MILLVILLE CITY CODE
TITLE 17 – ZONING
CHAPTER 17.26 - COMMERCIAL ~~MANUFACTURING (CM)~~ General (CG)

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~~ General 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~~ general 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 ~~a~~n 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 a residential or agricultural zone, or facing on a street,

    b. Twenty feet (20') if adjacent to other property ~~commercial~~ zoned~~s~~ as commercial.

B. Building Height: The maximum height of a building or structure shall be ~~fifty feet (50').~~ 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 ($^5/_8$") 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 zone. ~~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~~n~~ 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 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 residential or 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.~~
1. Commercial uses may be open for business from eight o'clock (8:00) A.M. to six o'clock 6:00 P.M. Hours may be adjusted based upon adjacent property and type of business, 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, dark sky, and shielded from uses on adjoining lots, and directed away from adjacent property in an agricultural zone or a~~n~~ residential zone ~~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') (5') 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~~ general 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)

17.12.040: ZONES ESTABLISHED

For the purpose of this title, the following zones are created and the land within the corporate limits of the city is divided into zoning districts. The boundaries for the zoning districts are shown on the official zoning map of the city. The classification of zoning districts is as follows:

A	Agricultural zone
R-1	Single- and two-family residential zone (minimum 14,000 square foot lot size)
R-2	Single- and two-family residential zone (minimum 21,000 square foot lot size)
R-3	Single- and two-family residential zone (minimum 87,000 square foot lot size)
~~CR~~	~~Commercial retail zone~~
~~CS~~	~~Commercial service zone~~
C~~M~~ G	Commercial ~~manufacturing~~ General zone
OS	Open space zone
TC	Commercial town center
HO	Hillside development overlay zone

(Ord. 2018-6, 2018: Ord. 2012-4, 2012: Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

17.12.050: PURPOSE OF ZONING DISTRICTS

In addition to the general purposes of this title identified in chapter 17.04 of this title, the various zoning districts each serve a more specific individual purpose, as described below.

A. The A (agricultural) zoning district is proposed to provide areas for agricultural and related uses, along with very low density residential uses. This designation shall be applied to land with appropriate topographical conditions where the intrusion of urban uses would be inappropriate or untimely, due to lack or need of urban services and facilities.

B. The R (residential) zoning districts are created to provide for the diverse needs and desires of the people of the city. These districts shall also allow for other compatible uses which may complement the primarily residential functions of the districts, under certain conditions. Basic urban services and utilities would be available in these zones:

1. The R-1 (single-family and two-family residential) zone is intended to provide areas for single-family and two-family detached dwellings with a minimum lot size of 14,000 square feet.

2. The R-2 (single-family and two-family residential) zone is intended to provide areas for single-family and two-family detached dwellings with a minimum lot size of 21,000 square feet.

3. The R-3 (single-family and two-family residential) zone is intended to provide areas for single-family and two-family detached dwellings with a minimum lot size of 87,000 square feet.

~~C. The CR (commercial retail) district is intended to provide areas abutting major arterial streets for a restricted range of commercial and professional uses; however, the primary focus should be on uses which require large retail display or merchandise storage areas and serve a regional market.~~

~~D. The CS (commercial service) district is an alternative commercial location for the main purpose of light manufacturing, or wholesale/warehouse use and uses that support construction and manufacturing trades. Commercial service may abut residential areas.~~

~~E. The CM (commercial manufacturing) district is intended to provide major wholesale/warehousing and manufacturing. It may not abut residential zones.~~

C. The CG (Commercial General) district is intended to provide various commercial uses deemed appropriate to the area in which it is located.

D. ~~F.~~ The OS (open space) zone is intended to provide for open space land within the city and to provide for the accommodation of natural features or hazards.

E. ~~G.~~ The TC (commercial town center) district is intended to provide a "downtown" feel and provide residents a place to shop, eat and do business.

F. ~~H.~~ The HO (hillside development overlay) zone is established to protect and preserve the hillside areas of the city. The goal is to minimize adverse effects of development within these areas. (Ord. 2018-6, 2018: 2012-4, 2012: Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

17.12.060: APPLICATION OF DISTRICT REGULATIONS

A. No building or part thereof or other structure shall be erected, altered, added to, or enlarged, nor shall any land, building, structure, or premises be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land, or premises are located.

B. No building or structure or part thereof shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located, unless building height exception is expressly allowed.

C. No building, structure, or part thereof shall be erected, nor shall any existing building be altered, enlarged, rebuilt, or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the land use and the district in which such building or open space is located.

D. No yard or other open space provided about any building for the purpose of complying with provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site. (Ord. 99-02-18-01 § 2)

17.12.070: OFFICIAL ZONING MAP

ATTACHMENT "A"

SIGN TYPES ALLOWED

SIGN TYPE	CMG (Manufacturing)	CSG (Services)	CRG (Retail)	RES	Agricultural
A. Free Standing	Max. Height 35' Max. Size 200 sq. ft.	Max. Height 25' Max. Size 120 sq. ft.	Max. Height 15' Max. Size 48 sq. ft.	Not Allowed	Not Allowed
B. Low Profile/Monument	Allowed Max Height 6' Max Size 48 sq. ft.	Allowed Max Height 6' Max Size 48 sq. ft.	Allowed Max Height 6' Max Size 48 sq. ft.	Not Allowed	Not Allowed
C. Building Mounted	20% of the face of each individual unit.	20% of the face of each individual unit	17:44:080 48 sq. ft.	Not allowed on home. Allowed on accessory building. 10% of one face of the building up to 45 sq. ft.	Not allowed on home. Allowed on accessory building. 20% of one face of the building up to 45 sq. ft
D. Projecting	Allowed- but included in the 10% of total building mounted signs.	Allowed- but included in the 10% of total building mounted signs.	Allowed- but included in the 10% of total building mounted signs.	Not Allowed	Not Allowed
E. Hanging	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
F. Awning Signs	The lettering or decal portion of the awning is included in the 10% total allowable signage per building face.	The lettering or decal portion of the awning is included in the 10% total allowable signage per building face.	The lettering or decal portion of the awning is included in the 10% total allowable signage per building face.	Not Allowed	Not Allowed
G. Externally Illuminated	17:44:080 A 4a.	17:44:080 A 4a.	Not Allowed	Not Allowed	Not Allowed
H. Internally Illuminated	Color lights and electronic signs allowed. No strobe flashing lights.	Allowed- if 500 ft. from residential zone. No strobe flashing lights.	Allowed- if 500 ft. from residential zone. No strobe flashing lights.	Not Allowed	Not Allowed
I. Manually Changeable	Allowed	Allowed	Allowed	Not Allowed	Not Allowed

ATTACHMENT "A"

SIGN TYPE	CMG (Manufacturing)	CSG (Services)	CRG (Retail)	RES	Agricultural
J. Special Purpose	Allowed See Footnote #2	Allowed See Footnote #2	Allowed See Footnote #2	Allowed See Footnote #2	Allowed See Footnote #2
K. Temporary	Allowed See 17.44.090	Allowed See 17.44.090	Allowed See 17.44.090	Allowed See 17.44.090	Allowed See 17.44.090
L. Window	Allowed	Allowed	Allowed	One window sign allowed. Up to 2 sq. ft. ********	One window sign allowed. Up to 2 sq. ft. ********
M. Electronic	Allowed- if 500 ft. from residential zone. Up to 50% of size of allowable signage. No strobe flashing lights.	Allowed- if 500 ft. from residential zone. Up to 50% of size of allowable signage. No strobe flashing lights.	Allowed- if 500 ft. from residential zone. Up to 50% of size of allowable signage. No strobe flashing lights.	Not Allowed	Not Allowed
N. Billboard Signs	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed

FOOTNOTE #1: COMMERCIAL ZONES

NO SINGLE PROJECTING SIGN MAY EXCEED SIX (6) SQUARE FEET IN AREA OR MAY PROJECT MORE THAT THIRTY-SIX INCHES (36") FROM THE FACE OF THE BUILDING TO WHICH IT IS ATTACHED. PROJECTING SIGNS MUST HAVE AT LEAST EIGHT FEET (8') OF GROUND CLEARANCE, AND CANNOT BE HIGHER THAN THE BUILDING TO WHICH THEY ARE ATTACHED. THEY MAY NOT EXTEND BEYOND THE APPLICANT'S PROPERTY.

FOOTNOTE #2: COMMERCIAL, RESIDENTIAL, AGRICULTURAL ZONES

SIGNS AND BANNERS PROMOTING EVENTS SPONSORED BY CIVIC, CHARITABLE, EDUCATIONAL, OR OTHER NONPROFIT ORGANIZATIONS MAY BE ERECTED ON PRIVATE PROPERTY UP TO TWO (2) WEEKS IN ADVANCE OF THE EVENT BEING PROMOTED. THESE SIGNS SHALL BE REMOVED WITHIN FIVE (5) DAYS FOLLOWING THE CONCLUSION OF THE EVENT. SIGNS OR BANNERS LOCATED ON OR OVER PUBLIC PROPERTY EASEMENTS OR RIGHTS OF WAY ARE SUBJECT TO THE REQUIREMENTS OF THIS CODE AND REQUIRE APPROVAL BY THE MAYOR.