



## Millcreek

3932 South 500 East

Millcreek, UT 84107

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[www.millcreek.utah.gov](http://www.millcreek.utah.gov)

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# Millcreek Planning Commission

## Public Meeting Agenda

### Wednesday, July 19, 2017 5:00 P.M.

#### Location

SALT LAKE COUNTY GOVERNMENT CENTER  
2001 SOUTH STATE STREET, ROOM N2-800  
NORTH BUILDING, SECOND FLOOR  
(385) 468-6700

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where the Planning Commission receives comment and recommendations from applicants, the public, applicable agencies and staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

### PUBLIC HEARING

**30459 – (Continued from 06/21/2017)** - A Public Hearing will be held to modify and eventually eliminate the M-1 and M-2 zoning districts, Chapters, 19.66 and 19.68, within Millcreek. The purpose of the hearing is to consider proposed Manufacturing zoning modifications to the M-1, and M-2 zoning ordinances for consolidation into one single light manufacturing zone. A new light Manufacturing Zone would replace the current M-1 and M-2 zones. No changes to zoning district boundaries are proposed. The draft ordinance can be reviewed on the City's website under <https://millcreekut.org/planningzoning/pending-zoning-amendment-proposals>. **Planner:** John Janson

**30491** - The Millcreek Planning Commission is considering a change in how building height is measured. The proposal is to change the definition of maximum height from the mid-point on a sloped roof to the peak. **Planner:** John Janson

**30434** – Omar Abou-Ismael is requesting conditional use approval for a restaurant liquor license and site plan amendment. **Location:** 3961 South Wasatch Boulevard. **Zone:** C-2. **Community Council:** Mt. Olympus. **Planner:** Jeff Miller

## **BUSINESS MEETING**

- 1) Approval of Minutes from the June 21, 2017 meeting
- 2) Approval of minutes from the July 7, 2017 light manufacturing work session
- 3) Ordinance Issues from today's meeting
- 4) Other Business Items (as needed)

## **ADJOURN**



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File # 30459

## Zoning Ordinance Summary and Recommendation

**Public Body:** Millcreek Planning Commission

**Meeting Date:** July 19, 2017

**Parcel ID:** Manufacturing zones in Millcreek

**Current Zone:** M-1, M-2

**Proposed Zone:**

M Zone

**Property Address:** Manufacturing areas along State St. and to the west

**Request:** Recommendation to the City Council for updates and modifications to the M-1, and M-2, to create a new M zone for light manufacturing, change the Zoning map designations, and repeal the existing M-1 and M-2 zones

**Community Council:** All included in review

**Planner:** John Janson

**Planning Commission Recommendation:**

**Community Council Recommendation:** No specific recommendation submitted

**Planning Staff Recommendation:** Recommend Approval to the City Council

**Applicant Name:** Millcreek (the City)

### AMENDMENT DESCRIPTION

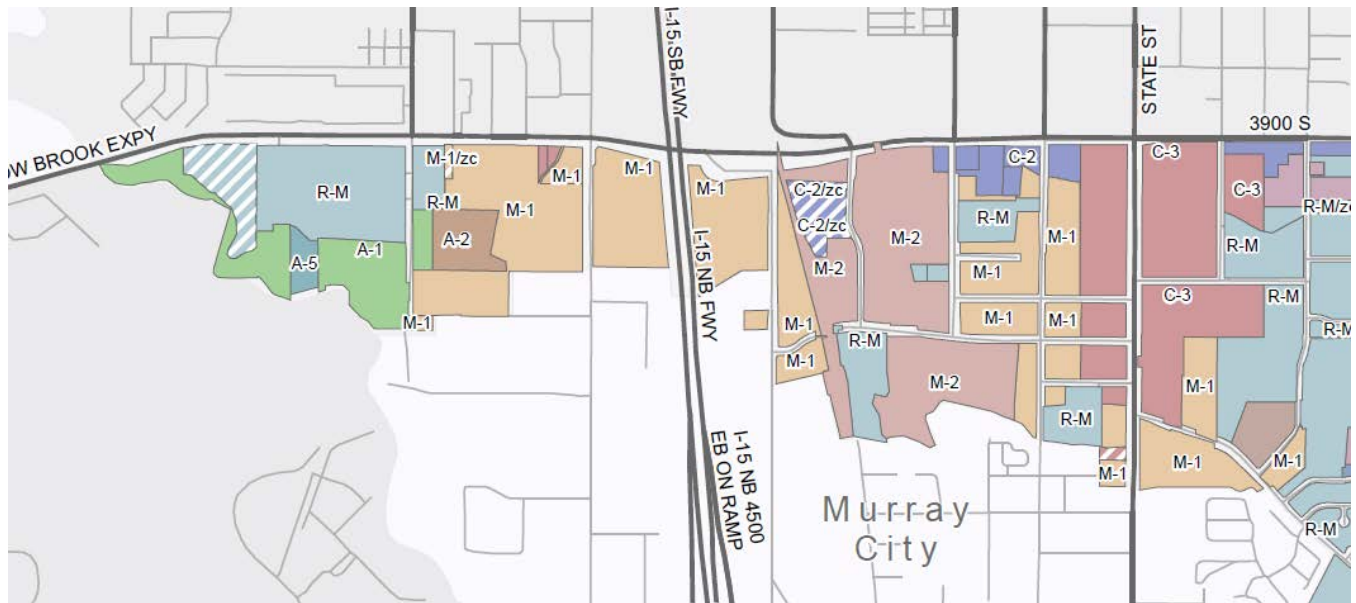
A series of updates and modifications are proposed to the Manufacturing (M-1, M-2) zones that will result in the creation of one new "Light Manufacturing" zone. As part of several updates being accomplished by the City, the Manufacturing zones are suggested for considerable changes in terms of format and content to address issues that have gone unresolved over the past 5 to ten years. Heavy manufacturing uses are not recommended for continuation in Millcreek.

In a sense, this is a consolidation, upgrade, and rezoning proposal since the existing zones would be replaced with the new M zone which is different from the existing M-1 and M-2. In addition, the existing M-1 and M-2 zoning districts would be deleted from the zoning ordinance and map.

### SITE & VICINITY DESCRIPTION

The following map displays the Manufacturing zones in Millcreek. Essentially, they include a small area near Big Cottonwood Creek and east of State Street, and the areas to the west of

State street to the western City border along the Jordan River. In addition, there is one small, 1.25 acre parcel just north of the Brickyard condominiums, that is zoned M-1.



## ZONE CONSIDERATIONS

Major issues addressed include:

- The redundancy of uses in the two zones
- The lack of a clear distinction between the two zones that allows heavy manufacturing in both zones
- The question of whether heavy manufacturing uses belong in Millcreek and the use conflicts they cause
- Consolidation of the M-1 and M-2 into an “M” zone
- The new zone relies on a definition of light manufacturing, and warehousing
- The new zone allows light manufacturing and warehousing as a permitted use
- The new zone relies on referring to the C-3 zone, which before the City Council for hearings
- The new zone includes some design standards
- Suggests that no new M zones be created and that the existing M-1 and M-2 be “repealed and replaced”
- Non-conforming uses, if changed, must change to a conforming use – this is a stricter stance than the current, existing ordinance, non-conforming language.

## GENERAL PLAN CONSIDERATIONS

No specific guidance is given in the General Plan, but for the Meadowbrook area there is a Small Area Plan that suggests a transition to transit oriented development based on the two

adjacent stations. Heavy manufacturing uses are a conflict with the adjacent residential uses in the area.

## COMMUNITY COUNCIL and PUBLIC INPUT

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- Mail outs were sent to approximately to 170 property owners, twice, and the draft was posted on the City Website
- Phone calls – we had about 7 - most owners were just trying to understand what we are engaged in, or trying to find the new draft on the website
- Open House on June 8<sup>th</sup>, was attended by about 14 people, some were multiple owners of the same parcel. The Brickyard parcel owners were there. Again, most were simply trying to understand the proposal. Complaints were received about existing difficult uses such as the junk and impound lots, some trespassing occurring, possibly related to new housing in the area, and non-conforming use status.
- In addition, there was some discussion of businesses that have no use permit nor a business license – these are currently illegal businesses and would remain illegal in the new M zone. No illegal business can obtain a non-conforming status.
- Non-conforming use philosophy, which is quite strict in the draft, as described in 19.66.050, was questioned. A potential buyer of one of the concrete plants wanted to understand what happens, if that use is discontinued. Current draft language would require a new use that conforms to the ordinance. The existing non-conforming use chapter of the ordinances allows a stepping down of uses, and not immediate compliance by the first change of use. Here is the relevant Non-Conforming Use Chapter language:

19.88.090 - Change of use. A. **A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the planning commission finds that such use would not be more intensive than the most recent existing legal nonconforming use.** B. Structures shall not be enlarged, removed, reconstructed or otherwise changed except for interior remodeling and exterior restoration or renewal that will make the appearance of the structure more nearly conform to the character of the area in which it is located. C. The existing lot or parcel shall not be enlarged upon or modified except to create landscaping, fencing, curb, gutter and sidewalk, road widening or minimum off-street parking that will provide a safer and more compatible facility. D. Any change of a nonconforming use to another nonconforming use shall be a conditional use and subject to provisions of Chapters 19.78 and 19.84, except that the proposed nonconforming use need not conform to the general plan. E. The planning commission may approve a change of use pursuant to this title even though the nonconforming use may have been abandoned.

- The Brickyard parcel majority owners wish the M-1 zone to continue. They have had an occasional wood chip business (unlicensed) there, a portrait studio (no use issue there) and a rental. The rental and the wood chip business would be contrary to the proposed

zone. They may have a right to continue those uses (if appropriate use permits have been obtained) but I saw no evidence of such uses in my visit to the site. The house is boarded up. The access is poor. Even though this remnant parcel from a Manufacturing area that was located around the Brickyard, has this M-1 zoning, in the long run, this is a parcel that the City may want to change the zoning on. It is surrounded by residential use.

- The hearing on June 21<sup>st</sup> provided input to this process and resulted in a continuation of the ordinance proposal. The focus seemed to be the non-conforming use issue – simply to understand how that affects a property and to understand what flexibility there might be under that status.

All of the Community Councils have reviewed the draft. Their input included suggestions to:

- Add halfway houses to the M zones – they need to be somewhere (not included in the draft)
- Discuss massage uses in the C zones (this was addressed by the Planning Commission)
- The broad category and definition of light manufacturing seems to work as opposed to a long list.

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### **PLANNING COMMISSION RESPONSE**

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A work session was held on June 9th. The public hearing was held June 21, 2017. Owners were concerned about their non-conforming use status, the way non-conforming uses have been treated in the existing ordinances compared to the proposed draft, and the fact that the City might actually change current ordinances.

A discussion of allowing larger parking lots in front of buildings, if the landscaping along the adjacent road is widened occurred. The current draft has a limit of one row of parking within 300' of prominent intersections. The draft is intended to promote a more urban appearance near the prominent intersections.

A work session was held on July 7, 2017 that included several property owners. The non-conforming use issue was discussed and resulted in changes to the draft to create additional flexibility for property owners that are "grandfathered" under the proposed ordinance.

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### **PLANNING STAFF ANALYSIS**

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The alternate draft language in red, includes the suggested changes to the publicly posted draft. Red italics displays the recent modifications. Format and numbering issues have been improved.

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### **PLANNING STAFF RECOMMENDATION**

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Planning staff recommends approval using the alternate draft language (red), using the three following motions:

1. Recommend approval of the new M zone draft to the City Council, with the alternate changes as proposed and the following additional suggestions (if any):
2. Recommend to the City Council to change the Zoning Map for the zones designated M-1, and M-2, to the new M zone.
3. Recommend to the City Council that they repeal the M-1 and M-2 zones.

Attachments:

## CHAPTER 19.66 LIGHT MANUFACTURING ZONE “M”

- 19.66.010 PURPOSE, **DEFINITIONS, APPLICATIONS** STATEMENTS
- 19.66.020 PERMITTED AND CONDITIONAL USES
- 19.66.030 PROHIBITED USES, LIMITATIONS
- 19.66.031 ACCESSORY USES
- 19.66.040 BULK AND YARD REGULATIONS
- 19.66.050 SPECIAL REGULATIONS FOR THE **LIGHT** MANUFACTURING ZONE
- 19.66.060 NON-CONFORMING USE OF STRUCTURES AND LAND
- 19.66.070 GENERAL STANDARDS OF APPLICABILITY

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### 19.66.010 Purpose, **Definitions, Applications** Statements

A. Purpose of M, **Light** Manufacturing Zone

The purpose of the Light Manufacturing Zone is to provide areas for light **manufacturing** industrial, **warehousing**, and commercial uses in an aesthetically attractive setting.

B. Definitions. Light manufacturing is defined as: Manufacturing and ~~warehousing~~ conducted within an enclosed building predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, research, testing and packaging of such products, and **associated services**, storage, sales (**retail and wholesale**) and distribution of such products, which does not produce noise, odors, vibration, hazardous waste materials, or particulates that will cause detrimental effects to neighboring properties, ~~subject to 19.66.040.~~

**Warehousing: the storage of raw, in-process and finished materials within an enclosed structure or building, including retail and wholesale activities, which does not produce noise, odors, vibrations, hazardous waste materials or particulates that will cause detrimental effects to neighboring properties.**

~~BC.~~ Applications for rezoning

It is the intent of Millcreek City to restrict **existing and future** manufacturing uses **to the geographic boundaries** of the manufacturing zones existing at the time of adoption of this ordinance.

### 19.66.020 Permitted and Conditional Uses

A. Due to the greater potential for detrimental effects, permitted uses in the Manufacturing Zone located on sites exceeding one acre in size shall follow the conditional use procedure in Chapter 19.84

B. Table 19.66-1: Manufacturing Zoning District–Permitted and Conditional Uses

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

“C” indicates that a use is a conditional use within that zoning district and a conditional use permit shall be obtained as required in chapter 19.84.

No letter (i.e., a blank space), or the absence of a use from the table, indicates that use is not a permitted use nor a conditional use within the zoning district. Uses may be subject to additional restrictions and limitations found in 19.88.030 Prohibited Uses, Limitations.

**Table 19.66-1**

USES	M	SPECIFIC USE STANDARDS
Light manufacturing	P	
Warehousing	P	
Commercial		Allowed uses: those permitted and conditional uses in the C-3 Zone as per CHAPTER 19.32 COMMERCIAL ZONES
Any development that shares a common boundary with a residential use and/or zone.	C	Transitions are required as per Table 19.66-3
Any permitted or conditional use allowed in a C-2 or C-3 zone	<del>P</del> or <del>C</del>	<del>Subject to all pertinent limitations, standards and/or conditions in the Commercial Zone Chapter 19.32</del>
Outdoor Storage as an accessory to a principle use	P	See section 19.66.050 A (4)
State Store or Package Agency	P	
Recreational vehicle campgrounds	C	
Sexually Oriented Business	C	Subject to Chapter 19.91
Truck Transfer Company	C	Temporary outside storage of trucks and trailers allowed to exceed the



		25% standard
Vehicle <i>and Equipment</i> repair & auto body shops	P	See outdoor storage restrictions
Accessory uses and buildings customarily incidental to conditional and permitted uses	P	
Caretaker's residence	P	Only as a secondary use to a principle use

**19.66.030 Prohibited Uses, Limitations** – notwithstanding the permitted and conditional uses in TABLE 19.66-1 and other ordinances found in this Title, the following specific prohibitions and/or limitations apply:

**Table 19.66-2**

USES	SPECIFIC USE LIMITATIONS
Detention facility/jail as a principal use	Not allowed
<i>C-3, Commercial uses</i>	<i>Subject to all prohibitions, limitations, standards and/or conditions in the in the C-3 zone, Chapter 19.32 and specifically the prohibitions and limitations of table 19.32-2</i>
<del>All permitted and conditional uses allowed in the C-2 and C-3 zones, except mixed use</del>	<del>All limitations and use restrictions found in Chapter 19.32, Table 19.32-2 that apply to uses in the C-2 and C-3 zones. Mixed use is not allowed.</del>
<i>Product</i> displays over five feet in horizontal distance from the main building.	Not allowed

**19.66.031 Accessory Uses**

Accessory uses and structures shall be subordinate to the main use and structure.

**19.66.040 Bulk and Yard Regulations**

Table 19.66-2: Manufacturing Zone: establishes bulk and yard regulations for the manufacturing zoning district.

**Table 19.66-3**

BULK REGULATIONS	M
MINIMUM LOT AREA	20,000 square feet
MINIMUM LOT WIDTH	100'

BULK REGULATIONS	M
MAXIMUM BUILDING HEIGHT	40 feet
MAXIMUM LOT COVERAGE	80 Percent
MINIMUM BUILDING HEIGHT	1 story
MINIMUM FRONT YARD	20 feet
MINIMUM REAR AND/OR SIDE YARD	If located adjacent to residential zoning, 25 feet, otherwise 10' required
MINIMUM INTERIOR SIDE YARD	10 feet
MINIMUM CORNER SIDE YARD	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	2 Foot
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE	10 Feet
PARKING LOT LIGHTING	Not located within 25' of any public street, down lighting only and subject to all other City lighting standards
SIGNS	Limited to low profile and signs on the building Subject to the standards in 19.82 SIGNS

- For buildings adjacent to residential uses, the side and rear yards abutting residential uses shall be increased by one foot for every two feet that the structure exceeds twenty-five feet in height.

2. For “automobile service station” uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall not encroach on the front or side yard setback and not be located less than ten feet from any residential zone boundary.

~~3. Notwithstanding contrary definitions found in Title 19 Zoning, building height is measured from the natural grade to the highest point of the roof.~~

### **19.66.050 Special Regulations for the Manufacturing Zone**

#### **A. General Conditions in the M Zone**

All uses in the M zone shall be permitted only under all of the following conditions:

1. Business operations shall be conducted wholly within an enclosed building, except for the parking and servicing of *vehicles and equipment* automobiles, and service to people in automobiles, and except that any type of restaurant may have outdoor dining.
2. All uses shall be free from unsafe, unhealthy, objectionable and unreasonable waste, odor, dust, smoke, other emissions, noise, vibration, or similar problems, nor be in violation of any federal, state or local law.
3. All assembly, manufacturing, testing, cleaning, testing and associated services or processes shall be done wholly within completely enclosed buildings.
4. Outside storage of product, materials, *vehicles*, or equipment is allowed in the rear or side yard and may cover up to 50% of the lot, subject to a solid barrier perimeter fence of 6’ to 8’, depending and relating to the height of the products, materials, or equipment stored outside. The maximum height of outside product, materials, or equipment shall not exceed 12 feet and any items exceeding 8’ shall not be stored within 20’ of the fence. 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.

5. Roof mounted mechanical equipment and vents, including swamp coolers shall be screened entirely from view from adjacent public rights-of-way and properties.

#### **B. Design Standards for all uses in the M zone**

1. Entrances to the first floor of manufacturing and commercial buildings shall front on the street. Windows shall make up at least 40% of first floor street-facing facades. Top floors shall have architectural differentiation from the other floors in the building.
2. No more than one row of parking is allowed between the building(s) and the street within 300’ of any major intersection (defined in the Commercial Zone Chapter 19.32). Each distance is measured as a radius from the applicant’s nearest property line to the intersection ROW line. Any overlap of the radius onto the applicant’s property excludes the entire property.
3. Corner lots are deemed to have two front yards, but only one front yard is required to have a public entrance.
4. Landscaping along any public street shall comply with this chapter and Chapter 19.77.
5. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage to minimize the detrimental effects of the collection, storage, and removal such as noise and odor. Dumpster enclosures are required. No refuse dumpster or dumpster enclosure structure shall be located closer than 20 feet to any perimeter property line. Enclosure structures

must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

6. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, painted block, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades. 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.

7. Building relief. All buildings shall include façade differentiation through the use of varied materials and relief every 100 feet or less.

8. Landscaping on Public Right-of-Way. Where a development is adjacent to a public right-of-way, a permanent landscaped open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per chapter 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per chapter 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per chapter 19.77 with a minimum of a five-foot landscaped area next to the public ROW. Fences shall not be located within this five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per chapter 19.77.

9. Perimeter Fencing. Fencing is required adjacent to residential uses and to screen outside storage. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, wood, or vinyl may be allowed with a minimum two foot wide, six to eight foot tall brick or stone pillars spaced every ten feet on center. Unless otherwise allowed by the Planning Commission or staff, exterior fencing along a public right of way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of 5 feet from the property line to allow for a landscaping buffer designed in accordance with chapter 19.77 to soften long expanses of walls. Interior fencing shall comply with section 19.78.030(11) (f).

10. Interior Street Lights. Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for interior streets shall be shall be 0.3 and the fixture height shall not exceed 25 feet.

11. Access between commercial uses. Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.

12. Development sharing a common boundary with existing or proposed residential uses shall maintain a minimum 20-foot landscaped setback from such residential areas for all structures and storage areas. Such setback areas shall contain a minimum six-foot high masonry wall located on the property line, and one five-foot high coniferous tree per 300 square feet as a minimum standard.

13. Development sharing a common boundary with existing or proposed residential uses:

- a. The required minimum six-foot high concrete or masonry wall shall be constructed concurrently with the foundation of the proposed building.
- b. No proposed manufacturing use shall be constructed which will allow a direct view into the rear yard of a residential use.
- c. Loading docks shall be located a minimum of 100 feet from an existing or proposed residential use. Such loading docks shall incorporate screening whether in the form of landscaping or wing walls.

14. Curb cuts shall not be located closer than 50 feet to any corner. Loading docks shall not be visible from the adjacent street.

15. Curb cuts shall not be located closer than 20 feet to a side or rear lot line, and the distance between separate curb cuts serving adjacent land uses shall not be less than 40 feet, unless one or more of the following circumstances apply:

- a. A common curb cut serves adjacent land uses;
- b. Curb cuts cannot meet separation standards due to narrow lot frontage;
- c. Curb cuts cannot meet separation standards due to location of existing cuts on adjacent lots; or
- d. A professional traffic engineer, after preparing a traffic study, recommends that curb cuts be located closer to interior lot lines in order to maintain a safe distance from street intersections.

16. In order to meet the purposes of this chapter the Planning Commission or staff shall consider the following prior to approval of any plan:

- a. Lots may be accumulated to provide the minimum lot area. Individual lots with an area smaller than the minimum lot area are not suitable for a ~~manufacturing~~ development.
- b. The development shall provide appropriate buffering to adjacent properties and uses.
- c. Safe access shall be provided within the site and to public streets.
- d. Uses adjacent to defined creeks shall include a usable open space buffer area next to that creek.

17. In the event standards in this chapter conflict with other standards found elsewhere in Chapter 19, the more restrictive standards apply.

#### **19.66.060 Non-Conforming Use of Structures and Land**

*Non-conforming uses and structures are legal uses that existed at the time of this ordinance adoption, but no longer comply with the new zoning requirements or allowed uses. If such uses and structures have been legally approved under the previous zoning ordinance, then they may continue since the non-conforming use status runs with the land, which means, the non-conforming use may be passed from one owner to another.*

Notwithstanding Chapter 19.88, **NONCONFORMING USES AND NON-COMPLYING STRUCTURES**, the following standards apply to all non-conforming uses and non-conforming structures within the M Zone:

1. ~~No~~ A non-conforming use shall *not* be expanded or increased *unless the expansion or increase provides improvements to the site that result in greater conformity with the ordinance*. No nonconforming use or structure shall be expanded or increased unless the expansion brings the structure into *greater* compliance with ~~the building standards of the M zone~~ *City standards*.
  - a. *Potential improvements to be considered for non-conforming use or structure expansions may include, but are not limited to: curb, gutter, sidewalk, park strip improvements, substantial front setback area landscaping including street trees, distinctive street lighting, opaque/appropriately located and aesthetically acceptable fencing, parking lot paving, pole sign elimination, etc. Proposed improvements by the applicant shall be considered by the Planning Commission in relation to a proposed expansion of the non-conforming use.*
  - b. *All such expansions shall be reviewed and considered for approval by the Planning Commission in a public hearing, but no proposal shall increase the non-conforming use or structure by more than 25%. Any expansion of the use or structure shall provide at least two of the improvements mentioned in (a) above or at least two agreed upon substitute improvements. Substitute improvements shall be of similar quality.*
2. A nonconforming use shall not be changed to a different use unless the proposed new use is a conforming use.
3. Exterior façade changes to nonconforming structures shall only be allowed if they help to bring the structure into compliance, or at least partial compliance, with the architectural standards of this Chapter.
4. All *legal* uses that become non-conforming as of the adoption date of this ordinance (insert date), are legal non-conforming uses.

#### **19.66.070 General Standards of Applicability**

The use and development of property within the Manufacturing Zone is also subject to other applicable chapters in the zoning ordinance.



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File # 30491

## Zoning Ordinance Summary and Recommendation

Public Body: Millcreek Planning Commission

Meeting Date: July 19, 2017

Parcel ID: Change to Height definition

Current Zone: NA Proposed Zone: NA

Property Address: NA

Request: Recommendation to the City Council to change the manner in which height is measured and defined

Community Council: All included in an electronic review

Planner: John Janson

Planning Commission Recommendation:

Community Council Recommendation: No specific recommendations submitted

Planning Staff Recommendation: Recommend Approval to the City Council

Applicant Name: Millcreek (the City)

### AMENDMENT DESCRIPTION

Some confusion about how height is measured exists in the current City ordinances. The existing definition suggests height be measured to the midpoint of a sloped roof. The suggested change is to measure to the peak. This is consistent with RCOZ.

### SITE & VICINITY DESCRIPTION

Not applicable

### ZONE CONSIDERATIONS

Issues include:

- Inconsistency
- Sloped roofs are currently allowed to rise significantly higher than the maximum heights allowed in the zones.
- In effect, this change would reduce building heights in residential and other zones where sloped roofs are used.

### GENERAL PLAN CONSIDERATIONS

No specific guidance is given in the General Plan, but height issues have been a reoccurring issue in Community Council and Planning Commission meetings

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### COMMUNITY COUNCIL and PUBLIC INPUT

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Since no Community Council was scheduled to meet in July, an electronic solicitation of their input has been sought.

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### PLANNING COMMISSION RESPONSE

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A work session was held on July 7<sup>th</sup> that included a discussion of height. Although other means of measuring were discussed, including addressing the "original grade" determination difficulties, the PC felt this proposed amendment addressed most concerns.

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### PLANNING STAFF ANALYSIS

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To reduce ambiguities and conflicts within the ordinances, this amendment was proposed.

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### PLANNING STAFF RECOMMENDATION

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Planning staff recommends approval of the changes to the definition of height, file #30491.

Attachments:

#### Definitions

##### 19.04.095 - Building, height of.

A. "Height of building" means the vertical distance above the lowest original ground surface at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave.

B. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.

C. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the development services division using the best information available.



## **Supplementary and Qualifying Regulations**

### **19.76.190 - Height limitations—Exceptions.**

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures, may be erected above the height limits prescribed in this title, but no space above the height limit shall be allowed for the purpose of providing additional floor space., and no heights are permitted above the maximum allowed under airport height provisions.

### **19.76.200 - Additional height allowed when.**

Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding ~~seventy-five feet~~ **forty (40)** if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.