



**MEMORANDUM**

To: **Community Councils**  
 From: **Francis Xavier Lilly, AICP, Director**  
 Date: **23 June 2020**

**Re: ZT-20-005 – Commercial Zone Text Amendments**

**Summary**

Millcreek is proposing amendments to the commercial zone standards, particularly for mixed-use buildings. The proposed amendments are intended to better accomplish the intent of the general plan to promote meaningful mixed use developments, and to address concerns raised by staff and the planning commission in evaluating previous applications for mixed use buildings in commercial zones.

A summary of specific changes for mixed use buildings are found below:

<b>Requirement</b>	<b>Current Standard</b>	<b>Proposed Standard</b>	<b>Rationale</b>
<b>Maximum Height</b>	Maximum Height – 40 feet, or 30 feet within 100 feet of a residential zone	45 feet, or 35 feet within 100 feet of a residential zone.	We are requiring a minimum 12-foot ground story for commercial and live/work uses. A minimum commercial ground story height will promote more viable commercial spaces. Because of the taller first floor, and standard residential floor heights of 9 feet, a small increase in height is appropriate to allow for parapets and roof pitches where appropriate or desired to make a building more compatible with surrounding uses.
<b>Minimum Lot Area</b>	21,000 sf	21,000 sf	No change recommended. These minimums were established by the City Council in 2018 and we believe are appropriate given the small lot assemblages that are found along our commercial corridors
<b>Minimum Frontage</b>	None required	100 feet	Staff is proposing that, to qualify as a mixed use project, the development site must have at least 100 feet of frontage on a collector or arterial road identified in the Transportation Master Plan.
<b>Maximum Lot Coverage</b>	No maximum	70 percent.	Current code has no maximum lot coverage standard, but does impose a minimum 20% open space requirement. We think additional space on the lot needs to be allocated for items not included in open space, such as parking and loading areas.



**MILLCREEK PLANNING AND ZONING**

3330 SOUTH 1300 EAST  
MILLCREEK, UTAH 84106

<b>Requirement</b>	<b>Current Standard</b>	<b>Proposed Standard</b>	<b>Rationale</b>
<b>Maximum Building Length</b>	No maximum	200 feet	This is a similar standard in our City Center Overlay Zone. A Maximum building length of 200 feet is appropriate for most corridor areas, in light of general plan concerns of new development being compatible with existing neighborhoods.
<b>Minimum Interior Side Yard next to Residential Zoning</b>	10 feet	10 feet	No change recommended. Narrow side yards are consistent in our historic commercial zones.  One option to consider is to require enhanced landscaping consisting of trees in the interior side yard areas adjacent to residential zoning.
<b>Minimum Rear Yard</b>	25 feet	25 feet	No change. A single-family residential rear yard is 15 feet.
<b>Mixed Use Type</b>	The code currently does not distinguish between a vertically-integrated mixed use project and a mixed use project consisting of commercial and residential uses in separate buildings	The proposed standard identifies two possible mixed use configurations:  vertically-integrated and mixed use in a unified site plan	Staff needs direction on how to apply standards to mixed use developments where the commercial use is in a separate building, rather than vertically-integrated.
<b>Materials and Windows</b>	No more than 50% of façade may be one material. Ground story windows must comprise 50% of ground story. There is no limit on certain materials.	Proposed ordinance limits stucco, EIFS, or metal siding to 20% of any façade facing a street or a residential zone boundary.  Proposed ordinance requires 25% of upper story facades to have windows.	Quality, durable materials make a difference. After observing recently-approved projects, staff is recommending the adoption of standards used in CCOZ:  1) an upper story window requirement, where the code is currently silent. 2) A limit to the use of stucco, EIFS, and metal panel on a street-facing or neighborhood-facing façade.
<b>Balconies or Patios</b>	Currently none required. Balconies or patios are required for projects in the RM and CCOZ districts	50 percent of residential units shall have a balcony or patio	This requirement is consistent with the CCOZ zone, and provides options for quality private open space for residents of mixed use developments.



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<b>Requirement</b>	<b>Current Standard</b>	<b>Proposed Standard</b>	<b>Rationale</b>
<b>Commercial Requirements:</b>  <b>Vertically-integrated mixed use</b>	Minimum depth of 40 feet – 50% of frontage.	Minimum depth of 40 feet at 50% frontage.  Minimum depth of 30 feet at 80% of frontage.  Commercial is only required on major roads identified in the TMP.	Staff is recommending flexibility in the application of commercial requirements. A narrower storefront would be appropriate if more frontage is allocated to mixed use.  Staff observed that commercial may <i>not</i> be appropriate on local roads, so we are proposing to not require it. This is one reason why we are proposing a minimum frontage along a collector or arterial road.
<b>Commercial Requirements:</b>  <b>Freestanding commercial buildings</b>	None specified.	30 percent of the gross ground floor area identified on the site plan, and at least 50% of frontage.	Staff wants to ensure that a meaningful standard is applied to mixed use projects involving freestanding commercial buildings.
<b>Stepbacks along streets, frontages, and residential zone boundaries</b>	None required, unless mandated as part of a request for a setback reduction.	Buildings 35 feet or taller shall have a 10 foot stepback between the first or second and third stories.	A stepback requirement will mitigate the impact of a large building that is adjacent to a street, property frontage, or a residential zone boundary. CCOZ has a similar standard.
<b>What counts as a commercial use?</b>	The ordinance is silent on whether or not leasing offices, lobbies, required parking, and residential amenities are counted as commercial use.	The proposed ordinance specifically excludes lobbies, leasing offices, required parking, and required residential amenities as commercial uses.  In addition, for live/work units to qualify, the ground floor must be operated as an allowable commercial use in the code. Ground floor spaces may not be used for residential purposes or storage	The intent of the original ordinance was to provide opportunities for redevelopment while activating commercial corridors, and particularly obsolete commercial properties.  Specificity on what is allowed, and what is not, will help staff communicate expectations about mixed use projects, and will better ensure that meaningful commercial projects occur along our corridors.



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Requirement	Current Standard	Proposed Standard	Rationale
<b>Parking</b>	<p>The existing ordinance offers little in the way of guidelines for how and where to put parking.</p> <p>Specific parking standards that were incorporated into the RM zone, were never included in the C Zone.</p>	<p>The proposals include a requirement that residential parking be enclosed.</p> <p>Language from the RM code regarding private garages, tandem spaces, and electric vehicle charging are included in this update.</p> <p>Staff is recommending specific language regulating how and where guest parking can be counted. Staff incorporated the recommendations of the Hales Engineering Guest Parking Study to state that tandem parking or parking in a private garage or driveway shall not be counted guest parking.</p>	<p>A lack of standards for parking has resulted in confusion between staff, applicants, and the Planning Commission.</p> <p>Projects can be better evaluated with better, clearer standards.</p> <p>Proposed language regarding guest parking addresses long-standing concerns on the part of staff and the planning commission on how guest parking is calculated.</p>
<b>Application Process</b>	<p>No specific process outlined. Applicants default to standard process outlined in the conditional use process</p>	<p>Proposed ordinance includes a requirement for a formal <i>preliminary site plan review</i> prior to being scheduled for a planning commission meeting.</p>	<p>Staff requests additional time to review applications to ensure they are ready for the community council and planning commission process.</p>

In addition to the above substantive changes, staff is proposing to reorganize the chapter, and to establish a separate table and design standards for mixed use buildings. Currently, most of the standards exist as table notes or footnotes, which 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.

**General Plan Considerations**

The General Plan broadly supports the concept of mixed use development in commercial corridors, and staff is recommending that the allowance for mixed use projects in commercial zones be enhanced within the current code, rather than removed from the code entirely.



## MILLCREEK PLANNING AND ZONING

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**Unique Neighborhoods GOAL N-1: Preserve and enhance the physical elements that define each neighborhood's character.**

**Strategy 1.4: Update plans and City Codes to allow for mixed uses in appropriate locations in ways that support "complete" neighborhoods where shopping, entertainment and recreation are accessible and convenient.**

**Physical Environment GOAL E-5: Enhance the physical environment by creating new amenities that help attract and retain new businesses and residents.**

**Strategy 5.1: Support the redevelopment and adaptive re-use of functionally obsolete buildings and strip commercial centers as new mixed use employment centers, particularly in the centers identified on the Future Land Use Map.**

### **Staff Analysis**

Staff is concerned that, as written, the current commercial code will result in projects that, despite the mixed use moniker, lack a meaningful commercial contribution. We acknowledge that there are a number of obsolete commercial properties along our commercial corridors, that high-quality and larger-scale commercial projects along our corridors are unlikely in our current economic condition, and that an overabundance of empty and underutilized storefronts is a persistent challenge for the city. That said, commercial can work well with multifamily use, provided some basic tenets are adhered to:

1. The commercial space should have a functional depth and height.
2. Commercial space should be along major corridors, and not on side streets.
3. Commercial parking should be conveniently accessible.
4. Commercial storefronts should have a minimum amount of windows, and should feature high-quality design.

These are some of the lessons the city applied to the City Center, and staff recommends applying a similar standard along our mixed use corridors. Specific highlights are discussed below:

The above technical amendments are intended to promote better quality design and the production of meaningful commercial space as part of mixed use developments, while acknowledging the need and desire for a flexibility in approaches in light of the fact that some of the sites that contain functionally obsolete commercial space are small and are close to existing residential neighborhoods.

The code, as currently written, lacks clear standards for mixed use projects that involve residential uses and commercial uses in separate buildings. Establishing a standard for mixed use developments with separate residential and commercial buildings in a unified site plan creates opportunities for smaller-scale, more granular projects – such as a development of townhomes behind or alongside a commercial single-use buildings.



## MILLCREEK PLANNING AND ZONING

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As currently written, the code lacks clear standards on materials and the placement of doors and windows. Staff desires a higher level of architectural design along our corridors as they redevelop, and believes that limiting stucco, EIFS, and metal panel and increasing the size of windows is a strong step to providing better design. Staff is recommending a minimum development length of 100 feet of frontage along an arterial road in order to qualify for a mixed use project, in addition to the minimum area requirement already established. If the goal is to support viable commercial space, that space needs to be visible and accessible from the street.

The proposed changes to commercial depth and frontage length for mixed use projects are intended to promote larger, more functional commercial or live/work spaces, will giving designers some flexibility in organizing uses on a development site. For example, a developer may desire that the commercial use occupies the hard corner of a site, requiring a minimum depth of 40 feet, whereas another developer may desire a strip configuration along the entire frontage, which would require commercial spaces at a minimum of 30 feet deep.

Perhaps the most substantial proposed change to the ordinance is building height. Where currently, the ordinance allows for a building height of 40 feet along the corridor, or 30 feet within 100 feet of a residential neighborhood, staff is proposing increasing building heights to 35 feet, and 45 feet respectively.

We are recommending a modest increase in allowable height for two reasons: first is to accommodate a minimum first floor height of 12 feet, which is a more preferable height for leasable retail or restaurant space. The second reason is to accommodate better architectural variation at the top of the building, including but not limited to pitched roofs, which may render a project more compatible with surrounding buildings and uses. The proposed height adjustments support 2 to 4 story buildings in our mixed use corridors, while providing desirable ceiling heights for both commercial and residential uses.

### Request

**Staff is requesting a FAVORABLE recommendation to the City Council to adopt amendments to the commercial code regarding mixed use buildings.**

**The Planning Commission will be discussing this matter on 15 July 2020. We request your recommendation in advance of that meeting.**

### Attachment

**Proposed Ordinance Updates. Note that changes are in red.**

**COMMUNITY COUNCIL REVIEW DRAFT – 26 JULY 2020**

**19.04.348 Mixed Use**

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

**Chapter 19.60 COMMERCIAL ZONES – DRAFT FOR MIXED USE UPDATES**

[19.60.010 Purpose Statements](#)

[19.60.020 Permitted And Conditional Uses](#)

[19.60.030 Prohibited Uses, Limitations, And Special Requirements](#)

[19.60.040 Accessory Uses](#)

[19.60.050 Bulk And Yard Regulations](#)

[19.60.060 Special Regulations For Commercial Zones](#)

[19.60.070 General Standards Of Applicability](#)

**19.60.010 Purpose Statements**

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

**19.60.020 Permitted And Conditional Uses**

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

TABLE 19.60-1

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
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Indoor or outdoor archery range		C	C	
Residential facility for the elderly or persons with a disability, assisted care facility nursing facility	P	P	P	
Hotel, Motel, Bed & Breakfast	C	C	C	No Hotel or Motels in the C-1 zone
Public, quasi-public use, and Civic uses	P	P	P	Not including private schools
Transit Station		P	P	
Hospital and all other medical, dental facilities		P	P	
School, public, charter, private	P	P	P	
Neighborhood Retail	P	P	P	No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet.
General Retail and Entertainment		C	C	See table 19.60-2 for additional limitations
Retail Food Trucks, Farmers Market including vegetable stands	C	C	C	As an accessory use on private property and not within a front or side yard setback. On-street locations may be allowed on a non-UDOT street in a C-2 and C-3 zone.
Drive up uses with outside order windows or structures, such as restaurants, banks, etc.		C	C	No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses.
Neighborhood Service	P	P	P	See definition
General Service	P	P	P	See definition



Vehicle Service and repair		C	P	
Office	P	P	P	
Mixed Use (commercial, or office and/or residential use within the same building or located adjacent within a unified site plan)		C	C	<p><del>Commercial uses are required for at least 50% of the ground floor facing a public street. This commercial space shall have a minimum depth of 40'. 24 hour on-site management required for projects with 50 or more residential units.</del></p> <p>Mixed use allowed subject to requirements of this chapter.</p>
Commercial parking lot and/or garage		C	C	Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street.
Fireworks		C	C	Temporary stands to be located on private property and subject to the Uniform Fire Code

**19.60.030 Prohibited Uses, Limitations, And Special Requirements**

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

**Table 19.60-2**

USES	SPECIFIC USE LIMITATIONS OR SPECIAL REQUIREMENTS
Detention facility/jail as a principal use	Not allowed
Indoor and/or outdoor gun ranges	Not allowed
Outside storage within view of the street or in any front or side yard facing a street.	Storage that is not considered "display". Includes storage containers. Such storage requires a minimum 6' opaque fence.
Displays (products held for sale) over five feet in horizontal distance from the main building.	Not allowed

Equipment, car or truck rental	Not allowed in the C-1 zone
Commercial wireless communication facilities	Only stealth type towers and accessory structures are allowed in the C zones
Outdoor kennel	Not allowed in a C-1 zone or within 300' of a residential use
Sexually oriented businesses	Subject to MKZ 19.91.11 and not allowed in the C zones
Pawnshop, smoke shops and related products, and retail tobacco as the principal use ( see note 1)	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 2640' of an established substantially similar business.
Tattoo businesses (see note 1)	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 500' of an established substantially similar business.
Licensed Massage Therapy Practices	<p>Allowed, subject to the following requirements:</p> <ol style="list-style-type: none"> <li>1. Each Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek business license; and</li> <li>2. The premises shall not be used for any conduct that violates Section 58-47b-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.</li> </ol>
Reiki as a principal use	Not allowed
Sale of lease of new or used vehicles of all types, moving trucks, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles	Not allowed in C-1, C-2 zones. 20,000 square foot minimum lot size including an on-site office is required.
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer, military surplus	Limited to a maximum of 2500 square feet in a C-1 zone and 10,000 square feet in a C-2 zone.
Self-storage facility of all types, including mini-storage units, neighborhood storage and temperature controlled storage facilities (see note 1)	Not allowed in a C-1 zone and not within 300' of an arterial intersection in C-2, C-3 zones or within 1,320' of an established substantially similar business, no additional facilities allowed on 3300 South, and no additional facilities allowed east of 2300 East on 4500 south and 3900 South

Taxicab and/or Limousine business	Not allowed in a C-1 zone
Tavern, as defined by State Code	Not allowed in a C-1 zone
Sororities and fraternities	Not allowed
Manufactured Home park or manufactured home subdivision	Not allowed
Short term ("payday", "car" title, check cashing and similar) load service (see note 1)	Not allowed in the C-1 zone and not within 300' of an arterial intersection or within 2640' of an established substantially similar business.  See MKC 5.13.030 Business Licensing for additional restrictions.
Flea markets, swap meets	Not allowed in the C-1 zone
Outdoor commercial recreation, outdoor commercial amusement, or outdoor commercial entertainment	Not allowed in the C-1, C-2 zones and not allowed within 150' of a residential use or zone. This limitation excludes outdoor music as per MKZ 19.60.060 A.1.
Recreational vehicle campgrounds	Not allowed in the C-1, C-2 zones
Impound, Vehicle Recycling, and/or junk yards	Not allowed in the C zones
Short-term rentals	Not allowed unless part of a mixed use development

TABLE 19.60-2: NOTES:

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

**19.60.040 Accessory Uses**

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

**19.60.050 Bulk And Yard Regulations**

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

Table 19.60-3 BULK & YARD REGULATIONS **FOR COMMERCIAL USES**

	C-1	C-2	C-3
MINIMUM LOT AREA	None required	None Required #1	None Required #1
MINIMUM LOT WIDTH	None Required	None Required #2	None Required #2
MAXIMUM BUILDING HEIGHT	<del>30</del> 35 Feet, subject to height transition requirements.	40* 45 Feet, subject to height transition requirements.	40* 45 Feet, subject to height transition requirements.
MAXIMUM LOT COVERAGE	80 Percent	80 Percent Mixed Use: 60 Percent with a minimum 40 percent open space	80 Percent Mixed Use: 60 Percent with a minimum 40 percent open space
MINIMUM BUILDING HEIGHT	1 story	1 story, See Footnote 5	1 story
MINIMUM FRONT YARD	20 Feet	Mixed Use: 25 Feet Other Uses; 20 Feet. See Footnote 4.	Mixed Use: 25 Feet Other Uses; 20 feet. See Footnote 4.
MINIMUM REAR YARD	If located adjacent to residential zoning residential zone boundary, 25 feet, otherwise <del>not</del> not required	Mixed use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required  If located adjacent to a residential zone boundary 25 feet, otherwise not required	Mixed Use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required  If located adjacent to residential zoning, 25 feet, otherwise not required
MINIMUM INTERIOR SIDE YARD	If located adjacent to residential zoning residential zone boundary, 10 feet, otherwise <del>not</del> not required	If located adjacent to residential zoning residential zone boundary, 10 feet, otherwise <del>not</del> not required	If located adjacent to residential zoning residential zone boundary, 10 feet, otherwise <del>not</del> not required
MINIMUM CORNER SIDE YARD	20 Feet	20 Feet	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	1 Foot	1 Foot	1 Foot
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	10 Feet	10 Feet	10 Feet

WHEN ABUTTING RESIDENTIAL USE			
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**Table 19.60-4 BULK & YARD REGULATIONS FOR MIXED USE BUILDINGS AND DEVELOPMENTS THAT INCLUDE RESIDENTIAL USES**

	C-2	C-3
MINIMUM LOT AREA	21,000 square feet	21,000 square feet
MINIMUM LOT WIDTH	None Required, subject to minimum frontage requirements.	None Required, subject to minimum frontage requirements.
MAXIMUM BUILDING HEIGHT	45 feet, subject to height transition requirements	45 feet, subject to height transition requirements
MINIMUM NUMBER OF STORIES	2	2
MAXIMUM NUMBER OF STORIES	4, subject to height transition requirements	4, subject to height transition requirements
MAXIMUM LOT COVERAGE	70 percent	70 percent
MAXIMUM BUILDING LENGTH	200 feet	200 feet
MINIMUM FRONT YARD	25 feet, unless reduced per MKC 19.77.050	25 feet, unless reduced per MKC 19.77.050
MINIMUM REAR YARD	25 feet	25 feet
MINIMUM INTERIOR SIDE YARD	None required, unless subject to residential zone boundary setback	None required, unless subject to residential zone boundary setback
Minimum Interior Side Yard Setback, where subject property shares a side	10 feet	10 feet

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

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

~~TABLE 19.60-3: NOTES:-~~

- ~~1. For mixed use buildings containing residential dwellings, no minimum lot area is required per unit, but a development site must consist of at least 21,000 square feet to be eligible for a mixed use building containing residential dwellings.~~
- ~~2. Mixed use buildings containing residential dwellings must include residential amenities per the requirements established in MKZ 19.44.050.~~
- ~~3. For mixed use buildings containing residential dwellings, no minimum lot width is required.~~
- ~~4. For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front facade of the building. Where fifty percent or more of the lot frontage is developed, the front yard shall not be less than the average of the existing buildings, but in no case less than fifteen feet.~~
- ~~5. For any development adjacent to an R 1, R 2, R 4, A 1, or A 2 zone ("residential zone"), the maximum height for structures within 100 feet of a residential zone shall not exceed 30 feet.~~
- ~~6. Multi-family residential developments may include rooftop gardens or patios provided the rooftop garden or patio is set back a minimum of 100 feet from the property line.~~
- ~~7. For "automobile service station" uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.~~

~~8. Notwithstanding contrary definitions found in MKZ 19, building height is measured from the natural grade original ground surface to the highest point of the roof.~~

### **19.60.060 Special Regulations For Commercial Zones**

- A. General Conditions in the C-1 Zone. Stores, shops or businesses in C-1 zones shall be retail or neighborhood service establishments only, and shall be permitted only under all of the following conditions:
1. Business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles, and service to people in automobiles, except that any type of restaurant may have outdoor dining. Outdoor music associated with the restaurant, shall comply with the Salt Lake County Health Department Noise ordinance.
  2. All products, whether primary or incidental, shall be sold at retail on the premises.
- B. Business Uses and Conditions in the Commercial Zones shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.
- C. Design Standards for C-1, C-2, C-3 zones
1. **Entrances and Windows.** Entrances to the first floor of commercial and mixed use buildings shall front on the street. Windows shall ~~make up~~ constitute at least 50% percent of first floor street-facing facades, and windows shall be at least 50% transparent. Windows shall constitute at least 25 percent of all upper story street-facing facades. ~~Top floors shall have architectural differentiation from the other floors in the building.~~
  2. No more than one row of parking is allowed between the building(s) and the street within 300' of any major intersection. No parking is allowed between the street and the building in any town center area.
  3. Corner lots are deemed to have two front yards.
  4. The front yard setback is the build-to-line within 300' of any arterial/major intersection (see MKZ 19.60.030 Prohibited uses, limitations for definition). At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line or as approved by the Planning Commission. A build-to-line is defined as the line at which construction of a building facade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building facade line on the street.
  5. ~~Landscaping along the street shall comply with this chapter and MKZ 19.77.~~
  6. Signage for commercial or office uses is defined in MKZ 19.82.
  7. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the

neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

8. Parking (MKZ 19.80) for Mixed Use developments may be reduced based on a traffic study by a qualified transportation engineer.
9. **Building Materials.** Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades, **excluding windows**. Windows are not allowed to be less than 50% of the gross street-facing facade square footage. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required. **Stucco, EIFS, or metal siding shall comprise no more than 20 percent of any façade visible from a street or from an abutting property in an R-1, R-2, R-4, A-1, or A-2 zone. Top floors shall have architectural differentiation from the other floors in the building.**
10. **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 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.
11. **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 and third stories.
12. Landscaping on Public Right-of-Way. Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per MKZ 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per MKZ 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per MKZ 19.77 with a minimum of a five foot landscaped area next to the public ROW. Fences shall not be located within this five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per MKZ 19.77. Double frontage lots with parking lots adjacent to the street may substitute a screen wall a minimum of 3' in



height for this fencing requirement.

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

**14. Lighting.**

- a. **Interior Street Lights.** Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant must submit a photometric plan for review which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for interior streets shall be shall be 0.3 and the fixture height shall not exceed 25 feet. No on-site light poles may be located closer than 10 feet from the public right of way.
  - b. **Dark Sky Compliant Lighting Required.** All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination.
15. **Access between uses.** Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.
  16. **Reduced Setback Provisions.** Front yards may also be reduced based on enhanced landscaping as per section MKZ 19.77.050. Where a front yard setback is reduced below 20 feet per MKZ 19.77.050, a ten foot stepback is required between the first story and upper stories of the building.
  17. **Utilities.** All utilities shall be located underground. Utility equipment shall be screened from view. Overhead telephone, cable, fiber optic, or transmission power lines must be located underground.
  18. **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 for buildings or structures within 100 feet of a residential zone boundary shall not exceed 35 feet. No vertically-integrated mixed use building within 100 feet of a residential zone boundary may have more than two stories.
  19. **Design Standards for Gasoline Pumps.** For automobile service station uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line,

and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.

**D. Requirements for Mixed Use Buildings and Developments that Contain Residential Uses.**

Mixed use buildings and developments that contain residential uses must comply with the bulk and yard requirements and design standards listed in this chapter, and with the standards listed in this section:

1. **Mixed Use Configuration.** Mixed Use Buildings and Developments that Contain Residential Uses must be configured in one of the following manners:
  - a. **Vertically-Integrated Mixed Use.** A vertically-integrated mixed use development containing residential uses consists of a building or buildings with commercial uses on the ground story with residential uses on upper stories.
  - b. **Mixed Use in a Unified Site Plan.** A mixed use development in a unified site plan consists of separate residential and commercial or vertically-integrated mixed use buildings in a site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use. For mixed use projects consisting of separate residential and commercial buildings in a unified site plan, commercial uses must comprise at least 30 percent of the gross floor area identified on the site plan, and must occupy at least 50 percent of the of the building frontages along a right-of way. Vertically-integrated mixed use buildings in a unified site plan shall meet the requirements of vertically-integrated mixed use buildings, and shall abut a public right-of-way. Residential buildings in a unified site plan shall follow the requirements of multifamily residential buildings established in MKC 19.44.050 (13), (14), or (15).
2. **Minimum Frontage Requirement.** In order to qualify for a mixed use building or development that includes residential uses, the development site must have at least 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan.
3. **Balconies or Patios.** At least 60 percent of residential units shall have a private outdoor space in the form of a balcony and/or patio with a minimum of 60 square feet with a minimum 5 foot depth.
4. **Rooftop Gardens and Rooftop Patios.** For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), rooftop gardens or rooftop patios are prohibited within 100 feet for a residential zone boundary, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is

obstructed from view from the zone boundary by at least 20 feet of occupied floor space.

5. **Ground Story Use Requirements.** The ground floor of any mixed use building containing residential uses shall include commercial uses, subject to the following requirements.

- a. **Commercial Frontage and Minimum Depth of Ground Story Commercial Space.**

1. For developments with frontage along a roadway identified in the Roadway Functional Classification Map in the Millcreek Transportation Master Plan as a Major Collector, a Minor Arterial or an Other Principal Arterial, no less than 50 percent building's front façade shall consist of commercial uses.
      - a) Commercial spaces with a minimum depth of 30 feet shall occupy at least 80 percent of a building's front façade.
      - b) Commercial spaces with a minimum depth of 40 feet shall occupy at least 50 percent of a building's front façade.
    2. Facades for developments that face all other streets as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan are not required to consist of commercial uses.
    3. Live/Work units may be used to meet the requirement for commercial uses, provided that the ground floor of the live/work unit meets the design criteria listed in this chapter, and is operated as an allowable commercial use in the code. Ground floor spaces in a live/work unit may not be used for residential purposes or storage.
    4. For the purposes of this chapter, leasing offices, lobbies, required parking, and any required residential amenity spaces are not considered commercial uses.

- b. **Minimum First Story Height for Ground Floor Commercial Space.** Ground stories containing commercial space, including live/work units, shall be at least 12 feet in height.

6. **Laundry Facilities.** All mixed used developments containing residential uses shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.
7. **Management.** 24-hour on-site management is required for all residential development consisting of more than 50 dwelling units.

8. **Open Space.** Common open space shall be provided for residential uses in the amount of at least 20 percent of the gross site area of the building or development. For purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right of way. The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curbs, gutters, sidewalks, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the principle purpose of providing an amenity, or required interior common amenity spaces may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes common interior walkways, formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Open space amenities and gathering shall reflect the market that the development is attempting to attract. Projects with over twenty units shall include a landscaped passive open space sufficient for outdoor activity with a minimum area of 5,000 square feet.
  
9. **Parking and Vehicular Access.** In addition to meeting the requirements of MKC 19.80, parking and vehicular access for mixed use developments containing residential uses shall also meet the requirements below.
  - a. **Parking to be Enclosed in a Structure, Podium, Private Garage, or Carport.** Parking required for each residential dwelling unit must be in a structure, a podium, a private garage, or a carport.
  
  - b. **Private Garage Requirements.** If a private garage is used to provide two required spaces, the private garage shall have a minimum unobstructed size of twenty-two feet wide by twenty feet in length, or twenty feet wide by twenty-two feet in length. If a private garage is used to provide one required space, the private garage shall have a minimum unobstructed size of ten feet wide by twenty-two feet in length, or eleven feet wide by twenty feet in length. Private garages shall not be the only means of pedestrian access into a dwelling. Each garage shall be serviced with a 220 volt power supply.
  
  - c. **Vehicular Access to Private Garages.** Vehicle access serving a private garage shall be at least 24 feet in width.
  
  - d. **Tandem Spaces in Garages.** Tandem spaces in conjunction with garages may be allowed with a minimum size requirement of 20 feet in length and 9 feet in width per parking space, up to a maximum of two contiguous spaces for unit.
  
  - e. **Vehicular Entry Gates Prohibited.** Vehicular entry gates are prohibited as part of any mixed use development containing residential uses, unless the gate

services a structure or podium.

- f. **Electric Vehicle Charging.** Each development shall provide residents the opportunity to charge electric vehicles. If private garages are used, each garage shall be serviced with a 220 volt power supply. If structures, podiums, or carports are used, one vehicle charging station shall be provided for each ten required parking spaces.
- g. **Guest and Commercial User Parking.** Parking for guests and commercial users shall be conveniently accessible. Tandem parking or parking in a private garage or driveway shall not be counted as guest parking

10. **Privacy.** Each mixed use building consisting of residential uses shall provide reasonable 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 as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

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

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

#### **19.60.065 Application Process for Conditional Uses for New Development**

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

1. Preapplication conference meeting with representatives from the City is required.
2. Site Plan Review Application – an application and associated fees shall be submitted and reviewed by staff for completeness. An incomplete application, that does not address the required design standard and other City ordinance required information, as determined by staff, will be returned to the applicant and not be processed until all information required by the City ordinances is provided. The City will provide a list of application requirements. An application for a conditional use permit will not be deemed complete until a site plan review is completed by City staff. The initial application will generally consist of concept plans with the following minimum requirements:
  - A. The applicant's name, address, telephone number, email address, and interest in the property.
  - B. The property owner's name, address, email address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the

application.

- C. A property survey, property boundaries, right-of-way center lines, utility access, topographical information indicating original ground surface as defined by MKZ 19.04.095, and recorded easements. The survey shall also include the street address and legal description of the subject property.
  - D. The current zoning classification, zoning district boundaries, and present use of the subject property.
  - E. A conceptual site plan or plans, drawn to scale, including sketches of the types of buildings proposed, floor plans, elevations of proposed buildings, materials, landscaping, parks, plazas, pedestrian pathways, parking, low impact design stormwater techniques to be applied to the site, known fault lines and recommended setbacks, and conceptual street cross sections.
  - F. A written explanation of the project that describes the thematic elements of the project, the placemaking concepts, one or more signature features, commercial and mixed-use designs (if applicable), potential tenants, its' relationship to the goals established for Mixed Use Corridors in the Millcreek General Plan and other details that will provide reasons that the development will create a long term benefit to the City and proposed techniques to mitigate any anticipated detrimental effects.
  - G. If required by the City, a preliminary traffic study that defines potential traffic generation, the integration of the new development with the adjacent street corridors, traffic capacity/level of service issues on adjacent roads and intersections and suggests mitigation solutions for anticipated traffic congestion problems. The traffic study may also address parking demands, if the applicant believes that the standards found in the Parking Chapter are inappropriate. Applicants shall follow the requirements of MKZ Section 19.80.040 to create a parking study. Traffic and parking studies shall be commissioned by the City and paid for by the applicant.
  - H. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.
  - I. A site-specific geologic hazard study and report, if required by MKZ 19.75.
  - J. A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, residential amenities if required, and open space requirements.
  - K. Other information the City may deem necessary, as described on the application form, for proper review and analysis of an application and its potential detrimental effects.
3. Application processing and review – Upon payment of required fees, the initial application, composed of the concept plan information as described above and the conceptual development agreement, if required by the city, shall be reviewed by staff and discussed with the applicant in an internal pre-development review meeting. Subsequent to that meeting, changes may be

made to the submittal documents, if needed. Staff will assess the application for the project's compliance with the regulations of this chapter and determine if any potential detrimental effects require mitigation to include the following list of potential issues and standards, that may need to be addressed and mitigated:

- A. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
- B. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
- C. Negative impacts on connectivity and safety for pedestrians and bicyclists.
- D. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
- E. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
- F. Modifications to signs and exterior lighting to assure compatibility with the zone.
- G. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the overlay zone in which the use will be located.
- H. Reduction in the tax base and property values.
- I. Reduction in the current level of economy in governmental expenditures.
- J. Insufficient emergency fire service and emergency vehicle access.
- K. Reduction in usable public open space.
- L. Graffiti prevention applications and designs.
- M. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

- N. Enhancement of personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.
- 4. Final Development Plan and Conditional Use Application – this plan submittal, subsequent to any Planning Commission public hearing(s) including an associated fee, is a detailed plan that addresses every section requirement of this ordinance and all applicable standards.

**19.60.070 General Standards Of Applicability**

1. The use and development of property within the Commercial Zones are also subject to other applicable chapters in the zoning ordinance, such as, the Parking MKZ 19.80, Water Efficient Landscaping, MKZ 19.77, Signs, MKZ 19.82, etc.
2. Standards in other chapters may apply. In the event there is language elsewhere in MKZ Title 19 that conflicts with language in this chapter, the more restrictive standard prevails.
3. In any rezoning process, a development agreement shall be required at the sole discretion of the City. "Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must (1) specify and describe the proposed development through text, site plans and elevations (2) detail the amenities and other benefits being provided to the City and its residents (3) utilize a development agreement form approved by the City. The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Agreement.