

16.20.040: EXEMPTIONS:  

A. Subdivisions of less than four (4) lots may be subdivided using a simplified procedure for a small subdivision if:

1. A recommendation has been received from the planning commission;
2. The subdivision has been approved by:
 - a. The city council, or
 - b. Other officers that the legislative body designates in an ordinance;
3. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan; and
4. The subdivision does not require the dedication of any land for street or other public purposes; and
5. If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the appeal authority.

B. The commission may consider the above exemptions if the proposed subdivision is not:

1. Located within the hillside development overlay zone; or
2. Located in a floodplain or natural runoff drainageway.

C. Submittals for the subdivision of land under this exemption shall be made to the planning and zoning commission in accordance with section 16.20.020, "Final Plat Submittal", of this chapter. If the planning and zoning commission finds that the submittal meets the requirements for consideration under this section, it shall, within seven (7) days, forward the submittal along with its recommendation to the city council for review.

D. Submittals reviewed and approved for consideration under this section by the planning and zoning commission shall require the following items to be submitted to the city council or its designated representative prior to review by the city council:

1. A review fee as set by resolution of the city council.
2. The original Mylar, twelve (12) copies of the final plat and four (4) copies of all required supporting material shall be submitted to the city planner prior to the commission meeting at which the plat is to be considered.
3. The final plat drawing shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger for subdivisions where the majority of lots are less than five (5) acres in size. Required affidavits, certificates and acknowledgments shall be legibly printed on the plat in opaque ink. The sheet size of all final plats shall be twenty four inches (24") high by thirty six inches (36") wide. Information on the plat shall be so positioned that a one and one-half inch (1¹/₂") margin is left on the left side of the sheet and a one inch (1") margin on the three (3) remaining sides. The scale may be reduced to one inch equals two hundred feet (1" = 200') for subdivisions in which the minimum lot size is five (5) acres or more. Each sheet of the final plat shall be numbered and the total number of sheets comprising the plat shall be stated on each sheet (for example: sheet 2 of 4). The relationship of one sheet to the other shall be shown by key maps and by match lines.
4. Any other supporting material as deemed necessary by the city council or its designated representative.

E. The submitted plat shall contain the notarized signatures of the owner or owners of any and all equitable or legal interest in the land of whatever nature and the signature of the registered land surveyor. In addition, the mortgagees, if any, shall provide the city with a letter confirming that they are aware of the subdivision and concur with the subdivision filing.

All plats shall include the following information on the face of the plat:

1. The name of the subdivision at the top center of each sheet;
2. General location of the subdivision by section, township, range, county, and state, entered under the name of the subdivision;
3. North arrow, date and scale;
4. Boundary lines of the subdivision in a heavy solid line;
5. Legal description of the subdivision boundary based on an accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error of closure of one part in ten thousand (10,000);
6. The location and description of the point of beginning and its proper reference to the monumented boundary survey;
7. Location and description of all monuments;
8. Bearings, distances, and curve data of all perimeter boundary lines indicated outside of the boundary lines;
9. On curved boundaries and on all curves within the plat, sufficient data to allow the reestablishment of the curves on the ground;

10. The location and layout of lots, blocks, tracts, sidewalks, alleys, and easements within and immediately adjoining the plat, with accurate dimensions in feet and one-hundredths ($1/100$) of feet, bearings, curve data, length of radii and/or arcs of all curves;
11. Drainage easements clearly labeled as such;
12. All lots logically and consecutively numbered with the numbers in the center of the lot;
13. The street address for each lot. Each street address shall be assigned by the city or its designees. The north and west sides of the streets shall be numbered odd and the south and east shall be numbered even;
14. All dimensions shown on irregularly shaped lots;
15. Parcels completely or partially surrounded by the area being subdivided shall be clearly marked "EXCEPTED", and the common boundary with the subdivision shown in a heavy solid line with bearings and distances;
16. A notation of the total acreage of the subdivision and the total number of lots;
17. A notarized certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds, and easements. The certificate shall read:

CERTIFICATE OF DEDICATION

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

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

(Insert full legal description)

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

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

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

STATE OF Utah)

) ss.

CACHE COUNTY)

The foregoing instrument was acknowledged before me this day of, A.D., 20, by:

as a free and voluntary act and deed. Witness my hand and official seal.

My commission expires:

Notary public

18. Show water rights transferred to the city.

19. Certificate of a registered land surveyor as follows:

I, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Utah, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Millville regulations governing the subdivision of land to an accuracy of one part in ten thousand (10,000).

DATE

(Registered Land Surveyor)

No.

STATE OF Utah)

) ss.

CACHE COUNTY)

The foregoing instrument was acknowledged before me this day of , A.D., 20 , by:

as a free and voluntary act and deed.

Witness my hand and official seal.

My commission expires:

Notary Public

20. A utility clearance block bearing signatures indicating approval of the plat by the local communications company, power company, and fuel company, or their successors.

21. Certificate of review of the city engineer as follows:

Data on this plat reviewed this day of, A.D., 20_, by the City Engineer of Millville, Utah.

City Engineer

22. Certificate of approval by the city of Millville planning and zoning commission as follows:

This plat approved by the City of Millville Planning and Zoning commission this day of A.D., 20_.

Chairman

Attest:

Secretary

23. Certificate of acceptance and approval by the city council of the City of Millville as follows:

Approved by the City Council of the City of Millville, Utah, this day of A.D., 20_.

Mayor

Attest:

City Recorder

24. Certificate for recording by the county recorder as follows:

This plat was filed for record in the Office of the County Recorder at o'clock .m., , 20_, and is duly recorded in Book , Page No. .

County Recorder

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

Agriculture Protection Area

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

F. The plat shall be accompanied by a dust control plan, erosion control plan, and a separate final design drawing of the stormwater drainage system and shall contain the following information:

1. Detailed design drawings of all proposed system features showing locations, dimensions, elevations and materials;
2. Locations and dimensions of significant features such as rivers, streams, creeks, arroyos, and gullies;
3. Design dimensions and capacities of diversion channels, retention and detention ponds, reservoirs, spillways, curb and gutter, pipelines or other drainage features.

G. If the plat must be reviewed by the U.S. army corp of engineers because of wetlands, streams or other criteria, the plat must be accompanied by a letter from the corp indicating their approval.

H. The plat shall be accompanied by the total amount of the plat fee pursuant to resolution 2007-20.

I. After receipt of the plat, the city planner shall review the submittal for completeness. The city planner may refer copies of the plat to and seek comment from the city attorney and other officials and agencies. Any such comments should be made known to the planning commission.

J. The subdivider shall provide such improvements on the existing streets within or contiguous to the subdivision as required by the city council. (Ord. 2008-4, 2008: Ord. 2007-8, 2007: Ord. 2003-4 §§ 1, 2, 2003: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)

Chapter 17.52

RESIDENTIAL FACILITIES FOR ELDERLY OR HANDICAPPED  

17.52.010: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; PERMITTED USE:

17.52.020: CODE COMPLIANCE:

17.52.030: PARKING:

17.52.040: SEPARATION STANDARDS:

17.52.050: CLIENT RESTRICTED:

17.52.060: COMPLIANCE:

17.52.070: DISCRIMINATION PROHIBITED:

17.52.080: MAINTENANCE:

17.52.090: AGENCY REVIEW:

17.52.100: RESIDENTIAL FACILITIES FOR DISABLED PERSONS; PERMITTED USE:

17.52.110: CONDITIONAL USE REVIEW:

17.52.120: STANDARDS:

17.52.010: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; PERMITTED USE:  

A residential facility for elderly persons shall be a permitted use in any area where residential uses are allowed following approval by the planning commission. Approval shall not be denied where the proposed residential facility for elderly persons is found to be in compliance with all the applicable provisions of this section.

Residential facilities for elderly persons shall be allowed in any city zoning district, except that district which is zoned to permit exclusively single-family dwelling and duplex use, subject to the granting of a conditional use permit. A conditional use permit shall not be denied where the facility is found, by the planning commission, to meet all conditions set forth in this section. (Ord. 2000-9 § 2)

17.52.020: CODE COMPLIANCE:  

The facility shall meet all municipal building, safety, zoning and health ordinances applicable to similar dwellings. The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. (Ord. 2000-9 § 2)

17.52.030: PARKING:  

Off street parking shall be provided as required in chapter 17.36 of this title. (Ord. 2000-9 § 2)

17.52.040: SEPARATION STANDARDS:  

Residential facilities for elderly persons shall not be established within three-quarters (0.75) of a mile of another residential facility for elderly persons, as defined in this title. (Ord. 2000-9 § 2)

17.52.050: CLIENT RESTRICTED:  

Persons being treated for alcoholism or drug abuse shall not be placed in a residential facility for elderly persons; placement in a residential facility for disabled persons shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. (Ord. 2000-9 § 2)

17.52.060: COMPLIANCE:  

The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons, or if the structure fails to comply with the ordinances adopted under this subsection. (Ord. 2000-9 § 2)

17.52.070: DISCRIMINATION PROHIBITED:  

Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All

decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents. (Ord. 2000-9 § 2)

17.52.080: MAINTENANCE:  

In any area zoned to permit exclusively residential uses, the planning commission may impose a condition that the landscaping around the facility must be maintained or installed such that it enhances the residential character of the neighborhood, as a condition of the conditional use approval. (Ord. 2000-9 § 2)

17.52.090: AGENCY REVIEW:  

The facility shall be reviewed by the following agencies, prior to the issuance of the conditional use permit or final approval by the planning commission:

A. City planning commission;

B. City building inspector;

C. City fire department, or designee;

D. City public works department;

E. Any improvement district where applicable, as determined by the city council. (Ord. 2000-9 § 2)

17.52.100: RESIDENTIAL FACILITIES FOR DISABLED PERSONS; PERMITTED USE:  

A residential facility for disabled persons, as defined in this title, shall be a permitted use in any area where residential facilities are allowed following approval by the planning commission. Residential facilities for disabled persons in areas where residential dwellings are allowed is a temporary privilege which can be revoked if the requirements of this section are not met. (Ord. 2000-9 § 2)

17.52.110: CONDITIONAL USE REVIEW:  

Residential facilities for disabled persons allowed in any municipal zoning district which is zoned to permit exclusively single-family dwelling use, subject to the granting of a conditional use permit. A conditional use permit shall not be denied where the facility is found, by the planning commission, to meet all conditions set forth in this section. (Ord. 2000-9 § 2)

17.52.120: STANDARDS:  

A residential facility for disabled persons in a zone permitting exclusively single-family dwelling use and any other area of the city where residential dwellings are allowed, shall be subject to the following conditions before being granted a conditional use permit:

A. No residential facility for disabled persons may be established or maintained such that it hinders the residential character of the neighborhood, as determined by the planning commission. In no case shall such a facility be located within three-quarters (0.75) mile of another existing residential facility for disabled persons.

B. The proposed use shall only be allowed if the home can meet all these conditions without structural alteration that would change the structure's residential character.

C. Discrimination against disabled persons and against residential facilities for disabled persons is prohibited. All decisions regarding an application for a residential facility for disabled persons must be based on legitimate land use criteria, and may not be based on the disabled conditions of the facility's residents.

D. The landscaping around the facility must be maintained or installed such that it enhances the residential character of the neighborhood.

E. If the facility houses six (6) to eight (8) persons, it shall meet the uniform building code requirements of the latest edition adopted by the city for an institutional "I" occupancy. In all other respects, it should meet the uniform building code, as adopted by the city.

F. If the facility houses six (6) to eight (8) persons, it shall meet the uniform fire code requirements of the latest edition adopted by the city for an institutional "I" occupancy. In all other respects, it shall meet the uniform fire code.

G. The facility shall receive approval from the following agencies, prior to the issuance of the conditional use permit or final approval by the planning commission:

1. City planning commission;
2. City building inspector;

3. City fire department, or designee;
4. City public works department;
5. Cache County health department;
6. Any improvement district where applicable, as determined by the city council.

H. The facility must meet the requirements of the life safety code as adopted by the city. If any one occupant is nonambulatory, and there are four (4) or more occupants, then it shall meet the requirements under the life safety code for a residential-custodial care facility. If all the occupants are ambulatory, then the facility shall meet the requirements of the life safety code for lodging houses.

I. No person who is being treated for alcoholism or drug abuse or who is violent shall be placed in a residential facility for disabled persons.

J. Placement in a residential facility for disabled persons shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution.

K. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for disabled persons, or if the structure fails to comply with all applicable health, safety and building codes.

L. In any municipal zoning district which is zoned to permit exclusively single-family dwelling uses, the planning commission may set other reasonable conditions for any individual applicant which it feels will further the intent of part 5, title 10, chapter 9, Utah Code Annotated, 1953, as amended, and this section.

M. This chapter adopts the provisions outlined in Utah Code Annotated section 10-9-601 et seq., as amended.

(Ord. 2000-9 § 2)