

## **NOTICE AND AGENDA**

Notice is hereby given that the Planning Commission of Millville City will hold a regularly scheduled meeting on Thursday, **February 5, 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 – Chairman Greenhalgh
2. Opening Remarks / Pledge of Allegiance
3. Oath of Office and swearing in of new Planning Commissioner- Coby Price
4. Approval of Agenda
5. Approval of minutes from last Planning & Zoning Meeting – January 15, 2026
6. Agenda Items:
  - A. Other
  - B. PUBLIC HEARING- as close as possible to 8:10 p.m.
    - i. Millville City Code Title 17- Zoning
      1. Addition of a Residential Zone
      2. Consolidating Single Family and Two-Family Residential Chapter
7. Agenda items for next meeting
8. Calendaring for future Planning Commission Meeting- Thursday, February 19, 2026, at 8:00 PM
9. 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 February 4, 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**  
**January 15, 2026**

**PRESENT:** Garrett Greenhalgh, Bonnie Farmer, Matt Anderson, Kara Everton, Megan Dyer, Corey Twedt, Pam June, Chad Kendrick, Addie Belle Davis, Maximus Melgan, Milo Satterfield, Tamra McCormick, Joe McCormick, Jean Culbertson, Blake Swenson, Darcy Ripplinger

**Call to Order/Roll Call:**

Commissioner Greenhalgh opened the meeting for January 15, 2026, at 8:00 pm. Commissioners Garrett Greenhalgh, Bonnie Farmer and Matt Anderson 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 January 15, 2026, was reviewed. *Development Coordinator Everton informed the Commission that newly appointed commissioner Coby Price was unable to attend the meeting due to a delay in flight. We will update the agenda to remove item F. Swearing in of the new Planning Commission Coby Price. Commissioner Anderson moved to approve the agenda for January 15, 2026 as amended.* Commissioner Farmer seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer and Matt Anderson voted in favor. Commissioner Lynette Dickey was absent.

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

The Planning Commission reviewed the minutes for the Planning Commission Meeting for October 16, 2025. **Commissioner Farmer moved to approve the minutes for the meeting on October 16, 2025.** Commissioner Anderson seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer and Matt Anderson voted in favor. Commissioner Lynette Dickey was absent.

**A. Determination and Appointment of 2026 Chairman and Vice-Chairman**

Commissioner Farmer nominated Garrett Greenhalgh to continue to fill the Chairman position. Commissioner Anderson seconded. Commissioner Farmer nominated Matt Anderson to be the Vice-Chairman. Both accepted the position.

**Commissioner Anderson moved to appoint Commissioner as Chairman and Commissioner as Vice-Chairman.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer and Matt Anderson voted in favor. Commissioner

Lynette Dickey was absent.

**B. Review and Acceptance of Planning Commission Bylaws**

**Commissioner Farmer moved to approve the Planning Commission Bylaws.**

Commissioner Anderson seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer and Matt Anderson voted in favor. Commissioner Lynette Dickey was absent.

**C. Zoning Clearance- Accessory Building- Blake & Denise Swensen- 325 E 300 S.**

Matt Anderson disclosed that he is related to the Swensen's. It was determined he will still be able to vote. It is a basic carport but will have footings. There is a company that comes and installs it. Blake is asking if he can move it closer to the property line 2'. The planning commission is discussing building codes and having it align with the county.

**Commissioner Farmer moved to approve the zoning clearance for an Accessory Building for Blake & Denise Swensen located at 325 E 300 S.** Commissioner Anderson seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer and Matt Anderson voted in favor. Commissioner Lynette Dickey was absent.

**D. Sign Permit- DJB Gas Services- 765 W 1940 S, Bldg 25, Ste 101**

Concerns were stated over the temporary signage being on city property. It was determined that no temporary signage should be in the city right of way. The permanent signs did meet all size standards.

**Commissioner Anderson moved to deny the temporary sign until further information is given, and approve the two sign permits for the permanent signs DJB Gas Services located at 765 W 1940 S, Bldg 25, Ste 101.** Commissioner Farmer seconded.

Commissioners Garrett Greenhalgh, Bonnie Farmer and Matt Anderson voted in favor. Commissioner Lynette Dickey was absent.

**E. Residential Code Review & Update in preparation for Public Hearing**

A number of things were discussed, including:

- Accessory Building setbacks shall be 5' unless a firewall is installed, but can only be a minimum of 3' from the lot line.
- The measurement of the frontage of a duplex
- Duplexes need to be determined at the time of building. Homes cannot be converted into a duplex down the road
- Reassigning the names for the different zones

There was more discussion regarding the "Sensitive Areas" code and it was determined that we need to meet with our engineers and have him explain the hillside slope more to understand.

The Planning Commission also would like the City Council to look at the flag lots to see if we need to revise the requirements.

**F. Open and Public Meeting Training**

Watched a short video on OPMA.

**G. Other**

- Commissioner Greenhalgh brought up how awkward it was at the City Council meeting and asked if there is a way to make it less awkward.

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

- Swearing in of Coby Price

**7. Calendaring of future Planning Commission Meeting – February 5, at 8:00 pm**

**8. Adjournment**

Commissioner Farmer moved to adjourn the meeting at approximately 9:50 p.m.

**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. (Ord. 2025-5, 2025: 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-1-14	Single- and two-family residential zone (minimum 14,000 square foot lot size)
R-21-21	Single- and two-family residential zone (minimum 21,500 <del>000</del> square foot lot size)
R-31-43	Single- and two-family residential zone (minimum <del>43,500</del> 87,000 square foot lot size)
R-1-87	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-1-14 (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-21-21 (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 21,500000 square feet.
  3. The R-1-433 (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 43,50087,000 square feet.
  4. The R-1-87 (single-family and two-family residential) zone is intended to provide areas for single-family and two-family 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 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.0650: 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 (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

	R-1-14 ≈ 1/3 acre	R-1-21 ≈ 1/2 acre	R-1-43 ≈ 1 acre	R-1-87 ≈ 2 acre	Duplex <sup>4,8</sup>	Accessory Building	External Accessory Dwelling Unit
<b>Minimum Lot Area<sup>1</sup> (calculated in square feet)</b>	14,000	21,500	43,500	87,000	21,500		
<b>Lot Frontage</b>	108'	108'	108'	132'	108'		<i>See lot size</i>
<b>Front Setback</b>	30'	30'	30'	30'	30'	30'	30'
<b>Side setback, street</b>	20'	20'	20'	20'	20'	20'	20'
<b>Side setback, interior</b>	15'	15'	15'	15'	15'	5' <sup>7</sup>	15'
<b>Rear setback, corner lot</b>	20'	20'	20'	20'	20'	5' <sup>7</sup>	20'
<b>Rear setback, interior</b>	30'	30'	30'	30'	30'	5' <sup>7</sup>	30'
<b>Maximum Height<sup>2</sup></b>	35'	35'	35'	35'	35'	35'	35'
<b>Minimum Building Size<sup>3</sup> (calculated in square feet)</b>	960 SF	960 SF	960 SF	960 SF	960 SF	200 <sup>5</sup>	up to 1200 SF <sup>6</sup>
<b>Minimum Width Building</b>	20'	20'	20'	20'	20'		
<b>Parking Spots</b>	2	2	2	2	4		2

Required							
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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.*
7. *Unless accompanied by a firewall as per fire code. 3' minimum.*
8. *Duplexes need to be determined at the time of Zoning Clearance. A home cannot be converted into a duplex.*

## B. SLOPE CLASS MINIMUM LOT SIZE REQUIREMENTS

	R-1-14	R-1-21	R-1-43	R-1-87	DUPLEX
Class 1 0-20% slope	14,000	21,500	43,500	87,000	21,500
Class 2 20-23% slope	20,000	21,500	43,500	87,000	26,000
Class 3 23-27% slope	26,000	26,000	43,500	87,000	32,000
Class 4 27-30% slope	32,000	32,000	43,500	87,000	38,000
Class 5 30%+ slope	Not Buildable				

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.*
2. *Hillside Overlay applications have more studies/requirements and can be found in Chapter 17.26.040*

## 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 E 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. ~~Repeated.~~
  - 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, with the exception of cul-de-sacs. Private Lanes shall not be permitted in lots located in a cul-de-sac..

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)