

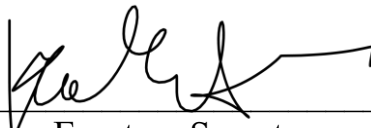
## NOTICE AND AGENDA

Notice is hereby given that the Planning Commission of Millville City will hold a regularly scheduled meeting on Thursday, **January 15, 2026**, at the Millville City Offices, 510 East 300 South in Millville, Utah, which shall begin promptly at **8:00 p.m.**

1. Call to Order / Roll Call
2. Opening Remarks / Pledge of Allegiance
3. Approval of Agenda
4. Approval of minutes from last Planning & Zoning Meeting - October 16, 2025
5. Agenda Items:
  - A. Determination and Appointment of 2026 Chairman and Vice-Chairman
  - B. Review and Acceptance of Planning Commission Bylaws
  - C. Zoning Clearance- Accessory Building- Blake & Denise Swensen- 325 E 300 S.
  - D. Sign Permit- DJB Gas Services- 765 W 1940 S, Bldg 25, Ste 101
  - E. Residential Code Review & Update in preparation for Public Hearing
  - F. Swearing in of new Planning Commissioner- Coby Price
  - G. Open and Public Meeting Training
  - H. Other
6. Agenda items for next meeting
  - A. Public Hearing for Residential Code
7. Calendaring for future Planning Commission Meeting- Thursday, February 5, 2026, at 8:00 PM
8. Adjournment

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during public meetings should notify Kara Everton at (480) 528-1467 at least three days prior to the meeting.

This agenda was posted on/before January 14, 2026, to the City posting locations, the City Website and the Utah Public Meeting Notices Website.



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Kara Everton, Secretary  
Millville City Planning Commission

**MILLVILLE PLANNING COMMISSION MEETING**  
**City Hall - 510 East 300 South - Millville, Utah**  
**October 16, 2025**

**PRESENT:** Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger, Larry Lewis, Kara Everton, Megan Dyer, Pam June, Chad Kendrick, Susan Goldsberry, Kody Archibald, Jason Kerr, Blake Downs, Ruby Downs, Spencer Downs

**Call to Order/Roll Call:**

Commissioner Greenhalgh opened the meeting for October 16, 2025, at 8:00 pm. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis were present. Development Coordinator Kara Everton was present and took the minutes.

**Opening Remarks/Pledge of Allegiance**

Commissioner Greenhalgh led all present in the Pledge of Allegiance.

**Approval of Agenda**

The agenda for the Planning Commission Meeting for October 16, 2025, was reviewed.

**Commissioner Farmer moved to approve the agenda for October 16, 2025.**

Commissioner Ripplinger seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor.

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

The Planning Commission reviewed the minutes for the Planning Commission Meeting for September 18, 2025. There were a few corrections notated. **Commissioner Dickey moved to approve the minutes for the meeting on September 18, 2025 with corrections.**

Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor.

**A. Zoning Clearance- Single Family Home- Dan Hunsaker for Jordan Parry- 405 E. 200 N.**

Commissioner Ripplinger asked what the height requirement is. The plans show that the one side is a cantilever offset. Setbacks are met otherwise

**Commissioner Anderson moved to approve the zoning clearance for a Single Family Home for Dan Hunsaker for Jordan Parry located at 405 E. 200 N.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor.

**B. Zoning Clearance- Accessory Building- Pool House & Covered Patio- Summers Construction for Roundy Residence-345 E 525 S.**

Development Coordinator showed where the additions are for the pool house/storage and covered patio. Commissioners reviewed the plans. Setbacks are all met. Garrett Greenhalgh called Rob Summers to check on the setbacks for the pool house. He said it was 5' that we can make the note on the plans.

**Commissioner Anderson moved to approve the Zoning Clearance for an Accessory Building- Pool House & Covered Patio- Summers Construction for Roundy Residence located at 345 E 525 S.** Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor.

**C. Zoning Clearance- Single Family Home & Garage- Kody Archibald- 587 S 550 E**

Commissioner Ripplinger asked if the building height is based on grade or front porch? It is based on front porch. Setbacks are all met. Barn will be a metal building. No plumbing, just electricity.

**Commissioner Anderson moved to approve the zoning clearance for a Single Family Home & Garage- Kody Archibald- 587 S 550 E** Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor.

**D. Zoning Clearance- Single Family Home- Jason Kerr for Ben and Angelo Stocks located at 410 E 25 N.**

Setbacks look great. Engineers are checking fill dirt and retention to verify and approve retaining walls. Landscape deposit will be returned to homeowners.

**Commissioner Ripplinger moved to approve the zoning clearance for a Single Family Home Jason Kerr for Ben and Angelo Stocks located at 410 E 25 N.** Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Matt Anderson, Darcy Ripplinger and Larry Lewis voted in favor.

**E. Other**

**Agenda Items/Notes for Next Meeting**

Darcy Ripplinger would like to include an action item to propose to amend the general plan to show that development south of 400 South will be zoned as Residential-3 (2 acres lots). Commissioner Greenhalgh stated that he liked that she specified development because if there is no development then there is no need to rezone. Susan Goldsberry, a county resident, expressed her disagreement stating that we wouldn't be in this situation that we currently. Development Coordinator Everton stated that a property owner will always have

a right to request a different zone, and City Council will follow the exact same steps as they have. Commissioner Greenhalgh stated that it should have been amended when the ordinance was created. Kara reminded the commission it was not created the correct way. Commissioner Greenhalgh stated that we aren't changing the code to R-3 but showing it on the general plan. The process was discussed regarding changing a zone. This will be brought up at the next City Council meeting so that they can weigh in on beginning the process.

Development Coordinator clarified some misinformation that was being discussed regarding the duties and responsibilities of the Planning & Zoning commissioners stating that the sworn office they hold does in fact require them to understand what they are voting for or against in the meeting. This conversation has come from commissioners making a motion for an agenda item and later presenting it as if they had no choice but to vote a specific way without further asking questions and understanding. City Staff does a lot to understand what is being discussed and present a lot of information on various topics, but it is the responsibility of the planning commission to ask questions for further clarification. Further clarification was given on whether the requirement was there to approve a specific agenda item that night. Millville City runs efficiently and we do not string people a long so we do not want to delay for the sake of delaying, but if there needs to be further investigation then there is an option for that. Commissioner Ripplinger stated that City Staff might not like the questions being asked, but is concerned about maintaining a working relationship. Kara said that nothing that is being questioned has any effect on Staff personally. Commissioner Ripplinger stated that she was not prepared to make a motion on that agenda item during that meeting and wishes that she would have asked more questions. Kara mentioned that City Staff is always available to meet and answer questions to help further clarify any question. Commissioner Greenhalgh said that there were a lot of assumptions made and that this has been a good learning experience knowing that we can do more and there is an option to wait to learn more. He said that he would love to have the general plan updated to reflect their desire to have R-3 in that area. Kara further explained that it is very well known that the commissioners want R-3 in that area and even if it is not officially updated on the map or in the literature of the General Plan, it is in so many recordings of minutes that it is documented. This will not prevent a landowner from requesting a different zone nor prevent City Council from approving a request for a different zone. She further pointed out that this is why the options for residential zones is so important in our code because a landowner can choose from any of the zones available to request their property to be rezoned to. It is a great accomplishment of the planning and zoning in denying the request for multi-family zones time and again because if it were an option in our code then it could be requested by a landowner. Commissioner Anderson was not present at the public hearing and read the minutes. He was wondering what would prevent landowners from having a duplex on each property if it were still zoned as R-3 if it had enough space in between the duplexes according to our code. Various situations were discussed by the commission on what the consensus be on this option. Susan Goldsberry asked if the same thing would happen if the zone is R-3, but the landowner wants to rezone to a different option. Commissioner Greenhalgh explained the updated process of when a property annexes into the city they will request what zone they would like to be, and this is why the update to the general plan is important so we can guide the zoning at the time of

annexation. History of the parcel in the south fields was discussed, and it was clarified that the property never was rezoned as anything except AG regardless of any other discussions about different zoning. Chad Kendrick began a discussion regarding landowner's rights. Further information was discussed regarding what the City Council's responsibilities are in using the general plan as a guiding document and to know what rules we have in our code that are allowed and not allowed. Our code enables us to dictate what we allow. For example: If someone comes in and says they want to build a 24 plex, we can deny them because it is not allowed in our code. Requesting a zone that is allowed in our code is the landowners right to do, and the City Council's responsibility to determine if it does or does not align with the city. Kara brought up zoning information from Utah League of Cities & Towns and the way they explain it is that the only way to control zoning of any property is to own that property yourself. Commissioner Greenhalgh asked the City Council member Pam June what her view was. She said that there is discussion on updating the general plan and doesn't see the point in doing a public hearing and doing it now and then again soon. Commissioner Greenhalgh and Farmer said that it is mainly to get it on record. Pam said that they have their suggestions on not recommending it to R-1 so they do have their recommendation.

More discussion was made on subdivision process and the pros and cons of land being developed in Millville vs neighboring cities. Commissioner Anderson said that the codes created will help maintain consistency within the city. If a developer on the north end has to do curb and gutter but another development doesn't, then why is one piece of property valued differently than any other land within the city? Is it okay to put the burden on one side of town without requiring it on the other side? Commissioner Greenhalgh said he's not anti-development but he is wanting to control development, and discussed different ways to do this. The city has the responsibility to keep itself organized so there needs to be balance. Matt asked if removing 1/3 acre lots altogether would be something necessary to help control development. More discussion happened at this point regarding removing the R-1 zone entirely and making R-2 (1/2 acre minimum) the smallest allowed, which also led to the commission wondering if Millville needed to create a new zone.

Commission Ripplinger suggested creating a new residential zone for 1-acre lots. This will also go before City Council at their next meeting.

Updating the General Plan was also discussed.

## **7. Calendaring of future Planning Commission Meeting – November 6, 2025, at 8:00 pm**

## **8. Adjournment**

Commissioner Farmer moved to adjourn the meeting at approximately 9:35 p.m.

# MILLVILLE CITY

## Planning Commission Bylaws: Rules of Procedure and Order

### ARTICLE 1- GENERAL PROVISIONS

#### 1.1 Applicable State Statutes and Local Ordinance Rules

The Millville City Planning Commission, hereinafter referred to as the “Commission”, shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying generally to public boards, members and officials, including but not limited to: Title 10, Chapter 3, Part 13 of the Utah Code dealing with disclosure requirements and Title 52, Chapter 4 of the Utah Code dealing with open and public meetings.
- b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including but not limited to: Title 10, Chapter 9a, Municipal Land Use Development and Management Act.
- c. The Zoning Regulations of Millville City as set forth in Title 17 of the Millville City Code.
- d. The Subdivision Regulations of Millville City as set forth in Title 16 of the Millville City Code.
- e. Planning Commission as set forth in Title 2.14 of the Millville City Code.
- f. The bylaws of the Millville City Planning Commission as set forth herein. NOTE:  
These bylaws are not adopted by Ordinance and do not have the force of law.  
They are advisory guidelines only. Consequently, should the Planning Commission waive or suspend (see Section 9.2 herein) or otherwise deviate from these bylaws during the course of a hearing/meeting, such deviation shall not be grounds for invalidating a hearing/meeting held during such hearing/meeting or any decisions made at such hearing/meeting.
- g. If these bylaws conflict with Federal, State, or City codes and/or ordinances, the federal, state, or City codes and/or ordinances shall prevail.

#### 1.2 Requirement of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission

Upon taking office, all members of the Millville City Planning Commission shall familiarize themselves with the foregoing and, while in office, members shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Planning Commission affairs.

#### 1.3 Rules of Commission to be Available in the Millville City Office

An official copy of the rules of the Planning Commission, in current form, shall be available in the Millville City office as a public record. Additional copies shall be provided to members of the Commission and made available to the public upon request, but the official copy in the Millville City Office shall govern.

#### 1.4 Location of the Millville City Office

The office of the Millville City Planning Commission shall be located within the Millville City offices, 310 South 500 East, Millville, Utah, 84326.

## **ARTICLE II – MEMBERS**

### **2.1 Number of Members, Appointment, Compensation, Causes for Removal from Commission**

The membership, appointment and removal of the Planning Commission shall be governed by the provisions of the Utah Code and the provisions of Title 2.14 of the Millville City Code.

### **2.2 Resignations, Generally, and by Absence**

When members propose to resign, if reasonably feasible, they shall give notice of their intent to the Mayor and to the City Council of Millville City and make the date of resignation effective in such a manner as to allow time for an application to be posted and applicants reviewed by City Council.

## **ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES**

### **3.1 Regular Election of Chair, Vice Chair; Provisions for Contingencies; Continuation of Service Until Successors Take Office**

At the beginning of each calendar year the Commission shall elect a Chair and Vice Chair. The prior Chair and Vice Chair shall remain in office until successors take office at the next regular or special meeting following an election or appointment.

### **3.2 Succession of Vice Chair to Office of Chair; Special Elections**

If the Chair resigns office or no longer becomes a member of the Commission, the Vice Chair shall succeed in office for the remainder of the calendar year. If the Vice Chair resigns office, becomes no longer a member of the Commission, or succeeds to the Chair's office, an election shall be held at the next regular meeting of the Commission to select a Vice Chair to complete the term.

### **3.3 Duties of Chair and Vice Chair; Appointment of Temporary Chair to Preside at Hearings/Meetings:**

If present and able, the Chair shall preside at all hearings/meetings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside. In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure and order, unless otherwise directed by vote of a majority of the members in attendance. The Chair is a voting member of the Planning Commission and votes on all items.

### **3.4 Planning Commission Meeting Agenda**

All meetings of the Planning Commission will have a notice and agenda that complies with the Utah Open Meetings Act.

### **3.5 Appointment of Secretary**

The Secretary to the Commission shall be assigned by the Mayor and City Council

### **3.6 Duties of Secretary**

Subject to applicable City Codes and direction of the Planning Commission Chair, the Secretary shall in general attend to all correspondence of the Commission; attend all hearings/meetings of the Commission (except when excused by the Commission Chair with temporary services

arranged); and generally perform or supervise all clerical work of the Commission. Under the direction of the City Recorder, send out or cause to be published all notices required; compile all required records; maintain the necessary schedules, minutes, files, and indexes.

#### **ARTICLE IV - CONDUCT OF COMMISSION MEMBERS, STAFF**

**4.1     Representation of Applicants or Petitioners**

No member of the Commission, or of its staff, shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

**4.2     Conflict of Interest**

No member of the Commission shall participate in any case in which they have financial or personal interest in the property or action concerned, or will be directly affected by the decision of the Commission, or has or believe they have any other conflict of interest as defined or regulated under the provisions of the Utah Code.

**4.3     Disqualification on Grounds of Influence Other Than at Public Hearing/Meeting**

Commission members may be disqualified from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application or petition, other than in the public hearing/meeting, through an ex-parte contact.

**4.4     Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Determination**

Commission members may seek information from other Commission members, Counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission; but no member shall express any bias, prejudice, or individual opinion on proper judgment of the case prior to its hearing and determination. Violation of this rule shall be deemed to constitute malfeasance and be grounds for dismissal from the Commission.

**4.5     Commission Members Not to Vote Unless Present at Meeting**

No Commission member shall vote on any matter unless such member is present, either in person or by electronic connection, at the meeting when a vote is taken.

**4.6     Inquiry Regarding Conflicts of Interest and Bias**

It shall be the responsibility of the Chair, Vice Chair or presiding officer to inquire regarding potential conflicts of interest, and issues of bias, regarding the pending agenda items, at the beginning of a public hearing or meeting.

**4.7     Decorum**

Commission members shall avoid leaving their seats except during approved recesses of a public hearing/meeting. Members shall avoid conversation that is not plainly audible to all present in the hearing/meeting room.

#### **ARTICLE V - HEARINGS/MEETINGS, GENERALLY**

**5.1     Regular Meetings**

Regular meetings of the Commission shall be held at 8:00 p.m. in the City Council room, Millville



City offices, on the first and third Thursday of each month; provided that such meetings may be held at any other convenient place or date, after public notice is given in compliance with the Utah Code, and upon findings that such other location would serve public convenience or necessity.

5.2 Study Meetings

Study meetings of the Commission may be held as part of the regularly scheduled meetings or as are deemed appropriate, provided public notice of the time and place of the meeting is provided in compliance with the Utah Code.

5.3 Special Meetings and Public Hearings

Special meetings for any purpose may be held at the call of the Planning Commission, or the City Council. Notice of the time and place of any special hearing/meeting shall be given in conformance with the provisions of state statutes and local ordinances. Call of a special meeting at a specified time and place and for specified purposes during a regular meeting of the Commission shall be notice thereof to members of the Commission in attendance at said regular meeting, but other members shall receive written, electronic, or telephonic notice of the special meeting. Public Hearing(s) may be scheduled during a regular or special meeting. Noticing requirement shall be done in compliance with applicable City and/or State Codes.

5.4 Recess or Continuance

Any regular or special hearing/meeting may be recessed or continued from day to day, or to the time of any previously announced regular or special hearing/meeting, and such recess or adjournment to a time and place certain shall not require additional public notice.

5.5 Cancellation

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any hearing/meeting may be canceled by giving notice to all members before noon on the day of such hearing/meeting.

5.6 Quorum

A quorum of the Commission shall consist of at least three members or alternate members. In all cases where there are only three members present; all members must cast a vote upon any action on an application or petition requiring action. When only three members are present, a positive vote must be unanimous.

5.7 Time Control

The Chair may, at any time, institute measures to control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The Chair may stop debate once he or she believes the issue has been adequately and fairly heard.

## **ARTICLE VI - PROCEDURES AT HEARING/MEETING**

6.1 Representation at Hearing/Meeting

At the hearing/meeting, any person may appear or be represented by authorized agents or

attorneys. Such agents or attorneys shall present competent evidence of the extent of their authorization if requested by any member of the Commission.

6.2 Public Hearing Procedure

The public hearing procedure shall be made available to the public and/or be displayed in the room.

- a. The Chair, or such person as he may direct, describes the nature of the case and evidence available to the Commission, including a summary of staff reports (which shall include recommended findings of fact, conclusions of law and a recommended decision).
- b. The applicant, petitioner or authorized agent outlines the nature of the request and presents supporting evidence including pictures, graphics, or other audio/visual material.
- c. Persons neutral, or in opposition or support of the application or petition may provide testimony.
- d. Rebuttal by the applicant, petitioner or authorized agent who spoke in favor.
- e. Rebuttal by the City Staff or such person as the Chair may direct.
- f. Closure of public comment and discussion by the Commission. NOTE: After closure of public comment, the Commission may ask questions of staff. If questions raised during the Commission's discussion requires an answer by an applicant or other persons present at the hearing, the hearing may be reopened for this additional information to be presented and an opportunity for rebuttal provided. Also, the Chair may open and close public comment without formal motions from the Planning Commission.

6.3 Conduct During Hearings/Meetings

During the hearing/meeting, each side shall proceed without interruption by the other. All testimony, statements and pleadings shall be addressed to the Chair. There shall be no questioning or arguing between individuals in the audience.

Any member of the Commission, the Legal Counsel to the Commission, or the Commission staff, upon recognition by the Chair, may direct any questions to the applicant, witnesses, or any person speaking from the audience, to bring out pertinent facts. The Chair or the Commission members may call for pertinent facts from the staff or make appropriate comments pertinent to the case. No Commission member shall debate or argue with persons in the audience. The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive person(s) in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department.

In the event of an emergency, the Chair may order removal of person(s) without a vote of the Commission.

## **ARTICLE VII - FINDINGS AND DECISIONS**

7.1 Timing of Decisions

After conclusion of the public hearing on any application or petition, the Commission shall examine the evidence before it in relation to findings required.

With due consideration to the length of the agenda, the nature of the case, the complexity of the evidence, and the findings required, the Chair may elect, subject to a vote of the majority of the Commission, one of the following alternatives:

- a. To proceed immediately to determination and decision on conclusion of the hearing in a particular case; or
- b. To defer determination and decision until later in the same meeting; or
- c. To defer determination and decision until a specified special or regular meeting of the Commission within the time limits specified by state statute or local ordinances.

## 7.2 Findings

If a majority of the Commission members present concurs that the evidence supports favorable findings upon an application or petition before it, or that such findings could be made if conditions and safeguards are established, the decision shall be favorable to the applicant, provided that such conditions and safeguards as may be required for a favorable finding are specified in the decision. Such safeguards and requirements shall be binding upon the applicant or petitioner and her/his successor and interests.

If a majority of the quorum of the Commission members present concurs that the evidence does not support a favorable action or recommendation by the Commission, then findings shall be specified in the decision outlining those problems or deficiencies in the application or petition which warrant such action. If the findings of fact and conclusions of law recommended by staff do not accurately reflect the Commission's decision, the Commission may amend such findings and conclusions at the hearing/meeting or may recess the hearing/meeting to a date and time certain to allow for preparation of revised findings and conclusions by staff.

## 7.3 Form and Procedure of Decisions

All such decisions of the Commission shall be made at a public hearing/meeting by motion, made and seconded, and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the Commission and a statement of any conditions or safeguards to be attached to the action. If there is any ambiguity on any vote or if the nature of the application or petition warrants, the Chair may conduct a roll call vote.

## 7.4 Notification

Notice of the Commission decision shall be given to the applicant or petitioner and to other interested parties who have requested such notice, by the Secretary of the Commission as soon as reasonably possible after the decision is reached, but within ten (10) days.

## 7.5 Appeals.

Appeals to administrative decisions are directed to the Appeal Authority.

Advisory recommendations of the Commission cannot be appealed as they will be heard by the City Council.

## **ARTICLE VIII - REQUEST TO WITHDRAW OR AMEND APPLICATIONS OR PETITIONS**

### **8.1     Withdrawal**

Upon written request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case.

### **8.2     Deferrals and Continuances**

On its own motion, or at the request of applicants, petitioners, or their authorized agents, the Commission may defer the hearing/meeting of cases or provide for later continuance of cases on which hearings/meetings have begun. Such deferrals or continuances shall be permitted only for good cause, stated in the motion, and, unless time and place is stated, shall require new public notice. An applicant shall be allowed to request one continuance for good cause shown. If additional deferrals or continuances are at their request, new fees shall be paid by applicants or petitioners.

## **ARTICLE IX - AMENDING OR WAIVING RULES**

### **9.1     Amending Bylaws**

These Bylaws may be amended by a majority vote of the Commission except where such amendment would be contrary to requirements or limitations set by Utah Code or Millville City Code. An amendment may be proposed at any regular meeting of the Commission. Prior to the meeting at which the amendment is to be voted upon, members shall be sent a copy of such proposed changes. All amendments to the bylaws must have City Council approval before taking affect.

### **9.2     Waiving or Suspending Rules**

A rule of procedure may be suspended or waived at any hearing/meeting by unanimous vote of Commission members present unless such rule is set by Utah Code or by the Millville City Code.

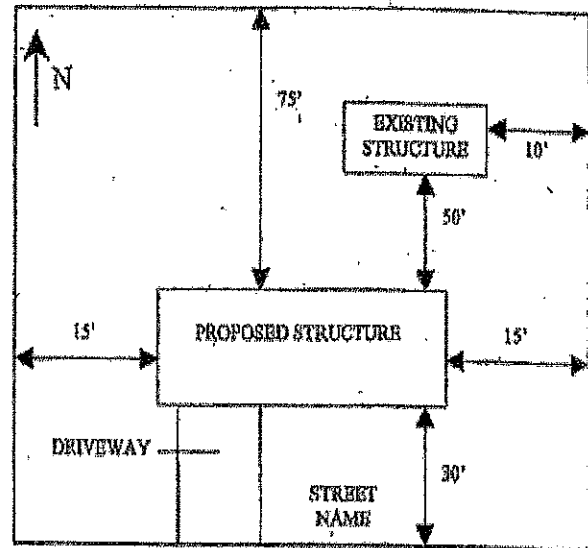
**MILLVILLE CITY**  
**Zoning Clearance for Building Permit**  
For questions email: [kara@millvilleut.gov](mailto:kara@millvilleut.gov)



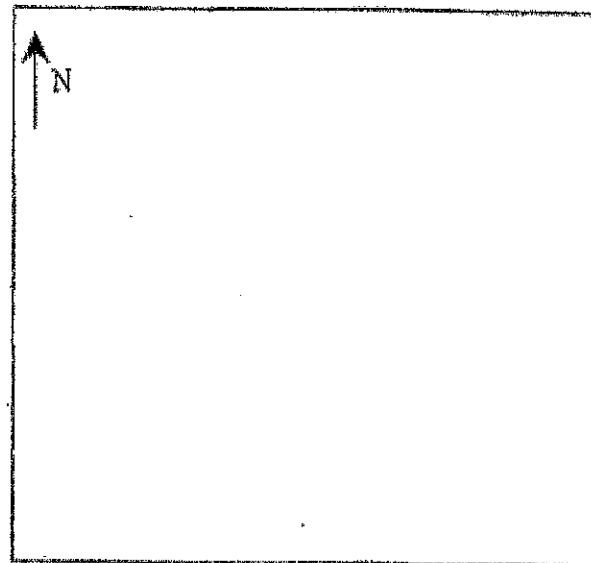
**APPLICATION INFORMATION**

- 1 Blake & Denise Swensen  
Applicant Name
- 2 PO Box 7  
Applicant Mailing Address
- millville UT 84326  
City State Zip Code
- 3 325 E 300 S millville UT  
Address of Construction
- 4 435-757-8734  
Telephone #
- 5 \_\_\_\_\_  
Owner's Name (if different from applicant)
- 6 Metal Carport  
Type of Structure
- 7 \_\_\_\_\_  
Subdivision Name and Lot Number
- 8 960 19,800  
Square Footage Lot Size
- 9 \_\_\_\_\_  
Tax Identification Number
- 10 14'  
Building Height
- 11 ☐ Sewer ☐ Septic Tank  
☐ City Water ☐ Private Well  
☐ Electricity ☐ Gas
- 12 \_\_\_\_\_  
Notes

**Sample Plot Plan**  
(numbers do not represent required setbacks)



**Plot Plan**



**APPROVED**  
**PLANNING AND ZONING**

**DATE**

**FEES PAID- TREASURER**

**DATE**

This property is being approved for building permit issuance as indicated above. Any change in the type or placement of the structure is not allowed. This clearance is not a waiver of compliance with either the zoning ordinance or the building codes.

[illegible]

• • • • •

1. *Journal of the American Medical Association*, 1990; 263: 1033-1037.

1. The first group of authors (e.g., [1, 2]) has shown that the use of a single, common, and simple model for all the components of the system is not only possible but also useful. This approach is based on the assumption that the system is a single, unified entity, and its behavior can be described by a single, unified model. This approach is based on the assumption that the system is a single, unified entity, and its behavior can be described by a single, unified model.

[illegible]

**Single Family and Two-Family Residential  
Zoning Clearance Requirements Checklist  
Accessory Buildings**



**Zoning Clearance for Building Permit #**

**Applicant Name** Blake & Denise Swensen  
**Applicant Address** 325 E 300 S Millville UT  
**Address of Construction** 325 E 300 S Millville UT  
**Telephone #** 435-757-8734  
**Square Foot of Building** 960

THIS BOX IS FOR OFFICIAL USE ONLY

DATE RECEIVED:

Zoning Clearance #

P&Z SCHEDULED:

**WHAT TO DO:**

Read, initial and sign this document completely.

Submit this completed checklist and all supporting documents to the Development Coordinator.

**WHAT TO EXPECT:**

- ( ) The development coordinator will review your application to determine whether it is complete. You will then be scheduled for the next available Planning & Zoning meeting. If approved, you will be required to pay a refundable deposit and non-refundable filing fee. Once fees are paid you will take this approved Zoning Clearance application to the County to receive a building permit. All building inspections go through the county.
- ( ) Before you receive the deposit back **YOU MUST** receive an inspection from the Millville City Public Works department.
- ( ) Fees are set by resolution and shall be paid to the treasurer upon application approval.

**APPLICATION INFORMATION**

Provide the following to be considered complete.

- ( ) This checklist, initialed, signed and dated.
- ( ) One (1) complete set of *digital* building plans emailed to kara@millvilleut.gov
- ( ) Eight (8) copies plus original of the completed Zoning Clearance for building permit form.
- ( ) Eight (8) copies of the site plan to include all the following:
  - i. Elevation drawings showing height of building- the height of the structure shall be no more than 35 feet as measured from the front door threshold.
  - ii. The distance between all buildings on the property as well as property lines.

**ABOUT THE LOT**

- ( ) The grassy swales (shallow depressions) or the irrigation ditches that are in the City right-of-way adjacent to the streets are **NOT TO BE FILLED** in or modified without express approval from Millville City and/or the irrigation companies.
- ( ) Retaining Walls for cuts and fills over four (4) feet in height will need to be designed by a certified engineer.

**ABOUT THE STRUCTURE**

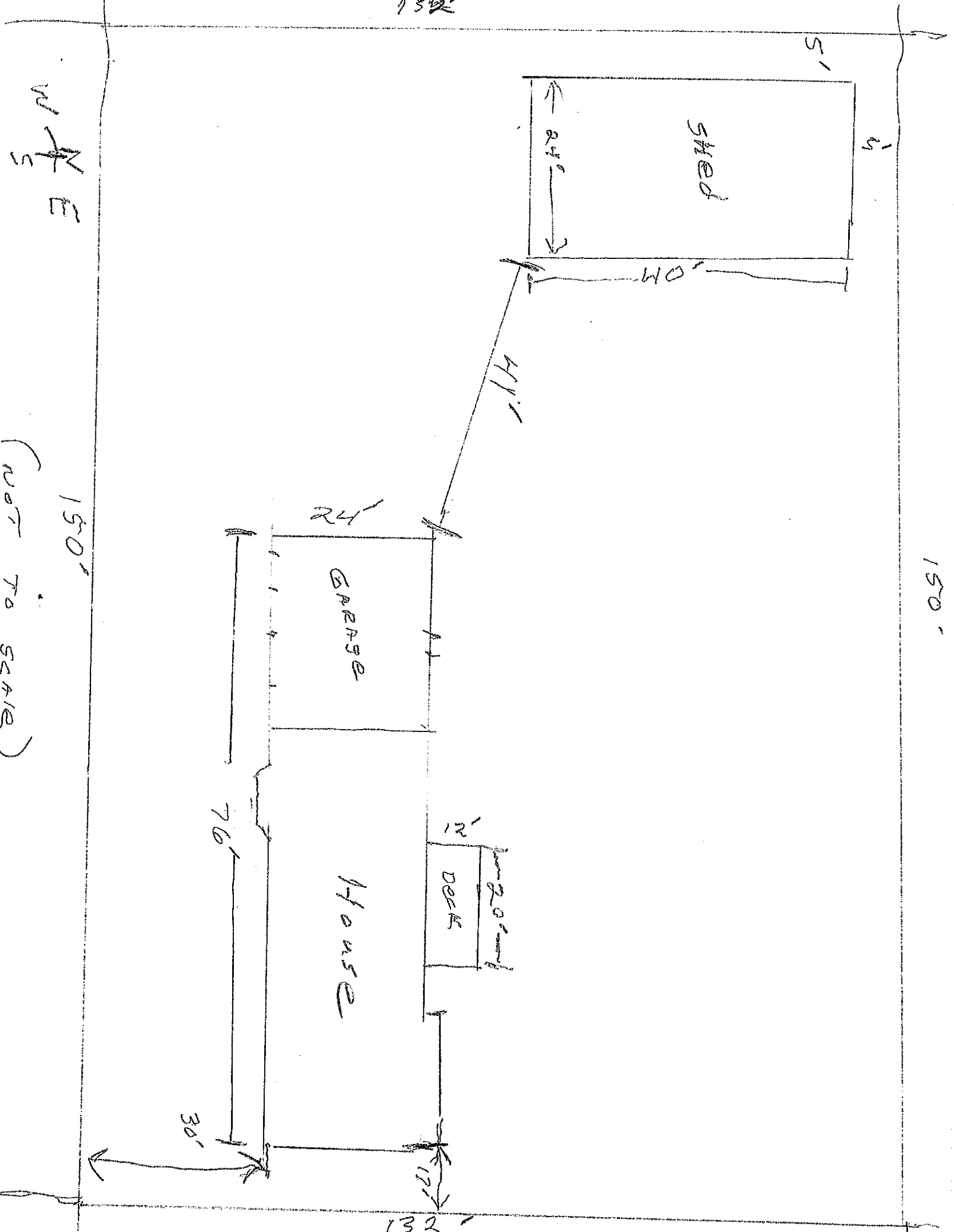
- ( ) A building under 200 SF does not need a permit.
- ( ) All dwellings for human occupancy must go through a different approval process.

132'

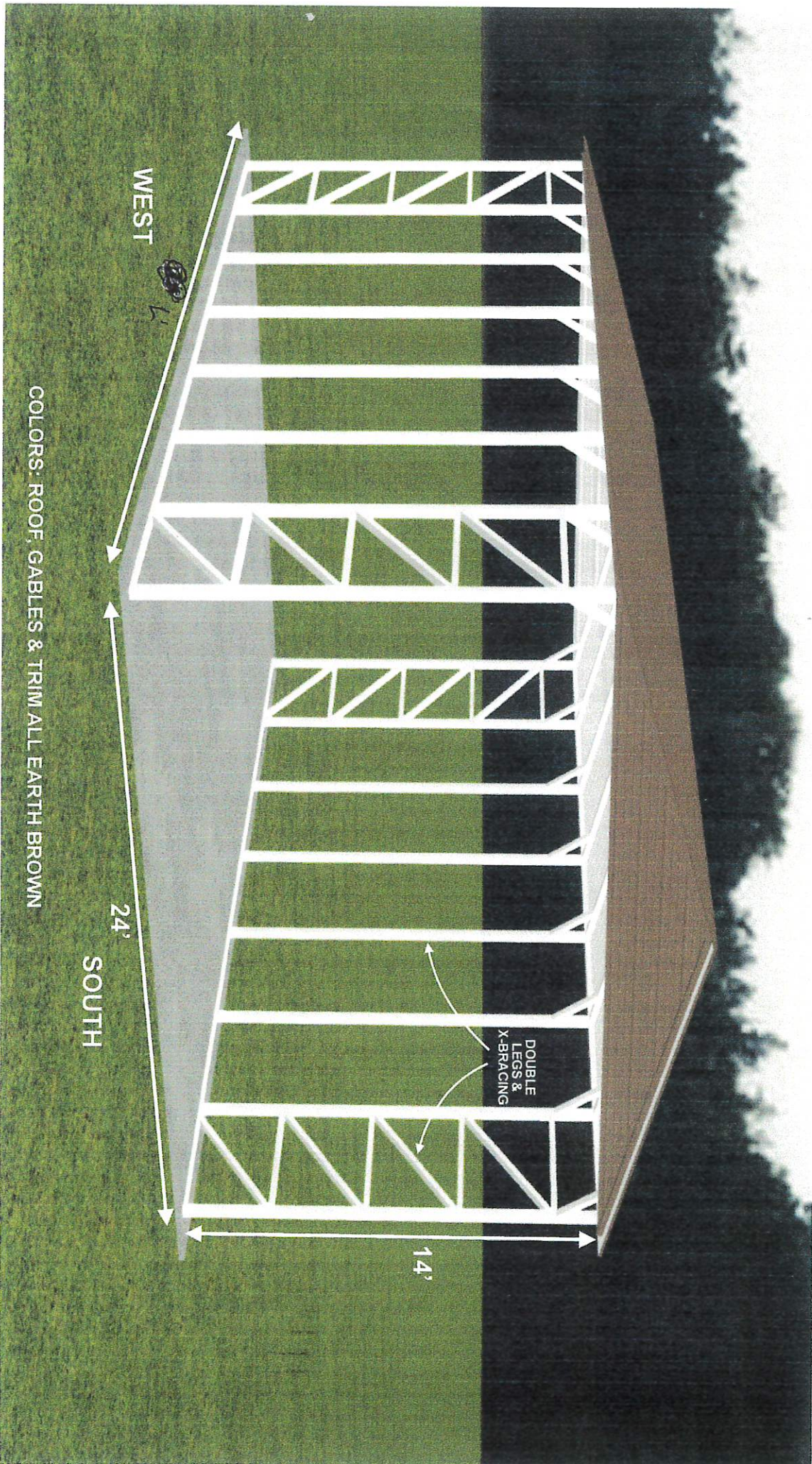
W  
N  
E

150'  
(not to scale)

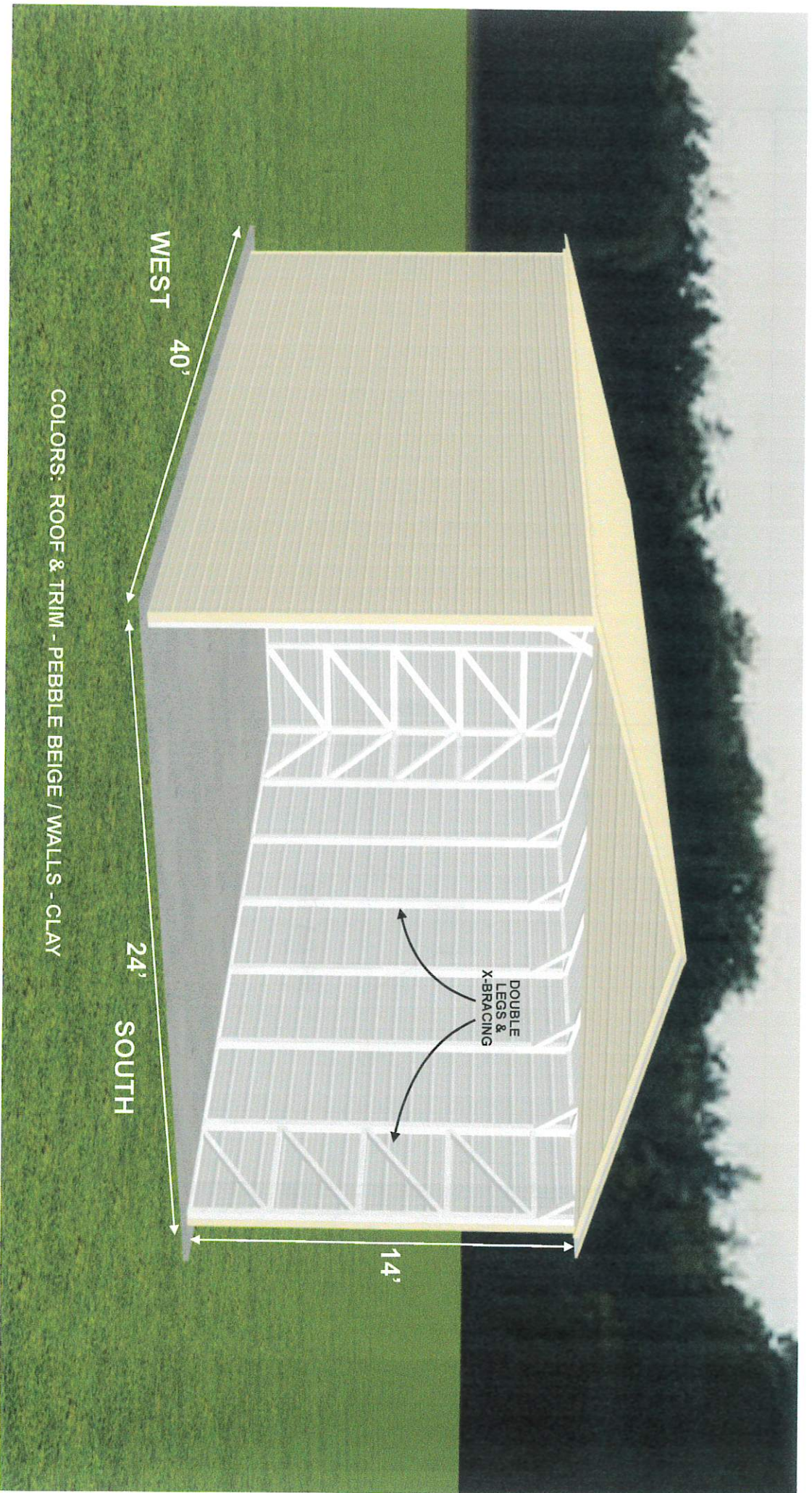
150'











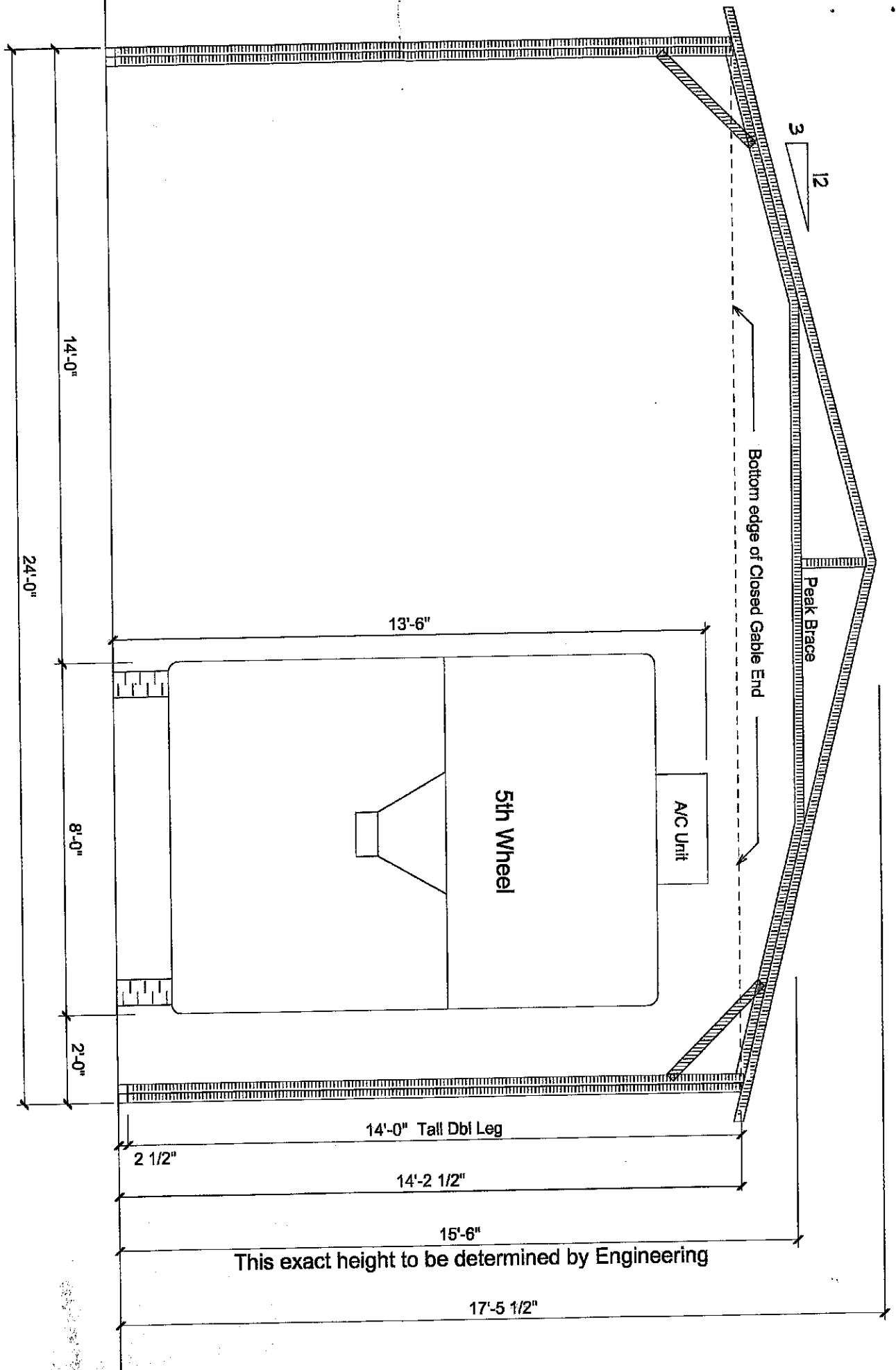
WEST 40'

24' SOUTH

14'

DOUBLE  
LEGS &  
X-BRACING

COLORS: ROOF & TRIM - PEBBLE BEIGE / WALLS - CLAY



**Cross Section w/ Dbl Legs & Cross Bracing**  
**24' wide x 14' tall Dbl Leg - 3:12 Roof Pitch**

City of Millville, Utah  
**Sign Permit Application**

**Applicant Information**

Application Number: 361-4401

Name: ITB Gas Services Telephone: (435) 813-1964

Address: 765 W 1940 S Bldg 25 Ste 101 Fax: \_\_\_\_\_

City/State/ZIP: Logan, UT 84321 e-mail: esummers@dibgas.com

**Description of Signage Project**

Parcel No.: Tollinger Complex Bldg 25 ☐ Permanent Sign

Address: 765 W 1940 S Bldg 25 Ste 101 ☒ Temporary Sign

Plan: Temporary Roadside banners

until business is established.  
Placement in front of the above address  
near roadside. Banners to be securely  
fastened with clean & new metal posts.

**Site Plan (to be submitted with this application)**

Prepared by: Eric Summers Telephone: (435) 813-1964

Address: 765 W 1940 S Bldg 25 Ste 101 Fax: \_\_\_\_\_

City/State/ZIP: Logan, UT 84321 e-mail: esummers@dibgas.com

Contact: Eric Summers

**Color Rendering (to be submitted with this application)**

Prepared by: Eric Summers Telephone: (435) 813-1964

Address: 765 W 1940 S Bldg 25 Ste 101 Fax: \_\_\_\_\_

City/State/ZIP: Logan, UT 84321 e-mail: esummers@dibgas.com

Contact: Eric Summers

**Complete Signage Plan, where applicable (to be submitted with this application)**

Prepared by: Eric Summers Telephone: (435) 813-1964

Address: 765 W 1940 S Bldg 25 Ste 101 Fax: \_\_\_\_\_

City/State/ZIP: Logan, UT 84321 e-mail: esummers@dibgas.com

Contact: Eric Summers

More application information is required on the back side of this form.

### Applicant Signature

I have submitted all required plans and reports for this application and agree to submit any other reports, plans, and information as may be deemed necessary by the Planning Commission, City Council, or City Engineer, at my expense. I have also enclosed a check, payable to Millville City Corporation, for the amount of the non-refundable Sign Permit Application fee with this application. I understand that the approval of this application is a prerequisite of approval for the Building Permit Clearance form.

Applicant:

*E. J. Summers*

Date:

*1/6/26*

### City Review (to be completed by city personnel)

Y ☐ N ☐

Signature of Reviewer

- ☐ ☐ Received Sign Permit Application fee.
- ☐ ☐ Submitted Building Permit Clearance form.
- ☐ ☐ Requires other reports, plans, or information. List:

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### Conditions

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\_\_\_\_\_  
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\_\_\_\_\_

### Approval of Sign Permit Application (vote of the Planning Commission)

Y ☐ N ☐

Signatures

- ☐ ☐ Planning Commission grants Approval.
- ☐ ☐ Applicant agrees to the Conditions.

\_\_\_\_\_  
\_\_\_\_\_



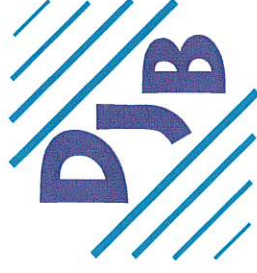
8'



Gas  
Services,  
Inc.

- Industrial, Medical & Specialty Gases
- Emission Testing Gases
- Liquid Nitrogen
- Cryogenic Equipment
- Welding Supplies
- Safety Supplies
- Dry Ice

NOW OPEN



Gas  
Services,  
Inc.

- Industrial, Medical & Specialty Gases
- Emission Testing Gases
- Liquid Nitrogen
- Cryogenic Equipment
- Welding Supplies
- Safety Supplies
- Dry Ice

NOW OPEN

Temporary Roadside Banners 8'

5'

City of Millville, Utah  
**Sign Permit Application**

**Applicant Information**

Application Number: 361-4401

Name: DJB GAS Services Telephone: (435) 813-1964

Address: 765 W 1940 S Bldg 25 Ste 101 Fax: \_\_\_\_\_

City/State/ZIP: Logan, UT 84321 e-mail: esummers@djbgas.com

**Description of Signage Project**

Parcel No.: Zollinger Complex Bldg 25

Address: 765 W 1940 S Bldg 25 Ste 101

☒ Permanent Sign

☐ Temporary Sign

Plan: Frontage Signage for rental

Parcel At the above Address. Sign  
Constructed out of Aluminum with  
Vinyl for logo work. To be Anchored  
to building face in location shown

**Site Plan (to be submitted with this application)**

Prepared by: Eric Summers Telephone: (435) 813-1964

Address: 765 W 1940 S Bldg 25 Ste 101 Fax: \_\_\_\_\_

City/State/ZIP: Logan, UT 84321 e-mail: esummers@djbgas.com

Contact: Eric Summers

**Color Rendering (to be submitted with this application)**

Prepared by: Eric Summers Telephone: (435) 813-1964

Address: 765 W 1940 S Bldg 25 Ste 101 Fax: \_\_\_\_\_

City/State/ZIP: Logan, UT 84321 e-mail: esummers@djbgas.com

Contact: Eric Summers

As Pictured

**Complete Signage Plan, where applicable (to be submitted with this application)**

Prepared by: Eric Summers Telephone: (435) 813-1964

Address: 765 W 1940 S Bldg 25 Ste 101 Fax: \_\_\_\_\_

City/State/ZIP: Logan, UT 84321 e-mail: esummers@djbgas.com

Contact: Eric Summers

### Applicant Signature

I have submitted all required plans and reports for this application and agree to submit any other reports, plans, and information as may be deemed necessary by the Planning Commission, City Council, or City Engineer, at my expense. I have also enclosed a check, payable to Millville City Corporation, for the amount of the non-refundable Sign Permit Application fee with this application. I understand that the approval of this application is a prerequisite of approval for the Building Permit Clearance form.

Applicant:

Eric Brunner

Date:

1/6/26

### City Review (to be completed by city personnel)

Y      N

Signature of Reviewer

- ☐ ☐ Received Sign Permit Application fee.
- ☐ ☐ Submitted Building Permit Clearance form.
- ☐ ☐ Requires other reports, plans, or information. List:

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### Conditions

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\_\_\_\_\_

### Approval of Sign Permit Application (vote of the Planning Commission)

Y      N

Signatures

- ☐ ☐ Planning Commission grants Approval.
- ☐ ☐ Applicant agrees to the Conditions.

\_\_\_\_\_  
\_\_\_\_\_





8'

4'



Gas  
Services,  
Inc.

- Industrial, Medical & Specialty Gases
- Emission Testing Gases
- Liquid Nitrogen
- Cryogenic Equipment
- Welding Supplies
- Safety Supplies
- Dry Ice

Frontage Sign







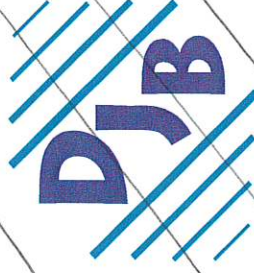
9' Rear Bldg Eastside Gwy 1



Gas  
Services,  
Inc.

- Industrial, Medical & Specialty Gases
- Emission Testing Gases
- Liquid Nitrogen
- Cryogenic Equipment
- Welding Supplies
- Safety Supplies
- Dry Ice

NOW OPEN



Gas  
Services,  
Inc.

- Industrial, Medical & Specialty Gases
- Emission Testing Gases
- Liquid Nitrogen
- Cryogenic Equipment
- Welding Supplies
- Safety Supplies
- Dry Ice

NOW OPEN

Rear Bldg Eastside

**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.44 - SIGNAGE**

17.44.010: GENERAL PURPOSE

17.44.020: INTERPRETATION

17.44.030: VIOLATION

17.44.040: ABATEMENT OR REMOVAL OF UNSAFE, DANGEROUS, NONMAINTAINED OR ABANDONED SIGNS

17.44.050: DEFINITIONS

17.44.060: APPLICATION AND REVIEW PROCEDURES FOR PERMANENT SIGNS

17.44.070: SIGN TYPES ALLOWED IN COMMERCIAL ZONES

17.44.080: DESIGN STANDARDS FOR COMMERCIAL ZONES

17.44.082: SIGN TYPES ALLOWED IN RESIDENTIAL AND AGRICULTURAL ZONES

17.44.084: DESIGN STANDARDS IN RESIDENTIAL AND AGRICULTURAL ZONES

17.44.090: TEMPORARY SIGNAGE

17.44.100: NONREGULATED SIGNS; SIGNS EXEMPT FROM PERMIT REQUIREMENT

17.44.110: PROHIBITED SIGNS AND SIGNAGE ILLUMINATION

17.44.120: MAINTENANCE; RESPONSIBILITY OF OWNER

17.44.130: INSPECTION OF SIGNS

**17.44.010: GENERAL PURPOSE**

To control and standardize signage in the community and promote the public health, safety, and general welfare of the citizens of the city. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

**ABANDONED SIGN:** Any sign applicable to a use which has been discontinued for a period of three (3) months.

**ALTERATIONS:** As applied to a sign means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another. These types of alterations require a new sign application.

**AWNING:** A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings.

**BILLBOARD OR OFF PREMISES SIGN:** A permanent outdoor advertising sign which advertises goods, products, or services not necessarily sold on the premises on which the sign is located.

**BUILDING FACE OR WALL:** All window and wall area of a building in one plane.

**CHANGEABLE COPY SIGN:** A sign which is characterized by changeable copy, whether the sign is freestanding or wall sign, or whether the sign projects from and is supported by a building.

**COMMUNITY OR CIVIC EVENT:** A public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader or commercial goods or services.

**DIRECTIONAL SIGN OR GUIDE SIGNS:** Signs which serve as directional guides to recognized areas of regional importance and patronage, two (2) types of areas are intended to be included:

- A. Recreational entertainment centers of recognized regional significance;
- B. Historical landmarks.

**FREESTANDING SIGN:** A sign which is supported by one or more uprights or braces which are fastened to, or embedded in, the ground or a foundation in the ground. Freestanding signs refer to on premises advertising or project identification signs for the purpose of this chapter.

**HEIGHT OF SIGN:** The height of a sign is the vertical distance measured from the ground to the top of the sign.

**HOURS OF OPERATION:** A sign which displays hours of operation, including "Open" and "Closed" signs.

**LOW PROFILE/MONUMENT SIGN:** On premises identification which is low to the ground.

**SPECIAL SALE SIGN:** Temporary signs used to advertise a special sale on the premises.

**STRUCTURE:** The supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

**SUBDIVISION OR PROJECT ENTRANCE SIGN:** An identification sign located at the entrance to a residential or commercial development.

**TEMPORARY SIGN:** A sign which is intended for use during a specified limited time. Temporary signs, as defined by this code, shall include real estate signs and construction signs.

**WALL SIGN:** A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building and extending not more than six inches (6") from the wall.

**WINDOW SIGN:** A sign installed upon or set back within one foot (1') of a window for the purpose of viewing from the outside of the premises. This term does not include merchandise displayed. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

## **17.44.060: APPLICATION AND REVIEW PROCEDURES FOR PERMANENT SIGNS**

- A. Permits: No person shall erect, alter, or relocate any permanent sign within the city without first obtaining a sign permit and a building permit, if applicable, from the city, unless the sign is exempt under this code.
- B. Applications: Applications for sign permits for permanent signs must include the following:
  - 1. A site plan drawn to scale which specifies the location of the sign structure, or drawings or photographs which show the scale of the sign. If the sign is to be mounted on the building, a drawing or photograph is to be included which shows the scale in context to the building;
  - 2. Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment;
  - 3. A complete signage plan for any commercial building which houses more than one use. This must be submitted prior to issuance of a permit for any one sign on the building;

1. **Signage Plans:** Buildings or clusters of buildings shall provide a signage plan for the entire structure or project. The signage plan must be designed so that it establishes a common theme or design, uses similar construction methods, and has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background. Signage plans for office buildings must have their primary focus on the identification of the building.
2. **Area Of Sign:** The area of a sign shall include the entire area within any type of perimeter or border which may enclose the outer limits. The area of the second side of a two (2) sided sign shall not be included when calculating signage area. Where a sign has more than two (2) faces, the total area of the third face and all additional faces shall be included in determining the area of the sign.
3. **Sign Materials:** Exposed surfaces of signs may be constructed of, but not limited to, plastic, metal, glass, stone, concrete, brick, cloth or solid wood. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.
4. **Illumination:**
  - a. **Externally Illuminated Signs:** Light fixtures for externally illuminated signs must be simple in form and mounted so they do not obscure building ornamentation. Spotlights and floodlights shall be directed only at the sign surface. Light shall not be directed off the property. No exposed light sources are allowed, and all light sources must be shaded to contain light rays to the sign. Colored lighting is prohibited.
5. **Sign Content:** The name of the business, the nature of the goods or services offered, and street address may be contained in the sign. The use of logotypes or other symbols is appropriate in addition to the name of the business.
6. **Density:** Businesses, projects or parcels are limited to one freestanding or low profile sign except that properties with more than one thousand feet (1,000') of continuous frontage and with more than one entrance may, subject to planning commission approval, install a freestanding or low profile sign at each entrance. Frontage on more than one street may not be combined for continuous frontage.
7. **Orientation:** Freestanding signs may be aligned either perpendicular or parallel to the road provided that signs perpendicular to the road are finished on both sides. (Ord. 2014-2, 2014: Ord. 2012-3, 2012: Ord. 2010-1, 2010: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)



this section). On vacant lots, where there is no structure, no part of the sign shall be located outside of the property boundary.

3. Height: No portion of the sign shall extend more than six feet (6') above the existing ground level at the location of the sign. Mounting devices may extend above the sign by not more than six inches (6").
4. Number: Only one temporary sign is permitted on any one parcel of property, except that for sixty (60) days preceding a general or special election, up to three (3) temporary signs may be placed on any one parcel of property.

C. Temporary Signage For Construction Projects: Because of the unique need to identify construction projects clearly for material suppliers, deliveries, construction workers, and to allow for initial marketing, temporary construction project entry signs are permitted subject to the following regulations:

1. Size: Projects are allowed one project sign on the property in conjunction with a project under development or construction, not to exceed thirty two (32) square feet in area.
2. Location: Temporary signage on construction sites must be located on private property. No part of the sign shall be located outside of the property boundary of the street on which the project fronts, which is the street providing access to the project.
3. Height: Construction project signs may not exceed ten feet (10') in vertical height from the ground at the point where the sign is located.
4. Clear Window Maintained: Construction project signs must be located in a manner that does not obstruct the view of adjoining streets from the driveway of the site to the adjoining street, for normal passenger vehicles.
5. Time Limit: Temporary construction project signs may be installed upon granting of a permit by the city for the project the sign pertains to or upon the issuance of building permits on permitted uses. Temporary project signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a permanent sign is constructed on the site, all temporary signage must be removed.

D. Portable Yard Signs: Portable yard signs are signs intended to be displayed for less than seventy two (72) hours at a time for the purpose of announcing a garage sale, yard sale, open house, or similar event on a property. Portable yard signs may be located in any zone subject to the following regulations:

- C. Solicitation Signs: One "No Solicitors" sign, not to exceed one square foot, is allowed per major entrance to any building or apartment complex.
- D. Hours Of Operation Sign: One "Hours Of Operation" sign is allowed per entryway. Each sign may not exceed one square foot in area. The sign may not be illuminated.
- E. Trespassing Sign: "No Trespassing" signs may be posted on doors, windows or other property entrances, or on fence or property lines. They may not exceed one square foot in area, and may not be illuminated.
- F. Addressing Numbers: Addressing numbers may be no higher than twelve inches (12"). When placed on commercial buildings, they may be taken into account in the review of the signage plan, and counted as signage if part of the overall signage for the building.
- G. Interior Signs: Nonilluminated signs which are on the interior of buildings set back at least two feet (2') from any window are not regulated.
- H. Flags, Symbols Or Insignias: The flag of the United States, the state of Utah, or other flags or insignias of governmental entities or agencies may be displayed and not counted as signage.
- I. Public Necessity Sign: Public necessity signs such as bus stop, no parking and street name signs installed by or with permission of the city are exempt from permit requirements. (Ord. 2014-2, 2014: Ord. 2010-1, 2010: Ord. 2009-3, 2009: Ord. 2000-9 § 1)

#### **17.44.110: PROHIBITED SIGNS AND SIGNAGE ILLUMINATION**

No person shall erect, alter, maintain, or locate any sign as specified in this title in any zone:

- A. Signs creating traffic hazards;
- B. Hazardous signs;
- C. Signs resembling traffic signs;
- D. Flashing signs or light for commercial use;
- E. Offensive signs;

## **17.44.130: INSPECTION OF SIGNS**

- A. Inspection: The code enforcement officer shall inspect, as he or she deems necessary, signs regulated by this title to ascertain whether the signs have been adequately installed and adequately maintained to minimize risks to the public.
- B. Certain Signs To Be Approved By Code Enforcement Officer: The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the code enforcement officer. The code enforcement officer shall examine the plans and specifications with respect to all wiring and connections to determine if they comply with the applicable electrical codes, and he or she shall approve such permit if the plans and specifications comply with the code or disapprove the application if noncompliance with the code is found. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

# MILLVILLE CITY CODE

## TITLE 17 - ZONING

### CHAPTER 17.20A - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL ZONE

(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 inches (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.~~

### A. SPACE REQUIREMENT CHART

	<b>R-1-14</b> ( $\frac{1}{3}$ acre)	<b>R-1-21</b> ( $\frac{1}{2}$ acre)	<b>R-1-43</b> (1 acre)	<b>R-1-87</b> (2 acre)	<b>Duplex<sup>4</sup></b>	<b>Accessory Building</b>	<b>Accessory Dwelling Unit</b>
<b>Minimum Lot Area<sup>1</sup></b> (calculated in square feet)	14,000	21,000	43,560	87,000	20,000		21,000
<b>Lot Frontage</b>	108'	108'		132'	124'		<i>See lot size</i>
<b>Front Setback</b>	30'	30'		30'		30'	30'
<b>Side setback, street</b>	20'	20'		20'		20'	20'
<b>Side setback, interior</b>	15'	15'		15'		5'	15'
<b>Rear setback, corner lot</b>	20'	20'		20'		5'	20'
<b>Rear setback, interior</b>	30'	30'		30'		5'	30'
<b>Maximum Height<sup>2</sup></b>	35'	35'		35'	35'	35'	35'
<b>Minimum Building Size<sup>3</sup></b> (calculated in square feet)	960	960		960	960	200 <sup>5</sup>	up to 1200 SF <sup>6</sup>
<b>Minimum Width Building</b>	20'	20'		20'	20'		
<b>Parking Spots Required</b>	2	2		2	4		2

1. *Lot slope requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. See table below for additional Slope Class minimum lot sizes.*
2. *Measured from the main entrance threshold to the highest point of the building roof.*
3. *Not more than one main building may be placed upon one lot or parcel of land. Living area shall be calculated excluding basement, open porches, and garages. Buildings must be attached to a permanent concrete foundation, and meet minimum uniform building code requirements.*
4. *Not more than one duplex may be placed upon one lot or parcel of land. Lots with duplexes shall be a minimum distance of three hundred fifty feet (350'), in any direction, from any other lot with a duplex.*
5. *No building permit will be required for a structure up to and including two hundred (200) square feet, unless required by state statute.*
6. *The total area of an Exterior Accessory Dwelling Unit shall be less than fifty percent (50%) of the total square footage of the primary residence, but not more than 1,200 square feet.*

## B. SLOPE CLASS MINIMUM LOT SIZE REQUIREMENTS

	<b>R-1-14</b>	<b>R-1-21</b>	<b>R-1-43</b>	<b>R-1-87</b>	<b>DUPLEX</b>
Class 1 0-20% slope	14,000	21,000	43,000	87,000	20,000
Class 2 20-23% slope	20,000	21,000		87,000	26,000
Class 3 23-27% slope	26,000	26,000		87,000	32,000
Class 4 27-30% slope	32,000	32,000		87,000	38,000
Class 5 30%+ slope	<i>Not Buildable</i>	<i>Not Buildable</i>	<i>Not Buildable</i>	<i>Not Buildable</i>	<i>Not Buildable</i>

1. *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. Lot corners will be marked with five-eighths inch ( $\frac{5}{8}$ " ) rebar (#5 rebar) that is eighteen inches (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.

D. 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.

- E. 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.
- F. 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.
- G. 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.
- H. 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').
- I. 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.
- J. 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. 2025-7, 2025: 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)

~~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).~~

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

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

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

~~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. Accessory buildings: Minimum five feet (5') from the property line.~~

~~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. ~~Accessory buildings: Minimum five feet (5') from the property line common to an interior lot, with a 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. ~~Accessory buildings: Minimum five feet (5') from the rear property line.~~¶

¶

##### ~~2. Corner lots:~~¶

¶

- a. ~~Minimum twenty feet (20') from the rear property line.~~¶

¶

- b. ~~Accessory buildings: 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). ¶~~  
~~¶~~  
~~Minimum twenty six thousand (26,000) square feet for slope class 2 lots. ¶~~  
~~¶~~  
~~Minimum thirty two thousand (32,000) square feet for slope class 3 lots. ¶~~  
~~¶~~  
~~Minimum thirty eight thousand (38,000) square feet for slope class 4 lots. ¶~~  
~~¶~~
- ~~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. 2025-7, 2025: 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~~**

~~No building permit will be required for a structure up to and including two hundred (200) square feet, unless required by state statute.~~

~~¶~~

~~A. All accessory building structures shall be located behind the front yard setback.~~

~~¶~~

~~B. Setback: There is a minimum setback of five feet (5') 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. (Ord. 2025-7, 2025: Ord. 2018-6, 2018: Ord. 99-02-18-01 § 2)~~

## **17.20A.0650: 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."
- 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 is required before Final Plat approval. (Ord. 2025-7, 2025: Ord. 2023-6: 2023)