to rename the zone *City Center Overlay Zone* in a manner compliant with the City Center Master Plan, adopted by the Millcreek Council on 11 June 2019.

No zoning boundary change is contemplated as part of this text amendment; the existing Town Center Overlay Zone is to be renamed and new development standards will apply to developments and uses within the existing boundaries of the Town Center Overlay Zone, described below in Figure 1.

The City Center Overlay Zone is a form-based code that acknowledges the uniqueness of the City Center, both as an area that is highly desired for redevelopment, and as an opportunity for the city to gain significant public space, and a legacy of quality development for Millcreek residents now and in the future. The ordinance seeks to regulate building heights, building materials, and uses in a manner that will catalyze high quality development, beautiful open space, and neighborhood connectivity.

The proposed zone text addresses building forms, uses, and design standards for frontages along streets. Staff recognizes that the successful implementation of a City depends on much more than an ordinance with high design standards. Accordingly, work is proceeding along several fronts to ensure that Millcreek's City Center, identified formally as a desired outcome in the *Millcreek Together* General Plan, will become a valued amenity for Millcreek residents and a catalyst for quality growth. Our City Center efforts include:

1. Property acquisition and design for the proposed City Center Open Space.
2. Improvements to the Mountair Streetscape
3. Reconfiguration of Highland Drive to a three-lane section between Elgin Avenue and 3300 South.
4. Lighted pedestrian crossings across Richmond Street and Highland Drive in the proposed City Center area.
5. Researching possibilities for an above-grade pedestrian crossing across 3300 South.
6. Consideration of a Parking District, and/or a public-private partnership for structured parking.
7. Consideration of a Business Improvement District to maintain required improvements in the City Center.

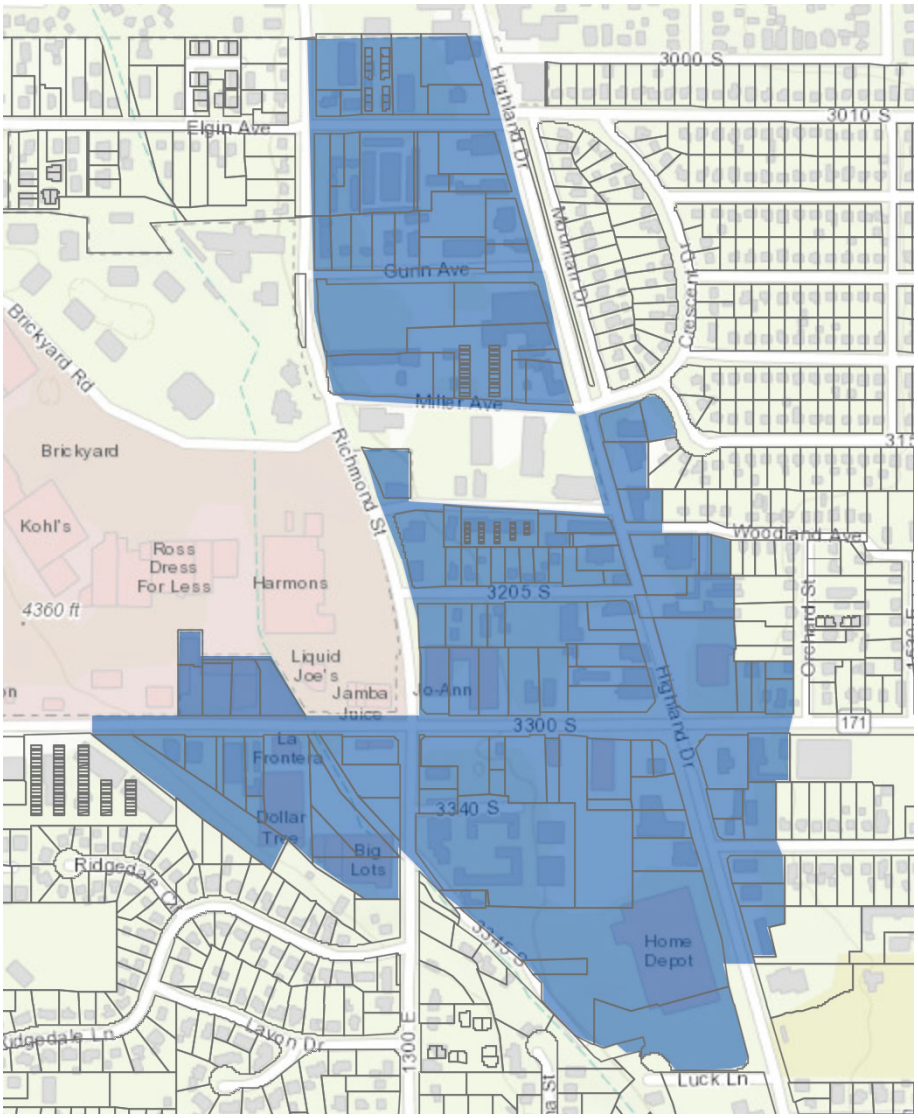
8. Consideration of a Residential Parking District for residents of the Mountair Acres neighborhood.
9. Development of a plan for programming and activating the City Center Open Space, to include the possibility of a third-party events coordinator.
10. Potential revisions to Business License codes, and adoption of new licensing requirements for sidewalk dining and performances in the City Center.

This summarizes a complex, multi-year, multi-agency effort to create a quality city center for Millcreek, of which zoning is only a part. Due to intense developer interest amplified by the designation of this area as a Qualified Opportunity Zone, existing entitlements that could allow development in a manner inconsistent with the City Center master plan, and the City's own goal to use CRA funds to fund the construction of the open space, staff is recommending adoption of the City Center Overlay Zone text as soon as possible.

Pursuant to **§19.90.010** of the Millcreek Code, The City Council may amend the number, shape, boundaries or area of any zone or any regulation within any zone. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the relevant planning commission.

Public Hearings were held on the City Center Overlay Zone on 18 September and 20 November, after considerable public input and comment at various open houses and community council meetings. At their meeting on 25 November 2019, the Planning Commission recommended adoption of the City Center Overlay Zone, subject to changes contained within the attached draft, on a vote of five in favor to one opposed.

Figure 1: Overlay Zone Boundary



GENERAL PLAN AND ZONING ORDINANCE CONSIDERATIONS

The idea of a city center in this area is not new, and the following paragraphs are intended to lay out the recent history of planning for a city center.

For many years, County and City zoning has allowed multifamily uses in commercial zones at densities of up to 32 dwellings per acre; in early 2016, the Commercial zones were amended to establish height limits and mixed use requirements in the C-3 zone. At the same time, Millcreek embarked on a general plan – and through that process, the community identified the possibility of a mixed use city center between approximately Elgin Avenue and 3300 South, and Highland Drive and Richmond Street. As the General Plan developed, a desired vision emerged to create several centers that function as the 'heart of community activity, characterized by walkability, unique spaces, commercial areas, and compatibility with surrounding land uses.' The draft plan expands on this idea of specifically creating a City Center near 3300 South, between Highland Derive and Richmond Street:

> *One generally supported idea is the creation of a City Center, a location where government, business, commercial, transportation and residential uses complement one another.*

The draft General Plan then states the following with respect to a proposed City Center in Millcreek:

> *The City Center would be the highest concentration of development found anywhere in Millcreek. It is the focal point for the City, the center of government, cultural, office, commercial, financial, transportation and other activities with a variety of day and night activities that attracts visitors from throughout the City and region. Major arterials provide access and the City Center is envisioned to have both local and regional transit connections. Pedestrian access and movement would be high, and consideration for pedestrians is paramount. New development should be sensitive to the context of the surrounding neighborhoods and districts, and build on the strengths and character of these established areas.*
>
> *The Wedge. The City Center, known as The Wedge, is Millcreek's most intense development area, envisioned as a regional center for commerce and culture. The Wedge should evolve into a vibrant mixed-use area with a range of employment, services, and housing. The Wedge should be highly walkable and well connected by multiple types of transportation and transit. It should have a balanced mixture of jobs and housing, and contain amenities that support residents, workers and employers within the center and also throughout the City. It is also envisioned that The Wedge would be a central public gathering place, and home to many of Millcreek's entertainment and cultural institutions*

This vision is in part a reflection of community aspirations for an identifiable place that is uniquely Millcreek, and part of a response to considerable developer interest in the area.

Figure 2 – Draft General Plan City Center Designation

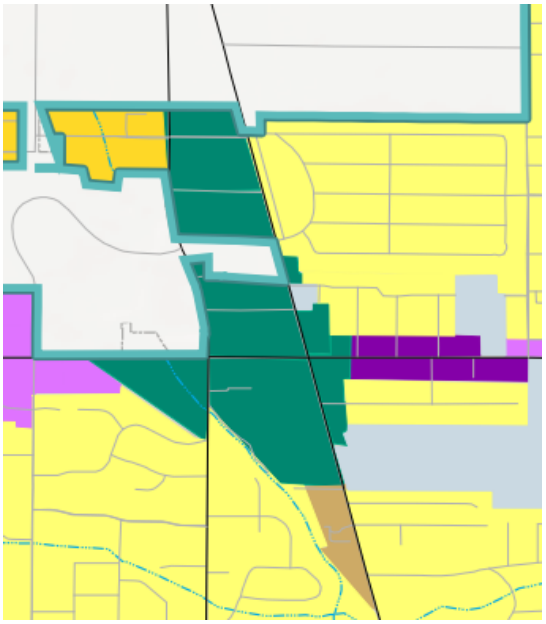


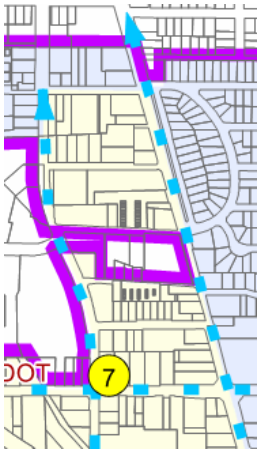
Figure 2 above shows the location of the proposed City Center (in teal) as a land use category on the draft Future Land Use Map, a critical component of the general plan. The General Plan proposes some expectations for a city center, described below:

Figure 3 – Town Center Land Use Category

Uses	Range of Density/Scale	Key Characteristics
Primary: Large format and specialty retail, professional uses, restaurant, and similar arts and entertainment uses that attract visitors from around the City and region. **Secondary:** Multifamily condominiums or apartments, hospitality, civic and public facilities, health services, as well as plazas, squares, pocket parks, community gardens, and other gathering spaces.	Building heights range from 2 – 6 stories. Development abutting lower intensity, established residential neighborhoods should provide transitions in massing and height.	• Diverse mix of land use, including restaurants, community facilities, and multifamily residential • Space for local community events and daily socialization • Designed as a walkable and pedestrian-scaled activity center • Encourages redevelopment and infill • Provides employment opportunities

The notion of a city center is an evolution of some concepts brought up as far back as 2009, in the existing Millcreek Township General Plan. The current general plan designates the area as an area of moderate change, bounded by adaptable and flexible corridors.

Figure 4 – Millcreek Township General Plan Land Use Map



The marker indicating the number '7' refers to a project, outlined in the General Plan. Project 7 calls for the city to 'explore the opportunities and challenges associated with redevelopment and revitalization of the Brickyard Area.'

Project Category

Land Use.

Location

The Brickyard shopping area is generally located between 900 and 1300 East, and between 3000 South and 3300 South. A large portion of the Brickyard shopping area is within the Salt Lake City municipal boundary, but the areas surrounding it are all within the Millcreek Township of Salt Lake County.



Objective

New investments have been made in the area. Brickyard will likely continue to remain a community activity center for many years. There are however, many under utilized and under performing properties within the Brickyard area.

Potential Stakeholders

Salt Lake County, Salt Lake City, local property and business owners.

Recommendations

Salt Lake County should undertake a planning effort to explore the opportunities and challenges associated with redevelopment and revitalization of the Brickyard area. The County should coordinate with Salt Lake City to ensure that development across political boundaries is compatible and complementary.

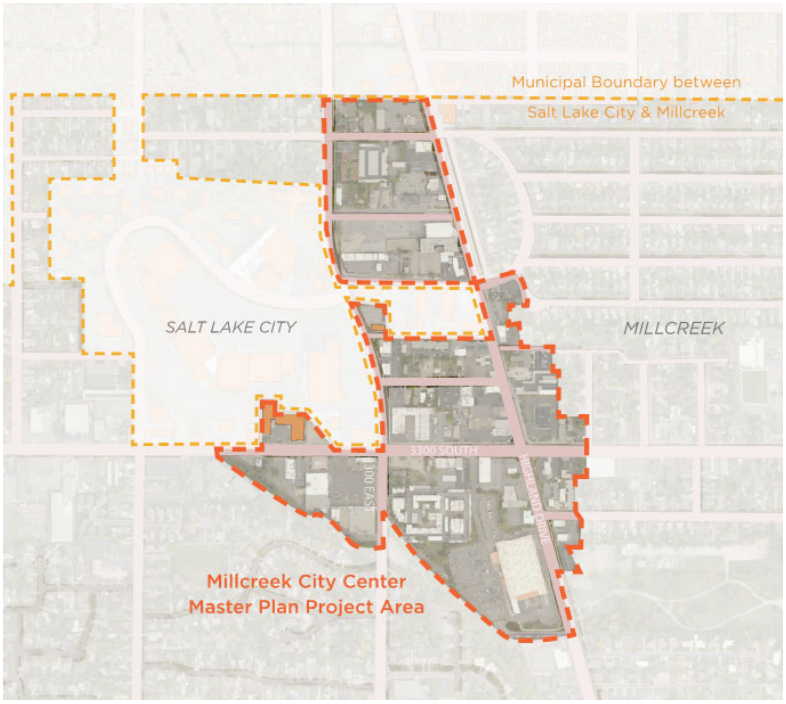
Timeline

Mid term.

Project added July 2009.

City Center Master Plan

In May 2019, the City Council adopted the City Center Master Plan, which further refines the goals of the City Center identified in the General Plan. The City Center Master Plan includes all land within the existing TCOZ Boundary:



The City Center Master Plan is best understood as the implementation of a series of visions and goals, which are discussed below:

A Walkable Urban Space that is Iconic

The City Center envisions much of the new development to built around a new, large open space to be constructed along an existing fault line. This open space will provide internal circulation for pedestrians and vehicles, and opportunities for on-street parking. The open space – a long, narrow linear urban park, is unlike anything attempted in Utah. In addition to the park, the plan envisions breaking up the existing large blocks with pedestrian paths or shared laneways where vehicle traffic is designed to move slowly.

Walkability also requires appropriate connections: The City Center plan envisions pedestrian activated stop lights on at least two locations crossing 1300 East and Highland Drive, and a street and sidewalk standard that requires streetlights and a 10 foot sidewalk on all updated streets. Staff is also considering an aboveground pedestrian connection across 3300 South.

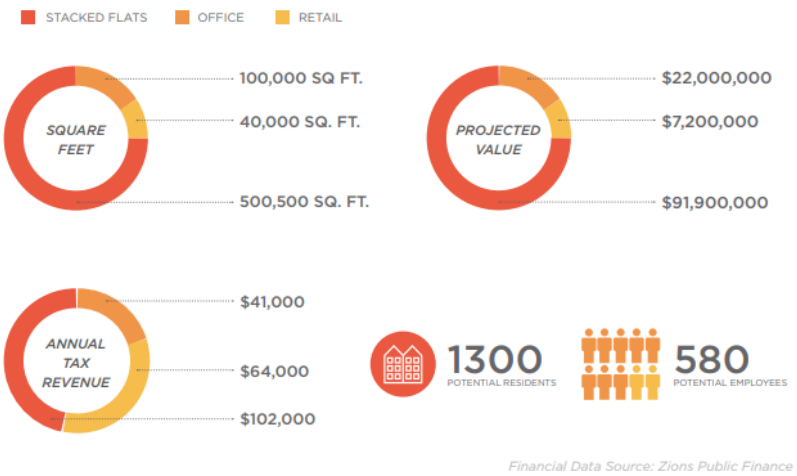
An Amenity and Gathering Place for the Whole City

The plan envisions as its principal amenity the creation of the linear park. Not only does it improve access to the site, but it will become a front yard and a celebration place for the entire community. The plan also envisions the use of existing parking lots and other areas to utilize as temporary event space. The plan emphasizes arts and culture, and encourages the city to consider opportunities for street fairs, outdoor markets, and food trucks.

An Engine of Employment, Population and Tax Base to Help Keep Taxes Low for Millcreek

One of the goals of the City Center Master Plan is to update historic zoning regulations to support and require additional mixed use space in the City Center. Adding population to the area will support additional retail and restaurant opportunities, which the community indicated it desires. But it is essential to avoid the creation of a high-density residential village. To that end, the City Center Master Plan recommends adoption of a form-based code that requires retail and other commercial uses for the full length of each building along the planned open space and along all major thoroughfares. The assumptions that guided the development of the master plan are below, and are conservative:

Figure 2: Market Assumptions



The planned improvements will add significant additional property values, which will be used to fund public improvements, and will result an additional annual tax revenues to the City of just over $200,000. While a majority of the square footage of the new development will be allocated for residential uses, just over half of the projected revenue will be from commercial uses – which is why the plan recommends a mixed use requirement for residential buildings in most areas of the City Center.

Design Should Support Transportation Alternatives - Parking

The City Center Master Plan includes street sections for all roads in the City Center. As redevelopment occurs on these roads, developers will be required to develop in accordance with adopted street standards. In addition, the Plan recommends that Highland Drive between Elgin Avenue and 3300 South be converted into a three-lane section, allowing for one lane in each direction and a combination of landscaped medians and left turn refuges. This section will allow for bike lanes and on-street parking on the west side of Highland Drive. In addition, the plan is recommending pedestrian infrastructure to encourage greater pedestrian access into and within the site.

Staff is recommending parking ratios on page 21 of the proposed zone text that are appropriate for a mixed use, walkable city center. Higher parking ratios would result in a more suburban pattern of development, and would not allow for the development of elements that the community desires in a city center. In order to support a lower parking ratio, staff recognizes the need for time limited on-street parking and the provision of shared public parking facilities, and intends to pursue these strategies as redevelopment occurs.

Respect Surrounding Existing Residential Neighborhoods

The City Center Plan does not incorporate any existing single-family neighborhoods. Moreover, the Master Plan recommends adoption of an ordinance that establishes height limits for areas that are adjacent to or immediately across the street from existing single-family neighborhoods. The height limits modify existing height limits and are in keeping with long-standing policy on building heights in the area. The City Center Overlay Zone proposes the greatest heights – up to 75 feet, in the area between Highland Drive and 1300 East, and at the 1300 East 3300 South intersection. Heights are gradually increased west of Highland Drive. In areas immediately surrounding existing single-family residential neighborhoods, heights are limited to three stories or less. The proposed height map was calibrated to preserve views as much as possible to the Wasatch Front, and propose building heights where they are most tolerable – particularly against existing downslope grades.

Guiding Principles from the Master Plan

The Master Plan adopts four guiding principles to guide future ordinance development, municipal investments, public-private partnerships, and land use decisions:

1. The City Center Should Emphasize Walkability, and Minimize Internal Traffic and Parking Demand.

2. The City Center should include Municipal Property owned by the City and designated for public use.

3. The design of Millcreek's City Center should represent the city in ways that are distinctive from other cities and unique to Millcreek.

4. The City Center should emphasize culture, art, ideas, and interaction between citizens.

All of the elements that the plan recommends are intended to fulfill these principles. Of particular concern to the City is the creation of a place that is distinctive from either Sugar House or Holladay, which are two successful regional precedents for mixed use development. This City Center proposal offers something that builds on the successes of other centers, including:

1. An integrated street grid with pedestrian connections throughout the City Center.

2. A detailed building height map that preserves a key view corridor to the southeast, steps heights up from Highland Drivr, and accommodates the greatest heights within existing grade changes.

3. Redevelopment that is built around a major open space.

4. A balance of residential and commercial uses that will support activity in the City Center for at least 18 hours a day and 250 days a year.

5. Intuitive placement of on-street parking.

6. Preservation of historic signage and iconic buildings, including the Villa Theatre, Tres Hombres Restaurant, and the iconic midcentury commercial buildings on Highland Drive.

7. Expectations for high quality materials and limits to maximum building lengths.

TRAFFIC IMPACTS

Millcreek engaged Fehr and Peers to conduct a traffic impact study of the entire City Center area. Preliminary results show that there will be traffic impacts, particularly near the 3300 South intersection. That traffic study has been completed and is included by reference in this staff report.

1) The study looks at three basic scenarios for 2030: background growth (assuming no city-center redevelopment), redevelopment (assuming market-driven growth based on the Millcreek City Center master plan), and a *greatest impact scenario*, assuming extraordinary and unusual growth in the city center. The purpose of the greatest impact scenario was to explore the state at which intersection delays become difficult to tolerate.
2) The redevelopment scenario assumes 1,175 new residences and nearly 130,000 square feet of commercial space. Under this scenario, all of the 13 intersections perform reasonably well even at peak times, and even assuming a reduction of Highland Drive to three lanes through the City Center.
3) The greatest impact scenario assumes 3,808 new residences and over 500,000 square feet of commercial space. Under this scenario, intersections at 1300E/3300S, Highland/Richmond, Highland/3300S. and Highland/3350S experience significant delays. Under this scenario *and assuming a lane reduction along Highland Drive,* several other side street intersections experience significant delay.
4) We note that it is unlikely that the city center master plan will accommodate 3,800 new residences, although 500,000 square feet of commercial (mostly office) might be feasible under certain economic conditions. The likely development potential is somewhere between the redevelopment scenario identified in the report and the greatest impact scenario.
5) Under the greatest impact scenario, the likely mitigation would be restrictions on turn movements on side streets connecting to Highland Drive and Richmond Streets. In other words, they may become right-turn-only intersections at 2030.
6) Staff also notes that Salt Lake City intends to reduce Highland Drive to a three-lane section from 2700 South to the Millcreek municipal boundary at Elgin Avenue by 2030.
7) Development almost always results in traffic demand that requires some form of mitigation. The background growth scenario assumes that the City Center area would remain virtually unchanged. Currently, it is occupied by significant underutilized commercial, vacant or dilapidated commercial uses, and a handful of vibrant businesses. There is significant demand for development in this corridor, and Millcreek intends to address traffic demand appropriately, recognizing that Highland Drive may transition from a corridor designed to move vehicles as efficiently as possible through Millcreek, into a corridor designed to facilitate economic redevelopment. Provo City in recent years changed its Center Street corridor from a corridor designed for throughput into a corridor designed for placemaking. As a result, the city has redeveloped a tired commercial area into a vibrant mixed use area, one that includes significant commercial space, public facilities, residential, and drivers of significant regional traffic demand, such as a convention center and the new Provo City Center Temple. A strong argument could be made that these changes were good for Provo, despite localized traffic impacts.

Staff recommends that Millcreek plan appropriately for development intensity that is *likely to come*, to ensure that Millcreek residents and businesses get something of value out of the change. We acknowledge that traffic generation may result in mitigations that the city needs to make, but those impacts would happen almost under any development scenario, including one where we repealed the town center overlay zone and reverted to the base RM and C2 zoning in the area. This move may reduce heights and intensity, but it would come at the expense of a thoughtful plan that organizes open space, requires commercial components, and demands design standards for buildings well in excess of those of similar developments in the region. Mitigating impacts of traffic

and ensuring that a place is safe and convenient for pedestrians and motorists alike is an issue that Millcreek will be consistently engaged in as this development takes shape. The advantage of the City Center Master Plan, with respect to traffic impacts, is that it envisions a pattern of development that will allow residents and visitors to reduce driving by accommodating multiple activities in fewer trips, particularly in the future when regional traffic demand and air quality problems become more acute.

PROPOSED ORDINANCE AMENDMENTS

Attached to this staff report is a proposed draft of the City Center Overlay Zone. The Planning Commission recommended several changes to the ordinance, and the significant ones are discussed below:

1. **Height.** Maximum building heights are described on pages 8 and 9 of the map. In this update, the language makes clear that building heights within 75 feet of Highland Drive are limited to 50 feet. Heights for anything within the area identified as the City Center Open Space or Millcreek Common will be limited to 38 feet. In addition, staff recommends that the southeast corner of 3300 South and Highland Drive be limited in height to 38 feet, in order to better maintain a view corridor to the Wasatch Front.

2. **Commercial Use Requirements.** Except for development in the Neighborhood District, any residential development must be a part of a mixed use development.

    a. **Mixed Use along 3300 South.** On the north side of 3300 South between Highland Drive and Richmond Street, residential uses may comprise no more than 25% of the floor area of any mixed use building. This requirement is proposed in order to emphasize the commercial viability of these high-profile properties on either side of the proposed Millcreek Common.

    b. **Mixed Use along Millcreek Common.** Commercial uses must comprise the full length of any building planned along Millcreek Common. In addition, those uses are limited to retail or restaurant uses.

    c. Depth of commercial uses must be at least 30 feet, unless a building has more than 20% of its overall floor area allocated for commercial uses.

3. **Conditional Uses.** Any development over 25,000 square feet in floor area, a ground floor footprint of over 15,000 square feet, or a height of over 36 feet must be approved through a conditional use process.

4. **Building Design Considerations.** Stucco or EIFS will not be allowed as a material on any street-facing façade. Buildings must include step-backs on all sides. Building length shall not exceed 300 feet.

5. **Energy Efficiency Requirements.** The proposed ordinance will require EV charging stations and solar panels on rooftops.

6. **Street Trees.** The ordinance proposes street trees along Highland Drive, to be approved by the City Engineer pursuant to a street tree plan.

7. **Separation Requirements for Residential Buildings.** In order to facilitate quality residential construction, the attached draft includes a provision requiring a window offset requirement and a minimum building separation between building walls that contain opposing residential bedrooms.

COMMUNITY COUNCIL INPUT

In September and November, all four community councils were asked to give their recommendations to the Planning Commission and City Council regarding the adoption of the City Center Overlay Zone. Each community council reviewed the proposed changes twice.

1. **Millcreek Community Council.** The Millcreek Community Council voted seven in favor to one opposed for the adoption of the City Center Overlay Zone. The Millcreek Community Council stressed the need for a pedestrian connection across 3300 South to provide safe and pleasant access into the City Center from neighborhoods particularly to the south and west. The Millcreek Community Council also advised the city to reconsider the City Center Master Plan's recommendation of a one-way vehicle loop around the entirety of the open space.

2. **Canyon Rim Citizens Association.** The Canyon Rim Citizens Association voted five in favor to one opposed for the adoption of the City Center Overlay Zone. The CRCA recommended a lower maximum height for the southeast corner of 3300 South and Highland Drive, in order to better preserve the view corridor to Mount Olympus, Twin Peaks, and Lone Peak.

3. **East Mill Creek Community Council.** The East Mill Creek Community Council voted unanimously to recommend adoption of the City Center Overlay Zone. They recommended that planning staff further refine the list of acceptable street trees proposed in the ordinance.

4. **Mount Olympus Community Council.** The Mount Olympus Community Council voted unanimously to recommend adoption of the City Center Overlay Zone, subject to the inclusion of the requirement of more commercial space on developments on the north side of 3300 South, between Richmond Street and Highland Drive.

PLANNING STAFF RECOMMENDATION

The attached ordinance represents several months of work on the part of staff and other stakeholders, and significant community and stakeholder recommendation. The proposed City Center Overlay Zone is one tool in many the City is considering to fulfill the objectives of the City Center Master Plan to create an iconic, walkable urban space, an amenity and gathering place for the whole city, an engine of employment, population, and tax base to help keep taxes low for Millcreek, a design that supports, transportation alternatives, and height and use requirements that respect surrounding existing residential neighborhoods. Staff recommends adoption of the proposed City Center Overlay Zone, subject to any additional comments or recommendations from the Planning Commission.

SUPPORTING DOCUMENTS

1. Proposed Ordinance Amendments
2. Planning Commission Meeting Minutes – 10 September 2019 and 18 September 2019
3. Draft Planning Commission Meeting Minutes – 25 November 2019
4. Highland Drive Traffic Impact Study
5. Existing Town Center Overlay Zone
6. City Center Master Plan
7. *Millcreek Together General Plan*

Minutes of the
Millcreek Planning Commission
November 25, 2019
5:00 p.m.
Special Meeting

The Planning Commission of Millcreek, Utah, met in a special public meeting on Monday, November 25, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Commissioners
Fred Healey, Chair (excused)
Tom Stephens, Vice Chair
David Allen (excused
Russ Booth
Scott Claerhout (excused)
Shawn LaMar
Mark Mumford
Victoria Reid
Skye Sieber

City Staff
Francis Lilly, Planning and Zoning Director
Alexander Wendt, Deputy Recorder
Jeff Silvestrini, Mayor
Dwight Marchant, City Council Member
Kurt Hansen, Legislative Policy Director

Attendees: John Janson, Marv Poulson, D. Wenzel, Jake Christensen

Minutes by Alexander Wendt.

SPECIAL MEETING – 5:00 p.m.
TIME COMMENCED: 5:02 p.m.

Vice Chair Tom Stephens called the meeting to order.

1. Continuing Business

1.1 Consideration of ZT-19-003, Adoption of the City Center Overlay Zone Planner: Francis Lilly.

Francis Lilly explained that the purpose of the meeting is for reviewing the planning commission draft for the City Center Overlay Zone. The City is creating a code compliance checklist for every building type contemplating in the code. In the CCOZ there will be a required site plan review whether the proposed building is part of a conditional use permit or not. The required fee will be $455 and there is a review process. Staff will review the application item by item from the City Code. This form will be required to be filled out by developers. Lilly believes this will ensure all obligations and requirements will be met. Then the document will be presented to the Planning Commission.

Lilly edited the section on commercial recreation by adding language from City Code that it does not include temporary and season licenses or large scales events as defined in Title 5 of City Code. Vice Chair Stephens stated that if the commercial recreation definition is all risk and all is allowed except for items that are excluded and perhaps the definition should say commercial recreation does not preclude seasonal and temporary licenses.

Lilly explained staff will do a 13-item checklist on development plans even if the use is a permitted use. He suggests that a conditional use permit shall be required for any building that meets any of the following criteria, "a total square footage greater than 25,000 square feet, and or, a ground floor footprint greater than 15,000 square feet, and or, a height greater than 36 feet, not including any element described as a height exception in Table 19.73-4."

John Janson asked the opinion of the Planning Commission if perhaps the height requirement should be lowered. Any application that comes in that triggers any one of that criteria will require a conditional use permit. Commissioner Reid asked how developers will react to the conditional use process. Mr. Janson replied that the development community does not usually like the conditional use process however, development is not as discretionary as it once was. Largely the decision is left up to the city. Lilly stated that the public and stakeholders expect a public process. Lilly said that a larger building with larger parking demand and multiple uses should have a conditional use. Commissioner Reid said she did not want to make the requirements too stringent.

Commissioner LaMar asked about detrimental effects and the wording about "that may need to be addressed" Commissioner LaMar said the wording was not strong enough since the problem will need to be solved not just addressed. Lilly clarified that these items and stated he would make an addition that if staff notes a detrimental effect then it will need to be mitigated or resolved.

Lilly and asked if the commission were fine with the conditional use thresholds for height and size. Commissioner LaMar said he would prefer the thresholds be lowered. Vice Chair Stephens asked for the sentiment of the Planning Commissioners and asked why the language was duplicated. Mr. Janson stated it is there to make the requirements very clear. Lilly said the section is designed to show how to make an application. Vice Chair Stephens asked to review the categories by district. Vice Chair Stephens then asked if the requirement for a maximum 2500 square foot limit on building size in the neighborhood district is too large. Mr. Janson replied that it applies to a small office in a building. The intent for a neighborhood district is more residential. Lilly explained that neighborhood retail has a limit of 5000 square feet of space. Commissioner LaMar asked about size of offices, Lilly explained this is by use. Commissioner LaMar clarified asking if an individual had a storefront and a call center then the call center would have to go elsewhere if it was 5000 square feet. Stephens asked if the 2500 ft is aggregate or ground floor use. Mr. Janson replied that the square footage limits are based on the proposed use. Vice Chair Stephens would prefer to increase the 2500 square foot limit. Mr. Janson stated the intent is to keep the space small in a neighborhood district. Lilly responded that in the C-1 zone 5000 square feet is the limit. Commissioner Booth thought some might slip through. Lilly said that any office use would have to be limited to 2500 square feet. Mr. Janson stated the city is trying to encourage the larger offices to Mill Center or Marketplace. Vice Chair Stephens said he then thought moving back to 2500 square feet is preferable.

DRAFT

Commissioner Mumford asked for a definition of non-stealth telecommunication facilities. Lilly explained that those are older style cell towers that are not designed to be styled to look like something else. Commissioner Mumford asked if Millcreek would want to develop their own communication system at a future date. Lilly said it would need to be behind a parapet or be screened in some way if the city moved to that point.

Lilly moved to page 6, concerning residential uses. Residential uses are permitted by district and within the building types specified in section 19.73.050 (14) except that mixed use buildings located within 300 feet of the NW corner of Highland Drive on 3300 S and NE corner of 1300 E and 3300 S. Property owners would prefer 250 feet. Lilly explained that if you are from 250 feet from a corner then no more than 25% of the building can be used for residential uses. Lilly explained concerning rooftop gardens that they will not be, "allowed within 100' feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space." John Janson stated that the surrounding zonings to these areas are not often a R-1 or R-2.

Commissioner Reid asked if there are code requirements for parking structures due to safety concerns and restricted visibility. Mr. Janson stated there are no ordinances in Millcreek about parking structures and lighting or visibility. Commissioner Reid said it is a concern, however, if the structures are well lit and clear elevators then they are safer. Lilly replied that there is an idea called crime prevention through environmental design. There are four principles within this school of thought, natural surveillance, natural access control through limited and obvious points of entrance and exist, territorial reinforcement by creating safe spaces by eliminating blind corners, and finally maintenance. The City can incorporate these ideas in the conditional use ordinance. Commissioner Sieber stated that parking garages downtown Salt Lake City are brighter due to brighter colors. Lilly said the City will have a major parking garage at some point. Commissioner LaMar asked if the parking structure could be underneath the common area. Lilly replied any parking garage is subject to fault line requirements.

Building heights are still a concern per Lilly. Vice Chair Stephens said their recommendation can be subject to change. Vice Chair Stephens asked why not allow taller buildings in Tuxedo Junction since Brickyard will be redeveloped at some point and those buildings will be taller than the current buildings. Vice Chair Stephens said they could make a sub-recommendation to the city council that height should not exceed 50 feet at Tuxedo Junction. Lilly explained that the challenge is in height transitions and proximity to view corridors in residential areas. Lilly said that development in the area is the end-goal and leaving the height the same would limit new development. Mr. Janson and Commissioner Mumford agreed that the area would be a gateway to Millcreek. Vice Chair Stephens asked if the commission would recommend the Tuxedo Junction area to not exceed 50 feet. Commissioner LaMar said that 50 feet is better than 74 feet. Commissioner LaMar asked if the height of 48 foot minimum could be reduced to a smaller amount for the 48-74 feet area. Commissioner LaMar worries about a canyon feel and a minimum of 40 feet instead of 48 feet could alleviate that. Vice Chair Stephens stated that the commission should move on and asked if a 50-foot max is okay for Tuxedo Junction. Commissioner LaMar said making the minimum 40 or 36 feet is better since it doesn't force a potential developer to the minimum of 48 feet. Lilly stated that the street is wide, there is 100 feet of right-of-way. Additionally, the setbacks are also larger. Commissioner Booth stated the setbacks and less than 50 feet of height may deter some development since developers will

with frontage on Highland Drive, a twenty-foot step-back of the building façade, facing the street, is required between bottom of the first story and the top of the third story and upper stories. This step-back shall be segmented, such as, a ten foot initial step-back between the first and second floors and then an additional ten foot step-back between the second and third floors or shall create a step-back of 20' between the first and third floors, that should be utilized as a usable space for residents or businesses within the building.

Vice Chair Stephens asked that if a building height over 40 feet would trigger the step-back requirements. Lilly replied yes. Commissioner Reid said that if two buildings are back-to-back from each other than a step-back is unnecessary Vice Chair Stephens said the way this is worded then step backs are required for a building over 40 feet on the street-side. Vice Chair Stephens clarified if the wording should be, "facing the street", or "facing any street." Commissioner LaMar stated that he preferred having more step-backs than not having them. Although being right up against another building doesn't make sense to trigger a set-back.

Lilly said that there is potentially a chance for parking next to the open space, this parking would need to meet the standards in the CCOZ Ordinance. The designers are moving away from a one-way loop road. Lilly quoted "Opposing residential bedroom windows located on building walls in adjacent buildings, where such buildings are closer than 20 feet from each other, shall offset the window a minimum of 5 feet and provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other." Windows on building planes would be offset when they are closer than 20 feet. Buildings balcony's must be ten feet from each other. Lilly said that stucco is prohibited for use as materials on any façade visible from a right-of-way. Lilly said on per page 25 10 feet is the minimum rear yard setback except with abutting an R-1, R-2, or R-4-8.5 zone, then the setback is 25 feet. Mr. Janson added that guest parking does not include the driveway.

Francis Lilly stated that if there is a small wireless facility in the right of way then there is city code governing the placement of these facilities. They must be placed on utility poles that are like streetlights. Mr. Janson reminded the commission that the only poles will be streetlight poles, since utilities are underground. Lilly said small wireless facilities could be required to be placed on existing poles. Commissioner Reid asked if the streetlight language was changed. Lilly and Mr. Janson replied yes. Commissioner LaMar questioned drive-through's for food or beverage service as opposed to a restaurant. Commissioner LaMar said the terms "food or beverage service is more absolute.

Vice Chair Stephens opened the floor to public comment.

Diane Wenzel, 3240 S 1000 E., agreed with Commissioner Lar Mar about building heights creating a canyon feel along 3300 S. She also agrees that roof-top amenities make buildings too tall. In past public hearings she has seen developers using maximized allowed heights not the minimum heights.

Jake Christensen 3161 Walnut Park Cove., Mr. Christensen stated in the 48-74 foot zone on 3300 S if the setback is only 10 feet then you can build another 70 foot building next to it with another 10 foot setback for a total setback of 20 feet this this would limit sunlight to lower residences when two 70 foot buildings abut, only 20 feet apart. He stated that there should be

expect more square footage. Mr. Janson suggested adding another height category for the south side of 3300 S. Commissioner Reid disagreed and preferred to keep the height limits at 48-74 feet. Commissioner Booth said that many people would want the larger heights since it opens more potential for new building. Lilly said that the minimum height on the south side of 3300 S would be 40 feet and would change the map.

Lilly said that height restrictions would not allow structures except towers and solar panels and these may be located closer than 10 feet to the edge of the building. The building and fire code have rigorous standards about putting pools and other things next to the edge of a building. Lilly said there would have to be a ten-foot setback from the edge of the building. Commissioner LaMar worried about turning a 74-foot building into an 86-foot building. Lilly said that rooftop gardens, patios, and amenity space are, "not allowed within 100' feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space." Lilly explained if it's a 74-foot building that has a pool then there would have to be a wall constructed however, the wall would have to be ten feet away from the edge of the building. Vice Chair Stephens said the pool is not habitable space, it's for recreation. Commissioner LaMar said that if people are using the space and it's not a mechanical part of the building then the building is too tall for the area. The mass of the building has therefore increased. Lilly said that if the building is setback 20 feet from the road and the amenities on the roof are set ten feet back you could not see it from ground level. Commissioner LaMar said that if a developer would like to put a pool on top of their building then they need to include the height of the safety wall in their planes and then bring the height of the building down to 74 feet to stay within the required height. Mr. Janson clarified that they wish to emphasize using the roof tops as small park spaces. Lilly stated that in his opinion a roof-top garden is designed to give a view and is not perceived from the ground-floor. Vice Chair Stephens stated that these buildings would be subject to the conditional use site plan requirement.

Francis Lilly began the discussion on trees. Mr. Marv Poulson handed out a sheet on tree types. Commissioner Booth stated the that Commission could get bogged down discussing trees in depth at this time. Vice Chair Stephens asked if Mr. Poulson had more input on trees. Mr. Poulson replied that he has more to input. Commissioner Lar Mar suggested that the code should be more open regarding trees and experts should pick the trees later. Commissioner Reid said she advocates a consistent look; however, she was still worried about disease wiping out the trees if they are the same type. Mr. Lilly stated there is a proposal for urban forestry policy looking at canopy requirements and how trees are maintained, the tree design should be consistent in a block by block basis. Commissioner Booth said that the process for determining trees should be deliberate and open to public hearing. Mr. Janson stated there is a tree planting plan, however, the choice does not need to be made now. Lilly stated that the City can use wording saying to stakeholders planting trees that they must use a tree on the approved list. Commissioner LaMar agreed. This gives the city the opportunity to adopt a tree plan for certain blocks.

Lilly said that step-backs are for street facing facades and not the back of buildings. Vice Chair Stephens noted the Russ Sorenson application and how step-backs solve issues there. Mr. Janson said they added on page 23 a 2-foot variation for the back of buildings. Lilly went to page ten for the wording on step-backs. Lilly quoted, "For any building over 40 feet in height or for any development on properties fronting on the Millcreek Common, 33rd South, Richmond and/or

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greater setbacks of 35-60 feet of separation. Since the greater setbacks are common in larger cities like Manhattan and Chicago.

Mr. Janson stated there will be buildings with shadows and by increasing setbacks it reduces what can happen in the intensity of the buildings. On lower buildings a setback like that is not required. Commissioner LaMar asked what the current minimum setback is. Lilly said that if two buildings abut, they must be separated by ten feet on each property for a total of 20 feet. Lilly stated that if the buildings have a balcony then the setback begins from the edge of the balcony and they musts be 20 feet apart. Commissioner LaMar said they want to make this a nice, livable area for the residents who will live there. Commissioner LaMar added he would like more space than the 20-foot minimum now. Commissioner Booth stated that extra space may be nice, however 20 feet is enough because density is the goal. Density helps decrease building costs and rent costs. Commissioner Sieber asked that there be a graduated scale for the setback based on the height of the building. Commissioner LaMar asked for more separation when buildings are taller. Commissioner Reid is fine with 20 feet.

Vice Chair Stephens said that in their recommendation to City Council the Planning Commission asked they instruct staff in reviewing increasing setbacks for taller buildings. Mr. Lilly agreed to do so.

Vice Chair Stephens moved to recommend to the city council for that the City Center Overlay Zone Ordinance be adopted subject to the items discussed and enumerated in the meeting on 25 November 2019. Commissioner Reid seconded. Vice Chair Stephens called for the vote. Commissioners Booth, Sieber, Mumford, Stephens, Reid voted yes. Commissioner LaMar voted nay. The motion passed 5-1.

2. New Items for Subsequent Consideration

There were none.

3. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 12/3/19, 6:00 p.m. at 3450 E. Oakview Dr. (tentative)
- Millcreek Community Council Mtg., 12/3/19, 6:30 p.m. at City Hall
- East Mill Creek Community Council Mtg., 12/5/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., 12/9/19, 5:00 p.m. at City Hall
- City Council Mtg., 12/16/19, 5:00 p.m. at City Hall
- Planning Commission Mtg., 12/18/19, 5:00 p.m. at City Hall

ADJOURNED: Commissioner Mumford moved to adjourn the meeting at 6:44p.m. Commissioner Booth seconded. Vice Chair Stephens called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED: _____ Date
Fred Healey, Chair

_____
Attest: Elyse Greiner, City Recorder

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Chapter 19.73 – City Center Overlay Zone (CCOZ)
Planning Commission Recommendation Draft – 25 November 2019

Amend 19.04.448 as follows:

"Commercial recreation" means one or more recreational ~~facilities~~ activities or uses, either indoor or outdoor, operated as a business and open to the general public for a fee, ~~such as golf driving ranges and baseball batting range.~~ "Commercial recreation" does not include the following indoor or outdoor recreational, gaming or amusement uses: firearm ranges; target shooting of all kinds; paintball; motorized activities of all kinds, irrespective of power source; mechanical, video, electronic or computerized recreational or amusement arcades. "Commercial recreation" does not preclude the issuance of temporary and seasonal licenses or licenses for large scale events of state, national, or international importance/recognition as defined by MKZ Title 5.

19.73.010 – Purpose and Intent

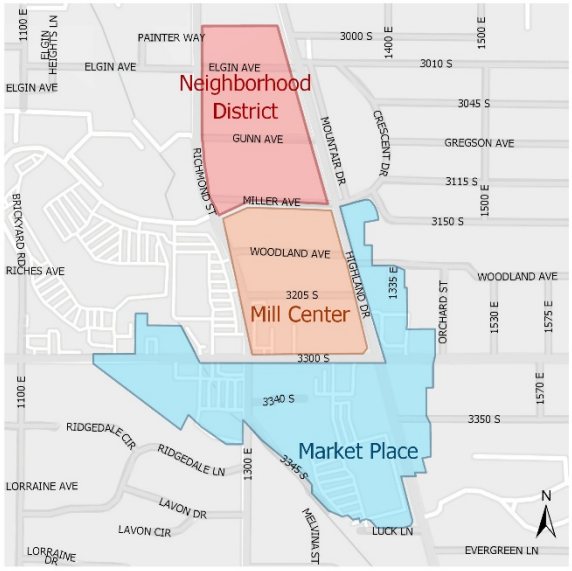
The purpose of the City Center Overlay Zone (CCOZ) is to supplement and modify the standards of the existing commercial and multifamily zones to promote the creation of a walkable mixed-use city center for Millcreek. The City Center is located approximately between Highland Drive and 1300 East, and 3000 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 districts – the Neighborhood, the Mill Center, and the Market Place**.** 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. A property survey, property boundaries, right-of-way center lines, utility access, and recorded easements. The survey shall also include 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 19.73.40 and 19.73.50 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 shall be commissioned by the City and paid for by the applicant.

i. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.

j. A site-specific geologic hazard study and report, if required by MKC 19.75.

k. A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, residential amenities if required, and open space requirements.

l. 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 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 and mitigated:

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, liquifaction 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.
14. Increase personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.

3. Final Development Plan – this plan submittal, subsequent to any Planning Commission public hearing(s) including an associated fee, is a detailed plan that addresses every section requirement of this ordinance, especially MKC 19.73.40 and 19.73.50, in a precise manner.
4. Conditional use approval ~~will~~ shall be required for any building that meets any one of the following criteria:
    a. A total square footage greater than 25,000 square feet.
    b. A ground floor footprint greater than 15,000 square feet
    c. A height greater than 36 feet, not including any element described as a height exception in Table 19.73-4.

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

Permmited uses on any lot in the CCOZ zone shall be the permitted and conditional uses allowed in the C-2 zone, with the addition of single purpose multi-family dwellings in the Neighborhood District. Uses shall be located within one of the Building Types , see section 19.73.050 (14) e. except for the use limitations as set forth in Section 19.60.030.

In addition to the ~~conditional~~ uses listed below, any building that meets any one of the following criteria shall be approved using the City's Conditional Use Process:

a. Any proposed building with a total square footage greater than 25,000 square feet,
b. Any proposed building with a ground floor footprint greater than 15,000 square feet,
c. Any proposed building with a height greater than 36 feet, excluding any element described as a height exception in Table 19.73-4.

Such buildings shall be processed using the standards found in this Chapter as well as in Chapter 19.84 Conditional Uses.

Table 19.73-1 – Permitted and Conditional Uses (subject to 19.73.020)

General Categories of Use by District
Neighborhood District - Multi-family, mixed use, neighborhood retail and neighborhood services, office uses (2,500 square feet or less), commercial indoor recreation, temporary/seasonal/mobile food businesses
Mill Center – mixed use including residential on upper floors, office, retail, service uses, entertainment, civic uses, commercial indoor recreation/entertainment uses, temporary/seasonal/mobile food businesses
Market Place – retail commercial use, office, mixed use, commercial indoor recreation, temporary/seasonal/mobile food businesses

19.73.030 – Prohibited Uses and Use Limitations

Table 19.73-2 – 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, except for car rental as an accessory use to a hotel
Non-Stealth Telecommunications Facilities.	Not allowed. Stealth telecommunication facilities are only allowed on rooftops.
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 district and within the building types specified in section 19.73.050 (14), except that mixed use buildings located within 250' of the NW corner of Highland Drive on 33rd South and the NE corner of 13th East on 33rd South shall contain no more than 25% of the building floor area as residential uses. The 250' measurement only applies to that same quadrant of the intersection. For the purposes of this chapter, leasing offices, lobbies, required parking, and any required residential amenity spaces are not considered commercial uses.	Shall include mixed uses on corners in the Neighborhood District, and 100% residential buildings are not allowed in the Mill Center and Market Place districts. Residential uses shall include amenities as required by MKC Chapter 19.44.050.
Rooftop Gardens, Patios, and Amenity Space	Not allowed within 100' feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space.
Sale or lease of new or used vehicles of all types, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles, including licensed and non-licensed mobile construction equipment and other non-licensed mobile commercial equipment.	Not allowed
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 and Other Body Art 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 Drive through windows, order boxes, or access lanes are not are allowed to front on the Millcreek Common Street, and for all other districts drive-through uses shall conform to the requirements of Section 19.62.050 and other applicable requirements of this Title.
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.
Structured parking, including parking garages and podium parking.	Not allowed to face any street unless wrapped with commercial or office uses on the first floor, street facing facade.
Sidewalk Dining	Allowed on any street except for alleys and woonerfs, to within 5 feet of the curb
Restaurant and Retail uses facing Millcreek Common	Restaurants and retail are the only uses allowed on the first floor facing Millcreek Common

19.73.040 – Bulk and Yard Regulations

The Tables below and Map 2 establish supplemental bulk and yard regulations for all buildings within CCOZ. These regulations modify and/or supersede any conflicting requirements found in the underlying zone.

Building Heights - Minimum and maximum heights are described in Map 2 below and in the chart below, and on the Official Planning and Zoning maps published by the City. Any proposed development that overlaps a defined height line that represents a change in building heights, on the Official Planning and

Zoning map, shall use the lower standard or may step up the building height as per the Official Planning and Zoning map, at that height line.

Table 19.73-3 – Height Requirements and Map

Height Requirements		Minimum	Maximum
East of Highland Drive, north of 33rd South	Tan area	12 feet	26 feet
North end of the Neighborhood District and south end of the Market Place	Yellow area	12 feet	38 feet
Various areas along Richmond, Highland near 33rd, and along 33rd. This area along Highland Drive is 75' wide, as measured from the west ROW line as of the adoption date of the ordinance.	Light Orange areas	24 feet	50 feet
Areas along Millcreek Common and on the north side of 3300 South	Dark Orange areas	40 feet	74 feet
South Side of 3300 South near the 1300 East Intersection	Dark Brown Areas	48 feet	74 feet

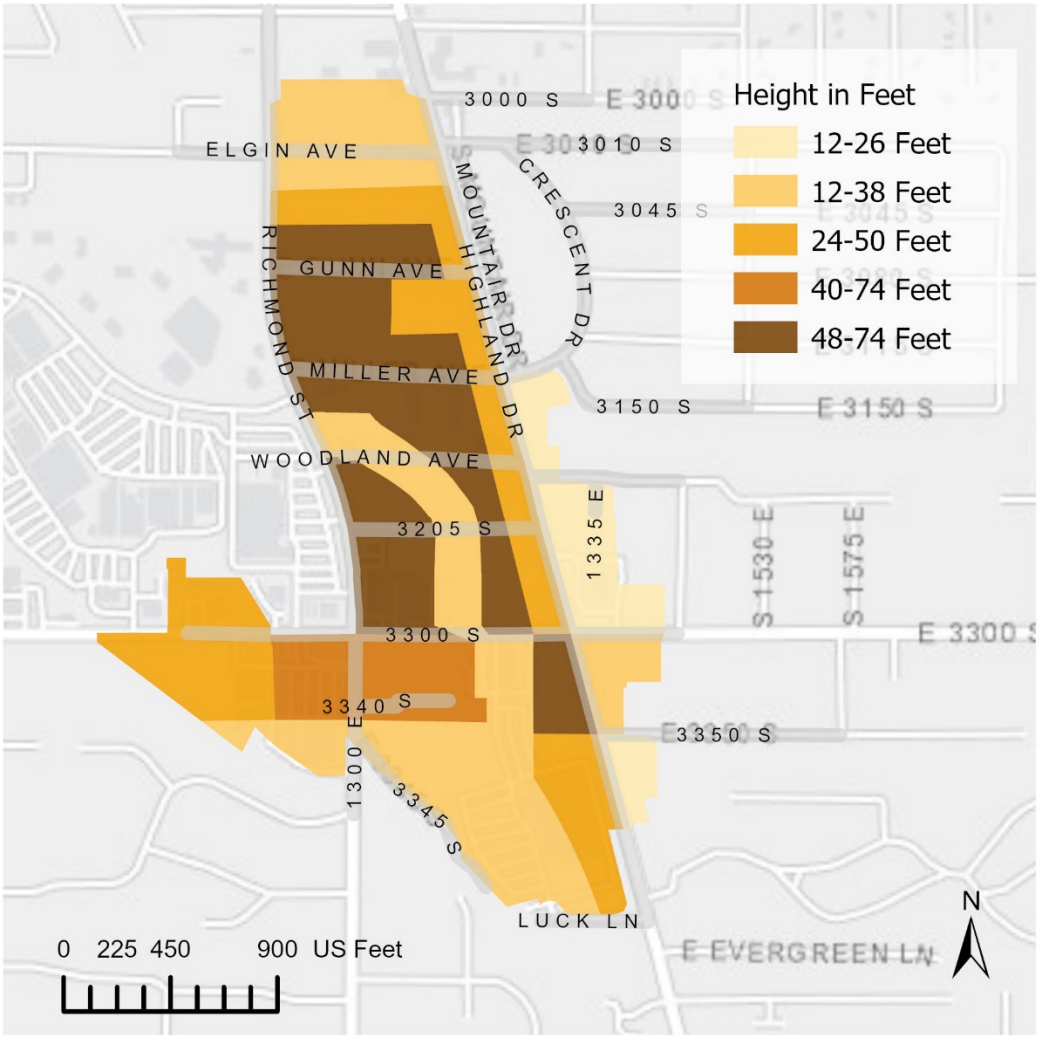


TABLE 19.73-4 – Bulk and Yard Regulations

BULK AND YARD REGULATIONS	
Minimum Building Height	Minimum building heights are described in Map 2 above and in this table
Maximum Building Height	Varies by district – see section 19.73.14 (e) and Note 2 below, 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 (awnings, fabric roof coverings, wood and metal open frame structures, etc.), towers (where required by City ordinances), flagpoles, chimneys, stealth wireless or

	television installations, theater lofts, solar panels, 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. No such structures except towers and solar panels, may be located closer than 10' to edge of the building. The maximum increase in height for the above features shall be 12'.
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 4) standards established in Section 19.73.050 (8) and (14). The front yard setback is measured from the ROW line, except in the case of a plaza adjacent to the street, where the setback is measured from the edge of the plaza furthest from the street.
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.

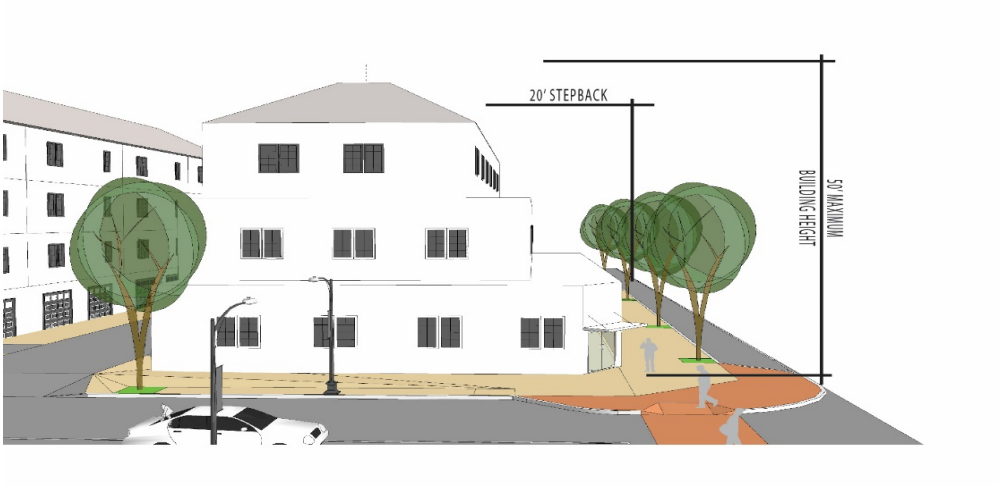
TABLE 19.73-4: NOTES

1. For any development in CCOZ that is directly abutting an R-1 or R-2 zone, the maximum height for structures within 100 feet of the residential zone boundary shall not exceed 30 feet, as measured from the property line abutting the residential zone. If the residential zone abuts the CCOZ at a property line, the setback is measured from that property line. Buildings may step up after the 100' transition requirement has been met.

2. For any building over 40 feet in height or for any development on properties fronting on the Millcreek Common ~~Street~~, 33rd South, Richmond and/or with frontage on Highland Drive, a twenty-foot stepback of the building façade, facing any street, is required between bottom of the first story and the top of the third story and upper stories. This stepback shall 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 or shall create a stepback of 20' between

the first and third floors, that should be utilized as a usable space for residents or businesses within the building (See Figure 1).

Figure 1 Building Stepbacks and Setbacks



3. For the purposes of this chapter, where setbacks are measured from a right-of-way (ROW) 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.

4. 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, seating, for outdoor uses such as restaurants and to promote sidewalk dining.

19.73.050 – Design Standards

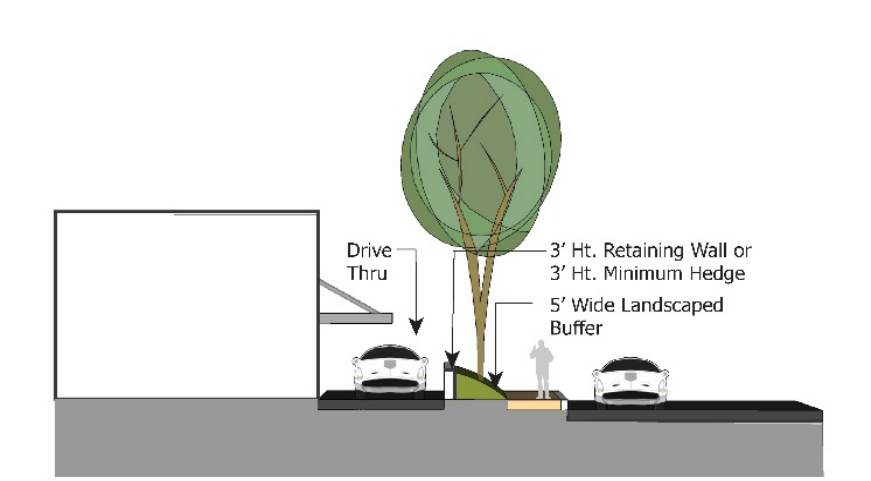
1. **Objectionable Conditions and Violations of Applicable Law.** All uses shall be free from unsafe, unhealthy, objectionable and or unreasonable odor, dust, smoke, emissions, noise, vibration, or similar problems, nor be in violation of any federal, state or local law.

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. This landscaping shall not be included any required open space.

3. **Drive-Through Uses as an Accessory Use.** Drive through uses, such as financial institutions, food and beverage services, are permitted as an accessory use in CCOZ, except that drive-throughs associated with a food and/or beverage service, are not allowed in the Mill Center District and the Neighborhood District. Existing restaurants in the Mill Center 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 Multi-Family Residential and Chapter 19.78 Planned Unit Development 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 flowering ornamental trees that are non-fruit bearing. Trees from the following list are suggested:

   - Spring Snow Crabapple, *Malus 'Spring Snow'*
   - Chanticleer Pear, *Pyrus calleryana 'New Bradford'*
   - Kwanzan Flowering Cherry, *Prunus Serrulata*
   - Eastern Redbud, *Cercis canadensis*
   - Fruitless Mulberry, *Morus alba*

   Highland, Richmond, and 33rd South street trees – wherever possible trees that consume greater CO2 should be planted in expandable grates within the park strip.Trees intended to create uniformity and distinction for these roads are suggested, subject to City approval, as well as a Tree planting plan as required in subsection 9.

6. **Street Types**

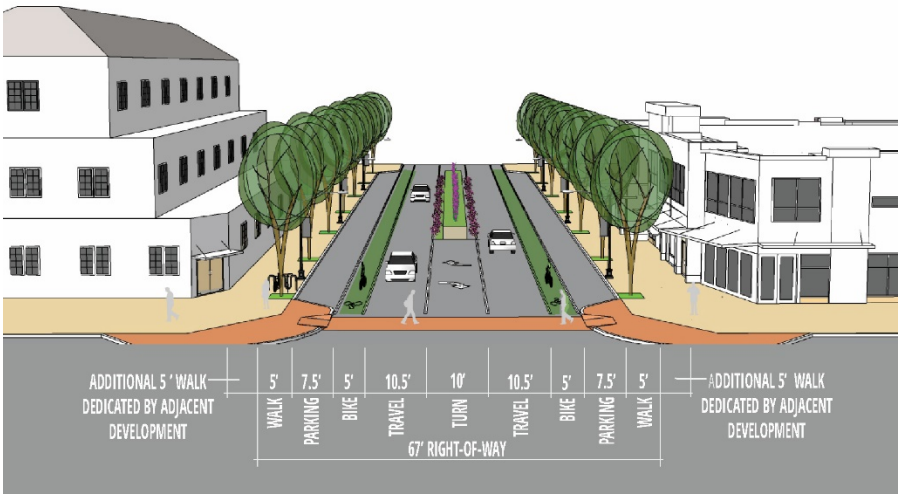
   The seven street types identified below are intended to create a specific identity for the City Center District. All public sidewalks shall be colored a consistent tan color with complimentary accent colors at intersections and mid-block crossings. Exact dimensions and requirements will need to be coordinated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

A. Highland Drive

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.

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
Pedestrian Zone	
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/13th East 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	
Vehicular Zone	
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
Pedestrian Zone	
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 Cty 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/13th East Boulevard

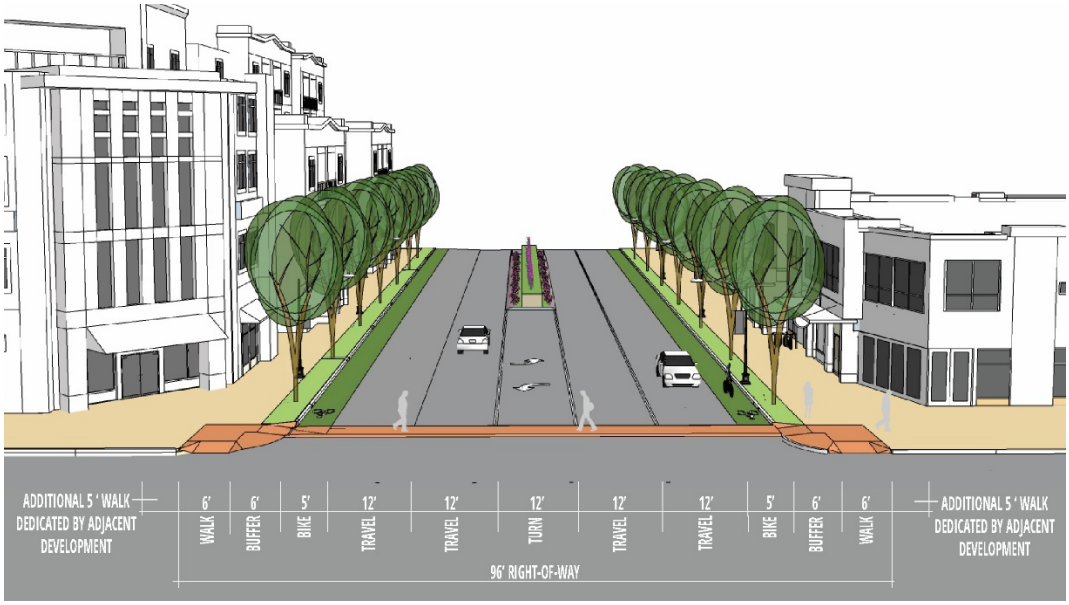


C. 33rd South Boulevard

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 mobilty with the City Center area, protected bike lanes are recommended to create better connections, between Highland and Richmond streets.

Requirements	
Vehicular Zone	
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
Pedestrian Zone	
Walkways	6’ minimum 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 33rd South

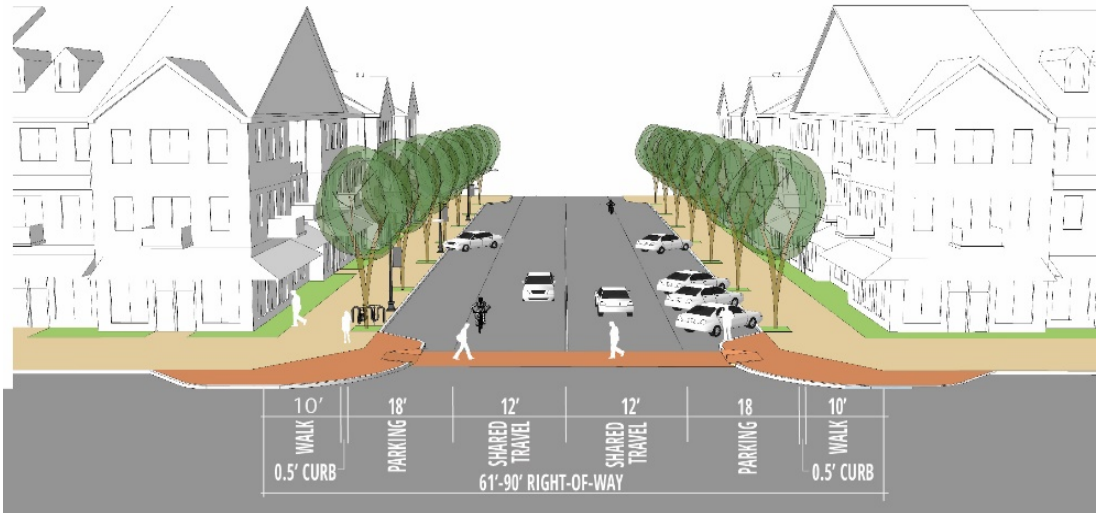


D. Neighborhood Streets

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

Requirements	
Vehicular Zone	
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 angled head in, or head out on each side, depending on ROW
Bicycle	Shared with travel lanes
Pedestrian Zone	
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

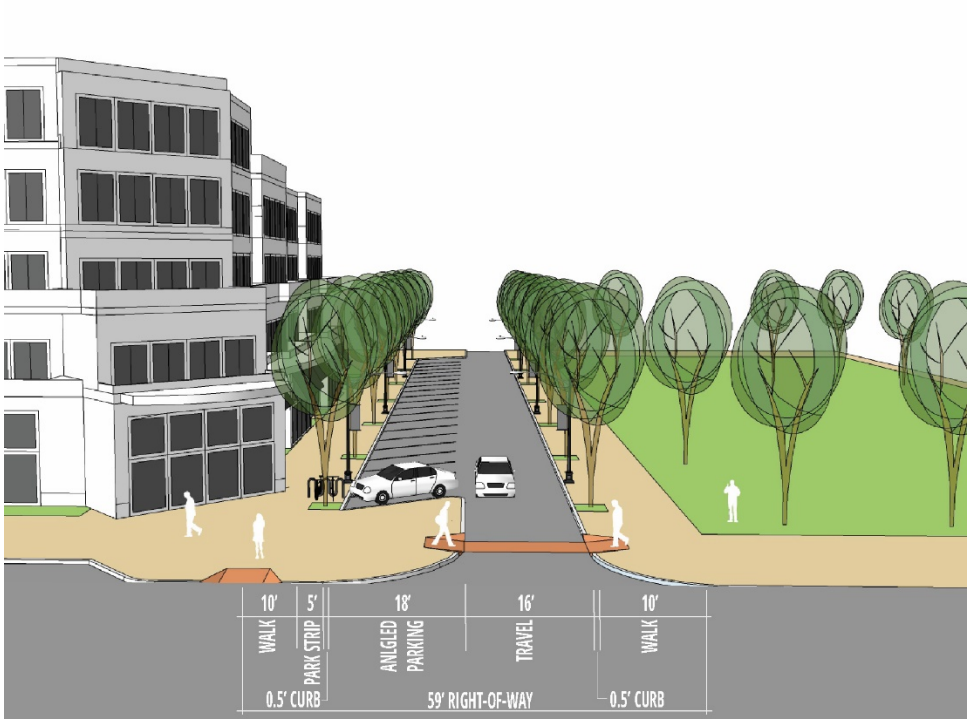


E. Millcreek Common Street and Frontage

If vehicular access and parking is provided between any building and Millcreek Common, it must meet the following requirements:

Requirements	
Vehicular Zone	
ROW Width	varies
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
Pedestrian Zone	
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 Potential Cross Section for Millcreek Common 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 8 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 for all street intersections except for internal/mid-block (off of Highland and Richmond) intersections on Neighborhood streets and for laneways and woonerfs. Streets that require a plaza shall design a minimum of 20' wide 15' deep usable public plaza space and shall include provisions for shade and protection from inclement weather and seating. For sale art sculpture(s) are encouraged.

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, except for the corners specified above. 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', depending on tree type, on center and within 15' of back of curb. Trees must be 2" minimum caliper 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, which may modify the minimum separation requirement above, depending on the width of the tree canopy at maturity 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, the Street Tree Planting plan, 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, unless the dumpster or dumpster enclosure structure is located within a parking structure. 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. These standards do not include guest parking, which shall be as required in 19.80.40.

Requirements	
Studio apartments	1 per unit
1- or two-bedroom apartments	1.5 per unit
3 or more bedrooms	2 per unit
Commercial/retail	3 per 1000 square feet
Service uses	3 per 1000 square feet
Office (excluding call type centers)	3 per 1000 square feet

Bicycle Parking as per Section 19.80.040 (c) with the additional requirement that all such bike racks shall be painted the "blue" used in Millcreek's logo.

12. Parking On-Street

On-street parking, located on the same side of the street in front of the building housing the businesses, 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. Structured parking that faces a street shall be wrapped with commercial or office uses. Surface parking lots are not allowed if visible from the adjacent street. Guest parking shall not require a fee.

Figure 10 Typical Off-Street Parking Locations



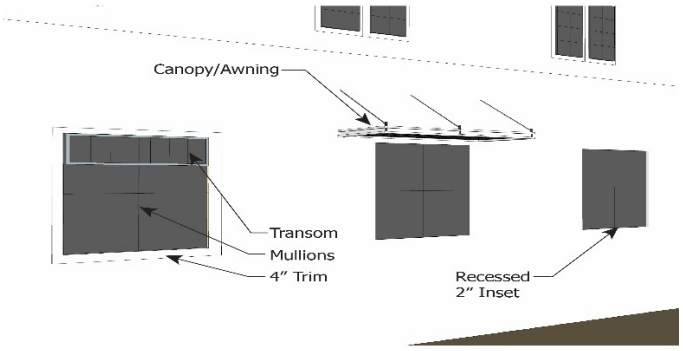
14. Building Design

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, and 25 percent of all upper story 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. Mirrored windows are not allowed. Any east or west facing windows above the third story shall be non-relective to prevent glare. Awnings are required for any buildings facing Millcreek Common Street and on the NW corner of Highland Drive and 33rd South and the NE corner of 13th East and 33rd South.

In adjacent buildings, opposing residential bedroom windows, located on building walls lower than 36', where such buildings are closer than 20 feet from each other, shall offset the window a minimum of 5 feet and provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other. For opposing residential bedroom windows on building walls higher than 36', a minimum 40' separation is required, as well as window blinds. In no case shall any balconies have a separation from an opposing balcony of less than 10'.

Windows above the first floor shall conform to the following standards:



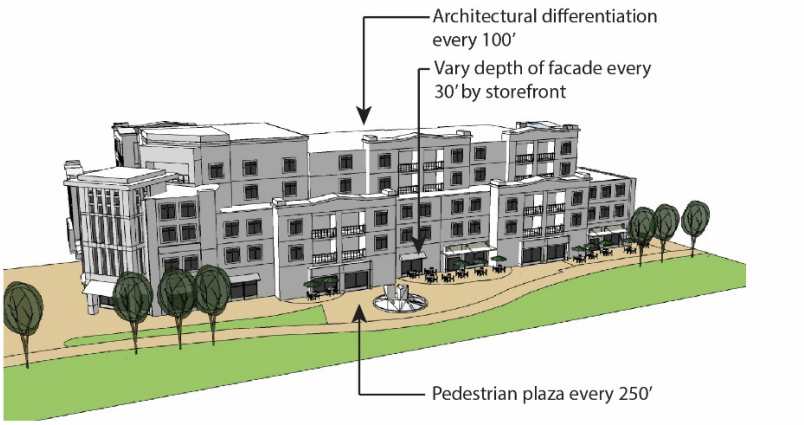
b. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics are 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 50% of the first floor, excluding the windows. For the Mill Center District this requirement increases to a minimum of 75% for the first floor excluding the windows. For all Districts, all stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way. 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.

c. Building Length and Facades

No new building elevation may exceed 100 feet in length without at least a 3' variation in the depth of the façade along the public right of way and a 2' variation on other faces. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 300' in length. A separation of a minimum of ten feet is required, which creates a passageway to interior spaces. Such passageways shall be lighted, provide a safe pedestrian space and include vegetation in boxes every 30' of depth. 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 uses in the mixed use building type, the appearance of small shops/storefronts with variation in the first floor façade every 30' is required. All buildings fronting on Millcreek Common ~~Street~~ shall include a permanent or retractable fabric awning, extending a minimum of 10' from the storefront/façade to provide shade and refuge from inclement weather. Awnings must be cantilevered from the front façade of the building. 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. Only permanent awnings are allowed to meet this requirement for buildings facing the Millcreek Common.

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 at the top of the building 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 at 100' intervals.

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, east or west facing facades on street(s) other than Millcreek Common Street.

G. Except for Millcreek Common facing buildings, 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.

H. Stepbacks where not otherwise required.

e. Building Types

A. Mixed Use – Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed fronting on Millcreek Common Street.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’, except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25’
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
Required First Floor Uses	Office, retail, craftsman industrial or residential (50% must be non-residential use). Any mixed use building that fronts on Millcreek Common Street shall have 100% non-residential uses on the first floor facing that street.
Depth of first floor non-residential uses	Not less than 30 feet unless at least 40 percent of the habitable floor area of the building consists of nonresidential uses, in which case the depth of first-floor non-residential uses can be reduced to not less than 20 feet.
Upper Story Uses	Any permitted use or conditional use
Where allowed	Corners in the Neighborhood District, the entire Mill Center, and the entire Market Place
Storefront Width	Not to exceed 30 feet

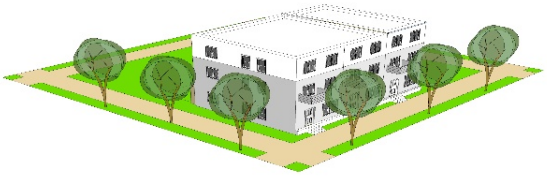
B. Office/Commercial/Civic mixed use – Minimum 2-story building that mixes uses with the primary use of office, retail, civic or commercial use.



Requirements	
Front Build-to Zone	0’-15’
Minimum Side Yard Setback	10’ between buildings

Minimum Rear Yard Setback	10', except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25'
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, Market Place

C. Multi-family –A multi-story building that contains residential uses internal to the structure with parking to the rear, in a separate structure or podium style below the building. Parking structures shall include one 220 volt electric vehicle charging station for every ten stalls. Provide outdoor balconies or patios for 100% 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	10',-except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25'
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 District

D. Townhome - 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. Where private garages are proposed, they shall be wired for at least one 220 volt line for electrical vehicle charging. Guest parking shall not include any driveway that accesses a garage.



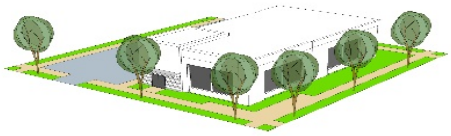
Requirements	
Front Build-to Zone	0'-15'
Minimum Side Yard Setback	0' per unit, 10' between buildings
Minimum Rear Yard Setback	~~5'~~–10'
Minimum Height	2 stories
Maximum Height	3 stories
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	15%
Ground Story Uses	Residential or live/work units
Upper Story Uses	Residential only
Where allowed	Neighborhood District

E. Adaptive Reuse – There are several existing buildings within the CCOZ that could be reworked into a new use. 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’, except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25’
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	Mill Center, Market Place

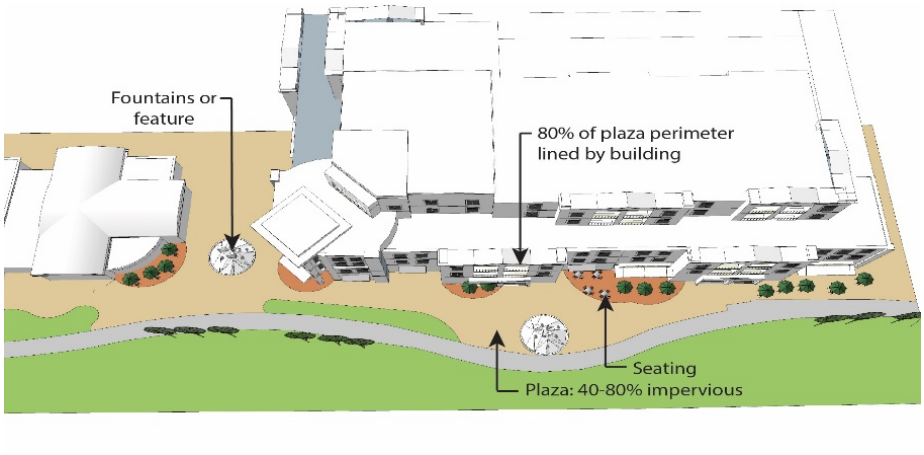
14. Open Space and Plazas

For all development that includes residential uses, the open space requirement is 20% . This open space requirement shall be fulfilled through rooftops, terraces for general resident use, plazas and pocket parks. The required common open space shall be for general use by the residents of the building and/or the public, and be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. For the purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right of way. For development or redevelopment involving sites that are one acre in size or greater, at least 40 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 permanent structures are not permitted.
- Playgrounds are not permitted.
- Minimum pervious surface = 40%
- Maximum pervious surface = 80%
- Must include seating, shade structures, and one tree (2” caliper minimum) per 800 sf of plaza area

- Special features such as fountains and for sale public art installations are encouraged. Active features should be incorporated into the plaza.

Figure 11 Typical Plaza



15. Pocket Leisure spaces

Residential development involving sites 2 acres in size or greater shall include a pocket leisure space 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 child play structure
- Must include seating, shade structures, turf, hard surfaces, and one tree (2" caliper minimum) per 800 sf of park area

Figure 12 Typical Pocket Leisure space



16. Rooftop Patios and Gardens

If a rooftop patio or garden is included as part of a development, the rooftop patio or garden shall include a minimum of 25% of its area 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. All features listed above shall be setback 10' from the roof edge except solar cells. Grow boxes are encouraged.

Private roof top park space is encouraged to take advantage of the mountain and valley views, but shall not include active play spaces.

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

The open space/park requirement may be modified through potential substitutions for any development that faces the Millcreek Common or could benefit from contributing to pedestrian connections to the Commons. Such substitutions are intended to enhance with features or acquire land or improve land that is destined to become part of the "Millcreek Common". The Millcreek Common is the signature open space in the City Center and is a benefit to all development in the City Center, including improved pedestrian connections to the Common. 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 "Millcreek Common". 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 (within one year) 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 and improving pedestrian connections 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, open space, pedestrian system enhancements, and/or 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 Richmond, 33rd, Highland Drive and Millcreek Common 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/similar materials, wood or composites. Vinyl is prohibited as a fencing material. 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 and Outdoor Dining

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 (see guidance from https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/). 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 a minimum of 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.

Outdoor seating and dining may be partially or fully covered to extend the outdoor dining experience through the spring and fall months. Outdoor patio heaters and misters are permitted. Restaurant tables and chairs may be movable or permanent and should be reflected on the site plan. If alcohol is served, the restaurant will need to provide signage and decorative fencing per the health department code. Fencing materials shall be wrought iron (or a similar facsimile). Any accommodation for dogs shall be subject to the Salt Lake County Health Department regulations (Paws on the Patio HACCP plan).

20. Access Between Uses

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

21. Signs

Signs are limited to low profile monument signs, externally lit wall signs, projecting signs with a minimum of 8 feet clearance above the ground, and temporary A-frame signs. Any projecting sign along the Mill Common shall be limited to 42 inches in width. Lighting from signs shall be directed downward and ~~generally~~ comply with dark sky philosophies. Illuminated signs along Mill Common may not be backlit. Size, location, and number limitations are defined in MKC 19.82.

22. Street Lighting **Figure 13**



All street lights located on 33rd South, Richmond, and Highland Drive, shall incorporate a luminaire (Figure 13) 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 Millcreek Common Street shall utilize the street light shown in Figure 13 or a suitable substitute approved by the City.

All lighting on Laneways, Woonerfs, and required passages between buildings shall use downward directed sconce styles for wall lighting and lit bollards along the street.

23. Small Wireless Facilities in Rights-of-Way in the City Center Overlay Zone.

Small wireless facilities in rights-of-way in the City Center Overlay Zone shall meet the requirements established for Small Wireless Facilities Deployment in MKC Title 16, and shall utilize street light poles or intersection semaphore structures for mounting wireless facilities. To the greatest extent possible such installations shall use the materials/colors of the pole they are using and should blend with the streetscape.

24. Solar Rooftops, HVACs, and Charging Stations

Rooftops may be used as garden type open space, and/or passive recreation space but shall incorporate solar panels for power generation. 50% of the entire rooftop 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 the residential portions of a mixed use or multi-family building, one electric vehicle 220 volt charging station is required for every 10 units. For the non-residential portions of mixed use, office, and commercial buildings, two charging stations per floor are required in the parking areas. Charging stations may be located in interior parking garages.

25. Rooftop Cell Service Towers and 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. Rooftop telecommunication equipment is only allowed as a "stealth" installation. Such facilities shall appear to be an integrated part of the building.

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 regulations of the underlying zone except where specific regulations are provided in this chapter, including but not limited to applicable health and safety 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 CCOZ standards prevail.

Chapter 19.73 – City Center Overlay Zone (CCOZ)
Planning Commission Recommendation Draft – 25 November 2019

Amend 19.04.448 as follows:

"Commercial recreation" means one or more recreational ~~facilities~~ activities or uses, either indoor or outdoor, operated as a business and open to the general public for a fee, ~~such as golf driving ranges and baseball batting range.~~ "Commercial recreation" does not include the following indoor or outdoor recreational, gaming or amusement uses: firearm ranges; target shooting of all kinds; paintball; motorized activities of all kinds, irrespective of power source; mechanical, video, electronic or computerized recreational or amusement arcades. "Commercial recreation" does not preclude the issuance of temporary and seasonal licenses or licenses for large scale events of state, national, or international importance/recognition as defined by MKZ Title 5.

19.73.010 – Purpose and Intent

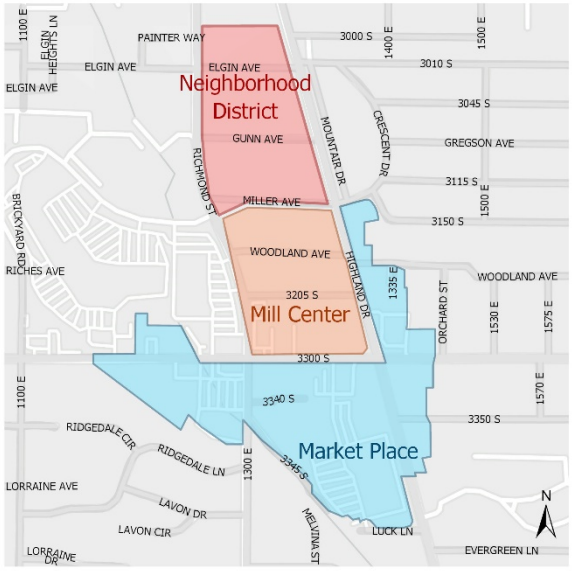
The purpose of the City Center Overlay Zone (CCOZ) is to supplement and modify the standards of the existing commercial and multifamily zones to promote the creation of a walkable mixed-use city center for Millcreek. The City Center is located approximately between Highland Drive and 1300 East, and 3000 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 districts – the Neighborhood, the Mill Center, and the Market Place**.** 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. A property survey, property boundaries, right-of-way center lines, utility access, and recorded easements. The survey shall also include 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 19.73.40 and 19.73.50 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 shall be commissioned by the City and paid for by the applicant.

i. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.

j. A site-specific geologic hazard study and report, if required by MKC 19.75.

k. A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, residential amenities if required, and open space requirements.

l. 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 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 and mitigated:

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, liquifaction 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.
14. Increase personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.

3. Final Development Plan – this plan submittal, subsequent to any Planning Commission public hearing(s) including an associated fee, is a detailed plan that addresses every section requirement of this ordinance, especially MKC 19.73.40 and 19.73.50, in a precise manner.
4. Conditional use approval ~~will~~ shall be required for any building that meets any one of the following criteria:
    a. A total square footage greater than 25,000 square feet.
    b. A ground floor footprint greater than 15,000 square feet
    c. A height greater than 36 feet, not including any element described as a height exception in Table 19.73-4.

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

Permmited uses on any lot in the CCOZ zone shall be the permitted and conditional uses allowed in the C-2 zone, with the addition of single purpose multi-family dwellings in the Neighborhood District. Uses shall be located within one of the Building Types , see section 19.73.050 (14) e. except for the use limitations as set forth in Section 19.60.030.

In addition to the ~~conditional~~ uses listed below, any building that meets any one of the following criteria shall be approved using the City's Conditional Use Process:

a. Any proposed building with a total square footage greater than 25,000 square feet,
b. Any proposed building with a ground floor footprint greater than 15,000 square feet,
c. Any proposed building with a height greater than 36 feet, excluding any element described as a height exception in Table 19.73-4.

Such buildings shall be processed using the standards found in this Chapter as well as in Chapter 19.84 Conditional Uses.

Table 19.73-1 – Permitted and Conditional Uses (subject to 19.73.020)

General Categories of Use by District
Neighborhood District - Multi-family, mixed use, neighborhood retail and neighborhood services, office uses (2,500 square feet or less), commercial indoor recreation, temporary/seasonal/mobile food businesses
Mill Center – mixed use including residential on upper floors, office, retail, service uses, entertainment, civic uses, commercial indoor recreation/entertainment uses, temporary/seasonal/mobile food businesses
Market Place – retail commercial use, office, mixed use, commercial indoor recreation, temporary/seasonal/mobile food businesses

19.73.030 – Prohibited Uses and Use Limitations

Table 19.73-2 – 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, except for car rental as an accessory use to a hotel
Non-Stealth Telecommunications Facilities.	Not allowed. Stealth telecommunication facilities are only allowed on rooftops.
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 district and within the building types specified in section 19.73.050 (14), except that mixed use buildings located within 250' of the NW corner of Highland Drive on 33rd South and the NE corner of 13th East on 33rd South shall contain no more than 25% of the building floor area as residential uses. The 250' measurement only applies to that same quadrant of the intersection. For the purposes of this chapter, leasing offices, lobbies, required parking, and any required residential amenity spaces are not considered commercial uses.	Shall include mixed uses on corners in the Neighborhood District, and 100% residential buildings are not allowed in the Mill Center and Market Place districts. Residential uses shall include amenities as required by MKC Chapter 19.44.050.
Rooftop Gardens, Patios, and Amenity Space	Not allowed within 100' feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space.
Sale or lease of new or used vehicles of all types, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles, including licensed and non-licensed mobile construction equipment and other non-licensed mobile commercial equipment.	Not allowed
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 and Other Body Art 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 Drive through windows, order boxes, or access lanes are not are allowed to front on the Millcreek Common Street, and for all other districts drive-through uses shall conform to the requirements of Section 19.62.050 and other applicable requirements of this Title.
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.
Structured parking, including parking garages and podium parking.	Not allowed to face any street unless wrapped with commercial or office uses on the first floor, street facing facade.
Sidewalk Dining	Allowed on any street except for alleys and woonerfs, to within 5 feet of the curb
Restaurant and Retail uses facing Millcreek Common	Restaurants and retail are the only uses allowed on the first floor facing Millcreek Common

19.73.040 – Bulk and Yard Regulations

The Tables below and Map 2 establish supplemental bulk and yard regulations for all buildings within CCOZ. These regulations modify and/or supersede any conflicting requirements found in the underlying zone.

Building Heights - Minimum and maximum heights are described in Map 2 below and in the chart below, and on the Official Planning and Zoning maps published by the City. Any proposed development that overlaps a defined height line that represents a change in building heights, on the Official Planning and

Zoning map, shall use the lower standard or may step up the building height as per the Official Planning and Zoning map, at that height line.

Table 19.73-3 – Height Requirements and Map

Height Requirements		Minimum	Maximum
East of Highland Drive, north of 33rd South	Tan area	12 feet	26 feet
North end of the Neighborhood District and south end of the Market Place	Yellow area	12 feet	38 feet
Various areas along Richmond, Highland near 33rd, and along 33rd. This area along Highland Drive is 75' wide, as measured from the west ROW line as of the adoption date of the ordinance.	Light Orange areas	24 feet	50 feet
Areas along Millcreek Common and on the north side of 3300 South	Dark Orange areas	40 feet	74 feet
South Side of 3300 South near the 1300 East Intersection	Dark Brown Areas	48 feet	74 feet

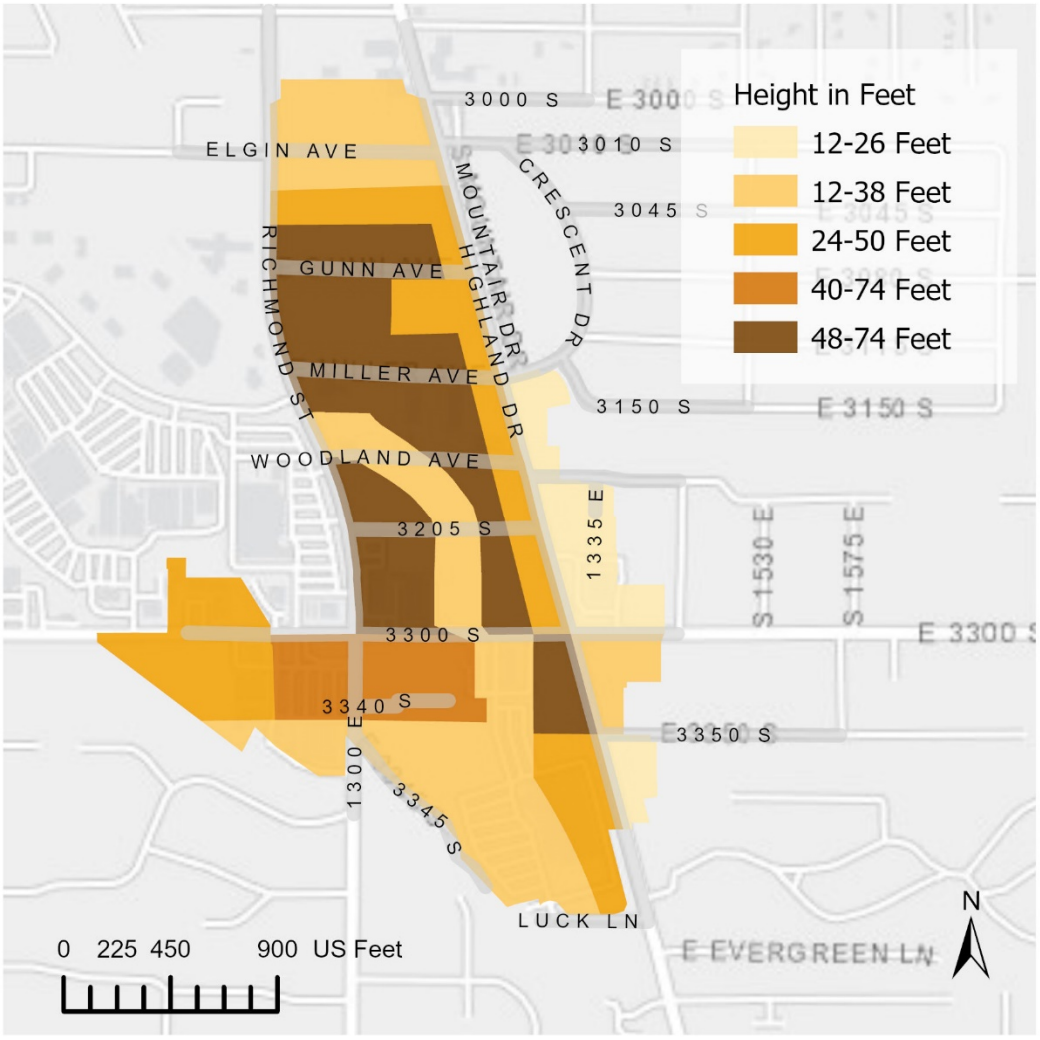


TABLE 19.73-4 – Bulk and Yard Regulations

BULK AND YARD REGULATIONS	
Minimum Building Height	Minimum building heights are described in Map 2 above and in this table
Maximum Building Height	Varies by district – see section 19.73.14 (e) and Note 2 below, 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 (awnings, fabric roof coverings, wood and metal open frame structures, etc.), towers (where required by City ordinances), flagpoles, chimneys, stealth wireless or

	television installations, theater lofts, solar panels, 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. No such structures except towers and solar panels, may be located closer than 10' to edge of the building. The maximum increase in height for the above features shall be 12'.
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 4) standards established in Section 19.73.050 (8) and (14). The front yard setback is measured from the ROW line, except in the case of a plaza adjacent to the street, where the setback is measured from the edge of the plaza furthest from the street.
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.

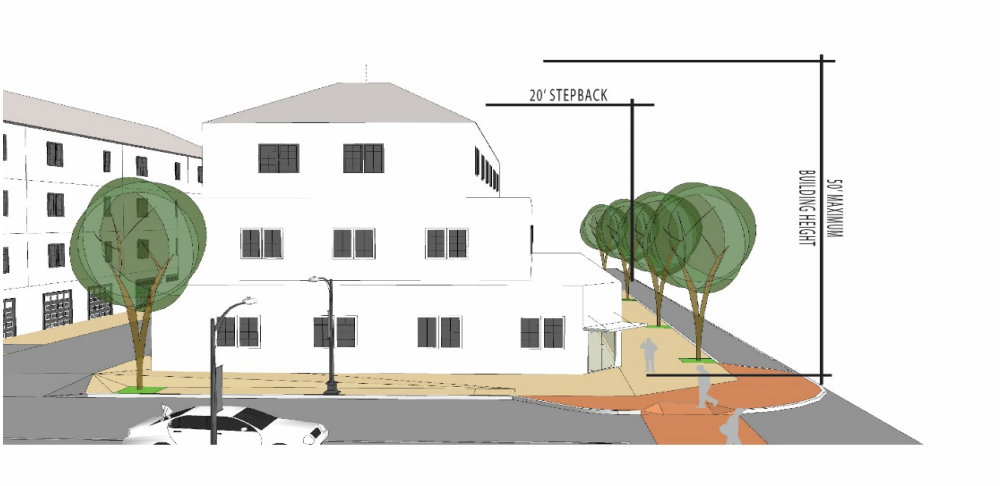
TABLE 19.73-4: NOTES

1. For any development in CCOZ that is directly abutting an R-1 or R-2 zone, the maximum height for structures within 100 feet of the residential zone boundary shall not exceed 30 feet, as measured from the property line abutting the residential zone. If the residential zone abuts the CCOZ at a property line, the setback is measured from that property line. Buildings may step up after the 100' transition requirement has been met.

2. For any building over 40 feet in height or for any development on properties fronting on the Millcreek Common ~~Street~~, 33rd South, Richmond and/or with frontage on Highland Drive, a twenty-foot stepback of the building façade, facing any street, is required between bottom of the first story and the top of the third story and upper stories. This stepback shall 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 or shall create a stepback of 20' between

the first and third floors, that should be utilized as a usable space for residents or businesses within the building (See Figure 1).

Figure 1 Building Stepbacks and Setbacks



3. For the purposes of this chapter, where setbacks are measured from a right-of-way (ROW) 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.

4. 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, seating, for outdoor uses such as restaurants and to promote sidewalk dining.

19.73.050 – Design Standards

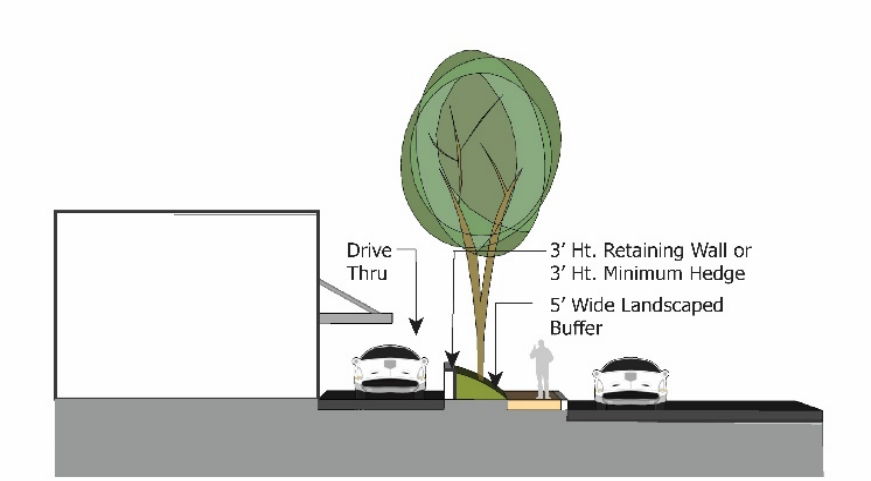
1. **Objectionable Conditions and Violations of Applicable Law.** All uses shall be free from unsafe, unhealthy, objectionable and or unreasonable odor, dust, smoke, emissions, noise, vibration, or similar problems, nor be in violation of any federal, state or local law.

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. This landscaping shall not be included any required open space.

3. **Drive-Through Uses as an Accessory Use.** Drive through uses, such as financial institutions, food and beverage services, are permitted as an accessory use in CCOZ, except that drive-throughs associated with a food and/or beverage service, are not allowed in the Mill Center District and the Neighborhood District. Existing restaurants in the Mill Center 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 Multi-Family Residential and Chapter 19.78 Planned Unit Development 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 flowering ornamental trees that are non-fruit bearing. Trees from the following list are suggested:

   - Spring Snow Crabapple, *Malus 'Spring Snow'*
   - Chanticleer Pear, *Pyrus calleryana 'New Bradford'*
   - Kwanzan Flowering Cherry, *Prunus Serrulata*
   - Eastern Redbud, *Cercis canadensis*
   - Fruitless Mulberry, *Morus alba*

   Highland, Richmond, and 33rd South street trees – wherever possible trees that consume greater CO2 should be planted in expandable grates within the park strip.Trees intended to create uniformity and distinction for these roads are suggested, subject to City approval, as well as a Tree planting plan as required in subsection 9.

6. **Street Types**

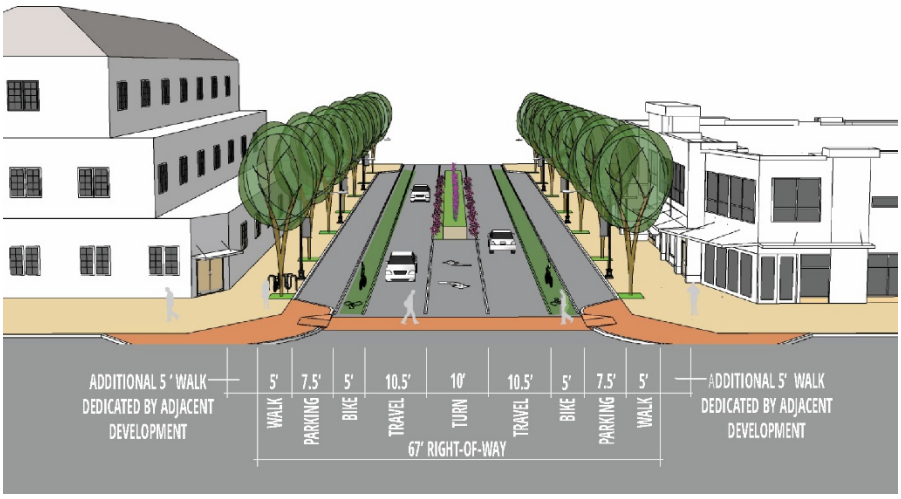
   The seven street types identified below are intended to create a specific identity for the City Center District. All public sidewalks shall be colored a consistent tan color with complimentary accent colors at intersections and mid-block crossings. Exact dimensions and requirements will need to be coordinated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

A. Highland Drive

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.

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
Pedestrian Zone	
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/13th East 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	
Vehicular Zone	
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
Pedestrian Zone	
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 Cty 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/13th East Boulevard

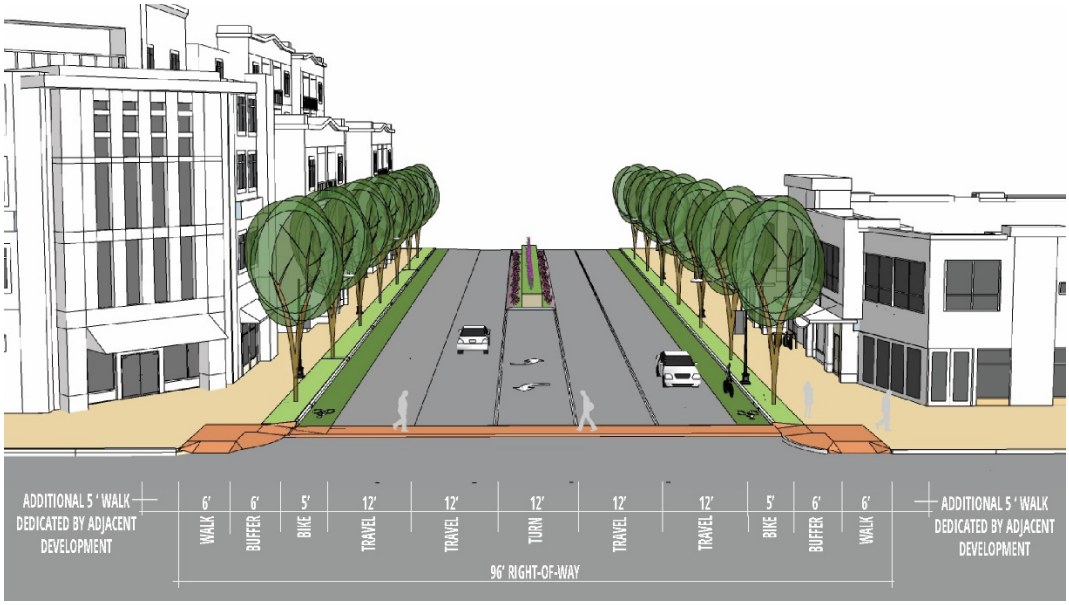


C. 33rd South Boulevard

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 mobilty with the City Center area, protected bike lanes are recommended to create better connections, between Highland and Richmond streets.

Requirements	
Vehicular Zone	
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
Pedestrian Zone	
Walkways	6’ minimum 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 33rd South

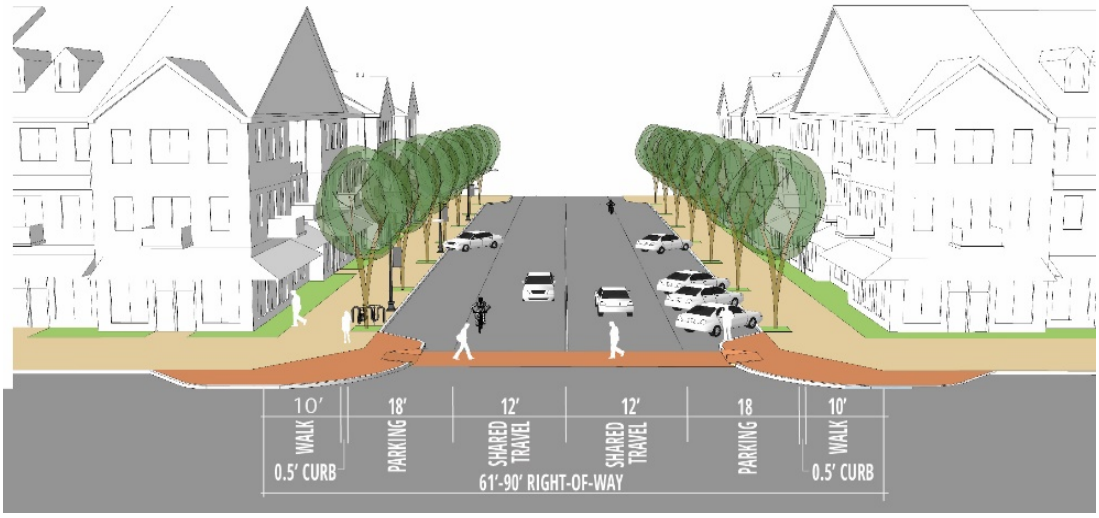


D. Neighborhood Streets

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

Requirements	
Vehicular Zone	
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 angled head in, or head out on each side, depending on ROW
Bicycle	Shared with travel lanes
Pedestrian Zone	
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

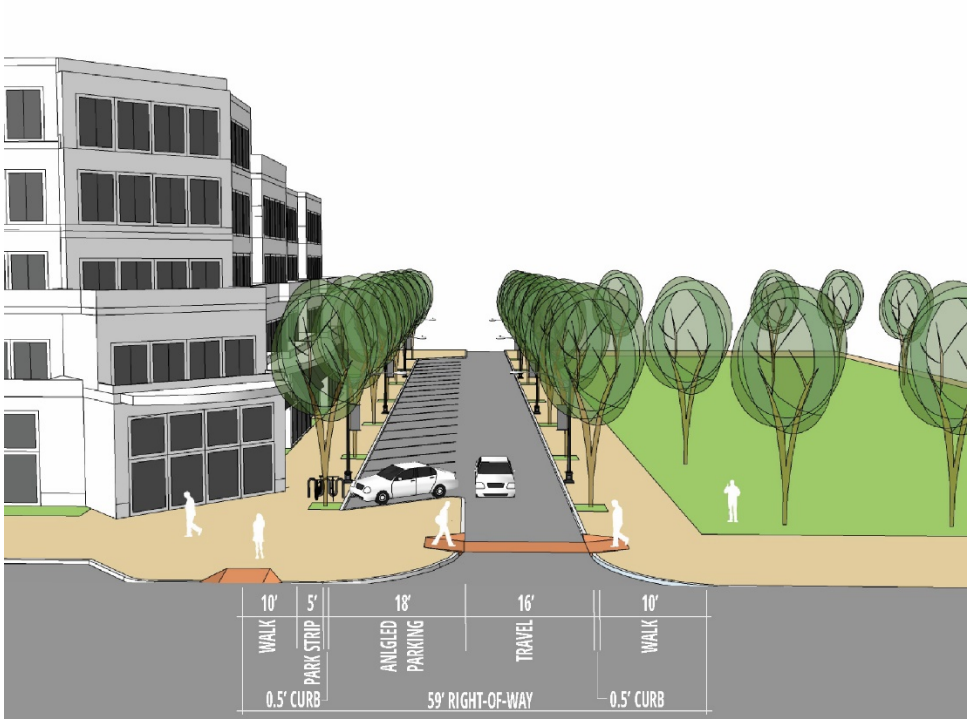


E. Millcreek Common Street and Frontage

If vehicular access and parking is provided between any building and Millcreek Common, it must meet the following requirements:

Requirements	
Vehicular Zone	
ROW Width	varies
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
Pedestrian Zone	
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 Potential Cross Section for Millcreek Common 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 8 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 for all street intersections except for internal/mid-block (off of Highland and Richmond) intersections on Neighborhood streets and for laneways and woonerfs. Streets that require a plaza shall design a minimum of 20' wide 15' deep usable public plaza space and shall include provisions for shade and protection from inclement weather and seating. For sale art sculpture(s) are encouraged.

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, except for the corners specified above. 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', depending on tree type, on center and within 15' of back of curb. Trees must be 2" minimum caliper 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, which may modify the minimum separation requirement above, depending on the width of the tree canopy at maturity 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, the Street Tree Planting plan, 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, unless the dumpster or dumpster enclosure structure is located within a parking structure. 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. These standards do not include guest parking, which shall be as required in 19.80.40.

Requirements	
Studio apartments	1 per unit
1- or two-bedroom apartments	1.5 per unit
3 or more bedrooms	2 per unit
Commercial/retail	3 per 1000 square feet
Service uses	3 per 1000 square feet
Office (excluding call type centers)	3 per 1000 square feet

Bicycle Parking as per Section 19.80.040 (c) with the additional requirement that all such bike racks shall be painted the "blue" used in Millcreek's logo.

12. Parking On-Street

On-street parking, located on the same side of the street in front of the building housing the businesses, 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. Structured parking that faces a street shall be wrapped with commercial or office uses. Surface parking lots are not allowed if visible from the adjacent street. Guest parking shall not require a fee.

Figure 10 Typical Off-Street Parking Locations



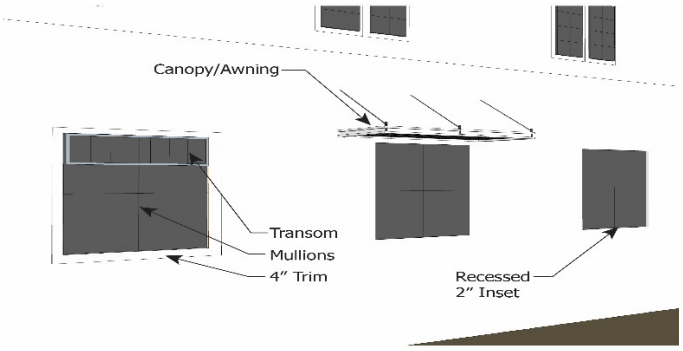
14. Building Design

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, and 25 percent of all upper story 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. Mirrored windows are not allowed. Any east or west facing windows above the third story shall be non-relective to prevent glare. Awnings are required for any buildings facing Millcreek Common Street and on the NW corner of Highland Drive and 33rd South and the NE corner of 13th East and 33rd South.

In adjacent buildings, opposing residential bedroom windows, located on building walls lower than 36', where such buildings are closer than 20 feet from each other, shall offset the window a minimum of 5 feet and provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other. For opposing residential bedroom windows on building walls higher than 36', a minimum 40' separation is required, as well as window blinds. In no case shall any balconies have a separation from an opposing balcony of less than 10'.

Windows above the first floor shall conform to the following standards:



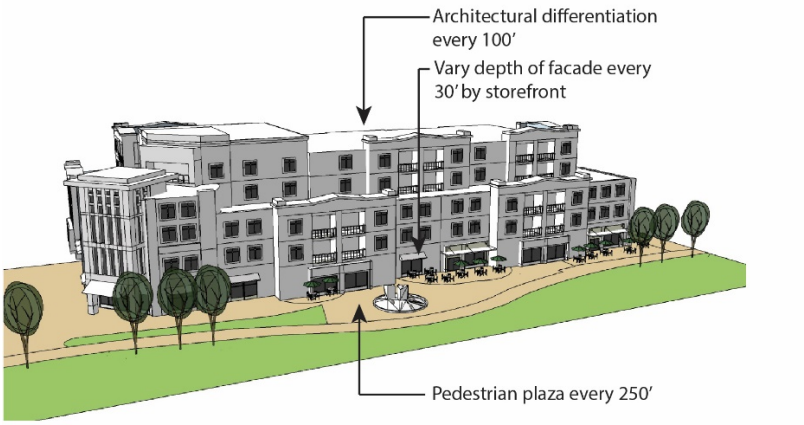
b. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics are 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 50% of the first floor, excluding the windows. For the Mill Center District this requirement increases to a minimum of 75% for the first floor excluding the windows. For all Districts, all stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way. 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.

c. Building Length and Facades

No new building elevation may exceed 100 feet in length without at least a 3' variation in the depth of the façade along the public right of way and a 2' variation on other faces. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 300' in length. A separation of a minimum of ten feet is required, which creates a passageway to interior spaces. Such passageways shall be lighted, provide a safe pedestrian space and include vegetation in boxes every 30' of depth. 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 uses in the mixed use building type, the appearance of small shops/storefronts with variation in the first floor façade every 30' is required. All buildings fronting on Millcreek Common ~~Street~~ shall include a permanent or retractable fabric awning, extending a minimum of 10' from the storefront/façade to provide shade and refuge from inclement weather. Awnings must be cantilevered from the front façade of the building. 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. Only permanent awnings are allowed to meet this requirement for buildings facing the Millcreek Common.

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 at the top of the building 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 at 100' intervals.

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, east or west facing facades on street(s) other than Millcreek Common Street.

G. Except for Millcreek Common facing buildings, 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.

H. Stepbacks where not otherwise required.

e. Building Types

A. Mixed Use – Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed fronting on Millcreek Common Street.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’, except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25’
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
Required First Floor Uses	Office, retail, craftsman industrial or residential (50% must be non-residential use). Any mixed use building that fronts on Millcreek Common Street shall have 100% non-residential uses on the first floor facing that street.
Depth of first floor non-residential uses	Not less than 30 feet unless at least 40 percent of the habitable floor area of the building consists of nonresidential uses, in which case the depth of first-floor non-residential uses can be reduced to not less than 20 feet.
Upper Story Uses	Any permitted use or conditional use
Where allowed	Corners in the Neighborhood District, the entire Mill Center, and the entire Market Place
Storefront Width	Not to exceed 30 feet

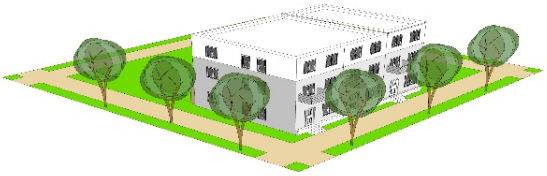
B. Office/Commercial/Civic mixed use – Minimum 2-story building that mixes uses with the primary use of office, retail, civic or commercial use.



Requirements	
Front Build-to Zone	0’-15’
Minimum Side Yard Setback	10’ between buildings

Minimum Rear Yard Setback	10', except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25'
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, Market Place

C. Multi-family –A multi-story building that contains residential uses internal to the structure with parking to the rear, in a separate structure or podium style below the building. Parking structures shall include one 220 volt electric vehicle charging station for every ten stalls. Provide outdoor balconies or patios for 100% 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	10',-except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25'
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 District

D. Townhome - 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. Where private garages are proposed, they shall be wired for at least one 220 volt line for electrical vehicle charging. Guest parking shall not include any driveway that accesses a garage.



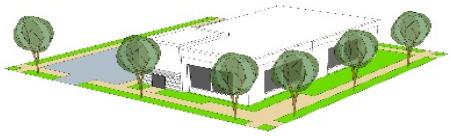
Requirements	
Front Build-to Zone	0'-15'
Minimum Side Yard Setback	0' per unit, 10' between buildings
Minimum Rear Yard Setback	~~5'~~–10'
Minimum Height	2 stories
Maximum Height	3 stories
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	15%
Ground Story Uses	Residential or live/work units
Upper Story Uses	Residential only
Where allowed	Neighborhood District

E. Adaptive Reuse – There are several existing buildings within the CCOZ that could be reworked into a new use. 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’, except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25’
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	Mill Center, Market Place

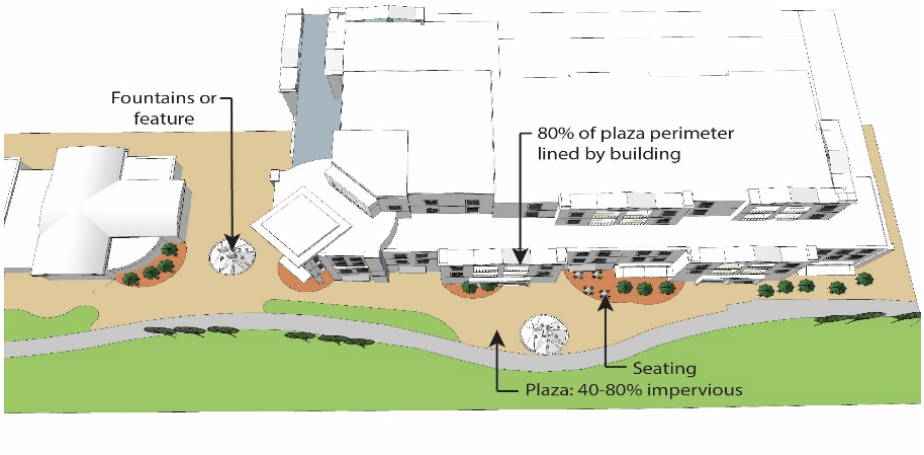
14. Open Space and Plazas

For all development that includes residential uses, the open space requirement is 20% . This open space requirement shall be fulfilled through rooftops, terraces for general resident use, plazas and pocket parks. The required common open space shall be for general use by the residents of the building and/or the public, and be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. For the purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right of way. For development or redevelopment involving sites that are one acre in size or greater, at least 40 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 permanent structures are not permitted.
- Playgrounds are not permitted.
- Minimum pervious surface = 40%
- Maximum pervious surface = 80%
- Must include seating, shade structures, and one tree (2” caliper minimum) per 800 sf of plaza area

- Special features such as fountains and for sale public art installations are encouraged. Active features should be incorporated into the plaza.

Figure 11 Typical Plaza



15. Pocket Leisure spaces

Residential development involving sites 2 acres in size or greater shall include a pocket leisure space 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 child play structure
- Must include seating, shade structures, turf, hard surfaces, and one tree (2" caliper minimum) per 800 sf of park area

Figure 12 Typical Pocket Leisure space



16. Rooftop Patios and Gardens

If a rooftop patio or garden is included as part of a development, the rooftop patio or garden shall include a minimum of 25% of its area 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. All features listed above shall be setback 10' from the roof edge except solar cells. Grow boxes are encouraged.

Private roof top park space is encouraged to take advantage of the mountain and valley views, but shall not include active play spaces.

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

The open space/park requirement may be modified through potential substitutions for any development that faces the Millcreek Common or could benefit from contributing to pedestrian connections to the Commons. Such substitutions are intended to enhance with features or acquire land or improve land that is destined to become part of the "Millcreek Common". The Millcreek Common is the signature open space in the City Center and is a benefit to all development in the City Center, including improved pedestrian connections to the Common. 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 "Millcreek Common". 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 (within one year) 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 and improving pedestrian connections 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, open space, pedestrian system enhancements, and/or 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 Richmond, 33rd, Highland Drive and Millcreek Common 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/similar materials, wood or composites. Vinyl is prohibited as a fencing material. 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 and Outdoor Dining

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 (see guidance from https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/). 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 a minimum of 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.

Outdoor seating and dining may be partially or fully covered to extend the outdoor dining experience through the spring and fall months. Outdoor patio heaters and misters are permitted. Restaurant tables and chairs may be movable or permanent and should be reflected on the site plan. If alcohol is served, the restaurant will need to provide signage and decorative fencing per the health department code. Fencing materials shall be wrought iron (or a similar facsimile). Any accommodation for dogs shall be subject to the Salt Lake County Health Department regulations (Paws on the Patio HACCP plan).

20. Access Between Uses

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

21. Signs

Signs are limited to low profile monument signs, externally lit wall signs, projecting signs with a minimum of 8 feet clearance above the ground, and temporary A-frame signs. Any projecting sign along the Mill Common shall be limited to 42 inches in width. Lighting from signs shall be directed downward and ~~generally~~ comply with dark sky philosophies. Illuminated signs along Mill Common may not be backlit. Size, location, and number limitations are defined in MKC 19.82.

22. Street Lighting **Figure 13**



All street lights located on 33rd South, Richmond, and Highland Drive, shall incorporate a luminaire (Figure 13) 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 Millcreek Common Street shall utilize the street light shown in Figure 13 or a suitable substitute approved by the City.

All lighting on Laneways, Woonerfs, and required passages between buildings shall use downward directed sconce styles for wall lighting and lit bollards along the street.

23. Small Wireless Facilities in Rights-of-Way in the City Center Overlay Zone.

Small wireless facilities in rights-of-way in the City Center Overlay Zone shall meet the requirements established for Small Wireless Facilities Deployment in MKC Title 16, and shall utilize street light poles or intersection semaphore structures for mounting wireless facilities. To the greatest extent possible such installations shall use the materials/colors of the pole they are using and should blend with the streetscape.

24. Solar Rooftops, HVACs, and Charging Stations

Rooftops may be used as garden type open space, and/or passive recreation space but shall incorporate solar panels for power generation. 50% of the entire rooftop 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 the residential portions of a mixed use or multi-family building, one electric vehicle 220 volt charging station is required for every 10 units. For the non-residential portions of mixed use, office, and commercial buildings, two charging stations per floor are required in the parking areas. Charging stations may be located in interior parking garages.

25. Rooftop Cell Service Towers and 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. Rooftop telecommunication equipment is only allowed as a "stealth" installation. Such facilities shall appear to be an integrated part of the building.

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 regulations of the underlying zone except where specific regulations are provided in this chapter, including but not limited to applicable health and safety 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 CCOZ standards prevail.