

MILLCREEK, UTAH
ORDINANCE NO. 20-13

**AN ORDINANCE ADOPTING NEW DEFINITIONS IN CHAPTER 19.04 OF THE
MILLCREEK CODE OF ORDINANCES WITH RESPECT TO 19.04.103, 19.04.306,
19.04.307 AND ADOPTING CHAPTER 19.63 INSTITUTIONAL FACILITIES ZONE**

WHEREAS, the Millcreek Council (“Council”) met in regular session on March 23, 2020 to consider among other things, approving an ordinance adopting new definitions in chapter 19.04 of the Millcreek Code of Ordinances with respect to 19.04.103, 19.04.306, 19.04.307 and adopting chapter 19.63 Institutional Facilities Zone; and

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

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

WHEREAS, City staff, City consultants, and other persons have recommended that the Council revise the Zoning Ordinance; and

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

WHEREAS, on January 28, 2020 the required notice was published; and

WHEREAS, on February 19, 2020 the proposed amendment was submitted to the planning commission for its recommendation; and

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

WHEREAS, at the February 19, 2020 planning commission meeting the Millcreek Planning Commission recommended amending various sections of Title 19 of the Millcreek Code of Ordinances; and

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

WHEREAS, on March 18, 2020 the Council caused the required notice to be given; and

WHEREAS, on March 23, 2020 the Council considered adopting various sections of Title 19 of the Millcreek Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED by the Council that Title 19 Zoning be adopted as attached.

This Ordinance, assigned Ordinance No. 20-13, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 23rd day of March 2020.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 20-13: AN ORDINANCE ADOPTING NEW DEFINITIONS IN CHAPTER 19.04 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO 19.04.103, 19.04.306, 19.04.307 AND ADOPTING CHAPTER 19.63 INSTITUTIONAL FACILITIES ZONE

was passed and adopted the 23rd day of March, 2020 and certifies that a summary was published in the Deseret News and Salt Lake Tribune the ___ day of March, 2020.

Elyse Sullivan, City Recorder

Definitions to be added in 19.04

19.04.103 “Campus” means the entire contiguous area primarily used by one or more organizations with a common purpose regardless of property lines, ownership or interior, private streets, not separated by a public right of way.

19.04.306 “Institution” means an established organization such as a hospital.

19.04.307 “Institutional Facility” means buildings or structures, or a group of buildings or structures, and grounds used by an institution or any accessory uses that support an institution.

Chapter 19.63 Institutional Facilities Zone (IF Zone)

19.63.010 Purpose of Provisions

A. The purpose of the Institutional Facilities (IF) Zone is to promote institutional projects, and supporting commercial, of regional significance that are developed as campuses to increase employment and economic vitality in Millcreek while enforcing design that is sensitive to single-family neighborhoods. The development standards in this chapter regulate impacts that may be caused to immediate neighborhoods. The permitted uses under this zone are intended to meet the needs of Millcreek residents.

B. Considerations for Rezone

1. It is the intent of Millcreek to restrict the IF Zone to site specific locations which facilitate the creation of valuable centers or future center study areas, as defined in the future land use map.

19.63.020 Applicability and Area Requirements

A. Any campus located in the IF Zone shall have a minimum area requirement of three acres.

B. For rezone considerations, the City Council may impose larger area requirements to mitigate any detrimental effects described under 19.84.060.

C. Any campus located in the IF zone must be a contiguous group of parcels not separate by a public right of way.

19.63.030 Other Zoning Regulations

A. The regulations in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks may be subject to additional regulations. The Millcreek Adopted Zoning Map indicates sites with multiple zones. Specific uses or developments may also be subject to further regulations.

B. The use and development of property within the IF Zone is also subject to other applicable chapters in the zoning ordinance such as, but not limited to, Off-Street Parking MKZ 19.80, Water Efficient Landscaping MKZ 19.77, Signs MKZ 19.82, Flood Plains 19.74, and Geologic Hazards 19.75

C. In the event there is language elsewhere in MKZ Title 19 that conflicts with language in this chapter, the more restrictive standard prevails.

19.63.040 Neighborhood Contact and Outreach

A. Purpose. Institutions are encouraged to be active and invested in the nearby community. This section is intended to promote ongoing communication between campus institutions and other uses and to provide courtesy notices of large construction projects that may impact adjacent properties.

B. Any development, modification, addition, alteration to any use on a property located in the IF zone or intended to be rezoned to the IF zone that exceeds 10,000 square feet in gross square footage or exceeds 30 feet in height shall adhere to the following noticing requirements:

1. Noticing Requirements

a. Notice shall be mailed at least fourteen days prior to submitting for a permit or application to Millcreek, including building permit, to property owners within 300 feet of the campus perimeter.

b. Notice shall be given electronically at least fourteen days prior to submitting for a permit or application to Millcreek, including building permit, to the Chair for the Community Council in which the subject campus is located.

C. The notice shall at a minimum consist of general timeline of construction, scope of work, anything in the construction that may interrupt regular flow of traffic or that takes place in a public right of way, and contact information of the project manager or a designee that can answer questions or address concerns.

D. Upon applying for any permit or application that requires noticing per 19.63.020 (B) it is the burden of the applicant to provide proof that all noticing requirements have been met.

E. Exemption. If the scope of the project has already met the requirements of 19.63.020 (B) as part of a land use review process, it is exempt from the neighborhood contact requirements.

19.63.050 Permitted, Conditional, Limited Uses

All uses in the IF zone are subject to 19.63.065 Required Mitigation

Any uses not explicitly described under section 19.63.040 are prohibited.

TABLE 19.63-1: INSTITUTIONAL FACILITY ZONE PERMITTED AND CONDITIONAL USES

Permitted uses are designated in the following table with a “P”
Conditional uses are designated in the following table with a “C”

USES	IF	Limitation or Condition
Accessory Buildings	P	Accessory Buildings are subject to the Bulk and Yard Requirements found in Development Standards established in 19.63.060
Assisted Care or Nursing Facility	P	

USES	IF	Limitation or Condition
Bed and Breakfast	P	Only permitted as an accessory use. Heights limited to 35 feet.
Parking Lot or Parking Structure	P	Only permitted as an accessory use.
Drive-Through Window for bank or pharmacy.	P	Only permitted as an accessory use. Not allowed within 150 feet of a residential use.
Auditorium, theatre or meeting facility for the purpose of education, business or entertainment	P	Only permitted as an accessory use. An entertainment use in the IF zone may not occupy a space greater than 5,000 square feet, excluding parking and required site improvements.
Food Trucks	P	Only permitted as an accessory use. Food trucks in the IF Zone may only operate between the hours of 9:00 am and 9:00 pm.
General Retail	P	See 19.04.463 (B) & 19.63.062
General Service	P	See 19.04.466 (B) & 19.63.062
Generators, Emergency Power Systems, and Medical Gas Supply System Tanks	P	New generators, emergency power systems, and medical gas supply system tanks shall be located no closer than 30 feet from a residential zone boundary. All such systems shall be screened from view from abutting residential properties by the use of fencing or landscaping. All such systems shall incorporate sound attenuation designs, including but not limited to sound walls, sound baffles, or appropriate landscaping.
Hotel / Motel	C	May not exceed 40 feet in height.
Licensed Massage Therapy Practices	P	Only permitted as an accessory use. Permitted, subject to the following requirements: Each Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek business license.
Office	P	Only permitted as an accessory use.
Public	P	
Quasi-Public	P	
Civic Uses	P	
Residential Facility for Persons with a Disability	P	Subject to standards in MKC 19.87
Residential Facility for the Elderly	P	
School – public, charter, private	P	

TABLE 19.63-2: IF ZONE DISTRICT PROHIBITED USES INCLUDE BUT ARE NOT LIMITED TO:

USES
Detention Facility or Jail as a principal use
Indoor or Outdoor Gun Range

Outside Storage
Displays (products held for sale)
Dwelling groups, Residential Planned Unit Developments, Residential condominiums, and Short-Term Rentals
Equipment, car or truck rental
Outdoor Kennel
Sexually Oriented Businesses
Retail Tobacco as a Principal Use
Reiki as a Principal Use
Sale of lease of new or used vehicles of all types, moving trucks, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles
Self-storage facility of all types, including mini-storage units, neighborhood storage and temperature-controlled storage facilities
Taxicab and/or Limousine Businesses
Manufactured Home Park or Manufactured Home Subdivision
Short-Term Loan Service, such as payday lenders, title lenders, and check cashing services
Impound Yards, Vehicle Recycling, Junk Yards
Light Industrial
Warehousing as a Principal Use
Outdoor commercial recreation, outdoor commercial amusement, or outdoor commercial recreation
Vehicle Service and Repair or Sale
Pawnshop, smoke shops and related products, and retail tobacco as the principal use
Tattoo businesses
Tavern
Recreational vehicle campgrounds
Impound, Vehicle Recycling, and/or junk yards

19.63.060 DEVELOPMENT STANDARDS

Table 19.63-3

	IF Zone
MINIMUM LOT WIDTH	300 Feet
MAXIMUM BUILDING HEIGHT	See 19.63.061
MAXIMUM LOT COVERAGE	80 Percent
MINIMUM OPEN SPACE	20 Percent
MINIMUM BUILDING HEIGHT	1 story, See Footnote 2.
MINIMUM FRONT YARD SETBACK	20 Feet

MINIMUM REAR YARD SETBACK	10 Feet
MINIMUM REAR YARD SETBACK WHEN ABUTTING R-1, R-2, OR R-4	20 Feet
MINIMUM SIDE YARD SETBACK	10 Feet
MINIMUM SIDE YARD SETBACK WHEN ABUTTING R-1, R-2, R-4	20 Feet
MINIMUM SIDE YARD SETBACK ADJACENT TO A PUBLIC STREET	20 Feet
ACCESSORY STRUCTURE MINIMUM SIDE YARD SETBACK ADJACENT TO A PUBLIC STREET	20 Feet
ACCESSORY STRUCTURES: REAR AND SIDE YARD SETBACK	10 Feet
ACCESSORY STRUCTURES: REAR AND SIDE YARD WHEN ABUTTING R-1, R-2, R-4	20 Feet
ACCESSORY STRUCTURE MINIMUM AND MAXIMUM HEIGHT	1 Story subject to exceptions per 19.63.061 C.
PARKING STRUCTURE MINIMUM SETBACK	20 Feet
PARKING STRUCTURE MAXIMUM HEIGHT	60 Feet

TABLE 19.63-3 NOTES

1. Greater height may be granted if the proposed development can follow all conditions under section 19.63.061.
2. Notwithstanding contrary definitions found in MKZ 19, building height is measured from original ground surface.
3. For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front facade of the building. Where fifty percent or more of the lot frontage is developed, the front yard shall not be less than the average of the existing buildings, but in no case less than fifteen feet.

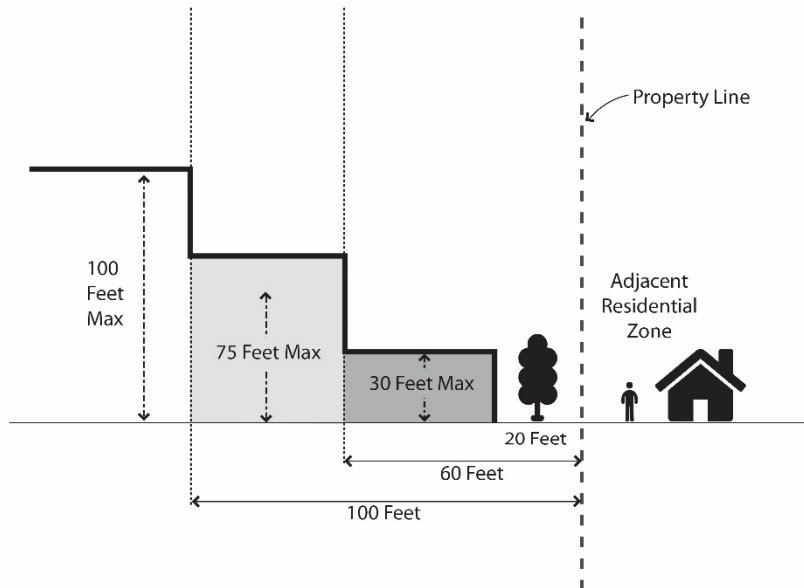
4. The required open space shall be land areas that are not occupied by buildings, dwellings, structures, parking structures, streets, curb-gutter-sidewalk, driveways, or alleys. Said open space may be an area of land or water set aside, or reserved for use of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Open space also includes common walkways, formal picnic areas, and recreational areas. Open space may be distributed throughout the development and need not be in a single large area. 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. A 5% reduction in open space is permitted for civic uses to ensure adequate parking, and transit needs are met.

19.63.061 Height

A. For campuses 10 acres or more the height of main buildings on campus must comply with the following conditions:

1. On a portion of the site within 60 feet of a lot line abutting a R-1, R-2, or R-4 zone boundary the maximum height is 30 feet.
2. On a portion of the site that is more than 60 feet but within 100 feet of a lot line abutting a residential zone the maximum height is 75 feet.
3. On a portion of the site that is more than 100 feet away from the campus perimeter (as determined by the legal description) the maximum height is 100 feet.

Standard setback requirements adjacent to a residential zone.



B. For sites that are less than 10 acres the height of main buildings and parking structures on campus must comply with the following conditions:

1. On a portion of the site within 60 feet of a lot line abutting a R-1, R-2, R-4 zone boundary the maximum height is 30 feet.

2. Maximum height for all buildings is 40 feet.

C. Exceptions

1. For buildings greater than 100 feet away from campus perimeter or R-1, R-2, R-4 zone boundary, roof structures for housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, shade structures (awnings, fabric roof coverings, wood and metal open frame structures etc.), towers (where required by City Ordinances), flagpoles, chimneys, stealth wireless or television installations, theatre lofts, solar panels may be erected above the height limits, but no space above the height limit shall be allowed for the purpose of additional habitable or recreational floor space. No such structures except towers, stairways and elevators, fire or parapet walls, and solar panels, may be located closer than 10 feet to the edge of the building. The maximum increase in height for the above features shall be 22 feet.

2. For buildings less than 60 feet away from a property line roof structures for housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, shade structures (awnings, fabric roof coverings, wood and metal open frame structures etc.), towers (where required by City Ordinances), flagpoles, chimneys, stealth wireless or television installations, theatre lofts, solar panels may be erected above the height limits, but no space above the height limit shall be allowed for the purpose of additional habitable floor space. No such structures except towers, stairways and elevators, fire or parapet walls, and solar panels, may be located closer than 10 feet to the edge of the building. The maximum increase in height for the above features shall be 14 feet.

D. Stepbacks. For buildings that are greater than 40 feet in height and that are within 100 feet of a campus perimeter, a twenty-foot stepback of any building façade, facing any street or boundary with an R-1, R-2, or R-4 zone, is required between the bottom of the first story and the top of the third story and upper stories.

19.63.062 General Retail and General Service

A. Stores, shops or businesses are subject to the following requirements:

1. Business shall be conducted wholly within an enclosed building, except for the parking of customer vehicles, except that any type of restaurant may have outdoor dining. Outdoor music associated with the restaurant, shall comply with all applicable noise ordinances.
2. All products, whether primary or incidental, shall be sold at retail on the premises.

19.63.063 Entrances

A. All entrances that abuts a public right of way must be located and design to provide pedestrian access to any transit stops located along the right of way. It is preferred that these entrances be designed to have the shortest possible path from transit stop to building. Design of parking lots are expected to accommodate this.

19.63.064 Parking, Parking Lots, Traffic

A. Parking lot design must accommodate transit stops located along a public right of way. Parking lots must have safe pedestrian paths leading from transit stop to the building.

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

C. More than one ingress/egress to a public right of way for each campus is required. No ingress/egress to a public right of way may be located closer than 200 feet to an intersection.

19.63.065 Required Mitigation

A. All uses in the IF zone shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.

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

C. 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. 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.

D. For any structure or object used for garbage collection, or recycling such as a dumpster, the minimum setback from the property line is 20 feet. For any portion of a site within 30 feet of a property line that abuts a residential zone garbage collection and storage is not allowed.

E. The noise level emanating from any use or operation shall not exceed the limits in the health department health regulation number twenty-one, or its successor, regarding noise control.

F. Any development in the IF zone within 100 feet of an R-1, R-2, or R-4 boundary must incorporate at a minimum 2 of the following options for screening.

a. Any noise source that may in the course of 24 hours emit a noise that is greater than 50 decibels measured from 20 feet away in any direction must provide adequate screening directly around the structure or object emitting noise.

b. Evergreen trees that reach heights of 25-30 feet dispersed along a campus boundary that abuts R-1, R-2, or R-4 (this option only allowed if masonry wall is used as fencing). The distance allowed between trees shall be 20 feet or less.

c. Shrubs or tall grasses shall be used within a setback to increase the likelihood of absorbing sound. Must be dispersed throughout the entire length of the setback along a boundary that abuts an R-1, R-2, or R-4 zone. Shrubs must be no greater than 10 feet apart, grasses no greater than 5 feet apart.

d. Mechanical buildings or structures, loading docks, utility structures are not located within 100 feet an R-1, R-2, or R-4 boundary. Not applicable to anything located on a roof and greater than 75 feet tall.

19.63.066 Fencing

A. Perimeter Fencing. Fencing is required for non-residential uses located adjacent to residential uses. To ensure maximum pedestrian connectivity, fencing between parcels is not required. Fence materials can consist of wrought iron/similar materials, wood or composites. Vinyl is prohibited as a fencing material. 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.

19.63.067 Signs

A. All signs on campus are restricted to monument signs, walls signs, and window signs allowed in the C-3 zone, see Table 19.82.190.

B. Exceptions. The only signs allowed as ground or pole signs shall be service signs (see 19.82 definition) that comply with the following conditions:

1. Maximum height allowed is 5 feet.
2. Maximum area allowed is 32 square feet.
3. Setback along a public right of way is 5 feet.

19.63.068 Landscaping

A. All landscaping requirements are subject to chapter 19.77.

B. Additional requirements for landscaping in the IF zone:

1. Any development in the IF zone is not eligible for reductions in any setbacks.

19.63.069 Architecture and Windows

A. Windows shall make up at least 50% of first floor street-facing facades and shall be at least 50% transparent.

B. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, EIFS, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material can exceed 50 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.

19.63.070 Corner Lots

A. Corner lots are deemed to have two front yards