

MILLCREEK, UTAH
ORDINANCE NO. 26-34

**AN ORDINANCE OF MILLCREEK AMENDING TITLE 18 OF THE MILLCREEK
MUNICIPAL CODE FOR THE PURPOSE OF ESTABLISHING NEIGHBORHOOD
COMPATIBILITY REQUIREMENTS AND REGULATING LOT AND PARCEL
COVERAGE IN RESIDENTIAL ZONES**

WHEREAS, the Millcreek Council ("*Council*") met in a regular session on May 26, 2026, to consider, among other things, amending Title 18 of the Millcreek Municipal Code for the purpose of establishing neighborhood compatibility requirements and regulating lot and parcel coverage in residential zones; and

WHEREAS, Utah Code Ann. § 10-20-503 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 establishing neighborhood compatibility modification requirements and regulating lot and parcel coverage in residential zones; and

WHEREAS, Utah Code Ann. § 10-20-502 provides the planning commission shall provide notice as required by Subsection 10-20-205(1)(a) and, if applicable, Subsection 10-20-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on April 3, 2026, the required notice informing the public of potential amendments to various provisions of Title 18 was published; and

WHEREAS, on April 15, 2026, the proposed amendments were submitted to the planning commission for recommendation; and

WHEREAS, on April 15, 2025, the planning commission held the required public hearing with respect to amending Title 18 of the Millcreek Municipal Code; and

WHEREAS, at the April 15, 2026 planning commission meeting, the planning commission recommended continuing the discussion on the proposed amendments to the subsequent meeting, and recommended further refinement of the proposed amendments; and

WHEREAS, at the May 20, 2026 planning commission meeting, the planning commission considered additional proposed amendments, pertaining to establishing neighborhood compatibility requirements and regulating lot and parcel coverage in residential zones; and

WHEREAS, at the May 20, 2026 planning commission meeting, the planning commission unanimously recommended amending Title 18 of the Millcreek Municipal Code for the purpose

of establishing neighborhood compatibility requirements and regulating lot and parcel coverage in residential zones; 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 May 26, 2026, the Council considered amending Title 18 of the Millcreek Code of Ordinances for the purpose of establishing neighborhood compatibility requirements and regulating lot and parcel coverage in residential zones.

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)

18.34.090 Neighborhood Compatibility Modification

The Neighborhood Compatibility Modification (NCM) allows for modified standards from one or more of the spatial standards based upon the compatibility of the proposed residential development application with other properties/dwellings in the proximate neighborhood. The Planning Director may approve an NCM request at time of site plan submittal provided the following conditions are met:

- A. Evidence. Compliance with the corresponding neighborhood conditions must be established by a survey from the proximate neighborhood, defined as a 200-foot radial distance from the property boundary. ~~Survey submitted~~ The survey must be completed by a surveyor licensed to practice in the State of Utah.
- B. Submittal. NCM requests shall be submitted on a separate form and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
- C. Permissible Modifications. NCM Standards. Building height, setbacks and lot or parcel coverage modifications may be accommodated if the request does not exceed the allowances as set forth ~~below: in Table 18.34.4 NCM Standards.~~
 - 1. Lot or Parcel Coverage. Lot or parcel coverage may not exceed 1.15 times the average coverage of all lots and parcels in the proximate neighborhood, up to a maximum lot or parcel coverage of thirty-six percent (36%). Lot or parcel coverage is calculated by dividing the total area of all building footprints by the total area of the lot or parcel, where building footprints are measured at the outside of exterior walls at ground level. In the case where buildings or covered porches are supported by columns, footprints are measured at the outside perimeter of the base of the columns at ground level.

2. Front Yard Setback. The front yard setback may not exceed the average front yard setback of all lots or parcels within the proximate neighborhood that front to the same street, road, or right-of way. For the purposes of determining an average front yard setback, setback encroachments described in MKZ 18.34.070 shall not be included the average front yard setback.
3. Side Yard Setback. The combined side yard shall setback be at least twenty-five percent (25%) of the average lot or parcel width of all lots or parcels within the proximate neighborhood. In no case can an approved NCM for a side yard setback be no less than five feet (5') on each side.
4. Maximum Building height. The maximum building height shall be the lesser of:
 - a. Three feet plus the average maximum ridge height of residential buildings that are on all lots or parcels that are within the proximate neighborhood; and
 - b. A maximum height of 33'.

D. Non-Permissible Modifications. Building envelope, mass and scale, rear yard setbacks, and accessory structure modifications do not qualify under the NCM.

~~Table 18.34-4 NCM Standards~~						
Zone	(H)	Lot or Parcel Coverage	Front Setback	Side Setback	Rear Setback	Max Height
AG	33'	36% (1)	The average of all lots or parcels within the proximate neighborhood that fronts to the same street, road, or right-of way.	Combined side yard shall be at least twenty-five percent (25%) of the lot or parcel width, and no less than six feet (6') on each side.	The average rear yard setback that are on six lots or parcels of the applicant's choice within the proximate neighborhood, and no less than 15'	The maximum building height that may be approved by the Planning Director or designee under the NCM standards is the lesser of: 1. Three feet plus the average maximum ridge height of residential

						structures that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and 2. The maximum height of the zone specified in column (H) of Table 18.37-4 NCM Standards.
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~~E. Table Notes.~~

- ~~1. Lot or parcel coverage for all lots or parcels may not exceed more than 1.15 times the average coverage of proximate neighborhood lots or parcels.~~

18.36.090 Neighborhood Compatibility Modification (NCM)

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- B. Submittal. NCM requests shall be submitted on a separate form and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
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 1. Lot or Parcel Coverage. Lot or parcel coverage may not exceed 1.15 times the average coverage of all lots and parcels in the proximate neighborhood, up to a maximum lot or parcel coverage as set forth in Table 18.36-4 Lot or Parcel

Coverage Maximums. Lot or parcel coverage is calculated by dividing the total area of all building footprints by the total area of the lot or parcel, where building footprints are measured at the outside of exterior walls at ground level. In the case where buildings or covered porches are supported by columns, footprints are measured at the outside perimeter of the base of the columns at ground level.

<u>Table 18.36-4 Lot or Parcel Coverage Maximums</u>	
<u>Zone</u>	<u>Lot or Parcel Coverage May Not Exceed</u>
<u>R-1-3</u>	<u>40%</u>
<u>R-14</u>	<u>40%</u>
<u>R-1-5</u>	<u>40%</u>
<u>R-1-6</u>	<u>40%</u>
<u>R-1-8</u>	<u>38%</u>
<u>R-1-10</u>	<u>36%</u>
<u>R-1-15</u>	<u>33%</u>
<u>R-1-21</u>	<u>30%</u>

2. Front Yard Setback. The front yard setback may not exceed the average front yard setback of all lots or parcels within the proximate neighborhood that front to the same street, road, or right-of way. For the purposes of determining an average front yard setback, setback encroachments described in MKZ 18.36.070 shall not be included the average front yard setback.
3. Side Yard Setback. The combined side yard shall setback be at least twenty-five percent (25%) of the average lot or parcel width of all lots or parcels within the proximate neighborhood. In no case can an approved NCM for a side yard setback be no less than five feet (5') on each side.
4. Maximum Building height. The maximum building height shall be the lesser of:
 - a. Three feet plus the average maximum ridge height of residential buildings that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and
 - b. The maximum height of the zone specified in Table 18.36-5 Height Maximums

<u>Table 18.36-4 Building Height Maximums</u>	
<u>Zone</u>	<u>Building Height May Not Exceed</u>
<u>R-1-3</u>	<u>33'</u>
<u>R-14</u>	<u>33'</u>
<u>R-1-5</u>	<u>33'</u>
<u>R-1-6</u>	<u>33'</u>
<u>R-1-8</u>	<u>33'</u>

<u>R-1-10</u>	<u>35'</u>
<u>R-1-15</u>	<u>37'</u>
<u>R-1-21</u>	<u>37'</u>

D. Non-Permissible Modifications. Building envelope, mass and scale, rear yard setbacks, and accessory structure modifications do not qualify under the NCM.

~~Table 18.36-4 NCM Standards~~						
~~Zone~~	~~(H)~~	~~Lot or Parcel Coverage~~	~~Front Setback~~	~~Side Setback~~	~~Rear Setback~~	~~Max Height~~
~~R-1-3~~	~~33'~~	~~40% (1)~~	~~The average of all lots or parcels within the proximate neighborhood that fronts to the same street, road, or right of way.~~	~~Combined side yard shall be at least twenty-five percent (25%) of the lot or parcel width, and no less than five feet (5') on each side.~~	~~The average rear yard setback that are on six lots or parcels of the applicant's choice within the proximate neighborhood, and no less than 15'~~	~~The maximum building height that may be approved by the Planning Director or designee under the NCM standards is the lesser of: 3. Three feet plus the average maximum ridge height of residential structures that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and 4. The maximum height of the zone specified in column (H).~~
~~R-1-4~~	~~33'~~	~~40% (1)~~				
~~R-1-5~~	~~33'~~	~~40% (1)~~				
~~R-1-6~~	~~33'~~	~~40% (1)~~				
~~R-1-8~~	~~33'~~	~~38% (1)~~				
~~R-1-10~~	~~35'~~	~~36% (1)~~				
~~R-1-15~~	~~37'~~	~~33% (1)~~				
~~R-1-21~~	~~37'~~	~~30% (1)~~				

						of Table 18.36-4 NCM Standards.
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~~E. Table Notes.~~

- ~~1. Lot or parcel coverage for all lots or parcels may not exceed more than 1.15 times the average coverage of proximate neighborhood lots or parcels.~~

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- B. Submittal. NCM requests shall be submitted on a separate land use application and shall include an additional review fee as set forth in the Millcreek Consolidated Fee Schedule.
- C. Permissible Modifications. Building height, setbacks and lot or parcel coverage modifications may be accommodated if the request does not exceed the allowances as set forth below: ~~in Table 18.37-4 NCM Standards.~~

- 1. Lot or Parcel Coverage. Lot or parcel coverage may not exceed 1.15 times the average coverage of all lots and parcels in the proximate neighborhood, up to a maximum lot or parcel coverage as set forth in Table 18.37-4 Lot or Parcel Coverage Maximums. Lot or parcel coverage is calculated by dividing the total area of all building footprints by the total area of the lot or parcel, where building footprints are measured at the outside of exterior walls at ground level. In the case where buildings or covered porches are supported by columns, footprints are measured at the outside perimeter of the base of the columns at ground level.

<u>Table 18.36-4 Lot or Parcel Coverage Maximums</u>	
<u>Zone</u>	<u>Lot or Parcel Coverage May Not Exceed</u>
<u>R-2-6.5</u>	<u>45%</u>
<u>R-2-8</u>	<u>43%</u>
<u>R-2-10</u>	<u>40%</u>

2. Front Yard Setback. The front yard setback may not exceed the average front yard setback of all lots or parcels within the proximate neighborhood that front to the same street, road, or right-of way. For the purposes of determining an average front yard setback, setback encroachments described in MKZ 18.37.070 shall not be included the average front yard setback.
3. Side Yard Setback. The combined side yard shall setback be at least twenty-five percent (25%) of the average lot or parcel width of all lots or parcels within the proximate neighborhood. In no case can an approved NCM for a side yard setback be no less than five feet (5') on each side.
4. Maximum Building height. The maximum building height shall be the lesser of:
 1. Three feet plus the average maximum ridge height of residential buildings that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and
 2. The maximum height of the zone specified in Table 18.36-5 Height Maximums

<u>Table 18.36-4 Building Height Maximums</u>	
<u>Zone</u>	<u>Building Height May Not Exceed</u>
<u>R-2-6.5</u>	<u>33'</u>
<u>R-2-8</u>	<u>33'</u>
<u>R-2-10</u>	<u>35'</u>

D. Non-Permissible Modifications. Building envelope, mass and scale, rear yard setbacks, and accessory structure modifications do not qualify under the NCM.

<u>Table 18.37-4 NCM Standards-</u>						
<u>Zone</u>	<u>(H)</u>	<u>Lot or- Parcel- Coverage</u>	<u>Front Setback</u>	<u>Side- Setback</u>	<u>Rear Setback</u>	<u>Max Height</u>
<u>R-2-6.5</u>	<u>33'</u>	<u>45%-(1)</u>	<u>The average of all lots or parcels within the proximate neighborhood that fronts to the same</u>	<u>Combined side yards shall be at least twenty-five percent (25%) of the lot or</u>	<u>The average rear yard setbacks that are on six lots or parcel of the applicant's choice within the proximate</u>	<u>The maximum building height that may be approved by the Planning Director or designee under the NCM</u>
<u>R-2-8</u>	<u>33'</u>	<u>43%-(1)</u>				
<u>R-2-10</u>	<u>35'</u>	<u>40%-(1)</u>				

			street, road, or right-of way.	parcel width, and no less than six feet (6') on each side.	neighborhood, and no less than 15'	standards is the lesser of: 1. Three feet plus the average maximum ridge height of residential structures that are on six lots or parcels of the applicant's choice that are within the proximate neighborhood; and 2. The maximum height of the zone specified in column (H) of Table 18.37-4 NCM Standards.
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E. Table Notes.—

- 1.— Lot or parcel coverage for all lots or parcels may not exceed more than 1.15 times the average coverage of proximate neighborhood lots or parcels.—

18.97.030 Alphabetized Definitions

Building Footprint or Footprint means the portion of a building, measured from the outside of exterior walls or columns at ground level, that covers the ground, excluding the edge of roofs that overhang exterior walls.

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, including the total area of all roofed buildings and structures but excluding all other impervious improvements such as sidewalks, driveways, uncovered patios, uncovered decks and ~~open uncovered~~ porches. Lot or parcel coverage is calculated by dividing the total area of all building footprints by the total area of the lot or parcel, where building footprints are measured at the outside of exterior walls at ground level. In the case where buildings or covered porches are supported by columns, footprints are measured at the outside perimeter of the base of the columns at ground level.

This Ordinance, assigned Ordinance No. 26-34, 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 26th day of May, 2026.

MILLCREEK

By: Cheri Jackson
Cheri Jackson, Mayor

ATTEST:

Elyse Sullivan
Elyse Sullivan, City Recorder



Roll Call Vote:

Jackson	☒ Yes	☐ No
Catten	☒ Yes	☐ No
DeSirant	☒ Yes	☐ No
Handy	☒ Yes	☐ No
Uipi	☒ Yes	☐ No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
Ordinance 26-34: AN ORDINANCE OF MILLCREEK AMENDING TITLE 18 OF THE MILLCREEK MUNICIPAL CODE FOR THE PURPOSE OF ESTABLISHING NEIGHBORHOOD COMPATIBILITY REQUIREMENTS AND REGULATING LOT AND PARCEL COVERAGE IN RESIDENTIAL ZONES was adopted the 26th day of May, 2026 and that a copy of the foregoing Ordinance 26-34 was posted in accordance with Utah Code 10-3-711 this 27 day of May, 2026.

Elyse Sullivan
Elyse Sullivan, City Recorder