

File # SD-20-018

**Final plat approval for a minor amendment to
the Mill Farm Planned Unit Development**

The applicant is proposing to amend a recently approved and recorded 26-unit PUD project known as Mill Farm. The conditional use permit and plat were completed last March, and the Mill Farm PUD plat was recorded on March 10, 2020.

The development was sold to the applicant who plans to make building permit application and complete all the required improvements. The Mill Farm plat was recorded with specific building footprints as identified on the plat. Construction within these footprints is crucial as any deviation outside of the footprint will result in the structure being placed in the common area. Brad Reynolds wishes to amend the plat by amending the footprints slightly to accommodate a different twin home package

18.18.050 Other Amendments to Subdivisions

An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement shall follow the approval procedure outlined in MKC 18.08.010 with the following variations:

- *Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action; and*
- *No preliminary plat need be approved. **The recommendations of the affected entities and the approval of the planning commission may be based on a final plat.***

500 EAST

**FILE # SD-20-018
602 EAST 3900 SOUTH
MILL FARM SUBDIVISION
AMENDMENT**



700 EAST

Big Ditch

3900 SOUTH

C-1

R-M

R-M/zc

R-2-10

DELNO CIR

(2 of 3)

parcel_id	16314330270000
own_name	
prop_location	3948 S MILL FARM LN
property_type	
Assessor Link	More info
property_type_code	

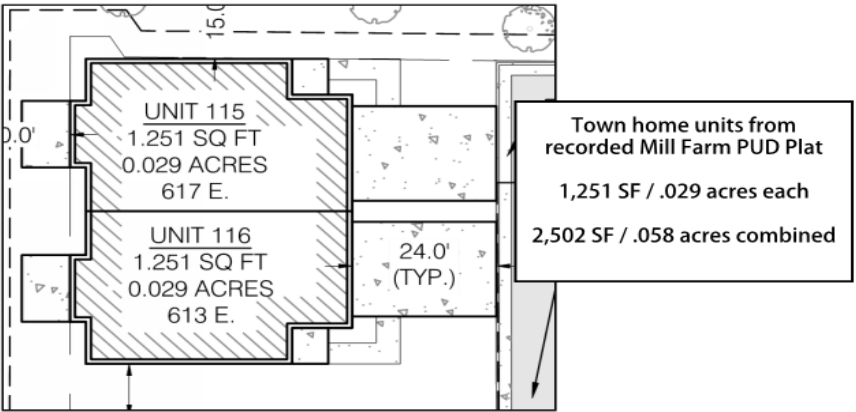
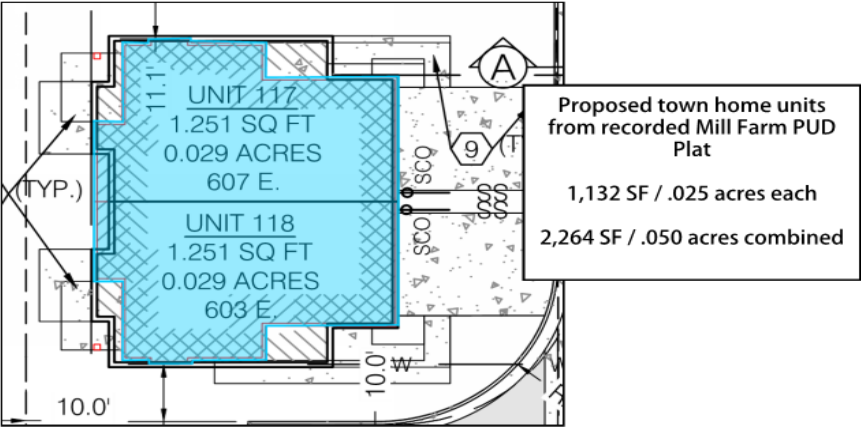
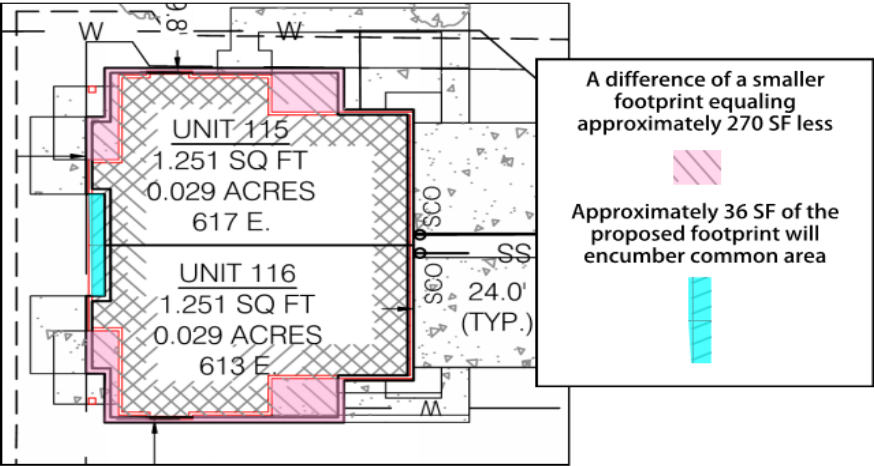
[Zoom to](#) ...

Figure 3: Existing Area Table

AREA TABLE		
PARTICULARS	S.F.	%
BUILDING	33,388	23.2
HARDSCAPE	61,117	42.4
LANDSCAPE	49,619	34.4
TOTAL	144,124	100

Figure 4 Proposed Area Table

AREA TABLE		
PARTICULARS	S.F.	%
BUILDING	30,346	21.1
HARDSCAPE	61,117	42.4
LANDSCAPE	52,661	36.5
TOTAL	144,124	100



MONUMENT
DO S.
BRASS CAP)



(IN FEET)
1 inch = 30ft

**A PLANNED UNIT DEVELOPMENT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
ALSO A PART OF LOTS 9 & 10, BLOCK 6,
TEN ACRE PLAT "A" BIG FIELD SURVEY
SALT LAKE BASE AND MERIDIAN
MILLCREEK, SALT LAKE COUNTY, UTAH**

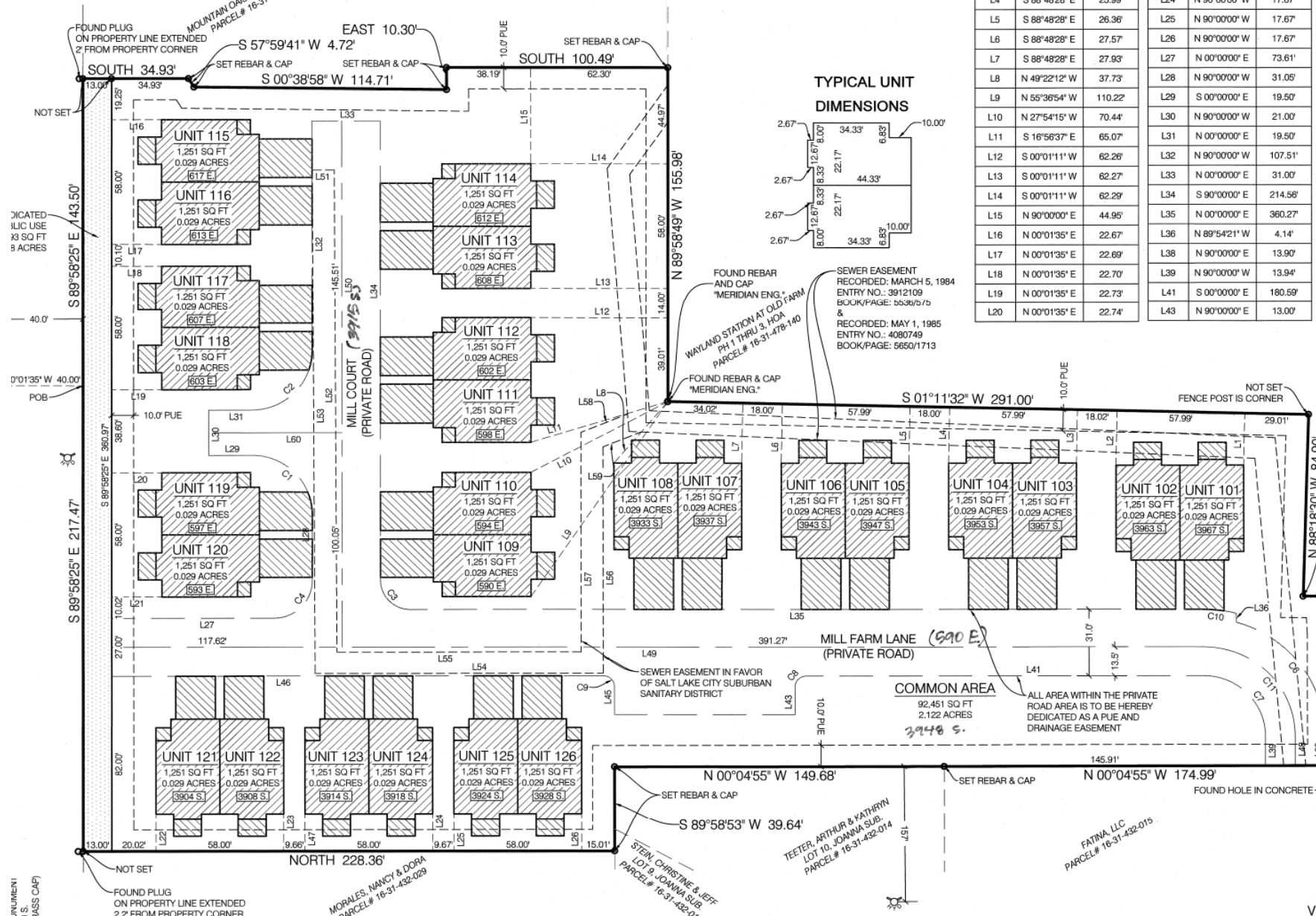
LINE TABLE		
LINE #	BEARING	DISTANCE
L21	N 00°01'35" E	22.77'
L22	N 90°00'00" W	17.67'
L23	N 90°00'00" W	17.67'
L24	N 90°00'00" W	17.67'
L25	N 90°00'00" W	17.67'
L26	N 90°00'00" W	17.67'
L27	N 00°00'00" E	73.61'
L28	N 90°00'00" W	31.05'
L29	S 00°00'00" E	19.50'
L30	N 90°00'00" W	21.00'
L31	N 00°00'00" E	19.50'
L32	N 90°00'00" W	107.51'
L33	N 00°00'00" E	31.00'
L34	S 90°00'00" E	214.56'
L35	N 00°00'00" E	360.27'
L36	N 89°54'21" W	4.14'
L38	N 90°00'00" E	13.90'
L39	N 90°00'00" W	13.94'
L41	S 00°00'00" E	180.59'
L43	N 90°00'00" E	13.00'

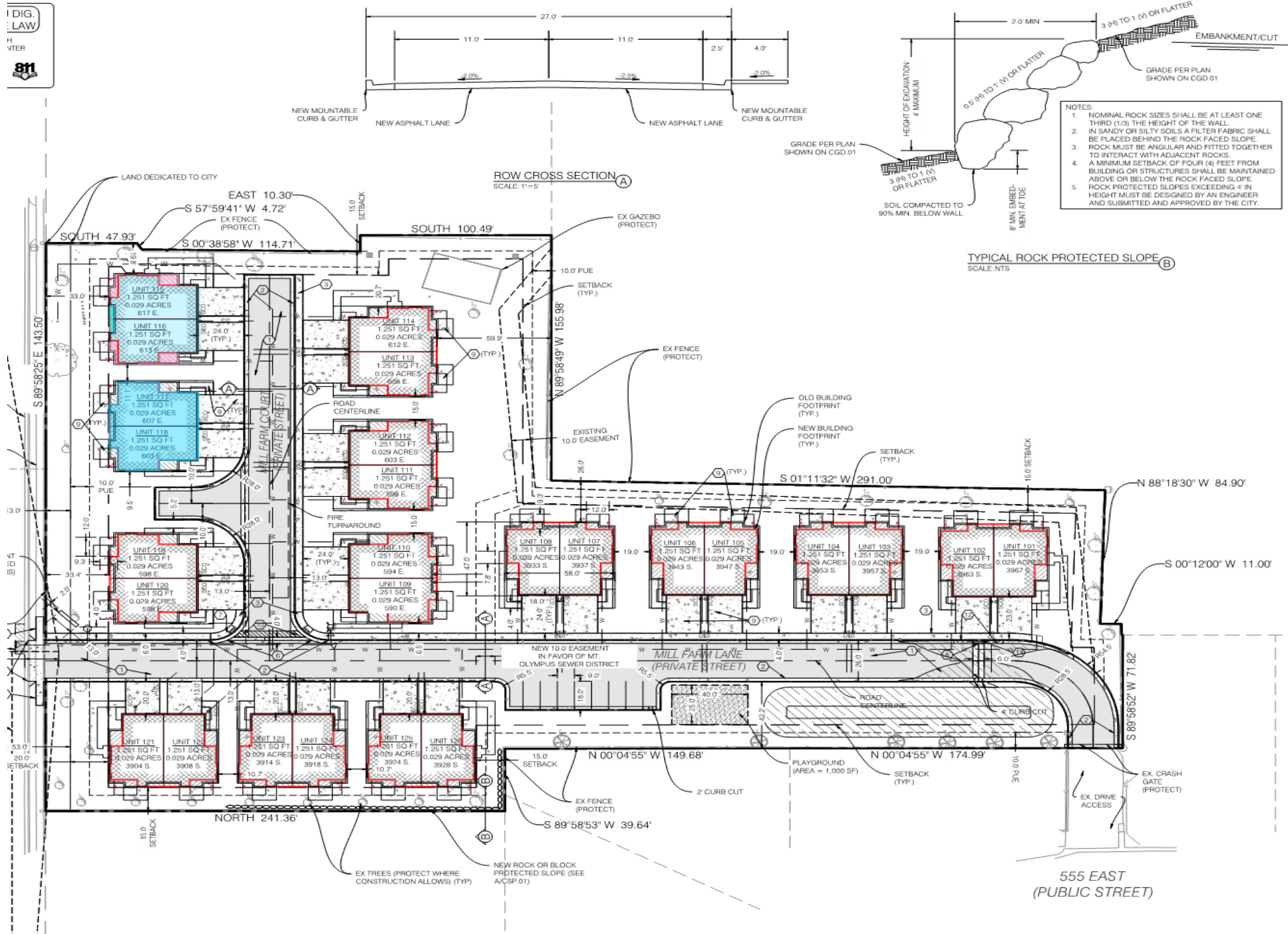
LINE TABLE		
LINE #	BEARING	DISTANCE
L45	N 90°00'00" E	13.0
L46	N 00°00'00" E	223.3
L47	N 90°00'00" W	17.6
L48	N 90°00'00" W	13.9
L49	N 00°00'00" E	495.5
L50	N 90°00'00" W	245.5
L51	N 00°15'44" W	10.0
L52	N 89°44'16" E	225.5
L53	N 89°44'16" E	235.5
L54	N 00°01'37" W	130.8
L55	N 00°02'32" W	110.4
L56	N 90°00'00" W	105.8
L57	N 90°00'00" W	102.4
L58	N 21°53'15" W	22.8
L59	N 21°53'15" W	18.6
L60	N 00°00'00" E	58.0

	EXISTING STREET MONUMENT
	BOUNDARY CORNER (SET $\frac{1}{2}$ REBAR AND CAP MARKED "BENCH-MARK ENG.") (UNLESS OTHERWISE NOTED)
	CENTERLINE OF ROAD
	LOT LINE
	RIGHT OF WAY LINE
	BOUNDARY LINE
	ADJACENT PROPERTY
	EASEMENT LINE
	PUBLIC UTILITY EASEMENT EX. FIRE HYDRANT
	PRIVATE
	LIMITED COMMON
	COMMON AREA
	DEDICATION

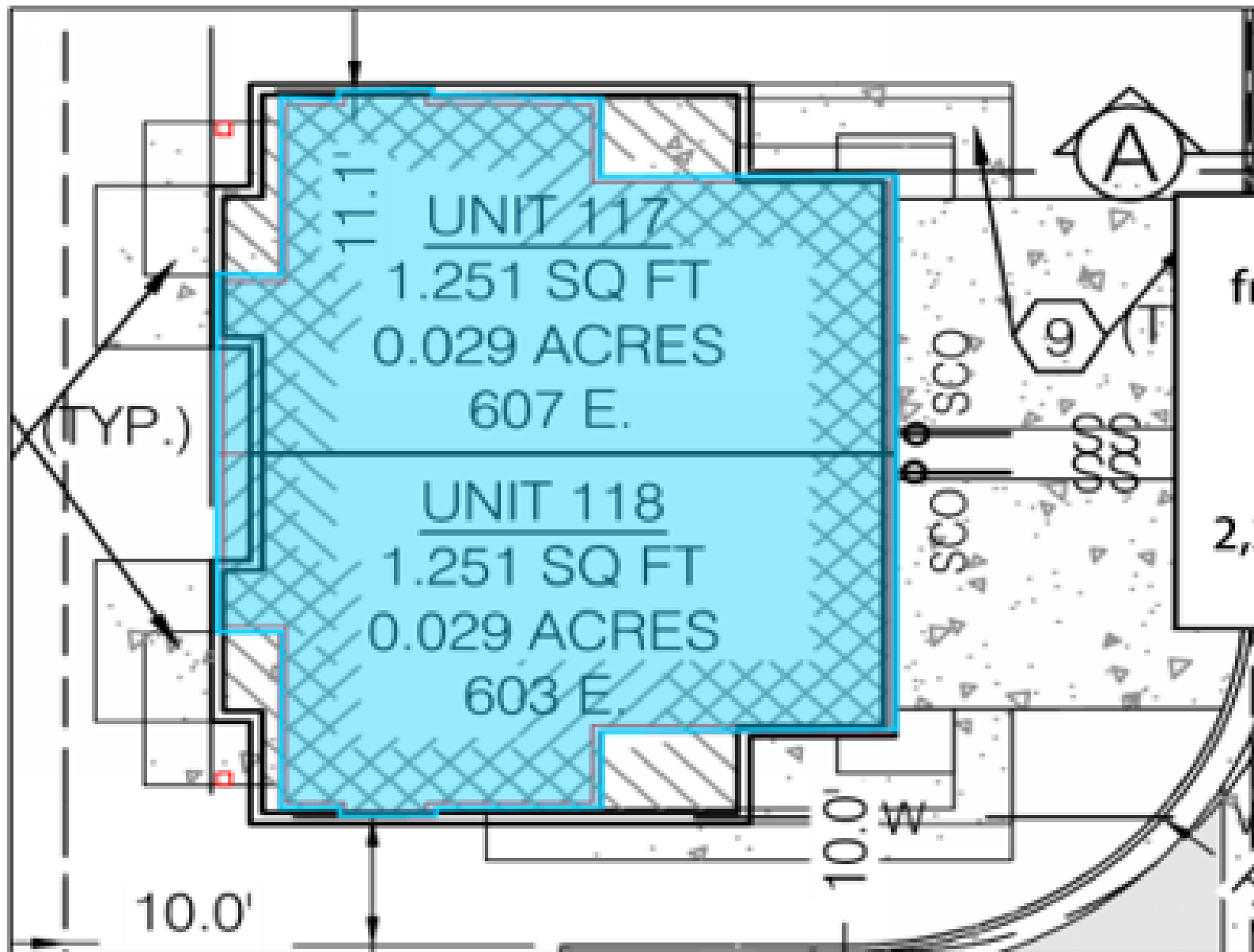
**THIS SUBDIVISION IS SUBJECT TO THAT
STORM WATER MAINTENANCE AGREEMENT
RECORDED AS ENTRY NO. 13192662,
IN BOOK/PAGE: 10895

PG 9385-9421
* LIQUEFACTION HAS BEEN
FOUND ON THIS SITE IN THE
VICINITY MAP DRIVE AREA





NC
P
B
H
L
T
0
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000



Proposed town home units
from recorded Mill Farm PUD
Plat

1,132 SF / .025 acres each
2,264 SF / .050 acres combined

- Proposed amendment will change the “building” and “landscape” percentages by approximately 2% each.
- Applicant is not proposing to change the unit bedroom count which in turn will not effect the parking stall counts required for the PUD.
- Landscaping and required improvements will not be changed due to the proposal.
- Applicant is required to complete improvements and establish a new bond assignment.
- All requirements and conditions of previous CUP is still in effect. (SD-19-011)

NEIGHBORHOOD RESPONSE

“Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action”

Staff sent notices to directly affected property owners and entities on July 27, 2020.

COMMUNITY COUNCIL RESPONSE

As per Chapter 2.56.100 Community Councils; Planning and Zoning, subdivision plats and amendments are not required to be submitted for Community Council recommendation.

PLANNING STAFF RECOMMENDATION

Staff recommends approval of the proposed amended final plat SD-20-018 with the following recommendations:

1. Meet and maintain all conditions and requirements of approval for application CU-19-010 / SD-19-011 per approval letter from Millcreek Planning Staff dated September 24, 2019. See attached.
2. Establish a new bond agreement and bond reflecting the current property ownership.
3. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
4. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
5. All items of the staff report.

MODEL MOTION

Motion to **approve** the proposed amended final plat SD-20-018 with the recommendations listed in the staff report.

PLANNING COMMISSION REVIEW DRAFT – 19 AUGUST 2020

19.04.348 Mixed Use

General retail, office, and residential uses **sharing vertically integrated in the same building or in a unified site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use.**

19.04.XX Gross Floor Area

“Gross floor area” is the total floor area contained within a building measured to the external face of the external walls.

Chapter 19.60 COMMERCIAL ZONES

19.60.010 Purpose Statements

19.60.020 Permitted And Conditional Uses

19.60.030 Prohibited Uses, Limitations, And Special Requirements

19.60.040 Accessory Uses

19.60.050 Bulk And Yard Regulations

19.60.060 Special Regulations For Commercial Zones

19.60.070 General Standards Of Applicability

19.60.010 Purpose Statements

1. Purpose of C-1 Commercial Zone. The purpose of the C-1 Commercial Zone is to provide areas for lower intensity neighborhood commercial development that accommodates the everyday needs of nearby residents. Such zones do not usually generate traffic from regional markets.
2. Purpose of C-2 Commercial Zone. The purpose of the C-2 Commercial Zone is to provide areas for larger-scale community commercial development. Such zones cater to regional markets and generate traffic from a much larger regional area.
3. Purpose of C-3 Commercial Zone. The purpose of the C-3 Commercial Zone is to provide areas for other commercial uses with the potential for greater impacts, and to act as a transition to other zoning districts such as manufacturing or areas with major traffic congestion such as State Street.

19.60.020 Permitted And Conditional Uses

1. Due to the greater potential for detrimental effects, permitted uses in the C-1, C-2 and C-3 zones over one acre in size shall follow the conditional use procedure in MKZ 19.84.
2. Table 19.60-1: Commercial Zoning Districts Permitted and Conditional Uses lists permitted and conditional uses for the commercial zoning districts. "P" indicates that a use is permitted within that zoning district. "C" indicates that a use is a conditional use in that zoning district and a conditional use permit shall be obtained as required in MKZ 19.84. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not a permitted use nor a conditional use within that zoning district. Uses may be subject to additional restrictions and limitations found in MKZ 19.60.030 PROHIBITED USES, LIMITATIONS.

TABLE 19.60-1

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
Indoor or outdoor archery range		C	C	
Residential facility for the elderly or persons with a disability, assisted care facility nursing facility	P	P	P	
Hotel, Motel, Bed & Breakfast	C	C	C	No Hotel or Motels are allowed in the C-1 zone
Public, quasi-public use, and Civic uses	P	P	P	Not including private schools
Transit Station		P	P	
Hospital and all other medical, dental facilities		P	P	
School, public, charter, private	P	P	P	
Neighborhood Retail	P	P	P	No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet.
General Retail and Entertainment		C	C	See table 19.60-2 for additional limitations
Retail Food Trucks, Farmers Market including vegetable stands	C	C	C	As an accessory use on private property and not within a front or side yard setback. On-street locations may be allowed on a non-UDOT street in a C-2 and C-3 zone.

Drive up uses with outside order windows or structures, such as restaurants, banks, etc.		C	C	No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses.
Neighborhood Service	P	P	P	See definition
General Service	P	P	P	See definition
Vehicle Service and repair		C	P	
Office	P	P	P	
Mixed Use (commercial, or office and/or residential use within the same building or located adjacent within a unified site plan)		C	C	Commercial uses are required for at least 50% of the ground floor facing a public street. This commercial space shall have a minimum depth of 40'. 24 hour on-site management required for projects with 50 or more residential units. Mixed use allowed subject to requirements of this chapter.
Commercial parking lot and/or garage		C	C	Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street.
Fireworks		C	C	Temporary stands to be located on private property and subject to the Uniform Fire Code

19.60.030 Prohibited Uses, Limitations, And Special Requirements

Notwithstanding the permitted and conditional uses in TABLE 19.60-1 and other ordinances found in this Title, the following specific prohibitions and/or limitations apply:

Table 19.60-2

USES	SPECIFIC USE LIMITATIONS OR SPECIAL REQUIREMENTS
Detention facility/jail as a principal use	Not allowed

Indoor and/or outdoor gun ranges	Not allowed
Outside storage within view of the street or in any front or side yard facing a street.	Storage that is not considered "display". Includes storage containers. Such storage requires a minimum 6' opaque fence.
Displays (products held for sale) over five feet in horizontal distance from the main building.	Not allowed
Equipment, car or truck rental	Not allowed in the C-1 zone
Commercial wireless communication facilities	Only stealth type towers and accessory structures are allowed in the C zones
Drive-Up uses with outside order windows	Not allowed as part of a vertically-integrated mixed use development or a mixed use development in a unified site plan.
Outdoor kennel	Not allowed in a C-1 zone or within 300' of a residential use
Sexually oriented businesses	Subject to MKZ 19.91.11 and not allowed in the C zones
Pawnshop, smoke shops and related products, and retail tobacco as the principal use (see note 1)	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 2640' of an established substantially similar business.
Tattoo businesses (see note 1)	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 500' of an established substantially similar business.
Licensed Massage Therapy Practices	Allowed, subject to the following requirements: <ol style="list-style-type: none"> 1. Each Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek business license; and 2. The premises shall not be used for any conduct that violates Section 58-47b-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.
Reiki as a principal use	Not allowed
Sale of lease of new or used vehicles of all types, moving trucks, watercraft, mobile	Not allowed in C-1, C-2 zones. 20,000 square foot minimum lot size including an on-site office is required.

homes, travel trailers, campers, motorcycles and other recreational vehicles	
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer, military surplus	Limited to a maximum of 2500 square feet in a C-1 zone and 10,000 square feet in a C-2 zone.
Self-storage facility of all types, including mini-storage units, neighborhood storage and temperature controlled storage facilities (see note 1)	Not allowed in a C-1 zone and not within 300' of an arterial intersection in C-2, C-3 zones or within 1,320' of an established substantially similar business, no additional facilities allowed on 3300 South, and no additional facilities allowed east of 2300 East on 4500 south and 3900 South
Taxicab and/or Limousine business	Not allowed in a C-1 zone
Tavern, as defined by State Code	Not allowed in a C-1 zone
Sororities and fraternities	Not allowed
Manufactured Home park or manufactured home subdivision	Not allowed
Short term ("payday", "car" title, check cashing and similar) load loan service (see note 1)	Not allowed in the C-1 zone and not within 300' of an arterial intersection or within 2640' of an established substantially similar business. See MKC 5.13.030 Business Licensing for additional restrictions.
Flea markets, swap meets	Not allowed in the C-1 zone
Outdoor commercial recreation, outdoor commercial amusement, or outdoor commercial entertainment	Not allowed in the C-1, C-2 zones and not allowed within 150' of a residential use or zone. This limitation excludes outdoor music as per MKZ 19.60.060 A.1.
Recreational vehicle campgrounds	Not allowed in the C-1, C-2 zones
Impound, Vehicle Recycling, and/or junk yards	Not allowed in the C zones
Short-term rentals	Not allowed unless part of a mixed use development

TABLE 19.60-2: NOTES:

1. Arterial intersections are defined as those major intersections where Murray-Holladay Rd., 4500 S, 3900 S, and 3300 S intersect with 300 W, West Temple, Main Street, State Street, 500 East, 700 East, 900 East, 1100 East, 1300 East, Highland Drive, 2000 East, 2300 East, 2700 East, and Wasatch Boulevard. Distance is measured as a radius from the applicant's nearest property line to the arterial intersection ROW line and/or to the property line of the nearest substantially

similar business. Any overlap of the radius onto the applicant's property excludes the entire property.

19.60.040 Accessory Uses

Accessory uses and structures shall be subordinate/incidental to the main use and structure. Other than food trucks such uses shall not be allowed in the front or side yards facing a street.

19.60.050 Bulk And Yard Regulations

Bulk and Yard Regulations establishes bulk and yard regulations for the commercial zoning districts.

Table 19.60-3 BULK & YARD REGULATIONS FOR COMMERCIAL USES

	C-1	C-2	C-3
MINIMUM LOT AREA	None required	None Required #1	None Required #1
MINIMUM LOT WIDTH	None Required	None Required #2	None Required #2
MAXIMUM BUILDING HEIGHT, including fire walls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.	30 35 Feet, subject to height transition requirements.	40* 45 Feet, subject to height transition requirements.	40* 45 Feet, subject to height transition requirements.
MAXIMUM LOT COVERAGE	80 70 Percent	80 Percent Mixed Use: 60 Percent with a minimum 40 percent open space	80 Percent Mixed Use: 60 Percent with a minimum 40 percent open space
MINIMUM BUILDING HEIGHT	1 story	1 story, See Footnote 5	1 story
MINIMUM FRONT YARD	20 Feet	Mixed Use: 25 Feet Other Uses; 20 Feet. See Footnote 4.	Mixed Use: 25 Feet Other Uses; 20 feet. See Footnote 4.
MINIMUM REAR YARD	If located adjacent to residential zoning residential zone boundary, 25 feet, otherwise non not required	Mixed use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required If located adjacent to a residential zone boundary 25 feet, otherwise not required	Mixed Use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required If located adjacent to residential zoning, 25 feet, otherwise not required

MINIMUM INTERIOR SIDE YARD	If located adjacent to residential zoning residential zone boundary, 10 feet, otherwise not not required	If located adjacent to residential zoning residential zone boundary, 10 feet, otherwise not not required	If located adjacent to residential zoning residential zone boundary, 10 feet, otherwise not not required
MINIMUM CORNER SIDE YARD	20 Feet	20 Feet	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	1 Foot	1 Foot	1 Foot
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE	10 Feet	10 Feet	10 Feet

Table 19.60-4 BULK & YARD REGULATIONS FOR VERTICALLY-INTEGRATED MIXED USE BUILDINGS AND MIXED USE DEVELOPMENTS IN UNIFIED SITE PLANS

	C-2	C-3
MINIMUM LOT AREA	21,000 square feet	21,000 square feet
MINIMUM LOT WIDTH	None Required, subject to minimum frontage requirements.	None Required, subject to minimum frontage requirements.
MAXIMUM BUILDING HEIGHT, including fire walls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.	45 feet, subject to height transition requirements	45 feet, subject to height transition requirements
MINIMUM NUMBER OF STORIES	2	2
MAXIMUM NUMBER OF STORIES	4, subject to height transition requirements	4, subject to height transition requirements
MAXIMUM LOT COVERAGE	70 percent	70 percent
MAXIMUM BUILDING LENGTH	200 feet	200 feet

MINIMUM FRONT YARD	25 feet, subject to 19.60.060 (C)(12)	25 feet, unless reduced per MKC 19.77.050
MINIMUM REAR YARD	25 feet	25 feet
MINIMUM INTERIOR SIDE YARD	None required, unless subject to residential zone boundary setback	None required, unless subject to residential zone boundary setback
Minimum Interior Side Yard Setback, where subject property shares a side property boundary with an R-1, R-2, R-4, A-1, or A-2 Zone Boundary	10 feet	10 feet
MINIMUM CORNER SIDE YARD	20 Feet	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	1 Foot	1 Foot
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE	10 Feet	10 Feet

~~*Greater height may be granted up to a maximum of 75 feet by the Planning Commission through an evaluation of terrain differences, views, and the heights of buildings that are immediately adjacent to the proposed building in comparison to the proposed building. Higher building requests shall only be considered if they are mixed use or exclusively office uses, exceed the building design standards of this ordinance, include a 10' usable setback between the second and third floors, provide an additional 10' front yard setback as a public space adjacent to the ROW, and not exceed the lot coverage requirement. Based on the above evidence provided by the applicant, the Planning Commission will determine if the proposed height is acceptable and that such height will not create reasonably anticipated detrimental effects on adjacent properties. This flexibility is only allowed in the Meadowbrook area including State Street, and the Highland Drive and 13th East areas along 3300 S and within a 500' radius of those intersections.~~

TABLE 19.60-3: NOTES:-

- ~~1.—For mixed use buildings containing residential dwellings, no minimum lot area is required per unit, but a development site must consist of at least 21,000 square feet to be eligible for a mixed use building containing residential dwellings.~~
- ~~2.—Mixed use buildings containing residential dwellings must include residential amenities per the requirements established in MKZ 19.44.050.~~
- ~~3.—For mixed use buildings containing residential dwellings, no minimum lot width is required.~~
- ~~4.—For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front facade of the building. Where fifty percent or more of the lot frontage is developed, the front yard shall not be less than the average of the existing buildings, but in no case less than fifteen feet.~~

- ~~5. For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), the maximum height for structures within 100 feet of a residential zone shall not exceed 30 feet.~~
- ~~6. Multi-family residential developments may include rooftop gardens or patios provided the rooftop garden or patio is set back a minimum of 100 feet from the property line.~~
- ~~7. For "automobile service station" uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.~~
- ~~8. Notwithstanding contrary definitions found in MKZ 19, building height is measured from the natural grade original ground surface to the highest point of the roof.~~

19.60.060 Special Regulations For Commercial Zones

- A. General Conditions in the C-1 Zone. Stores, shops or businesses in C-1 zones shall be retail or neighborhood service establishments only, and shall be permitted only under all of the following conditions:
 1. Business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles, and service to people in automobiles, except that any type of restaurant may have outdoor dining. Outdoor music associated with the restaurant, shall comply with the Salt Lake County Health Department Noise ordinance.
 2. All products, whether primary or incidental, shall be sold at retail on the premises.
- B. Business Uses and Conditions in the Commercial Zones shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.
- C. Design Standards for C-1, C-2, C-3 zones
 1. **Entrances and Windows.** Commercial and residential entrances ~~Entrances~~ to the first floor of commercial and mixed use buildings shall front on the street. ~~On double or triple-frontage lots, entrances are required where the greatest amount of pedestrian traffic is anticipated, but in all cases must front on a street.~~ Windows shall ~~make-up~~ constitute at least 50% percent of first floor street-facing facades, and windows shall be at least 50% transparent. On double or triple-frontage lots, living screens may replace up to 50% of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage. Windows shall constitute at least 25 percent of all upper story street-facing facades. ~~Top floors shall have architectural differentiation from the other floors in the building.~~
 2. **Frontage.** For the purposes of this chapter, any façade that is within 60 degrees of the property frontage along a street as defined in MKC 19.04.260 is deemed to front the street.
 3. No more than one row of parking is allowed between the building(s) and the street within 300' of any major intersection. No parking is allowed between the street and the

building in any town center area.

4. Corner lots are ~~deemed~~ considered to have two front yards.
5. **Build-To-Line.** The front yard setback is the build-to-line within 300' of any arterial/major intersection (see MKZ 19.60.030 Prohibited Uses, Limitations And Special Requirements for the definition of an arterial /major intersection). At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line ~~or as approved by the Planning Commission~~. A build-to-line is defined as the line at which construction of a building facade is to occur on a lot, running parallel to the front property line, and ensuring a uniform ~~(or more or less even)~~ or consistent building facade line on the street. ~~Build-to-lines may not encroach upon the front yard setbacks established in this Chapter.~~
- ~~6. Landscaping along the street shall comply with this chapter and MKZ 19.77.~~
7. Signage for commercial or office uses is defined in MKZ 19.82.
8. 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 residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
9. Parking (MKZ 19.80) for Mixed Use developments may be reduced based on a traffic study by a qualified transportation engineer.
10. **Building Materials.** Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on **all** street-facing facades, **excluding windows**. Windows are not allowed to be less than 50% of the gross street-facing facade square footage. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required. **Stucco, EIFS, unfinished concrete, or metal siding shall comprise no more than 20 percent of any façade visible from a street or from an abutting property that is located in an R-1, R-2, R-4, A-1, or A-2 zone. A change of materials is required between the ground story and all upper stories.**
11. **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 30 feet of façade length.
 - c. Changes in materials, color, texture or pattern for greater than 50 percent of the building facade.
 - d. Indentations/recesses at least 5 feet in depth along the street facing facades at 50-foot intervals.
 - e. Unless required as a setback, usable terraces (a larger balcony intended as a private resident leisure space or commercial leisure space) at least 10 feet in depth along the street facing facades.
 - f. 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.
 - g. Vertical landscaping on trellises attached to the wall that cover at least 20 percent of a wall facing a street.
 - h. Setbacks where not otherwise required.
12. **Setbacks.** For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front facade of the building. Where fifty percent or more of the adjacent lot frontage is developed, the front yard setback shall not be less than the average of existing buildings located within 300 feet on the same side of the street, as measured in both directions from the center point of the frontage to be developed, but in no case less than fifteen feet.
13. **Setbacks along Streets, Property Frontages, and Residential Zone Boundaries.** Buildings greater than 35 feet in height shall have a 10 foot setback between the first or second and third stories.
14. **Landscaping on Public Right-of-Way.** Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per MKZ 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per MKZ 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per MKZ 19.77 with a minimum of a five foot landscaped area next to the public ROW. Fences shall not be located within this five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per MKZ 19.77. Double frontage lots with parking lots adjacent to the street may substitute a screen wall a minimum of 3' in height for this fencing requirement.
15. **Street Trees.** Street trees are required in planting areas or tree grates every 40 feet, depending on tree type, on center and within 15 feet of back of curb along the street.

Trees must be 2-inch minimum caliper canopy type, at least 30 feet in height at maturity and maintained with a limb clearance of 8 feet 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.

16. **Perimeter Fencing.** Fencing is required for non-residential uses **and mixed use developments** located adjacent to residential uses. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, wood, or vinyl may be allowed with a minimum two foot wide, six foot tall brick or stone pillars spaced every ten feet on center. Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of 5 feet from the property line to allow for a landscaping buffer designed in accordance with MKZ 19.77 to soften long expanses of walls. ~~Interior fencing shall comply with MKZ 19.78.030(11) (f).~~

17. Lighting.

- a. **Interior Street Lights.** Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant must submit a photometric plan for review which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for interior streets shall be shall be 0.3 and the fixture height shall not exceed 25 feet. No on-site light poles may be located closer than 10 feet from the public right of way.
- b. **Dark Sky Compliant Lighting Required.** All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination.

18. **Access between uses.** Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.

19. **Reduced Setback Provisions.** Front yards may ~~also~~ be reduced based on enhanced landscaping as per section MKZ 19.77.050. Where a front yard setback is reduced below 20 feet per MKZ 19.77.050, a ten foot stepback is required between the first story and upper stories of the building, **subject to the limits established in Section 12 above.**

20. **Utilities.** All utilities shall be located underground. Utility equipment shall be screened from view. Overhead telephone, cable, fiber optic, or transmission power lines must be located underground.

21. **Height Transition Requirements.** For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), the maximum height, as measured per Table 19.60-3, for buildings or structures within 100 feet of a residential zone boundary shall not exceed 35 feet. No vertically-integrated mixed use building or commercial building

within 100 feet of a residential zone boundary may have more than two stories.

22. **Design Standards for Gasoline Pumps.** For automobile service station uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.

23. **Measurement of Building Height.** Notwithstanding contrary definitions found in MKZ 19, building height is measured from the natural grade original ground surface to the highest point of the roof, including firewalls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.

D. Additional Requirements for Vertically-Integrated Mixed Use Buildings and Mixed Use Developments in Unified Site Plans. Mixed use buildings and developments that contain residential uses must comply with the bulk and yard requirements and design standards listed in this chapter, and with the standards listed in this section:

1. **Mixed Use Configuration.** Mixed Use Buildings and Developments that Contain Residential Uses must be configured in one of the following manners:
 - a. **Vertically-Integrated Mixed Use.** A vertically-integrated mixed use development containing residential uses consists of a building or buildings with commercial uses on the ground story with residential uses on upper stories.
 - b. **Mixed Use in a Unified Site Plan.** A mixed use development in a unified site plan consists of separate residential and commercial or vertically-integrated mixed use buildings in a site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use. For mixed use projects consisting of separate residential and commercial buildings in a unified site plan, commercial uses must comprise at least 30 percent of the gross ground story floor area identified on the site plan, and must occupy at least 50 percent of the of the building frontages along a right-of way. Vertically-integrated mixed use buildings in a unified site plan shall meet the requirements of vertically-integrated mixed use buildings, and shall abut a public right-of-way. Residential buildings in a unified site plan shall follow the requirements of multifamily residential buildings established in MKC 19.44.050 (13), (14), or (15).
2. **Minimum Frontage Requirement.** In order to qualify for a mixed use building or development that includes residential uses, the development site must have at least 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan.

3. **Balconies or Patios.** At least 60 percent of residential units shall have a private outdoor space in the form of a balcony and/or patio with a minimum of 60 square feet with a minimum 5 foot depth. Each ground floor patio shall have a privacy fence at a depth and height sufficient to provide meaningful privacy from adjacent residents.
4. **Rooftop Gardens and Rooftop Patios.** For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone (“residential zone”), rooftop gardens or rooftop patios are prohibited within 100 feet of a residential zone boundary, 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.
5. **Ground Story Use Requirements.** The ground floor of any vertically-integrated mixed use building or a mixed use development in a unified site plan shall include commercial uses, subject to the following requirements.
 - a. **Minimum Commercial Floor Area Required.** Any mixed use development shall have no less than 1,500 square feet of commercial floor area.
 - b. **Commercial Frontage and Minimum Depth of Ground Story Commercial Space.**
 - a. **Vertically-Integrated Mixed Use Buildings.** For vertically-integrated mixed use buildings with frontage along a roadway identified in the Roadway Functional Classification Map in the Millcreek Transportation Master Plan as a Major Collector, a Minor Arterial or an Other Principal Arterial, no less than 50 percent of a vertically-integrated mixed use building’s front façade shall consist of commercial uses, in one of the following configurations:
 - a) Commercial spaces with a minimum depth of 30 feet shall occupy at least 80 percent of a building’s ground floor front façade.
 - b) Commercial spaces with a minimum depth of 40 feet shall occupy at least 50 percent of a building’s ground floor front façade.
 - c) Commercial spaces that ~~are~~ occupy a minimum of two stories ~~and that~~ shall have a minimum depth of 30 feet and shall occupy at least 30 percent of a building’s ground floor front façade. In no event shall the minimum required commercial square footage be less than 3,000 sq. ft.

- b. **Mixed Use in a Unified Site Plan.** For developments incorporating mixed use in a unified site plan with frontage along a roadway identified in the Roadway Functional Classification Map in the Millcreek Transportation Master Plan as a Major Collector, a Minor Arterial, or an Other Principal Arterial, commercial uses shall be arranged in one of the following configurations:
 - a) Single-story commercial spaces of at least 1,500 square feet in ground floor area must occupy at least 50 percent of the building frontages along a public street.
 - b) Commercial spaces of at least 2,000 square feet in ground floor area or commercial spaces that are a minimum of two stories shall occupy at least 30 percent of the building frontages along a public street.

6. Additional Commercial Use Requirements for Commercially Significant Development Sites. Any Mixed Use Development on a Commercially Significant Development Site shall include commercial uses for at least 30 percent of the development's gross floor area. A Commercially Significant Development Site is defined as follows:

- a. Any development site greater than one acre in area; or
- b. Any development site located within a Village Center, Retail/Office, or Employment/Commercial Future Land Use Designation on the adopted Millcreek Future Land Use Map; or
- c. Any development site on property located within 600 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right of way line:
 - a) 4500 South and Highland Drive
 - b) 2000 East and 3300 South
 - c) 900 East and 3300 South

- 7. **Frontage Requirements.** Commercial uses are not required on facades of mixed use developments that are not located on a street identified in the Millcreek Transportation Master Plan Roadway Functional Classification Map as a Major Collector, a Minor Arterial, or an Other Principal Arterial.
- 8. **Live/Work Units.** Live/Work units may be used to meet the requirement for commercial uses, provided that the entire ground floor of the live/work unit meets the design and use criteria listed in this chapter, and is operated as an allowable commercial use in this Chapter. Ground floor spaces **((fix))** in a live/work unit may not be used for residential

purposes or storage.

9. **Residential Amenities as Commercial Uses.** For the purposes of this chapter, leasing offices serving on-site residential and commercial uses, lobbies, required parking, elevators, stairwells and any required residential amenity spaces are not considered commercial uses.
10. **Minimum First Story Height for Ground Floor Commercial Space.** Ground stories containing commercial space, including live/work units, shall be at least 12 feet in height.
11. **Finished Floor Elevation.** The finished floor elevation of a ground floor commercial space fronting a street shall be no lower than 2 feet below the street elevation, as measured at the edge of asphalt, or top of curb, where applicable. .
12. **Laundry Facilities.** All mixed used developments containing residential uses shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.
13. **Management.** 24-hour on-site management is required for all residential development consisting of more than 50 dwelling units.
14. **Open Space.** Common open space shall be provided for residential uses in the amount of at least 20 percent of the gross site area of the building or development. For purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right of way. The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curbs, gutters, sidewalks, walking paths, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the principle purpose of providing an amenity, or required interior common amenity spaces may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes ~~common interior walkways~~, formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Open space amenities and gathering shall reflect the market that the development is attempting to attract. Projects with over twenty dwelling units shall include a single and contiguous landscaped passive open space sufficient for outdoor activity with a minimum area of 5,000 square feet.
15. **Parking and Vehicular Access.** In addition to meeting the requirements of MKC 19.80, parking and vehicular access for mixed use developments containing residential uses shall also meet the requirements below.

- a. **Residential Parking to be Enclosed in a Structure, Podium, Private Garage, or Carport.** Parking required for each residential dwelling unit must be in a structure, a podium, a private garage, or a carport.
 - b. **Private Garage Requirements.** If a private garage is used to provide two required spaces, the private garage shall have a minimum unobstructed size of twenty-two feet wide by twenty feet in length, or twenty feet wide by twenty-two feet in length. If a private garage is used to provide one required space, the private garage shall have a minimum unobstructed size of ten feet wide by twenty-two feet in length, or eleven feet wide by twenty feet in length. Private garages shall not be the only means of pedestrian access into a dwelling. Each garage shall be serviced with a 220 volt power supply.
 - c. **Vehicular Access to Private Garages.** Vehicle access serving a private garage shall be at least 24 feet in width.
 - d. **Tandem Spaces in Podiums and Structures.** Tandem spaces in conjunction with garages may be allowed only for residential uses with a minimum size requirement of 20 feet in length and 9 feet in width per parking space, up to a maximum of two contiguous spaces for unit.
 - e. **Vehicular Entry Gates Prohibited.** Vehicular entry gates are prohibited as part of any mixed use development containing residential uses, unless the gate services a structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.
 - f. **Electric Vehicle Charging.** Each development shall provide residents the opportunity to charge electric vehicles. If private garages are used, each garage shall be serviced with a 220 volt power supply. If parking is shared in a structure, a podium, or carports, one vehicle charging station shall be provided for each ten required parking spaces.
 - g. **Guest and Commercial User Parking.** Parking for guests and commercial users shall be conveniently accessible. Tandem parking or parking in a private garage or driveway shall not be counted as guest parking or commercial user parking.
 - h. **Front Door Weather Protection.** All exterior front doors serving individual dwelling units shall include a canopy, porch, or portico to provide protection from adverse weather, with a dimension of not less than four feet by four feet.
16. **Privacy.** Each mixed use building consisting of residential uses shall provide adequate visual and acoustical privacy for dwelling units. Fences, walks, barriers, landscaping, and sound reducing construction techniques with a maximum transmission of 55 decibels in

the walls and ceilings shall be used to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

17. **Residential Amenities.** Each mixed use development consisting of residential uses shall provide residential amenities pursuant to the standards established in MKC 19.44.050 (E)(11).

18. **Storage.** Each dwelling unit shall include at least one private storage space consisting of at least 100 cubic feet.

19.60.065 Application Process for Conditional Uses for New Development

Any application for a conditional use that involves new development shall follow the application process described below:

1. Preapplication conference meeting with representatives from the City is required.
2. Site Plan Review Application – an application and associated fees shall be submitted and reviewed by staff for completeness. An incomplete application, that does not address the required design standard 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. An application for a conditional use permit will not be deemed complete until a site plan review is completed by City staff. The initial application will generally consist of concept plans with the following minimum requirements:
 - A. The applicant's name, address, telephone number, email address, and interest in the property.
 - B. The property owner's name, address, email address, 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, topographical information indicating original ground surface as defined by MKZ 19.04.095, 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, street tree plan, parks, plazas, pedestrian pathways, parking, low impact design stormwater techniques to be applied to the site, known fault lines and recommended setbacks, and conceptual street cross sections.

- F. A written explanation of the project that describes the thematic elements of the project, the placemaking concepts, one or more signature features, commercial and mixed-use designs (if applicable), potential tenants, its' relationship to the goals established for Mixed Use Corridors in the Millcreek General Plan 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.
 - G. If required by the City, 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 suggests 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 MKZ Section 19.80.040 to create a parking study. Traffic and parking studies shall be commissioned by the City and paid for by the applicant.
 - H. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.
 - I. A site-specific geologic hazard study and report, if required by MKZ 19.75.
 - J. 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.
 - K. Other information the City may deem necessary, as described on the application form, for proper review and analysis of an application and its potential detrimental effects.
3. Application processing and review – Upon payment of required fees, the initial application, composed of the concept plan information as described above and the conceptual development agreement, if required by the city, 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 the project's compliance with the regulations of this chapter and determine if any potential detrimental effects require mitigation to include the following list of potential issues and standards, that may need to be addressed and mitigated:
- A. 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.
 - B. 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.

- C. Negative impacts on connectivity and safety for pedestrians and bicyclists.
 - D. 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.
 - E. 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 fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
 - F. Modifications to signs and exterior lighting to assure compatibility with the zone.
 - G. 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, relative to the zone and the immediate neighborhood in which the use will be located.
 - H. Reduction in the tax base and property values.
 - I. Reduction in the current level of economy in governmental expenditures.
 - J. Insufficient emergency fire service and emergency vehicle access.
 - K. Reduction in usable public open space.
 - L. Graffiti prevention applications and designs.
 - M. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
 - N. Enhancement of personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.
4. Final Development Plan and Conditional Use Application – 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 and all applicable standards.

19.60.070 General Standards Of Applicability

1. The use and development of property within the Commercial Zones are also subject to other applicable chapters in the zoning ordinance, such as, the Parking MKZ 19.80, Water Efficient Landscaping, MKZ 19.77, Signs, MKZ 19.82, etc.

2. Standards in other chapters may apply. In the event there is language elsewhere in MKZ Title 19 that conflicts with language in this chapter, the more restrictive standard prevails.
3. In any rezoning process, a development agreement shall be required at the sole discretion of the City. "Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must (1) specify and describe the proposed development through text, site plans and elevations (2) detail the amenities and other benefits being provided to the City and its residents (3) utilize a development agreement form approved by the City. The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Agreement.