



MILLCREEK PLANNING AND ZONING

3330 SOUTH 1300 EAST

MILLCREEK, UTAH 84106

MEMORANDUM

To: **Community Councils**
From: **Francis Xavier Lilly, AICP, Director**
Date: **28 December 2020**

Re: **ZT-20-008 – Amendments to the RM and PUD Codes**

Summary

Millcreek is proposing amendments to the RM and PUD standards. The proposed amendments are intended to improve the outcomes of the multifamily design standards, particularly in terms of materials and setbacks, and to incorporate certain standards into the RM and PUD codes that the City has adopted in its commercial and City Center Overlay zones. Also, the proposed amendments are intended to simplify the RM and PUD code and reduce conflicting language between the codes.

Part I: RM Changes

The existing RM code can be difficult to read and interpret, since many essential requirements are found in footnotes. Staff is recommending replacing the existing RM code with entirely new language, while maintaining most of the standards. The new format should be easier to read and interpret. Proposed changes are as follows:

Requirement	Current Standard	Proposed Standard	Rationale
Uses 19.44.020	See the existing and proposed use list. The philosophy in the existing RM was to allow for a limited suite of office and service uses in our RM zone, in part because the existing RM districts in Millcreek have many such uses.	The philosophy remains the same, however, staff is proposing allowing office uses and medical facilities of any size in the zone (currently, such uses are limited to 5,000 sf). Staff is also proposing that any neighborhood service uses (see MKC 19.04.466) should be allowed.	Staff observes a lot of demand for personal and professional services, particularly in existing office buildings in the zone. The existing definition of “neighborhood service” – limiting such uses to 5,000 sf per use – is a reasonable allowance in the RM zone, since so many of these uses are present in our RM districts anyway. There are large office developments in the RM zone, and RM districts are also close to St. Mark’s Hospital. Staff is proposing allowing office or medical uses of any size to be allowed in the zone, in keeping with what staff observes in the zone already.



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Requirement	Current Standard	Proposed Standard	Rationale
Bulk and Yard Regulations Table 19.44.030	The current table establishes different standards depending on building type, but these standards rely on footnotes to understand them, and can be difficult to read.	The new table is reorganized, to clearly emphasize that different building types have different requirements	Rather than relying on footnotes, we are recommending that all key information regarding height, setbacks, and lot area be found in the table itself.
Minimum Lot Area	Minimum lot area per unit depends on the building type proposed in a multifamily zone.	Staff is not proposing any changes to the minimum lot area requirements.	See section 19.44.050 (A)(2) in the new ordinance for guidance for developers designing projects with multiple building types. Currently there is no guidance for this situation.
Minimum Lot Width	50 feet	50 feet	Unchanged
Maximum Building Height	40 feet, or 30 feet where there's a residential zone height transition. Greater height allowed in certain circumstances, such as town centers. See Footnote 1.	Depends on building types. Four single-family homes, duplexes, triplexes, and four-plexes, the maximum height is 35 feet. For larger multifamily dwellings or other permitted uses, the maximum height is 45 feet, or 35 feet if the project is in a residential height transition area.	As with the C zones, staff is recommending an allowance of an additional five feet to allow for better ceiling heights and roof design allowances. As with the C zones, staff is proposing language that includes parapets and other features in the maximum height allowances. Staff is proposing removing Footnote 1. The "town center" is now regulated under the City Center Overlay Zone. This language is obsolete.
Minimum Building Height	No requirements.	Two stories for larger multifamily buildings and commercial buildings, and one story for all other building types.	Larger buildings and nonresidential buildings on corridors (where most RM zones are) should have a decent street presence. We are recommending a minimum two stories for these larger buildings.
Maximum Lot Coverage	Currently governed by open space requirements (see 19.44.050 (B) in the current ordinance) – 60% for residential uses.	Depends on building type. Ranges from 35 percent to 50 percent.	A maximum lot coverage should be established separately from open space requirements, to make clear that certain requirements like sidewalks and driveways are not a part of the open space. Smaller buildings, up to four-plexes, should be on lots that are closer to an R-1 and R-2 character, hence their lower maximum lot coverages.



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Requirement	Current Standard	Proposed Standard	Rationale
Maximum Building Length	200 feet required.	No change.	Currently, this standard is found in a separate section of the RM code. Staff is proposing putting it into the bulk and yard requirements table.
Minimum Front Yard	25 feet, with exceptions (see note 2)	No change.	Staff is moving Note 2 to 19.44.050 (A)(22).
Minimum Interior Side Yard	10 foot minimum	Depends on building type. Larger multifamily buildings and nonresidential buildings will have a 20 foot interior side yard.	Currently, the wider side yard requirement is found in a separate section of the RM code. Staff is proposing putting it into the bulk and yard requirements table.
Minimum Interior Side Yard , where subject property shares a side property boundary with an R-1, R-2, R-4, A-1, or A-2 Zone Boundary	Same as standard interior side yard requirement	15 feet for single-family, duplexes, triplexes, or four-plexes. 25 feet for larger multifamily buildings or nonresidential buildings	A wider setback is more appropriate where adjacent to an existing low- to medium-density residential zone. Note that in these zones, the standard rear yard setback is 15 feet.
Minimum Yard Depth Between Buildings	None required	5 feet for single-family, duplexes, triplexes, or four-plexes, 10 feet for larger multifamily buildings or nonresidential buildings	Staff recommends adding this requirement. Similar requirements are found in the C zones and the CCOZ. The goal is to promote greater distribution of useable landscaped and amenity areas in a development site.
Accessory Building Requirements	See 19.44.030 Table 19.44-2	No change. See 19.44.030 Table 19.44.-3	



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Requirement	Current Standard	Proposed Standard	Rationale
Materials and Façade Requirements 19.44.050	See 19.44.050 (E)(5). Limited guidance on materials.	Part of a new 19.44.050. Includes the same list of materials as the C zones, and includes façade articulation requirements as well. Limits use of stucco on facades that face existing low-density residential neighborhoods.	Staff is concerned about the design of some of the buildings recently constructed under the RM code. These concerns were shared by Community Council Members and Planning Commissioners who surveyed some of the existing projects. New, improved guidance should improve outcomes, and match what is required elsewhere in the City. Note that the new ordinance fixes a numbering problem found in the existing ordinance.
Open Space	See 19.44.050 (B). 40% or 20% in certain circumstances	40%, no exceptions	Useable open space is an important amenity. The existing zone makes reference to a "town center area" – which is now regulated by the CCOZ zone.
Interior Driveways	None specified. Defaults to Engineering standards.	Unobstructed drivable surface must be at least 25 feet.	A wider driveway meets fire code and creates more functional development sites. Wider driveways are consistent with the newly adopted Transportation Master Plan standard for private rights-of-way.
Parking and Vehicular Access	See 19.44.050 (E)	See 19.44.050 (A)(16) Staff is proposing same language that applies to the C zones. Additionally, staff is recommending a maximum reduction of baseline parking standards of 25% where a parking study justifies such reduction in standards	Parking and vehicular access requirements should be consistent across zones.
Required Amenities	See 19.44.050 (11)	No changes proposed. See 19.44.050 (A)(20)	We are moving this requirement into a better organized and properly numerated section.
Rooftop Gardens	See 19.44.050 (E)(10)	Staff is proposing using the same language as found in the C zones and CCOZ	Better language regarding rooftop gardens preserves the basic standard – 100 feet from a residential zone boundary – while providing better guidance and some flexibility for the developer – provided there is no line of sight from the garden to nearby residential yards.



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Requirement	Current Standard	Proposed Standard	Rationale
Application Process	No specific process outlined. Applicants default to standard process outlined in the conditional use process	Proposed ordinance includes a requirement for a formal <i>preliminary site plan review</i> prior to being scheduled for a planning commission meeting.	Staff requests additional time to review applications to ensure they are ready for the community council and planning commission process.

There are few substantive changes proposed in the new language. Mainly, we are proposing more robust materials standards, a minor increase in allowable heights, and minor increases in setbacks in appropriate circumstances. Other changes are intended to bring the RM code in line with recent changes to the commercial zones, and the adoption of the CCOZ – both of which have good standards for multifamily buildings.

In addition to the above substantive changes, staff is proposing to reorganize the chapter, as the current chapter as written has resulted in confusion and a lack of clarity on the part of staff and applicants. These changes should make the code more intuitive and easier to read.

Part II: PUD Changes

Where staff recommends replacing the existing RM code with new language, we are recommending a more surgical strike-through-and-replace method for the existing PUD code. We are proposing a number of changes to the language, to modernize it to meet current naming conventions and standards in our code. You are encouraged to read the highlighted sections of the PUD code, attached, to see what is being changed. Below, you will find a summary of the most substantive changes:

Requirement	Current Standard	Proposed Standard	Rationale
Conflicts between the PUD Code and Other Codes 19.78.020	Currently, it is unclear which code governs in the event of a conflict.	In the event of a conflict between the standards of the PUD code and other relevant chapters, the more restrictive standards apply.	Staff has had difficulty implementing the PUD standards, particularly in the RM code, in part because the PUD standards have different height requirements, different means of measuring height, different parking standards, and different setback standards. This proposed language is intended to clarify which requirement applies.



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Requirement	Current Standard	Proposed Standard	Rationale
Area and Applicability Requirements	Generally 3 acres, unless it "abuts or is contiguous to a corridor as defined in the general plan" – in which case it must be at least the sum of the width of two lots in the underlying zone.	Generally 3 acres, unless the development is on a minimum 60 foot right-of-way, in which case the development must have at least 150 feet of frontage and at least 8 units.	8 units is an accepted standard minimum requirement to increase the likelihood that the PUD will remain solvent over the maintenance cycle of the required private improvements. Current language about "a corridor as defined in the general plan" is unclear – our current general plan really does not define corridors. A road with a 60 foot right-of-way will have sidewalk and a shoulder. 150 feet of frontage is twice the minimum lot width in the R-1-6 zone, as well as 30 feet for a private road. This creates a PUD with two units facing the street, avoiding the situation of a new neighborhood with no street presence.
Interior Streets	No reference to the adopted transportation master plan.	Minimum unobstructed drivable surface of 25 feet.	As with the RM code, staff is recommending a minimum drive width of 25 feet, in a manner consistent with our Transportation Master Plan standards for a private right-of-way, and best practices recommended by Unified Fire and other service providers. Clarity in this area will help staff enforce a desired requirement.
Parking	Current ordinance has parking ratios and reductions provided.	See 19.78.030 (E). Proposed language matches what is in the commercial and proposed RM codes. In addition, parking in a private garage or driveway shall not be included in any guest parking calculation	We need clarity and uniformity in our parking standards. We propose defaulting to the established parking standard for residential uses (see MKC 19.80). In addition, staff recommends a standard that makes it clear that excess parking in a garage or driveway cannot count for shared guest parking. Spillover parking is a constant concern in Millcreek neighborhoods, and residents of PUDs should have access to additional off-street parking that is not in a neighbor's driveway.



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Requirement	Current Standard	Proposed Standard	Rationale
Street Trees	No requirement. Defaults to MKC 19.77	The Planning Commission added more robust street tree standards in the commercial zones and CCOZ. Staff is recommending adding this same language be included in the PUD standards, which would apply to any zone in which a PUD is sought.	Street trees are an important part of the community's character, and the General Plan calls on Millcreek to "improve streetscape aesthetics on major roadways by incorporating decorative paving, street trees, landscaped medians, pedestrian and vehicular lighting..." See Strategy 3.1 on page 77 of the adopted Millcreek General Plan .
Density Bonus	There are limited provisions for a density bonus in the PUD ordinance.	Remove the density bonus.	The density bonus relies on underground parking or proximity to light rail or BRT station. We have adopted zones that have unlimited density opportunities in our city center, commercial districts, and the MD districts near the Meadowbrook TRAX station. These zones are designed to accommodate greater densities and – in any event – underground parking is cost prohibitive except in a more significant mixed use building that would be more appropriate in the City Center or in the Meadowbrook area. Accordingly, staff is suggesting we remove the density bonus provisions.
Height	28 feet, with a height transition requirement that is different than the one the City adopted for the C and RM zones	PUDs should conform with the height requirements in the underlying zone. In areas where no height transition is required, such as an R-1 zone, the maximum height is 28 feet.	This is a minor change. We are proposing to default to the height transition requirements for PUDs in the RM and C zones, where a height transition is appropriate. Otherwise, we are proposing a maximum height of 28 feet. Note: in most R-1 and R-2 zones, RCOZ building envelope requirements would apply to PUDs.
Perimeter Setback	15 feet	15 feet, unless the underlying zone requires more.	In the C and proposed RM zones, we are proposing greater setbacks, particularly for larger buildings, and where a building is adjacent to a low-to-medium density residential zone. We are recommending that the PUD chapter should default to those requirements. Currently, they do not.

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Requirement	Current Standard	Proposed Standard	Rationale
Residential Amenities	Refers to a County Recreation and Open Space Standards Policy	Same standard that is applied to C, RM, and CCOZ zones.	We wish to make the residential amenities consistent with our code. We are no longer subject to the county's zoning ordinance.
PUD Mixed Use	See 19.78.040 This section includes specific design standards for a PUD	Default to the commercial, MD, or CCOZ standard	When the PUD ordinance was written, we lacked design standards for mixed use buildings. Now we have them, in multiple zones. The language should be pared back to default to the new standards we adopted since incorporation.

The above changes to both the RM and PUD zones are designed to provide for more robust design standards, address deficiencies in the design of existing codes, reduce conflicts between codes, and modernize the standards in a manner consistent with previous efforts in other zones.

Request

Staff is requesting a **FAVORABLE** recommendation to the City Council to adopt amendments to the RM and PUD ordinance.

The Planning Commission will be discussing this matter on 20 January 2021. We request your recommendation in advance of that meeting.

Attachment

[Hyperlink: Existing RM Ordinance](#)

[Hyperlink: Existing PUD Ordinance](#)

Proposed RM Ordinance

Proposed PUD Ordinance – see changes highlighted in blue.

Updated Multifamily Residential Code – Planning Commission Discussion Draft

19.04 Definitions

“Lot Coverage” means the measurement of land use intensity that represents the portion of the site occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, patios, decks and open porches that do not have a roof and unobstructed by structures from the ground upward.

19.44 R-M Multifamily Residential Zone

19.44.010 Purpose Statement

The R-M zone is intended for medium to high density residential development/complexes including small lot single family, duplexes, townhomes, twin homes, tri-plexes, four-plexes, higher unit complexes, and mixed use, located generally along major streets. It also promotes a limited list of non-residential uses. This zone is intended to provide residents a comfortable, healthy, safe, and pleasant living environment in a high-quality setting.

19.44.020 Permitted and Conditional Uses

A. Table 19.44-1. Multifamily Zone 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 19.44.030 PROHIBITED USES, LIMITATIONS.

Banks, Credit Unions with a drive-through	C	Excluding short term loan businesses, check cashing, payday, title loan and substantially similar uses
Bed and breakfast	C	See section MKZ 19.04.077
Day care/preschool center	C	See section MKZ 19.04.160
Dwelling, single-family	P	
Dwelling, two-family	C	
Dwellings, three-family	C	
Dwellings, four-family	C	

Dwellings, multiple-family	C	May include mixed use
Instruction studios for art, dance, etc.	C	Stand alone or as part of a mixed use development
Home business	P	See section MKZ 19.85
Home day care/preschool; 1-6 children	P	See section MKZ 19.04.293
Home Day Care/preschool; 7-12 children	C	See section MKZ 19.04.293
Medical facility, of any size	~~C~~	~~May include helipads as an accessory use~~
Mortuary	C	Excluding crematoriums
Office, of any size ~~including professional and medical~~	~~P~~	~~Stand alone or as part of a mixed use development~~
Personal Care, Hair care, etc.	~~C~~	~~Stand alone or as part of a mixed use development~~
Planned unit development	C	Subject to Chapter MKC 19.78 and MKC Title 18.
Private educational institutions	C	
Public and quasi-public uses	C	
~~Residential health care facility~~ Rehabilitation Hospital (check state code)	~~P~~	
Residential Facility for Elderly Persons	P	
Residential Facility for Persons with a Disability	P	Subject to MKC 19.87
Senior care center/Nursing home	P	

Short-term rental	P	See section MKZ 19.04.547
Temporary construction buildings	P	See section MKZ 19.04.451

19.44.030 Prohibited Uses, Limitations, and Special Requirements

TABLE 19.44-2

USES	SPECIFIC USE LIMITATIONS OR SPECIAL REQUIREMENTS
Licensed Massage Therapy Practices	Allowed, subject to the following requirements: A. Each Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek business license; and B. 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.
Short term ("payday", "car" title, check cashing and similar) loan service	Not Allowed.

19.44.040 Bulk and Yard Regulations

TABLE 19-44.3

BUILDING TYPE	Single-Family Detached	Two-Family Dwellings – Rental	Two-Family Dwellings in a Planned Unit Development or Condominium	Three-Family Dwellings	Four-Family Dwellings	Multifamily Dwellings – Five or more dwellings in a building	Other Permitted Principal Uses
MINIMUM LOT AREA	5,000 sf per dwelling	3,500 sf per dwelling	3,000 sf per dwelling	3,000 sf per dwelling	3,000 sf per dwelling	2,000 sf per dwelling	20,000 sf
MINIMUM LOT WIDTH	50 Feet	50 Feet	50 Feet	50 Feet	50 Feet	50 Feet	50 Feet
MAXIMUM BUILDING HEIGHT, including fire walls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.	35 feet	35 feet	35 feet	35 feet	35 feet	45 feet, subject to height transition requirements.	45 feet, subject to height transition requirements.
MINIMUM BUILDING HEIGHT	One Story	One Story	One Story	One Story	One Story	Two Stories	Two Stories
MAXIMUM LOT COVERAGE	35 percent	35 percent	35 percent	40 percent	40 percent	50 percent	50 percent
MAXIMUM BUILDING LENGTH	None Required	None Required	None Required	None Required	None Required	200 feet	200 feet
MINIMUM FRONT YARD	25 feet						
MINIMUM INTERIOR SIDE YARD	10 feet	10 feet	10 feet	10 feet	10 feet	20 feet	20 feet
MINIMUM INTERIOR SIDE YARD, where subject property shares a side property boundary with an R-1, R-2, R-4, A-1, or A-2 Zone Boundary	15 feet	15 feet	15 feet	15 feet	15 feet	25 feet	25 feet

MINIMUM CORNER SIDE YARD	20 feet						
MINIMUM SIDE YARD BETWEEN BUILDINGS IN A MULTIFAMILY DEVELOPMENT	5 feet	5 feet	5 feet	5 feet	5 feet	10 feet	10 feet
MINIMUM REAR YARD	20 feet						
ACCESSORY BUILDINGS: REAR AND INTERIOR SIDE YARD	Minimum 30 inches, depending on building height.						
ACCESSORY BUILDINGS: CORNER SIDE YARD	20 feet						
ACCESSORY BUILDINGS: Setback from Principal Building	10 feet						
ACCESSORY BUILDINGS: Height	14 to 20 feet. Any accessory structure more than fourteen feet in height shall be set back one additional foot from the property line for each foot in height over fourteen feet, up to the maximum height of twenty feet.						
ACCESSORY BUILDINGS: REAR AND INTERIOR SIDE YARD WHEN ABUTTING A RESIDENTIAL USE	10 feet						
ACCESSORY BUILDINGS: MAXIMUM LOT COVERAGE	25 percent						

19.44.050 Special Requirements for the R-M Zone

A. General Design Standards for All Buildings and Developments

1. **Building Entrances.** Functional residential entrances are required on any street-facing façade.
2. **Requirements for Developments with Multiple Building Types.** When a development consists of multiple building types, each building in the development must follow the building height and building length requirements for the building type, as well as the following requirements:
 - i. **Maximum lot coverage:** Maximum lot coverage for a multifamily development with multiple building types shall not exceed 40 percent.
 - ii. **Interior Side Yard Setbacks:** Minimum interior side yard setbacks shall follow the requirements for multifamily dwellings with five or more units in a building.
 - iii. **Setbacks between buildings:** Where two building types are adjacent to each other in a development, the setbacks between the buildings shall follow the requirements for multifamily dwellings with five or more dwellings in a building.
 - iv. **Minimum Lot area Per Unit:** The minimum lot area for a development with multiple building types shall be the sum of the lot area required for each building type times the number of units of that building type, but in no case shall the total area required be less than 3,000 square feet per unit, regardless of building type.
3. **Building Massing and Façade Articulation.** All buildings shall be designed to have at least three of the following massing or façade design elements:
 - i. Visual breaks along the street-facing façade such as horizontal articulation in the plane of the façade by at least 2 feet.
 - ii. Change in height at the top of the building by at least 10 feet for every 30 feet of façade length.
 - iii. Changes in materials, color, texture or pattern for greater than 50 percent of the building facade.
 - iv. Indentations/recesses at least 5 feet in depth along the street facing facades at 50-foot intervals.
 - v. 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.
 - vi. 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.

vii. Vertical landscaping on trellises attached to the wall that cover at least 20 percent of a wall facing a street.

viii. Stepbacks where not otherwise required.

4. Building Massing and Façade Variation for Developments Containing Multiple

Buildings. No more than 2 adjacent buildings shall exhibit the same or substantially the same front façade. All buildings shall provide variation in the façade, especially in the use of materials and relief, to avoid monotonous design. Relief is defined as foundation jogs, bay or box windows, cantilevered living areas, recessed garages, and or usable front porches that extend across 40 percent or more of the front façade.

5. 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. 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.

6. Balconies or Patios - Privacy. Where required or provided for residential buildings, balconies or patio shall have a opaque fence that is at least three feet tall.

7. Fencing. Fencing for developments in the R-M zone shall follow the requirements of MKC 19.95.

i. **Perimeter Fencing.** Fencing is required for non-residential uses located adjacent to residential uses and mixed use developments. 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 twelve 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.

8. 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 MKZ 19.04.260 is deemed to front the street.

- 9. 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.
- 10. 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 19.44-3, for buildings or structures within 100 feet of a residential zone boundary shall not exceed 35 feet.
- 11. HVAC Systems and Utilities.** HVAC systems shall be screened from view from the ground level vantage point along an adjacent street or private vehicular access. 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.
- 12. Interior Streets and Driveways.** The design of public and private streets within a development shall follow Millcreek City standards for roadway development as established by the Millcreek Transportation Master Plan. Notwithstanding the requirements in MKC Title 14, private streets and driveways serving more than one dwelling shall have an unobstructed drivable surface of at least 25 feet in width. The unobstructed drivable surface may be increased pursuant to fire code requirements. Private streets shall be subject to the same inspections and construction standards as required for public streets. The City shall be granted a utility easement for the entire interior street system in a development project.
- 13. Landscaping and Street Trees.** Landscaping for developments in the R-M zone shall follow the requirements of 19.77. Landscaping shall be required for all setbacks, yard areas, and surface parking lots. Front yard landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover and mulch. Mulch may be mineral or non-living material but not cover more than 50% of the front yard. 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.

14. Lighting

- i. **Interior Street and Parking Lot Lighting.** 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 shall submit a plan 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 and parking lots shall be 0.3, the fixture height shall not exceed 25 feet, and no poles shall be located within 20 feet of any property line.
- ii. **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.

15. Open Space. Common and private open space shall be provided for residential uses in the amount of at least 40 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.

16. Parking and Vehicular Access. Parking for developments in the R-M zone shall follow the requirements of MKC 19.80. In addition to meeting the requirements of MKC 19.80, parking and vehicular access for multifamily developments shall comply with the following requirements:

- i. **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.

- ii. **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. Garage doors shall use complementary colors and include windows. Private garage doors shall not be the only means of access to a dwelling.
- iii. **Vehicular Access to Private Garages.** Vehicle access serving a private garage shall be at least 24 feet in width.
- iv. **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 twenty feet in length and ten feet in width per parking space, up to a maximum of two contiguous spaces for unit.
- v.
- vi. **Vehicular Entry Gates Prohibited.** Vehicular entry gates are prohibited as part of any multifamily development 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.
- vii. **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.
- viii. **Garages or carports are required.** Garage doors shall utilize complimentary colors and include windows. Garages shall not be the only means of access to the unit on any façade that includes a garage, except for corner units facing the public street. All garages shall include 220 power for electric vehicles.
- ix. **Parking is prohibited within required fire access and turnaround facilities.**
- x. **Parking for residential buildings and developments may not encroach into a side or rear yard.**
- xi. **Tandem parking or parking in a private garage or driveway shall not be included in any required guest parking calculation.**
- xii. **Bicycle parking shall be provided for all multifamily development consisting of 20 or more dwelling units, at a ratio of one (1) space for every twenty (20)**

dwelling units. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to a structure.

- xiii. Parking requirements may be reduced through a shared parking analysis or a parking study commissioned by the city, subject to the requirements of MKC 19.80. The Planning Commission may not approve parking reductions greater than 25 percent of the standard requirements provided in MKC 19.80.

17. Privacy. Each residential or mixed-use building shall provide adequate visual and acoustical privacy for dwelling units. Fences, walls, 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.

18. Reduced Setback Provisions. Front yards maybe reduced based on enhanced landscaping as per section MKC 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.

19. Renewable Energy Incentive. projects with solar power arrays, windmills/turbines, or functional geothermal systems, suitable to generate 50% or more of the development's electrical demand shall be permitted an additional 5' in height and not required to be screened from view. Solar carport rooftops are encouraged. Wind power generators shall have a set back from any property line equal to their height and not exceed a sound level of 60 dB.

20. Required Residential Amenities. Each residential development is required to include recreational amenities as part of the development based on the number of bedrooms. Below is a list of possible recreation facilities. The figures shown represent the minimum size a facility must be to receive credit as a recreation facility.

- i. Basketball Court - 1,600 sq. ft., Volleyball Court - 3,500 sq. ft., Sports Court - 1,600 sq. ft.
- ii. Tennis Court - 7,000 sq. ft./court, Swimming Pool - 800 sq. ft., does not include surrounding decks, etc.
- iii. Package of leisure activity areas, including but not limited to putting greens, horseshoes, shuffle board, pickleball courts.
- iv. Picnic Area - 500 sq. ft., equipped with a pavilion/gazebo and tables, benches, grills and trash receptacles for people to gather, cook, eat, and relax.
- v. Community Center - 1,200 sq. ft., includes at least one recreation facility such as table tennis, billiards, weight room, handball courts, or social area with

television, business center or workshare space.

- vi. Lawn area for non-organized sports - 12,000 sq. ft. and at least 60 feet wide. Landscaping must be done in a manner that preserves the openness of the area for such activities.
- vii. Path - 1,000 ft minimum length and 6 foot minimum width. A cleared way for pedestrians (other than sidewalks) that may or may not be paved, and is used for bicycling, walking, skating, or jogging.
- viii. Playground - An active recreational area with a variety of facilities, including equipment for younger children. When adjacent to any parking area, road, or other hazardous place the playground must be fenced with an open-style fence.
- ix. Other - Any facility not listed that is determined by the Planning Commission to be appropriate.
- x. **Required Number of Recreation Facilities.** The required number of recreation facilities is based on the number of bedrooms in a multifamily development, as described in Table 19.44-4

TABLE 19.44-4

Total Number of Bedrooms	Total Number of Facilities
10-75	1
76-150	2
151-225	3
226-300	4
301-400	5
401-500	6
501-600	7

601-700	8
701-800	9
801-900	10
901-1000	11
1001-1150	12
1151-1300	13
1301-1450	14
1451-1625	15
1626-1800	16
1801-1975	17
1976-2150	18
2151-2325	19
2326-2500	20

21. 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.

22. 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.

- 23. Sidewalks.** As required elements of a development, interior sidewalks shall be at least five feet wide installed to serve the development and connect to the public street.
- 24. Signage.** Signage for developments in the R-M zone shall follow the requirements of MKC 19.82.
- 25. Storm Water Management.** Surface storm water detention or retention ponds are prohibited between any building façade and a property line along a public right-of-way.
- 26. Traffic Circulation.** Points of primary vehicular access to all developments shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian paths, and may include bicycle paths, preferably separated from vehicular traffic.
- 27. Unit Storage.** Each unit shall be required to contain interior storage equal to 100 cubic feet.
- 28. Washers and Dryers.** All multi-family residential developments shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.
- 29. Windows.** Windows shall comprise at least 25 percent of any street-facing façade.
- 30. Yard Lights.** An energy efficient street oriented yard light, maximum height of 8 feet is required, where public street lighting is inadequate, per street facing facade with a minimum lighting capacity of 0.2 foot candles and/or 500 lumens. Yard lights shall direct the light downward and include cut offs to prevent dark sky illumination. Yard lights shall be located within 5 feet of the ROW.

B. Additional Design Standards for Single-Family and Two-Family Buildings

- 1.** All residential units shall have a private outdoor space in the form of a balcony and/or patio with a minimum of 100 square feet.
- 2.** Buildings shall conform to the building envelope requirements established in MKC 19.71.030 (B)(6).
- 3. Garages.** Each unit must have at least one covered parking space in an attached garage. Garage doors shall utilize complimentary colors and include windows. The space in front of the garage shall include sufficient area to park two cars without infringing on the ROW. Driveways shall have a minimum length of 20'. Garages shall not be the only means of entry into a dwelling unit. Attached arages shall not extend more than 2 feet

beyond the front façade. Garages shall include 220 power for electric vehicle charging.

4. **Private Driveways.** No driveway or combined driveway with the adjacent unit shall exceed 24 feet in width unless such driveways are separated by a minimum 5 foot wide irrigated planter that includes at least one shrub and one medium size tree. No driveway or driveways may occupy more than 40% of the front yard. Driveways located on a street with a ROW greater than or equal to 66' shall include a means to avoid backing out onto the public street, such as a circular drive.

C. Additional Design Standards for Three-Family and Four-Family Buildings

1. **Balconies or Patios.** All 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.
2. **Private or Shared Driveways.** No more than two units may share a driveway. No driveway or combined driveway with the adjacent unit shall exceed 24' in width unless such driveways are separated by a minimum 5' wide irrigated planter that includes at least one shrub and one medium size tree. Driveways located on a street with a ROW greater than or equal to 66' shall include a means to avoid backing out onto the public street, such as a circular drive.

D. Design Standards for Multifamily Buildings Containing Five or More Dwellings

1. **Balconies or Patios.** All 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.
2. **Open Space Amenities.** Open space amenities and gathering spaces shall reflect the market that the development is attempting to attract. Projects with over twenty units shall include a landscaped passive common open space sufficient for outdoor activity with a minimum area of 5,000 square feet. Useable open space shall not include parking lots, buildings except clubhouses, set back areas less than 20', and narrow landscaped strips.
3. **Parking.** No more than one row of parking is allowed between any building façade and the property line along a right-of-way.
4. **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.

E. Design Standards for Non-Residential Buildings. Design standards for non-residential buildings shall follow the design requirements found in MKC 19.60.060 (C).

F. Design Standards for Mixed Use Buildings. Design standards for mixed use buildings containing residential uses shall follow the design requirements found in MKC 19.60.060 (C) and (D).

G. Management. 24-hour on-site management is required for all residential developments consisting of more than 50 dwelling units.

H. Subdivision Requirements.

1. Subdivisions consisting of two-family, three-family, or four-family dwellings are prohibited, unless all units front a public right-of-way.

2. **Subdivision of Attached Dwelling Units.** A lot containing attached side-by-side dwelling units (having been previously approved as permitted or conditional uses) may be subdivided, creating new lot lines along the shared common walls and extending these lines to the front and rear lot lines. Such divisions shall be subject to the following requirements:

i. A subdivision plat shall be prepared consistent with the requirements of the Millcreek Subdivision Ordinance.

ii. The subdivision plat shall specifically note that the purpose of the subdivision is to accommodate the division of attached dwelling units.

iii. The minimum area of the lot containing each unit shall be three thousand square feet and the minimum width shall be 20 feet in the R-M zones, provided that the aggregate area of the lots in the subdivision is equal to or greater than the minimum area required for the number of units set forth in Table 19.44-3 above.

iv. The minimum front, side, and rear yards not immediately adjacent (attached) to another dwelling in the same development shall be as set forth in Table 19.44-3 above.

I. Planned Unit Development Requirements. As an incentive to encourage ownership within a development, a reduction in the acreage requirements for PUDs, with at least 8 units, is allowed.

19.44.060 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. Verification of Ownership.** The property shall be in single or corporate entity ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- B.** Mandatory preapplication conference meeting with City representatives from the City.
- C.** 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.
- D.** 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.
- E. 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.

19.44.070 General Standards of Applicability

- A. The use and development of property within the RM zone is also subject to other applicable chapters in the zoning ordinance, including but not limited to Off-Street Parking, MKC 19.80, Water Efficient Landscaping, MKC 19.77, Signs, MKC 19.82, and Fencing MKC 19.95.
- B. Standards in other chapters may apply. In the event there is language elsewhere in the Millcreek Code that conflicts with language in this chapter, the standards or guidance in this chapter prevail.

- 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 including any requests for modifications of the ordinance requirements, 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.

Chapter 19.78 PLANNED UNIT DEVELOPMENTS – PC REVIEW DRAFT

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19.78.010 Purpose

The purpose of a planned unit development (PUD) is:

- A. To provide a high quality living environment, and to utilize and incorporate natural features in the land development design.
- B. To provide a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
- C. To provide good and compatible neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to allow for greater flexibility and diversity in the physical pattern of the development.
- D. To provide developments compatible with existing residential uses while maintaining a harmonious environment within the community.
- E. To create mixed use areas designed to be beneficial to the neighborhood.
- F. To ensure substantial compliance with the intent of this chapter related to the public health, safety and general welfare, while securing the efficient use of the land for residential, or a combination of commercial and residential development.

~~It is the intent of this chapter that the development plan for a planned unit development shall be prepared by a designer(s) having professional competence in urban planning.~~

19.78.020 Applicability And Area Requirements

A planned unit development is a conditional use that is only allowed for residential uses, except as provided in [MKZMKC 19.78.040](#), and in zones that allow residential uses. The provisions in this chapter shall ~~govern over~~[comply with](#) the chapters relating to these other zones and other chapters in this title, with the exception of the FCOZ ordinance, [MKZMKC 19.72](#) and [MKZMKC 19.73](#), and the RCOZ ordinance, [MKZMKC](#)

19.71. In the event of a conflict between the standards in this chapter and in other relevant chapters, the more restrictive standard shall apply. A planned unit development in these zones shall have a minimum area of three acres, with the following exceptions:

- A. Existing condominium developments that cannot be sold or refinanced without the common area adjoining the homes in the development being divided up into individual lots that include the adjoining homes, and where these newly created lots would not qualify as traditional subdivision lots under City ordinance. In such cases, the newly created lots may qualify as a planned unit development if the development is at least one acre in size. Such a development shall be exempt from the provisions of this chapter, except MKZMKC 19.78.090 — MKZMKC 19.78.130 relating to review of the development.
- B. Developments abutting or contiguous to a corridor as defined in the general plan shall have a minimum area of one acre with at least 150 feet of frontage along a right-of-way of at least 60 feet in width are exempt from the minimum acreage requirement, but shall consist of at least eight (8) units. . To qualify as a development that is abutting or contiguous to a corridor, said development shall have a minimum frontage of the sum of the required minimum lot width of two lots as determined by the current zoning designation.

19.78.030 Development Requirements

The following are required for all developments:

- A. Ownership. The property shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- B. Open Space. Common and private open space shall be provided and shall cover no less than forty percent of the gross site area. Common open space shall be provided in the amount of at least twenty percent of the gross site area. For purposes of this chapter, gross site area is defined as the total area of a planned unit development excluding anything in the public right-of-way.

The required common open space shall be land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes common walkways, excluding required curb and gutters, (but not curb gutter sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with thirty percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed

as an integral element of the project.

Private open space is that space which is provided for each dwelling unit for personal use. Private open space is typically located immediately adjacent to or attached to the dwelling unit it is designed to serve and is for the exclusive use of the residents of the dwelling unit. Landscaped roof areas, balconies, or decks attached to individual units are considered private open space and are not to be calculated as part of required common open space. Open space development is also subject to the open space requirements established in the underlying zone.

~~The planning commission may reduce the open space requirements of this section in order to accommodate a density bonus provided for in this chapter.~~

C. Interior Streets. The design of public and private streets within a development shall follow applicable standards for roadway development as ~~defined by the City~~adopted by the Millcreek Transportation Master Plan. Private streets shall be subject to the same inspections and construction standards as required for public streets. The City shall be granted a utility easement of the entire interior street system in a development project. All private streets shall be conveyed to a private association. In no case may an interior street or shared driveway have a unobstructed drivable surface of less than 25 feet. The unobstructed drivable surface may be increased pursuant to fire code requirements. Streets with a pavement width of 25 feet shall have curb, gutter, and sidewalk on either side. Streets with a pavement width that exceed 26 feet are allowed to have one interior sidewalk on either side of the interior street.

D. 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 ten feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

E. Parking

1. Parking shall meet the requirements established in MKC 19.80.
2. Parking is prohibited within approved fire access and turn-around facilities.
3. Each residential unit in a PUD shall have at least one enclosed parking stall in a garage or a shared parking structure.
 - a. **Private Garage Parking.** 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.

- b. Covered parking, if used, shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.
- c. Tandem spaces may be allowed with a minimum size requirement of twenty feet long by ten feet wide per parking space, up to a maximum of two contiguous spaces per unit. Tandem spaces shall not be used for required parking that is shared between units, or for guest parking.
- d. Tandem spaces may be allowed with a minimum size requirement of twenty feet long by nine feet wide per parking space, up to a maximum of two contiguous spaces per unit.
- e. Parking in a private garage or driveway shall not be included in any required guest parking calculation.

C._____

~~D. 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 ten feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.~~

E. Parking. The following minimum parking shall be provided for all multi-family projects under this chapter:

1. Table of Parking Ratios.

<u>— One bedroom unit</u>	<u>— 1.5 parking spaces per unit</u>
<u>— Two or more bedroom units</u>	<u>— 2.0 parking spaces per unit</u>
<u>— Guest parking spaces</u>	<u>— 0.33 parking spaces per unit (min. of 6)</u>
<u>— Storage parking spaces for recreational vehicle storage</u>	<u>— Not Allowed</u>

2. ~~The parking requirements identified in this section supersede other parking requirements in this title.~~
3. ~~All parking areas, covered or open, except garages, shall have a landscaped buffer in accordance with MKZ 19.77, Water Efficient Landscape Design and Development Standards.~~
4. ~~Developments offering the amenities listed below are entitled to the applicable parking reductions. These reductions are not mandatory, but if they are chosen, are cumulative. The planning commission may further modify the required parking with support of a traffic study.~~

~~Eligible Unit Parking Reductions~~

~~—AMENITY~~	~~—REDUCTION (stalls/unit)~~
~~—Car Sharing (minimum 100 dwelling units)~~	~~—0.05 per care share vehicle~~
~~—Bicycle Lockers/Storage (1 space per unit required)~~	~~—0.05~~
~~—Bicycle Share (on-site self serve bike station)~~	~~—0.05~~
~~—Development supplied transit passes for all residents~~	~~—0.15~~
~~—Proximity of development within 1/4 mile of a rail or Bus Rapid Transit (BRT) station~~	~~—0.20~~
~~—Proximity of development within 1/2 mile of a rail or Bus Rapid Transit (BRT) station~~	~~—0.10~~
~~—Senior Housing~~	~~—0.20~~
~~—Housing for students (< .25 miles from campus)~~	~~—0.10~~
~~—For Mixed Use PUDs (MKZMKC 19.78.040), shared parking that allows both customers and residents to park in the same spaces.~~	~~—0.20~~

5. ~~Parking is prohibited within approved fire access and turn-around facilities.~~
6. ~~Garages are encouraged.~~
 - a. ~~Garage parking, if used, 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. Single car garages are also permitted and 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.~~

~~b. Covered parking, if used, shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.~~

~~c. Tandem spaces may be allowed with a minimum size requirement of twenty feet long by nine feet wide per parking space, up to a maximum of two contiguous spaces per unit.~~

~~d. Tandem spaces may be allowed with a minimum size requirement of twenty feet long by nine feet wide per parking space, up to a maximum of two contiguous spaces per unit.~~

~~7. Underground parking. Installation of underground parking adequate to meet fifty percent of the parking requirements of this section excluding guest parking, shall receive a twenty percent density bonus for the planned unit development.~~

F. Building Materials. Building materials shall comply with the development standards established in the underlying zone. Where not specified, Exterior~~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 fifty percent on street-facing facades. 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.

G. Landscaping on Public Right-of-Way. With the exception of Forestry Zones, 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),~~ except fences as required by MKC 19.77.050 or MKC 19.95 and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per ~~MKZ~~MKC 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~~MKC 19.77 with a 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~~MKC 19.77.

~~G.~~ 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.

H. Perimeter Fencing. With the exception of Forestry Zones, fencing around the perimeter of all developments shall be provided. 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 pillar spaced every ~~ten~~ twelve 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 five feet from the property line to allow for a landscaping buffer designed in accordance with MKZMKC 19.77 to soften long expanses of walls. Interior fencing shall comply with MKZ 19.78.030(11)(f); MKC 19.95.

- I. Interior Street Lights. With the exception of Forestry Zones, street and pedestrian lighting for streets on the interior of the PUD is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum average foot-candles for ~~local residential roads (thirty-five foot maximum)~~ private rights-of-way and local roads as identified in the Millcreek Transportation Master Plan shall be 0.3, and shall be 0.5 for ~~residential collector roads (thirty-six foot—forty-five foot)~~ all other roads as identified in the Millcreek Transportation Master Plan.

- J. Signage. Only ~~low profile monument or flat/wall~~ signs ~~with a maximum size of fifty square feet, and five feet in height~~ are allowed, subject to the standards of MKC 19.82. No temporary signs are allowed other than for sale or rent signs with a maximum of six square feet in area per side. Only three such signs are allowed per three hundred feet of frontage. The size, location, design and nature of signs, if any, and the intensity and direction of any associated lighting shall be detailed in the application, and, except as provided in this chapter, shall be consistent with the characteristics of the community and MKZ 19.82, Signs.

- ~~K-J.~~ Site Plan. All developments shall be guided by a total design plan in which the following development standards may be varied to allow density bonuses, and flexibility and creativity in site design and building location. The planning commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the planning commission principally to assure the design objectives of this section are met.

- ~~1. Density. Subject to the following density bonuses, the density allowed for a development shall be no greater than that allowed in the zone in which it is located. Density shall be calculated using only net developable acreage. A density bonus in the following amounts is allowed if either or both of the following conditions exist:~~

- ~~a. For developments with underground parking that is adequate to meet the parking requirements of this chapter excluding guest parking, a density bonus of twenty percent is allowed pursuant to MKZ 19.78.030(5)(g); and/or~~
~~b. For developments within one-quarter mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density~~

~~bonus of twenty percent is allowed. For developments within one-half mile (improved walking distance) of a rail or BRT station, but greater than one-quarter mile, a density bonus of ten percent is allowed.~~

~~2.1. _____~~ Maximum Height. ~~For the purpose of this chapter, building height is to be measured from the lowest point of original grade to the highest ridge.~~

~~a. For any PUD adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), the maximum height for structures on the perimeter of the PUD adjoining said zones shall be twenty-eight feet. The maximum height of all other structures in such a PUD shall be thirty-five feet. PUDs with one building only, are allowed a rooftop garden or patio provided the rooftop garden or patio has a minimum setback of seventy-five feet from the property line. For purposes of this chapter, a structure on the perimeter is defined as any structure within fifty feet of the property line of the PUD.~~

~~(1) The height of buildings along the perimeter of a planned unit development adjoining a residential zone may be increased to the maximum height allowed in the underlying zone by one foot increments, with each additional one foot height increment requiring an additional one foot in setback from the perimeter (see figure 1 below for graphical rendering). PUDs shall conform to the applicable height and height transition requirements in the underlying zone. In zones where no height transition requirement is established, the maximum height for buildings or structures within 100 feet of an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone") boundary shall not exceed 28 feet.~~

~~b. _____~~

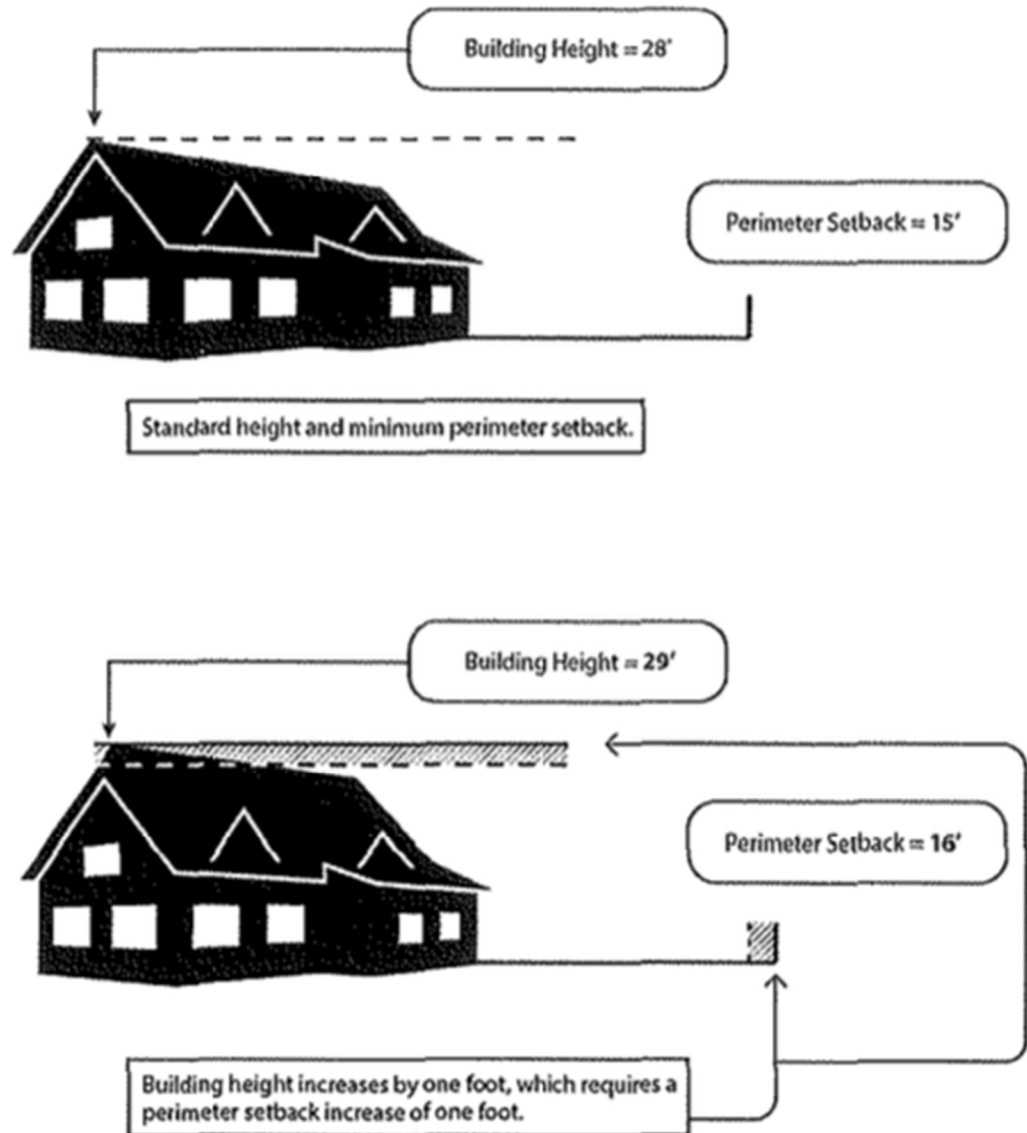
~~b. The height of structures in all other planned unit developments shall conform to the otherwise applicable ordinances.~~

~~c. At the discretion of the planning commission, height for dwelling structures along corridors as defined in the general plan and not adjoining a residential zone, may be increased by an additional five feet to accommodate a density bonus provided for in this chapter.~~

~~d.c. _____~~ Notwithstanding the above, the ~~planning commission~~Planning Commission may at its discretion reduce or increase the otherwise stated maximum heights ~~if mitigation is warranted in order to mitigate reasonably anticipated detrimental effects~~, but only in cases where unusual topographical or other exceptional conditions or circumstances exist, such as the height of surrounding buildings.

Figure 1. An illustration of height allowance as described in 11.b.1.a. above when approved by the planning commission, where for every foot increase in height requires a foot increase in minimum setback. This provision is designed to soften the impact to

adjacent properties while allowing for increases in height where appropriate.



3-2. Perimeter Setbacks. Unless a greater setback is required in the zone in which a PUD is sought, Buildings buildings and structures (including covered decks or covered patios, or decks or patios in excess of eighteen inches above existing grade) located on lots on the perimeter (excluding the public frontage defined in [MKZMKC 19.78.040](#) of the development), shall have not less than a fifteen-foot setback from the perimeter lot line, and shall have a setback from a right-of-way as prescribed by the underlying zone and [MKZMKC 19.77](#). Otherwise, no specific yard, setback, or lot size requirement is imposed by this chapter. However, the purpose and design objectives of this chapter must be complied with in the final development plan, and the planning commission may require specific setbacks within all or a portion of the development to maintain harmony with the existing character of the neighborhood.

- 4.3. Site Calculations. Specific calculations which address the percentage of open space, impervious versus pervious surfaces, and site improvements shall be submitted by the applicant with all project applications.
- 5.4. Traffic Circulation. Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian paths with a minimum width of five feet, and may include bicycle paths, preferably separated from vehicular traffic. Where recreational facilities exist or are planned adjacent to the proposed development, such pedestrian and bicycle paths shall connect to these facilities.
- 6.5. Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
- 7.6. Sidewalks. With the exception of forestry zones, as required elements of a development, interior sidewalks with a minimum width of five feet shall be installed to serve the units and connect to the public street.
- 8.7. Utilities. All utilities shall be located underground, except as may be provided for in state law. Utility equipment and HVAC units shall be screened from view and shall not front, preferably, not fronting on a public street.
- 9.8. Private outdoor spaces. Each residential unit shall be required to have an outdoor patio/rear yard space with a minimum of one hundred square feet, or a balcony with a fifty square foot minimum.
- ~~K. Desirable Amenities. Amenities that are identified in the Salt Lake County Recreation and Open Space Standards Policy for areas within the City and by this reference the same is incorporated by reference for areas within the City shall be installed in accordance with that policy. Where conflicts exist with this chapter and the Salt Lake County Recreation and Open Space Standards Policy, requirements identified in this chapter shall supersede.~~
- L. Each residential development is required to include recreational amenities as part of the development based on the number of bedrooms. Below is a list of possible recreation facilities. The figures shown represent the minimum size a facility must be to receive credit as a recreation facility.
- M.
1. Basketball Court - 1,600 sq. ft., Volleyball Court - 3,500 sq. ft., Sports Court - 1,600 sq. ft.

2. Tennis Court - 7,000 sq. ft./court, Swimming Pool - 800 sq. ft., does not include surrounding decks, etc.
3. Package of leisure activity areas, including but not limited to putting greens, horseshoes, shuffle board, pickleball courts.
4. Picnic Area - 500 sq. ft., equipped with a pavilion/gazebo and tables, benches, grills and trash receptacles for people to gather, cook, eat, and relax.
5. Community Center - 1,200 sq. ft., includes at least one recreation facility such as table tennis, billiards, weight room, handball courts, or social area with television, business center or workshare space.
6. Lawn area for non-organized sports - 12,000 sq. ft. and at least 60 feet wide. Landscaping must be done in a manner that preserves the openness of the area for such activities.
7. Path - 1,000 ft minimum length and 6 foot minimum width. A cleared way for pedestrians (other than sidewalks) that may or may not be paved, and is used for bicycling, walking, skating, or jogging.
8. Playground - An active recreational area with a variety of facilities, including equipment for younger children. When adjacent to any parking area, road, or other hazardous place the playground must be fenced with an open-style fence.
9. Other - Any facility not listed that is determined by the Planning Commission to be appropriate.

10. Required Number of Recreation Facilities. The required number of recreation facilities is based on the number of bedrooms in a multifamily development, as described in Table 19.78-1

<u>Total Number of Bedrooms</u>	<u>Total Number of Facilities</u>
<u>10-75</u>	<u>1</u>
<u>76-150</u>	<u>2</u>
<u>151-225</u>	<u>3</u>
<u>226-300</u>	<u>4</u>
<u>301-400</u>	<u>5</u>
<u>401-500</u>	<u>6</u>
<u>501-600</u>	<u>7</u>
<u>601-700</u>	<u>8</u>
<u>701-800</u>	<u>9</u>
<u>801-900</u>	<u>10</u>
<u>901-1000</u>	<u>11</u>
<u>1001-1150</u>	<u>12</u>
<u>1151-1300</u>	<u>13</u>
<u>1301-1450</u>	<u>14</u>
<u>1451-1625</u>	<u>15</u>
<u>1626-1800</u>	<u>16</u>
<u>1801-1975</u>	<u>17</u>
<u>1976-2150</u>	<u>18</u>

2151-2325	19
2326-2500	20

~~L.~~

[N.](#) Miscellaneous. Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Low impact/water retention development techniques are encouraged to manage stormwater onsite including but not limited to planter boxes, rain gardens, and bioswales in the open spaces.

[M.O.](#)

Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be designed as integrated portions of the total development and shall project the residential character.

HISTORY

Amended by Ord. [19-19](#) on 5/28/2019

19.78.040 Planned Unit Development Mixed-Use

~~In a planned unit development, vertical mixed use is allowed in zones that allow both residential and commercial and/or office uses, provided it meets the following requirements, in addition to the other requirements in this chapter. For purposes of this section, vertical mixed use means commercial or office uses sharing the same building as residential uses.~~

- ~~A. The property is abutting or contiguous to a corridor as defined in the general plan, or major or minor arterial ("street").~~
- ~~B. Commercial uses shall only be allowed on the first floor of buildings fronting on the street. Office uses shall only be allowed on the first and second floor of buildings fronting on the street. Entrances to the first floor of these buildings shall front on the street. Windows shall make up at least fifty percent of street facing facades of these floors. These floors shall have architectural differentiation from the other floors in the building.~~
- ~~C. Parking is not allowed between the building(s) and the street.~~
- ~~D. The front yard setback shall be fifteen feet, except as provided in subsection (E), and the side and rear yards shall be twenty feet minimum. Corner lots are deemed to have two front yards.~~
- ~~E. The front yard setback is the build-to-line. At least fifty percent of the front elevation of the building(s) must be built within ten 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 façade is to occur on a lot, running parallel to the~~

~~front property line, and ensuring a uniform (or more or less even) building façade line on the street.~~

~~F. Landscaping along the street shall comply with this chapter and MKZ 19.77.~~

~~G.A. Signage for commercial or office uses shall be limited to signs on the building(s) that comply with MKZ 19.82. In zones where mixed use developments are permitted, such developments may be approved as planned unit developments, subject to the requirements of this chapter and the requirements of the underlying zone.~~

19.78.050 Maintenance Of Common Facilities

- A. A development shall be approved subject to the submission and recordation of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan.
- B. Terms in the final development plan governing maintenance of common open space and other facilities shall comply with applicable provisions of the Utah Condominium Ownership Act, Title 57-8-101, et seq., or the Utah Community Association Act, Title 57-8a-101, et seq.

19.78.060 Review Process

The review process for a PUD shall follow the process outlined in MKC Title 18 and the process established in this section.

- A. Pre-Submittal Development Review. To help expedite review of a development proposal, prior to submitting a complete application for development, persons interested in undertaking development shall meet with a member(s) of the planning staff for a planner/applicant meeting, to become acquainted with the substantive and procedural requirements of this chapter.
- B. Standard Operating Procedure (SOP). Staff creates, revises, and adheres to a development review standard operating procedure, to assist in the management and processing of applications. Applicants are encouraged to obtain a copy of the current SOP from planning and development services staff, and to seek guidance with respect to the review and understanding of the development review SOP from staff.
- C. Application. An application for a development must be submitted to planning and development services. As each development application is different and unique, application documents may vary with respect to content and need for specific reports and/or studies. Consultation with staff and examination of the development review SOP will guide the applicant through the review process and identify all submittal documents that will be required to formalize a complete application.

1. Site plan that satisfies the requirements of ~~MKZ~~MKC 19.78.030(11).

2. Landscaping plan. A landscape plan is to be prepared in accordance with [MKZMKC](#) 19.77. Staff can ask for justification of elements included in the landscape plan.
3. Architectural building elevations. The location and floor area of all existing and proposed buildings, structures, and other improvements including heights, types of dwelling units, non-residential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures and improvements, shall be prepared by a licensed architect or other qualified professional.
4. Lighting plan.
5. [A street tree planting plan.](#)
- ~~4.6.~~ [A tree preservation plan as required by MKC 19.77.](#)
- ~~5.7.~~ Subdivision plat.

19.78.070 Preliminary Review

When a complete application has been accepted by staff, reviews completed by staff and related agencies, and subsequent comments identified by staff and substantially addressed by the applicant, the application is scheduled for a community council meeting and a public hearing before the appropriate planning commission for their review and decision. Additional adjustments, revisions, or re-submittals may be required during this process to identify all concerns related to conformance with the intent of this chapter. Failure to submit complete and consistent information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

19.78.080 Planning Commission Review

When preliminary review of the application has been determined to be complete and in compliance with all requirements, the plans and preliminary plat together with all supporting information will be forwarded to the planning commission for review. If the property is to be subdivided, all requirements set forth in MKC 18, Subdivisions, must be met.

In accordance with [MKZMKC](#) 19.05.040 and Utah Code § 10-9a-507, the planning commission shall review the proposed development plan to hear and receive public input and to determine if all reasonably anticipated detrimental effects have been substantially mitigated. The planning commission may require additional studies or analyses to enable it to determine how impacts should be addressed and may establish reasonable conditions of approval to address ~~those anticipated impacts~~[standards of review and reasonably anticipated detrimental effects](#), as per [MKZMKC](#) 19.84.060.

19.78.090 Validity Of Preliminary Review

- A. Once the planning commission determines that preliminary review is complete, the preliminary plat or approved site plan is valid ~~(twelve months for the preliminary plat and twelve months for the site plan).~~, [subject to the timelines](#)

[established by MKC Title 18.](#) The division director may grant a one-year extension of the preliminary plat or approved site plan, provided the plat still complies with all applicable ordinances.

- B. If a PUD subdivision will be recorded in phases, a final plat for the first phase must be recorded within one year of the initial planning commission approval or one-year extension thereof, the validity of the unrecorded portions of the approved preliminary plat will extend for one year from the recording date of the plat for the previous phase. Extensions of time beyond three years from the date of initial approval require review and approval of the planning commission prior to the then current expiration of the preliminary plat.

19.78.100 Post-Planning Commission Approval

After completing the preliminary review by the departments, agencies, and planning commission, the applicant shall submit a final site plan and preliminary and final subdivision plats together with all supporting documents which comply with all requirements, corrections, additions, etc. required by the departments, agencies, and planning commission to the planning and development services division (hereinafter known as the "development plan").

- A. The ~~planning and development services division~~[Planning Department](#), along with the other reviewing departments and agencies, shall review the proposed development plan to verify compliance with all requirements, corrections, additions, etc.
- B. After such review, the item may be scheduled for review by the planning commission upon referral by the division director or at the request of the planning commission. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form.

19.78.110 Amendments To The Development Plan

The division director or designee may authorize minor changes in the location, siting, or character of buildings and structures if required to resolve an engineering or other technical issue, or other circumstances not identified at the time the final development plan was approved. No change authorized under this section may cause any of the following [changes](#) ("major changes"):

- A. A change in the use and/or character of the development.
- B. An increase in the overall density and/or intensity of use.
- C. An increase of more than five percent in overall coverage of structures.
- D. A reduction or change in character of approved open space.
- E. A reduction of required off-street parking by more than five percent.
- F. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, or utility networks.
- G. A reduction in required street pavement widths.
- H. An increase in building height.

- I. A decrease in building setback.

Any major changes must be proposed to the planning commission after receipt of a recommendation by planning staff. Proposals under subsection A through I above require the filing of a new application. ~~Generally speaking, any major~~Major changes ~~must be~~are subject to a modification of a preliminary conditional use approval and preliminary plat approval, and shall be approved by the Planning Commission. ~~recorded as amendments in accordance with the procedure established for adopting the final development plan.~~

19.78.120 Failure To Begin Development

If no substantial construction has occurred in the development pursuant to the final development plan within twelve months from final approval, the approved plan shall become null and void and a new development plan and application shall be required for any development on the subject property. The division director, upon a determination of good cause based on evidence submitted by the applicant, may extend the time for beginning construction a maximum period of twelve months for one time only.

19.78.130 Phased Planned Unit Development

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by staff to ensure that individual phases of the development comply with all requirements, including that the open space and/or recreational facilities are installed proportionately with the approved phasing plan.