



MILLCREEK
TOGETHER
CODE UPDATE

CODE ASSESSMENT

September 23, 2022



L O G A N S I M P S O N

1755 South 4490 West, Suite C

Salt Lake City, UT 84104

801.364.0525



3330 S 1300 East

Millcreek, UT 84106

801.214.2700



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Introduction

Project Overview

Millcreek was incorporated as a city in 2016. At that time Millcreek adopted the zoning and subdivision code that had been in place in Salt Lake County. Updates have been made to the code over the last six years to better meet the needs of Millcreek, however this assessment is the first holistic review of the complete Zoning and Subdivision ordinances. This project has been named the Millcreek Together Code Update as it is a critical step in implementing the Millcreek Together General Plan that was adopted in 2019.

Process

The Millcreek Together Code Update has taken the following basic steps:

1. Listen to and understand what issues are of importance for the community.
2. Review and assess the Zoning and Subdivision ordinances against core policy documents and state law.
3. Provide suggestions for the new code that reflect Millcreek’s goals and vision for the future.

Listening to the community was the most important step in the process as it gave the review team the opportunity to hear from the city staff, and key community members as to what is working and what is not with the current code. Comments have been tracked and compared to help narrow down specific topics for detailed review within the existing code. The full zoning and subdivision ordinances were reviewed in sequence and the comments heard from the community were compared as they related to specific sections of the code.

This project is expected to follow the below timeline:



Guiding Principles

At the onset of the project, the consultant team and city staff developed the following series of basic principles that have guided the assessment process and will continue to guide the update process:

Ensure That the Code is User-Friendly. The Code should be easy to use for the general public, applicants, and administrators. Information should be logically arranged, easy to find, and include language and graphics that are attractive and clear.

Consolidate and Unite. The Code should combine and bring together previously fragmented building regulations and land uses in an efficient and simple manner that will eliminate discrepancies and conflicts within the existing code.

Language That is Clearly Defined and Uniform. The updated code will simplify language and use consistent terminology throughout. Key terms will be clearly defined and referenceable.

Build the Right Procedures. The code should clearly lay out application processes and standards for all types of development. This should include additional administrative approvals when appropriate for maximum efficiency of the development process.

Make Great Development Easy. The new Code should encourage development that will help achieve the Millcreek General Plan's goals of maintaining and building unique neighborhoods and vibrant gathering spaces. New subdivision, building design, landscaping, parking and signage standards should promote development that helps achieve those goals.

Encourage Community Health and Sustainable Development Practices. The Code should encourage and incentivize the use of public health in all policies. Site planning and technology applications shall incorporate practices that encourage open space, connections, promote good air quality and social health. They will also include landscape standards that focus on water conservation.

Provide Enforceable Tools. At its core, the Code is a legal document. It provides Millcreek the authority to regulate and condition development. However, it must be enforceable to serve its intended purpose. The approach should explore tools to improve enforceability such as reporting requirements, compliance plans, and improved notification procedures in accordance with Utah land use law.

Public Engagement Overview

Who We Heard From

One-on-one interviews were held in late June 2022 with a wide variety of people in the community including developers, residents, members of the community councils, planning commission, and city council. In total 18 people were interviewed in addition to discussions with staff.

Outreach Goals

A critical component to identifying priorities and areas of focus were the discussions we had around the existing code. The questions we asked interviewees were as follows:

- What is working well with the current code?
- What is not currently working in the code?
- Think of a recent project in Millcreek that you like or dislike and tell us why?
- What revisions would make the code easier to use?
- What are the 3 most pressing issues the new code should address?
- What particular land use impacts (noise, light, screening etc.) that need to be addressed?
- What types of development should be easier or harder to build with the new code?
- What types of zoning issues (density, setbacks, land uses, lot sizes etc.) are problematic from the community and developer perspective?
- What design standards should be included in the new code?
- How can the code better respond to the needs of the community, neighborhoods, and applicants?
- Do you think the current application processes are meeting the needs of the community? Do you know of any bottlenecks in the development process?
- What standards or regulations are missing in the code?

Every person interviewed had a varying level of involvement and interest in the code and while not all interviewees were able to speak to every question, the cumulative comments and answers to these questions began to overlap. These areas of overlap helped to inform a number of themes that are important to how the code was evaluated.

Emerging Themes

Health & Environment

Millcreek Together General Plan:

Health and Environment: Millcreek supports environmental and human health by establishing and protecting open spaces; protecting healthy fish and wildlife habitats; providing active transportation options; improving local water and air quality; improving access to nutritious foods; and other sustainable practices.

Millcreek has a goal of incorporating health in all policies. This code update is a prime opportunity to make changes to help improve future development for the betterment of the health of people in Millcreek. This theme is unique in that it is strong enough to be a lens that each portion of the code may be evaluated against. Community members shared a variety of

concerns that show sustainable development is a constant thought for how the city grows in the future and identified various needs to what a healthy city means to them including the following:

- A more connected walkable environment that is less car dependent
- More trees and open space for recreation
- Development practices that help with air quality
- Revise landscape standards to allow for needed landscape like trees, but reduce water waste
- Promote sustainable building practices including the ability to have roof gardens and small-scale agricultural production
- Reduce heat island effects in large surface parking lots

Unique Neighborhoods

Millcreek Together General Plan:

Unique neighborhoods: Millcreek is a city of attractive, proud, stable, unique, and emerging neighborhoods that offer a variety of home types, vibrant gathering areas, and access to quality community amenities.

Many community members and staff identified the need to make sure infill development is compatible with the surrounding areas. Given that Millcreek is mostly built out, nearly all additional housing units are by nature infill projects. Ensuring that these new dwellings fit into their surroundings and contribute to the neighborhood feel is an important element. Factors that were frequently mentioned include the following:

- Site design concerns, including how projects interact with the street
- Compatibility of scale such as height differences between single family areas and higher density developments
- Appropriate transitions from residential areas to commercial areas
- Mixed use requirements such as lot size and ratios of commercial to residential
- Architectural standards that would encourage more variety
- Establishing a greater relationship between anticipated residents and open space requirements/amenities



Millcreek Together General Plan:

Vibrant gathering places: Millcreek’s centers are the heart of community activity, characterized by walkability, unique spaces, commercial areas, and character compatible with Millcreek neighborhoods.

Vibrant Gathering Places

Millcreek’s development is primarily infill development. Since this means that lot sizes and surrounding uses are already in place, development of these sites requires more ingenuity than a traditional greenfield development. Many community members identified the need for additional flexibility in the code in order to best fulfill the General Plan’s vision for a vibrant city. These comments include:

- Flexible space limits particularly for missing middle housing and other desired development types
- Allowing more housing types in single family districts
- Allow for smaller scale mixed use development

Millcreek Together General Plan:

Thriving economy: Millcreek’s economic diversity thrives by being inviting, supporting local businesses, attracting an innovative and adaptive workforce, investing in amenities that promote a better quality of life, and encouraging a range of business sizes and types

Thriving Economy

Community members that we interviewed were frequently people who have built projects in Millcreek. Some identified the need for added clarity in what steps are necessary for each type of development and simplifying steps to make it easier to develop in Millcreek. These comments include:

- Clarifications on expected timelines
- Look for ways to inform and involve neighbors
- Simplifying application processes for permitted uses

Existing Code Analysis and Recommendations

General Notes

The current land use code is divided into two separate titles; the Subdivision Code in Title 18 and the Zoning Code in Title 19. For ease of use and simplicity, it is recommended that the subdivisions and zoning codes be combined to form a single Land Use and Development Code (LUDC). This will help avoid redundancies and potential conflicts as well as provide added ease of use.

In both titles of the code, there are engineering standards dispersed throughout the documents. For these technical engineering design standards, it is recommended that they be consolidated into either a separate Engineering Design Manual or relocated to Title 14, Highways, Sidewalks and Public Places.

Millcreek has an existing policy on flag lots which is not currently included Title 18. Relocating these standards to the subdivision standards section of the new code would allow for ease of use and administration. Inclusions of graphics to clearly illustrate the regulations will improve understanding of these regulations.

State laws have evolved since the adoption of the current code. Language updates throughout the code will need to be made to ensure compatibility and consistency with current state statutes.

Title 18 Subdivisions

18.04 Definitions

The definitions section contains some areas of overlap with those found in Title 19. For example, "Alley" has two similar but differing definitions in each title. This overlap has the potential for conflicts. For this reason, it is recommended that all definitions be consolidated into a single chapter within the new LUDC where each term can be used with consistency throughout the new code. Subsection numbers should be removed and incorporated as a single section of the new LUDC.

18.08 General Regulations

This section primarily describes the platting procedures. Recommendations for this section include creation of a Procedure Table to better illustrate the process each subdivision type includes. An example of which is below.

Creating a General Procedures section in the code would allow a basic review process for all types of submittals. This would avoid redundancies. Should a procedure differ from the general procedure, a new Specific Procedures section would explain how a given procedure varies from the general procedure.



The section also references processing of exceptions with the application. It is recommended that any application that does not meet all applicable standards go through an established variance process with clear criteria established in order to help make consistent decisions on variance requests.

Application Type	Pre-application Conference Required <small>Y = Yes O = Optional</small>	Authority		
		Staff Review	Planning Commission	Town Board
		<small>R = Recommendation D = Decision</small>		
Entitlements				
Amendment	O	R	R	D
Rezone	Y	R	R	D
PUD	Y	R	R	D
Conditional Use	Y	R	R	D
Annexation	Y	R	R	D
Variance	Y	R	R	D
Special Use				
Exception				
Plans				
Site Plan	Y	R	D	--
Plot Plan	O	D	--	--
Administrative				
Administrative Adjustment	Y	D	--	--
Lot Line Adjustment	Y	D	--	--
Easement Adjustment	Y	D	--	--
Minor Deviation	Y	D	--	--
Plats				
Major Subdivision				
<i>Preliminary Plat</i>	Y	R	R	D
<i>Final Plat</i>	O	R	R	D
Minor Subdivision	Y	R	R	D
Revised Final Plat	Y	D	--	--
Condominium/Townhome Plat	Y	D	--	--
Vacation				

Figure 1 an example of a procedures table.

18.12, 18.16, 18.18 Plat Types and Amendments

These sections explain what is required for each type of plat and what exemptions apply. While these sections are fairly straight-forward the inclusion of a table delineating the various plat types, exemptions, and requirements would make it easier for a quick reference of this information.

The existing code lists standards for submittals such as sheet size, scale and other minimum requirement information. By establishing a more specific application form or checklist with these standards, the code may be simplified, and the applications requirements may be updated as needed without the need for additional code revisions. The process of these applications should be moved to a new procedures section.

18.20 Design Standards

The design standards included in this chapter could be included as minimum requirements of the governing zoning district. Any city-wide standards may be included in either a new Engineering Design Manual or relocated to Title 14. This section also references that it “adopts applicable county standards, rules, and regulations” A review of these design standards is needed to determine relevance, to better incorporate them into the code, and add clarity.

18.24 Required Improvements

This section contains various engineering standards. It is recommended that these requirements be relocated to a new Engineering Design Manual or relocated to Title 14. The section also lays out requirements for improvement bonds. It is recommended that these procedures be reviewed in more detail for compliance with state law.

18.30 Condominium Subdivisions

This section is straight forward in laying out criteria for Condominium subdivision standards and process. While it does reference state code statutes, a more direct description of what documentation is required from state statutes would be applicable to a relevant application form.

18.32 Health Department Regulations

This section states that these requirements have been met by other sections, given the redundancy, this section could be eliminated and combined within the subdivision process.

18.36 Fees, Administration, and Enforcement

This section is procedural in nature and could be combined with general procedure requirements.

18.32 Violations

This section references state code regarding violations. Should the Title 18 be combined as a unified land use code, this section may be combined with other enforcement and violation sections. Since this section is administrative in nature at minimum, it should be included with other administrative sections earlier in this Title.

Key Recommendations Summary for Title 18:

- Combine Titles 18 and 19 into a unified Land Use and Development Code (LUDC)
- Relocate engineering standards to Title 14 or a new Engineering Design Manual
- Include the city's current flag lot policy into the new subdivision chapter in the new code
- Establish general and specific procedures processes and include a procedures table including variance criteria and procedures.
- Review processes for areas where administrative approvals may suffice for certain subdivisions.

Title 19 Zoning

The zoning ordinance houses the zoning districts, uses and development standards. General recommendations for this section include creation of a unified procedures chapter, updating uses including temporary uses, simplifying and combining similar zoning districts, relocate and clarify design standards. Building links between the General Plan, Health Plan and other related

policies is also recommended to ensure the new code is reinforcing city goals and policies. Specifics of each section are detailed below.

19.02 General Provisions and Administration

This section currently serves as the administrative heart of the zoning ordinance. The various administrative sections can be combined and condensed into a single procedures section with the inclusion of a procedures table to clearly identify recommendation, approval, and appeal bodies. It is recommended that the procedures table also include relevant information such as noticing requirements. The existing code is currently missing some procedures such as development agreements. It is recommended that a new procedures section address all application types. The procedures section would include general procedures, and any variations to these procedures can be addressed in a specific procedures section. This would help to create consistency and eliminate redundancy for all procedures.

This section also includes standards for land use and site plans submittals. Relocating various submittal specific requirements to a more detailed application or checklist would allow for a simplified code while allowing Millcreek to update those applications or checklists without the need for a zoning amendment.

Key Recommendations Summary:

- Revise this section to be a Procedures section to address all application types
- Establish general and specific review procedures
- Establish more detailed applications or checklists with submittal criteria
- Build a procedures table to easily identify processes
- Include tables and clear procedures for bonding, development agreements and other currently undefined processes in a new procedures chapter
- Update language

19.04 Definitions

The definitions section currently contains several hundred terms. Many of these terms are relevant to uses and could be relocated to a uses chapter where they may be most relevant. Other terms overlap with those found in Title 18. Consolidation of these terms into a single chapter within the new LUDC where each term can be used with consistency throughout the new code. Elimination of terms that may not be included in the new code will aid in simplifying the section. Similarly, terms with multiple distinctions like beer outlets may be collapsed into a single category with a table outlining the distinctions between the classes. Additionally, definitions will need to be reviewed for consistency with state law and used in the same way throughout the new code.

19.05 Planning Commission

This section spells out the role of the commission and is straight forward, however additional evaluation on if the defined roles are meeting the current functions of the commission are needed. It is recommended this section establish a minimum number for a majority vote.

19.05A Appeal Authority

Establishment of the appeal authority itself is straight forward any for appeals in this section should be relocated to the procedures section including variance requests. Additional clarifications are needed for what applications are eligible for the Appeal Authority, what items require a hearing versus a meeting, and assurance that Appeal Authority decisions are issued in writing. Relocating the Appeal Authority to the proposed procedures section will help to clarify roles.

19.06 Zones, Maps, and Zone Boundaries

The maps in this section will need to be updated should any zoning district be changed, eliminated or combined. The Land Use Authority section should be relocated to the procedures section where the roles and appointments of all boards and authorities can be presented together. Relocation of which applications are seen by the Land Use Authority should also be moved to the procedures section. Per state statutes, the Land Use Authority should be designated by the City Council. It is also recommended that language be added to prohibit new lots being created that straddle more than one zoning district boundary.

19.08-19.12 Forestry Zones

The purpose of the F-1 Zone is to limit residential development and preserve the natural environment and resources of the steep slopes adjacent to the canyon areas within Millcreek. The permitted uses in the F-1 Zone are primarily residential-based uses. The conditional uses appear to be at odds with the intent of this zone, where uses such as golf courses, agricultural uses, and others are outlined. It is recommended that Millcreek simplify and drop the F-1 Zone as a zoning district and consider incorporating either a wildland urban interface (WUI) overlay or combining this section with other existing environmental overlay districts.

The FM-10 and FM-20 Zones consider high-density residential development in areas in the foothill and canyon areas of the city. Similarly, to the F-1 Zone, there are simplifications that could be made to the zoning districts in the city by removing this zone. Other high-density residential zones can reflect these properties and a WUI overlay, or another existing environmental overlay district can provide regulations that will ensure protection of the natural and scenic resources of these areas.

The Forestry and Recreation Zones (FR-0.5, FR-2.5, FR-5, FR-10, FR-20, FR-50, FR-100) allow for development of the foothill and canyon areas of the city for recreation, forestry, and other compatible uses and are meant to protect the natural and scenic resources of these areas. Considering the topographical challenges of this area, and the adjacency to forest land, it is recommended that all non-residential uses are removed from these zones, and rather than

having seven separate zoning designations, the city condense these zones into one. Further discussion may be required to determine the need for the Forestry and Recreation zones in addition to the Foothill and Canyons Overlay Zone (FCOZ.) At minimum a reconsideration of uses to incorporate public uses as permitted is recommended in all Forestry Zones.

19.14-19.44, 19.46 Residential Districts

19.14 Single Family Residential Zones

The Millcreek Single Family Residential Zones include, R-1-3, R-1-4, R-1-5, R-1-6, R-1-7, R-1-8, R-1-10, R-1-21, and R-1-43. The purpose of these zones is to establish single-family neighborhoods within Millcreek. The city should consider consolidating the single-family residential zones because many of the standards within these similar zones. For example, R-1-3 and R-1-4 contain identical permitted and conditional uses with a 1,000 square feet lot area difference. This can also be said for R-1-6 and R-1-7. Consideration of simplified residential districts may include tiered densities with more flexible lot sizes. Architectural and site standards may be considered in order to promote affordable housing or additional density. Once these districts are condensed, there should be a further review of site development standards to ensure modernization of the requirements.

The formatting of the chapter could also be improved by reviewing uses for compatibility and consistency. The following are specific key findings regarding the conditional and permitted uses for the single-family residential zones:

- R-1-3 & R-1-4: Single Family Dwelling is a conditional use and no other dwelling size allowed
- R-1-3 & R-1-4: Contain identical uses permitted and conditional
- R-1-5: Silent to any type of dwelling permitted or conditional
- R-1-10, R-1-21, R-1-6, R-1-8, R-1-15: are the only zones that have specifically permitted Single-Family dwellings
 - No R-1 Zones specify allowing more than one unit (single family dwellings) per lot in each zone although the intent of this chapter is for single family dwellings
- R-1-7 is listed in the use table however there are no R-1-7 Zoned properties on the zoning map
 - Consider combining R-1-6 and R-1-7 Zones
- Some uses are listed as both permitted and conditional
 - *Home day care/preschool, subject to MKZ 19.04.293*
- Opportunity to combine uses into more general categories
 - *Residential Facility for elderly persons - Group Homes*
- Add use specific standards in table or below
- Refer within the code to the existing Accessory Dwelling Unit (ADU) and Short-Term Rental (STR) ordinances.
- Suggest removing Dwelling Groups as a general use.



- Any residential project not identified as a multi-family project will have to go through a PUD process. The conditions specific to Dwelling Groups can accompany a PUD.
- Remove PUD as a conditional use and relocate any density caps to a flat percentage in the PUD section.
- General clean-up of the uses and formatting

19.32 Medium Density Residential

The Medium Density Residential Zones include R-2-6.5, R-2-8, and R-2-10 and allow for medium density residential neighborhoods. The permitted and conditional uses in all three zones are identical whereas the lot requirement differs between zoning designations and may be overly complicated. The city may consider reviewing the differences and simplifying the medium density zoning as recommended in the single-family zones and remove some of the difficult to understand language. The table below reflects the current code requirements. The minimum lot area should be simplified, and minimum lot width would benefit from illustrations.

<i>Zone</i>	<i>Min Lot Area</i>	<i>Min Lot Width</i>
R-2-6.5	4,000 square feet: containing 1-unit of two-family dwelling	60 feet at a distance 25 feet from the front lot line
	6,000 square feet: containing single-family dwelling	
	6,500 square feet: containing two-family dwelling	
	8,000 square feet: any other building (primary use)	
R-2-8	4,000 square feet: containing 1-unit of two-family	65 feet at a distance 30 feet from the front lot line
	8,000 square feet: any other building (primary use)	
R-2-10	5,000 square feet: containing 1-unit of a two-family dwelling	65 feet at a distance 30 feet from the front lot line
	10,000 square feet: any other main building	

Additionally, the duplex and 4-plex (also referred to as four-family) subdivision specifications should be addressed in the subdivision section in the revised LUDC rather than within the medium density residential zoning section.

Key Recommendations:

- Define or rename “Dwelling Groups” to specify which types of multi-family are being referred to.
- Any residential project not identified as a multi-family project will have to go through a PUD process. The conditions specific to Dwelling Groups can accompany a PUD.

- Remove PUD as a conditional use and relocate any density caps to a flat percentage in the PUD section.
 - Refer within the code to the existing Short-Term Rental (STR) ordinances.
- General clean-up of the uses and formatting tables

19.38 – R-2-10C

The R-2-10C Zone is a remnant from the County Zoning code that intends to provide low to medium-density residential neighborhoods in the canyon areas of City. The zone aligns with the medium-density zones and the sensitive lands overlay districts that are already established, and/or recommended, above such as WUI. For simplification, it may be in the City’s best interest to remove the R-2-10C Zone from the zoning districts.

19.40 R-4-8.5 Zone

The purpose of the R-4-8.5 Zone is to provide medium-density residential developments. Unlike the R-2 Zone, higher density is allowed in this zone; 4-plex and 3-plex development are allowed as a conditional use. The city may determine whether 3-4-plex units are desirable in this zoning district and if so, attach specific standards that address impact on adjacent properties.

Basic formatting of the chapter should include tables for the site requirements including illustrations when necessary.

Many conditional uses appear to cater toward mixed-use development and/or higher impact than an intended residential zone. The following are use-specific findings from the R-4-8.5 Zones:

- R-4-8.5 Zones: are the only zones that have specifically permitted Single-Family dwellings
- Define or rename “Dwelling Groups” to specify which types of multi-family are being referred to.
- Any residential project not identified as a multi-family project will have to go through a PUD process. The conditions specific to Dwelling Groups can accompany a PUD.
- Consider cleaning up the purpose/uses in this chapter:
 - Medical clinic
 - Dental clinic (Permitted)
 - Golf Courses
 - Private nonprofit recreational grounds and facilities
 - Sportsmans Kennel
 - Fraternity House
 - Sorority House
 - Private educational institutions

- Remove PUD as a conditional use and relocate any density caps to a flat percentage in the PUD section.

19.44 – R-M Multifamily Zone

The R-M Zoning District’s intent is to allow for medium to high density residential development. The R-M Zone allows for all residential development from single-family to complexes and mixed-use (depending on location along major streets).

For consistency with other sections, the application process section may be removed and included in the general provisions section under general procedures. Within that same chapter, the development agreement language should be reviewed as well. Additionally, the following revisions to the R-M section could include:

- The use of incentives to achieve architectural standards
- A review of open space standards to cater to an anticipated population

The following are key findings and recommendations within the uses of the R-M Zone:

- Remove Planned Unit Development (PUD) as a conditional use as it is recommended that PUD’s will be addressed in its own chapter as an overlay zone.
- Currently the only permitted dwelling size is single-family/one unit dwelling in the uses
- Consider the following to be added as permitted (although may include design/use standards):
 - Two-family
 - Four-family
 - Multi-family
- Clean up the table and look for inconsistencies (e.g., Mobile Home Park is listed as conditional and permitted)
- Considering various commercial uses are permitted and/or conditional, the city may consider a name change of this zone to mixed-use
- General clean-up and consistency checks

19.46 RMH Mobile Home Subdivisions

The Mobile Home Zone is intended to provide appropriate areas for the development of mobile home parks and mobile home subdivisions. Mobile Homes are often essential affordable housing options; therefore, preservation of this zone should be prioritized for the city. There are a couple ways the city can preserve these housing options:

1. Maintain the zoning and regulations within this chapter, or
2. Revise to a PUD that is detailed in its own section as an overlay.

19.45, 19.60, 19.63 Commercial Districts

Commercial Districts C-1, C-2, C-3

Millcreek contains three specific Commercial Districts, C-1, C-2, and C-3. The purpose of the C-1 Zone is to guide lower-intensity commercial uses that are at a neighborhood scale. The C-2 Zone provides areas with larger scale community commercial development that may generate traffic from regional markets. The C-3 Zone is the largest scale of commercial uses in Millcreek that has greater potential impacts and can act as a transition to other zoning districts such as manufacturing or industrial.

The bulk and yard regulations for all three zones are detailed thoroughly in a table with little variation across all three zones. The primary distances are in height (where C-1 allows max height of 35 feet, and C-2 and C-3 allow for heights up to 45 feet) and for maximum lot coverage which varies from C-1 at 70% to C-2 and C-3 at 80%. There may be room for the city to simplify the design features section and determine the most desirable features and accompany them with incentives.

Many of the uses in the C-2 and C-3 Zones are aligned whereas further considerations are made for C-1. One of the biggest differences is that mixed-use is not allowed in C-1. The Planning Commission has recently upheld the decision to limit mixed-use to the larger impact Commercial Zones, however, it may be worth a discussion to include mixed-use in the C-1 Zone as a strategy to create transitional areas from commercial to residential zones.

Additionally, the following sections of the 19.60 may benefit from revision:

- 19.60.040 Accessory Uses: Move to Supplemental Regulations
- 19.60.060 Special Regulations for Commercial Zones: Break up design standards into bullets/lists for simplicity and reader ease
- 19.60.065 Application Process For Conditional Uses for New Development: Move to general provisions and procedures section and update development agreement language
- 19.60- Move the definitions into the proposed uses and definitions section

The uses for Commercial development may require the following revisions:

- Consolidate conditional uses and permitted uses into one table
- Prohibited use table is unclear as some uses are allowed if certain criteria are met
- Review the specific use standards with extra design and distancing standards

19.45 Office Research Park and Development District

- The Office Research Park and Development Zone's intent is similar to commercial and mixed-use districts. The uses associated with this zone include those that are covered in other zones, therefore, Millcreek should consider removing this zone and consolidating the uses into the Commercial and Mixed-Use Zoning Districts.

19.55-19.56 Mixed Use Districts

19.55 MD Mixed development Zone

The current land use code has two zones for mixed-use development; the MD and MD-3 zones. The purpose of these zones is to provide areas that are suitable for a variety of uses, including but not limited to commercial, office, retail, residential etc. Mixed-Use is also a listed use within other zoning districts therefore, it is recommended that the city consolidate the mixed-use zones into one zone (remove the MD-3 as there is only one property zoned this in the city). The MD-3 Zone is a remnant of the Salt Lake County Code that was adopted in 2016 when the city incorporated and appears to be no longer relevant.

The Mixed-Use Zone has potential to guide development in a similar pattern to the City Center Overlay Zone (CCOZ) and the RM Zone, and provide a more cohesive and expected outcome with further design standards. The following are other considerations to make in this chapter for simplification and clarity purposes:

19.55.022 Accessory uses- move to Supplemental Regulations

- 19.55.040 Special Regulations for MD Zones: Break up design standards into bullets/lists for simplicity and reader ease
- 19.55.060 General Standards of Applicability: Move to general provisions and procedures section and update development agreement language
- 19.55- Update language to remove advisory statements and create clearer standards
- 19.55.030 Build and Yard Regulations: Improve tables throughout this section

The following are MD Mixed development Zone Use Key Findings that require revisions:

- General clean-up of uses
- Combine uses that are too specific
- Remove uses that are standards (e.g. Shared Parking)
- Create use table for consistency with other chapters
- Remove prohibited uses table for consistency
- Create incentives for affordable housing and home ownership

19.42, 19.66 Industrial Districts

There are two zones that fall under industrial districts; the M Zone (Light Manufacturing) and the S-1-G Zone (Gravel and Mining).

19.66 Light Manufacturing Zone (M)

The M Zone is to provide areas for light manufacturing, warehousing, and commercial uses (those that are allowed in the C-3 Zone) while maintaining aesthetically pleasing buildings/structures.

The following findings are specific to the uses associated with the Light Manufacturing Zone:

- Remove the use "Any development that shares a common boundary with a residential use and/or zone" and include in site requirements/design

- Create use table for consistency with other chapters
- Remove prohibited uses table for consistency

The following are recommendations to the Light Manufacturing regulations and standards section:

- 19.66- Move definitions throughout this section to the proposed definitions chapter
- 19.66.050 Special Regulations: break up design standards into bullets/lists for simplicity and reader ease
- 19.66.060 Nonconforming use of structures and land: Move this language to the supplementary regulations under nonconforming/noncomplying uses and structures

19.42 – S-1-G Gravel and mining

It is recommended that this section be eliminated and combined with other industrial districts.

19.63 Institutional Facilities

The purpose of the Institutional facilities (IF) zone is to promote institutional projects, commercial, and other uses that are of regional significance. This may include development of campuses to increase employment or other economic vitality projects. Unlike other zones in Millcreek, the intent of the IF zone is to be applied to site-specific locations. Currently there is only one property zoned IF in Millcreek.

The following revisions may benefit the chapter for clarity and simplicity:

- Review discretionary “may” language – replace with defined criteria
- Tighten wording to eliminate discretionary language.
- Look through specific sections of this Chapter (e.g. General Retail and General Service can be combined with development standards

The following use recommendations and key findings are specific to the Institutional Facilities zone:

- General clean-up of uses to combine uses that are like one another. Consider removing the following uses and add to development standards:
 - Generators, Emergency Power
 - Systems, and Medical Gas Supply System Tanks
 - Public use is very broad
- Remove Prohibited Use table for consistency with other chapters
- Create use table for consistency with other chapters
- Remove prohibited uses table for consistency
- Add Hospital [campus] as a use because currently the only property zones IF is a Hospital Campus

19.48-19.54 Agricultural Zones

Millcreek currently has six agriculture zones: A-1, A-2, A-10, A-20, FA-2.5, FA-5, and FA-10. The intent of these zones is to allow undeveloped properties to continue agricultural uses until time of development. Many AG zones contain residential uses. It is recommended to remove residential uses, particularly those with two family and dwelling groups, from the AG zones in order to encourage the properties to rezone to a more appropriate zoning district at time of development.

19.48 A-1 Agricultural Zone

The purpose of the A-1 Zone is to allow for low-density residential development with limited agricultural uses. This chapter could benefit from some general clean up and condensing sections. For example, the lot area, width, height, and yard requirements are divided into different sections and should be placed in one section *Site Requirements* in a table.

Due to the higher density and lower intensity of uses, the city may benefit from combining this zone with the R-1 Zoning Districts with more animal allowances. The lot area is considerably small for intensive agricultural uses at 10,000 square feet and the uses do not divert far beyond what is allowed in some R-1 Zoning.

For reference the following are key findings from the A-1 Agricultural Zone Uses:

- Very specific uses that need to be modernized
- Lot size is extremely small for agricultural uses
- Residential Uses:
 - Single Family, permitted
 - Two Family, Conditional
 - Dwelling Group, Conditional
- Some uses appear to be conflicting with the intent of this zone. For example:
 - Group homes (i.e. residential facility for persons with a disability)
 - Cemetery
- Many agricultural uses are conditional
 - General clean-up and review other agriculture zones (consider combining into one zone) to add uses (when appropriate) to this zone
- Remove prohibited uses

19.50 A-2 Agricultural Zone

The A-2 Zone does not vary much from the intent of the A-1 zone with a similar purpose of providing areas of the city with low-density residential with agricultural uses. It is recommended that because of the similarities, the A-2 zone absorbs all A-1 uses into a singular agricultural zone. Millcreek does not have many large swaths of undeveloped land to justify having so many agricultural zones.

Similar to the A-1 Zone, the sections should be cleaned up for consistency and interpretation. The lot requirements can be placed into a singular section with a table that outlines lot area, width, yard requirements, and building height.

The following are use-specific findings for the A-2 Chapter:

- A-2 Zoning allows for [almost] all the same uses as A-1 Zoning with a few exceptions.
- Allows for more intense agricultural uses and production
- General clean-up of chapter
- Place all conditional and permitted uses into a table
- Review uses for applicability and current relevance

19.52 A-5, A-10, A-20

Due to the development trends of the Millcreek area, not much land is available for intense agricultural uses. Therefore, it is recommended that the city eliminate the A-5, A-10, and A-20 Zones. Any properties currently in these zoning districts could be reclassified within a broader Agricultural Zone.

19.54 – Foothill Agricultural Zones

The foothill areas of the city that the Foothill agricultural zone would apply to have already moved in a low-density residential development pattern. Therefore, it is recommended that the city remove the Foothill Agricultural Zones.

19.70 Airport Overlay Zone

It is proposed that this district be eliminated as it is not in use currently.

19.71 Residential Compatibility Overlay Zone (RCOZ)

This district is intended to provide for compatibility within residential zones. The overlay provides for 3 options for expansion or redevelopment. The options provide for some flexibility, however due to the complexity of multiple options, it is not readily apparent what the nuances of the options are. It is recommended that these options be included in a table to compare building envelopes and process.

Simplification of this section may also include adding clarity to standards or possibly dropping the overlay zone entirely and incorporating these standards directly into the residential zoning districts. Establishment of a clear variance process for these requirements with clear criteria of what meets the variance threshold is needed. Other language updates are recommended including removal of advisory language is also needed. Additional consideration to if this district may be incorporated into overall design standards with allowances for variances as needed.

Evaluation of the building envelope might be reconsidered to consider projections like dormers, gables, and other architectural features which might enhance the character of the

neighborhood. Updated graphics should also be included and may best help illustrate these concepts and better define them in the new LUDC.

19.72 Foothills and Canyons Overlay Zone (FCOZ)

This zone is to help protect sensitive lands in balance with property owners' rights. While this overlay section is effective, it is also long and cumbersome. Relocation of the definitions and procedures to appropriate sections will help streamline the text allowing more focus on the standards within. This section currently incorporates many pictures and charts. Clear callouts on the images and labels to certain features may allow for images to be combined. Additionally, language in this section needs to be updated and reworded to avoid advisory language. Updates in architectural terms is needed to ensure the code reflects current architectural trends.

This section does have overlapping standards (such as slope standards) with other sections such as the Natural Hazards and Forestry Recreation Districts. It is recommended that these districts may be combined or similarly structured for added clarity. Additionally, this section could be rolled into a new wildland-urban interface (WUI) overlay. Site and design criteria should be evaluated for effectiveness in greater detail to ensure that development in this zone has achieved the desired results. Tiered approval processes for expedited landscaping and fencing plans may be considered.

19.73 City Center Overlay Zone (CCOZ)

The City Center Overlay Zone provides for urban character in a truly unique district in Millcreek. While this section of the code has been well received by community members and staff, there are some needed changes that have been identified, generally for added ease of use. These changes include reviewing language and height maps to ensure they are current with the development, relocating the process to the general procedures section, and adding clarifications to any vague language. While this section of code is heavy in charts and graphics. Evaluation for legibility and relevance should be considered. Lastly, consider re-evaluation of design standards such as the reducing the maximum building length to maximize future development in this zone.

19.73A City Center Overlay Development Agreement Zone (CCOZ-DA)

Consider using a PUD overlay district for these types of modifications and eliminate the CCOZ-DA district. While a development agreement may often accompany a PUD, making the zoning distinct from the agreement adds clarity to the process.

19.74 Floodplain Hazard Regulations

The Floodplain Hazard Regulations appears to be carried over from a federal template and updates in language may be needed. Evaluation to ensure no conflicts exist with Title 17 are needed. Possible incorporation of this section into Title 17 should be considered.

It is recommended that this section designate the City Engineer as the floodplain administrator, as there is not one outlined currently. Additionally, the uses in this section should be reviewed and simplified, combining residential construction and manufactured homes (or dropping

manufactures homes as a use). Lastly, this section contains several definitions that should be moved to the definitions section of the new LUDC.

19.75 Geological Hazards Ordinance

The Geological Hazards Ordinance (formerly “Natural Hazard Areas”) covers considerations for active faults; liquefaction; and avalanche. This ordinance has language such as references to the County that may not be applicable to Millcreek. It is suggested that the language in this ordinance be tightened to reflect Millcreek’s unique needs, roll the necessary language into the Chapter 19.72 | Foothills and Canyons Overlay Zone (FCOZ), and move the definitions.

19.76 Supplementary and Qualifying Regulations

The intent of the Supplementary and Qualifying Regulations chapter is to qualify or supplement other zone regulations. It is recommended that this section become a wider umbrella category called “Supplementary Regulations.” The revised section should be intended to cover any outlying regulations that apply to many or all zones such as parking, landscaping, or lighting regulations. In the current code the language in this chapter will need to be rewritten to be consistent with State Law updates and fix inconsistencies such as height exceptions. Regulations that are applicable to a single zone such as single-family homes, agricultural, and commercial daycare should be relocated to those appropriate sections.

19.77 Water Efficient Landscape Design and Development Standards

The city provides a robust standard for landscape requirements in the existing code, however areas for improvement such as simplifying language, avoid using similar terms, and adding more tables and images will add a new level of clarity in the new LUDC. The off-street parking requirements of section 19.77.20.C should be relocated to the parking standards section. Definitions can also be relocated to a central definitions section in order to ensure consistent use of terms.

The existing landscape ordinance requires that city staff verify that all landscapes meet the water-wise provisions of this section, however this may be simplified by allowing the designers and installers to certify that the design meets these standards would reduce administrative burden. Additional evaluation of these standards during the draft process to check them against best practices will ensure that the water saving standards are up to date and optimally efficient.

Providing standards to require mitigation of trees over a certain size, can help preserve the tree canopy and develop good rapport between developers and residents. In the event that required tree preservation causes hardship, the trees may be removed and mitigated at a specific rate to provide a replacement canopy.

Example of Mitigation Table for Tree Preservation

Tree to be removed	Replace with
6" to 12" caliper tree	Two trees as 2" caliper min. size or one tree as 3.5" caliper min.



12" to 24" caliper tree	Four trees at 2" caliper min. size or two trees as 3.5" caliper min
24" or larger caliper tree	Six trees at 2" caliper min. size or three trees at 3.5" caliper min.

To support the existing water efficient design standards, it is recommended that a list of suggested plant material be prepared as a reference guide that sits outside of the code and referenced in the Landscape section.

Buffering and landscaping requirements mitigate environmental site conditions, minimize conflicts between incompatible uses, and soften the visual impacts of parking areas and intensive uses. The existing landscape yards or setbacks and buffer areas, Section 19.77.050 could be simplified with much of the language placed into tables and specific plant material quantities spelled out for the various buffer types.

It is recommended to remove the landscape plan submittal requirements to a checklist that will live outside of the code and be referenced in the general procedures section, including variances.

A consideration of including additional areas for screening such as drive throughs, car wash entrances, or where parking lot headlights face the right of way.

Landscape standards can also provide an avenue for integration of green infrastructure to aid in stormwater mitigation which in turn reduces flood risk.

A re-evaluation of the inspection and audit process may help streamline post-approval procedures. Other recommendations include removing setback reductions from this chapter and relocating them to the applicable zoning districts. Also, consider minimum requirements for parks, single family and duplex uses.

19.78 Planned Unit Developments

Planned Unit Developments (PUD's) are intended to allow for additional flexibility for high quality developments. They are currently treated like an allowed use in all districts; however it may be more appropriate to think of them as an overlay zone that modifies the underlying zoning. For this reason, it is recommended that PUD's be removed from the land use table and introduced as an overlay district. This will also allow for additional public involvement should a property owner seek to add a PUD overlay to their property through the rezoning process.

In order to ensure that PUD's are not treated as a way to circumvent the underlying zoning, it is recommended that criteria of when a PUD may be used is established in the new LUDC. Additionally modernizing standards for elements like amenities to ensure that the requirements are in scale with the project are important. Other factors that may be considered are architectural incentives, added flexibility for smaller infill parcels, adequate stormwater and site considerations, site design criteria. The existing code also includes some discretionary language which should be eliminated to ensure consistent application.

19.79 Utility and Facility System Placement Regulations

This section focuses on utility requirements. It is recommended that this section be relocated to either a new EDM or relocated to Title 14. Should additional screening or site standards be desired, consider establishing site design, screening or other mitigations as a conditional use or separate design standard.

19.80 Off-Street Parking Requirements

The current code requires parking for a variety of uses which vary from the use table. Some of the uses listed may no longer be used often enough to justify a unique parking ratio. For example, commercial riding stables may not be a frequently used parking use, and thus could be categorized on a broader category. A review on each of the required ratios in comparison to similar cities and best practices will be critical in understanding if the parking requirement is too high or too low. It is also recommended to improve the table where multiple uses are present such as multiple family units. Separating these into their own line will result in less ambiguity about which number of bedrooms corresponds with which ratio.

The current ordinance allows the planning commission to reduce parking requirements if a traffic study is provided. Improving the clarity of this process is recommended and removal of the term "exception" in favor of "reduction" is needed. Additionally consider establishing minimum criteria for parking reductions that might establish an administrative reduction.

Modernizing standards such as providing connections to neighboring parking lots, enhanced pedestrian paths, and electric vehicle charging station requirements could be incorporated into the new LUDC.

Key Recommendations Summary:

- Update parking table with new uses and more current ratios
- Streamline the parking reduction procedure and language
- Modernize standards for parking lots to include connections, pedestrian paths, and electric vehicle charging stations.
- Promote affordable housing by identifying appropriate parking standards for affordable housing.

19.81 Highway Noise Abatement Measures

Highway Noise and Abatement Measures are the responsibility of the Utah Department of Transportation (UDOT), it is recommended that this section be removed.

19.82 Signs

The Signs ordinance is intended to provide standards for the location, type, number, size, height, and lighting of signs. This chapter contains definitions which should be moved to the definitions chapter of this code. Additionally, the terminology in this chapter should be updated to be consistent with other code in the region and include improved tables, both for ease of understanding. The new Sign ordinance should address compliance and enforcement to ensure

that the code is properly understood and followed, in particular with regard to electronic message center lighting compliance.

19.83 Wireless Telecommunications Facilities

This chapter has been updated as recently as 2018 and is fairly current. That said additional regulations for small wireless that are currently housed in Title 16 could be included in the update along with updated illustration. It is recommended that the definitions be moved to the definitions section.

19.84 Conditional Uses

The Conditional Uses chapter should be moved to the uses section of the new LUDC. Additionally, there is some language that will need to be updated and reviewed to reflect current city conditions such as ensuring the traffic studies section reflects current issues and reviewing uses that were used most often. Clarifications that conditional uses are transferable and run with the land are needed. Additional consideration for uses that have grown or changed fit within the conditional uses. Language around mitigation should be updated to be in step with state law.

19.85 Home Businesses

The Home Businesses chapter should be moved to the Supplementary Regulations section of this code as it can apply to many zones. Alternatively, this could be moved to other applicable business licensing sections. Additionally, the language and uses should be updated and reviewed to ensure the regulations fit Millcreek's current needs.

19.86 Historic Buildings and Sites Preservation

The Historic Buildings and Site Preservation Chapter is in relatively good shape and will likely only require minor revisions for clarification and usability. Additional considerations may be included for language around variances.

19.87 Residential Facilities for Persons with a Disability

The Residential Facilities for Persons with a Disability should be updated to reflect current state regulations, and be relocated to the uses section.

19.88 Nonconforming Uses and Noncomplying Structures

The Nonconforming Uses and Noncomplying Structures section should be updated with a more up to date model. It is recommended that this section be relocated to the Supplementary Regulations section as it applies to all zoning districts in the city. Clarifications to who reviews non-conforming structures and uses is needed within the new procedures section.

19.89 Accessory Dwelling Units

This chapter is largely in good shape however more user-friendly tables and clarified language could be incorporated for added legibility. Consideration for incentives for affordable housing could be incorporated here.

19.90 Amendments and Rezoning

This section should be relocated to the procedures chapter and included in the procedures table.

19.91 Sexually Oriented Businesses

The regulations in this chapter are clear and do not need many changes, however, consider integrating this into the uses section. A review of where these businesses are allowed would be recommended to ensure that the ordinance is still meeting the community's needs and expectations.

19.92 Land Use Hearing Officer

The Land Use Hearing Officer Chapter should be moved to the Administration Chapter. Additionally, the variance and special review languages need to be reviewed. Boundary disputes should be removed and added to the General Provisions and Administration section as a responsibility of the Zoning Administrator.

19.93 Land Procedures for Analyzing Takings Claims

This section is recommended to be removed since it is generally a legal proceeding. Should the desire to include this in the new LUDC be present, it is recommended to be relocated to Title 2.

19.94 Enforcement

The enforcement Chapter of this code should be reviewed with the City Attorney for compatibility and ease of use. Our suggestions include the consideration of fines to increase enforceability and add consideration for issues that arise in the subdivision ordinances.

19.95 Fences, Walls, and Retaining Walls

As Fences, walls, and retaining walls are used across many/all zones, this chapter should be simplified and relocated to the new Supplementary Regulations section. To simplify use of these regulations, tables should be updated, and we will need to double check for fencing and wall regulation language that may exist within other chapters to clear any duplicative language or conflicts. Lastly include new graphics and explanatory drawings to increase ease of use.

Diagrams

Diagrams and illustrations are a critical component to the overall legibility of the code. It is recommended that this section be dispersed into the relevant sections of the code rather than combined at the end.

Proposed Land Use and Development Code Structure

General Provisions

1. Title
2. Purpose
3. Authority (Decision-Making Bodies)
4. Procedures



- I. Procedures Table
- II. General Procedures
- III. Specific Procedures
5. Definitions

Subdivisions

1. Preliminary Plat
2. Final Plat
3. Vacations and amendments

Uses

1. Agriculture Uses
2. Industrial Uses
3. Commercial Uses
4. Residential Uses
5. Institutional / Recreational Uses

Zoning Districts

1. Agricultural Districts
2. Residential Districts
3. Multifamily Districts
4. Mixed Use Districts
5. Commercial Districts
6. Industrial Districts
7. Institutional / Recreational Districts
8. Overlay Districts
 - i) Geological Hazzard / Sensitive Lands
 - ii) CCOZ
 - iii) RCOZ
 - iv) Planned Unit Developments

Supplementary Regulations

1. Parking
2. Landscaping
3. Signs
4. Fences, Walls, and Retaining Walls
5. Sexually Oriented Businesses
6. Wireless Telecommunications Facilities

7. Historic Buildings and Site Preservation
8. Temporary Structures
9. Architectural Incentives and Site Standards
10. Outdoor Lighting
11. Additional Dwelling Unit (ADU) Standards
12. Home Business Regulations
13. Nonconforming Uses and Noncomplying Structures

Conclusion and Next Steps

The Millcreek Together Code Update is the first holistic review of Millcreek's Zoning and Subdivision ordinances since the city was incorporated in 2016. There is significant opportunity for modernization and simplification with this code update. Revising the existing code from the current two separate sections to a single unified Land Use and Development Code (LUDC) will enable the goals of the project to increase clarity, avoid conflicts, and make the code easier to use. The new code will feature streamlined procedures, updated uses and zoning districts, more graphics, tables and clearer definitions to make the document more user friendly. This report is the first and very important step in a lengthy process as it sets the road map for the full LUDC update.

The next step in the process includes finalization of an outline to define any reorganized elements and then initial drafting of the first code module. The proposed structure for these modules includes:

- Module 1: General Provisions, Subdivisions, Landscape Requirements
- Module 2: Zoning Districts, Uses, Definitions
- Module 3: Supplementary Regulations

The process will include additional public input sessions to further refine the LUDC language and ensure the new regulations are in alignment with the community values. The update process will build on the work completed through this first phase of the process and many of the suggestions within this report will be further discussed to determine the best approach to each of the issues presented. The LUDC update will be drafted in modules to include reorganization and technical edits; updating existing language; and development of new language or chapters. The final document will go through the standard adoption process which includes public hearings.