

**MILLVILLE PLANNING COMMISSION MEETING**  
**City Hall - 510 East 300 South - Millville, Utah**  
**July 17, 2025**

**PRESENT:** Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger,  
Larry Lewis, Kara Everton, David Hair

**Call to Order/Roll Call:**

Commissioner Dickey opened the meeting for July 17, 2025, at 8:00 pm. Commissioners Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis were present. Commissioner Garrett Greenhalgh was excused. Development Coordinator Kara Everton was present and took the minutes.

**Opening Remarks/Pledge of Allegiance**

Commissioner Dickey led all present in the Pledge of Allegiance.

**Approval of Agenda**

The agenda for the Planning Commission Meeting for July 17, 2025, was reviewed.

**Commissioner Farmer moved to approve the agenda for July 17 2025.** Commissioner Ripplinger seconded. Commissioners Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor. Garrett Greenhalgh was excused.

**Approval of the Minutes of the Previous Meeting**

The Planning Commission reviewed the minutes for the Planning Commission Meeting for June 5, 2025. **Commissioner Farmer moved to approve the minutes for the meeting on June 5, 2025.** Commissioner Ripplinger seconded. Commissioners Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor. Garrett Greenhalgh was excused.

**Commissioner Darcy Ripplinger moved to jump ahead to item 5.E Other until it is time for the public hearing to begin. Commissioner Anderson seconded.**

**5.E. Other**

- Larry Lewis is concerned about the repair of the roads and grassy swales, as well as how they were repairing the road. He was advised to speak to Rosie Fullmer to get on a list to speak to Whitaker.

**6. Agenda Items/Notes for Next Meeting**

There are a few inquiries regarding subdivisions. There are some rumors from developers/realtors that we will allow ¼ acre lots, however, the minimum lot size for Millville is still 1/3 acre, which the sewer capacity is based on.

**Commissioner Bonnie Farmer moved to go back to item 5.A and begin the Public**

**Hearing. Commissioner Larry Lewis seconded.**

**5.A. PUBLIC HEARING**

**Commissioner Farmer motioned to go into the public hearing.** Commissioner Lewis seconded. Commissioners Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor. Garrett Greenhalgh was excused.

**PUBLIC HEARING**

**Commenced at 8:12 p.m.**

**PRESENT:** Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger, Larry Lewis, Kara Everton, David Hair

**Public Comment:**

There was no public comment.

Development Coordinator Everton went through what was changed or updated.

- i. Changes to Millville City Code Chapter 16.16- Most of this was rearranging code to flow better, or removing code that no longer applies for approval.
- ii. Changes to Millville City Code Chapter 17.12- Removed the code specifying zoning south of 400 S.
- iii. Changes to Millville City Code Chapter 17.20A / 17.20B / 17.20C- removed septic tank requirements. Cleaned up code for Accessory Buildings. Updated Millville City setback requirements for accessory buildings to 5' off the property line. Updated requirements for Private Lanes to include a public hearing.

**Commissioner Ripplinger motioned to close the Public Hearing.** Commissioner Anderson seconded. Commissioners Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor. Garrett Greenhalgh was excused.

**5.B. Discussion regarding changes to Chapter 16.16 - Subdivision Application Requirements**

There was no discussion

**5.C. Discussion regarding changes to Chapter 17.12 – Establishment of Zones**

There was no discussion

**5.D. Discussion regarding changes to Chapter 17.20A / 17.20B / 17.20C – Zoning**

There was discussion regarding if we need to change code for duplexes due to the septic tank not being allowed. Commissioner Dickey asked about if an EADU was acceptable on her lot. The benefits of EADUs were briefly discussed. Development Coordinator Everton discussed why we will be requiring a public hearing for private lanes. Asphalt requirements were discussed.

**Commissioner Ripplinger motioned that all code changes are recommended to the City Council for review.** Commissioner Lewis seconded. Commissioners Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor. Garrett Greenhalgh was excused.

**5. E. Other**

Commissioner Farmer talked to Bear River Health Department regarding the procedure for abandoning septic tanks. Development Coordinator Everton said that it will likely be included in the newsletter in the upcoming months when it would be appropriate to abandon the tanks.

**6. Agenda Items/Notes for Next Meeting**

Previously discussed

**7. Calendaring of future Planning Commission Meeting – August 7, 2025, at 8:00 pm**

**8. Adjournment**

Commissioner Farmer moved to adjourn the meeting at approximately 8:44 p.m.

**MILLVILLE CITY CODE**  
**TITLE 16 - SUBDIVISIONS**  
**CHAPTER 16.16 - SUBDIVISION APPLICATION REQUIREMENTS**

[16.16.010: CONCEPT PLAN / SKETCH PLAN \(OPTIONAL\)](#)

[16.16.015: PHASED DEVELOPMENT](#)

[16.16.020: PRELIMINARY APPLICATION](#)

[16.16.030: FINAL APPLICATION](#)

[16.16.040: MINOR SUBDIVISION \(1-3 Lots and No New Streets or Other Major Improvements\)](#)

[16.16.050: AGRICULTURAL SUBDIVISIONS](#)

**16.16.010: CONCEPT PLAN / SKETCH PLAN (OPTIONAL)**

- A. If a prospective applicant elects to present a concept plan at a pre-application meeting, the prospective applicant shall present at least eight (8) paper copies and a PDF digital copy of the concept plan, also called a sketch plan, on paper not smaller than 11x17 inches and text of a size and font that is legible and easy to read, to the Commission for an informal review and discussion of the site plan and the general scope and conditions of the proposed subdivision. The concept plan shall include the following:
1. The property boundaries of the proposed subdivision as shown on the most current GIS map;
  2. Names and addresses of adjacent property owners within 600 feet of the proposed subdivision;
  3. Approximate number of lots proposed and the street layout for the entire property controlled by the developer or the developer's affiliates to provide an understanding of the full concept for the complete development, even when multiple phases are planned;

4. Approximate total acreage of the development as well as lot size range;
5. Description of the type of water (culinary and/or irrigation) system proposed along with the water rights pursuant to subsection 16.04.090 of this Title;
6. Description of the type of sewer system proposed including the ability to connect to the City's system, any proposed or necessary lift stations, and expected sewer pipe sizes;
7. Present zoning;
8. Written description of the stormwater drainage system proposed in compliance with the most current edition of the Cache County Stormwater Design Criteria and Utah Division of Water Quality stormwater permits for both construction and municipal separate storm sewer systems (MS4);
9. A written statement describing the intent of the development;
10. Lots within the hillside development overlay zone.
11. The City-provided concept plan checklist to verify that all required and necessary information is provided to streamline the process. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2008-4, 2008: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 §§ 2, 3: Ord. 94-3 § 1)

### **16.16.015: PHASED DEVELOPMENT**

- A. Due to limited staffing and resources, subdivisions consisting of more than 20 parcels shall be developed in phases. Applicants must submit a preliminary application encompassing the entire subdivision, including all parcels. Subsequent to preliminary approval, applicants shall submit separate final applications for each phase of the subdivision. Each phase shall include no more than 20 parcels per application. Millville may, in its discretion, require applicants to finish all required improvements for a final application before approving any subsequent final applications.
- B. Final platting and construction of improvements may be accomplished in stages (phases) covering reasonable portions of the area of an approved preliminary subdivision plan. When this is done, each final plat shall contain a vicinity map showing the location of the portion being submitted in relation to the area for which the preliminary subdivision plan was submitted. All final subdivision plans so submitted shall

be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages, meet the design standards set forth in these regulations so that if development of the entire subdivision is interrupted or discontinued after one or more stages is completed, a viable development will result. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2008-4, 2008: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 §§ 2, 3: Ord. 94-3 § 1)

## 16.16.020: PRELIMINARY APPLICATION

A. To be considered complete, a **preliminary** subdivision application must include at least the following elements:

1. A Preliminary Subdivision cover letter and application, including:
  - a. The subdivision name, subdivider name, subdivider agent name and contact information, and year of submittal;
  - b. Names of Developer or Subdivider: The written names, addresses, and phone numbers of the developer or subdivider, and the individual or firm responsible for the preparation of the preliminary plat and plans on the cover page;
  - c. Name of Agent: The developer shall designate, in writing, the name of the agent who shall be available at all times during construction and who shall not be replaced without a written notice to the City Engineer. The agent will be the developer's representative at the site and shall have the authority to act on the developer's behalf;
  - d. Zoning and Land Use: Existing zoning and land use of proposed subdivision and immediately adjacent areas;
  - e. Summary and Identification of Number of Lots: A summary of the total number of acres, number of lots, number of lots within the hillside overlay by each overlay class, acreage of commercial or industrial areas, acreage of open space, amount of land in City and County right of way and other descriptive material useful in reviewing the proposed subdivision. Additionally, the applicant must include the estimated square footage of

asphalt that will be required to be sealed by the developer within two years;

- f. Development and Maintenance Responsibility: A statement describing the development and maintenance responsibility for any private streets, ways or open space, and retention/detention ponds;
- g. Recommendations: The recommendations of a qualified professional engineer regarding soil suitability, erosion control, sedimentation and flooding problems;
- h. Schedule of Phasing: A description of the phasing and scheduling of phases for the development if it is to be constructed in separate phases;
- i. ~~Owners of Subdivided Lots: One copy of a list of the names and addresses of all owners of subdivided lots and unplatted land contiguous to or within six hundred feet (600') of the boundary of the proposed subdivision;~~

- 2. Owners of Subdivided Lots: One copy of a list of the names and addresses of all owners of subdivided lots and unplatted land contiguous to or within six hundred feet (600') of the boundary of the proposed subdivision;

~~An approved land use application that describes how the property will be used after it is subdivided.~~

~~¶~~

- a. ~~If the intended use is permitted by right under City code, the land use application must include citations to the specific code(s) that the applicant believes authorizes the intended use.~~

~~¶~~

- b. ~~If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.~~

~~¶~~

- c. ~~If the intended use is prohibited under City ordinances and requires a variance or rezone, the land use application must include an approved, City-issued variance or rezone authorizing the intended use. Should an applicant seek a variance or rezone concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued or rezone occurs.~~

- ~~¶~~
- ~~d. If the applicant intends or is required to submit a petition for annexation for any part of the subdivision, this petition must be approved by the City Council before the subdivision application may be considered complete.¶~~
3. A preliminary plat. The preliminary plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's Office. The preliminary plat must contain the following information:
- a. The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the County;
  - b. Date of preparation, scale and north arrow. The top of each sheet shall represent north wherever possible;
  - c. A vicinity map ~~drawn at a scale of one inch equals one thousand feet (1" = 1,000')~~ or one inch equals two thousand feet (1" = 2,000'), showing the location of the proposed subdivision in the City and its relationship to surrounding developments and boundaries;
  - d. The boundaries, course, and dimensions of all of the parcels.
  - e. A legal description of the subdivision boundary prepared by a Utah licensed surveyor with a certification that the surveyor(s) who prepared the plat is licensed and verified the results of the survey;
  - f. Layout, numbers, frontage, and approximate dimensions of proposed lots and blocks. Do not number blocks. Number lots consecutively;
  - g. Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multi-family residential, public or quasi-public use with the use noted;
  - h. The boundary lines of the subdivision shown in a heavy, solid black line and referenced to section or quarter section lines, and survey monuments established within Millville City;
  - i. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.



- j. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
- k. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat.
- l. Whether any parcel is intended to be used as a street or for any other public use;
- m. Whether any parcel is reserved or proposed for dedication for a public purpose;
- n. Up to date locations and dimensions of all easements of record. This can be obtained by calling the county recorder's office.
- o. A symbolic description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey;
- p. Location and extent of any significant natural features such as slopes, rivers, streams, creeks, arroyos, gullies, diversion ditches, spillways or reservoirs;
- q. Location, dimensions, numbers (and names if applicable) of existing roads, streets, sidewalks, alleys, railroad rights of way and structures within one hundred feet (100') immediately adjacent to the proposed subdivision showing how they relate to the proposed subdivision layout;
- r. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures;
- s. Parcels completely or partially surrounded by the area being subdivided shall be clearly marked "EXCEPTED", and the common boundary with the subdivision shown in a heavy solid line with bearings and distances;
- t. Signature blocks for the owners of the land to be subdivided, the Planning Commission Chair, the Development Coordinator, and the Mayor.
- u. Number and location of lots within the following slope classes labeled on the plat:
  - i. Slope Class 1 lots: Lot area of a minimum of fourteen thousand (14,000) square feet (see definitions in this title), labeled HO-1.

- ii. Slope Class 2 lots: Lot area of a minimum of twenty thousand (20,000) square feet labeled HO-2.
- iii. Slope Class 3: Lot area of a minimum of twenty six thousand (26,000) square feet labeled HO-3.
- iv. Slope Class 4: Lot area of a minimum of thirty two thousand (32,000) square feet labeled HO-4.
- v. Slope Class 5: Lots that are not eligible for development or construction as defined in this code. Herein defined as Hazard Slope Areas (HS)
  - 1. Slope classification will be reviewed after the improvements have been completed to verify that all parcels still fit within the slope class that was designated on this plat.
  - 2. Applicants will be responsible for any costs necessary for reviewing and verifying the slopes.
  - 3. If there are any discrepancies between the slope listed on the plat and the slope as measured during the review process, the application will be rejected and the applicant must restart the application process, including a new application fee.
- v. Note Regarding Minimum Building Setbacks:
  - i. Setback requirements are per the current City Code at the time of Zoning Clearance
  - ii. For residential subdivisions, all minimum building setbacks shall be shown. No 50-year flow line shall encroach upon any minimum setback line.
- 4. An improvement plan, including engineering plans, created in accordance with applicable portions of this Title and the Millville City Manual of Design and Construction Standards, for all public improvements proposed by the applicant or required by City ordinances. The improvement plan shall be prepared and stamped as to its accuracy by a registered professional engineer licensed to do such work in the State of Utah and identified as "FOR CONSTRUCTION"; All

infrastructure in the public right-of-way will be installed in accordance with the "Millville City Manual of Design and Construction Standards."

The improvement plan must contain:

- a. Plan view of all property under the control of the subdivider and the subdivider's affiliates, even though only a portion is being subdivided, including the prospective lots, street, sewer, storm water, and culinary water systems for the platted and unplatted parts;
- b. Location and width of proposed streets, alleys, pedestrian-ways and easements with the associated details necessary to construct including:
  - i. ~~†~~The plan and profile of existing and proposed grades for each street;
  - ii. ~~-~~Tthe cross sections of each street showing the width of sidewalks, curb and gutter or grassy swales, and
  - iii. ~~†~~The location of utility mains, and labeled slopes of all street tangents in compliance with the Millville City Manual of Design and Construction Standards;
  - iv. Location, size, and grades of existing sewer and stormwater and location and size of water mains, wells (active or abandoned), reservoirs, gas lines, pipelines, power lines, telecommunication lines, or other underground, above ground and at grade utilities or installations within the proposed subdivision and within one hundred feet (100') immediately adjacent thereto;
  - v. Existing irrigation ditches, canals, open waterways, and proposed alignments or realignments within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries; along with a letter from the affected irrigation companies indicating the plans are acceptable must be submitted to the City.
- c. Existing contours at a maximum interval of two feet (2') for slopes greater than two percent (2%). For slopes of two percent (2%) or less, contour intervals shall be one foot (1'), unless waived by the City engineer;
- d. Floodplains as delineated on the FEMA maps. These are ~~available in the office of the City engineer,~~ downloadable from the Automated Geographic Reference Center (AGRC) and the Federal Emergency Management Agency;  
~~Number and location of lots within the following slope classes labeled on the plat:¶~~
  - i. ~~Slope Class 1 lots: Lot area of a minimum of fourteen thousand (14,000) square feet (see definitions in this title), labeled HO 1.¶~~



compliance with Millville City Manual of Design and Construction Standards;

- h. Culinary Water Improvements: Location, size and capacity of proposed culinary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the water system, valves, fire hydrants, services, meters, grades, pipe sizes, pipe material, etc. in compliance with Millville City Manual of Design and Construction Standards;
- i. Irrigation Improvements: Location, size and capacity of proposed irrigation or secondary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the system and showing all necessary appurtenances to construct the system in compliance with Millville City Manual of Design and Construction Standards;
- j. Development Layout Plan: A development layout plan if development is to be constructed in phases.
- k. ~~Variations: Variations from the development standards within the hillside overlay zone will be considered only when a geotechnical (soils) report is prepared and stamp certified by a state of Utah registered professional engineer. The engineer will verify in detail how the proposed building could be safely located on the sloped lot. If retaining systems such as reinforced concrete walls or proprietary retaining wall products such as "reinforced earth" were used as part of the building, they would have to be prepared by a state of Utah registered professional engineer and reviewed by the City engineer. The cost of preparing the soils report and retaining plans would be the responsibility of the developer. A review fee of seven hundred and fifty dollars (\$750.00) is required in addition to the hillside development fee to cover the costs of the City having to review and verify the additional reports, plans, and specifications;~~

~~¶~~

~~5.~~ Additional Studies and/or reports may be requested, including, but not limited to:

~~Construction Drawings: Construction drawings prepared in accordance with the "Millville City Manual of Design and Construction Standards" and this Title.~~

- a. Drainage Report: A drainage report prepared in accordance with the "Millville City Manual of Design and Construction Standards".

- b. Soils Report: A soils report prepared in accordance with the "Millville City Manual of Design and Construction Standards".

~~Development Layout Plan: A development layout plan if development is to be constructed in phases.~~

- c. A traffic study is required for any major subdivision unless determined not necessary by the Planning and Zoning Commission.
- d. Copies of draft stream alteration permits, wetland reports, and any other reports and documentation necessary to obtain building permits;
- e. Other Studies: Other associated studies if required by Planning and Zoning Commission. (Geological or other hazard studies.)
- f. ~~Minimum Building Setbacks: For residential subdivisions, all minimum building setbacks shall be shown. No 50-year flow line shall encroach upon any minimum setback line.~~
- g. ~~Floodplains as delineated on the FEMA maps. These are available in the office of the City engineer, downloadable from the Automated Geographic Reference Center (AGRC) and the Federal Emergency Management Agency;¶¶~~
- h. ~~Location of Geological Fault Zones;~~
- i. ~~Location, size, and grades of existing sewer and stormwater and location and size of water mains, wells (active or abandoned), reservoirs, gas lines, pipelines, power lines, telecommunication lines, or other underground, above ground and at grade utilities or installations within the proposed subdivision and within one hundred feet (100') immediately adjacent thereto;~~
- j. ~~Existing irrigation ditches, canals, open waterways, and proposed alignments or realignments within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, along with a letter from the affected irrigation companies indicating the plans are acceptable must be submitted to the City.~~
- k. ~~A traffic study is required for any major subdivision unless determined not necessary by the Planning and Zoning Commission.~~

- ~~l. Stormwater Improvements: Plan and profile of the stormwater improvements along each street including all inlets, manholes, pipe alignments, sizes, grades, and materials, outlets, etc. Location, grading, size and capacity of proposed stormwater detention and retention ponds, stormwater low impact development systems (LIDs) as required by the Utah Division of Water Quality, with the associated details necessary to construct in compliance with Millville City Manual of Design and Construction Standards;¶¶~~
- ~~m. Sewer Improvements: Location, size and capacity of proposed sanitary sewer system with the associated details necessary to construct including plan and profile drawings along the centerline of the sewer system, manhole locations, pipe sizes and grades, pipe material, etc. in compliance with Millville City Manual of Design and Construction Standards;¶¶~~
- ~~n. Culinary Water Improvements: Location, size and capacity of proposed culinary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the water system, valves, fire hydrants, services, meters, grades, pipe sizes, pipe material, etc. in compliance with Millville City Manual of Design and Construction Standards;¶¶~~
- ~~o. Irrigation Improvements: Location, size and capacity of proposed irrigation or secondary water system with the associated details necessary to construct including plan and profile drawings along the centerline of the system and showing all necessary appurtenances to construct the system in compliance with Millville City Manual of Design and Construction Standards;¶¶~~
- ~~p. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan in accordance with the Construction General Permit issued by the Utah Division of Water Quality and the Millville City Manual of Design and Construction Standards as approved by the City engineer;¶¶~~
- ~~q. Copies of draft stream alteration permits, wetland reports, and any other reports and documentation necessary to obtain building permits;~~
- ~~r. A phased development plan, if applicable;~~
- ~~s. The improvement plan shall be prepared and stamped as to its accuracy by a registered professional engineer licensed to do such work in the State of Utah and identified as "FOR CONSTRUCTION";~~

- t. ~~All infrastructure in the public right of way will be installed in accordance with the “Millville City Manual of Design and Construction Standards.”~~

~~Certifications, including:~~

- ~~a. An affidavit from the applicant certifying that the submitted information is true and accurate.~~
- ~~b. The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.~~
- ~~c. The mortgagees, if any, shall provide the City with a letter confirming that they are aware of the subdivision and concur with the subdivision filing.~~
- ~~d. Certification that the surveyor who prepared the plat:~~
  - ~~i. Holds a license in accordance with Utah Code 58-22; and~~
  - ~~ii. Either:~~
    - ~~(a) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or~~
    - ~~(b) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and~~
  - ~~iii. Has placed monuments as represented on the plat.~~
- ~~e. Utility Companies Statements: A statement, obtained by the developer, from each utility company involved, including the culinary water authority and the sanitary water authority, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easement.~~
- ~~f. Letter From U.S. Army Corp Of Engineers: Letter from U.S. Army Corp of Engineers and Utah Division of Water Rights indicating their approval if~~



~~wetlands, stream alterations or other criteria necessitate their involvement.~~

~~¶~~

~~g. Proof of adequate water rights to service the proposed subdivision and dedicate to the City as required under this Title.~~

6. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan in accordance with the Construction General Permit issued by the Utah Division of Water Quality and the Millville City Manual of Design and Construction Standards as approved by the City engineer;

7. Certifications, including:

- a. An affidavit from the applicant certifying that the submitted information is true and accurate.
- b. The signature of each owner of record of land described on the preliminary plat, signifying their consent to the preliminary subdivision application and their intent to dedicate portions of the preliminary plat to the public as described in the application.
- c. The mortgagees, if any, shall provide the City with a letter confirming that they are aware of the subdivision and concur with the subdivision filing.
- d. Certification that the surveyor who prepared the plat:
  - i. Holds a license in accordance with Utah Code 58-22; and
  - ii. Either:
    - (a) Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
    - (b) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
  - iii. Has placed monuments as represented on the plat.
- e. Utility Companies Statements: A statement, obtained by the developer, from each utility company involved, including the culinary water authority and the sanitary water authority, stating that they have reviewed the plan

and are setting forth their comments concerning the extent of services and the design of utility easement.

- f. Letter From U.S. Army Corp Of Engineers: Letter from U.S. Army Corp of Engineers and Utah Division of Water Rights indicating their approval if wetlands, stream alterations or other criteria necessitate their involvement.
  - g. Proof of adequate water rights to service the proposed subdivision and dedicate to the City as required under this Title.
- 8. An approved land use application that describes how the property will be used after it is subdivided.
  - a. If the intended use is permitted by right under City code, the land use application must include citations to the specific code(s) that the applicant believes authorizes the intended use.
  - b. If the intended use requires a conditional use permit or is otherwise conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
  - c. If the intended use is prohibited under City ordinances and requires a variance or rezone, the land use application must include an approved, City-issued variance or rezone authorizing the intended use. Should an applicant seek a variance or rezone concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued or rezone occurs.
  - d. If the applicant intends or is required to submit a petition for annexation for any part of the subdivision, this petition must be approved by the City Council before the subdivision application may be considered complete.
- 9. Copies, including:
  - a. An electronic copy of all application materials in PDF format.
  - b. Eight (8) printed copies of all application documents.

10. Fees: Payment of any preliminary-application-processing fees required by the City. In addition to the fees on the City's Fee Schedule, the applicant may be liable for the reasonable cost of any legal, engineering, or consulting review of the application that ~~exceed~~~~exceed~~ the posted fees. All fees must be paid prior to consideration. (Ord. 2025-1, 2025: Ord. 2022-2, 2022: Ord. 2019-6, 2019: Ord. 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2003-4 § 1, 2003: Ord. 2002-7 § 1, 2002: Ord. 2002-4 §§ 1, 2, 2002: Ord. 2002-2 §§ 2, 3, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1).

## 16.16.030: FINAL APPLICATION

- A. To be considered complete, a **final** subdivision application must include the following:
  1. Land Use Authority approval of the applicant's preliminary application, given within the last 180 calendar days.
  2. ~~The approved land use application that was accepted during the preliminary application review process.~~
  3. A final plat. The final plat should be the version of the preliminary plat approved by the City during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office, plus:
    - a. The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat (an "owner's dedication");
    - b. Phased Development: Final platting and construction of improvements may be accomplished in stages (phases) covering reasonable portions of the area of an approved preliminary subdivision plan. When this is done, each final plat shall contain a vicinity map showing the location of the portion being submitted in relation to the area for which the preliminary subdivision plan was submitted. All final subdivision plans so submitted shall be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages, meet the design standards set forth in these regulations so that if development of the entire subdivision is

interrupted or discontinued after one or more stages is completed, a viable development will result.

- c. A signed certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds, and easements. The certificate shall read:¶¶

#### **CERTIFICATE OF DEDICATION**

*Know all men by these presents that the undersigned (official name of the subdivider), being the owner, proprietor, or parties of interest in the land shown in this plat, do hereby certify:*

*That the foregoing plat designated as (name of subdivision or addition), is located in (Section, Township, Range, City, County, State), and is more particularly described as follows:*

*(Insert full legal description)*

*and contains an area of (insert acreage) acres, more or less, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Millville and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicted and not otherwise dedicated for public use.*

*Executed this day of , A.D., 20 , by:*

*(Designation of interest: owner, mortgagee, etc.)*

- d. Certificate of a registered land surveyor as follows:

*I, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Utah in accordance with Utah Code 58-22, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are*

*staked upon the ground in compliance with the City of Millville regulations governing the subdivision of land to an accuracy of one part in ten thousand (10,000).*

*DATE*

*(Registered Land Surveyor)*

*No.*

- e. ~~A utility approval block bearing signatures indicating approval of the plat by the local communications companies, and fuel company, or their successors;~~
- f. An approval block for Rocky Mountain Power acceptance stating:
  - i. Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
  - ii. Pursuant to Utah Code Ann. § 17-27a-603 (4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:
    - (a) a recorded easement or right-of-way
    - (d) the law applicable to prescriptive rights
    - (c) Title 54, Chapter 8a, Damage to Underground Utility Facilities or
    - (d) any other provision of law.

Representative

Title:

Date:

- g. An approval block for Enbridge Gas stating:

*Enbridge Gas approves this plat solely for the purpose of confirming that the plat contains public utility easements. Enbridge Gas may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set in the owner's dedication and the notes and does not constitute a guarantee of particular terms of natural gas service. For further information, please contact Enbridge Gas.*

- h. Certificate for recording by the County Recorder as follows:

Entry # \_\_\_\_\_  
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT  
THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ FEE \_\_\_\_\_  
\_\_\_\_\_  
CACHE COUNTY RECORDER

- i. If the subdivision is located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the face of the final plat shall contain the following notice:

*Agriculture Protection Area*

*This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.*

- j. If the subdivision is located within one hundred feet (100') of the centerline of an irrigation canal, the following acceptance block should be completed by the irrigation company:

*The (Name of Company) has reviewed this plat and approves the information shown hereon including easements and irrigation infrastructure.*

*Representative:*

*Title:*

*Date:*

- k. Floodplain: If a subdivision lies within any 100-year floodplain, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:

*THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED IN THE ONE HUNDRED YEAR FLOOD PLAIN AS DEFINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.*

- l. Geological Fault Zones: If a subdivision or lot lies within five hundred feet (500') or over a known geological fault, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision:

*THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED WITHIN FIVE HUNDRED FEET OF A KNOWN GEOLOGICAL FAULT.*

4. Completion Assurance: A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat. The City Engineer will determine a reasonable value of the required public improvements to guarantee the complete and timely development of any facilities or improvements, which are the subdivider's responsibility. The completion assurance shall be in the form of a performance bond or escrow. The amount of the guarantee shall not exceed 110% of the cost of completing all improvements.
5. Transfer documents for water rights required by this Title as a condition of subdivision approval.
6. Certifications, including:

- a. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
  - b. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
  - c. An affidavit from the applicant certifying that the submitted information is true and accurate.
  - d. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application and their dedication and approval of the final plat.
7. Binding dedication documents, including:
- a. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
  - b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
  - c. Copies of protective covenants, trust agreements and homeowners' association articles and bylaws, including those required by the City, to govern resubdivision, and other potential changes which might significantly alter the subdivision as approved by the City with regard to the criteria and standards of these regulations.
8. Copies, including:
- a. A PDF document of the final plat and all other application materials.
  - b. A printed copy of all application materials for City review.
  - c. A final Mylar copy of the plat for signing and recording.
9. Payment of any final-application-processing fees required by the City. In addition to the fees on the City's Fee Schedule, the applicant may be liable for the reasonable cost of any legal, engineering, or consulting review of the application not covered by the published fees. (Ord. 2025-1, 2025).



### **16.16.040: MINOR SUBDIVISION (1-3 Lots and No New Streets or Other Major Improvements)**

- A. To be eligible for the Minor Subdivision process, the land may be subdivided into no more than 3 lots and must not require any new streets or other major improvements.
- B. The Minor Subdivision process is identical to the process for Preliminary and Final Applications established in section 16.16.020 and 16.16.030. All steps and requirements set forth in these chapters are to be followed EXCEPT FOR:
  - 1. Because a Minor Subdivision does not need major improvements, applicants need not submit a full improvement plan. Applicants can skip the requirements in 16.16.020 A.4 and instead need only submit:
    - a. An improvement plan, including engineering plans with slope classes identified, created in accordance with applicable portions of this Title and the Millville City Manual of Design and Construction Standards, for the construction of public sidewalks along existing roads, as required by City ordinances. (Ord. 2025-1, 2025).

### **16.16.050: AGRICULTURAL SUBDIVISIONS**

- A. The Agricultural exemption is to be used for land that will continue to be used for agriculture. If the land is likely to be developed for residential or commercial use in the future, please divide the land using the Minor Subdivision exemption above.
- B. Applications to subdivide agricultural land are exempt from preliminary and final plat requirements, the improvement plan requirement, and the completion assurance requirement (but not the other application requirements) of this Chapter if the parcels to be subdivided:
  - 1. Qualify as land in agricultural use under Utah Code §59-2-502;
  - 2. Meet the minimum size requirement of applicable City land use ordinances; and
  - 3. Are not used and will not be used for any nonagricultural purpose.

- C. For subdivision applications for which this exception applies, an applicant may submit to the City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
- D. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office.
- E. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, require a subdivision amendment before issuing a building permit. (Ord. 2025-1, 2025).

**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.12 - ESTABLISHMENT OF ZONES**

[17.12.010: ESTABLISHMENT OF ZONES](#)

[17.12.020: DETERMINATION OF ZONING DISTRICT BOUNDARIES](#)

[17.12.030: ANNEXED AREAS](#)

[17.12.040: ZONES ESTABLISHED](#)

[17.12.050: PURPOSE OF ZONING DISTRICTS](#)

[17.12.060: APPLICATION OF DISTRICT REGULATIONS](#)

[17.12.070: OFFICIAL ZONING MAP](#)

**17.12.010: ESTABLISHMENT OF ZONES**

The city is divided into zones as shown on the map entitled zoning/city of Millville, which map and boundaries, notations, references, and other information shown thereon shall be as much a part of this title as if the information and matters set forth by the map were all fully described herein. (Ord. 99-02-18-01 § 2)

**17.12.020: DETERMINATION OF ZONING DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

- A. Where the indicated boundaries on the zoning map are approximately street, public rights of way, or alleyways, the centerline of the street, public right of way, or alley shall be construed to be the zone district boundaries unless otherwise indicated.
- B. Where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the zoning district boundaries unless otherwise indicated.

- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as approximately following centerlines of streams or canals shall be construed to follow such centerlines.
- E. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map.
- F. Where a district boundary line divides a lot which was in single ownership at the time of passage of this title, the planning commission shall recommend to the city council, as a special exception, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning district map, or in other circumstances not covered in the aforementioned rules, the planning commission shall recommend to the city council the district boundaries.
- H. Where land has not been subdivided into lots and/or blocks, the zoning district boundaries shall be determined by use of the scale measurement shown on the map unless otherwise indicated.
- I. Where uncertainty continues to exist, the planning commission shall recommend its interpretation of the map to the city council. If the council upholds interpretation, then that interpretation may be appealed to the appeal authority.
- J. ~~Any property south of 400 South currently zoned as Agriculture (A), or any property south of 400 South annexed into city limits as Agriculture (A), that wants to be considered for a residential zone will only be considered as a Residential (R-3) Zone. (Ord. 2018-9, 2018, 2007-8, 2007: Ord. 99-02-18-01 § 2)~~

### **17.12.030: ANNEXED AREAS**

At the time of the annexation of new territory to the city, the City Council, with a recommendation from the Planning Commission, shall classify such territory for zoning. The City shall consider the following when determining zoning for the annexed territory.

- A. The General Plan, including the future land use map and Millville City Master Plans,

- B. Surrounding land use,
- C. The request of the applicant, and
- D. Any applicable State law or regulations (Ord. 2023-8, 2023: Ord. 99-02-18-01 § 2)

## 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)
CG	Commercial general zone
OS	Open space zone
TC	Commercial town center
HO	Hillside development overlay zone

(Ord. 2020-1, 2020: 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 CG (commercial general) district is intended to provide various commercial uses.
- D. 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. 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. 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. 2020-1, 2020: 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**

- A. The boundaries of the districts established in section 17.12.040 of this chapter are established as shown on the official zoning map, which together with all explanatory matter thereon is adopted by reference and declared to be part of this title.
- B. The official zoning map shall be identified by the signature of the mayor of the city, attested by the city recorder, and shall bear the seal for the city under the following words:

*This is to certify that this map is the official zoning map for the City of Millville, Utah, referred to in Section 17.12.070, Millville City Ordinances,*

*together with the date of the adoption of this title.*

- C. No changes of any nature shall be made on the official zoning map except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided under chapter 17.84 of this title.
- D. Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning district map, which shall be located in the planning commission hearing room, shall be the final authority as to the current status of zoning districts.
- E. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city council may, by resolution, adopt a new official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor of the city, attested by the city recorder, and shall bear the seal of the city of Millville, Utah, under the following words:

*This is to certify that this official zoning map supersedes and replaces the official zoning map dated adopted (date of adoption of map being replaced) as part of Ordinance No. of the City of Millville, Utah, dated .*

Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant remaining parts thereof shall be preserved together with all available records pertaining to its adoption or amendment. (Ord. 99-02-18-01 § 2)



# **MILLVILLE CITY CODE**

## **TITLE 17 - ZONING**

### **CHAPTER 17.20A - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL (R-1)**

[17.20A.010: PURPOSE; DEFINITION](#)

[17.20A.020: PERMITTED USES](#)

[17.20A.030: CONDITIONAL USES](#)

[17.20A.040: REGULATIONS AND REQUIREMENTS](#)

[17.20A.050: ACCESSORY BUILDINGS](#)

[17.20A.060: LOTS LOCATED ON PRIVATE LANES](#)

#### **17.20A.010: PURPOSE; DEFINITION**

- A. Purpose: The purpose of the R-1 zone is to provide appropriate locations where residential neighborhoods may be established, maintained, and protected. The regulations also permit the establishment of, with proper controls, the public and semipublic uses which serve the requirements of families such as churches, schools, libraries, parks, and playgrounds. The regulations are intended to prohibit those uses that would be harmful to a single- and two-family neighborhood.
- B. Definition: "Family" means one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of unrelated adult persons, but not exceeding two (2) and their children related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, shall be deemed to constitute a family. (Ord. 2000-01: Ord. 99-02-18-01 § 2)

## **17.20A.020: PERMITTED USES**

Accessory buildings.

Agriculture.

Apartment in owner occupied, single-family dwelling.

Barbershop.

Beauty shop.

Bed and breakfast.

Childcare and/or education.

Craft store.

Duplex.

Household pets.

Municipal facilities.

Personal services.

Pools.

Public utilities.

Single-family dwelling.

Uses not listed as permitted or conditional are not permitted without approval from the city council. (Ord. 2018-6, 2018: Ord. 2009-4, 2009: Ord. 2004-4, 2004: Ord. 2003-5 §§ 1, 2, 2003: Ord. 2000-9 § 1)

## **17.20A.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: Ord. 2009-4, 2009: Ord. 99-02-18-01 § 2)

## **17.20A.040: REGULATIONS AND REQUIREMENTS**

A. One Main Building: Not more than one main building may be placed upon one lot or parcel of land.

1. 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.

B. Minimum Conditions: Minimum conditions for a single-family dwelling shall include, but not be limited to:

1. Lot area: Minimum fourteen thousand (14,000) square feet for slope class 1 lots (see definitions in this title); ~~pending septic tank approval.~~

Minimum twenty thousand (20,000) square feet for slope class 2 lots, ~~pending septic tank approval.~~

Minimum twenty six thousand (26,000) square feet for slope class 3 lots, ~~pending septic tank approval.~~

Minimum thirty two thousand (32,000) square feet for slope class 4 lots, ~~pending septic tank approval.~~

2. Lot frontage: Minimum one hundred eight feet (108') of clear ownership of the lot the dwelling is built on.
3. Lot slope requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. In a hillside development area, when a lot has a mix slope of slope classes 1 through 4, and the lot has seventy five percent (75%) or more of the lower slope area, the minimum lot area for the lower slope shall be allowed.

C. Front Yard Setback: Minimum thirty feet (30') from the lot line.

D. Side Yard Setback:

1. Interior lots:

- a. Minimum fifteen feet (15') from the side property line.
- b. ~~For a~~Accessory buildings:; ~~no m~~Minimum five feet (5') from the property line. ~~setback shall be required, except the drip line shall be on the lot.~~

2. Corner lots:

- a. Minimum fifteen feet (15') from the property line common to an interior lot.
- b. Minimum twenty feet (20') from the property line adjacent to the street.
- c. ~~For a~~Accessory buildings: ~~no m~~Minimum five feet (5') ~~setback from the property line shall be required at common to an interior lot, with a line,~~ except the drip line shall be on the lot. Minimum twenty feet (20') from the property line adjacent to the street.

E. Rear Yard Setback:

1. Interior lots:

- a. Minimum thirty feet (30') from the rear property line.
- b. ~~For a~~Accessory buildings:; ~~no setback requirement except the drip line shall be on the lot.~~Minimum five feet (5') from the rear property line.

2. Corner lots:

- a. Minimum twenty feet (20') from the rear property line.
- b. ~~For a~~Accessory buildings:; ~~no setback requirement except the drip line shall be on the lot.~~ Minimum five feet (5') from the rear property line.

F. Building Height:

- 1. Maximum thirty five feet (35').
- 2. Height shall be measured from the highest point of the building roof to the main entrance threshold.

G. Distance Between Buildings: Corrals, barns, stables, coops, kennels and other buildings used for the accommodation of animals (except for household pets) must be located at least seventy five feet (75') from owner's existing structure and at least fifty feet (50') from a property line.

- H. Building Size: The finished living area of any dwelling shall be a minimum of nine hundred sixty (960) square feet for a single-story dwelling. Living area shall be calculated excluding basement, open porches, and garages.
- I. Space Compliance: No space needed to meet the width, yard, area, coverage, parking, or other requirements for minimum lot size or setback may be sold or leased apart from such lot or building unless other space so complying is provided.
- J. Minimum Conditions: Minimum conditions for a duplex shall include, but not be limited to:

1. Lot Area: Minimum twenty thousand (20,000) square feet for slope class 1 lots (see definitions in this title); ~~pending septic tank approval.~~

Minimum twenty six thousand (26,000) square feet for slope class 2 lots; ~~pending septic tank approval.~~

Minimum thirty two thousand (32,000) square feet for slope class 3 lots; ~~pending septic tank approval.~~

Minimum thirty eight thousand (38,000) square feet for slope class 4 lots; ~~pending septic tank approval.~~

2. Lot Frontage: One hundred twenty four foot (124') minimum.
3. Minimum Parking: Parking spaces for a minimum of four (4) cars shall be provided.
4. Exterior Elevations: Exterior elevations shall resemble a single-family dwelling.
5. Living Area: Each living unit shall have at least nine hundred sixty (960) square feet of living area exclusive of porches, garages, and carports.
6. More Than One Prohibited: Not more than one duplex may be placed upon one lot or parcel of land.
7. Minimum Distance: Lots with duplexes shall be a minimum distance of three hundred fifty feet (350'), in any direction, from any other lot with a duplex.
8. Repealed.

9. Lot Slope Requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. In a hillside development area when a lot has a mix slope of slope classes 1 through 4, and the lot has seventy five percent (75%) or more of the lower slope area, the minimum lot area for the lower slope shall be allowed.
- K. Minimum Dimension: All dwellings for human occupancy shall have a minimum dimension of twenty feet (20') (measured wide or deep), be attached to a permanent concrete foundation, and meet minimum uniform building code requirements.
- L. Trash Prohibited Outside Containers: No trash, rubbish, weeds, debris, waste products or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, abandoned automobiles, automobile parts, or restoration projects shall be stored or allowed to remain on any lot in any residential zone unless such objects are out of visible sight of the public.
- M. Odorous Uses Prohibited: A use shall not be permitted which creates objectionable odor in such quantity as to be readily detectable at the boundaries of the site.
- N. Lot Grading Standards: For residential developments, a plan shall be prepared in a manner that will allow the following conditions to be met prior to, or as part of, actual building construction. If necessary, individual lot grading plans will be required prior to issuance of building permits:
1. A minimum fall of six inches (6") in the first ten feet (10') away from any building is required;
  2. A maximum gradient of twenty one percent (21%) within four feet (4') of the foundation;
  3. Usable minimum yard area of three hundred (300) square feet with a maximum slope of five percent (5%);
  4. A minimum foundation exposure of six inches (6") above finished grade;
  5. Slopes of three to one (3:1) and steeper must be sodded and will be accepted only when the developer and engineer can show this to be the most feasible approach;
  6. Driveway grades should be maintained between 0.5 percent and five percent (5%) when possible;
  7. Entry walks shall not exceed 5.0 percent;

8. Lots should be graded so that a minimum slope of two percent (2%) can be maintained between the sewer flow line in the street and the finished grade of the lowest floor elevation;
  9. Minimum depth of any sewer line shall be five feet (5').
- O. Legal Nonconforming Status: Vacant lots which do not meet the current frontage requirement, but can provide division and deed history showing they met historic requirements, may be granted "legal nonconforming" status and receive building permits. Such documentation is to be provided to the development coordinator who shall provide documentation to the planning and zoning commission, mayor and/or city council if needed.
- P. ORIENTATION: Any residence constructed on any buildable parcel must be accessed from a "public street", as defined in Ordinance 17.08.020 "STREET, PUBLIC". Said residence shall have the property entrance located to face the public street to which its address was assigned. (Ord. 2018-8, 2018: 2018-6, 2018: Ord. 2012-2, 2012: Ord. 2008-3, 2008: Ord. 2004-6, 2004: Ord. 2004-4, 2004: Ord. 2004-2, 2004: Ord. 2003-2, 2003: Ord. 2002-6 § 1, 2002: Ord. 2002-5 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 2000-16 §§ 1, 2: Ord. 2000-9 § 1: Ord. 99-02-18-01 § 2)

### **17.20A.050: ACCESSORY BUILDINGS**

- A. No building permit will be required for a structure up to and including two hundred (200) square feet, unless required by state statute. (Ord. 2018-6, 2018: Ord. 99-02-18-01 § 2)
- B. All accessory building structures shall be located behind the front yard setback.
- C. Setback: There is a minimum setback of five feet (5') setback from all property lines, except for those that are on a corner lot and must have a minimum twenty feet (20') setback from the line abutting a street.

### **17.20A.060: LOTS LOCATED ON PRIVATE LANES**

- A. Public Street Systems Encouraged: Public street systems shall be encouraged for access to all residential dwelling sites. However, the City recognizes that there are cases where it is impossible or impractical to develop a lot according to normal subdivision standards. In situations where insufficient land access exists for a public street system, the Planning Commission may allow for a building lot using frontage from a private lane.

B. Subdivisions on private lanes may be developed when the following conditions have been met:

1. Development on a private lane would not impede the extension of any adjacent public right-of-way either now or in the foreseeable future; and
2. The development does not impede the necessary access from adjoining properties as required by the master transportation plan.
3. Rights-of-way shall be of sufficient design to service the projected use of property and adjoining properties that may have access across such rights-of-way. All new private lanes shall be fully improved with a hard-packed maintainable surface with a minimum of twenty feet (20') of surface width. Curb and gutter or other appropriate storm drainage methods may be required.
4. Improvements shall include a strategically located turnaround to accommodate emergency vehicles. The turnaround configuration may be in any form compliant with the appropriate fire codes, as determined by the fire marshal or designee. Additional clearance may be required to accommodate emergency vehicle access.
5. Private lanes shall satisfy the frontage requirements for no more than one lot.
6. All necessary public utility easements shall be dedicated on all lots, including full access where required by city officials and workers. Public services, such as garbage collection, will be at the dedicated street only.
7. Minimum yard setback requirements as defined for public streets shall apply to all buildings and uses adjoining private rights-of-way, with setbacks measured from edge of required private lane width or from the width of the future city road in that location.
8. No portion of the private lane may be counted towards required driveway dimensions on individual lots.
9. No portion of the private lane may be counted towards the minimum required building lot size.
10. Private lane area shall not be included in the calculation of buildable area for an individual lot, including determination of allowed square footage for primary and accessory structures.



11. A driveway approach with a minimum of twenty feet (20') by twenty feet (20') of three inches (3") minimum thickness of permanent asphalt from the public street to the lane is required.
12. All lots shall be provided with standard utility connections, furnished by the property owner, including approved fire protection infrastructure. All utilities underneath a private right-of-way shall be deemed private utilities for ownership and maintenance purposes.
13. Private lanes shall be named and identified by means of a suitable permanent street marker according to Millville City standards, to be installed prior to issuance of building permits.
14. All required infrastructure, including road improvements and stormwater controls shall be installed prior to occupancy being granted on a building lot.
15. Each access easement right-of-way shall be recorded with the County Recorder. Such easement shall include all parties with interest in the parcel(s) containing the access easement right-of-way as grantors and all parties retaining access from the access easement right-of-way as grantees. The easement shall extend and connect to Millville City's public street infrastructure to provide clear access from all building lots or parcels to a public right-of-way.
16. There shall be a written and recorded road maintenance agreement that assigns maintenance responsibility for the private lane to the properties the private lane traverses and serves. The City shall have the right to compel enforcement of the road maintenance agreement between the property owners. Should the City be unable to compel enforcement of the agreement, the City may, at its sole discretion, maintain the private lane and assess the property owners the costs associated with such maintenance.
17. Change of Private Right-Of-Way to Public Ownership: Private lanes shall be clearly annotated on the subdivision plat as a private lane. A note shall be placed on all subdivision plats that contain a private lane that states the following: "The road annotated on this plat as "private lane" was allowed alternative construction standards from adopted public or private streets standards. Millville City shall not take control of said lane unless it is first deemed by the City Council that there is a compelling public interest, the street is brought to public standards and all landowners accessing the street have consented to the dedication." (Ord. 2023-6: 2023)

C. The creation of a private lane is a subdivision of property and follows the same requirements outlined in Chapter 16.16: Subdivision Application Requirements. The

Application Review Procedure can be found in Chapter 16.20. A public hearing will be required before Final Plat approval.