

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

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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)