

**CHAPTER 16.4 BUSINESS AND MANUFACTURING PARK ZONE**

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**Section 16.4.1 Purpose and Objective**

A. The purpose of the Business and Manufacturing Park (B&MP) Zone is to provide for development of offices, research and development institutions, and light manufacturing establishments. The general categories of uses allowed within this zone are more limited than other commercial or manufacturing zones. These restrictions are based on operating characteristics and land use impacts rather than type of service or product. The essential purpose of this district is to achieve development in a setting that is an economic asset to the community. The zone may be located adjacent to quality residential development and must be beautified to create the highest degree of compatibility. The zone should always be located adjacent to collector or arterial streets. It is not the intent of this Chapter that a B&MP zone should become a catalyst for strip commercial development around its perimeter. Unless the General Plan calls for a commercial center near the park's boundary, commercial development shall not be allowed, particularly where the park is surrounded by residential development.

B. The objective of this Chapter is to establish rules, regulations, standards, and procedures for approval of all Business and Manufacturing parks in order to:

1. Strengthen and sustain the economic potential of the City and to create jobs.
2. Advance and promote business development.
3. Implement the adopted policies of the Midway City General Plan.

**Section 16.4.2 Allowed Uses within the B&MP Zone**

A. Permitted Principal Uses.

The following principal uses are permitted in the B&MP zone:

1. Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities).
2. Manufacturing, processing, and fabricating establishments, except those in which explosives or other highly dangerous materials are used or fabricated.

3. Communications - including radio and television broadcasting (studios only), telephone company offices, recording and sound studios, and motion picture studios.
4. Data Processing Services.
5. Other uses similar to the foregoing uses which are ruled by the Planning Commission to be in harmony with the intent of this zone.

B. Permitted Secondary Uses. The following secondary activities which support or are accessory to the primary activities are permitted subject to the development and performance standards and conditions set forth herein. When located in the same building with another main use, secondary uses shall not occupy more than 30 percent of the total floor space.

1. Support and maintenance shops for the above uses.
2. Concessions and services which are provided for the convenience of the occupants of the buildings, provided they are located within a main building and there is no exterior evidence of such accessory uses such as signs or display windows.
3. Printing, publishing and allied industries.
4. Storage activities and warehouse facilities are permitted only as part of a primary activity.
5. Day care center in support of primary activity.
6. Off-street parking and parking structure incident to the above building uses.
7. Administrative offices for the permitted uses. These offices must be either in the same building or in a separate building on the same parcel as the permitted use.

C. Conditional Uses. The following uses and structures are permitted in the B&MP zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

1. Marketing, telemarketing, and advertising services.
2. Auto, electronic and other repair establishments.
3. Agricultural Greenhouses
4. Other similar and compatible uses. Other similar uses not specifically listed above may be approved by the City Council, with the issuance of a conditional use permit, upon findings that the proposed use most closely fits within one of the listed categories, and that any expected impacts will be no greater than that of other uses listed.

(2013-02, Sub-section #3 Added, Eff. 5/8/13; 2014-07, Section Amended, eff. 06/10/15)

D. Prohibited Uses. The permitted uses enumerated above shall not be construed to include, either as a main or accessory use, any of the following uses. This list of prohibited uses is not exhaustive, but is intended to be illustrative of the type of uses which are not allowed:

1. Terminals, including truck or bus terminals, and other distribution facilities.
2. Sand, gravel and other extraction mining.
3. Junk or salvage yards.
4. Liquor Stores.
5. Explosive, flammable or highly combustible material, storage, sales, processing or production.
6. Asphalt and concrete mixing and similar operations.
7. Retail sales except as otherwise specified.

**Section 16.4.3 Tract and Lot Area, Yard, Coverage, and Height Requirements**

A. Tract Area. The minimum size of any tract zoned and developed for a Manufacturing and Business Park shall be twenty acres.

B. Lot Area. There shall be no requirements for individual buildings or lots within the zone, except that the area shall be sufficient to provide for setbacks, landscaping, and off-street parking.

C. Perimeter Buffer. The boundary between any B&MP zone and a residential zone shall consist of a City standard street and right-of-way.

D. Building Setbacks. Buildings on all lots shall be set back a minimum of 30 feet from any dedicated street and ten feet from any other property line (except 25 feet when abutting a residential zone boundary). All setbacks shall be landscaped as set forth in this Chapter, except for permitted driveways.

E. Height. No building shall be constructed to a height exceeding two stories with the highest part of the building being 35 feet, unless as per the zoning Chapter of this Title.

F. Lot Width. Minimum lot width shall be 100 feet.

G. Minimum Lot Frontage. Each lot or parcel of land in the B&MP zone shall abut a public or private street for a minimum distance of 100 feet.

H. Minimum Perimeter Street Frontage. The B&MP tract shall have a minimum of 100 feet frontage on a public arterial street. Planning Commission and City Council shall be required for all buildings and other improvements on any lot within a Business and Manufacturing Park.

I. Site Plan Approval. Before any building permit shall be issued for any building or other improvement, site plan approval shall be obtained by the applicant from the Planning Commission and City Council for each lot.

J. Buildings per Lot. More than one main building may be placed on a lot; however, amended site plan approval shall be required for buildings that are in addition to those on the original site plan approval.

K. Building Separation. A separation of at least 20 feet shall be maintained between buildings.

L. No building shall be larger than 20,000 square feet in gross floor area.

**Section 16.4.4 Performance Standards**

A. In the B&MP zone, no primary or secondary use shall be so conducted as to cause the discharge of any harmful waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere, and no use

or activity shall be conducted or permitted which is dangerous or offensive to persons or property by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes. In addition, no use shall be permitted or conducted where the same creates a public or private nuisance.

B. Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the B&MP zone:

1. Incineration. There shall be no incineration on any site of any waste material.
2. Vibration. There shall be no activity on any site which causes ground vibration which is perceptible, without instruments, at the boundary line of the lot.
3. Air Pollution. There shall be no emission on any site of air pollutants in excess of levels permitted by the Utah Bureau of Air Quality. Water vapor is not considered a pollutant. The normal venting of a building shall not be prohibited.
4. Wastes. The quality and nature of industrial wastes shall not overburden the public sewage disposal facilities or cause odor and unsanitary effect beyond the property line, nor shall such wastes be discharged into the ground or any surface or subsurface waterways. Disposal of all wastes shall comply with all applicable local, state, and federal regulations. Sewage shall also comply with all local, state and federal regulations.
5. Storm Water. Storm water management shall be incorporated into the development plans so that the rate of storm water runoff from the sites will not be increased as a result of the proposed development. The facilities shall be designed to control the storm water runoff from at least a 25-year, 24-hour return frequency storm as certified by a professional engineer.

#### **Section 16.4.5            Parking, Loading, and Access Requirements**

A. One parking space for every two occupants of a building as calculated in Title 12, Building and Construction.

B. Parking Layout and Construction Standards. All parking spaces, parking areas and driveways must be constructed in accordance with standards established in this Title. All parking areas shall be hard surfaced.

C. Parking Setbacks. No parking will be allowed in the required setback areas. Parking areas shall be at the side or rear of the building.

D. Parking Structures. Any parking structures above the finished ground elevation shall have the same setback requirements as outlined for buildings, and shall be architecturally integrated through use of the same or similar materials, colors, rhythm, landscaping, etc.

E. Parking Structure Height. Freestanding parking structures shall comply with the same height requirements for main buildings.

F. Emergency Access. Suitable access for emergency equipment shall be provided to all buildings and areas as per fire code requirements.

**Section 16.4.6            Landscaping**

All land not covered by off-street parking or buildings shall be planted into lawn, trees or shrubs, and otherwise landscaped and maintained with lawns, trees and shrubs, except for permitted driveways and sidewalks. Landscaping and site drainage plans shall be approved as a part of conditional use and site plan approval.

**Section 16.4.7            Planning Commission Approval**

The Planning Commission shall recommend approval or denial of the application and preliminary development plan to the City Council. The recommendation of the Planning Commission may contain conditions, limitations, or amendments to the preliminary development plan to ensure that the Business and Manufacturing Park is integrated into its surroundings and serves the public interest to the greatest extent possible. The Commission shall be guided in its decision by the policies of the General Plan and the standards and conditions of this Title. The Planning Commission shall also review and approve any request for a conditional use permit as provided in this Title.

**Section 16.4.8            City Council Approval**

The City Council, after holding a public hearing, may approve or disapprove a petition for a Business and Manufacturing Park within the B&MP Zone, or if they choose, they may send it back to the Planning Commission for further study. The Council shall be guided in its decision by the policies of the General Plan and the standards and conditions of this Title. In the case of conditional use approval requests, City Council decisions shall be guided by Conditional Use and Special Exception Approvals and Regulations in this Title

**Section 16.4.9            Guarantees and Covenants**

- A. As a part of the submission packet, a Declaration of Covenants, Conditions and Restrictions for said development shall be submitted to and be approved by the Midway City Planning Commission and City Council and shall be recorded with the Wasatch County Recorder's Office with the Final Plat.
- B. Assurances and standards shall be included within the Declaration of Covenants, Conditions, and Restrictions recorded in conjunction with any B&MP development.
- C. The Declaration shall contain provisions requiring owners of individual parcels of land or condominium units within the B&MP development to install landscaping to a standard at least equivalent to that established within the typical landscaping plan approved as an element of the preliminary project plan. Landscaping must be installed before a certificate of occupancy is issued.

D. The Declaration may provide for the creation and perpetual provision of an architectural committee, the number of members and composition of which shall be clearly stipulated. The Declaration shall also establish design guidelines governing the appearance of the site buildings, signs, lighting, landscaping, street furniture, fencing, and mechanical equipment.

E. The Declaration shall stipulate the method and procedure by which the Declaration may be amended.

F. The Declaration shall specify the maximum percentage of lot area which will be set forth in the approved preliminary project plan.

G. The Declaration shall specify the maximum building height approved by the Planning Commission.

H. The Declaration shall contain a traffic and parking management plan aimed at encouraging carpooling among the park's employees.

I. The Declaration may also contain use restrictions which are more restrictive than the City's Zoning provisions, but in no case shall they be more permissive.

J. The Declaration shall set up the provisions for maintenance of all common areas and private streets and utilities.

K. The Declaration shall state the following: Midway City shall have the right, but not the duty, to require, and if necessary, perform, at the Association's expense, landscaping, maintenance, and snow removal within the common areas if the Association fails adequately to perform such. In the event Midway City exercises this right, the City shall be entitled to recover any associated costs and attorney fees from the Association. This section shall not be amended or deleted without the approval of Midway City.