

MILLCREEK CITY CENTER Urban Forestry Standard

City of Millcreek, Utah



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Millcreek City Community Development

Planning and Zoning

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1 Introduction

A. Purpose

This manual is a supplemental tool meant to assist in the implementation of Millcreek's General Plan and City Center Master Plan, and to provide standards for the selection, placement, installation and care of street trees in the City Center.

Existing city documents provide some guidance and narrative for street trees. The **Millcreek Together General Plan** identifies several goals that include street trees:

Character. Goal N-1: Preserve and enhance the physical elements that define each neighborhood's character.

*Strategy 1.3: Identify neighborhood natural features such as **trees**, waterways, and open spaces, and incorporate them into project design.*

Sustainability. Goal E-7: Promote environmentally sustainable efforts and initiatives in the public and private sector.

*Strategy 7.1: Encourage the integration of environmentally sustainable and cost effective best practices and technology in public infrastructure investments, such as **street trees**, permeable paving, green spaces, bicycle parking, electric vehicle charging stations, etc.*

Streetscape. Goal GC-3: Improve the safety and visual image of the community by enhancing the look and feel of major corridors and protecting our scenic viewsheds.

*Strategy 3.1: Improve streetscape aesthetics on major roadways by incorporating decorative paving, **street trees**, landscaped medians, pedestrian and vehicular lighting, and street furnishings such as bicycle rings, bollards, garbage/recycling receptacles, and undergrounding utility infrastructure.*

Tree Canopy. Goal HE-2: Promote a healthy and diverse tree canopy to enhance neighborhood liveability, provide habitat, and improve air and water quality.

Strategy 2.1: Develop a Street Tree Master

Plan to guide overall management and preservation of the tree canopy throughout the City. The Street Tree Master Plan should guide planting trees along streets during development and redevelopment, and should designate appropriate tree species for plantings.

Strategy 2.2: Encourage the planting of new trees and protect Millcreek's urban tree canopy by:

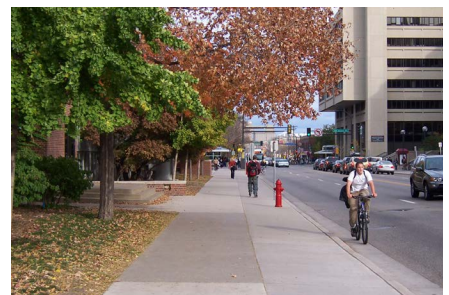
- Requiring a no net loss policy for the City's urban tree canopy by maintaining and preserving existing trees, replacing trees that need to be removed, and planting new trees on public and private property.
- Maintaining Tree City U.S.A. standards.
- Update the landscape ordinance in a manner to maximize the number of trees required for projects.



High quality street trees can impact neighborhood value and character.



Urban spaces need good tree canopy cover for improving human comfort.



Tree coverage creates spaces that people enjoy, feel safe in, and will linger in.



The **Millcreek City Center Master Plan, Chapter 4.C Streetscapes** states that:

"The City Center should have a consistent brand and aesthetic that identifies it as a distinctive destination... The City should also establish a set of landscape guidelines. These guidelines will indicate acceptable/unacceptable materials; paving types; recommended plant lists, planting minimums, green buffers..."

And the **Millcreek Code of Ordinances, Chapter 19.73 City Center Overlay Zone, section 19.73.070.E** states that:

"street trees shall comply with the Millcreek City Center Urban Forestry Standards."

The intention of this document is to clearly state the city's goals for street trees within the City Center, and help applicants understand and comply with city ordinances related to urban forestry. Proper application of these standards will promote a consistent appearance for all streets within the Center, ensuring that Millcreek City Center achieves the desired aesthetic and identity.

B. Rationale

The benefits of street trees are numerous. Studies have shown that high quality street trees bring increased property values, increase retail spending, and impact the way individuals feel about their communities. Additionally, a good quality tree canopy can have many positive environmental impacts including reduction in the 'heat island' effect in urban space, and significant reduction in storm water runoff during major rain events.

Millcreek City desires a long-term quality investment in community quality in the City Center Area. This document outlines how those requirements will be specified.

C. Goals

It is the intent that all new development within the City Center will upgrade the adjacent Right of Way (ROW) in accordance with the City Center Master Plan. Street trees will be an integral part of the City Center, and all new development within the City Center should achieve the following goals:

1. Conform with the General Plan, the City Center Master Plan, and the City Center Overlay Zone (CCOZ);
2. Improve the City's image and brand;
3. Enhance the visual appearance of streetscapes;
4. Create a unique identity for each street;
5. Establish opportunities for sustainable storm water management;
6. Encourage water conservation;
7. Support a diversity of plants suited to local conditions; and
8. Sustain and improve the City's urban forest.



2 Street Map and Tree Guide

In order to create a unique identity for each street in the Millcreek City Center, a unique tree has been selected for every street within the City Center District. The trees are selected to best fit the character, scale, and use of the street that they have been designated for. The streets are shown in Figure 2.1 (Millcreek City Center Urban Forestry Map) and their attributes are described in Table 2.1. The list of trees chosen for the City Center is given in Table 2.2.



Street trees add value to neighborhoods.

TABLE 2.1 - Millcreek City Center Street Inventory

STREET NAME	STREET TYPE*	ROW[†]	STREET BUFFER TYPE[†]	MEDIAN[†]
3300 South	Principal Arterial	96'+10'	6' Park strip	12' Possible
Richmond Street	Minor Arterial	90'+10'	6' Park strip	12' Possible
1300 East (S of 3300)	Minor Arterial	90'+10'	6' Park strip	12' Possible
Highland Drive (N of 3300)	Major Collector	66'+10'	Tree grate	10' Possible
Highland Drive (S of 3300)	Minor Arterial	66'+10'	Tree grate	10' Possible
Elgin Avenue	Neighborhood	61'-90'	6' min, strip/grate	No
Villa Vista Avenue	Neighborhood	61'-90'	6' min, strip/grate	No
Miller Avenue	Neighborhood	61'-90'	6' min, strip/grate	No
Woodland Avenue	Neighborhood	61'-90'	6' min, strip/grate	No
Chambers Avenue	Neighborhood	61'-90'	6' min, strip/grate	No
3345 South	Neighborhood	TBD	TBD	No
Luck Lane	Neighborhood	TBD	TBD	No
FUTURE STREET	STREET TYPE	ROW	TREE LOCATION	MEDIAN
Millcreek Common	Common	Varies	6' min, strip/grate	The Common
New Laneways/Paths	Laneway	30'	Tree grate	No
New Woonerf	Woonerf	40'	Island & grate	No

* Street type according to Millcreek 2018 Transportation Master Plan

[†] ROW, Street Buffer, Median info based on Millcreek City Center Overlay Zone, Ordinance 19-57, dated 2019/12/16



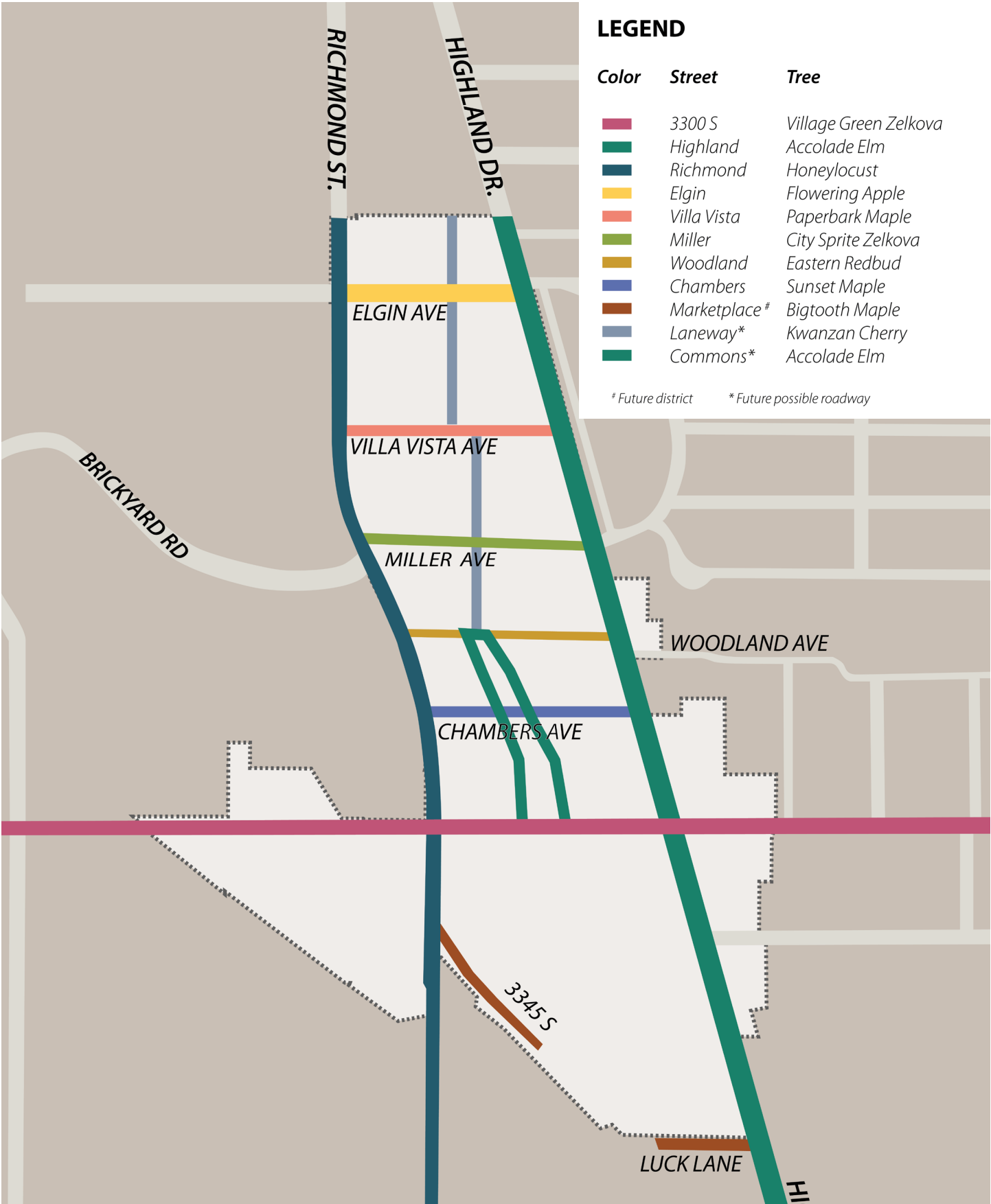


FIGURE 2.1 - Millcreek City Center Urban Forestry Street Map. The boundary of the City Center is indicated with a dashed line.

TABLE 2.2 - Millcreek City Center Street Tree List

Common Name	Botanical Name	Cultivar	Height	Spread	Recommended Street
Large Trees					
Honeylocust	<i>Gleditsia triacanthos</i>	Shademaster, Skyline	40-50'	25-40'	Richmond Street
Accolade Elm	<i>Ulmus</i> x 'Accolade'	Accolade	50-60'	30-40'	Millcreek Common Highland Drive
Zelkova	<i>Zelkova serrata</i>	Village Green, Green Vase	40-55'	30-50'	3300 South
Small Trees					
Bigtooth Maple	<i>Acer grandidentatum</i>	Rocky Mt Glow, Mesa	20-30'	15-25'	Marketplace streets
Paperbark Maple	<i>Acer griseum</i>		20-25'	15-25'	Villa Vista Avenue
Sunset Maple	<i>Acer truncatum</i>	Ruby Sunset	25'	20'	Chambers Avenue
Eastern Redbud	<i>Cercis canadensis</i>		20-30'	25-35'	Woodland Avenue
Flowering Crabapple	<i>Malus</i> spp.	Spring Snow, fruitless varieties only	20-25'	15-20'	Elgin Avenue
Kwanzan Cherry	<i>Prunus serrulata</i>	Kwanzan	15-25'	15-20'	new laneways
Frontier Elm	<i>Ulmus</i> x 'Frontier'	Frontier	30-40'	20-30'	Highland Drive
Zelkova	<i>Zelkova serrata</i>	City Sprite	20-25'	15-20'	Miller Avenue
Zelkova	<i>Zelkova serrata</i>	Wireless	20-25'	30-35'	under powerlines





Acer grandidentatum

BIG TOOTH MAPLE

(Z3) Native, full sun, water-wise.

Slow growing tree grown in either single or clump form. Orange to pink to red fall color. Native to the Rocky Mountains, it can tolerate any well-drained soil; sand, loam, clay, limestone or calcareous. Glossy leaves and bold fall color distinguish the 'Mesa Glow' cultivar. Rocky Mountain Glow is a native selected from SLC area, grafted to sugar maple root stock.

H 20-30' W 15-25'



Acer griseum

PAPERBARK MAPLE

(Z5) Full sun to part shade

Slow growing maple with an oval to rounded crown and open habit. Striking cinnamon-brown exfoliating bark. Soft green leaves change to deep red in fall.

H 20-25' W 15-25'



Acer truncatum 'Ruby Sunset'

RUBY SUNSET MAPLE

(Z4) Fall color, low maintenance, street tree.

Elegant foliage stays fresh and glossy throughout the growing season. A great choice for smaller sites requiring a more compact tree.

H 25' W 20'



Cercis canadensis 'Eastern'

EASTERN REDBUD

(Z5) Full sun.

Graceful arching small tree. Small rosy pink flowers cover branches in early spring. Large, heart-shaped, green leaves turn yellow in fall.

H 20' W 20'



Gleditsia triacanthos var. *inermis*
HONEYLOCUST

(Z3) Full sun.

Deciduous, upright tree with a spreading crown and ascending branches. Compound foliage is dark green, turning to yellow in the fall. Great shade tree for filtered shade requirements. Very salt tolerant .

H 45' W 35'



Malus 'Spring Snow'
SPRING SNOW CRABAPPLE

(Z4) Full sun.

Profuse white flowers in spring are followed by medium green foliage. Yellow fall color. Fruitless.

H 25' W 22'



Prunus serrulata 'Kwanzan'
KWANZAN FLOWERING CHERRY

(Z5-9) Full Sun. Flowering, ornamental tree

The Kanzan cherry is a popular cultivar of the double-flowering cherries, thanks to its stunning pink blossoms, good fall color, lack of fruit, and vase-shaped form. It is a splendid specimen that can be planted in containers, along walks and streets, and in buffer strips.

H 20-25' W 15-20'



Ulmus x 'Accolade'
ACCOLADE ELM

(Z4) Full sun. Deciduous Shade Tree

Vase shaped, medium to large, deciduous elm. Glossy dark green foliage and good yellow fall color. Has excellent resistance to Dutch elm disease (DED). Use along streets and in large yards.

H 50-60' W 30-40'





Ulmus 'Frontier'

FRONTIER ELM

(Z4) Full sun. Fall color.

Deciduous upright-pyramidal tree with proven superior resistance to Dutch elm disease. Smooth, grey-green bark and remarkable fall foliage colors of red-purple. A U.S. National Arboretum introduction, it is a hybrid of *U. carpinifolia* and *U. parvifolia*

H 30-35' W 20-25'



Zelkova serrata 'City Sprite'

CITY SPRITE ZELKOVA

(Z5) Full sun, water-wise.

Upright, fast-growing tree with a vase-shaped structure. The dark green, foliage turns orange to bronze-red in the fall. Tolerant of heat, drought, windy and urban conditions. Shade tree. Small form is ideal for smaller spaces.

H 24' W 18'



Zelkova serrata 'Green Vase'

GREEN VASE ZELKOVA

(Z5) Deciduous Shade Tree, Waterwise, fall color

A deciduous, upright, fast-growing tree with a vase-shaped structure. The dark green, fine textured foliage turns orange to bronze-red in the fall.

H 50' W 35'



Zelkova serrata 'Village Green'

VILLAGE GREEN ZELKOVA

(Z5) Full Sun. Pest and disease resistant

The Village Green Zelkova is a large shade tree with a graceful shape, clean foliage, attractive bark, and varying autumn color.

H 40-60' W 30-50'



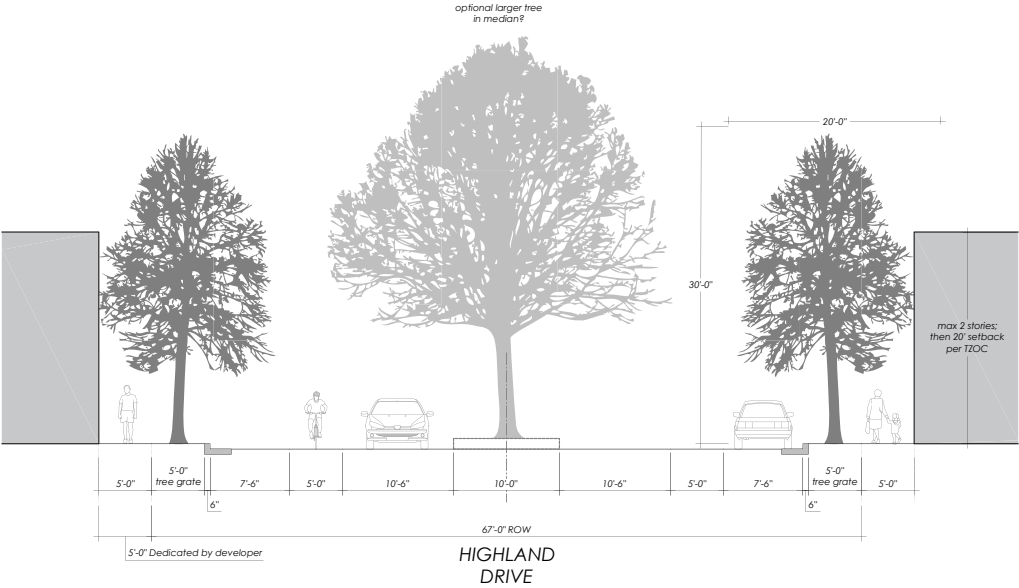
Zelkova serrata 'Wireless®'

WIRELESS ZELKOVA

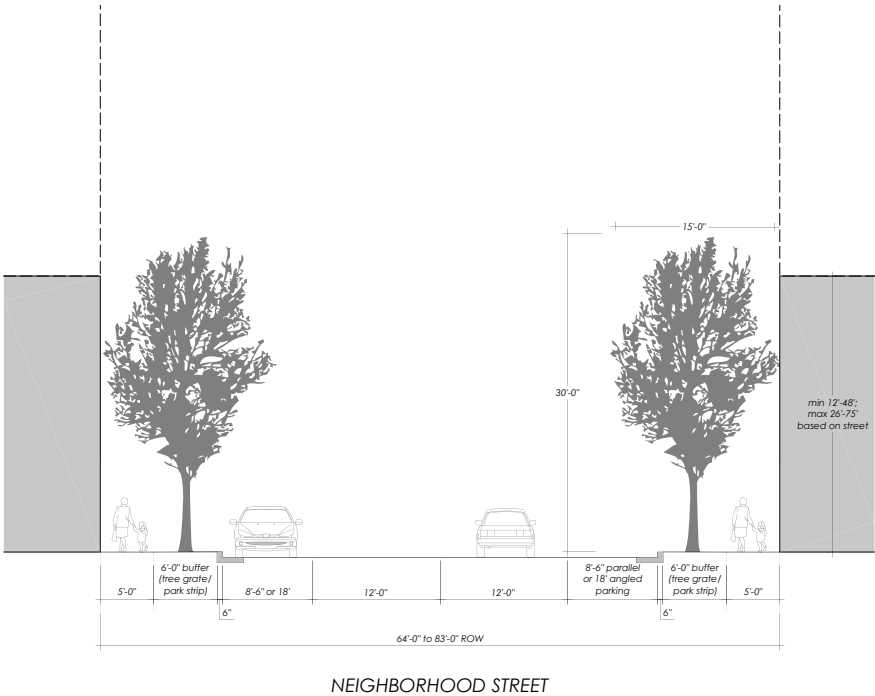
(Z5) Full sun, water-wise.

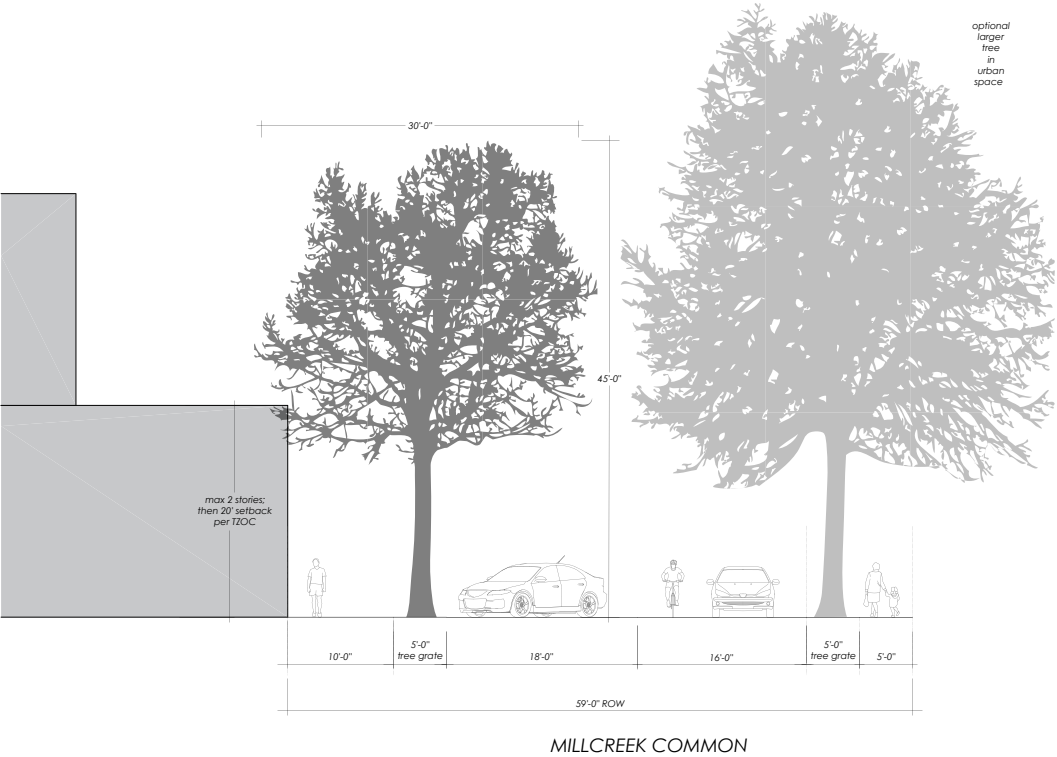
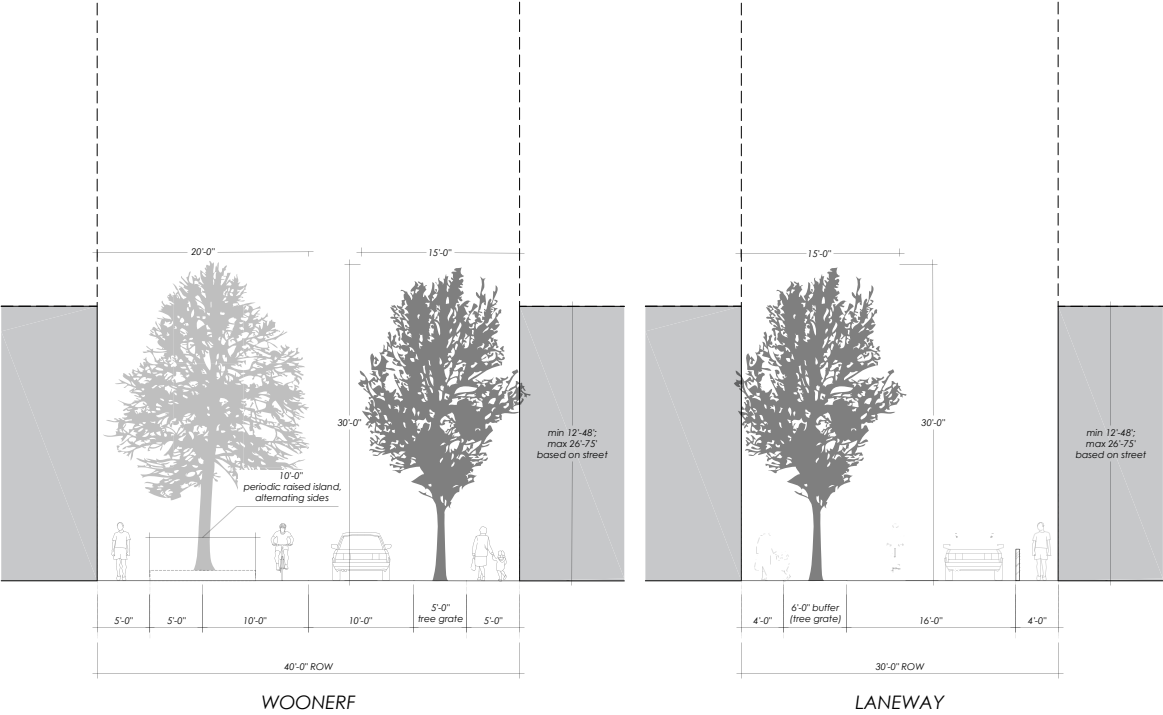
*Broadly spreading vase. Medium green foliage turns red in fall.
Excellent choice for planting under utility lines.*

H 24' W 36'



Millcreek City Center Urban Forestry Standards





3 Planting Requirements

A. Intent:

The intent of these requirements is to establish consistent planting guidelines for street trees, to maintain the appearance of park strip trees, to allow access for repair and maintenance of public utilities, to encourage water conservation, and to set guidelines for tree care and maintenance.

B. Applicability:

The requirements of this section shall apply to all “park strips”, as defined in the appendix, except as otherwise noted:

Discretionary Authority: The zoning administrator may modify the standards of this section to address site specific conditions.

C. Approval Process

Trees installed as part of new construction or redevelopment:

Trees shall be approved as part of a site plan approval process found in Section 19.73.030 of the Millcreek Code.

Trees installed as part of streetscape enhancement or replacement of existing trees:

Trees shall be planted in accordance with the standards provided herein and subject to the approval of the Millcreek Planning and Zoning and Millcreek Public Works Departments.

D. General Park Strip Requirements:

1. Property Owner Responsibility: All park strips shall be landscaped by the abutting property owner, in conformance with the provisions of this section. For permits involving new construction of a principal building, the contractor shall be responsible for landscaping the park strips as part of the building permit. In general, this landscaping will involve improving the ground surface of the park strip with trees and plant material, or hard surface treatments with tree grates where permitted.

2. Maintenance: All park strip landscaping shall be maintained in a safe and well





Small/medium sized street trees below power lines.

kept condition by the abutting property owner. Trash, other debris, and noxious weeds shall not be allowed to collect or grow in these areas.

3. Watering: Sufficient water shall be provided by an “operable irrigation system” for locally appropriate vegetative ground cover, annuals, perennials, shrubs and trees to keep them in a healthy condition. “Operable irrigation system” shall mean a fixed underground irrigation system connected to the adjacent property’s water supply, but does not include a movable hose, sprinkler or other portable watering system.

E. Park Strip Trees: Site placement requirements

1. Spacing And Size: Park strip trees are to be provided at the equivalent of at least one tree for every 40’ of street frontage (see Table 2.2) They may be clustered or spaced equally as deemed appropriate by the urban forester. Tree size shall be a minimum of two inch caliper (measured at a point 6 inches above the soil line) at time of planting.

2. Tree Grates: If new trees are proposed in a park strip in which the area surrounding the tree will have an impervious surface, the property owner responsible for installation shall ensure that tree wells with grates are provided which have dimensions adequate to accommodate the recommended tree species (e.g. 6’x 6’ grate for any large tree). All new installation of tree grates shall be accompanied by an operable irrigation system to ensure adequate water to the tree, and structural soil shall be installed according to Millcreek City engineering standards.

3. A permit must be obtained from Millcreek City before planting any tree in a parkstrip. Tree species and location shall be approved by the city.

4. Tree selection based on mature tree size shall be determined by park strip (or tree grate) width and overhead high voltage transmission lines. Millcreek City Urban Forestry Standard specifies the following requirements:

- 36” - 59” park strip - small tree at maturity (less than 30 ft tall).
- 60” - 95” park strip - with no overhead wires - medium to large tree at maturity (30 ft or greater).
- 96” and greater park strip / central median - with no overhead wires - large tree at maturity (50 ft and greater).
- any park strip with high voltage transmission lines* – small tree at maturity (less than 30 ft tall).

* Note that overhead street light, cable, fiber optic and phone lines ARE NOT high voltage transmission lines.

5. The following setbacks shall be used for placing trees in park strips/tree grates:

- 5’ from water meter and/or utility box

Millcreek City Center Urban Forestry Standards

- 5' from residential driveway
- 5' from property line
- 10' from non-traffic conducting signage
- 10' from fire hydrant
- 15' from utility pole and/or light
- 20' from an unregulated intersection (20' back from intersecting sidewalks)
- 30' from stop signs
- 30' from commercial driveway and/or alley
- 40' from an intersection with traffic lights (40' back from intersecting sidewalks)
- 15' from a tree that is small in size at maturity (less than 30' tall)
- 20' from a tree that is medium in size at maturity (30 to 50' tall)
- 30' from a tree that is large in size at maturity (more than 50' tall)

F. Tree Planting

Trees planted in the City shall adhere to the most current version of American National Standards Institute (ANSI) A-300 (Part 6) Transplanting (Tree Planting Cue card by the Urban Tree Foundation) and the list of selected street trees for Millcreek City Center.

Selecting Quality Trees

Planting quality trees begins by choosing vigorous, structurally sound trees from the nursery. Strong trees have straight roots, a thick trunk, and one central dominant leader growing straight to the top. The root collar (the uppermost roots) should be in the top 2 inches of the root ball.

Digging the Hole

A firm flat-bottomed hole will prevent trees from sinking. Dig the hole only deep enough to position the root collar even with the landscape soil surface (finished grade). Excavate an area three times the size of the root ball. Backfill the hole with native soil once tree has been positioned. This loose soil promotes rapid root growth and quick establishment.

Installing the Tree

Great care should be taken with the new tree. Remove soil and roots from the top of the root ball to expose the root collar; cut away any roots that grow over the collar. Also cut any roots that circle or mat along the sides and bottom of the root ball. The root collar should be even with the landscape soil after planting. Main branches should be well distributed along the central leader, not clustered together. They should form a balance crown appropriate for the cultivar or



species. Backfill with soil removed from the hole. Minimize air pockets by applying water and packing gently. Build a berm 4 inches tall around the planting hole to help force water through the root ball.

Staking

Staking should either be with two stout posts driven into the ground outside the root zone of the newly planted tree with strong wire or cable tethers with thick hose or other flexible, soft protection to prevent abrasion of the tree trunk bark. Alternately, use three evenly spaced guy wires using strong wire or cable looped around the trunk at the first or second major branch and tied to strong ground stakes with even tension applied to stabilize the tree from shifting in the wind. The stakes and wires should be checked periodically to assure they are still functioning properly. After one year, the staking should be remove or significantly adjusted according to the stability of the tree.

Mulching

A layer of organic mulch, such as leaf litter, shredded bark, or wood chips, helps protect tree roots from temperature extremes and conserves soil moisture. Mulch also helps prevent grass from competing with the tree for water and nutrients. The mulched area makes it easier to operate mowers and weed eaters without hitting the trunk and compacting soil. Apply mulch to a depth of 3 to 4 inches (slightly thinner on top of the root ball).

Irrigation

Consistent irrigation is critical for establishment. 1. Apply about 3 gallons irrigation per inch of trunk diameter to the root ball 2 or 3 times a week for the first growing season. 2. Increase volume and decrease frequency as the tree becomes established. 3. Weekly irrigation the second year and bimonthly irrigation the third year should be sufficient for establishment. 4. Once established irrigation requirements depend on species, climate and soil conditions. 5. Irrigation devises should be regularly checked for breaks and leaks.

G. Tree Maintenance

Tree Maintenance in the City of Millcreek shall be performed to specifications written in accordance with American National Standards Institute (ANSI) A300 (Part 1) Tree Management Standards, and in accordance with International Society of Arboriculture Best management Practices.

Trees on Public Property and within the city right-of-way shall be pruned by the Urban Forestry Department to maintain a Due Standard of Care. Vertical clearance shall be maintained at a minimum height of 13'6" for all roads, streets throughways etc.



After Planting Care

Aftercare is essential to ensure new plantings succeed and grow. Newly planted trees shall be monitored weekly for the first three months, monthly during the next year's growth and then at six (6) month intervals for a period of five years or until they acclimate to their new environment.

Pruning

Training young trees promotes structurally sound growth and overall tree health. Cut back or remove codominant stems (stems that compete with the central leader) to encourage growth in the central leader. Early training guidelines:

1. Directing the growth of young trees is essential if mature trees are to perform properly in the landscape. Early training pruning will establish proper structure and form.
2. Shade trees that grow to be large should have one relatively straight central leader. Heading the tree is acceptable provided the central lead is retained.
3. The diameter of branches that grow from the central leader, or trunk, should be no larger than two-thirds (one-half is preferred) the diameter of the trunk measured just above the branch.
4. The largest branches should be free of bark that extends into the branch union, known as included bark (see A and B).
5. Temporary branches should be present along the lower trunk below the lowest main branch. These branches should be no larger than 3/8 inch in diameter. The trunk should be free of wounds, sunburned areas, conks (fungal fruiting bodies), wood cracks, bleeding areas, signs of boring insects, cankers, or lesions. Properly made recent pruning cuts are acceptable.
6. The trunk caliper (thickness) and taper should be sufficient so that the tree remains vertical without a stake.
7. The root collar (the uppermost roots) should be within the upper 2 inches of the solid media (substrate). The root collar and the inside portion of the root ball should be free of defects, including circling, kinked, and stem grinding roots. You may need to remove soil near the root collar to inspect for root defects.
8. The tree should be well rooted in the soil media. Roots should be uniformly distributed throughout the container. The tree's structure and growth should be appropriate for the species or cultivar. When the container is removed, the root ball should remain intact. When the trunk is lifted, both the trunk and root system should move as one.
9. The root ball should be moist throughout at the time of inspection and delivery. The roots should show no signs of excess soil moisture as indicated by poor root growth, root discoloration, distortion, death, or foul odor. The crown should show no signs of moisture stressed as indicated by wilted, shriveled, or dead leaves or branch dieback.

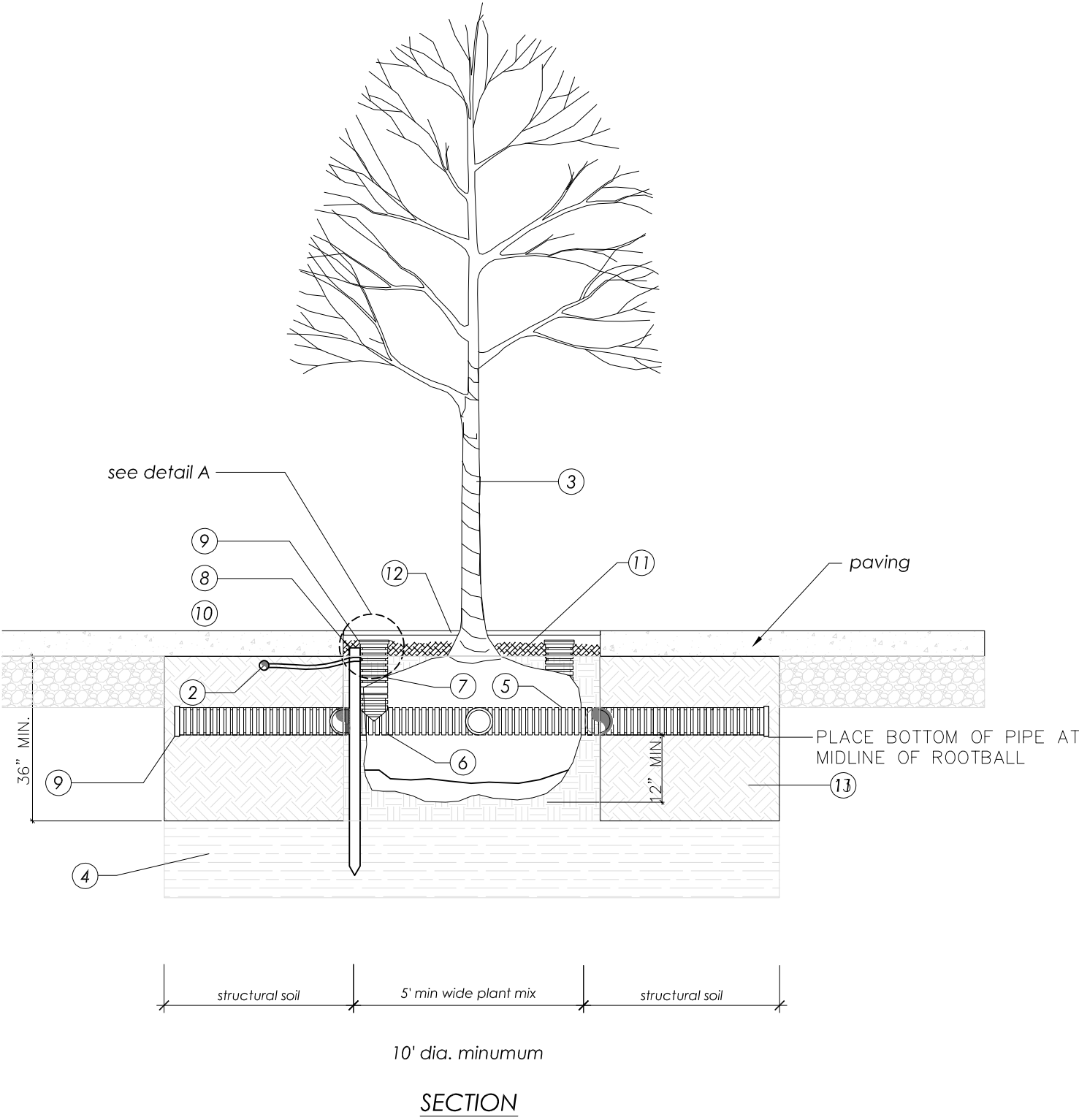
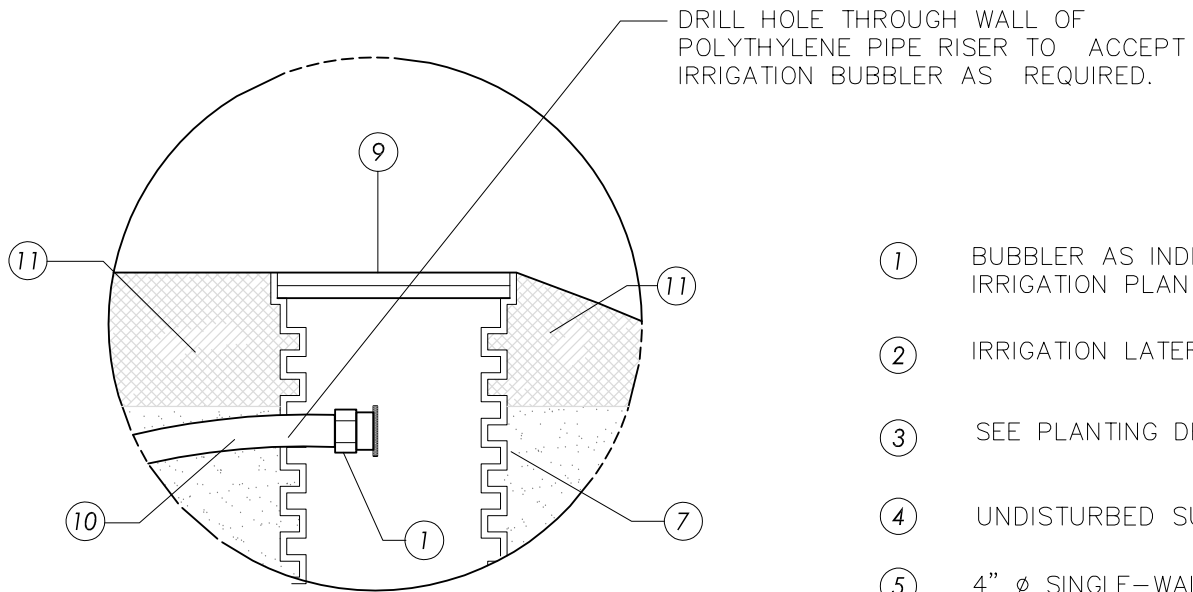
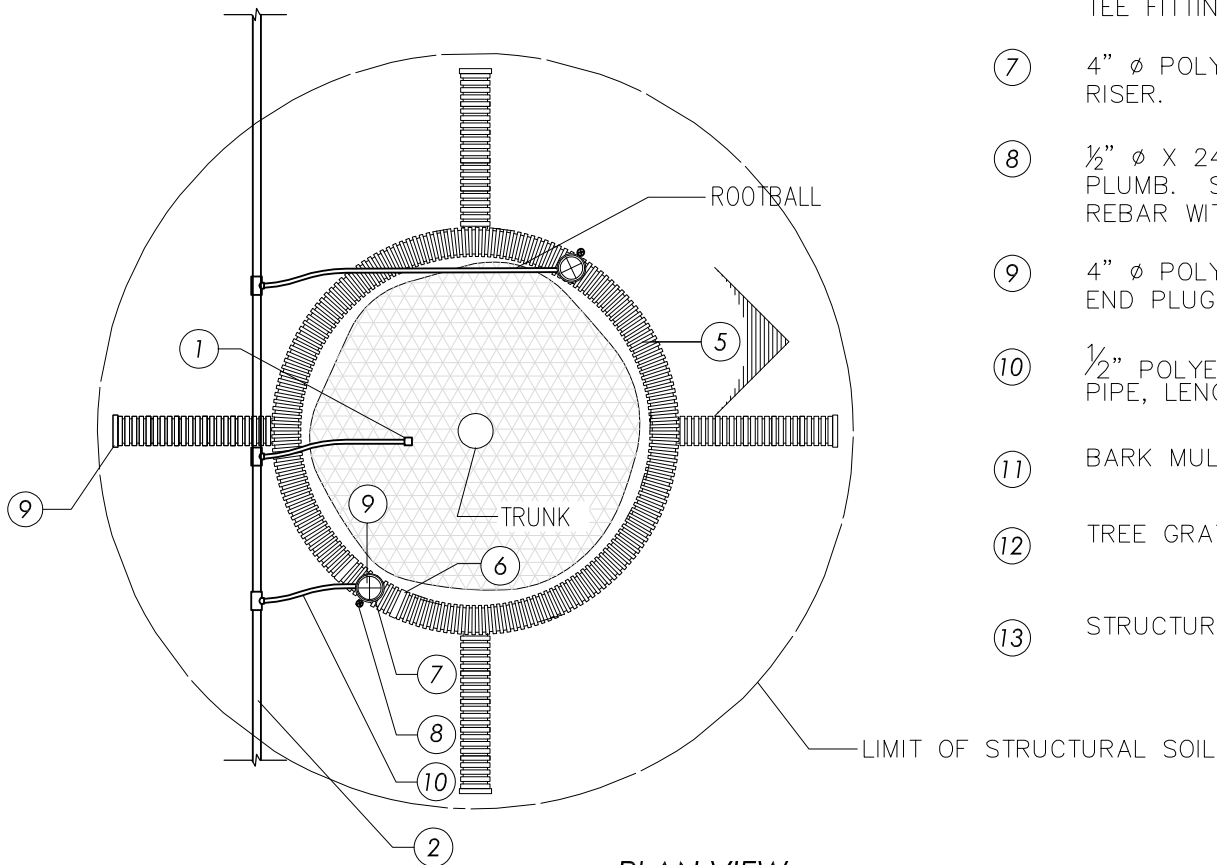


FIGURE 3.1 - Tree grate with tree ring irrigation in structural soil



DETAIL A



PLAN VIEW

- ① BUBBLER AS INDICATED ON IRRIGATION PLAN
- ② IRRIGATION LATERAL LINE
- ③ SEE PLANTING DETAIL.
- ④ UNDISTURBED SUBGRADE
- ⑤ 4" ϕ SINGLE-WALL CORRUGATED POLYETHYLENE WATERING PIPE (PERFORATED). PLACE BOTTOM OF PIPE AT MIDLINE OF ROOTBALL.
- ⑥ 4" ϕ POLYETHYLENE SNAP TEE FITTING.
- ⑦ 4" ϕ POLYETHYLENE PIPE RISER.
- ⑧ $\frac{1}{2}$ " ϕ X 24" REBAR SET PLUMB. SECURE PIPE TO REBAR WITH WIRE TIE.
- ⑨ 4" ϕ POLYETHYLENE SOLID END PLUG.
- ⑩ $\frac{1}{2}$ " POLYETHYLENE SWING PIPE, LENGTH AS NEEDED
- ⑪ BARK MULCH
- ⑫ TREE GRATE
- ⑬ STRUCTURAL SOIL

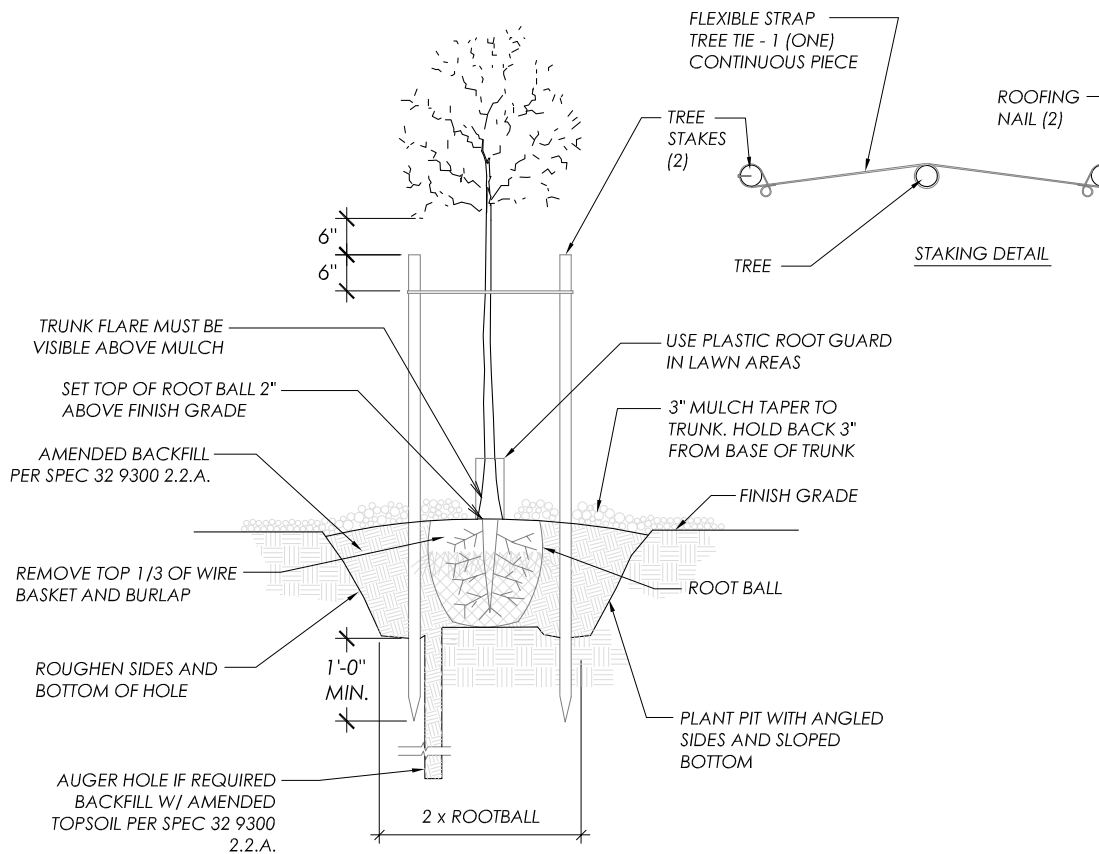


FIGURE 3.2 - Tree installation in park strip / median

4 Appendix

Additional Information:

Waterwise Plants for Utah Landscapes: <http://waterwiseplants.utah.gov/>

Jordan Valley Conservation Garden Park: <http://conservationgardenpark.org/>

State of Utah Water Division: <http://www.conservewater.utah.gov/outdooruse/Lawn/>

State of Utah Water Division: <http://www.conservewater.utah.gov/OutdoorUse/SprinklerSystem/>

USU Center for Water Conservation: <http://www.hort.usu.edu/html/CWEL/CWELOverview.htm>

Crime Prevention Through Environmental Design: <http://www.cpted.net>



MILLCREEK, UTAH
ORDINANCE NO. 20-49

**AN ORDINANCE AMENDING TITLE 19 OF THE MILLCREEK CODE OF
ORDINANCES WITH RESPECT TO MIXED USE DEVELOPMENTS IN
COMMERCIAL ZONES**

WHEREAS, the Millcreek Council (“Council”) met in regular session on September 28, 2020 to consider among other things, approving an ordinance amending Title 19 of the Millcreek Code of Ordinances with respect to mixed use developments in commercial zones; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may amend any regulations of a zoning district; and

WHEREAS, Millcreek (“City”) has adopted a comprehensive zoning ordinance (“Zoning Ordinance”); and

WHEREAS, City staff, City consultants, and other persons have recommended that the Council revise the Zoning Ordinance with respect to mixed use developments in commercial zones; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on July 8, 2020, the required notice was published; and

WHEREAS, on July 15, 2020, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on July 15, 2020, the planning commission held the required public hearing with respect to amending various sections of Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, at the July 15, 2020 planning commission meeting the Millcreek Planning Commission voted to continue this matter to a subsequent meeting for further consideration; and

WHEREAS, at the August 19, 2020, planning commission meeting the Millcreek Planning Commission reconsidered proposed revisions to Title 19 of the Millcreek Code Of Ordinances and recommended amending various sections of Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such zone ordinance, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on September 23, 2020 the Council caused the required notice to be given;
and

WHEREAS, on September 28, 2020 the Council considered amending various sections of Title 14 and Title 19 of the Millcreek Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED by the Council that Title 19 be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added).

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 aggregate 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	No Hotel or Motels <u>are allowed</u> 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 <u>or located within a unified site plan</u>)		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
<u>Drive-Up uses with outside order windows</u>	<u>Not allowed as part of a vertically-integrated mixed use development or a mixed use development in a unified site plan.</u>
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: 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 homes, travel trailers, campers, motorcycles and other recreational vehicles	Not allowed in C-1, C-2 zones. 20,000 square foot minimum lot size including an on-site office is required.

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) ~~loan~~ <u>loan</u> 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, <u>including fire walls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.</u>	~~30~~ 35 Feet, <u>subject to height transition requirements.</u>	40* 45 Feet, <u>subject to height transition requirements.</u>	40* 45 Feet, <u>subject to height transition requirements.</u>
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~~ <u>residential zone boundary</u> , 25 feet, otherwise ~~non~~ <u>not</u> required	~~Mixed-use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required~~ <u>If located adjacent to a residential zone boundary 25 feet, otherwise not required</u>	~~Mixed Use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required~~ <u>If located adjacent to residential zoning, 25 feet, otherwise not required</u>
MINIMUM INTERIOR SIDE YARD	If located adjacent to ~~residential zoning~~ <u>residential zone boundary</u> , 10 feet, otherwise ~~non~~ <u>not</u> required	If located adjacent to ~~residential zoning~~ <u>residential zone boundary</u> , 10 feet, otherwise ~~non~~ <u>not</u> required	If located adjacent to ~~residential zoning~~ <u>residential zone boundary</u> , 10 feet, otherwise ~~non~~ <u>not</u> 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

-	<u>C-2</u>	<u>C-3</u>
<u>MINIMUM LOT AREA</u>	<u>21,000 square feet</u>	<u>21,000 square feet</u>
<u>MINIMUM LOT WIDTH</u>	<u>None Required, subject to minimum frontage requirements.</u>	<u>None Required, subject to minimum frontage requirements.</u>
<u>MAXIMUM BUILDING HEIGHT, including fire walls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.</u>	<u>45 feet, subject to height transition requirements</u>	<u>45 feet, subject to height transition requirements</u>
<u>MINIMUM NUMBER OF STORIES</u>	<u>2</u>	<u>2</u>
<u>MAXIMUM NUMBER OF STORIES</u>	<u>4, subject to height transition requirements</u>	<u>4, subject to height transition requirements</u>
<u>MAXIMUM LOT COVERAGE</u>	<u>70 percent</u>	<u>70 percent</u>
<u>MAXIMUM BUILDING LENGTH</u>	<u>200 feet</u>	<u>200 feet</u>
<u>MINIMUM FRONT YARD</u>	<u>25 feet, subject to 19.60.060 (C)(12)</u>	<u>25 feet, subject to 19.60.060 (C)(12)</u>
<u>MINIMUM REAR YARD</u>	<u>25 feet</u>	<u>25 feet</u>
<u>MINIMUM INTERIOR SIDE YARD</u>	<u>None required, unless subject to residential zone boundary setback</u>	<u>None required, unless subject to residential zone boundary setback</u>
<u>Minimum Interior Side Yard Setback, where subject property shares a side</u>	<u>10 feet</u>	<u>10 feet</u>

<u>property boundary with an R-1, R-2, R-4, A-1, or A-2 Zone Boundary</u>		
<u>MINIMUM CORNER SIDE YARD</u>	<u>20 Feet</u>	<u>20 Feet</u>
<u>ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD</u>	<u>1 Foot</u>	<u>1 Foot</u>
<u>ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE</u>	<u>10 Feet</u>	<u>10 Feet</u>

*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 percent transparent.~~ ~~On double or triple-frontage lots, living screens may replace up to 50 percent 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 parallel to or within 60 degrees of the property frontage along a street as defined in MKC 19.04.260 is deemed to front the street.~~
3. ~~2.~~ 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. ~~3.~~ Corner lots are ~~deemed~~ considered to have two front yards.
5. **4.Build-To-Line.** The front yard setback is the build-to-line within 300' of any arterial/major intersection (see ~~MKZ~~ MKC 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.
5. ~~Landscaping along the street shall comply with this chapter and MKZ 19.77.~~

6. Signage for commercial or office uses is defined in MKZ 19.82.
7. 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.
8. Parking (MKZ 19.80) for Mixed Use developments may be reduced based on a traffic study by a qualified transportation engineer.
9. **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 (“residential zone”). A change of materials is required between the ground story and all upper stories.
10. **Building Massing and Façade Articulation.** All buildings shall be designed to have at least three of the following massing or façade design elements:
 - 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.

- 11. 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 immediately 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 a front setback shall never be less than fifteen feet.
- 12. Stepbacks along Streets, Property Frontages, and Residential Zone Boundaries.** Buildings greater than 35 feet in height shall have a 10 foot stepback between the first or second stories and third story.
- 13. ~~(10)~~ 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.
- 14. 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 a sidewalk and fourteen and one half (14.5) feet above the street surface. 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.
- 15. ~~11.~~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. Fencing is subject to the standards of MKC 19.95. ~~Interior fencing shall comply with MKZ 19.78.030(11) (f).~~

16. Lighting.

- a. **12-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, including street lights and pedestrian lighting, shall be directed downward with mechanisms to prevent dark sky illumination.
- 17. ~~13~~-Access between uses.** Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.
- 18. ~~14~~-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.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. Measurement of Building Height.** Notwithstanding contrary definitions found in MKC 19.76.190 ~~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 following standards:

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** A vertically-integrated mixed use building shall consist of commercial uses on the ground story with residential uses on upper stories.
 - b. **Unified Site Plan.** A unified site plan shall consists of separate residential and commercial or vertically-integrated buildings in a site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use. Commercial buildings in a unified site plan must occupy at least 30 percent of the gross ground story floor area of the unified 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 about a public right-of-way. Residential buildings in a unified site plan shall comply with the requirements set forth in MKC 19.44.050 (E) (13), (14), or (15).
2. **Minimum Frontage Requirement.** In a mixed use building or development that includes residential uses, the mixed use 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 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 a mixed use shall comply with the following requirements.
 - a. **Minimum Commercial Floor Area Required.** A mixed use development shall have at least 1,500 square feet of commercial floor area.
 - b. **Commercial Frontage and Minimum Depth of Ground Story Commercial Space.**
 - (1). **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 the building's front façade shall be occupied by 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 occupy a minimum of two stories and 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 square feet.

(2). **Mixed Use in a Unified Site Plan.** For 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 occupy 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 mixed use 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:
 - (1). 4500 South and Highland Drive
 - (2). 2000 East and 3300 South
 - (3). 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. Commercial spaces in a live/work unit that are used to calculate the minimum commercial use or frontage requirements provided in this chapter shall not be used for residential purposes, parking, 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 a building abuts a public sidewalk.
- 12. **Laundry Facilities.** All mixed use developments containing residential uses shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry facility containing shared washers and dryers.
- 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 section, gross site area is defined as the total area of the mixed use 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 mixed use 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 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 comply with the following requirements.

- 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 arranged on the site so as to be conveniently accessible by guests and

commercial users. 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 set forth 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. Ownership. As an incentive to encourage ownership within a development, a reduction in the acreage requirements for PUDS, with at least 8 units, is allowed.

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:

- A. Mandatory preapplication conference meeting with City representatives from the City.
- B. Site Plan Review 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 must include the following:
 - 1. The applicant's name, address, telephone number, email address, and interest in the property.
 - 2. 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.
 - 3. 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.

4. The current zoning classification, zoning district boundaries, and present use of the subject property.
 5. 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.
 6. 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.
 7. 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.
 8. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.
 9. A site-specific geologic hazard study and report, if required by MKZ 19.75.
 10. 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.
 11. 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.
- C. Application processing and review and associated 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 submitted to the city and reviewed by staff and discussed with the applicant in an internal pre-development review meeting. Subsequent to the predevelopment review 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:
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 fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
 6. Modifications to signs and exterior lighting to assure compatibility with the 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, relative to the zone and the immediate neighborhood 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. Enhancement of personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.
- D. The applicant shall submit a Final Development Plan for final conditional use approval, that addresses every section requirement of this ordinance and all applicable standards.

19.60.070 General Standards Of Applicability

- A. 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.
- B. 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.
- C. 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.

This Ordinance, assigned Ordinance No. 20-49, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 28th day of September 2020.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 20-49: AN ORDINANCE AMENDING TITLE 19 OF THE MILLCREEK CODE OF
ORDINANCES WITH RESPECT TO MIXED USE DEVELOPMENTS IN COMMERCIAL ZONES
was passed and adopted the 28th day of September, 2020 and certifies that a summary was published in
the Deseret News and Salt Lake Tribune the day of , 2020.

Elyse Sullivan, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 20-50

**AN ORDINANCE DECLARING APPROXIMATELY .38 ACRES OF REAL PROPERTY
LOCATED AT OR NEAR 3216 HIGHLAND DRIVE, MILLCREEK, SALT LAKE
COUNTY, UTAH, AS SURPLUS; ESTABLISHING A MINIMUM BID; AND
ESTABLISHING A METHOD TO DETERMINE THE HIGHEST AND BEST
ECONOMIC RETURNS TO THE CITY**

WHEREAS, the Millcreek Council (“Council”) met in regular meeting on September 28, 2020, to consider, among other things, declaring approximately .38 acres of real property located at or near 3216 Highland Drive, Millcreek, Salt Lake County, Utah, as surplus; establishing a minimum bid; and establishing a method to determine the highest and best economic returns to the City; and

WHEREAS, the staff has recommended to the Council, and the Council has determined that approximately .38 acres of real property located at or near 3216 Highland Drive, Millcreek, Salt Lake County, Utah, (“Property”) is no longer needed for City purposes; and

WHEREAS, the staff has advised the Council that the Property is a significant parcel of real property, as that term is defined in section 2.22.180 of the Millcreek Code of Ordinances; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the public to declare the Property as surplus, to establish a minimum bid, and to establish a method to determine the highest and best economic returns to the City.

NOW, THEREFORE, BE IT ORDAINED by the Council that it is in the best interest of the public to declare the Property as surplus and the Property is hereby declared surplus, that the minimum bid for the Property shall be \$1,500,000 and that the highest and best economic return to the City shall be by competitive bid.

BE IT FURTHER ORDAINED by the Council that the Property is a significant parcel of real property, as that term is defined in Section 2.22.180 of the Millcreek Code of Ordinances, and directs that notice be given as provided therein.

BE IT FURTHER ORDAINED that the Mayor and Recorder are hereby authorized and directed to surplus the Property as provided herein, provided no public comment on the proposed dispositions are received on or before October 15, 2020, and that such transaction take place at such time as the Mayor determines that is in the best interest of the City.

PASSED AND APPROVED this 28th day of September 2020.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

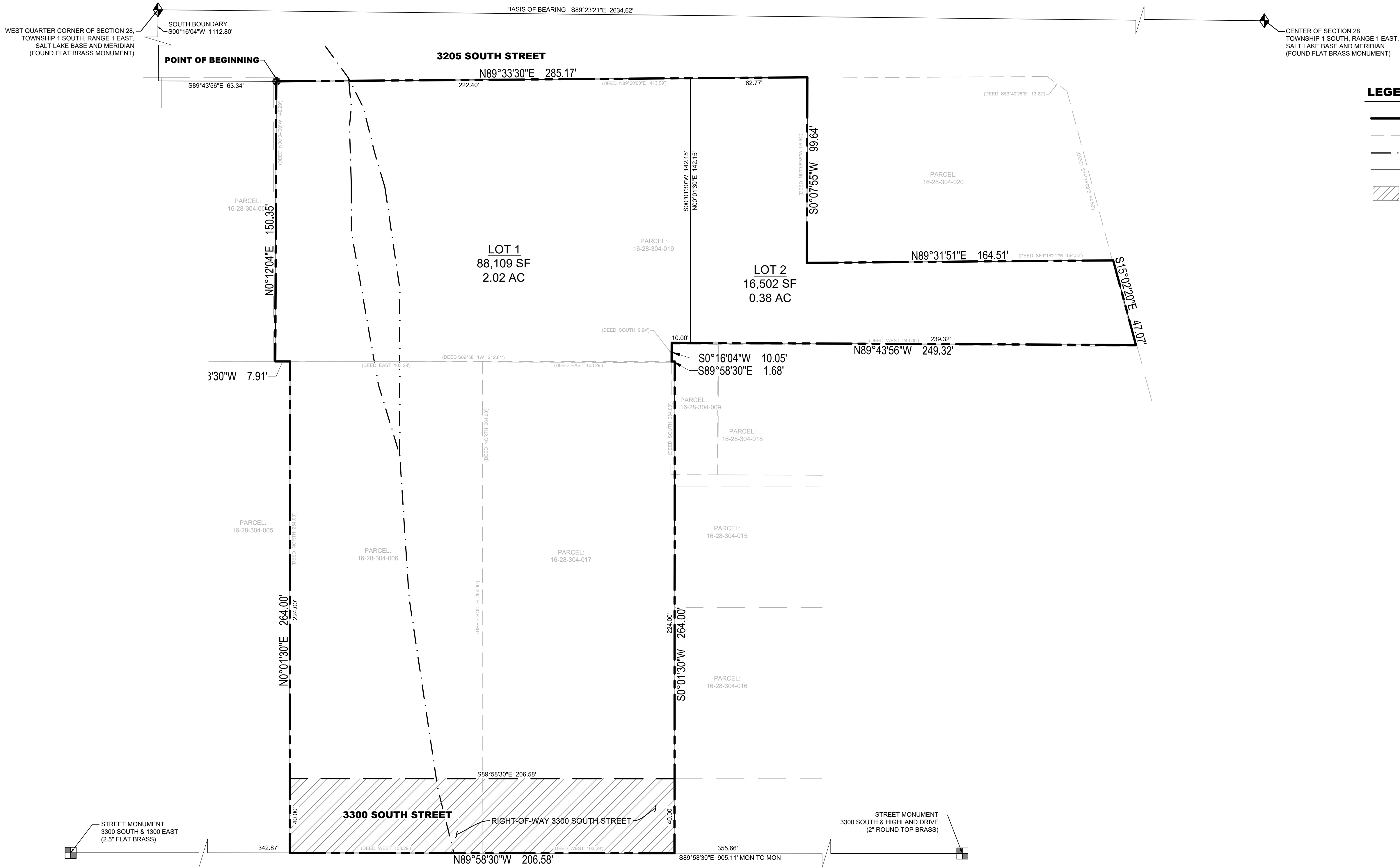
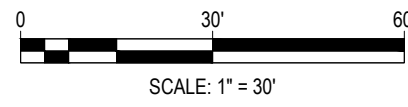
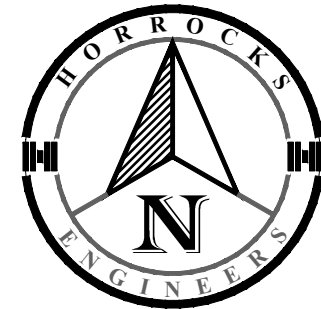
CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 20-50: AN ORDINANCE DECLARING APPROXIMATELY .38 ACRES OF REAL
PROPERTY LOCATED AT OR NEAR 3216 HIGHLAND DRIVE, MILLCREEK, SALT LAKE
COUNTY, UTAH, AS SURPLUS; ESTABLISHING A MINIMUM BID; AND ESTABLISHING A
METHOD TO DETERMINE THE HIGHEST AND BEST ECONOMIC RETURNS TO THE CITY
was passed and adopted the 28th day of September, 2020 and certifies that a summary was published in
the Deseret News and Salt Lake Tribune the day of , 2020.

Elyse Sullivan, City Recorder

MILLCREEK CITY CENTER OPEN SPACE SOUTH SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
MILLCREEK, SALT LAKE COUNTY, UTAH
- MAY 2020 -



LEGEND

- BOUNDARY
- DEED BOUNDARY
- ADJACENT SUBDIVISIONS
- FAULT LINE
- BOUNDARY TIE
- RIGHT-OF-WAY DEDICATION
- STREET MONUMENT
- SECTION CORNER MONUMENT

SURVEYOR'S CERTIFICATE

I, C. DAVID MCKINNEY DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5251295 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF SAID TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, EASEMENTS, AND RIGHT-OF-WAYS, TO BE KNOWN AS MILLCREEK CITY CENTER OPEN SPACE SOUTH SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS IS TRUE AND CORRECT.

C. DAVID MCKINNEY
LIC. 5251295



BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 3205 SOUTH STREET SAID POINT ALSO BEING SOUTH 00°16'04" WEST ALONG THE SECTION LINE 1112.80 FEET AND SOUTH 89°43'56" EAST 63.34 FEET FROM THE WEST QUARTER CORNER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING, THENCE NORTH 89°33'30" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 285.17 FEET TO THE NORTHWEST CORNER OF PARCEL A, SHUPE SUBDIVISION, THENCE SOUTH 0°07'55" WEST ALONG THE WEST PARCEL LINE OF SAID PARCEL 99.64 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, THENCE NORTH 89°31'51" EAST ALONG THE SOUTH LINE OF SAID PARCEL 164.52 FEET TO THE WEST RIGHT-OF-WAY LINE OF HIGHLAND DRIVE, THENCE SOUTH 15°02'20" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 47.07 FEET, THENCE NORTH 89°43'56" WEST 249.32 FEET, THENCE SOUTH 00°16'04" WEST 10.05 FEET, THENCE SOUTH 89°58'30" EAST 1.68 FEET, THENCE SOUTH 00°01'30" WEST 264.00 FEET TO THE CENTERLINE OF 3300 SOUTH STREET; THENCE NORTH 89°58'30" WEST ALONG SAID CENTERLINE 206.58 FEET, TO A POINT WHICH IS SOUTH 89°58'30" EAST 342.87 FEET FROM A STREET MONUMENT IN THE INTERSECTION OF 1300 WEST AND 3300 SOUTH STREETS; THENCE NORTH 00°01'30" EAST 264.00 FEET; THENCE NORTH 89°58'30" WEST 7.91 FEET; THENCE NORTH 00°12'04" EAST 150.35 FEET TO THE POINT OF BEGINNING.

CONTAINS 2 LOTS, 2.40 ACRES.
LESS AND EXCEPTING THE AREA WITHIN 3300 SOUTH STREET.

OWNER'S DEDICATION

KNOWN ALL BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, EASEMENTS, AND RIGHT-OF-WAY TO HEREAFTER BE KNOWN AS

MILLCREEK CITY CENTER OPEN SPACE SOUTH SUBDIVISION

DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF _____ HAVE HEREUNTO SET OUR HANDS THIS ____ DAY OF _____ A.D., 20__.

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }

ON THIS ____ DAY OF _____ OF 20__ A.D., PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS' DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

VICINITY MAP
NOT TO SCALE



DEVELOPED BY:
MILLCREEK CITY
3330 SOUTH 1300 EAST
MILLCREEK, UT 84106
801-214-2700

PREPARED: MAY 26, 2020

HORROCKS
ENGINEERS
2162 West Grove Pkwy., Suite 400
Pleasant Grove, UT 84062
(801) 763-5100

MILLCREEK ENGINEERING	CHECKED FOR ZONING COMPLIANCE ZONE: _____ LOT AREA: _____ LOT WIDTH: _____ FRONT YARD: _____ SIDE YARD: _____ REAR YARD: _____ SIGNATURE: _____ DATE: _____	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 20__. MILLCREEK ATTORNEY _____	RECORD OF SURVEY R.O.S. NO: S2020-03-0177 AND S2016-03-0281 COUNTY SURVEYOR REVIEWER _____ DATE: _____	ADDRESSING APPROVAL SIGNED _____ DATE: _____	MILLCREEK MAYOR PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL THIS _____ DAY OF _____ A.D., 20__, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. MAYOR _____ ATTEST: CITY RECORDER _____
SIGNED _____ DATE: _____	UNIFIED FIRE AUTHORITY APPROVAL SIGNATURE _____ DATE: _____	PUBLIC UTILITY APPROVAL CABLE: _____ DATE: _____ COMCAST: _____ DATE: _____ DOMINION ENERGY: _____ DATE: _____ ROCKY MTN POWER: _____ DATE: _____ OTHER: _____ DATE: _____	SALT LAKE COUNTY HEALTH DEPARTMENT APPROVED THIS _____ DAY OF _____ A.D., 20__ BY THE SALT LAKE COUNTY HEALTH DEPARTMENT. DIRECTOR, HEALTH DEPARTMENT _____	MILLCREEK PLANNING COMMISSION APPROVED THIS _____ DAY OF _____ A.D., 20__, BY THE MILLCREEK PLANNING COMMISSION. MILLCREEK PLANNING COMMISSION _____ DATE: _____	MILLCREEK COMMUNITY DEVELOPMENT DEPARTMENT APPROVED THIS _____ DAY OF _____ A.D., 20__, BY MILLCREEK PLANNING AND DEVELOPMENT DEPARTMENT. MILLCREEK COMMUNITY DEVELOPMENT DIRECTOR _____

MILLCREEK CITY CENTER OPEN SPACE SOUTH SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN MILLCREEK, SALT LAKE COUNTY

RECORDED #
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF
DATE _____ TIME _____ BOOK _____ PAGE _____

FEE \$ _____ CLERK _____ SALT LAKE COUNTY RECORDER _____

MILLCREEK, UTAH
RESOLUTION NO. 20-44

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING THE USE OF
CARES ACT FUNDS FOR PUBLIC OPEN SPACE AND TRAILS**

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on September 28, 2020 to consider, among other things, approving the use of CARES Act funds for public open space and trails; and

WHEREAS, the United States Treasury Department’s Guidance on the Coronavirus Relief Fund dated September 2, 2020 states that it is a qualified expenditure to use CARES funds to help with “Expenses of actions to facilitate compliance with COVID-19 related public health measures;” and for communities to “enable compliance with COVID-19 public health precautions;” and

WHEREAS, COVID-19 public health precautions issued by the United States Center for Disease Control includes admonishments to “visit parks, trails, and open spaces as a way to relieve stress, get some fresh air, and stay active,” specifically “visit parks and recreation areas that are close to your home,” since “parks and trails allow for social distancing of at least 6 feet between individuals or household groups;” and

WHEREAS, the Council has received a formal request from the Jordan River Commission to expand the Jordan River Parkway through Millcreek and Environmental Planning Group (EPG) to provide public open space in Millcreek’s city center as necessary actions due to the COVID-19 related public health measures copies of which are attached hereto; and

WHEREAS, the United States Treasury Department’s Guidance on the Coronavirus Relief Fund dated September 2, 2020, within the Frequently Asked Questions, states that “fund payments may be used for the expenses” to “improve mitigation measures, including related construction costs;” and

WHEREAS, the United States Treasury Department’s Guidance on the Coronavirus Relief Fund dated September 2, 2020, within the Frequently Asked Questions, also states that “Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury;” and

WHEREAS, the Council has determined that it is in the best interest of the public health of the inhabitants of Millcreek to adopt a resolution authorizing these specific open space and trail funding requests to allow for increased social distancing in the City.

NOW, THEREFORE, BE IT RESOLVED that the Council approves the use of CARES Act funds in amounts as determined by the Mayor to assist with expanding the Jordan River Parkway, creating city center open space; and other trail or open space projects provided that the Mayor determines that such use is a proper use of CARES Act funds.

This shall take effect immediately on passage.

PASSED AND APPROVED by the Millcreek Council this 28th day of September 2020.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

Interlocal Member Agencies

Bluffdale
Cottonwood Heights
Draper
Lehi
Midvale
Millcreek
Murray
North Salt Lake
Riverton
Salt Lake City
Sandy
Saratoga Springs
South Jordan
South Salt Lake
Taylorsville
West Jordan
West Valley City

Davis County
Salt Lake County

Utah Governor's Office
Utah Legislature
Utah Department of
Environmental Quality
Utah Department of
Natural Resources

Central Valley Water
Reclamation Facility
South Davis Sewer District
South Valley Water
Reclamation Facility
South Valley Sewer District
Jordan Valley Water
Conservancy District
Utah Transit Authority

Commission Partners

Denise Winslow, At Large
Hutchings Museum & Institute
Jordan River Foundation
Rocky Mountain Power
Tracy Aviary
Utah Lake Commission
Utah State Fair Park
Utah's Hogle Zoo
Wasatch Rowing Foundation
WCF Insurance
Zions Bank



JORDAN RIVER
OUR RIVER ~ OUR FUTURE

September 22, 2020

Millcreek City Council
3330 South 1300 East
Millcreek UT 84106

Subject: Jordan River Parkway Trail & Trailhead Expansion

Dear Millcreek City Council :

I appreciate your city's commitment to the Jordan River Commission and the natural and recreational asset the river is in our region. As you know, the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) has caused disruptions in many areas of our community, including along the Jordan River Parkway.

The COVID-19-related public health measures have included encouraging people to use parks, trails, and open spaces since they easily allow for social distancing of at least 6 feet between individuals or household groups. This has resulted in a year of record use along the Jordan River Parkway.

The Deseret News reported on April 10, 2020, "The Jordan River trail is drawing a constant stream of people — from families with strollers, to the elderly, to serious road-riders." Our Commission members have observed and documented a significant increase in use along the parkway as the U.S. Center for Disease Control continues to encourage people to "Seek facilities with outdoor space" to exercise and to "Visit parks and recreation areas that are close to your home." Millcreek area recreation and bicycle retailers are seeing a record year as your residents seek the Jordan River Parkway and other outdoor opportunities as a result of complying with the shutdowns and other public health measures.

We need your assistance to facilitate compliance with these COVID-19-related public health measures. Currently, the Jordan River Parkway Trail enters Millcreek from the north at 3900 South Street, then immediately crosses the river to the west, continuing south along the river in Taylorsville City while bypassing your community with no easy or safe access. The Commission has previously prioritized a trail on the Millcreek side of the river, and especially now, we need an expansion of trail in that area to safely handle the pandemic-resulting crowds and provide a safe connection for the large, denser population living in the adjacent Sunnyvale neighborhood.

To mitigate these COVID-19 effects of parkway overcrowding and enable

compliance with COVID-19 public health precautions of providing trails and public open spaces where people can socially distance, we're asking for your help. We encourage you to utilize some of your CARES Act payments to design the Millcreek Jordan River Parkway Trailhead at 3900 South, trail expansion along the Millcreek side of the river; and a bridge at approximately 761 West 4060 South to connect back with the parkway on the Taylorsville side of the river.

The total estimated construction costs of this expansion is \$1.6 million, with the engineering and design work to be approximately \$80,000. These actions will assist the Jordan River Parkway greatly in expanding its capacity and provide safer access to serve residents in your community.

Thank you for your consideration of helping us with these actions to facilitate compliance with COVID-19-related public health measures.

Sincerely,

A handwritten signature in black ink, appearing to read 'Soren Simonsen', with a stylized, flowing script.

Soren Simonsen
Executive Director

cc: Mike Winder, Millcreek Economic Development Director
Councilmember Tish Buroker, Chair, Jordan River Commission
Councilmember Silvia Catten, Millcreek Jordan River Commission Representative

September 23, 2020

City of Millcreek
Mayor Silvestrini
3330 1300 E
Millcreek, UT 84106

Dear Mayor Silvestrini & Millcreek City Council,

When Millcreek incorporated four years ago, feasibility studies by Zions Public Finance pointed out the relative lack of parks and open space for a city its size compared to neighboring municipalities. This dearth of open space has become increasingly problematic due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19).

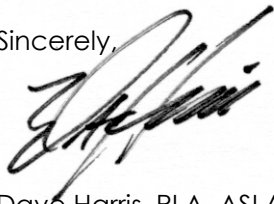
The public health emergency has caused the Center for Disease Control to direct people to "visit parks, trails, and open spaces as a way to relieve stress, get some fresh air, and stay active." Noting that, "Parks and trails allow for social distancing of at least 6 feet between individuals or household groups." And admonishing people to "Visit parks and recreation areas that are close to your home." As a result, across the state, we are seeing communities deal with "massive crowds" and "overcrowding" of public spaces due to "most indoor entertainment severely restricted" (Deseret News, 4/27/20).

It is in my professional opinion as a professional landscape architect for nearly thirty years that Millcreek needs to take actions to facilitate compliance with these COVID-19-related public health measures. Residents in the central part of your city lack open space for which to safely respond to the outdoor recommendations of the CDC related to this public health emergency. Therefore, it is necessary, due to COVID-19 to accelerate plans for the development of open spaces of a plaza and park in the area of 3300 South and 1400 East.

I formally request that Millcreek City utilize CARES Act payments to take actions to respond to the public health emergency by accelerating the site preparation and construction of public open space in your city center. These mitigation measures, including related construction costs, will be critical to ensure that your residents are enabled to comply with COVID-19 public health precautions.

The construction of this strategically placed open space is a necessary expenditure you must incur due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19).

Sincerely,



Dave Harris, PLA, ASLA
Director of Planning + Landscape Architecture

MILLCREEK, UTAH
ORDINANCE NO. 20-51

**AN ORDINANCE NOTIFYING THE PUBLIC OF A PENDING ORDINANCE THAT
WOULD AMEND THE DEFINITIONS OF HOTEL, TOURIST COURT, AND RESORT
HOTEL AND ADD SPECIFIC USE STANDARDS FOR HOTELS**

WHEREAS, the Millcreek Council (the “Council”) met in regular session on September 28, 2020, to consider, among other things, approving an ordinance notifying the public of a pending ordinance that would amend the definitions of hotel, tourist court, and resort hotel and add specific use standards for hotels; and

WHEREAS, City staff has recommended revisions to the Millcreek Zoning Ordinance to amend the definitions of hotel, tourist court, and resort hotel and add specific use standards for hotels; and

WHEREAS, the Council is authorized by Utah Code Ann.§10-9a-509(1)(a)(ii)(B) to initiate proceedings to amend its ordinances in a manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted; and

WHEREAS, Utah Code Ann.§10-9a-509(1)(e) provides that the City shall process an application without regard to proceedings initiated to amend the municipality's ordinances as provided in Utah Code Ann.§10-9a-509(1)(a)(ii)(B) if 180 days have passed since the proceedings were initiated and the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; and

WHEREAS, the Council has determined that based on staff recommendation that an ordinance amending the definitions of hotel, tourist court, and resort hotel and add specific use standards for hotels is needed; and

WHEREAS, the period needed to review and implement an ordinance amending the definitions of hotel, tourist court, and resort hotel and add specific use standards for hotels is within a period of one hundred eighty (180) days; and

WHEREAS, after careful consideration, the Council has determined to initiate proceedings to amend the Zoning Ordinance to amend the definitions of hotel, tourist court, and resort hotel and add specific use standards for hotels; and

WHEREAS the Council finds that this Ordinance constitutes formally initiated proceedings that satisfies the requirements Utah Code Ann. §10-9a-509 (1)(a)(ii)(B) and further finds that this Ordinance is in the best interest of the health, safety, and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the Council that to protect the public health, safety, and welfare and to implement the planning and zoning objectives of the City, the

Council hereby invokes the pending ordinance doctrine and/or Utah Code Ann. §10-9a-509 (1)(a)(ii)(B) and expressly formalizes its intentions to consider enactment of such ordinances and amendments to the Zoning Ordinances to amend the definitions of hotel, tourist court, and resort hotel and add specific use standards for hotels.

BE IT FURTHER ORDAINED that beginning September 29, 2020, this ordinance prohibits accepting and/or processing any application for a hotel, tourist court, and resort hotel in the C-1, C-2, and C-3 zones.

This ordinance shall become effective upon passage.

PASSED AND APPROVED this 28th day of September 2020.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 20-51: AN ORDINANCE NOTIFYING THE PUBLIC OF A PENDING ORDINANCE THAT WOULD AMEND THE DEFINITIONS OF HOTEL, TOURIST COURT, AND RESORT HOTEL AND ADD SPECIFIC USE STANDARDS FOR HOTELS
was passed and adopted the 28th day of September, 2020 and certifies that a summary was published in the Deseret News and Salt Lake Tribune the _____ day of _____, 2020.

Elyse Sullivan, City Recorder



**Minutes of the
Millcreek City Council
September 14, 2020
5:00 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on September 14, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Kurt Hansen, Legislative Policy Director
Laurie Johnson, HR-Finance Director
Francis Lilly, Planning and Zoning Director
Mike Winder, Economic Development Director
John Miller, City Engineer
Rita Lund, Communications Director
Jared Bowling, IT/Facilities Manager
Blaine Gehring, Legislative Policy Analyst

Attendees: Courtney Bovee (electronic), Lynn Jacobs (electronic), Thom DeSirant, Lisa Bagley, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 5:00 p.m.

TIME COMMENCED: 5:02 p.m.

Mayor Silvestrini called the work meeting to order.

1. Discussion on Future City Hall; Kurt Hansen, Legislative Policy Director

Mayor Silvestrini said there was about 3 years left on the current lease for City Hall. Kurt Hansen said the previous City Manager sent out questions to city department directors about a future city hall. Hansen reviewed those questions and the responses. Council Member Jackson asked how many other cities had a police department as part of their city hall. Mayor Silvestrini said this was a preliminary discussion and the Millcreek Unified Police Department (UPD) Precinct would need to relocate soon, too. Council Member Marchant asked what Chief Steve DeBry wanted. Hansen said the objective was to review the questions and note the things that stood out to the Council. Mayor Silvestrini said the City was renting space so in the future it would make sense to own a city hall. There would need to be public engagement at some point. Council Member Uipi suggested proposing several plan options to

the public for their opinion. Council Member Marchant requested feedback from Murray City since they were building a new city hall. Mayor Silvestrini said several cities had new city halls and staff could get their input. The Council liked the idea of have a large community room, especially for rent. Council Member Uipi asked for a timeline for the process. Mayor Silvestrini asked Hansen for a plan on the process. Hansen said Woodbury Corporation could end the City's City Hall lease at any time and would pay to move city hall until June 30, 2023 when the lease was up. Council Member Marchant asked about finding a city hall location. Mike Winder said there would be a process for finding a location, but he anticipated finding a final one in the next 90 days.

2. Discussion on Millcreek Property Maintenance Code; Kurt Hansen, Legislative Policy Director

Kurt Hansen said he met with the community councils and some were in favor of and some were not for adopting a property maintenance code. He said the code enforcement officers would enforce by what they could see from the street. He gave the Council an overview of the proposed code that was largely based on the International Property Maintenance Code. Mayor Silvestrini pointed out that "damaged trees" would need specific requirements. Hansen said he could add that if the "damaged tree" posed a safety risk or was a public nuisance, that it would need to be removed. Hansen pointed out that the City would need to have a contract with a certified arborist. Mayor Silvestrini said the code enforcement officers needed tools for enforcement and property owners were obligated to maintain their property. Hansen said he would take the proposed ordinance back to the community councils for their review.

3. Discussion on Bus Benches and Bus Bench Advertising; Kurt Hansen, Legislative Policy Director

Mayor Silvestrini said the Council needed to make a policy decision on this item because they had reviewed the topic multiple times. Kurt Hansen said an email from UTA was received by staff about the maintenance of bus benches. He said he used components of West Jordan's code to write a proposed code for Millcreek. He reviewed the proposed code on bus shelters and benches. Mayor Silvestrini requested an affidavit from the applicant instead of written documentation from the property owner (per the proposed code) about the refusal of a bus shelter being located behind the sidewalk in order for one to be approved in the right-of-way. Council Member Catten asked about free-standing bus benches that did not have a shelter. John Brems said the proposed code would make those illegal. Council Member Catten suggested not having a garbage can in or near bus shelters. Brems said the City could phase out bus benches and phase in bus shelters through a franchise agreement. He said one of the conditions of the agreement could be to pick up the trash at those sites.

4. LocalLink Presentation; Rita Lund, Communications Director and John Miller, City Engineer

Courtney Bovee, LocalLink, said Salt Lake City teamed up with Millcreek, South Salt Lake, and Holladay to look at transit options. There were two studies being conducted, circulation and transit. One of the areas of the circulation study was the Sugar House Business District to Millcreek City Center and Brickyard. She said the priority projects were bicycle lanes on Highland Drive, connecting the McClelland Trail, having a shared path on 1300 East, and adding bicycle lanes on 900 East.

Council Member Marchant asked about the McClelland trail. Lynn Jacobs, Salt Lake City, said it would be a lower speed bike trail.

Bovee said the transit study would impact Millcreek. They were analyzing possible transit improvements on 1300 E. and have started with a transit survey on their new website, locallinkstudy.com. She said the team would develop alternatives from the feedback. She said they would be sending out a mailer to residents who lived along 1300 E. for their input. She requested feedback from the Council about the website and the survey.

5. Staff Reports

Kurt Hansen said the City needed to update code signs in the parks. He reviewed Millcreek and County code about alcohol in the parks which said that alcohol was allowed at Canyon Rim Park but not in the other ones. The State's code said liquor was not allowed to be consumed in any public park. Council Member Uipi pointed out that liquor did not include beer or wine. Hansen said he would do more research on the issue.

6. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member Uipi moved to adjourn the work meeting at 6:40 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:03 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order then led the pledge of allegiance. He said Millcreek suffered a natural disaster, high winds, the prior week, and some areas had been hit particularly hard. He said some people were still without power and Rocky Mountain Power was calling on crews from other states to assist in restoring it. The remarkable thing was the community support in cleaning up the City. Hundreds of volunteers collected and hauled green waste. He thanked area churches, block captains, residents, and city staff. He personally recognized some city staff: Jordan Hatch, Jana Stratford, and Kalie Boska in the Information Center at City Hall for answering the phones well; Rita Lund, Communications Director, and Hatch for assisting with the social media; Brandon Johnson in Public Works for sawing tree limbs; Andrew Clark, the Emergency Manager, for coordinating response efforts; and Rich Novasio, Building Department, for inspecting homes for safe power reconnections. He also recognized Lisa Bagley in the audience for volunteering. He requested that the volunteers report their time and expenses for the cleanup to City Hall to be used for potential disaster funding. The City Council also volunteered in the cleanup. Council Member Marchant mentioned that volunteers came from other cities because they heard about the damage and cleanup effort in Millcreek on the news. Council Member Uipi thanked the volunteers. Council Member Catten thanked

her husband, the Council, and the volunteers. Council Member Jackson echoed the sentiments. Mayor Silvestrini said the green waste lot collection on 3800 S. and Wasatch Boulevard would be open all week.

1.2 Public Comment

Lisa Bagley, 3387 S. Honeycut Road, said she was running for House District 36. She mentioned all of the organizations and committees that she served on that benefited the community.

2. Planning Matters

2.1 First Reading: ZT-20-005, Amendments to the Commercial Zone Text

Regarding Mixed-Use Development; Francis Lilly, Planning and Zoning Director

Francis Lilly said up until 2018 residential uses were conditionally allowed in the commercial zones. Since then, the City had a policy that residential uses in commercial zones had to be a mixed-use project. He said the proposed changes to the code were to ensure better quality projects since the current code was difficult to apply and interpret. Residential development in mixed use zones were not held to the same standard as residential development in multifamily zones, so staff wanted to avoid the incentive or rezoning to commercial in order to develop a substandard residential project. He said commercial ground floor requirements were inadequate and inflexible, the City was not getting the type of wanted commercial, the design standards were inadequate, and the current zone preferred a vertically integrated mixed-use building type.

Lilly critiqued and showed the Council photos of mixed-use developments in the City. He said 3300 S. was a mixed-use corridor because residential and commercial uses coexisted. More people living along the corridor would help activate existing and proposed commercial spaces. Desired spaces like small retail shops, personal services, and restaurants thrive where there are many people living nearby. Mixed use development provides a viable option to redevelop obsolete sites. Many smoke shop and commercial storage requests along the corridor suggested that Millcreek had an overabundance of single-purpose commercial buildings that performed below expectations. Lilly showed the Council the Future Land Use Map in the General Plan and said it supported mixed uses. He then reviewed the Mixed Use 1 and Mixed Use 2 District descriptions. Lilly said that mixed use commercial was flourishing but some retail sites were empty or functionally obsolete in commercial corridors.

Lilly reviewed the proposed code changes. He said to qualify, a mixed-use project must have a minimum of 100 feet of frontage on a major collector or arterial road. There would be an increase in maximum building height to 45 feet, and 35 feet within 100 feet of a residential zone. The current standard was 40 feet and 30 feet. The extra feet offered more flexibility, tall residential ceilings, better roof articulation, possibility of pitched roofs, more functional garages, a retail storefront at grade, and other creative design elements. Lilly showed the Council examples of recent commercial, residential, and mixed-use buildings in Millcreek to point out where some of the code changes would have helped the project and what had already worked well with the project. He explained why a two-story limit or building height of 30 feet was not desirable. There is a two-story limit in the CCOZ area immediately adjacent to existing single-family, affecting property on the east side of Highland Drive. In this instance, the City Center Master Plan actively

encouraged the adaptive reuse of the existing commercial uses along the Highland Drive corridor in the City Center. Staff was not convinced that the same desire existed for many of the functionally obsolete commercial buildings elsewhere in the commercial corridor.

The proposed code included a maximum building length of 200 feet, no more than 20% of a façade could be stucco, EIFS, or metal siding, and a 10-foot step back for buildings taller than 35 feet. Commercial uses would not include lobbies, leasing offices, required parking, or residential amenities. Currently, code required a minimum of 40-foot-deep commercial spaces occupy 50% of building frontage. The proposal offered flexibility of a 40-foot depth with 50% frontage or 30-foot depth at 80% of frontage, and freestanding commercial buildings occupy 30% of the gross ground floor area of the development site. There would be two concepts of mixed use, vertically mixed-use buildings, and mixed-use buildings in a unified site plan. Staff wanted to make sure that freestanding commercial buildings meaningfully contribute to the mixed-use concept. Freestanding commercial buildings could occupy 30% of the gross ground floor area of the development site, and at least 50% of the frontage with the proposed ordinance. Lilly showed the Council examples and site plans of both mixed-use types.

The proposed ordinance included a pre-application site plan review, prior to qualifying an application for community council and Planning Commission review. A similar process exists for applications in the CCOZ, because a longer review lead time results in better clarity and better outcomes. Lilly said the Planning Commission emphasized not wanting to lose commercial opportunity in existing commercial areas, so certain areas of the City could redevelop but under specific conditions. Lilly concluded that the ordinance should change because the mixed use form was the most likely redevelopment scenario for commercial corridors, especially for functionally obsolete sites outside of the City Center and Meadowbrook, heightened design standards would result in better looking buildings, frontage and commercial areas and ground story height requirements would promote the creation of meaningful commercial spaces along corridors, and updates would produce better outcomes in the form of mixed use projects with more meaningful commercial uses. He said the community councils and Planning Commission recommended approval of the ordinance. Mayor Silvestrini said the ordinance would give the City more significant commercial development. The Mayor said he appreciated the input received from the Mt. Olympus Community Council Chair. Council Member Jackson appreciated Lilly improving the City's ordinances.

2.2 Discussion and Consideration of Ordinance 20-47, Amending Title 14 and Title 19 of the Millcreek Code of Ordinances with Respect to Fencing, Walls, and Clearview Requirements

Francis Lilly said the changes to the proposed ordinance from the last Council meeting included a summary table of the general fence requirements, spelling and grammatical fixes, and the clearview requirement with visual obstructions in proposed section 19.95.020. Lilly said AASHTO A Policy on Geometric Design of Highways and Streets assumes that the typical person in a typical car is 3.5 feet above the road surface, so staff removed the provision allowing fences 4 feet in height. He said the intent was to apply the proposed ordinance to new fencing as laid out in proposed section 19.95.020.

Mayor Silvestrini asked for public comment. There was none.

Council Member Uipi moved to approve item 2.2, Ordinance 20-47 with the amendments as presented tonight. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Business Matters

3.1 Discussion and Consideration of Resolution 20-39, Accepting and Approving the Edward Byrne Memorial Justice Assistance Grant for the Millcreek UPD Precinct

Laurie Johnson said the State had funds that they were allocating to Millcreek because Millcreek was not able to apply for funds as a separate entity though that would be an opportunity in the future. The grant was for \$4,500 for the purchase of equipment for the Millcreek Unified Police Department (UPD) Precinct. She said the City needed to approve the resolution to be able to accept the funds. Mayor Silvestrini thanked Millcreek Precinct personnel for noticing the discrepancy of funds so that Millcreek was able to acquire the grant.

Council Member Uipi moved to approve item 3.1, Resolution 20-39. Council Member Jackson seconded. Council Member Uipi asked what equipment would be purchased. Chief Steve DeBry said a scanner, a printer, new chairs, and a tracker. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Discussion and consideration of Resolution 20-40, Approving a Cooperative Agreement with Salt Lake County with Respect to Participation as a Co-Permittee Under Permit No. UTS000001

Mayor Silvestrini said the item was a storm water management issue and a renewal of an interlocal agreement with the County to continue to participate as a co-permittee with respect to management of storm water.

Council Member Jackson moved to adopt Resolution 20-40, Approving a Cooperative Agreement with Salt Lake County. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Resolution 20-41, Approving a Small Wireless Communications Facilities Master License Agreement with SQF, LLC

John Brems said there would be more small cells in Millcreek. The difference with this agreement compared to prior agreements was that this company's business plan was to acquire sites and sell them to users. He said he added to the agreement that they could not assign the right they acquired unless that entity had a small cell site franchise agreement with the City. Mayor Silvestrini said the City was required to permit these under state law and the agreement required the same design standards as before.

Council Member Uipi moved to approve item 3.3, Resolution 20-41. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.4 Discussion and Consideration of Ordinance 20-48, Amending Various Sections of the Millcreek Code of Ordinances Chapter 14.16 Excavations Related to Sidewalk Closures

Mayor Silvestrini said the Council requested a code provision for sidewalk closures. Kurt Hansen said there were fees in code that were not in the fee schedule, so he was proposing changes to the fee schedule. He added a provision about sidewalk closures to the code and a \$25 fee to the fee schedule for the first day and \$20 for each consecutive day.

Council Member Uipi moved to approve item 3.4, Ordinance 20-48. Council Member Jackson seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.5 Discussion and Consideration of Resolution 20-42, Approving an Interlocal Cooperation Agreement Among Salt Lake County, Millcreek, Town of Alta, Town of Brighton, Bluffdale City, Copperton Metro Township, Cottonwood Heights City, Draper City, Emigration Canyon Metro Township, Herriman City, Holladay City, Kearns Metro Township, Magna Metro Township, Midvale City Corp., Murray City, Riverton City, City of South Salt Lake, and White City Metro Township Relating to the Conduct of the Community Development Block Grant Program, Emergency Solutions Grant Program, and the HOME Investment Partnership Program

Francis Lilly said HUD Region 8 notified the County that previous agreements had not been done right, so the agreement needed to be amended. The agreement allowed the County as a grantee to move forward in compliance with HUD.

Council Member Jackson moved to adopt Resolution 20-42, approving an Interlocal Cooperation Agreement among all the listed entities. Council Member Catten seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.6 Discussion and Consideration of Resolution 20-43, Ratifying the Millcreek Emergency Proclamation No. 2 of 2020 Proclamation Declaring a Local Emergency with Respect to the Severe Windstorm of September 8 and September 9, 2020

Mayor Silvestrini said after the recent windstorm and in consultation with Salt Lake County, he declared a local state of emergency to qualify Millcreek for FEMA funding.

Council Member Catten moved to ratify Resolution 20-43 for Millcreek Emergency Proclamation Number 2. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini thanked Millcreek residents for the cleanup effort.

4.2 City Council Member Reports

Council Member Uipi said she went on a field visit with UPD's special operations facility. She said the next policing committee discussion would be on October 6th. Council Member Jackson asked about a town hall date for accessory dwelling units. The Council decided on October 13th from 7-8:30 p.m.

4.3 Staff Reports

There were none.

5. Consent Agenda

- 5.1 Approval of August 17, 2020 Work Meeting Minutes
- 5.2 Approval of August 17, 2020 Special Meeting Minutes
- 5.3 Approval of August 24, 2020 Work Meeting and Regular Meeting Minutes

Elyse Sullivan said she forgot to attach the emailed public comments read into the record from the August 17th special meeting to the meeting minutes in the packet and asked the Council to approve the minutes with that attachment.

Council Member Uipi moved to approve item 5.1, 5.2, and 5.3 with the exception of adding the document of comments to item 5.2 with the special meeting of August 17th. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Events

- Planning Commission Mtg. 9/16/20 at 5:00 p.m., City Hall
- City Council Mtg. 9/28/20 at 5:00 p.m., City Hall

Council Members Jackson and Uipi said they would not be present at the Council meeting on the 28th.

8. Closed Session

Council Member Jackson moved to go into closed session per *Utah Code Ann. §52-4-205 (d) strategy sessions to discuss the purchase, exchange, or lease of real property* at 8:29 p.m. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Jackson moved to go back into the open meeting at 8:53 p.m. Council Member Uipi seconded. The Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

ADJOURNED: Council Member Jackson moved to adjourn the regular meeting at 8:53 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder