

Medium Density Zones Text Amendment Summary

Millcreek's existing R-2 and R-4 zones are intended for the construction of duplexes (2 units on one lot) and four-plexes (4 units on one lot) Many of the standards shown in these zones do not reflect the actual title of the zone, and were intended to promote single family homes within the zone by allowing a smaller lot size. This seems contrary to the zone intent. The R-4 zone would allow subdivisions of four-plexes where no on-site management is required, which seems to eventually lead to poor neighborhood compatibility. The RM zone is a better alternative and is suggested here, as the replacement for the R-4 zone

What remains from the current code:

- Most standards stay the same, except the confusing lot sizes by use types - height has been lowered to 30'.

What is new:

- The zones had no design standards - some have been added that mostly impact site design. The State Legislature has prohibited communities from establishing building design standards for two unit dwellings.
- Most uses are permitted instead of conditional. The principal here is that if the zone intent is to allow for duplexes, then they should be permitted with standards.
- A few uses were clarified such as public versus quasi-public.
- New graphics to describe the site standards and height have been provided
- Tables are provided for the uses and spatial requirements
- Design standards, where allowed, are added using the standards found in the RM zone

Updates since previous draft:

- None yet, first review will be on Konveio soon

Community Council Input:

- Anticipated in May

Planning Commission Recommendation:

- No hearing date has been set yet. PC will discuss in May. June public hearing is likely.

19.01.1.1 Medium Density Residential (R-2/4) Zones

A. Purpose

1. The purpose of the Medium Density Residential (R-2/4) Zones are to establish medium density residential neighborhoods which provide persons who reside therein a comfortable, healthy, safe and pleasant environment, to provide more housing choices, and to promote affordable housing options.
2. The R-4-8.5 zone is designated a "Legacy" district. New applications for Legacy zones will not be accepted.

B. Uses

1. Uses in the Medium Density Residential (R-2/4) Zones are as set forth in Table 19.3.X Permitted and Conditional Uses in Medium Density Residential Zone. If a use is not specifically designated in the table, then it is prohibited.

Table 19.XX.XX.1 Permitted and Conditional Uses in Medium Density (R-2/4) Residential Zones

Table 19.02.3.1 Permitted and Conditional Uses in Medium Density Residential (R-2/4) Zones					
<i>P = Permitted Use</i>		<i>C = Conditional Use Review</i>			<i>Blank means prohibited</i>
<i>Land use</i>	<i>R-2-6.5</i>	<i>R-2-8</i>	<i>R-2-10</i>	<i>R-4-8.5</i>	<i>Limitations/References</i>
<i>Residential Uses</i>					
Single household detached dwellings	P	P	P	P	Includes detached and internal ADUs
Two household dwelling	P	P	P	P	
Three and Four household dwelling				P	
Group Homes	P	P	P	P	Up to four occupants allowed without a request for a reasonable accommodation
Short-term rentals	P	P	P	P	Provided a valid Millcreek business license has been issued and in good standing with respect to the property.
<i>Civic and Institutional Uses</i>					
Public Use	P	P	P	P	
Quasi-Public Use	P	P	P	P	
Religious Assembly	P	P	P	P	
<i>Commercial Uses</i>					
Agriculture	P	P	P	P	
Commercial daycare/preschool				C	See MKZ 19.04.260

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<i>Miscellaneous Uses</i>					
Temporary uses and buildings / structures	P	P	P	P	See Temporary Use section xxx
Accessory uses and buildings / structures	P	P	P	P	See Accessory Use / structure section xxx

C. Spatial Requirements

- The minimum setbacks, maximum height and lot size requirements are as set forth in Table 19.2.X Setbacks and Lot Size Minimums for Medium Density Residential Zoning Districts.

Figure 19. 1 Spatial Requirements Diagram

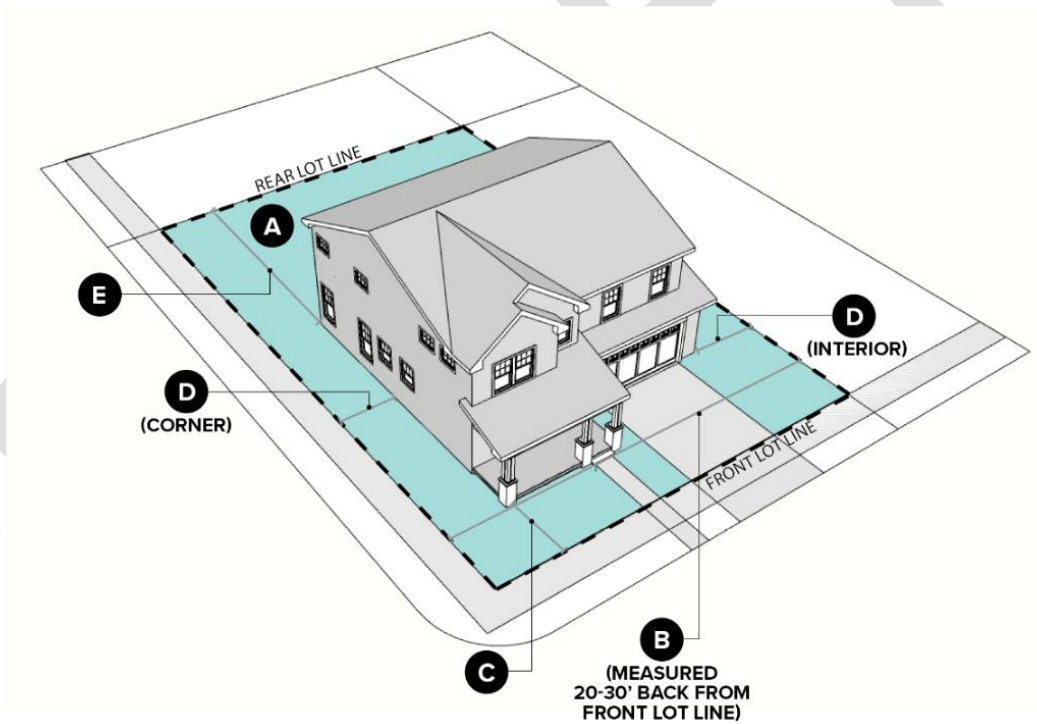


Table 19.XX.XX.X Setback and Lot Size Minimums for Medium Density Residential Zoning Districts

Zone	Min. lot area (A)	Min. lot width (B)	Min Front Setback (C)	Min. Side Setback (D)	Min Rear Setback (E)	Maximum Building Height
R-2-6.5	6,500 square feet 8,000 sq ft for any other main building	60' measured at 25' from the front lot line	25'	8' interior 20' corner	20' *	30' ** †
R-2-8	8,000 square feet 8,000 sq ft for any other main building	65' measured at 30' from the front lot line	30'	8' interior 20' corner	20' *	30' ** †
R-2-10	10,000 square feet 10,000 sq ft for any other main building	65' measured at 30' from the front lot line	30'	8' interior 20' corner	20' *	30' ** †
R-4-8.5	8,500 square feet 8,000 sq ft for any other main building	60' measured at 25' from the front lot line	25'	8' interior 20' corner	30'	30' ** †

* Non-residential uses require a minimum thirty foot (30') rear setback

** No dwelling shall contain less than one story.

† On property where the slope of the original ground surface exceeds fifteen percent (15%) or the property is located in the hillside protection zone, the maximum building height shall be thirty feet (30'). The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.

- D. Development Standards. The following general development standards are applicable to Non-residential and Residential uses with three or more dwelling units in the R-2/4 zones:
1. Building Orientation. Primary structures shall be oriented to public and/or private streets along the frontage of the property to create a unified streetscape. Where buildings are situated internally and are not along a public or private street, buildings shall be oriented toward a courtyard, or similar common open space.
 2. Building Entrances. Functional residential entrances are required on a street-facing façade, or for internal structures on common open spaces which buildings are oriented. Such entrance areas shall include a 100 square foot patio with an enclosure (fence, wall, hedge), no higher than 4' and a pedestrian access to the street.
 3. Building Massing and Façade Variation for 3 and 4 Household Developments Containing Multiple Buildings. No more than two adjacent buildings in these zones shall exhibit the same or substantially the same front façade. For purposes of this section front façade variation includes:
 - a. Foundation jogs;
 - b. Bay or box windows;
 - c. Cantilevered living areas;
 - d. Recessed garages; and/ or
 - e. Usable front porches of at least six feet in depth that extend across 40 percent or more of the front façade.
 4. Building Materials.
 - a. Durable 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.
 - b. Coverage. With the exception of brick or stone, no single material is allowed to exceed 50 percent on all street-facing facades, excluding windows. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required. Stucco, EIFS, smoothed or polished concrete, or metal siding shall comprise no more than 20 percent of any façade visible from a street or from an abutting R-1 property.

- c. Material Variation. A change of materials is required between the ground story and all upper stories for 3 and 4 unit dwellings. Buildings with a primary material of brick or stone are exempt from this requirement.
 - d. Windows. Windows or doors shall comprise at least 25 percent (25%) of the area of each story of any building facade facing a street, in side yards facing a street, or for the primary facade of internal buildings facing the common open space.
5. Required features. All residential development with more than three (3) dwelling units shall provide the following:
- a. Unit Storage. Each unit shall be required to contain interior storage equal to 100 cubic feet.
 - b. Washers and Dryers. All units shall include either washer and dryer hook-ups in each dwelling unit or provide a shared on-site laundry facility.
6. Privacy between units. Each development shall provide adequate visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and internal sound reducing construction techniques with a maximum transmission of 55 decibels in the walls and ceilings shall be used to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
7. Fencing shall meet the standards for buffers found in the Landscape Chapter.
8. Garbage and Recycling. Residential uses with three (3) or more units shall provide garbage and recycling facilities on site and are subject to the following requirements for garbage and recycling:
- a. Garbage and recycling storage must occur on the property, and not on a public right-of-way.
 - b. Refuse totes, bins and dumpster storage shall not be located closer than 10 feet to any perimeter property line.
 - c. Dumpsters shall be located in a fully accessible area for collection by truck. Developments utilizing curbside collections must provide a dedicated space outside of rights-of-way, internal circulation areas, sidewalks, and driveways for curbside collection.
 - d. Refuse totes, bins, and dumpster storage areas must be fully screened with an opaque fence or wall enclosure that is at minimum as tall as the objects being screened. An opaque gate the full height of the enclosure is required. Screening is also subject to the requirements of landscape buffer C as set forth in MKZ19.77.

9. HVAC Systems. HVAC systems shall be screened from view from the ground level vantage point along an adjacent street or private vehicular access. Screening must meet the requirements for landscape buffer C as set forth in MKZ19.77.

10. Utilities. All utilities shall be located underground. Utility equipment shall be screened from view as set forth in landscape buffer C in MKZ 19.77. Overhead telephone, cable, fiber optic, or transmission power lines shall be located underground.

11. Private Garages. If private garages are used to provide required parking spaces, the private garage shall meet the following standards:

- a. For a two-parking space garage, the minimum unobstructed size shall be twenty-two feet (22') by twenty feet (20').
- b. For a single parking space garage, the minimum unobstructed size shall be ten feet (10') wide by twenty-two (22') feet in length, or eleven feet (11') wide by twenty feet (20") in length.
- c. All private garages must have a minimum unobstructed height of six feet for the entire required length and width of the private garage.
- d. Garage doors shall use complementary colors and include windows.
- e. Private garage doors and private garages shall not be the only means of access to a dwelling.
- f. Vehicle access serving a private garage shall be at least 24 feet in width.

12. Vehicular Entry Gates. Vehicle entry gates are prohibited unless the gate services a parking garage structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.

13. Private or Shared Driveways. ~~No more than two units may share a driveway.~~ No driveway or combined driveway with the adjacent unit shall exceed twenty-four feet (24') in width unless such driveways are separated by a minimum five feet (5') wide irrigated planter that includes at least one shrub and one medium size tree. Driveways located on a street with a right of way greater than or equal to sixty-six feet (66') shall provide turnaround capabilities to prevent backing out onto the public street.

14. Sidewalks. Pedestrian circulation for the interior of the development shall be connected and contiguous. Pedestrian circulation paths shall link the primary public access of each building, unit or structure to the public street. All sidewalks are subject to applicable standards as set forth in Title 14.

15. Renewable Energy Incentive. Projects with solar power arrays, windmills/turbines, or functional geothermal systems, suitable to generate 50 percent or more of the development’s electrical demand shall be permitted an additional 5 feet in height and are 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 as measured from a point on the ground at least 30 feet from the wind power generator.

16. Yard Lights. An energy efficient street oriented yard light, maximum height of 8 feet is required, where public street lighting is inadequate, per street facing facade with a minimum lighting capacity of 0.2 foot candles and/or 500 lumens. Yard lights shall direct the light downward and include cut offs to prevent dark sky illumination. Yard lights shall be located within 5 feet of the public right of way.

- E. Related Provision. For additional information refer to the zoning ordinance and in particular the following sections:

Table 19.XX.2 Related Provisions

Table 19.XX.XX.XX Related Provisions	
<i>Reference Section</i>	<i>Topic</i>
MKZ 19.76.020	Occupancy permit
MKZ 19.76.070	Division of a two-family dwelling
MKZ 19.76.100	Sale of space needed to meet requirements
MKZ 19.76.140	Private garage or carport—Reduced yards
MKZ 19.76.190	Height limitations—Exceptions
MKZ 19.76.200	Additional height allowed when
MKZ 19.76.020	Occupancy permit
MKZ 19.76.070	Division of a two-family dwelling
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MKZ 19.76.140	Private garage or carport—Reduced yards
MKZ 19.76.190	Height limitations—Exceptions
MKZ 19.76.200	Additional height allowed when
MKZ 19.76.210	Off-site improvements
MKZ 19.80.040	Number of spaces required

19.01.1.2 Definitions (to be moved)

Building Orientation means Oriented in this purpose means the direction a structure's principal access and primary façade are facing. Any façade that is parallel to or within an oblique angle of 60 degrees of the property frontage along a street as defined in MKZ 19.04.260 is deemed to front the street.

Dwelling means any building, or portion thereof, which is designated for use for residential purposes. Transitory facilities like hotels, apartment hotels, boardinghouses, lodging houses or similar are not considered dwellings.

Dwelling Unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one household 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 Planning Director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

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

Dwelling Unit, Primary means the principal residential dwelling unit on a lot or parcel. A primary dwelling unit is the largest of the two if there is an accessory dwelling unit on the lot or parcel.

Dwelling Unit, Accessory (ADU) means a residential dwelling unit occupied as a separate dwelling unit on the same lot as a single-household dwelling unit, either within the same building as the single-household dwelling unit, attached to the single-household dwelling, or in a detached building. An accessory building does not include a mobile home or manufactured home.

Dwelling Unit, Accessory - Attached means an accessory dwelling unit that shares a wall and roof with or as an additional story above or below the primary dwelling unit.

Dwelling Unit, Accessory - Internal means an accessory dwelling unit created within the primary dwelling or within the footprint of the primary dwelling.

Dwelling Unit, Accessory - Detached means an accessory dwelling unit that shares no common walls or roof with the primary dwelling.

Dwelling, Single-household - Detached means a building arranged or designed to be occupied by one household, the structure having only one primary dwelling unit, and is not attached to another primary dwelling unit.

Dwelling, Single-household - Attached (Townhouse) means a building arranged or designed to be occupied by one household, the structure having only one primary dwelling unit, and is attached to another single-household dwelling via a shared wall on one or both sides by a common wall(s). A common wall(s) may be located within an attached garage.

Dwelling, Two-Household (Duplex) means a single building under a continuous roof containing two primary 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.

Dwelling, Three Household (Triplex) 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.

Dwelling, Four Household (Fourplex, Quadplex) 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.

Dwelling, Multiple Household (Apartment) means a building arranged or designed to be occupied by more than four households.

Façade means the exterior side of a building or structure extending from the ground to top of the roof, parapet, or wall and the entire width of the building elevation.

Household means:

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