

MILLVILLE CITY CODE

TITLE 17 - ZONING

CHAPTER 17.40 - LANDSCAPING, FENCING & RETAINING WALLS

[17.40.010: PURPOSE](#)

[17.40.020: COMMERCIAL ZONES](#)

[17.40.030: RESIDENTIAL ZONES](#)

[17.40.040: CITY RIGHT OF WAY LANDSCAPING](#)

[17.40.050: FENCING](#)

[17.40.060 RETAINING WALLS](#)

17.40.010: PURPOSE

The purpose of the landscaping requirements shall be to enhance, conserve, and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the development of a pleasant community. Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of plants and trees. (Ord. 2009-1, 2009: Ord. 99-02-18-01 § 2)

17.40.020: COMMERCIAL ZONES

The following landscaping provisions shall apply to commercial, manufacturing, and industrial zones:

- A. Yard Areas: Required yard areas except those portions devoted to driveways and/or parking shall be reasonably landscaped with plants, shrubs, trees, grass, and similar landscaping materials. A minimum fifteen foot (15') wide landscaped area is required along the side and rear property line. Landscaping shall include a minimum of one tree per one thousand (1,000) square feet of landscaped areas. Deciduous trees shall be a minimum two inch (2") caliper; conifer trees shall have a minimum height of six feet (6').

- B. Landscape Materials: The use of landscape materials with strong visual impact shall be emphasized, including the use of bedding areas with perennials or annual flowers where appropriate, clustering of trees, and large size plants.
- C. Required Landscape Areas To Be Maintained: All required landscape areas shall be permanently maintained with suitable landscaping materials of plants, shrubs, trees, grass, and similar materials.
- D. Landscape Installation: Landscape installation must be completed and approved prior to occupancy of the building unless postponed by the city council.
- E. Buffers: Plant with evergreen trees or tall shrubs to screen service areas, buildings, and parking from street(s) or adjacent residential zones.
- F. Parking Lots: Plant with shade trees, one tree per every ten (10) cars minimum. Parking areas shall be landscaped around the periphery and at the ends of parking rows in accordance with the landscaping plan as approved as part of the project plan approval procedure. (Ord. 2009-1, 2009: Ord. 99-02-18-01 § 2)

17.40.030: RESIDENTIAL ZONES

- A. Required yard areas for landscaping:
 - 1. Interior lots: Fifteen feet (15') out on the side yard, thirty feet (30') out in the front and rear yards as measured from the foundation.
 - 2. Corner lots: Fifteen feet (15') out on the interior side yard, twenty feet (20') out on side yards adjacent to the street and rear yards as measured from the foundation.
- B. All required landscape areas shall be permanently maintained with suitable landscaping materials of plants, shrubs, trees, grass or similar materials.
- C. Landscape installation must be completed within two (2) years of occupancy of building. (Ord. 2020-2, 2020: Ord. 2009-1, 2009: Ord. 99-02-18-01 § 2)

17.40.040: CITY RIGHT OF WAY LANDSCAPING

The following landscaping provisions shall apply to all zones within the city, excluding any undeveloped plot:

A. Purpose: In order to provide for public safety and protect investments in infrastructure, this chapter sets forth minimum standards for landscaping and tree planting in public rights of way. It considers line of sight at intersections as well as utility clearance and protection of sidewalks, curbs, and power lines, both aboveground and belowground, and other utilities in the public rights of way. This chapter applies to both commercial and residential zones.

B. Definitions: For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

LANDSCAPING STRIP: That area between the sidewalk and the curb and gutter, sidewalk and pavement, or pavement and property line generally meant for the purpose of creating a landscaped buffer.

LOT OR PROPERTY: That lot or property that abuts the landscaping strip.

STREET TREE: Those trees that the city has explicitly designated, through this chapter, as appropriate for planting along and within public rights of way (see "Millville City Landscaping And Planting Guide").

C. Minimum Maintenance: Public rights of way adjoining property shall include mowing or cutting of weeds and other vegetation to maintain integrity of the curbs, sidewalks and other public utilities.

D. Irrigation: All portions of the landscaping strip shall be irrigated, in an amount appropriate for the landscaping.

E. Planting Of Trees Encouraged: The city promotes tree planting in the public rights of way when it is done in conjunction with proper planning to help avoid negative impacts to public safety and city improvements.

F. Tree Placement Distances:

1. Curb: Half distance from sidewalk.

2. Sidewalk: Half distance from curb or five feet (5"), whichever is greater.

3. Overhead Power Lines: Ten feet (10') minimum distance or dwarf trees that do not reach power line.
 4. Light Poles: All trees shall be planted a minimum of one-half ($\frac{1}{2}$) or the mature spread from light poles.
- G. Spacing Between Curb And Sidewalk; Pavement And Sidewalk; Pavement And Property Line: Midway between the two (2).
- H. Shrubs And Bushes: Shrubs and bushes recommended for Cache Valley.
- I. Grasses: Recommended types (see "Millville City Landscaping And Planting Guide").
- J. Rock: All rock must be no larger than two inches (2") minus.
- K. Clear Vision Area/Sight Triangle: In all zones requiring a front yard setback, no obstruction to view in excess of thirty six inches (36") in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property line.
1. Restrictions: Fencing and planting is restricted within this area as follows:
 - a. No sight obstructing fence shall be higher than thirty six inches (36").
 - b. Shrubs shall be pruned to a height not to exceed thirty six inches (36").
 - c. Trees shall be pruned to maintain a clear area below eight feet (8').
 2. Functions: This clear vision area of the public right of way serves many different functions simultaneously, such as, public access for both people and utilities overhead and underground, transition zone from street to adjoining properties, beautification area, storage of rainwater and snow and play area for children. Our effort is to facilitate all of these uses as much as possible in a balanced manner.
 3. Landscaping Permanent And Public: All landscaping installed in landscaping planter strips shall be considered open to the public and owned by the public. No removal of landscaping or any modification shall be made to the landscaping within the landscaping strips without written authorization from the city.
- L. City Repair Of Damages: If any violations of the provisions of this chapter create damage to any landscaping within the public right of way, including the landscaping strip, the city shall have the authority to repair or replace damaged landscaping and the responsible party shall be liable for immediate payment for said replacement or repair.

- M. Tree Planting Plan: The proposed city right of way tree planting plan must be submitted to the Millville City planner/development coordinator for review and then presented to the city planning and zoning commission for final approval. (Ord. 2009-1, 2009)

17.40.050: FENCING

- A. Fence Defined: A tangible barrier with the purpose or intent or having the effect of preventing passage or view across the fence line as defined in the "Millville City Landscaping And Planting Guide".
- B. Front Setback Area Defined: The term "front setback area" shall refer to the setback area (as required by this section) along any street frontage whatsoever, whether it is the side or front yard of a property.
- C. Interior Lot Requirements:
1. Side And Rear Property Lines: On all interior lots, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines including the front yard setback area.
 2. Front Setback Area: On all interior lots, a fence, not to exceed six feet (6') in height, may be erected along all front setback sides and front setback property lines. No fence or wall shall be placed on any city easement area. All fences shall display home address so it can be read from city streets.
 3. Average Grade: Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average grade of the higher property. Average grade shall be established based on elevations of finish grade within five feet (5') of the proposed fence line. When a retaining wall exists at the property line, fence height may be measured from the higher side of the wall.
- D. Corner Lot Requirements:
1. On all corner lots, a fence, not to exceed six feet (6') in height, may be erected along the rear and interior side lot line, but not in the front yard setback area.

2. In all zones requiring a front yard setback, no obstruction to view in excess of thirty six inches (36") in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property line.
 3. Notwithstanding any other provisions herein, a fence may be erected to a height of six feet (6') in any yard abutting a street within the setback area.
- E. Fences On The Public Right Of Way: No fence approved under this chapter shall be erected beyond the property line, on the public right of way, without the issuance of a permit by the planning and zoning commission. Approval of a fence on the public right of way shall be subject to the following conditions:
1. No fence shall be erected within one foot (1') of an existing or future sidewalk or within a three foot (3') radius of a fire hydrant. Also no fire hydrant shall be enclosed by a fence.
 2. The city shall retain the right to remove any fence on the public right of way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.
 3. Maintenance of the area between the sidewalk and the property line shall be the responsibility of the property owner.
- F. Fences On Controlled Access Streets: On streets designated by the city engineer as controlled access streets, walls, fences or hedges may be erected to a height of six feet (6') in the front setback area.
- G. Fences For Recreation Use: On rear property lines, a chainlink fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, swimming pool, or other court game area. Said fence may not be located within the setback area of yards abutting a front, side, or street side yard. The fence shall in no way be closed in with adjacent plant materials or strips of material inserted into the fence higher than six feet (6') so as to obstruct vision.
- H. Fences To Be Required In Certain Areas: Sight obscuring fences shall be required along the boundary line in the following cases:
1. All commercial and industrial developments having a common lot line with property used for residential purposes shall require the construction of a seven foot (7') high sight obscuring masonry or tight board fence; or

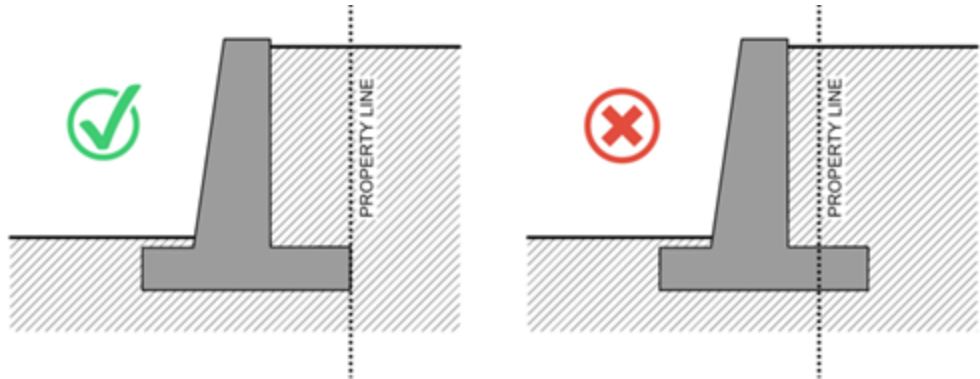
2. Said fence shall be reduced to thirty six inches (36") in height inside the front yard setback area (on all corner lots) forty eight inches (48") (on all interior lots) of the residential property. It shall be the responsibility of the developer/builder or owner of the denser development to erect the fence.
- I. Fences Not Otherwise Identified: The planning commission shall review all requests for any type of fence not specifically identified in this chapter and may approve said fence if, in the opinion of the commission, the fence does not impair the intent and purpose of this section. (Ord. 2015-1, 2015: Ord. 2009-1, 2009: Ord. 2007-7, 2007: Ord. 2004-1, 2004: Ord. 2003-2, 2003)

17.40.060 RETAINING WALLS

- A. Retaining Wall Defined: Any structure designed to resist the lateral displacement of soil or other materials. Examples include, but are not limited to, block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.
- B. Regulations and Requirements: All retaining wall systems shall meet the requirements of this section.
 1. All retaining walls that require a zoning clearance must be designed by an engineer licensed in the State of Utah. The design must be specific to the site and not a generic standard design.
 2. If a retaining wall, less than four feet (4') in height, is subjected to an external load (such as vehicular traffic, pedestrian traffic and parking), or permanent loads (such as protection systems against slope erosion, and adjacent structures), an engineered design shall be required.
 3. Generally, zoning clearances for retaining walls are issued as separate permits and are not included in permits for new homes, remodels, additions, etc. If a retaining wall permit is combined with a permit for new homes, remodels, additions, etc., the application must include design plans, reports, and meet the requirements of this section.
 4. Geologic Hazards. If construction of any retaining wall, occurs within sensitive land areas as outlined in Chapter 17.14 of this code, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Areas requirements, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports.

5. Location, Height, Separation and Plantings:

- a. Location. The retaining wall will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City.
- b. To determine retaining wall height for zoning clearance, retaining walls shall be measured from the top of the exposed face to the top of footing.
- c. All retaining walls, four feet in height or taller, require a zoning clearance.
- d. Footings for retaining walls within the minimum setback cannot extend into the neighboring property



- e. Terracing of retaining walls is permitted where justified by topographic conditions. The total height of all terraces shall be considered for seismic and geotechnical investigation requirements unless each terrace is spaced at least three (3) times the retained height from other terraces.
 - i. Landscaping, utilizing drip irrigation, to minimize erosion, and when possible, the use of drought resistant vegetation to minimize future watering needs is encouraged; or
 - ii. The area may be utilized for accessory structures such as sports courts, gazebos, etc. that do not jeopardize the integrity of the retaining walls.
- f. Guards/railings will be required when a retaining wall is connected to or adjacent to a driveway or walkway. If a guard/railing is required, the combined height can exceed the height limitation set forth in Chapter 17.40 no more than the minimum height of the required guard/railing.

- g. Walls thirty inches (30") or more in height may require guards/railings. If a guard/railing is optional, the height of the guard/railing will be added to the wall
- h. Clear view area. Placement of an individual retaining wall or a group of terraced retaining walls (including plantings) shall not obstruct within the triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property line.
- i. Joint ownership of walls. Occasionally, adjacent property owners will each benefit from a retaining wall placed on a shared property line. To receive approval for a joint wall all parties:
 - i. Must agree in writing;
 - ii. Must participate, either equally or proportionately, in the cost of the wall and installation;
 - iii. Must have a written agreement, recorded against each affected lot, regarding ongoing repair and maintenance;
 - iv. Must have an easement recorded with the County, if necessary.

C. Submittals: The following documents and calculations prepared by a licensed engineer of the State of Utah shall be submitted with each retaining wall zoning clearance application:

- 1. Profile drawings if the retaining wall is longer than 25 linear feet, with the base elevation, exposed base elevation, and top of wall labeled at the ends of the wall and every 25 linear feet or change in grade;
- 2. Cross-sectional drawings including surface grades and structures located in front and behind the retaining wall a distance equivalent to three times the height of the retaining wall. If the retaining wall is supporting a slope, then the cross section shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to one times the height of slope;
- 3. A site plan showing the location of the retaining walls with the base elevation, exposed base elevation and top of wall labeled at the ends of wall and every 25 lineal feet or change in grade;

4. A copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Part C.5, otherwise additional laboratory testing is required in Part C.5. A geotechnical investigation is not required for walls that retain less than 6 feet of backfill and are outside of sensitive land areas as defined in section 17.14;
5. Material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - a. Soils. This may include, but is not limited to, unit weights, direct shear tests, tri axial shear tests and unconfined compression tests.
 - i. If laboratory testing was conducted from off-site but similar soils within a 2,000 foot radius of the proposed wall location, the results of the testing with similar soil classification testing needs to be submitted;
 - ii. Minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesion less soils, Atterberg limits for cohesive soils, and shear test data;
 - iii. Soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - iv. If a proctor is completed, classification testing shall be submitted with the proctor result; and,
 - v. Laboratory testing should be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards;
 - b. Segmented (walls having a facing and lateral tieback system) block walls. The manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix.
6. The design engineer shall indicate the design standard used and supply a printout of the input and output of the files in an appendix with factors of safety within the design standard used as follows:
 - a. Design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;

- b. Calculations shall include analysis under static and seismic loads, which shall be based on the peak ground acceleration (PGA) as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current adopted building code;
 - c. Mechanically Stabilized Earth (MSE) walls shall be designed in general accordance with current FHWA or AASHTO standards for design of Mechanically Stabilized Earth Walls and Reinforced Soil Slopes or the current National Concrete Masonry Association (NCMA) Design Manual for Segmental Retaining Walls;
 - d. Rock walls shall be designed in general accordance with 2006 FHWA-CFL/TD-06-006 "Rockery Design and Construction Guidelines," or current FHWA standard of care and;
 - e. Concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers standards and specifications.
7. A global stability analysis with minimum factors of safety of at least 1.50 under static conditions and at least 1.10 under seismic loading conditions as follows:
- a. Factors of safety results shall be presented to the nearest hundredth;
 - b. Seismic loads shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC. Seismic loading is not required for walls that retain less than 6 ft backfill;
 - c. The cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - d. The global stability analysis may be omitted for concrete cantilever retaining walls that extend to frost depth, that are less than nine feet in exposed height, absent of supporting structures within 30 feet of the top of the wall, and which have less than 10H:1V (H=horizontal: V=vertical) front and back slopes within 30 feet of the retaining structure.

8. A drainage design, including a free draining gravel layer wrapped in filter fabric located behind the retaining wall with drainpipe day-lighting to a proper outlet or weep holes placed through the base of the wall, however:
 - a. A synthetic drainage composite may be used behind MSE walls if a materials specific shear testing is completed to determine friction properties between the backfill and synthetic drainage composite;
 - b. A synthetic drainage composite is not allowed behind rock walls;
 - c. A synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - d. If the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted, and;
 - e. If the retaining wall is designed to withstand hydrostatic pressures or the retained soils or backfill is free-draining as substantiated through appropriate testing, then drainage material may be omitted from the design.
9. The design engineer's acknowledgement that the site is suitable for the retaining wall. (Ord. 2026-5, 2026)