

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

April 18, 2019

1. Roll Call:

Chairman Garrett Greenhalgh, Commissioners Lynette Dickey, Bonnie Farmer, and Darcy Ripplinger (Alt.).

Others Present:

Development Coordinator Harry Meadows, Treasurer Tara Hobbs, Mayor David Hair, Lance Zollinger, Rylan Zollinger, and Chad Kendrick. Secretary Adria Davis recorded the minutes.

2. Opening Remarks/Pledge of Allegiance

Chairman Greenhalgh opened the meeting at 7:59 p.m.
He led all present in the Pledge of Allegiance.

3. Review and Approval of agenda

The agenda for the Planning Commission meeting of April 18, 2019 was reviewed. A motion was made by Commissioner Dickey to approve the agenda as presented. Commissioner Farmer seconded. Commissioners Dickey, Greenhalgh, Farmer, and Ripplinger (Alt.) voted in Favor with Commissioner Lewis excused, and Commissioners Thompson, and Anderson (Alt.) absent.

Commissioner Matt Anderson (Alt.) arrived at the meeting at this time.

4. Review and Approval of the Minutes from Apr 4, 2019

The Planning Commission meeting minutes were reviewed. A motion was made by Commissioner Farmer to approve the minutes as outlined. Commissioner Dickey seconded. Commissioners Dickey, Greenhalgh, Farmer, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioner Lewis excused, and Commissioner Thompson absent.

5.A. Zoning Clearance – Lance Zollinger Commercial Warehouse at 866 W 850 N, Millville.

Lance has a septic permit for this building, which was approved separately from Bear River through an appeals process. The warehouse is being built for the Packaging Corporation of America. It has a 25 foot setback from the rear property line which abuts the railroad tracks.

Commissioner Farmer moved to approve the zoning permit. Commissioner Ripplinger (Alt.) seconded. Commissioners Dickey, Greenhalgh, Farmer, Anderson (Alt.) and Ripplinger (Alt.) voted in Favor with Commissioner Lewis excused, and Commissioner Thompson absent.

5.B. Other

Development Coordinator Meadows handed out copies of the zoning ordinances for each of the three Commercial Zones; Retail, Manufacturing, and Services. He wanted to review the differences and see if they should all be combined into one Commercial Zone. We currently have zones with mixed use buildings that were grandfathered in, but do not match the permitted use of those zones. The main differences are the building heights and the setbacks in relation to the property they abut.

The commissioners discussed the original reasons for creating these separate zones. They were concerned with having a manufacturing business next to a residential zone. They will review the ordinances and continue this discussion at a future meeting.

Harry also handed out copies of the Town Center zone that referenced the application process and the fees. He wants the Commissioners to decide what process to use and what fees to charge before anyone starts applying to build in this zone.

The Commissioners will follow up on this at the next meeting.

6. City Council Report – review minutes from the Apr 11, 2019 meeting.

Commissioner Farmer commented on the person wanting to develop in the south fields but wanting 1/3 acre lots. She expressed her desire to never have 1/3 acre lots out there. 'We zoned it that way on purpose, and we want to keep the country feel of Millville'.

Mayor Hair spent some time discussing what the State of Utah is trying to push onto all the towns and how they are wanting everyone to fall in line with their directions.

7. Agenda Items for Next Meeting

Commercial Zones

8. Calendaring of future Planning Commission Meeting

The next regularly scheduled meeting will be held Thursday, May 16, 2019.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 9:14 p.m.



00844

MILLVILLE CITY

ZONING CLEARANCE FOR BUILDING PERMIT

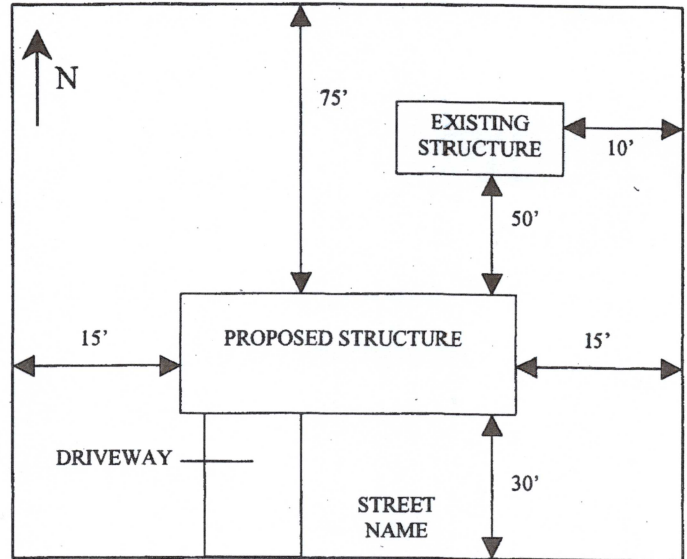
THIS FORM EXPIRES 60 DAYS FROM DATE OF APPROVAL

APPLICATION INFORMATION

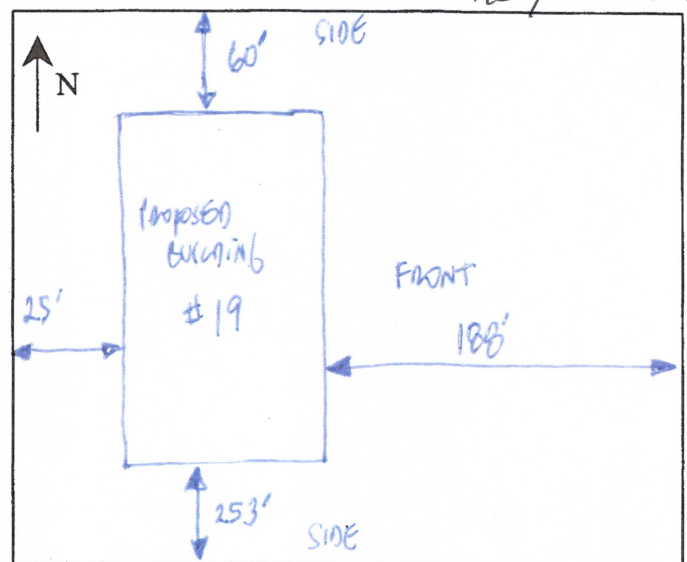
1. LANCE ZOLLINGER
APPLICANT'S NAME
2. 695 W. 1100 SO.
MAILING ADDRESS
- LOPAN UTAH 84321
CITY STATE ZIP CODE
3. 435-770-2450 4. 435-753-1122
HOME TELEPHONE BUSINESS TELEPHONE
5. GLOBAL PROPERTY 2014 LLC
OWNER'S NAME (if different from applicant)
6. WAREHOUSE - METAL / CONCRETE
TYPE OF STRUCTURE
7. 72,000 8. C-M Commercial Mfg.
SQUARE FOOTAGE ZONE
9. BUILDING 19
SUBDIVISION NAME AND LOT NUMBER (if applicable)
10. 03 - 001 - 0030
TAX IDENTIFICATION NUMBER
11. 806 W. 850 N. MILLVILLE UTAH
ADDRESS OF CONSTRUCTION
12. 6.29 13. 4485'
LOT SIZE LOT ELEVATION
14. SEWER ☐ SEPTIC TANK ☒ N/A ☐
(choose one)
15. CITY WATER ☐ PRIVATE WELL ☒ N/A ☐
(choose one)
16. ELECTRICITY ☒ GAS ☒ OTHER UTILITY ☐
(specify in remarks)
17. COUNTY ADDRESS: 586 WEST 1940 SOUTH.
REMARKS

SAMPLE PLOT PLAN

(numbers do not represent required setbacks)



PLOT PLAN



APPROVED - PLANNING AND ZONING

DATE

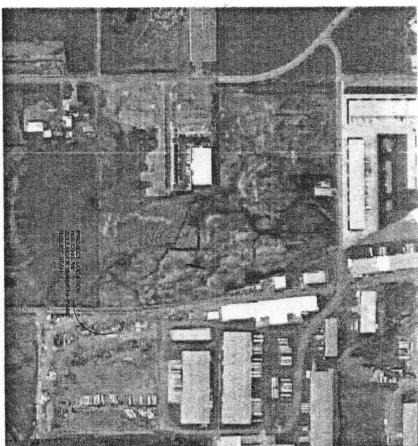
FEES PAID - TREASURER

DATE

This property is being approved for building permit issuance as indicated above. Any change in the type or placement of the structure is not allowed. This clearance is not a waiver of compliance with either the zoning ordinance or the building codes. Millville City Form 101 - 15 Nov. 2003 (previous edition is obsolete)

BUILDING #19
MILLVILLE, UTAH

JOSEPH T. BECK ARCHITECT, INC.
497 EAST 520 SOUTH
SMITHFIELD, UTAH
(435) 764-6742

[illegible]

REF. PLAN
N.T.S. SCALE
SHEET INDEX

[illegible]

SHEET NUMBER A0.0	REVISIONS -	PROJECT NUMBER -	SHEET TITLE REF. SITE PLAN CODE REVIEW SHEET LEGEND	PROJECT TITLE ZOLLINGER NEW BUILDING PROJECT BUILDING #19 MILLVILLE , UTAH	DATE APRIL 9, 2019	
	SHEET NUMBER	PROJECT NUMBER	SHEET TITLE	PROJECT TITLE	DATE	

4. Development Application.

Applications (form, fees, and plan sets) shall be filed with the City.

- a. Application Form. Application forms are available from the City.
- b. Fees. Fee amounts are available from the City and are due at the time the application is made; the application will be considered incomplete if fees are not paid.
- c. Plan Set Requirements. Number of copies and minimum scale of drawings shall be noted on the application form. All plans shall be submitted in both a paper and an approved digital format. All plans shall be reviewed by the City Planner for completeness. Incomplete applications shall be returned to the applicant for re-submission.
- d. Filing Deadline. Filing deadlines are established by the City and available at City Hall.
- e. Withdrawal of Application. An application may be withdrawn in whole or in part at any point in the process prior to being acted or ruled upon; new application form, fees, and plan sets are required for re-application.
- f. Records on File. Applications and the resulting recommendations and rulings shall be kept on file by the City Planner and shall be considered public record.
- g. Notice requirements for adjacent property owners is not required, due to all uses are permitted uses.

5.

- a. Any development within a district shall be administered in accordance with the procedures defined in existing City code.

The application shall follow the following process:

1. Pre-Application Meeting.
2. Application submittal. Only complete applications shall be accepted.
3. Staff review and coordination.

4. Permitted Use Review by the City Planner and staff.
 5. Staff processing of the Planning Commission approval includes letter of conditions (if any), site plan approval, architectural approval, engineering plans approval. Building permits are a separate process as per the Building Code.
 6. Subdivisions or condominium plats are processed by the City Council subject to staff and Planning Commission review and recommendations.
 7. Development agreements shall be reviewed by the Planning Commission. The Planning Commission shall provide a recommendation to the City Council and the City Council shall approve, deny or approve with modifications.
- b. Exempt Activities. The following activities are exempt from the requirements of this section.
1. Ordinary repairs for the purpose of regular building, signage, lighting or site maintenance.
 2. Construction within the interior of the structure that is not visible from the exterior of the building.
 3. Emergency repairs ordered by any City official in order to protect health and safety.

6. Definitions.

If a definition can not be found in this chapter, the definitions found in the existing City Code apply or as commonly understood.

7. Conflicts.

Where conflict between this chapter and the standards in the City Code exist, this chapter takes precedence.

C. Regulations

1. Amending the Code.

MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.22 - COMMERCIAL RETAIL (CR)

17.22.010: PURPOSE

17.22.020: PERMITTED USES

17.22.030: CONDITIONAL USES

17.22.040: APPLICATION REQUIREMENTS

17.22.050: AREA, SETBACK AND HEIGHT REQUIREMENTS

17.22.060: SPECIAL PROVISIONS

17.22.070: APPLICATION REVIEW FEE

17.22.010: PURPOSE

To provide commercial retail areas to serve the residents of the city and a larger geographic area. (Ord. 2012-4, 2012)

17.22.020: PERMITTED USES

Uses approved by the city council as being in harmony with the health, safety and welfare of the citizens. (Ord. 2012-4, 2012)

17.22.030: CONDITIONAL USES

The following may be permitted conditional uses after application and approval as specified in section 17.64.070 of this title:

Education services both public and private. (Ord. 2013-2, 2013)

17.22.040: APPLICATION REQUIREMENTS

All applications to the planning commission for development in the commercial retail zone shall be accompanied by the following technical information reports, all prepared by a licensed engineer or landscape architect, as the case may be, in sufficient detail to allow evaluation of health, safety, and general public welfare aspects of the development. The reports shall include:

A. Site Development Plans:

1. A grading or earthmoving plan showing existing and proposed contours of the property. The contour lines shall extend to at least one hundred feet (100') outside the property lines, or a sufficient distance to show on site and off site drainage channels. The contour interval shall be two feet (2').
2. Detailed site plans and elevation drawings showing the location of all existing and proposed streets, easements, and drainage channels.
3. Traffic flow study, if deemed necessary by the city engineer
4. Detailed site plan showing the location and proposed connection points of utilities, including, but not limited to, water, natural gas, electricity, sewer and telecommunications.
5. A fire protection plan accompanied by letters of approval from the fire chief and the county fire marshal.
6. Detailed site plan showing the boundaries of any established FEMA or any other floodplain within the property and within six hundred feet (600') of the property lines.
7. When any area of the lot exceeds slope class 1 specifications, a hillside development permit shall be required with the application.

B. Drainage Control Plans: A drainage control plan and report based upon the following criteria:

1. Independent Drainage Systems: All drainage systems shall be independent from the sanitary sewer or septic system.

2. Natural Drainage Channel: No natural drainage channel shall be filled, obstructed, or diverted, nor shall the point of entrance and exit from the property be changed without the approval of the city engineer.
3. Drainage Basin Upstream: All of the drainage basin upstream of the development shall be considered in the analysis as fully developed and considered in the design of any stormwater drainage facilities.
4. Effects On Downstream Property: The effects on the downstream property owners relative to increased flood potential shall also be considered in the design, including acquisition or easements, construction or modification of improvements where needed.
5. Existing Drainage Channels: Developments shall use existing drainage channels or newly constructed control structures and retention facilities to control its stormwater runoff so that no net increase in storm runoff will occur on the downstream properties.
6. Stormwater Adequately Conveyed: The stormwater from a 50-year frequency storm with a duration equal to the time of concentration shall be adequately conveyed within the storm drainage channels, from the project to established drainage outlet channels without creating flood hazards to adjoining properties.
7. Underground Pipe System: When an underground pipe system is required, it shall be designed to carry a 10-year storm. The minimum storm drain size shall be twelve inches (12").
8. Cross Gutter Drains: Cross gutter drains on streets shall be avoided where possible. They shall not be allowed on major streets.
9. Groundwater Sources On Property: When springs or other groundwater sources are found on the property, development plans must be reviewed and approved by Bear River health department or appropriate government agency.
10. Constructed Outside Floodplain: All building shall be constructed outside the limits of any of the 100-year floodplain. Foundations within five hundred feet (500') of the floodplain boundary shall be a minimum of eighteen inches (18") above the 100-year flood stage, except on floodplains subject to FEMA regulations, in which case they shall be a minimum of two feet (2') above the 100-year flood stage.
11. Stormwater Permits: Discharge permits are required from most industries that discharge stormwater runoff to surface waters such as lakes or streams.

Stormwater pollution prevention plans must be in place prior to application. All construction activities that disturb more than five (5) acres (clearing, grading and excavating) are required to obtain a UPDES construction stormwater permit (mainly for sediment and erosion control).

C. Geology Soils Report: A geology soils report shall contain at least the following information:

1. A foundation investigation including bearing strength capacity, sheer strength, and shrink/swell potential of soils and conclusions and recommendations on the effects of soil conditions on foundation and structural stability;
2. Location and yield of seeps and springs;
3. A description of geological structural features, including any geological limitations;
4. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development, together with recommendations identifying the means proposed to minimize any hazard to life or property or adverse impact on the natural environment.

D. A Landscape Plan: The plan shall be of adequate scale and detail to indicate general grading and plantings along irrigation and temporary erosion control. For areas to be used as surface retention basins for stormwater runoff, the plan shall identify the location and sizing of control facilities and address operation and maintenance of the control facility in conjunction with the landscape improvements.

E. Additional Information: Other reports, plans, and information as may be deemed necessary by the planning commission, city council, or city engineer may be requested as a condition to the application procedure. (Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.22.050: AREA, SETBACK AND HEIGHT REQUIREMENTS

A. Yard Requirements: The minimum yard requirements for all main and accessory buildings are as follows:

1. Front yard: Thirty feet (30');
2. Side yard:

a. Thirty feet (30') if adjacent to a residential or agricultural zone or facing on a street,

b. No minimum side setback required when abutting other commercial property;

3. Rear yard:

a. Thirty feet (30') if adjacent to residential or agricultural zone, or facing on a street,

b. Twenty feet (20') if adjacent to other zones.

B. ~~Building~~ Height: The maximum height of a building or structure shall be thirty two feet (32'). The planning commission may reduce the height allowed at locations where a reduction in height is necessary to minimize the impact on surrounding land uses.

C. Lot Corners: Lot corners will be marked with five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) that is eighteen (18) to twenty four inches (24") long, capped with the surveyor's red cap containing the surveyor's name or license number driven down to ground level. (Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.22.060: SPECIAL PROVISIONS

A. Trash Prohibited Outside Containers: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts, or similar material shall be stored or allowed to remain on any lot in any commercial zone.

B. Screening:

1. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a fence, landscaping, or wall that is a minimum of six feet (6') high or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of ten feet (10') from any residential or agricultural use.

2. All ground mounted mechanical equipment including, but not limited to, heating and air conditioning units, shall be completely screened from surrounding properties by a fence, landscaping, or wall or shall be enclosed within a building.
3. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.
4. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties where possible.

C. Perimeter Wall:

1. All uses shall have a wall along all rear and side yards not fronting on a public street, which abut a residential or agricultural zoned property. These requirements may be waived by the city council upon a determination that the wall is not necessary to buffer the adjacent use. Such walls shall not be located in the required setback from a public street.
2. All perimeter walls shall be a minimum of six feet (6') high unless the planning commission requires a higher wall.
3. The city council may allow appropriate access to trails, creeks, or other open space amenities.

D. Landscaping: The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance. Landscaping should blend into surrounding residential areas and enhance aesthetics.

E. Access And Parking: The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between adjoining properties. On corner sites access points shall be located as far from the corner as reasonably possible and in no case less than sixty feet (60') from the point of intersection of the property lines. Vehicular circulation shall be designed to preclude the intrusion of traffic directly into residential or agricultural areas.

F. Hours Of Operation:

1. Retail commercial uses shall only be open for business between eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M. unless the city council approves additional hours.
 2. Commercial garbage and rubbish collection shall only occur between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., if there is a residential zone or residential use within three hundred feet (300') of the collection point.
- G. Coverage Restrictions: A building or group of buildings, with their accessory buildings, shall not cover more than fifty percent (50%) of the project area unless the city council approves a higher percentage.
- H. Lighting:
1. The maximum height of luminaries shall be eighteen feet (18') unless the city council requires a lower height. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential or agricultural zone or an adjacent residential or agricultural use.
 2. All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. The exception for security lighting applies to a maximum of twenty five percent (25%) of the total luminaries used, unless the city council approves a higher percentage.
- I. Nuisance Factors And Hazards: Operations shall be in compliance with the city's nuisance ordinances, state and federal laws for activities which emit offensive or objectionable noise, vibration, smoke, odors, dust or gases, air pollution, water pollution, or generates heavy truck traffic. Precautions shall be taken in all operations against radiation, radioactivity, fire and explosion hazards.
- Activities conducted on the premises shall comply with all local, state and federal laws and regulations and permits.
- J. Pedestrian Walkways: Pedestrian walkways, a minimum of four feet (4') wide, shall be provided to accommodate pedestrian movement between activity centers within the site.
- Public easements for walkways, jogging paths and similar uses may be required.
- K. Consistency With Master Plan: Development shall be consistent with the comprehensive master plan for the city. (Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.22.070: APPLICATION REVIEW FEE

At the time the application for development in the commercial retail zone is filed, there shall be paid to the treasurer an application review fee for each application, as established by resolution of the city council. This fee is not refundable. (Ord. 2013-2, 2013; Ord. 2012-4, 2012)

MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.24 - COMMERCIAL SERVICE (CS)

17.24.010: PURPOSE

17.24.020: PERMITTED USES

17.24.030: CONDITIONAL USES

17.24.040: APPLICATION REQUIREMENTS

17.24.050: AREA, SETBACK AND HEIGHT REQUIREMENTS

17.24.060: SPECIAL PROVISIONS

17.24.070: APPLICATION REVIEW FEE

17.24.010: PURPOSE

To provide commercial service areas to serve the residents of the city and a larger geographic area. (Ord. 2013-2, 2013: Ord. 2012-4, 2012: Ord. 99-02-18-01 § 2)

17.24.020: PERMITTED USES

Uses approved by the city council as being in harmony with the health, safety and welfare of the citizens. (Ord. 99-02-18-01 § 2)

17.24.030: CONDITIONAL USES

The following may be permitted conditional uses after application and approval as specified in section 17.64.070 of this title:

Education services both public and private. (Ord. 2013-2, 2013)

17.24.040: APPLICATION REQUIREMENTS

All applications to the planning commission for development in the commercial service zone shall be accompanied by the following technical information reports, all prepared by a licensed engineer or landscape architect, as the case may be, in sufficient detail to allow evaluation of health, safety, and general public welfare aspects of the development. The reports shall include:

A. Site Development Plans:

1. A grading or earthmoving plan showing existing and proposed contours of the property. The contour lines shall extend to at least one hundred feet (100') outside the property lines, or a sufficient distance to show on site and off site drainage channels. The contour interval shall be two feet (2').
2. Detailed site plans and elevation drawings showing the location of all existing and proposed streets, easements, and drainage channels.
3. Traffic flow study, if deemed necessary by the city engineer.
4. Detailed site plan showing the location and proposed connection points of utilities, including, but not limited to, water, natural gas, electricity, sewer and telecommunications.
5. A fire protection plan accompanied by letters of approval from the fire chief and the county fire marshal.
6. Detailed site plan showing the boundaries of any established FEMA or any other floodplain within the property and within six hundred feet (600') of the property lines.
7. When any area of the lot exceeds slope class 1 specifications, a hillside development permit shall be required with the application.

B. Drainage Control Plans: A drainage control plan and report based upon the following criteria:

1. Independent Drainage Systems: All drainage systems shall be independent from the sanitary sewer or septic system.

2. **Natural Drainage Channel:** No natural drainage channel shall be filled, obstructed, or diverted, nor shall the point of entrance and exit from the property be changed without the approval of the city engineer.
3. **Drainage Basin Upstream:** All of the drainage basin upstream of the development shall be considered in the analysis as fully developed and considered in the design of any stormwater drainage facilities.
4. **Effects On Downstream Property:** The effects on the downstream property owners relative to increased flood potential shall also be considered in the design, including acquisition of easements, construction or modification of improvements where needed.
5. **Existing Drainage Channels:** Developments shall use existing drainage channels or newly constructed control structures and retention facilities to control its stormwater runoff so that no net increase in storm runoff will occur on the downstream properties.
6. **Stormwater Adequately Conveyed:** The stormwater from a 50-year frequency storm with a duration equal to the time of concentration shall be adequately conveyed within the storm drainage channels, from the project to established drainage outlet channels without creating flood hazards to adjoining properties.
7. **Underground Pipe System:** When an underground pipe system is required, it shall be designed to carry a 10-year storm. The minimum storm drain size shall be twelve inches (12").
8. **Cross Gutter Drains:** Cross gutter drains on streets shall be avoided where possible. They shall not be allowed on major streets.
9. **Groundwater Sources On Property:** When springs or other groundwater sources are found on the property, development plans must be reviewed and approved by Bear River health department or appropriate government agency.
10. **Constructed Outside Floodplain:** All building shall be constructed outside the limits of any of the 100-year floodplain. Foundations within five hundred feet (500') of the floodplain boundary shall be a minimum of eighteen inches (18") above the 100-year flood stage, except on floodplains subject to FEMA regulations, in which case they shall be a minimum of two feet (2') above the 100-year flood stage.
11. **Stormwater Permits:** Discharge permits are required from most industries that discharge stormwater runoff to surface waters such as lakes or streams.

Stormwater pollution prevention plans must be in place prior to application. All construction activities that disturb more than five (5) acres (clearing, grading and excavating) are required to obtain a UPDES construction stormwater permit (mainly for sediment and erosion control).

C. Geology Soils Report: A geology soils report shall contain at least the following information:

1. A foundation investigation including bearing strength capacity, sheer strength, and shrink/swell potential of soils and conclusions and recommendations on the effects of soil conditions on foundation and structural stability;
2. Location and yield of seeps and springs;
3. A description of geological structural features, including any geological limitations;
4. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development, together with recommendations identifying the means proposed to minimize any hazard to life or property or adverse impact on the natural environment.

D. A Landscape Plan: The plan shall be of adequate scale and detail to indicate general grading and plantings along irrigation and temporary erosion control. For areas to be used as surface retention basins for stormwater runoff, the plan shall identify the location and sizing of control facilities and address operation and maintenance of the control facility in conjunction with the landscape improvements.

E. Additional Information: Other reports, plans, and information as may be deemed necessary by the planning commission, city council, or city engineer may be requested as a condition to the application procedure. (Ord. 2013-2, 2013: Ord. 2012-4, 2012: Ord. 2002-5 § 1, 2002: Ord. 2000-16 §§ 1, 2: Ord. 99-02-18-01 § 2)

17.24.050: AREA, SETBACK AND HEIGHT REQUIREMENTS

A. Yard Requirements: The minimum yard requirements for all main and accessory buildings are as follows:

1. Front yard: Thirty feet (30');

2. Side yard:

- a. Thirty feet (30') if adjacent to a residential or agricultural zone or facing on a street,
- b. No minimum side setback required when abutting other commercial property;

3. Rear yard:

- a. Thirty feet (30') if adjacent to residential or agricultural zone, or facing on a street,
- b. Twenty feet (20') if adjacent to other zones.

B. Building Height: The maximum height of a building or structure shall be thirty five feet (35'). The planning commission may reduce the height allowed at locations where a reduction in height is necessary to minimize the impact on surrounding land uses.

C. Lot Corners: Lot corners will be marked with five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) that is eighteen (18) to twenty four inches (24") long, capped with the surveyor's red cap containing the surveyor's name or license number driven down to ground level. (Ord. 2013-2, 2013: Ord. 2012-4, 2012: Ord. 2002-5 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 99-02-18-01 § 2)

17.24.060: SPECIAL PROVISIONS

A. Trash Prohibited Outside Containers: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts, or similar material shall be stored or allowed to remain on any lot in any commercial zone.

B. Screening:

1. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a fence, landscaping, or wall that is a minimum of six feet (6') high or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of ten feet (10') from any residential or agricultural use.

2. All ground mounted mechanical equipment including, but not limited to, heating and air conditioning units, shall be completely screened from surrounding properties by a fence, landscaping, or wall or shall be enclosed within a building.
3. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.
4. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent residential properties.

C. Perimeter Wall:

1. All uses shall have a wall along all rear and side yards not fronting on a public street, which abut a residential or agricultural zoned property or a residential use. These requirements may be waived by the city council upon a determination that the wall is not necessary to buffer the adjacent use. Such walls shall not be located in the required setback from a public street.
2. All perimeter walls shall be a minimum of six feet (6') high unless the planning commission requires a higher wall.
3. The city council may allow appropriate access to trails, creeks, or other open space amenities.

D. Landscaping: The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

E. Access And Parking: The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between adjoining properties. On corner sites access points shall be located as far from the corner as reasonably possible and in no case less than sixty feet (60') from the point of intersection of the property lines. Vehicular circulation shall be designed to preclude the intrusion of traffic directly into residential or agricultural areas.

F. Hours Of Operation:

1. Commercial uses shall only be open for business between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. unless the city council approves additional hours.
 2. Commercial garbage and rubbish collection shall only occur between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., if there is a residential zone or residential use within three hundred feet (300') of the collection point.
- G. Coverage Restrictions: A building or group of buildings, with their accessory buildings, shall not cover more than fifty percent (50%) of the project area unless the city council approves a higher percentage.
- H. Lighting:
1. The maximum height of luminaries shall be eighteen feet (18') unless the city council requires a lower height. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential or agricultural zone or an adjacent residential or agricultural use.
 2. All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. The exception for security lighting applies to a maximum of twenty five percent (25%) of the total luminaries used, unless the city council approves a higher percentage.
- I. Nuisance Factors And Hazards: Operations shall be in compliance with the city's nuisance ordinances, state and federal laws for activities which emit offensive or objectionable noise, vibration, smoke, odors, dust or gases, air pollution, water pollution, or generates heavy truck traffic. Precautions shall be taken in all operations against radiation, radioactivity, fire and explosion hazards.
- Activities conducted on the premises shall comply with all local, state and federal laws and regulations and permits.
- J. Pedestrian Walkways: Pedestrian walkways, a minimum of four feet (4') wide, shall be provided to accommodate pedestrian movement between activity centers within the site.
- Public easements for walkways, jogging paths and similar uses may be required.
- K. Consistency With Master Plan: Development shall be consistent with the comprehensive master plan for the city. (Ord. 2013-2, 2013: Ord. 2012-4, 2012: Ord. 99-02-18-01 § 2)

17.24.070: APPLICATION REVIEW FEE

At the time the application for development in the commercial service zone is filed, there shall be paid to the treasurer an application review fee for each application, as established by resolution of the city council. This fee is not refundable. (Ord. 2013-2, 2013: Ord. 2012-4, 2012: Ord. 2002-2 § 2, 2002)

MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.26 - COMMERCIAL MANUFACTURING (CM)

17.26.010: PURPOSE

17.26.020: PERMITTED USES

17.26.030: CONDITIONAL USES

17.26.040: APPLICATION REQUIREMENTS

17.26.050: AREA, SETBACK AND HEIGHT REQUIREMENTS

17.26.060: SPECIAL PROVISIONS

17.26.070: APPLICATION REVIEW FEE

17.26.010: PURPOSE

To provide commercial manufacturing areas to serve the residents of the city and a larger geographic area. (Ord. 2012-4, 2012)

17.26.020: PERMITTED USES

Uses approved by the city council as being in harmony with the health, safety and welfare of the citizens. (Ord. 2012-4, 2012)

17.26.030: CONDITIONAL USES

The following may be permitted conditional uses after application and approval as specified in section 17.64.070 of this title:

Education services both public and private. (Ord. 2013-2, 2013)

17.26.040: APPLICATION REQUIREMENTS

All applications to the planning commission for development in the commercial manufacturing zone shall be accompanied by the following technical information reports, all prepared by a licensed engineer or landscape architect, as the case may be, in sufficient detail to allow evaluation of health, safety, and general public welfare aspects of the development. The reports shall include:

A. Site Development Plans:

1. A grading or earthmoving plan showing existing and proposed contours of the property. The contour lines shall extend to at least one hundred feet (100') outside the property lines, or a sufficient distance to show on site and off site drainage channels. The contour interval shall be two feet (2').
2. Detailed site plans and elevation drawings showing the location of all existing and proposed streets, easements, and drainage channels.
3. Traffic flow study, if deemed necessary by the city engineer.
4. Detailed site plan showing the location and proposed connection points of utilities, including, but not limited to, water, natural gas, electricity, sewer and telecommunications.
5. A fire protection plan accompanied by letters of approval from the fire chief and the county fire marshal.
6. Detailed site plan showing the boundaries of any established FEMA or any other floodplain within the property and within six hundred feet (600') of the property lines.
7. When any area of the lot exceeds slope class 1 specifications, a hillside development permit shall be required with the application.

B. Drainage Control Plans: A drainage control plan and report based upon the following criteria:

1. Independent Drainage Systems: All drainage systems shall be independent from the sanitary sewer or septic system.

2. Natural Drainage Channel: No natural drainage channel shall be filled, obstructed, or diverted, nor shall the point of entrance and exit from the property be changed without the approval of the city engineer.
3. Drainage Basin Upstream: All of the drainage basin upstream of the development shall be considered in the analysis as fully developed and considered in the design of any stormwater drainage facilities.
4. Effects On Downstream Property: The effects on the downstream property owners relative to increased flood potential shall also be considered in the design, including acquisition of easements, construction or modification of improvements where needed.
5. Existing Drainage Channels: Developments shall use existing drainage channels or newly constructed control structures and retention facilities to control its stormwater runoff so that no net increase in storm runoff will occur on the downstream properties.
6. Stormwater Adequately Conveyed: The stormwater from a 50-year frequency storm with a duration equal to the time of concentration shall be adequately conveyed within the storm drainage channels, from the project to established drainage outlet channels without creating flood hazards to adjoining properties.
7. Underground Pipe System: When an underground pipe system is required, it shall be designed to carry a 10-year storm. The minimum storm drain size shall be twelve inches (12").
8. Cross Gutter Drains: Cross gutter drains on streets shall be avoided where possible. They shall not be allowed on major streets.
9. Groundwater Sources On Property: When springs or other groundwater sources are found on the property, development plans must be reviewed and approved by Bear River health department or appropriate government agency.
10. Constructed Outside Floodplain: All building shall be constructed outside the limits of any of the 100-year floodplain. Foundations within five hundred feet (500') of the floodplain boundary shall be a minimum of eighteen inches (18") above the 100-year flood stage, except on floodplains subject to FEMA regulations, in which case they shall be a minimum of two feet (2') above the 100-year flood stage.
11. Stormwater Permits: Discharge permits are required from most industries that discharge stormwater runoff to surface waters such as lakes or streams.

Stormwater pollution prevention plans must be in place prior to application. All construction activities that disturb more than five (5) acres (clearing, grading and excavating) are required to obtain a UPDES construction stormwater permit (mainly for sediment and erosion control).

C. Geology Soils Report: A geology soils report shall contain at least the following information:

1. A foundation investigation including bearing strength capacity, sheer strength, and shrink/swell potential of soils and conclusions and recommendations on the effects of soil conditions on foundation and structural stability.
2. Location and yield of seeps and springs;
3. A description of geological structural features, including any geological limitations;
4. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development, together with recommendations identifying the means proposed to minimize any hazard to life or property or adverse impact on the natural environment.

D. A Landscape Plan: The plan shall be of adequate scale and detail to indicate general grading and plantings along irrigation and temporary erosion control. For areas to be used as surface retention basins for stormwater runoff, the plan shall identify the location and sizing of control facilities and address operation and maintenance of the control facility in conjunction with the landscape improvements.

E. Additional Information: Other reports, plans, and information as may be deemed necessary by the planning commission, city council, or city engineer may be requested as a condition to the application procedure. (Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.26.050: AREA, SETBACK AND HEIGHT REQUIREMENTS

A. Yard Requirements: The minimum yard requirements for all main and accessory buildings are as follows:

1. Front yard: Thirty feet (30');
2. Side yard:

- a. Thirty feet (30') if adjacent to an agricultural zone or facing on a street,
 - b. No minimum side setback required when abutting other commercial property;
3. Rear yard:
- a. Thirty feet (30') if adjacent to agricultural zone, or facing on a street,
 - b. Twenty feet (20') if adjacent to other commercial zones.
- B. Building Height: The maximum height of a building or structure shall be fifty feet (50'). The planning commission may reduce the height allowed at locations where a reduction in height is necessary to minimize the impact on surrounding land uses.
- C. Lot Corners: Lot corners will be marked with five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) that is eighteen (18) to twenty four inches (24") long, capped with the surveyor's red cap containing the surveyor's name or license number driven down to ground level. (Ord. 2014-3, 2014: Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.26.060: SPECIAL PROVISIONS

- A. Trash Prohibited Outside Containers: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts, or similar material shall be stored or allowed to remain on any lot in any commercial zone.
- B. Screening:
- 1. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a fence, landscaping, or wall that is a minimum of six feet (6') high or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of ten feet (10') from any agricultural use.
 - 2. All ground mounted mechanical equipment including, but not limited to, heating and air conditioning units, shall be completely screened from surrounding properties by a fence, landscaping, or wall or shall be enclosed within a building.

3. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.
4. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties where possible.

C. Perimeter Wall:

1. All uses shall have a wall along all rear and side yards not fronting on a public street, which abut an agricultural zoned property. These requirements may be waived by the city council upon a determination that the wall is not necessary to buffer the adjacent use. Such walls shall not be located in the required setback from a public street.
2. All perimeter walls shall be a minimum of six feet (6') high unless the planning commission approves or requires an increase or reduction.
3. The city council may allow appropriate access to trails, creeks or other open space amenities.

D. Landscaping: The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

E. Access And Parking: The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between adjoining properties. On corner sites access points shall be located as far from the corner as reasonably possible and in no case less than sixty feet (60') from the point of intersection of the property lines. Vehicular circulation shall be designed to preclude the intrusion of traffic directly into agricultural areas.

F. Hours Of Operation:

1. Commercial uses may be open for business twenty four (24) hours a day, seven (7) days a week, unless restricted by the city council.
2. Commercial garbage and rubbish collection shall only occur between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., if there is a residential zone or residential use within three hundred feet (300') of the collection point.

G. Coverage Restrictions: A building or group of buildings, with their accessory buildings, shall not cover more than fifty percent (50%) of the project area unless the city council approves a higher percentage.

H. Lighting:

1. The maximum height of luminaries shall be eighteen feet (18') unless the city council requires a lower height. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in an agricultural zone or an adjacent agricultural use.
2. All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. The exception for security lighting applies to a maximum of twenty five percent (25%) of the total luminaries used, unless the city council approves a higher percentage.

I. Nuisance Factors And Hazards: Operations shall be in compliance with the city's nuisance ordinances, state and federal laws for activities which emit offensive or objectionable noise, vibration, smoke, odors, dust or gases, air pollution, water pollution, or generates heavy truck traffic. Precautions shall be taken in all operations against radiation, radioactivity, fire and explosion hazards.

Activities conducted on the premises shall comply with all local, state and federal laws and regulations and permits.

J. Pedestrian Walkways: Pedestrian walkways, a minimum of four feet (4') wide, shall be provided to accommodate pedestrian movement between activity centers within the site.

Public easements for walkways, jogging paths and similar uses may be required.

K. Consistency With Master Plan: Development shall be consistent with the comprehensive master plan for the city. (Ord. 2013-2, 2013: Ord. 2012-4, 2012)

17.26.070: APPLICATION REVIEW FEE

At the time the application for development in the commercial manufacturing zone is filed, there shall be paid to the treasurer an application review fee for each application, as established by resolution of the city council. This fee is not refundable. (Ord. 2013-2, 2013: Ord. 2012-4, 2012)