

MILLCREEK, UTAH
ORDINANCE NO. 25-38

**AN ORDINANCE AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE
FOR THE PURPOSE OF MAKING TECHNICAL CORRECTIONS TO TITLE 18**

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on September 8, 2025, to consider, among other things, amending Title 18 of the Millcreek Municipal Code for the purpose of making technical corrections to Title 18; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides that the Council may amend any provisions of a land use regulation; and

WHEREAS, Millcreek (“*City*”) has adopted the Uniform Land Use Ordinance of Millcreek, Utah (“*Land Use Ordinance*”), and

WHEREAS, City staff has recommended that the Council amend the Land Use Ordinance for the purpose of making technical corrections; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides 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 July 28, 2025, the required notice was published; and

WHEREAS, on August 20, 2025, the proposed amendment was submitted to the planning commission for recommendation; and

WHEREAS, on August 20, 2025, the planning commission held the required public hearing with respect to amending Title 18 of the Millcreek Municipal Code; and

WHEREAS, on August 20, 2025 planning commission meeting, the planning commission recommended amending Title 18 of the Millcreek Municipal Code for the purpose of making technical corrections to Title 18; and

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

WHEREAS, on September 8, 2025, the Council considered amending Title 18 of the Millcreek Code of Ordinances for the purpose of making technical corrections.

NOW, THEREFORE, BE IT ORDAINED by the Council that Title 18 of the Millcreek Municipal Code be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added)

18.15.030(B)(2)(a)

Property development, redevelopment, construction, reconstruction, or alteration of a building or structure, except for attached or detached single or two-household dwellings that are located in a recorded subdivision and that are not in a sensitive lands area.

18.15.030(A)(4)

1. Approval Criteria. The Planning Commission shall consider the following criteria in reviewing all conditional use applications:
 - a. The proposed conditional use shall comply with Millcreek ordinances, Federal, and State Statutes, as applicable to the use and to the site where the conditional use will be located; and
 - b. The Land Use Authority shall approve a Conditional Use Permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. Detrimental effects of the proposed use include:
 1. Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, parking lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
 2. Detrimental effects on the adequacy of utility systems, water and sewer, solid waste, snow removal, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, irrigation systems, or preserving existing systems, including other reasonable mitigation as determined by Millcreek's engineering staff, contracted engineers, and utility service providers.
 3. Detrimental effects on connectivity and safety for pedestrians and bicyclists.
 4. Detrimental effects of the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including effects of environmental impacts, dust,

fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects of the use may include hours of operation and the potential to create an attractive nuisance.

5. Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, the removal of dangerous or blighted structures, high ground water, environmental health hazards, or wetlands, as determined by the City Engineer, and/or other qualified specialists.
6. Detrimental effects of modifications to exterior lighting that conflict with abutting properties.
7. Detrimental effects arising from site design and/or building design in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, lighting (on-site and adjacent street lighting), signs, and architectural design and exterior detailing/finishes and colors within the area.
8. Detrimental effects on emergency fire service and emergency vehicle access.
9. Detrimental effects on usable/functional/accessible open space and sensitive lands.
10. Detrimental effects from inadequate maintenance of the property and structures in perpetuity, including performance measures, compliance reviews, and monitoring.
11. Detrimental effects of excessive storm water generation.

5. Conditions of Approval. Unless otherwise specified in this Code or [Utah Code Section 10-9a-507, Conditional Uses](#), the Planning Commission shall approve all conditional use applications with objective standards as set forth in the Land Use Code. In such cases, any conditions attached to approvals shall be directly related to the anticipated detrimental effects of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code allows flexibility.

6. All conditional uses are presumed to be compatible with the zone and the General Plan's intent.

7. Denial. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Land Use Authority may deny the conditional use.

18.21-71

18.7121.120 Enforcement And Noticing

18.7121.130 Existing Buildings

18.34

Add 31% lot coverage in table 18.34-2

Table 18.34-2 Spatial Requirements for the Agricultural Zone							
Zone	Minimum lot area	Minimum lot width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height	<u>Max. Lot or Parcel Coverage</u>
AG	10,000 square feet (A)	75' (B)	30' (C)	10' on interior lots or parcels (D) 20' on a corner lot or parcel (E)	15' (F)	30'	31%

18.38.040, Table 18.38-2

Table 18.38-2 Spatial Regulations for the Medium Density Residential (R-4) Zone

	Single-Household Dwellings	Two - Household Dwellings	Three-Household Dwellings	Four-Household Dwellings	Civic/Institutional and Non-Residential Uses
Minimum Lot Gross <u>Land Area</u> (A)	6,000 sf per dwelling <u>unit</u>	36,255 30 sf per dwelling <u>unit</u>	27,500 27,500 sq ft per <u>dwelling</u> unit, except affordable units and individually owned units require 6,500 2,000 sq ft per <u>dwelling</u> unit	8,500 2,125 sq ft per <u>dwelling</u> unit, except affordable units and individually owned units require 6,500 2,000 sq ft per <u>dwelling</u> unit	20,000 sf
Minimum Lot or Parcel Width (B)	60'	60'	60'	60'	60'
Minimum Front Yard Setback (C)	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum Interior Side Yard Setback (D)	8 feet	8 feet	8 feet	8 feet	20 feet
Minimum Corner Side Yard Setback (E)	20 feet	20 feet	20 feet	20 feet	20 feet

Minimum Rear Yard Setback (F)	20 feet	20 feet	20 feet	20 feet	20 feet
Maximum Lot or Parcel Coverage	40 percent	40 percent	40 percent	40 percent	40 percent

18.39.030 – Table 18.39-1

In the “Commercial Uses” section change, “Allowed within mixed use.” to “Allowed within legally-established commercial buildings or within mixed use.”. Need to define “Legally-established commercial buildings”

Table 18.39-1 Permitted and Conditional Uses in the Residential Mixed (RM) Zone		
Land Use	RM	Limitations/References
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Dwelling, Single-Household	P	
Dwelling, Two-Household	P	
Dwellings, Three- or Four-Household	P	
Dwellings, Multiple-Household up to 32’ building height and up to 25 units	P	Mixed-use shall be required for developments located within 500’ of specified intersections. See additional standards below.

Dwellings, Multiple-Household over 32' building height or more than 25 units	C	Mixed-use shall be required for developments located within 500' of specified intersections. At least three units shall have primary façade and primary entrance facing the street in developments with more than six units
Affordable Housing	P	Subject to MKZ 18.78, Affordable Housing Incentives
Home Business	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – up to 6 children	P	Subject to MKZ 18.76, Special Business Land Use Regulations
Home Daycare or Preschool – 7 to 12 children	C	Subject to MKZ 18.76, Special Business Land Use Regulations
Live/Work Unit	P	Only permitted in association with requirements for mixed use developments as set forth in MKZ 18.43.090 .
Residential Facilities for Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability
Nursing Home or Assisted Living	C	
Short-Term Rental	P	Provided a valid Millcreek business license has been issued and is in good standing with respect to the property. Further limitations are as set forth in MKC 5.19, Short Term Rentals .
<i>Commercial Uses</i>		
Depository Financial Institution	C	Allowed within legally-established commercial buildings or within mixed use Allowed only within mixed use. Drive-up Windows are prohibited.
Mixed Use	C	

Commercial Daycare or Preschool	C	Allowed within legally-established commercial buildings or within mixed use Allowed within mixed use.
Gym / Fitness Studio	C	Allowed within legally-established commercial buildings or within mixed use Allowed within mixed use.
Medical or Dental Clinic	C	Allowed within legally-established commercial buildings or within mixed use Allowed within mixed use.
Office	C	Allowed within legally-established commercial buildings or within mixed use Allowed within mixed use.
Personal Service	C	Allowed within legally-established commercial buildings or within mixed use Allowed within mixed use.
Eating or Drinking Establishments, Dine-In	C	Allowed within legally-established commercial buildings or within mixed use Allowed within mixed use. Drive-up Windows are prohibited.
Neighborhood Retail or General Retail	C	Allowed within legally-established commercial buildings or within mixed use Allowed only within mixed use.
<i>Civic and Institutional Uses</i>		
Public Use	C	
Quasi-Public Use	C	
Religious Assembly	P	
Schools, Public and Private	P	
<i>Miscellaneous Uses</i>		
Accessory Uses, Buildings and Structures	P	As set forth in MKZ 18.59, Accessory Structures

Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures
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18.39.040 & Table 18.39-2

Table 18.39-2 Spatial Regulations for the Residential Mixed (RM) Zone				
	Single-Household Dwellings (1)	Two, Three, and Four-Household Dwellings	Multiple-household Dwellings– Five or more dwellings in a building	Other Permitted Principal Uses
<i>Principal Buildings</i>				
Minimum Lot or Parcel Gross Land Area (A)	6,000 sf per dwelling unit	3,000 sf per dwelling unit	2,000 sq ft per dwelling unit, except affordable units and individually owned units require 1,500 sq ft per unit	20,000 sf
Minimum Lot or Parcel Width (B)	60 feet	None	None	None
Maximum Building Height	30 feet	32 feet	45 feet ² (2)	45 feet ² (2)
Maximum Lot or Parcel Coverage	35%	40%	50%	50%
Maximum Building Length	None	None	150 feet	150 feet
Minimum Front Yard Setback (C)	20 feet	20 feet	20 feet	20 feet
Minimum Interior Side Yard Setback (D)	8 feet	10 feet	10 feet	10 feet
Minimum Interior Side Yard Setback, where	8 feet	10 feet	25 feet	25 feet

abutting R-1, R-2, R-4, or AG Zones (D) a residential zone boundary. (3)				
Minimum Corner Side Yard Setback (D)	20 feet	20 feet	20 feet	20 feet
Minimum Rear Yard Setback (E)	10 feet	10 feet	20 feet	20 feet
Minimum Distance Between Residential Buildings	5 feet	5 feet	10 feet	10 feet

D. Table 18.39-2 Notes:

1. Additional Requirements for Single-Household Dwellings. Single-Household dwellings are subject to the building envelope requirements for the R-1-6 zone as set forth in MKZ 18.36.040 and MKZ 18.36.050.
2. Height Transition Requirements. Buildings or structures within 100 feet of a Residential Zone Boundary shall not exceed 30 feet, excluding Height Projection Allowances identified in MKZ 18.72.040.
3. The Minimum Interior Side Yard Setback, where abutting a residential use boundary may be reduced to the standard Minimum Interior Side Yard Setback where the abutting use is an institutional use, a commercial use, and industrial use, or a cemetery.

18.39.050(B)(3) & 18.39.090(C)(2)

18.39.050(B)

3. First story entrances shall include a porch of at least ~~60~~100 square feet and a fence, wall or hedge no taller than four feet (4'). Such areas are included in the open space requirement.

18.39.090(C)

C. Balconies or Patios. All residential units shall have ~~a private outdoor space as set forth in the following standards:~~

1. ~~Developments with up to four dwelling units: Each residential unit shall have a private balcony and/or patio with a minimum of 60 square feet with a minimum five-foot (5') depth.~~
2. ~~Developments with five or more dwelling units: Each residential unit shall have a private outdoor balcony and/or patio. Balconies must be a minimum of 60 square feet. Patios must be a minimum of 100 square feet with a minimum five (5) foot depth.~~

18.39.050(F)(3)

~~Vehicular Access to Private Garages.~~

- a. ~~Vehicle access serving a private garage shall be at least 26 feet in width.~~
- b. ~~Where such drives serve units with opposing garages, where garages face each other, a minimum of 25 square feet of landscaping shall be required at the edges of each driveway, between each dwelling unit.~~
- c. ~~Developments with 25 feet or more units and lot or parcel widths of one 150 feet shall provide a driveway for each garage with a minimum width of 12 feet and minimum unobstructed depth of 20 feet.~~

18.39.110

Design standards for mixed use buildings in the RM zone containing residential uses shall follow the design requirements found in MKZ 18.44.090 (H).

18.41.070 E

Windows shall constitute at least 50 percent of first story street-facing facades, and windows shall be at least 50 percent transparent. When a residential use occupies the first story, windows shall constitute 33 percent of the first story street-facing facades. On double or triple-frontage lots, living screens may replace up to 50 percent of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage. Windows shall constitute at least 25 percent of all upper story street-facing facades. Interior lighting is required.

18.44.030, Table 18.44-1

Add neighborhood retail as permitted. Add general retail as permitted or conditional.

Table 18-44-1 Permitted and Conditional Uses in the Commercial (C) Zone

Land Use	C	Limitations / References
<i>P= Permitted, C= Conditional Use Review Required</i>		
<i>Residential Uses</i>		
Affordable Housing	P	Subject to the requirements and incentives for affordable housing as set forth in MKZ 18.78, Affordable Housing Incentives .
Dwelling, Multiple Household	C	Only permitted as part of a mixed use development, subject to the development standards as set forth in MKZ 18.44.090 (H) .
Nursing Home or Assisted Living	P	
Home Business	P	Permitted in legally-established dwellings in the C Zone. Subject to MKZ 18.76, Special Business Land Use Regulations .
Residential Facility For Elderly Persons or Persons With a Disability	P	Limitations as set forth in MKZ 18.74, Residential Facilities for Persons With a Disability .
Caretaker Dwelling	P	Additional use standards apply as set forth in MKZ 18.44.090
<i>Commercial Uses</i>		
Kennel, Indoor or Outdoor	P	Outdoor kennels or animal play areas prohibited within 300' of a Residential Zone Boundary or a legally established residential use.
Automobile, Equipment, or Recreational Vehicle Sales or Rental	C	Only allowed when located on arterial roadways 100' or greater in width. Prohibited within 300' of a residential use

		or a residential zone. Additional use standards apply as set forth in MKZ 18.44.090 .
Automobile Service and Repair	C	Prohibited within 150' of a residential use or a residential zone and within 1,320' (1/4 mile) of an established substantially similar business. Additional use standards apply as set forth in MKZ 18.44.090 .
Car Wash	C	Prohibited within 150' of a residential use or a residential zone and within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar business.
Medical or Dental Clinic	P	
Mixed Use	C	Additional use standards apply as set forth in MKZ 18.44.090
Commercial Daycare or Preschool	P	
Commercial Entertainment under 25,000 square feet	P	Outdoor entertainment uses are prohibited within 300' of legally established dwelling or a Residential Zone Boundary. Indoor or Outdoor Gun or Archery Ranges are prohibited.
Commercial Entertainment, 25,000 square feet or more	C	Outdoor entertainment uses are prohibited within 300' of a legally established dwelling or a Residential Zone Boundary. Indoor or Outdoor Gun or Archery Ranges are prohibited.
Commercial Kitchen / Ghost Kitchen	P	

Commercial Parking Lot or Commercial Parking Garage	C	Parking garages shall include non-residential uses for at least 75% of the ground story facing a public street.
Community Garden	P	
Depository Financial Institution	P	
Drive-up Window	C	Drive up windows prohibited within mixed use developments. Additional development standards apply as set forth in MKZ 18.44.090 (D)
Eating and Drinking Establishment	P	
Flex Space	P	Maximum square footage of 10,000 square feet per building, a minimum of 20% of story area must be office and or retail uses.
Fuel Station	C	Prohibited within 1,320' (1/4 mile) of an existing fuel station and within 150' of a residential use or a residential zone. See additional development standards as set forth in MKZ 18.44.090 (G)
Funeral Home or Mortuary	P	
Greenhouse or Plant Nursery	P	
Gym or Fitness Studio under 5,000 square feet	P	
Gym or Fitness Studio - 5,000 square feet or more	C	
Hospital	C	
Light Service and Repair	P	Maximum square footage of 10,000 square feet.

Live/Work Unit	P	Only permitted in association with mixed use set forth in the development standards as set forth in MKZ 18.44.090 (H) .
Lodging	P	
Non-Depository Financial Institution	P	Prohibited within 300' of a major intersection and within 2,640' (1/2 mile) of an established substantially similar business.
Office	P	
Pawn Shop	P	Prohibited within 300' of a major intersection and within 2,640' (1/2 mile) of an established substantially similar business.
Personal Service	P	
Reception or Event Center	P	Outdoor uses prohibited within 300' of a residential use or a Residential Zone Boundary.
Neighborhood or General Service	P	
Neighborhood or General Retail	P	
Retail Sales	P	Retail Tobacco Specialty Businesses are prohibited within 1,320' (1/4 mile) of an established substantially similar business.
Retail Food Trucks, Pop-Up Markets, and/or Farmer's Market	P	Subject to Temporary Use Standards as set forth in MKZ 18.58, Temporary Uses and Structures.
Self-Storage facility	C	Prohibited within 300' of a major intersection and within 1,320' (1/4 mile) of an established substantially similar

		business. Additional location restrictions apply as set forth in MKZ 18.44.090 .
Temporary Uses	P	As set forth in MKZ 18.58, Temporary Uses and Structures
<i>Institutional Uses</i>		
Wireless Telecommunication Facility	P	Must be a Stealth Facility, subject to the standards as set forth in MKZ 18.75, Wireless Telecommunications Facilities.
Public Use	P	Detention Facilities or Jails are not permitted
Religious Assembly	P	
Schools, Public and Private	P	
Quasi-Public Use	P	

18.46.080 Special Regulations For The Light Manufacturing Zone

A. General Conditions in the M Zone. All uses in the M zone shall be permitted only under all the following conditions:

1. Business operations that abut a legally established residential use, a Residential Zone Boundary, or a street shall be conducted predominantly within an enclosed building, except for the following:
 - a. Parking and servicing vehicles and equipment,
 - b. Loading and unloading of products and equipment,
 - c. Outside storage of products, materials, vehicles, or equipment may be in the rear or side yard in the rear or side yard for new uses, subject to the following standards:
 - (1) Outside storage shall occupy no more than sixty percent (60%) of the lot or parcel.

(2) Outside storage must be screened by a solid visual barrier perimeter fence of six feet (6') to eight feet (8'), depending on and relating to the height of the products, materials, or equipment stored outside. The maximum height of outside storage shall be established by a formula of setback to height where the minimum setback from the property line abutting a public street equals one-and-a-half times the height of the products, materials, vehicles, or equipment being stored.

(3) The surface area of the outside storage area shall be paved with cement or asphalt hard surface paving or a contained durable permeable surfacing such as gravel.

(4) Any outdoor storage of vehicles and equipment shall be considered temporary and only include operable, functional vehicles and equipment able to be immediately put to the intended use.

d. Existing legal uses with outdoor storage operating at the time of the adoption of this ordinance, January 22, 2018, shall retain the ability to store product, materials, vehicles, or equipment on 100 percent of the lot, lots, parcel, or parcels occupied by such use.

e. Outdoor dining associated with eating and drinking establishments.

2. All uses shall minimize, so as not to become a nuisance, any unsafe, unhealthy, objectionable, and unreasonable waste, odor, dust, smoke, other emissions, noise, vibration, as determined by any Federal, State, County, and/or City health and safety codes, regulations, or ordinances.

3. All principal assembly, manufacturing, testing, cleaning, testing and associated services or processes shall be done wholly within completely enclosed buildings. Accessory use may include outside repair, fabrication, and cleaning of equipment, vehicles, and/or stored products.

4. Roof mounted mechanical equipment, and vents shall be screened from view from the ground-level vantage point along an abutting arterial, collector, or local street.

B. Design and Use Standards for Specific Uses. The following standards are applicable to the uses specified in addition to the development standards in this Chapter. In

the event there is language elsewhere in MKZ Title 18 that conflicts with language in this chapter, the more restrictive standard prevails.

1. Automobile, Equipment, or Recreational Vehicle Sales or Rental uses shall meet the following site requirements:
 - a. The minimum lot size for such use is 20,000 square feet.
 - b. The site must contain an office of at least 2,000 square feet.
 - c. Inventory lot parking shall not be included in the minimum parking requirements.
2. Automobile Service and Repair uses shall meet the following site standards:
 - a. Bay doors shall not be located on facades facing residential uses or zones.
 - b. Vehicles awaiting repair or service shall be screened by Landscape Buffer C as set forth in MKZ 18.64, Landscape Standards.
 - c. Vehicle storage areas shall not count toward parking minimum requirements.

18.47.070 Site Standards

L. Perimeter Fencing.

1. To ensure maximum pedestrian connectivity, fencing between parcels is not required.
2. ~~No fencing of any kind will be allowed~~ Fencing along the Richmond, 3300 South, Highland Drive and Millcreek Common Street frontages shall be limited to open style fencing that does not exceed three feet in height.
3. Privacy and/or security fencing is only allowed to screen unsightly, utility, or vehicle service areas from public right-of-way.
4. Fencing along a Neighborhood Street frontage is permitted to define front porches and can consist of wrought iron/similar materials, wood, or composites. Vinyl is prohibited as a fencing material.
5. Fences must be a minimum of 50 percent open, have a maximum height of 42 inches and may incorporate a maximum 18-inch-high stone, or brick wall at the base.

18.47.080 Building Standards

A. Entrances and Windows.

1. Entrances to the first story of buildings shall front on the public street.
2. On double or triple frontage lots or parcels, entrances are required where the greatest amount of pedestrian traffic is anticipated.
3. When a non-residential use occupies the first story, windows shall constitute at least 50 percent of first story street-facing facades, and 25 percent of all upper-story facades. When a residential use occupies the first story, windows shall constitute at least 33 percent of first story street-facing facades. Windows shall constitute at least 25 percent of all upper-story facades.
4. Windows shall be at least 50 percent transparent. Interior lighting is required. Street facing windows that are not on the same façade as the main building entrance, may cover the first story windows with non-advertising window films using a mountain, mill, orchard, or mountain related sports theme.
5. Living screens may replace up to 50 percent of the window requirement for the lowest anticipated pedestrian traffic frontage.
6. Mirrored windows are not allowed. Any east or west facing windows above the third story shall be non-reflective to prevent glare.
7. For any building opposing a residential bedroom window, buildings shall provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other. In no case shall any balconies have a separation from an opposing balcony of less than 10 feet.
8. Windows above the first story shall conform to the standards described in Figure 18.47.18 Window Design Standards.

18.48.020 Applicability

The City Council may approve a CCOZ-DA zone upon receiving a recommendation from the Planning Commission regarding adoption of the zone and a development agreement. Once a CCOZ-DA zone is established over a particular property, the provisions of this chapter shall apply to all property located within the CCOZ-DA zone as shown on the official zoning map. Development Agreements are entered into and approved at the sole discretion of the City. The following developments are eligible for a CCOZ-DA.

1. Buildings ~~with~~ that do not exceed 150 feet in length or 100 feet in depth.

18.59.030 General Requirements For Accessory Structures

- F. Design Standards. Accessory structures ~~that are greater than 200 sf in area~~ shall incorporate at least one of the exterior materials used in the main building for 20 percent of all structure facades, or shall be clad in wood, vinyl, or cementitious fiberboard siding. Accessory structures ~~that are greater than 200 sf in area~~ must have a pitched roof unless the main building has a flat roof, in which case an accessory structure may have a flat roof or a pitched roof.

18.60.050 Noncomplying Structures

- A. Continuation. A noncomplying structure may be continued so long as no additions or enlargements are made thereto ~~and no structural alterations are made therein~~, except as permitted by this chapter or as may be required by law. If a noncomplying structure is removed from the lot or parcel where it was located, each future structure on such lot or parcel shall conform to the provisions of this title.

- B. Expansion and Enlargement. ~~A noncomplying structure may be expanded or enlarged upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find the following:~~

- ~~1. The addition, enlargement, or reconstruction of the structure at a new location complies with the standards and regulations of the current zone and the applicable requirements of this title.~~
- ~~2. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot is compatible with existing development within a reasonable distance in terms of height, mass, applicable building envelope requirements, and lot or parcel coverage; and~~
- ~~3. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.~~
- ~~4. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.~~

1. Compliant Expansions and Enlargements. A noncomplying structure may be expanded or enlarged if the expansion or enlargement complies with the standards of the zone district and the applicable requirements of this

title. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.

2. Noncompliant Expansions and Enlargements. A noncomplying structure may be expanded or enlarged upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find the following:
- a. The expansion or enlargement of the structure is compatible with existing development within a reasonable distance in terms of height, mass, applicable building envelope requirements, and lot or parcel coverage; and
 - b. The expansion or enlargement of the structure is not detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.
 - c. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.

- C. Maintenance and Repair. A noncomplying structure may be maintained. Repairs ~~and structural alterations~~ may be made to a noncomplying structure provided the degree of nonconformity is not increased.
- E. ~~Alteration-Enlargement~~ Where Parking Insufficient. A complying structure housing a use with insufficient parking, as required by this title, may be ~~altered or~~ enlarged provided additional parking is supplied to meet the requirements of this title for the noncomplying portion of the structure and the ~~alteration or-~~ enlargement.

18.60.060 Nonconforming Lot Or Parcel

- A. Continuation. A nonconforming lot or parcel may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this title, subject to the provisions of this chapter.
- B. New Buildings Constructed on Nonconforming Lots or Parcels:
1. New Single-Household Dwellings. A new single-household dwelling may be constructed on a legally established lot or parcel that is nonconforming as to area, width, or both, provided:

- a. The lot or parcel was legally nonconforming when the area or width requirements were changed;
 - b. The use is for the sole purpose of a single-household dwelling;
 - c. There is only one main building on the lot or parcel; and
 - d. The dwelling conforms to all requirements of the title, such as use requirements, frontage, yard setbacks, building heights, and all other applicable requirements, including street improvements and compliance with building codes
2. All Other New Buildings or Structures. New buildings other than single-household dwellings may be constructed on a legally established lot or parcel that is nonconforming as to area, width, or both provided the building conforms to all requirements of the title, such as use requirements, frontage, yard setbacks, building heights, and all other applicable requirements, including street improvements and compliance with building codes.

~~C. New Single-Household Dwelling. A new single-household dwelling may be constructed on a legally established lot or parcel which is nonconforming as to area, width, or both, provided:~~

- ~~1. The lot or parcel was legally nonconforming when the area or width requirements were changed;~~
- ~~2. The use is for the sole purpose of a single-household dwelling;~~
- ~~3. There is only one main building on the lot or parcel; and~~
- ~~4. The dwelling conforms to all other requirements of this title, such as frontage, yard setbacks, building height, and other applicable requirements, such as street improvements and compliance with construction codes.~~

- D. Lot or Parcel with Building. If a nonconforming lot or parcel contains a building legally established before the effective date of this title, then the owner may continue the then-existing use of such building and may expand the building in any way that does not increase the degree of nonconformity. An increase in building size shall not increase the degree of nonconformity of the lot or parcel. Interior remodeling and/or exterior maintenance of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot or parcel requirements but shall be reviewed by the Planning Director as though the lot or parcel conforms to the requirements of this title. Such remodeling or maintenance shall require a building permit.
- E. Effect of Public Uses. If the required area, width, frontage, or yard space of a lot is rendered noncompliant as a result of acquisition of a portion of the lot for public

use, the lot shall be considered a legal lot for purposes of this title. No construction or boundary change may be undertaken which will render these requirements further noncompliant. New buildings, structures or site improvements proposed for construction on such a lot shall meet all other requirements of the zone in which it is located.

18.61.020 Applicability

- E. Existing properties located in low liquefaction potential areas with slope angles less than 15% may be exempt from a full Geotechnical Report requirement, provided that soil type and water table depth information is furnished to the City to assure foundation suitability. Geotechnical Reports are not required for fences but are required for any retaining wall or accessory building over ~~200~~ 1,000 square feet when located in a Sensitive Lands Area.

18.61.030 Sensitive Lands Description

Sensitive Lands contain characteristics that can influence, modify, or limit development patterns through physical or regulatory restrictions. Sensitive lands features covered by this chapter are described as follows:

- A. Topographical Features. The types of lands represented in this typology include slopes that ~~average 15~~ average 15 percent over a 50-foot interval in any direction, wetlands, rock outcroppings larger than 10 feet wide and 10 feet tall, avalanche zones, alluvial fans, rock fall areas, gullies/ravines deeper than 10 feet and wider than 20 feet), intermittent or constant flow stream corridors, ridgelines, springs, species protection, Wildland Urban Interfaces, and floodplains. Additional requirements for floodplains are found in [MKZ 18.62, Floodplain Hazards Mitigation](#).
- B. Subsurface Features. Soils, saturated soils, and soil structures such as areas of liquefaction potential, surface fault rupture hazard areas, and debris flow areas. Soil types used to determine surface stability, foundation stability, movement potential, depth to bedrock, and shallow water table levels, may also reveal factors to consider for avoidance/preservation and/or design modifications when determining the extent of sensitive lands.

18.61.070 Development Design Considerations

- D. Stormwater. Storm drainage plans shall include a system design to return collected and clarified waters to the natural drainage channels or to the adjacent ground. All developments ~~are~~ may be required to obtain a Storm Water Pollution

Prevention Plan (SWPPP) and a Utah State Department of Environment Quality General Construction Storm Water (UPDES) Permit at building permit issuance as determined by the City Engineer.

18.63.020 Vehicle Parking Requirements

B. Design Specifications for Residential Uses with Four or Fewer Units.

2. Surfacing. The driveway shall be constructed of a durable, hard surface such as: concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. Gravel is prohibited as a surfacing material for driveways. The number, location, and width of driveways shall comply with the specifications set forth in [MKC 14.12.110](#) and [MKC 14.36.060](#). Driveways over 150 feet in length are subject to approval by the fire marshal.

18.64.040 Tree Preservation Standards

- A. Purpose. To maintain the environmental integrity of trees for shade, evapotranspiration, and habitat along with preserving the aesthetic of mature, and healthy vegetation for Millcreek’s streetscapes.
- B. Applicability. All healthy trees having a caliper of four inches (4”) in size or larger shall be preserved to the maximum extent feasible. Species identified as noxious or invasive as declared by the Millcreek Plant Species List or the Utah Department of Agriculture and Food are exempt from this requirement.
- C. Design Standards
 1. Preserved trees shall be credited toward the satisfaction of the tree planting requirements of this chapter at a rate of 1:1 based on caliper size, except for the replacement of large caliper trees as set forth in Table 18.64-4, Tree Replacement Table. For example, a six-inch (6”) caliper tree preserved shall count toward three (3) two-inch (2”) caliper trees.

Table 18.64-4 Tree Replacement Table	
<i>Tree Replacement Table</i>	
Tree to be removed	Replace with

4" to 12" caliper tree	Three trees as 2" caliper min. size
12" to 24" caliper tree	Six trees at 2" caliper min. size
24" or larger caliper tree	Eight trees at 2" caliper min. size

2. Where existing trees are to be protected during site development or construction activity, the following standards shall apply:
 - a. A fenced tree protection zone shall be established around the dripline of each tree or cluster of trees to be retained with high-visibility materials at a minimum height of four feet (4').
 - b. The storage or movement of equipment, material, debris, or fill is prohibited within the tree protection zone to minimize soil compaction.
 - c. The cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree is prohibited within the tree protection zone.
3. No cut or fill is permitted within the tree protection zone unless Landscape Architect licensed to practice in the State of Utah or an ISA Certified Arborist has evaluated and approved the disturbance.
4. All protected existing trees shall be pruned as specified by an ISA Certified Arborist.
5. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.
6. Trees being preserved that are located further than 50 feet from the primary area being disturbed by construction may be ribboned off in lieu of erecting protective fencing. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
7. The removal of trees is allowed under the following circumstances by way of a tree removal permit as set forth in [MKZ 18.64, Landscape Standards](#).
 - a. Where trees have naturally fallen or are determined by an ISA Certified Arborist to be dead or dying.
 - b. Where trees have been diagnosed by an ISA Certified Arborist as unhealthy beyond reasonable rehabilitation.
 - c. Where trees are determined to be potentially harmful to the public health, safety, or welfare.

- d. Where it has been determined by the City that tree removal is necessary to restore clear visibility at driveways and intersections.
- 8. Plants considered noxious or invasive species as identified in the Millcreek Plant Species List or the Utah Department of Agriculture and Food are not required to meet these requirements.
- 9. Trees having a caliper of four inches (4") in size or greater which are removed shall be replaced on the development site at the following rate, except that street trees are to be replaced at a rate of one new tree per tree removed.

<u>Table 18.64-4 Tree Replacement Table</u>	
<u>Tree Replacement Table</u>	
<u>Tree to be removed</u>	<u>Replace with</u>
<u>4" to 12" caliper tree</u>	<u>Three trees as 2" caliper min. size</u>
<u>12" to 24" caliper tree</u>	<u>Six trees at 2" caliper min. size</u>
<u>24" or larger caliper tree</u>	<u>Eight trees at 2" caliper min. size</u>

D. Tree Preservation Site Plan Submittal

- 1. Applicants seeking to remove trees as part of a land use application shall seek a tree removal permit and shall submit a tree preservation plan as part of their application, to include the following:
 - a. Purpose of the requested tree removal permit.
 - b. Plan showing existing and proposed land uses, buildings, parking, utilities, and light poles; existing trees over four (4) inch diameter at breast height to be preserved; and other pertinent development elements.
 - c. A boundary survey which shall include the location of all easements, building setback lines, nearby zoning district boundaries; and
 - d. A location map showing the location of the property within the City.
- 2. If a permit is denied, the reason for denial shall be furnished to the applicant in writing, either electronically or by mail. The applicant or any person adversely affected by a final decision on a tree removal permit

shall have the right to appeal the decision to the land use hearing officer, as set forth in [MKZ 18.04, Appeals](#).

18.64.050 Screening And Buffering

C. Buffer Design Standards

1. Buffer Type A, as illustrated in Figure 18.64.1, shall be placed within 10 feet of the property line as site conditions permit and shall consist of trees, shrubs, and ornamental grasses at the following rates per 100 linear feet of buffer:
 - a. Two (2) trees with a minimum mature height of 20 feet, and
 - b. One of the following is required:
 - (1) 10 shrubs or large ornamental grasses with a minimum height of five feet (5').
 - (2) A six-foot (6') high ornamental fence with five (5) shrubs or large ornamental grasses with a minimum height of five feet (5').
 - (3) A six-foot (6') high wall.

18.64.050 Screening And Buffering

D. Buffer Requirements

1. All ~~multimultiple~~-household development abutting ~~single-household detached, single-household attached, two-household attached, or three-household attached dwelling uses residential uses~~ shall incorporate a Buffer Type ~~A B~~ along the perimeter between the two uses.

18.64.060 Commercial, Mixed Use, Institutional, Public Or Quasi-Public Use, And Multi-Household Development Landscape Standards

2. Landscaping is required around the perimeter of the site, along all side and rear property lines, and around the perimeter of drive-through service facilities at the following rates:
 - a. Consistent with Buffer Type A, as set forth in [MKZ 18.64.050 \(1\)](#), when adjacent to another commercial, mixed use, or ~~multimultiple~~-household dwelling use; or
 - b. Consistent with Buffer Type B, as set forth in [MKZ 18.64.050 \(2\)](#), when adjacent to a single-household detached, single-household attached, two-household attached, or three-household attached dwelling use.

18.66.080 Fence Materials

1. Permitted Fence Materials

1. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. The following materials and colors shall be used for all fences, except as otherwise provided in this section or by a more restrictive provision of this title or engineering standard:

1. Decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry wall materials;
2. Vinyl, polyethylene materials with beige, white or other neutral color;
3. Composite fence materials (Trex®, SimTek®, or similar);
4. Weather-tolerant wood materials such as but not limited to cedar, redwood, cypress, bamboo;
5. Decorative wrought iron or metal picket materials or solid metal panels with a thickness of at least 1/8”;
6. Powder-coated chain-link may be allowed for public recreational uses or sport courts;
7. Welded wire panel;
8. ~~(7-)~~ Chain-link is allowed for temporary construction fences.

2. Prohibited Fence Materials

1. The following fencing materials shall be prohibited in all zones:

1. Plastic materials other than vinyl and composite;
2. Materials not typically used, designated, or manufactured for fencing, such as but not limited to roofing panels, corrugated or sheet metal, tarps, wood panel (plywood OSB sheathing), scrap lumber or metal, rubber, tires, containers;
3. Chain-link, when located within a front or street side yard area.
4. Barbed wire, concertina wire, razor ribbon, and similar fencing materials;
5. Electric fences.

3. Fences on properties zoned as agricultural and large enough for livestock animals shall be constructed of sturdy fence materials, such as metal pipes, horse-grade

vinyl, wood posts or similar materials the manufacturer recommends and as the Planning Director determines.

18.71.090 Development Standards for Detached Accessory Dwelling Units

Table 18.71-2		
<i>Detached Accessory Dwelling Unit Standard</i>		<i>Specific Use Limitations or Specific Standards</i>
Minimum Property Area	8,000 SF	
Location	Rear Yard	
Gross Square Footage	An ADU shall be the lesser of the gross square footage of the existing main building, or 1,000 square feet.	
Property Coverage Total	Determined by the underlying zone designation	
Setbacks from Side and Rear Yards	5 Feet minimum	For heights above 14 feet, the setback shall increase by 1 inch for each added inch of height. For each inch in height over 16 feet 6 inches, detached accessory dwelling units shall be set back from the side and rear property lines an additional inch.
Setback from Main Building	6 Feet	
Maximum Height	The lesser of 24 feet or the height of the existing main building.	

Occupancy Limit	2 adults and any number of children	
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18.97 Definitions

City Engineer means the Millcreek’s City Engineer or designee(s).

Commercial Building, Legally-Established means a commercial building that complied with all zoning and building code requirements at the time it was constructed, and that received a building permit.

Dwelling Unit means a habitable space physically arranged to create an independent housekeeping establishment for occupancy by one household with separate facilities for sanitation, cooking, and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to: A building design that 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, except for submeters intended for renewable energy infrastructure.

Fence, welded wire panel means a fence constructed of prefabricated panels consisting of welded steel wire mesh with a minimum wire size of AWG 12 gauge / 2.05 mm in a rectangular or square grid pattern, mounted within a rigid metal, wood, or composite frame. The mesh shall be composed of horizontal and vertical wires welded at each intersection, with uniform openings no larger than six inches in width or height. This definition expressly excludes woven wire fences, including chain link, which are constructed from interwoven wire strands forming a diamond or similar pattern without welded intersections.

Lot or Parcel Coverage means the measurement of land use intensity that represents the portion of a lot or parcel occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, uncovered patios, uncovered decks and open porches.

General Retail means selling goods intended to serve a community and regional market. Typical General Retail Uses include, but are not limited to, Appliance and Electronic Sales and Service, Automotive Supply (no service), Computer Software

Sales and Leasing, Department Store, Gun Shop, Home Furnishings and Accessories Sales, Rental supply, Medical Supply Store and Rental, ~~Motorcycle and Motor Scooter Sales~~, Heating, Air Conditioning and Plumbing Supplies, Sales, and Service, Cabinet Supply (display only), Machine Sales and Rental, Agriculture Equipment and Supply, Electrical Supplies.

Yard, Front means the minimum horizontal distance between the street front lot or parcel line and the front foundation of the building. Corner lots or parcels may have two front yards depending on the zoning district. For lots or parcels abutting streets that are dedicated or abandoned to the use of the public as set forth in [Utah Code Section 72-5-104](#), the minimum horizontal distance between the street front lot or parcel line and the front foundation line of the building shall be measured from the edge of the street right-of-way.


Yard, Rear means an open, unoccupied space on the same lot or parcel as a building, measured from the rear line of the building (exclusive of steps), and the rear lot or parcel line, and extending for the entire width of the lot or parcel. For lots or parcels abutting streets that are dedicated or abandoned to the use of the public as set forth in [Utah Code Section 72-5-104](#), the minimum horizontal distance between the street rear lot or parcel line and the rear line of the building shall be measured from the edge of the street right-of-way.

This Ordinance, assigned Ordinance No. 25-38, 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 8th day of September, 2025.



MILLCREEK

By: 
Bev Uipi, Mayor Pro Tempore

ATTEST:



Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Catten	<u>Yes</u>	No
DeSirant	<u>Yes</u>	No
Jackson	<u>Yes</u>	No
Uipi	<u>Yes</u>	No

excused

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 25-38: AN ORDINANCE AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE FOR THE PURPOSE OF MAKING TECHNICAL CORRECTIONS TO TITLE 18 was adopted the 8th day of August, 2025 and that a copy of the foregoing Ordinance 25-38 was posted in accordance with Utah Code 10-3-711 this 9 day of September, 2025.


Elyse Sullivan, City Recorder