

MILLCREEK, UTAH
ORDINANCE NO. 18-75

**AN ORDINANCE AMENDING CHAPTERS 19.04, 19.44, AND 19.60 OF THE
MILLCREEK CODE OF ORDINANCES WITH RESPECT TO REGULATING
LICENSED MASSAGE PRACTICES IN MILLCREEK**

WHEREAS, the Millcreek Council (“Council”) met in regular session on December 10, 2018 to consider among other things, approving an ordinance amending Chapters 19.04, 19.44, and 19.60 of the Millcreek Code of Ordinances with respect to regulating licensed massage practices in Millcreek; and

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

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

WHEREAS, City staff, City consultants, and other persons have recommended that the Council revise the Zoning Ordinance with respect to regulating licensed massage practices; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides that the 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 September 5, 2018 the required notice was published; and

WHEREAS, on September 19, 2018, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on September 19, 2018, 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 October 24, 2018 planning commission meeting the Millcreek Planning Commission recommended amending Chapters 19.04, 19.44, and 19.60 of the Millcreek Code of Ordinances with respect to regulating licensed massage practices in Millcreek; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such land use text amendment, the Council shall consider the amendment 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 November 16, 2018 and December 6, 2018, the Council caused the required notice to be given; and

WHEREAS, on November 26, 2018 and December 10, 2018, the Council considered amending various sections of Title 19 of the Millcreek Code of Ordinances; and

OPTION 2

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

This Ordinance, assigned Ordinance No. 18-75, 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 10th day of December, 2018.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, 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 18-75: AN ORDINANCE AMENDING CHAPTERS 19.04, 19.44, AND 19.60 OF THE MILLCREEK CODE OF ORDINANCES WITH RESPECT TO REGULATING LICENSED MASSAGE PRACTICES IN MILLCREEK
was passed and adopted the ____ day of _____2018 and certifies that copies of the foregoing Ordinance 18-75 were posted in the following locations within the municipality this ____ day of _____, 2018.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner, City Recorder

OPTION 2

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19.04.555 Width Of Lot

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19.04.575 Yard, Side

19.04.005 Definitions And Interpretation Of Language

For the purpose of this title, certain words and terms are defined as set out in this chapter. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; and words included herein but defined in the building code shall be construed as defined therein.

19.04.010 Abandonment

"Abandonment." See MKC 19.88.130.

19.04.020 Agriculture

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses.

19.04.025 Airport

"Airport" means any landing area, runway or other facility designed, used or intended to be used either publicly or by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars, and all other necessary buildings and open spaces.

19.04.030 Alley

"Alley" means a public thoroughfare less than twenty-five feet wide.

19.04.035 Amusement Device

"Amusement device" means any video game, pinball or other machine, whether mechanically or electronically operated that, upon insertion of a coin, trade-token, slug or similar object, or upon payment of money or other consideration through use of a metered or similar device, operates or may be operated as a game or contest of skill or amusement of any kind or description, and that contains no automatic payoff for the return of money or trade-tokens, or that makes no provision whatever for the return of money to the player. An amusement device is further defined as any machine, apparatus or contrivance that is used or that may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine. An amusement device shall exclude billiard, pool or bagatelle tables.

OPTION 2

19.04.040 Antique

"Antique" means a relic, work of art, piece of furniture or other decorative object of ancient times, or made in a former age or period, highly valued for its beauty, craftsmanship or rarity.

19.04.045 Apartment Court

"Apartment court" means any building or group of buildings which contains dwelling units, and also satisfies the definition of tourist court, as defined in this chapter.

19.04.050 Apartment House

"Apartment house" means a multiple dwelling; see "Dwelling, multiple-family."

19.04.055 Apartment Hotel

"Apartment hotel" means any building which contains dwelling units and also satisfies the definition of a hotel, as defined in this chapter.

19.04.057 Apartments For Elderly Persons

"Apartments for elderly persons" means an apartment building or complex of buildings, twenty-four units or greater for occupancy exclusively by persons at least sixty-two years of age.

19.04.060 Arcade

"Arcade" means any business catering to minors, containing four or more amusement devices.

19.04.065 Area Of Special Flood Hazard

"Area of special flood hazard" means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

19.04.070 Base Flood

"Base flood" means a flood having a one-percent chance of being equaled or exceeded in any given year.

19.04.075 Basement

"Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story.

19.04.077 Bed And Breakfast Homestay

"Bed and breakfast homestay" means a dwelling which has frontage on a street with a minimum right-of-way of sixty feet, contains a maximum of five guestrooms, is occupied by the owner or individual responsible for operating the facility, and used for accommodations or lodging of guests paying compensation. Breakfast may be served during the a.m. hours. Lunch or dinner may not be served. This use shall not change the character of the dwelling or property for residential purposes, and shall meet the requirements of the health department and the City fire service provider. (The requirements of the health department limit breakfast to a continental-type breakfast unless certain specified health regulations are met.)

OPTION 2

19.04.078 Bed And Breakfast Inn

"Bed and breakfast inn" means a building containing a minimum of six guestrooms, but not more than thirty guestrooms (except the R-4-8.5 and R-M zones which are limited to a maximum of twenty guestrooms), is used for accommodations or lodging of guests paying compensation where at least a breakfast meal is served, and in which no provision is made for cooking in any individual guestroom. The structure shall have a residential appearance, and be limited to a maximum of two stories in height.

19.04.080 Boardinghouse

"Boardinghouse" means a building with not more than five guestrooms, where, for compensation, meals are provided for at least five but not more than fifteen persons.

19.04.085 Building

"Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

19.04.090 Building, Accessory

"Accessory building" means a detached building that is clearly incidental to and located upon the same lot occupied by the main building, and that is subordinate in height and area to the main building. Accessory buildings are compatible in terms of materials and massing with the main building. Also, a building clearly incidental to an agriculture or animal care land use located on a lot in an agriculture zone, which lot meets the minimum lot size for such zone and is not under one acre in area.

HISTORY

Amended by Ord. 18-35 on 6/11/2018

19.04.095 Building, Height Of

1. "Height of building" means the vertical distance above the lowest original ground surface at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs.
2. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.
3. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the development services division using the best information available.

HISTORY

Amended by Ord. 17-38 on 8/7/2017

19.04.100 Building, Main

"Main building" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.

OPTION 2

19.04.105 Canopy

"Canopy" means a roofed structure supported by a building and/or supports extending to the ground directly underneath the canopy, and providing a protective shield for service-station pump islands and walkways.

19.04.110 Carport

"Carport" means a private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

19.04.112 Check Cashing

"Check cashing" means cashing a check for consideration or extending a deferred deposit loan (as defined by the Check Cashing Regulation Act of the Utah Code) but does not include the activities of depository institutions or persons who cash a check in a transaction that is incidental to the retail sale of goods or services for consideration that does not exceed the greater of one percent of the amount of the check or one dollar.

19.04.115 Child Nursery

"Child nursery" means an establishment for the care, whether or not for compensation, of up to six children other than members of the family residing on the premises.

19.04.120 Church

"Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

19.04.123 City

"City" means Millcreek, a Utah municipality.

19.04.124 Civic Uses

Civic uses include a variety of (typically) publicly owned facilities, such as fire stations and schools, plus assembly uses. Assembly uses could include anything from a community meeting facility to a church to a performing arts center.

1. Transit Station. A covered passenger boarding facility with a platform(s), which may include a waiting room, ticket office or machines, restrooms, or concessions.
2. Hospital. A licensed institution providing medical care and health services to the community. These services may be located in one building or clustered in several buildings and may include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, pharmacies, and gift shop.
3. Library/Museum. A structure open to the general public housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.
4. Police and Fire. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included.

OPTION 2

5. Post Office. A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Large-scale postal sorting and distribution is not permitted.
6. School. An education facility with classrooms and offices, that may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service.

HISTORY

Adopted by Ord. 17-26 on 6/12/2017

19.04.125 Class A Beer Outlet

"Class A beer outlet" means a place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the Liquor Control Act of the state and the licensing ordinance of the City.

19.04.130 Class B Beer Outlet

"Class B beer outlet" means a place of business in connection with a bona fide restaurant wherein beer is sold in original containers for consumption on the premises; provided, that the sale of beer is less than forty percent of the gross dollar value, subject to the provisions of the licensing ordinance of the City.

19.04.135 Class C Beer Outlet

"Class C beer outlet" means a place of business wherein the primary or main business is that of selling beer for consumption on the premises.

19.04.140 Conditional Use

"Conditional use" means a use of land for which a conditional use permit is required pursuant to MKC 19.84.

19.04.145 Corral

"Corral" means a space, other than a building, less than one acre in area or less than one hundred feet in width, used for the confinement of animals.

19.04.150 Court

"Court" means an occupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.

19.04.155 Dairy

"Dairy" means a commercial establishment for the manufacture or processing of dairy products.

19.04.160 Day Care/Preschool Center

"Day care/preschool center" means:

1. Any facility, other than an occupied dwelling, operated by a person qualified by the state, which provides day care, protection or supervision and/or preschool instruction.

OPTION 2

2. No person who is violent or being treated for alcoholism or drug abuse can be placed in a day care/preschool center. Placement in a day care/preschool center may not be part of or in lieu of confinement, rehabilitation or treatment in a correctional facility.

19.04.165 Development

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

19.04.166 Director

"Director" means the director of the Salt Lake City planning and development services division acting on behalf of the City.

19.04.167 Development Services Division

"Development services division" means the Salt Lake County public works, planning and development services division acting on behalf of the City.

19.04.168 Disability

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

19.04.175 Drive-In Refreshment Stand

"Drive-in refreshment stand" means a place of business where food and drink are sold primarily for consumption on the premises outside the structure.

19.04.180 Dwelling

"Dwelling" means any building, or portion thereof, which is designated for use for residential purposes, except hotels, apartment hotels, boardinghouses, lodgings, tourist courts and apartment courts.

19.04.185 Dwelling, Four-Family

"Four-family dwelling" means a single building under a continuous roof containing four dwelling units completely separated by either: (1) common interior walls, where the units are side by side; or (2) common interior floors, where the units are one above the other. A common wall(s) may be located within an attached garage used for the storage of private automobiles.

19.04.190 Dwelling Group

"Dwelling group" means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

19.04.195 Dwelling, Multiple-Family

"Multiple-family dwelling" means a building arranged or designed to be occupied by more than four families.

19.04.200 Dwelling, Single-Family

OPTION 2

"Single-family dwelling" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

19.04.205 Dwelling, Three-Family

"Three-family dwelling" means a single building under a continuous roof containing three dwelling units completely separated by either: (1) common interior walls, where the units are side by side; or (2) common interior floors, where the units are one above the other. A common wall(s) may be located within an attached garage used for the storage of private automobiles.

19.04.210 Dwelling, Two-Family

"Two-family dwelling" means a single building under a continuous roof containing two dwelling units completely separated by either: (1) a common interior wall, where the units are side by side; or (2) a common interior floor, where the units are one above the other. A common wall may be located within an attached garage used for the storage of private automobiles.

19.04.215 Dwelling Unit

"Dwelling unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

1. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
2. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
3. There is only one electric and/or gas meter for the building.

19.04.220 Entrance

"Entrance" means the location of ingress to a room, building or lot; a location of admittance.

19.04.225 Exit

"Exit" means the location of egress from a room, building or lot.

19.04.230 Family

"Family" means:

1. Any number of people living together in a dwelling unit and related by blood, marriage or adoption, and including up to three additional unrelated people; or
2. One to four unrelated people living together in a dwelling.

Each unrelated person owning or operating a motor vehicle shall have a lawfully located off-street parking space.

19.04.235 Family Food Production

OPTION 2

"Family food production" means the keeping of not more than two cows, two sheep, two goats, twenty rabbits, fifty chickens, fifty pheasants, ten ducks, ten turkeys, ten geese and twenty pigeons, provided that not more than three of the above-listed kinds of animals and fowl are permitted at any one time on any lot in zones where family food production may be a permitted or conditional use.

19.04.240 Flood Or Flooding

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

19.04.245 Flood Insurance Rate Map (FIRM)

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

19.04.250 Flood Insurance Study

"Flood insurance study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

19.04.255 Floodway

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

19.04.260 Frontage

"Frontage" means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end streets, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

19.04.265 Garage, Private

"Private garage" means an accessory building designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a roof or wall in common. A private garage may not be used for storage of more than one truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half tons capacity.

19.04.270 Garage, Public

"Public garage" means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

OPTION 2

19.04.275 Grade

"Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

19.04.277 Graffiti

"Graffiti" means inscriptions, drawings, paintings or other visual defacing of buildings, structures or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in the City ordinances.

19.04.280 Guest

"Guest" means a transient person who rents or occupies a room for sleeping purposes.

19.04.285 Guestroom

"Guestroom" means a room which is designed for double occupancy by guests, for sleeping purposes.

19.04.290 Guest House

"Guest house" means a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants, and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

19.04.293 Home Day Care/Preschool

"Home day care/preschool" means the keeping for care and/or preschool instruction of twelve or less children including the caregiver's own children under the age of six and not yet in full day school within an occupied dwelling and yard. (State regulations require two caregivers if there are more than six children in a home day care and may further limit the number of children allowed in a home day care.) A home day care/preschool must meet the following standards:

1. When allowed as a permitted use there shall be a maximum of six children without any employees not residing in the dwelling. When allowed as a conditional use there shall be a maximum of twelve children with not more than one employee at any one time not residing in the dwelling;
2. The use shall comply with the health department noise regulations;
3. The play yard shall not be located in the front yard and shall only be used between eight a.m. and nine p.m.;
4. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the development services division director to insure that the parking is functional and does not change the residential character of the lot;
5. No signs shall be allowed on the dwelling or lot except a nameplate sign;
6. The use shall comply with all local, state and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children);

OPTION 2

7. Upon complaint that any of the requirements of this section or any other City ordinance are being violated by a home day care/preschool caregiver, the county on behalf of the City shall review the complaint and if substantiated may institute a license revocation proceeding under MKC 5.14.020; and
8. The caregiver shall notify in writing, on a form provided by the development services division, all property owners within a three hundred foot radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.

19.04.297 Hospital

"Hospital" means an institution licensed by the State of Utah which provides diagnostic, therapeutic, surgical, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four (24) hour basis shall be considered a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital. Includes both general acute and specialty hospitals and must be licensed by the Utah Department of Health pursuant to the Health Care Facility Licensing and Inspection Act.

HISTORY

Adopted by Ord. 18-01 on 1/8/2018

19.04.300 Hotel

"Hotel" means a building designed for or occupied by sixteen or more guests who are for compensation lodged, with or without meals.

19.04.305 (Reserved)

19.04.310 Intensity

"Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most-intense being higher, longer and/or wider.

19.04.315 Junk

1. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or recreational vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of sixty days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.
2. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed two years if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

OPTION 2

3. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed two years provided:
 1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; and
 2. The automobile or truck shall not be visible from any public street; and
 3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.
4. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

19.04.320 Junkyard

"Junkyard" means the use of any lot, portion of a lot, or tract of land for the sale, storage, keeping, disassembly or abandonment of junk or discarded or salvaged material, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

19.04.325 Kennel

"Kennel" means the keeping of three or more dogs, at least four months old.

19.04.327 Licensed Massage Therapy Practice

"Licensed Massage Therapy Practice" means any place of business in which massage therapy is practiced by one or more massage therapists, as defined, licensed, and regulated under the Massage Therapy Practice Act, under Utah Code Annotated Section 58-47b, each licensed therapist possessing a Millcreek Business License in good standing.

19.04.328 Lighting Manufacturing

The indoor manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, which does not produce noise, odors, vibration, hazardous waste materials, or particulate that will cause detrimental effects to neighboring properties.

HISTORY

Adopted by Ord. 17-26 on 6/12/2017

19.04.330 Lodginghouse

"Lodginghouse" means a building where lodging only is provided for compensation of five or more, but not exceeding fifteen persons.

19.04.335 Lot

OPTION 2

"Lot" means a parcel of land occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot areas as are required by this title, having frontage upon a street or upon a right-of-way approved by a land use hearing officer, or upon a right-of-way not less than twenty feet wide. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy one lot.

19.04.340 Lot, Corner

"Corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.

19.04.345 Lot, Interior

"Interior lot" means a lot other than a corner lot.

19.04.348 Mixed Use

General retail, office, and residential uses sharing the same building.

HISTORY

Adopted by Ord. 17-26 on 6/12/2017

19.04.350 Mobile Home Or Manufactured Home

1. "Mobile home" or "manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when connected to the required utilities.
2. The requirements of this title shall not be construed to prevent the storage of a mobile home in the rear yard of a dwelling structure. A mobile home so stored may be temporarily used for sleeping purposes by members or guests of the family residing in the dwelling structure, but the mobile home shall not be connected to utilities or used for residential purposes unless approved by the planning commission as a temporary use incidental to construction work.
3. Except as provided herein and in MKC 19.76.290, a mobile home shall not be used for residential or sleeping purposes unless the mobile home is located in an approved mobile home park or an approved mobile home subdivision.

19.04.355 Mobile Home Park

"Mobile home park" means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation, pursuant to the mobile home park ordinance.

19.04.360 Mobile Store

"Mobile store" means a portable structure, including vehicles, without a permanent foundation, for use on a temporary or seasonal basis, from which goods or merchandise are sold or where a service is provided which is utilized on the premises. Approval for each mobile store shall not exceed one hundred twenty days per calendar year at the same location or within two hundred fifty feet of a previously approved location.

19.04.365 Natural Waterways

OPTION 2

"Natural waterways" means those areas varying in width along streams, creeks, gullies, springs or washes which are natural drainage channels, as determined by the building inspector, and in which areas no building shall be constructed.

19.04.370 Neighborhood Storage

"Neighborhood storage" means a building not served by sewer, water or gas utilities and used exclusively for storing personal property of an individual or family, retail business inventory items, and business records and accounts.

19.04.375 New Construction

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in MKC 19.74, on floodplain hazard regulations.

19.04.380 Noncomplying Structure

"Noncomplying structure" means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height, area and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to subsequent public acquisition of land for public improvements.

19.04.385 Nonconforming Use

"Nonconforming use" means a use which lawfully occupied a building or land at the time the ordinance codified in this title became effective and which does not conform with the use regulations of the zone in which it is located.

19.04.390 Nursing Home

"Nursing home" means an establishment where persons are lodged and furnished with meals and nursing care.

19.04.392 Office Building, Multi-Tenant

"Office Building, Multi-Tenant" means a building occupied by multiple tenants used primarily for the conduct of business relating to administration, clerical services, consulting, or other services not related to retail sales. A multi-tenant office building features a common pedestrian entrance for all tenants and interior common area from which offices are accessed.

19.04.393 Office Uses

A category of uses that involve the transaction of business for a profession, service, industry, or government. Office uses include, but are not limited to: Architecture/Engineering/Design, Building Contractor (office only), Business Consulting Charitable Institutions, Computer Programming & Support, Detective Services Educational Services (tutor & testing), Employment Agency, Financial & Insurance Government Offices, Home occupation, Legal Services, **Licensed Massage Therapy Practices**, Management Services, Physical Therapy/Physical Rehabilitation, Medical & Dental with Laboratory, PR & Advertising, Property Development, Radio & TV Studio, Real Estate, Recording & Sound Studio, Research & Development, Research Agency, Surveying.

HISTORY

Adopted by Ord. 17-26 on 6/12/2017

OPTION 2

19.04.395 Organic Disposal Site

"Organic disposal site" means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.

19.04.400 Package Agency

"Package agency" means a retail liquor location operated under a contractual agreement with the state department of alcoholic beverage control, by a person other than the state, who is authorized by the state of Utah alcoholic beverage control commission to sell package liquor for consumption off the premises of the agency.

19.04.405 Parking Lot

"Parking lot" means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

19.04.410 Parking Space

"Parking space" means space within a building, lot or parking lot for the parking or storage of one automobile.

19.04.415 Permitted Use

"Permitted use" means a use of land for which no conditional use permit is required.

19.04.420 Planned Unit Development

"Planned unit development" means a complete development plan for an area pursuant to MKC 19.78.

19.04.421 Planning Commission

"Planning commission" means the City planning commission.

19.04.425 Private Educational Institutions Having An Academic Curriculum Similar To That Ordinarily Given In Public Schools

"Private educational institutions having an academic curriculum similar to that ordinarily given in public schools" means private training schools and other private schools which are instructional in nature, including laboratory and shop instruction with the use of demonstration vehicles, products or models incidental to such instruction, but not including the repair, maintenance or manufacture of vehicles, goods or merchandise, not providing direct services other than instruction to the general public.

19.04.430 Private Nonprofit Locker Club

"Private nonprofit locker club" means a social club, recreational, athletic or kindred association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed or sold.

19.04.435 Private Nonprofit Recreational Grounds And Facilities

OPTION 2

"Private nonprofit recreational grounds and facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, or a corporate sole.

19.04.437 Protected Living Arrangement

"Protected living arrangement" means provision for food, shelter, appropriate sleeping accommodations, and supervision of activities of daily living for persons of any age who are unable to independently maintain these basic needs and functions.

19.04.440 Public Use

"Public use" means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.

19.04.445 Quasi-Public Use

"Quasi-public use" means a use operated by a private nonprofit educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools and universities, and similar uses.

19.04.447 Rail Transit Mixed-Use

"Rail transit mixed-use" means a use which allows rail-oriented development that combines different land uses within a single development, tract of land, building, or structure. Its purpose is to encourage development that is high quality, human scale, and pedestrian friendly, while creating a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact walkable urban form.

19.04.448 Recreation, Commercial

"Commercial recreation" means recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.

19.04.44X Rehabilitation/Treatment Facility

"Rehabilitation/treatment facility" means a free-standing facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, conditions resulting from alcohol or drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A rehabilitation/treatment facility does not include a residential facility for persons with a disability.

HISTORY

Adopted by Ord. 18-01 on 1/8/2018

19.04.448.5 Rehabilitation/Treatment Facility

OPTION 2

19.04.449 Reiki Business

"Reiki business" means a business devoted primarily to Reiki healing, or any other system that has elements of the following. The practitioner, trained to access and serve as a channel for a sacred life force, places his or her hands on or just above the client's body in order to activate healing energy within receptive points on the body. The practitioner's hands move progressively with a passive touch through various positions on the body, remaining in each position for a period of time. As a harmonic flow of energy is strengthened, within the client and practitioner, healing occurs through the return of physical, mental and spiritual balance. For purposes of this title, a Reiki business shall not include Reiki healing, or similar system, which are performed in a hospital or medical clinic.

19.04.451 Residential Facility For Elderly Persons

1. "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that is occupied twenty-four hours a day in a family-type arrangement by eight or fewer elderly persons sixty years old or older capable of living independently.
2. Such facility shall be owned by one of the residents or by an immediate family member of one of the residents or the title has been placed in trust for a resident.
3. Placement in such facility is on a voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.
4. No person being treated for alcoholism or drug abuse may be placed in such a facility.
5. The structure shall be capable of use without the residential character being changed by exterior structural or landscaping alterations.
6. Each facility shall not be located within three-quarters mile of another residential facility for elderly persons or residential facility for handicapped persons.
7. This use is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

19.04.452 Residential Facility For Persons With A Disability

"Residential facility for persons with a disability" means a residence:

1. In which more than one person with a disability resides; and
2. Is (1) licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities, Utah Code, Unannotated; or (2) licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, Utah Code, Unannotated.

19.04.455 Resort Hotel

"Resort hotel" means a building or group of buildings, other than a motel, boardinghouse or lodging house, containing individual guestrooms, suites of guestrooms, dwelling units, and which furnishes services customarily provided by hotels.

19.04.457 Resource Recycling Collection Point

OPTION 2

"Resource recycling collection point" means a portable structure, enclosed bin, trailer, or reverse vending machine where recyclable material (aluminum cans, glass, paper, etc.) is exchanged for money or deposited as a donation. Approval is not to exceed twelve months without reapproval.

19.04.460 Restaurant

"Restaurant" means a place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public for consumption on the premises primarily in indoor dining accommodations.

19.04.462 Restaurant Liquor License

"Restaurant liquor license" means a public restaurant authorized by the state alcoholic beverage control commission as a liquor outlet allowing the storage, sale and consumption of liquor and alcohol on the premises.

19.04.463 Uses

19.04.463A Retail Food Trucks

19.04.463B Retail Uses

19.04.463A Retail Food Trucks

Retail food sales located within a mobile truck and having Salt Lake County Health Department approvals as well as a Millcreek business license and other permits.

HISTORY

Adopted by Ord. 17-26 on 6/12/2017

19.04.463B Retail Uses

A category of uses involving the retail sale of goods or merchandise to the general public for personal or household consumption.

1. Neighborhood Retail. A use in this category occupies a space of less than 5,000 square feet. Neighborhood Retail is intended to enhance neighborhood commercial areas by promoting a concentration of businesses that provide goods and services used frequently by local residents with a scale and character that promotes a walk-in clientele. Typical Neighborhood Retail Uses include, but are not limited to: Alcohol & Liquor Sales as a secondary use, Apparel & Accessory Store, Art & Education Supplies, Bakery, Bicycle Sales & Repair, Book, Magazine, & Newspaper Store, Hardware, Garden Supply, Camera & Photo Supply Store, Convenience Store, Pharmacy, Fabric & Craft Store, Florist, Gift, Souvenir, Grocery Store, Jewelry Sales & Repair, Music Store, Musical Instrument Repair & Sales, Office Supply, Optical Goods, Paint & Wallpaper, Pet & Pet Supply, Restaurant/cafe, Specialty Food Market of all types, Copy Store, Toy Shop.
2. General Retail. A use in this category includes all Neighborhood Retail uses and is intended to serve a community-wide market as well as regional markets. Typical General Retail Uses include, but are not limited to: All Neighborhood Retail, Appliance & Electronic Sales & Service, Automotive Supply (no service), Computer Software Sales & Leasing, Department Store, Gun Shop, Home Furnishings & Accessories Sales, Rental supply, Medical Supply Store & Rental, Motorcycle & Motor Scooter Sales, Heating, Air Conditioning & Plumbing Supplies, Sales, &

OPTION 2

Service, Cabinet Supply (display only), Machine Sales and Rental, Agriculture Equipment and Supply, Electrical Supplies.

3. Outdoor Sales Lot. A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies.

HISTORY

Adopted by Ord. 17-26 on 6/12/2017

19.04.465 Sanitary Landfill

"Sanitary landfill" means a land disposal site where solid waste is disposed of using sanitary landfilling techniques, including but not limited to an engineered method of disposing of solid waste on land in a manner that does not create a nuisance or health hazard and that protects the environment, by spreading the waste in thin layers, compacting it to the smallest practical volume, confining it to the smallest practical area, and covering it with soil by the end of each working day or as often as may be directed by the board of health.

19.04.466 Service Uses

A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments.

1. Neighborhood Service. A use in this category occupies a space of less than 5,000 square feet. Neighborhood services are used frequently by local residents with a scale and character that promotes a walk-in clientele. Neighborhood service includes, but is not limited to: Bank or other Financial Service, Barber Shop, Personal Care Salon, Spa, Catering, Child or Pet Day Care, , Adult Care Facility, Dry Cleaning & Laundry, Eating & Drinking establishments, Fitness, Dance Studio, Aquatics, Framing, Home Furniture & Equipment Repair, Locksmith, Mailing Services, Pet Grooming, Photocopying & Printing, Photography Studio & Supplies, Shoe Repair, Tailor & Seamstress, Tanning Salon, Travel Agency, Veterinarian, and small dental or medical offices.
2. General Service. A use in this category includes all Neighborhood Service uses and includes but is not limited to: All Neighborhood Services, Animal Boarding (interior only), Bowling Alley, Check Cashing and/or Title and Payday Loan store, Concert Hall, Pest Control, Cleaning Service, Funeral Home, Microbrewery, Miniature Golf Course, Movie Theater, Commercial Indoor Recreation, Repair of Small Goods & Electronics, Gun & Archery Ranges (indoor only), Skating Rink, Self-storage facilities, Tattoo/Piercing Parlor.
3. Vehicle Service. The servicing of vehicles and/or the distribution of fuel to residents of the community and region. A convenience store may also be included as a secondary use, as well as the sale of propane and kerosene. Vehicle service includes such uses as automotive filling stations, vehicle repair, car wash facilities, tire sales/service, but does not include auto body shops and vehicle recycling.

HISTORY

Adopted by Ord. 17-26 on 6/12/2017

OPTION 2

19.04.470 School

"School" means an institution recognized as satisfying the requirements of public education and having an academic curriculum similar to that ordinarily given in public schools. Home occupations represented as schools shall not apply (dance, music, crafts, child nurseries, etc.).

19.04.475 Shopping Center

"Shopping center" means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit.

19.04.480 Sportsman's Kennel

"Sportsman's kennel" means a kennel for the keeping of three to five dogs which has a valid permit from the department of animal services and is located on a lot of at least one acre.

19.04.485 Stable, Private

"Private stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.

19.04.490 Stable, Public

"Public stable" means a stable other than a private stable.

19.04.495 Start Of Construction

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

19.04.500 State Store

"State store" means a facility for the sale of package liquor located on the premises owned or leased by the state and operated by state employees. This term shall not apply to restaurants, private clubs or package agencies.

19.04.505 Story

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

19.04.507 Story, First

OPTION 2

"First story" means the lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

19.04.510 Story, Half

"Half story" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

19.04.515 Street

"Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

19.04.520 Structure

"Structure" means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

19.04.525 Structural Alterations

"Structural alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

19.04.530 Studios

"Studios" means a facility used for the instruction of specialized talents or skills.

19.04.535 Substantial Improvement

1. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
 1. Before the improvement or repair is started; or
 2. If the structure is damaged and is being restored, before the damage occurred.
2. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
3. The term does not, however, include either:
 1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

19.04.540 Tanning Studio

OPTION 2

"Tanning studio" means any business which uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

19.04.545 Tourist Court

"Tourist court" means any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located at each unit, including auto courts, motels or motor lodges.

19.04.547 Short-Term Rental

"Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days or a residential unit or any portion of a residential unit or that is actually used for accommodations or lodging of guests for a period of less than thirty consecutive days.

HISTORY

Amended by Ord. 18-28 on 5/14/2018

19.04.550 Use, Accessory

"Accessory use" means a subordinate use customarily incidental to and located upon the same lot occupied by a main use.

19.04.551 Vehicle, Commercial

"Commercial vehicle" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

1. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting; vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicle.
2. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature.
3. Vehicles with more than two axles.
4. Vehicles that exceed eight feet in height.

19.04.553 Vehicle, Private

"Private vehicle" means an automobile, sport utility, crossover, pickup truck, motorcycle, or similar motorized device in which a person or thing is, or can be, transported from one place to another, except commercial or recreational vehicles as defined in this chapter.

19.04.554 Vehicle, Recreational

OPTION 2

"Recreational vehicle" means a vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use or as temporary living quarters for travel or vacation purposes. "Recreational vehicle" does not include human or battery powered personal apparatuses, such as bicycles, kick-scooters, or children's toys.

19.04.555 Width Of Lot

"Width of lot" means the distance between the side lot lines and the distance back from the front lot line required for the depth of the front yard.

19.04.560 Yard

"Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

1. Fences;
2. Canopies allowed under MKC 19.80.120B;
3. Accessory buildings in a rear yard;
4. The ordinary projections of windows where the projection is at least eighteen inches above floor level, roofs, cornices, chimneys, flues and other ornamental features which project into a yard not more than three feet;
5. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet;
6. Structures less than eighteen inches in height from the finished ground surface.

19.04.565 Yard, Front

"Front yard" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

19.04.570 Yard, Rear

"Rear yard" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

19.04.575 Yard, Side

"Side yard" means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

OPTION 2

Chapter 19.44 R-M RESIDENTIAL ZONE

19.44.010 PURPOSE AND INTENT

19.44.020 PERMITTED AND CONDITIONAL USES

19.44.030 BULK AND YARD REGULATIONS: PRINCIPAL BUILDINGS

19.44.040 BULK AND YARD REGULATIONS: ACCESSORY BUILDINGS

19.44.050 DEVELOPMENT REQUIREMENTS

19.44.060 SUBDIVISION OF ATTACHED DWELLING UNITS

19.44.070 GENERAL STANDARDS OF APPLICABILITY

19.44.010 PURPOSE AND INTENT

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.

HISTORY

Amended by Ord. 18-01 on 1/8/2018

19.44.020 PERMITTED AND CONDITIONAL USES

Table 19.44-1: Land uses for the RM zone are listed in this table.

“P” indicates that a use is considered permitted within that zoning district.

“C” indicates that a use is considered a conditional use in that zoning district and conditional use approval shall be obtained in order to establish the use, as required in section MKC 19.16.040.

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.

Table 19.44-1

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

OPTION 2

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 MKC 19.85
Home day care/preschool; 1-6 children	P	See section MKC 19.04.293
Home Day Care/preschool; 7-12 children	C	See section MKC 19.04.293
Hospital, Urgent-care, emergency care, surgical center	C	May include helipads as an accessory use
Mortuary	C	Excluding crematoriums
Office, including professional and medical	P	Stand alone or as part of a mixed use development
Personal Care, Massage (1) , Hair care, etc.	C	Stand alone or as part of a mixed use development
Planned unit development	C	Subject to Chapter MKC 19.78
Private educational institutions	C	
Public and quasi-public uses	C	
Residential health care facility	P	
Residence for elderly	P	
Residential facility for persons with a disability	P	
Senior care center/Nursing home	P	
Short-term rental	P	See section MKC 19.04.547
Temporary construction buildings	P	See section MKC 19.04.451
Veterinary clinic	C	

TABLE 19.44-1 FOOTNOTES

OPTION 2

1. The following requirements apply to Licensed Massage Therapy Practices: including the following requirements for massage businesses:

1. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.

2. 1. Each practitioner Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek business license.

3. Neither clients nor practitioners shall appear on the premises in a state of nudity or semi-nudity, as defined in the Sexually Oriented Business Chapter of Title 5 of this Code; and

4. 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.

HISTORY

Amended by Ord. 18-01 on 1/8/2018

Amended by Ord. 18-28 on 5/14/2018

19.44.030 BULK AND YARD REGULATIONS: PRINCIPAL BUILDINGS

Table 19.44-2: Medium and High Density Residential Zones Building and Bulk Yards establishes bulk and yard regulations for principal buildings.

Table 19.44-2

<i>Minimum lot area per unit</i>	
Single-family detached dwellings	5,000 sf
Two-family dwellings	3500 sf per unit
Two-family fee simple dwelling (per dwelling)	3000 sf per unit
Three-family dwellings	3000 sf per unit
Four-family dwellings	3000 sf per unit
Multi-family; five or more attached dwellings	2000 sf per unit
Other permitted principal uses	20,000 sf
<i>Residential uses</i>	
Minimum lot width	50 ft
Maximum building height	40 ft (1) (5)
Front yard	25 ft (2)

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Side yard	10' minimum
Side yard, interior	10' minimum
Side yard, corner	20 ft
Rear yard, without garage	30 ft (4)
Rear yard, with garage (3)	20 ft (4)
Maximum lot coverage	60%
<i>Non-residential uses</i>	
Minimum lot width	50 ft
Maximum building height	40 ft (1) (5)
Front yard	25 ft (2)
Side yard, interior	10 ft (4)
Side yard, corner	20 ft
Rear yard	30 ft (4)

TABLE 19.44-2: FOOTNOTES

1. Unless considered through a development agreement as part of a rezoning process, 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 set back between the second and third floors, provide an additional 10' front yard set back 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. If not accomplished through a development agreement, this flexibility is only allowed in the Meadowbrook area (west of State Street, north of Big Cottonwood Creek, east of the TRAX line, and south of 3900 South) including both sides of State Street, and the Highland Drive and 13th East intersections with 3300 S, including a 500' radius from those two intersections.
2. The minimum depth of the front yard for main buildings, and for private garages which have a minimum side yard of ten feet, shall be (1) twenty-five feet, or (2) the average of the existing adjacent buildings on the same block where fifty percent or more of the frontage is developed; but in no case shall the depth be less than fifteen feet or required to be more than twenty-five

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feet. 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 façade of the building. Front yards may also be reduced based on enhanced landscaping as per section MKC 19.77.050 and if located in a town center as defined in the General Plan, a 10' front yard is allowed. Where a front yard setback is reduced below 20 feet per MKC 19.77.050, a ten foot stepback is required between the first story and upper stories of the building.

3. The rear yard shall be not less than 20 feet for single-family dwellings or duplexes with an attached garage or a garage that meets all of the yard requirements for principal buildings.
4. Parking may encroach into the side and rear yards for non-residential uses/buildings, provided a ten (10) foot landscaped area remains. The ten foot remaining rear yard and the ten foot side yards, shall be permanently landscaped and include medium size trees (minimum 2" caliper) on 30' centers, unless otherwise approved by the Planning Commission as part of a comprehensive landscape plan. Six (6) foot opaque fencing is required for yards that abut single family residential use and/or zones.
5. See section MKC 19.44 050 #11 for increased set back requirements based on height.

HISTORY

Amended by Ord. 18-01 on 1/8/2018

Amended by Ord. 18-46 on 8/13/2018

19.44.040 BULK AND YARD REGULATIONS: ACCESSORY BUILDINGS

The bulk and yard regulations for accessory buildings are as set forth in Table 19.44-3: Medium and High Density Residential Zones: Yard and Bulk Regulations; Accessory Buildings.

Table 19.44-3

Minimum front yard (1)	25 ft
Minimum side yard; interior	10 ft
Minimum side yard; corner (2)	20 ft
Minimum rear yard (3)	30 ft
Set back from principal building	10 ft
Building heights (4)	12-20 ft
Maximum coverage of rear yards	25%

TABLE 19.44-3: FOOTNOTES

1. No accessory buildings are allowed in the front yard.

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2. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than twenty feet or the average of existing buildings where fifty percent or more of the frontage is developed, but in no case less than fifteen feet.
3. The minimum yard for an accessory building located in the rear yard shall be 3 foot from interior side and rear lot lines, except that such accessory building may not be closer than 10 feet to a dwelling located on an adjacent lot. Where a rear yard abuts a side yard of an adjacent lot, the minimum rear yard shall be 10 feet.
4. Any accessory building more than fourteen feet in height shall be set back one additional foot from the property line for each foot of height over fourteen feet, up to the maximum height of twenty feet.

HISTORY

Amended by Ord. 18-01 on 1/8/2018

19.44.050 DEVELOPMENT REQUIREMENTS

The following are required for all developments:

1. **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.
2. **Open Space.** Common open space shall be provided for residential uses in the amount of at least 40% of the gross site area in locations not defined as town centers. In town centers, as defined in the General Plan, lots smaller than 1 acre, the Highland Drive and 13th East areas along 3300 S and within a 500' radius of those intersections, and the Meadowbrook area, the minimum open space percentage is 20%. 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, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the principle 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 (but not curb-gutter-sidewalk in the public ROW), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area, except multi-family complexes with over 20 units shall include open areas as per Subsection E(14)(g) for passive recreation purposes. It shall also have spaces that are useful for active recreation. Refer to Subsection E(10) for required amenities.

3. **Interior Streets.** The design of public and private streets within a development shall follow Millcreek City standards for roadway development as defined by the City transportation engineer. 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.

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4. **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 from the collection, storage, and removal on any residence within the development or abutting neighborhoods. 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 three solid wall sides and a gate that reflects or emulates the materials, design, and quality of the overall development. Dumpsters shall be located and designed into landscaped areas and not simply placed in open parking hard surfaced areas. All developments shall provide recycling services.
5. **Traffic Generation and Parking.** All parking standards detailed below are considered minimums. See MKC 19.80 Off-Street Parking for general requirements, subject to the additional considerations below:

1. **Residential standards**

Studio	0.75 parking space per unit
One bedroom unit	1.5 parking spaces per unit
Two bedroom units	2.0 parking spaces per unit
Three bedroom units	2.5 parking spaces per unit
4 or more bedroom units	3.0 parking spaces per unit
Guest parking spaces	0.33 parking spaces per unit (min. of 5 required for projects over 10 units)

1. The parking requirements identified in this section supersede other parking requirements in this Title. Resident and guest parking spaces shall be conveniently distributed throughout the development.
2. All parking areas, covered or open, except garages, shall have a landscaped buffer in accordance with MKC 19.77, Water Efficient Landscape Design and Development Standards.
3. Developments offering the amenities listed in Subsection E(2) are entitled to the applicable parking reductions. These reductions are not mandatory, but if they are chosen, are cumulative up to a maximum of a .25 reduction in the total number of parking spaces, after which a traffic study is required for further reductions. The Planning Commission, or the Planning Director or designee, may further modify the required parking, at their sole discretion, with support of a parking study. Any calculations for parking demand that result in a fraction shall be rounded up.

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4. Parking is prohibited within approved fire access and turn-around facilities. Parking lots greater than 2 spaces in front of a garage, shall not be located in the required front yard.
5. Garages:
 1. Garage parking, if used, double car garages shall have a minimum unobstructed size of 22 feet wide by 20 feet in length. Single car garages shall have a minimum unobstructed size of 10 feet by 20 feet. Garages are required for some developments. See Subsections E(12)(e) and 13(f).
 2. Covered parking, if used, shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.
 3. Tandem spaces in conjunction with garages may be allowed with a minimum size requirement of 20 feet long by 9 feet wide per parking space, up to a maximum of two contiguous spaces per unit.
 4. Underground parking is encouraged.

2. **Eligible Residential Unit Parking Reductions**

Bicycle Share (on-site self-serve bike station) including bicycle lockers and a work space	0.05
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 (this reduction cannot be added to the 1/4 mile reduction)	0.10
Senior Housing	0.20

3. **Non-residential parking standards.** All applicable standards found in MKC 19.80 shall be considered minimums, but may be modified with a parking study.
4. **Traffic and Parking Studies.** An applicant may propose reductions beyond the eligible rate reductions established above by commissioning a site-specific traffic and parking study. A site-specific traffic and parking study may substitute for but not necessarily supersede these requirements, as determined by the Planning Commission, or the Planning Director or designee. If a dispute arises in terms of the parking requirement, the City shall commission a parking study by a parking specialist to act as the defining study for a determination. Such studies shall, as a minimum, take into account the setting, the quality, proximity, and frequency of available transit, biking, bedrooms per unit, area walkability, trends in occupancy, and overflow parking. This study shall be paid for by the applicant but managed by the City.
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

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quality, hardiness, and low maintenance characteristics shall be used. No single material is allowed to 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.

6. **Landscaping, including Landscaping adjacent to a 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 MKC 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 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 MKC 19.77 with a minimum of a five foot, irrigated landscaped area next to the public ROW. Proper maintenance of this area is required. 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 MKC 19.77.
7. **Front, Side Yard and Rear Yard Fencing.** Fencing of a residential development shall be provided except in the case of compatible adjacent uses and in front yards and to achieve clear view standards on side lot lines. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, metal intended to look like 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. Access between adjacent compatible uses may be required and may eliminate the need for the required fence in that location.
8. **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' of any property line.
9. **Signage.** Only monument signs with a maximum size of 50 square feet, and 5 feet in height are allowed. Signs shall be set back a minimum of 5' from the public ROW and not restrict the clear view of an intersection or from a driveway. No temporary signs are allowed other than for sale or rent signs with a maximum of 6 square feet in area per side. Only two permanent signs are allowed per 300 feet of frontage. Sign lighting shall be external with the lighting oriented downward only. The size, location, design and nature of signs, shall be consistent with the characteristics of the building to which it is oriented. The requirements for signs found in MKC 19.82 for the RM zone are superseded by the above provisions. Notwithstanding the foregoing, clear, easily read from the street, address signs, for the project are required and may be mounted on buildings.
10. **Site Plan.** All developments shall be guided by a total design plan. The Planning Commission may require such arrangements of structures, open spaces, landscaping,

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buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following standards shall be used by the Planning Commission principally to assure the design objectives of this section are met.

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.

Multi-family residential developments may include rooftops gardens or patios provided the rooftop garden or patio is set back a minimum of 100 feet from the property line.

1. **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.
 2. **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.
 3. **Privacy.** Each residential development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, landscaping, and sound reducing construction techniques with a maximum transmission of 55 decibels in the walls and ceilings shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
 4. **Sidewalks.** As required elements of a development, interior sidewalks shall be installed to serve the development and connect to the public street.
 5. **Utilities.** All utilities shall be located underground. Utility equipment shall be screened from view and preferably, not fronting on a public street.
11. **Required 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.

Basketball Court* - 1,600 sq. ft., Volleyball Court - 3,500 sq. ft., Sports Court* - 1,600 sq. ft.

Tennis Court - 7,000 sq. ft./court, Swimming Pool - 800 sq. ft., does not include surrounding decks, etc.

Package of leisure activity areas - putting green, horseshoes, shuffle board, etc.

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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.

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, etc.

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.

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, jogging, etc.

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 a transparent material.

Other - Any facility not listed that is determined by the Planning Commission to be appropriate.

The required number of recreation facilities is based on the number of bedrooms in a tri-plex, four-plex or multi-family development, as follows:

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

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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

12. Developments with more than 2,500 bedrooms must provide on additional reaction facility.

13. **Miscellaneous.** Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Xeriscape shall include permanently irrigated trees and shrubs. Low impact water retention development techniques are encouraged to manage storm water onsite including but not limited to slotted curbs in landscaped areas such as parking lot islands or areas adjacent to parking lots, planter boxes, rain gardens, and bio-swales in the open spaces. Exposed front yard below grade storm water retention areas are prohibited. 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.

14. **Building and site design for single family dwellings, duplex or twin home developments**

1. No more than 2 adjacent units 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% or more of the front façade. More than three colors are discouraged for front facades. Any façade that faces a street shall include windows.

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2. All residential units shall have at least a 20' deep rear yard.
3. Buildings adjacent to public streets shall address the street with functional front doors and windows. The landing for the front door shall include sufficient square footage to accommodate two chairs without impeding the door opening.
4. Front yards including a front yard on a corner, shall be landscaped, including irrigation, within one year of occupancy. 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 the park strip or adjacent to the sidewalk/property line (one per every 40 lineal feet), if the park strip is at least 5 foot wide, or if the park strip is smaller, within 5' of the sidewalk/property line.
5. Garages are required. 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 access to the unit on any façade that includes a garage. Garages shall not extend more than 2' beyond the front façade. Garages shall include 220 power for electric vehicle charging.
6. 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. 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.
7. Water from roofs and hard surfaces shall be contained on site, with the exception of driveways where the runoff may flow to the street.
8. Duplex subdivisions are prohibited, unless all units are located on a public street.
9. An energy efficient street oriented yard light, maximum height of 8 feet is required per unit where public street lighting is inadequate, with a minimum lighting capacity of 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' of the ROW.

15. Building and site design for tri-plex and four-plex developments

1. All buildings shall provide variation in the façade, especially in the use of materials to avoid monotonous design. Relief is defined as foundation jogs, bay or box windows, cantilevered living areas, recessed garages, and or usable front porches with a minimum of 60 square feet. More than three colors are discouraged for front facades.
2. 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.

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3. Buildings adjacent to public streets shall address the street with functional front doors and windows. The landing for the front door shall include sufficient square footage to accommodate two chairs without impeding the door opening.
 4. Building complexes with more than four main buildings shall vary the exterior building architecture/design and materials to create identity within the project. This pattern of sub-neighborhoods created shall continue in groups of two.
 5. All residential units shall have at least a 20' deep rear yard.
 6. 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.
 7. 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.
 8. Tri-plex and four-plex subdivisions are prohibited, unless all units are located on a public street.
 9. 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 .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' of the ROW.
 10. Front yards including a front yard on a corner, shall be landscaped, including irrigation, within one year of occupancy. 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 and must be placed on top of a weed barrier. Street trees are required in the park strip or adjacent to the sidewalk/property line (one per every 30 lineal feet), if the park strip is at least 5 foot wide, or if the park strip is smaller, within 5' of the sidewalk/property line.
- 16. Building and site design for multi-family developments with building types different from (14) and (15) above**
1. 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 with a minimum of 60 square feet. More than three colors are discouraged for front facades.
 2. 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.

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3. Buildings adjacent to public streets shall address the street with functional front doors and windows. The landing for the front door shall include sufficient square footage to accommodate two chairs without impeding the door opening.
4. Building complexes with more than four main buildings shall vary the exterior building architecture/design and materials to create identity within the project. This pattern of sub-neighborhoods created shall continue in groups of two.
5. No single building shall exceed 200' in length.
6. All residential buildings shall be set back from the side and rear property line at least 20'.
7. 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 open space sufficient for outdoor activity with a minimum area of 5000 square feet. Useable open space shall not include parking lots, buildings except clubhouses, set back areas less than 20', and narrow landscaped strips.
8. Bicycle parking shall be provided 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.
9. If garages are offered, 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, All garages shall include 220 power for electric vehicles. If garages are not offered, carports are required.
10. 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 .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' of the ROW.
11. Front yards including a front yard on a corner, shall be landscaped, including irrigation, within one year of occupancy. 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 the park strip or adjacent to the sidewalk/property line (one per every 40 lineal feet), if the park strip is at least 5 foot wide, or if the park strip is smaller, within 5' of the sidewalk/property line.
17. **Non-residential and/or mixed use buildings** –shall follow the design requirements found in MKC 19.32.040(C) in the Commercial Zoning Chapter.
18. **Management** – 24 hour on-site management is required for projects with more than 20 units.

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19. **Ownership** – as an incentive to encourage ownership within a development, a reduction in the acreage requirements for PUDs with at least 8 units, along major/arterial streets is allowed.
20. **Entry Gates** are discouraged but if desired shall be composed of visually transparent materials such as wrought iron and other open fence-like materials. Gates shall be set back from the public right of way at least 36 feet to allow stacking off of the roadway.
21. **HVAC systems, utility meters, and overhead powerlines/utilities** – shall be screened from view from a pedestrian perspective from the adjacent street. Overhead wires are prohibited.
22. **Washer and dryers** - All multi-family residential developments shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.
23. **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.
24. **Energy efficiency** – if the project is designed with energy efficiencies 20% greater than those required by the building code, it may encroach on the front yard requirement by 5 feet.
25. **Unit storage** – each unit shall be required to contain interior storage equal to 100 cubic feet.
26. **Electric vehicle charging stations** – projects with greater than 50 units and using carports and/or garages to meet their parking demand, shall include one charging station for every 10 units.

HISTORY

Amended by Ord. 18-01 on 1/8/2018

Amended by Ord. 18-46 on 8/13/2018

19.44.060 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:

1. A subdivision plat shall be prepared consistent with the requirements of the Millcreek Subdivision Ordinance.
2. The subdivision plat shall specifically note that the purpose of the subdivision is to accommodate the division of attached dwelling units.
3. 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

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the subdivision is equal to or greater than the minimum area required for the number of units set forth in Table 19.44-2 above.

4. 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 19.44-2 above.

HISTORY

Amended by Ord. 18-01 on 1/8/2018

19.44.070 GENERAL STANDARDS OF APPLICABILITY

1. The use and development of property within the RM zone is also subject to other applicable chapters in the zoning ordinance, such as, the Parking Chapter MKC 19.80, Water Efficient Landscaping MKC 19.77, Signs MKC 19.82, etc.
2. Standards in other chapters may apply. In the event there is language elsewhere in Chapter 19 that conflicts with language in this chapter, the standards or guidance of in this chapter prevail.
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 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.

HISTORY

Amended by Ord. 18-01 on 1/8/2018

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Chapter 19.60 COMMERCIAL ZONES

19.60.010 Purpose Statements

19.60.020 Permitted And Conditional Uses

19.60.030 Prohibited Uses, Limitations

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.

HISTORY

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

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 MKC 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 MKC 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 MKC 19.60.030 PROHIBITED USES, LIMITATIONS.

TABLE 19.60-1

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
Indoor or outdoor archery range		C	C	

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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		C	C	Commercial uses are required for at least 50% of the ground floor facing a public street. This

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within the same building or located adjacent within a unified site plan)				commercial space shall have a minimum depth of 40'. 24 hour on-site management required for projects with 50 or more residential units.
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

HISTORY

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

Amended by Ord. 18-46 on 8/13/2018

19.60.030 Prohibited Uses, Limitations

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
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 MKC 19.91.11 and not allowed in the C zones

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<p>Pawnshop, smoke shops and related products, and retail tobacco as the principal use *(see note 1)</p>	<p>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.</p>
<p>Tattoo businesses *(see note 1)</p>	<p>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.</p>
<p>Massage or Reiki as the principal use including associated services*</p>	<p>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. this limitation does not apply to any home-based business located in a residential zone.</p>
<p>Licensed Massage Therapy Practices (see notes 1 and 2)</p>	<p>Licensed Massage Therapy Practices are not allowed within 200 feet of an arterial/major intersection in the C-1, C-2, or C-3 zones, unless the massage practice is located in a multi-tenant office building.</p>
<p>Reiki as a principal use</p>	<p>Not allowed.</p>
<p>Sale of lease of new or used vehicles of all types, moving trucks, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles</p>	<p>Not allowed in C-1, C-2 zones. 20,000 square foot minimum lot size including an on-site office is required.</p>
<p>Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer, military surplus</p>	<p>Limited to a maximum of 2500 square feet in a C-1 zone and 10,000 square feet in a C-2 zone.</p>
<p>Self-storage facility of all types, including mini-storage units, neighborhood storage and temperature controlled storage facilities *(see note 1)</p>	<p>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</p>
<p>Taxicab and/or Limousine business</p>	<p>Not allowed in a C-1 zone</p>
<p>Tavern, as defined by State Code</p>	<p>Not allowed in a C-1 zone</p>
<p>Sororities and fraternities</p>	<p>Not allowed</p>

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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 MKC 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

***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.**

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.

2. The following requirements apply to Licensed Massage Therapy Practices:

- 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.**

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HISTORY

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

Amended by Ord. 18-28 on 5/14/2018

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.

HISTORY

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

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

	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	30 Feet	40* Feet	40* Feet
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, 25 feet, otherwise non required	Mixed use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required	Mixed Use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required
MINIMUM INTERIOR SIDE YARD	If located adjacent to residential zoning, 10 feet,	If located adjacent to residential zoning, 10	If located adjacent to residential zoning, 10

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	otherwise non required	feet, otherwise non required	feet, otherwise non required
MINIMUM CORNER SIDE YARD	20 Feet	20 Feet	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	1 Foot	1 Foot	1 Foot
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE	10 Feet	10 Feet	10 Feet

*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 MKC 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.

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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 MKC Title 19 Zoning, building height is measured from the natural grade to the highest point of the roof.

HISTORY

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

Amended by Ord. 18-46 on 8/13/2018

19.60.060 Special Regulations For Commercial Zones

1. 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 Noise ordinance.
 2. All products, whether primary or incidental, shall be sold at retail on the premises.
2. Business Uses and Conditions in the Commercial Zones shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.
3. Design Standards for C-1, C-2, C-3 zones
 1. Entrances to the first floor of commercial and mixed use buildings shall front on the street. Windows shall make up at least 50% of first floor 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 MKC 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 MKC 19.77.
 6. Signage for commercial or office uses is defined in MKC 19.82.

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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 (MKC 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. 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.
10. Landscaping on Public Right-of-Way. Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per MKC 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 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 MKC 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 MKC 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.
11. Perimeter Fencing. Fencing is required for non-residential uses 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 MKC 19.77 to soften long expanses of walls. Interior fencing shall comply with MKC 19.78.030(11) (f).
12. Interior Street Lights. Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant must submit a photometric

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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.

13. Access between uses. Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.
14. Reduced Setback Provisions. Front yards may also be reduced based on enhanced landscaping as per section MKC 19.77.050. Where a front yard setback is reduced below 20 feet per MKC 19.77.050, a ten foot stepback is required between the first story and upper stories of the building.

HISTORY

Repealed & Reenacted by Ord. 17-35 on 7/10/2017

Amended by Ord. 18-46 on 8/13/2018

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 MKC 19.80, Water Efficient Landscaping, MKC 19.77, Signs, MKC 19.82, etc.
2. Standards in other chapters may apply. In the event there is language elsewhere in MKC 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.

HISTORY

Repealed & Reenacted by Ord. 17-35 on 7/10/2017