

## ***MILLVILLE PLANNING COMMISSION MEETING***

**City Hall - 510 East 300 South - Millville, Utah**

**October 6, 2022**

**PRESENT:** Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger, Matthew Anderson, Kara Everton, Pam June, Chad Kendrick, Tyler Gessell

### **Call to Order/Roll Call:**

Commissioner Greenhalgh opened the meeting for October 6, 2022, at 8:00p.m. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) were present with Commissioner Thompson & Lewis absent. 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 was reviewed. **Commissioner Dickey moved to approve the agenda for September 15, 2022.** Commissioner Ripplinger seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson & Lewis absent.

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

The Planning Commission reviewed the Planning Commission Meeting for September 15, 2022, **Commissioner Anderson moved to approve the minutes.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson & Lewis absent.

**Commission Lewis arrived.**

### **5.A. Zoning Clearance- New Residence- Matthew & Rebecca Hedlius- 41 N 550 E. Millville**

Commissioner Anderson noted that the 30 feet setback on map is shown to be based off the road and not property line. Needs to be off the property line.

**The owner was not present at this time. Commissioner Farmer made a motion to move onto Agenda item 5.B while we wait for the owner to come. Commissioner Lewis seconded.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

### **5.B. Zoning Clearance- New Residence- Unique Custom Homes for Tyler Gessell- 384 N 100 E.**

The home is facing 100 E and a single story. Setbacks are all being minimally met. Home builder will have someone come and mark it for him. Matthew Anderson said there are CC&Rs on the property

and he'll get that to the builder/homeowner. Chad Kendrick mentioned that there is a substantial swell where the driveway will be. He suggested that there is still some work that needs to be done and to contact him. There's a culvert on the NWC that picked up a deep swell that goes down to the storm drain down the hill. Landscape refund to homeowner.

**Commissioner Lewis moved to approve the Zoning Clearance for New Residence- Unique Custom Homes for Tyler Gessell- 384 N 100 E. Commissioner Ripplinger seconded.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

**5.C. Park Extension Annexation**

There will be a bridge connecting both parts of the park. Commissioner Ripplinger asked if any water shares were exchanged. Commissioner Lewis stated that because it's a gift and not a subdivision there wouldn't be any water shares to exchange. Further discussion transpired in regards to the process of annexation and timeline. Development Coordinator Everton stated that Recorder Twedt was handling the annexation and this was just for the Planning & Zoning recommending the annexation of the property to the City Council. There will be no sprinklers. The property will be left natural and an extension of the walking path with shade trees, and benches.

**Commissioner Dickey moved to recommend the Park Extension Annexation to City Council. Commissioner Farmer seconded.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

**Commissioner Farmer made a motion to move back to Agenda item 5.A for discussion. Commissioner Anderson seconded.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

**5.A. Zoning Clearance- New Residence- Matthew & Rebecca Hedlius- 41 N 550 E. Millville**

Property owner was now present. Commissioner Greenhalgh stated that the 30' setback needs to begin at the property line and not the road. The builder on this property is Jacob Evans. The home is 2 stories in height with a basement walkout. It does fall under the height requirements. The paper was given to the homeowner for the setback requirements for the county. Homeowner paid the zoning clearance fee. Commissioner Greenhalgh explained that now the homeowner takes the zoning clearance and setback requirement form to take to the county and pay the permit fee. The homeowner is installing a dryline. The landscape refund will be given to the homeowner.

**Commissioner Farmer moved to approve the Zoning Clearance for New Residence- Matthew & Rebecca Hedelius- 41 N 550 E., Millville. Commissioner Dickey seconded.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

**Commissioner Lewis made a motion to move back to Agenda item 5.D for discussion for a conceptual plat for Covert Property. Commissioner Ripplinger seconded.** Commissioners Garrett

Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

#### **5.D. Pre-Conceptual- Covert Property**

This is a very rough conceptual drawing that was emailed. A representative is not at the meeting. The commission had a few concerns/ comments. They weren't able to completely verify that all lots were in compliance due to the missing measurements. The frontage needs to be 108'. The minimum lot size needs to be 1/3 of an acre.

There is a water source (currently dry) on the property that needs to be addressed. From their understanding, there are owners of that spring/canal that have shares and use it. Due to us being in a drought, it is dry, but during wetter years, this is a used source of water. There are setbacks that need to be met depending on what classification of water this is- ex: a setback for a spring is 100', a setback for a canal is 15' on both sides. The commission suggested a feasibility study due to the high-water table in this area. It is not required but a suggestion.

Will the road be measured as a full road-the requirement being 66' right-of-way that ends in a cul-de-sac? The road would need to be dedicated to the city of Millville. Our director of public works, Chad Kendrick stated that grassy swells would work better on this property versus curb and gutter. Because of the number of properties suggested in this drawing this would be classified as a major (big) subdivision.

The commission also suggested looking into the ability to install septic tanks in an area that is so close to a water protection area. This may be something that will be better to wait until the sewer is installed.

There are challenges with this property. While there is septic required it will be more difficult due to the spring being so close. There are protection zones and shares in that spring that is being used and you can't use or contaminate. The spring would need to be well defined on there to know where it is.

#### **5.E. Millville City Code Review- Chapter 17.46- Accessory Dwelling Units**

The commission is under the impression that City Council would like them to review and suggest edits and then recommend to City Council. Within Accessory Dwelling Unit (ADUs) discussion there is an Internal ADUs and External ADUs. Commissioner Anderson likes the suggestion of changing "*mother-in-law apartments*" to Internal Accessory Dwelling Units and is in favor of a city code to define regulations. The commission is in agreement that there cannot be anything enforced if there is not a code to be able to enforce.

At this time **Commissioner Farmer made a motion to move to Agenda item 5.G- Other due to the discussion being a lengthy one. Commissioner Ripplinger seconded.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

#### **5.G. Other**

- Jared Campbell has a Hillside Overlay lot that has sent an application in to Franson Engineer for review. It's in their timeline currently, and Development Coordinator Everton suggested

following up with the engineer before the deadline for the next meeting, which would be Friday October 14<sup>th</sup>. Director of Public Works Chad Kendrick suggested further review of the spring that is running through the property to recommend a geotechnical engineer to look at the spring to verify the design of the house/lot plan and to verify the ownership, as there are shares to the spring.

- Pam June followed up with the commission regarding the Defending Utah Presentation to get the commissioners opinion. The commission is okay to do it before a meeting on a Planning & Zoning or City Council meeting night.
- There is a property in Mond-Aire that was owned by Brian Jenson and is being bought by someone else. There is a utility easement on the property that goes down the hill to a storm drain and a manhole on the property. Chad Kendrick said there is an 8" live water line. It was suggested that he needs to go to the County Records office and get the official mylar that was turned in with the subdivision. There cannot be any permanent structures on the easement.
- Commissioner Ripplinger asked if the sidewalk plan is required where Matthew Anderson's duplex is being built. It is not on the master plan on the east side.

At this time, **Commissioner Ripplinger made a motion to return to Agenda item 5.E- Millville City Code Review- Chapter 17.46- Accessory Dwelling Units. Commissioner Lewis seconded.**

Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

#### **5.E. Millville City Code Review- Chapter 17.46- Accessory Dwelling Units**

There was quite a bit of discussion and suggestions made. These were updated and submitted via email to an online document.

#### **5.F. Millville Code- Chapter 17.50 Short-Term Rental Housing**

**Commissioner Ripplinger made a motion to postpone discussion for this Agenda item 5.F until the next meeting.** Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor with Commissioner Thompson absent.

#### **6. City Council Report – review minutes from the September 15, 2022, meeting**

#### **7. Agenda Items for Next Meeting**

- A. Millville City Code Review- Chapter 17.50 Short-Term Rental Housing
- B. Gary Stauffer Zone Change

#### **8. Calendaring of future Planning Commission Meeting**

The next regularly scheduled meeting will be held Thursday, October 20, 2022, at 8:00 pm.

#### **9. Adjournment**

Chairman Greenhalgh moved to adjourn the meeting at 10:25 p.m.

## APPLICATION INFORMATION

- [illegible]

The diagram is a site plan showing the layout of a property. A large rectangle in the center is labeled "PROPOSED STRUCTURE". Above it is a smaller rectangle labeled "EXISTING STRUCTURE". A north arrow points towards the top left, labeled "N". Dimensions are indicated by arrows: 75' between the top of the proposed structure and the top of the existing structure; 50' between the bottom of the existing structure and the top of the proposed structure; 10' between the right side of the existing structure and the right boundary; 15' between the left side of the proposed structure and the left boundary; 15' between the right side of the proposed structure and the right boundary; 30' between the bottom of the proposed structure and the bottom boundary; and a "DRIVEWAY" is shown on the left side of the proposed structure. The bottom boundary is labeled "STREET NAME".

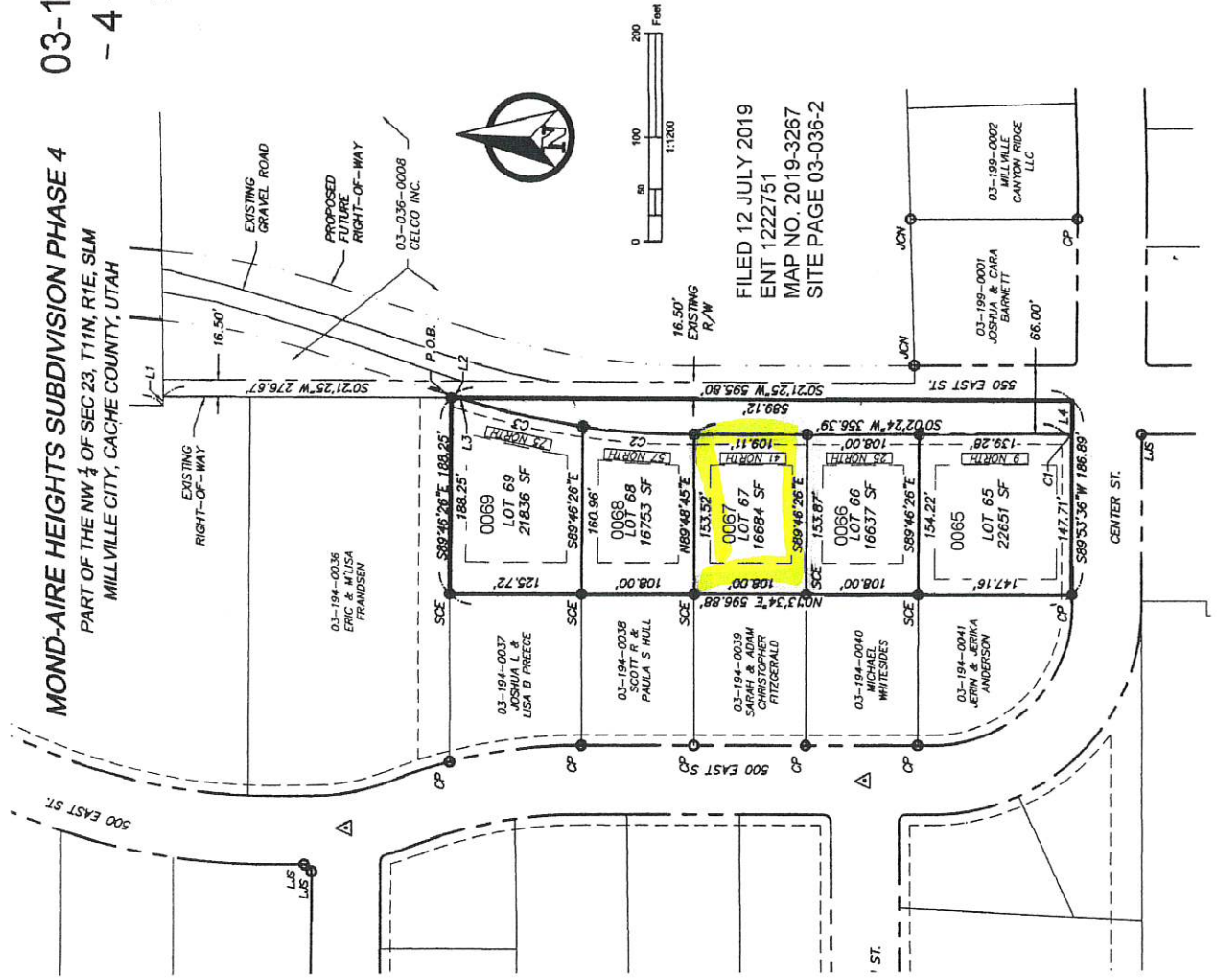
Diagram illustrating the proposed structure layout. The structure is 79 ft wide and 20 ft high. It is 18 ft from the bottom boundary and 30 ft from the right boundary. A driveway is shown to the right of the structure. A north arrow points towards the top left.

DATE \_\_\_\_\_

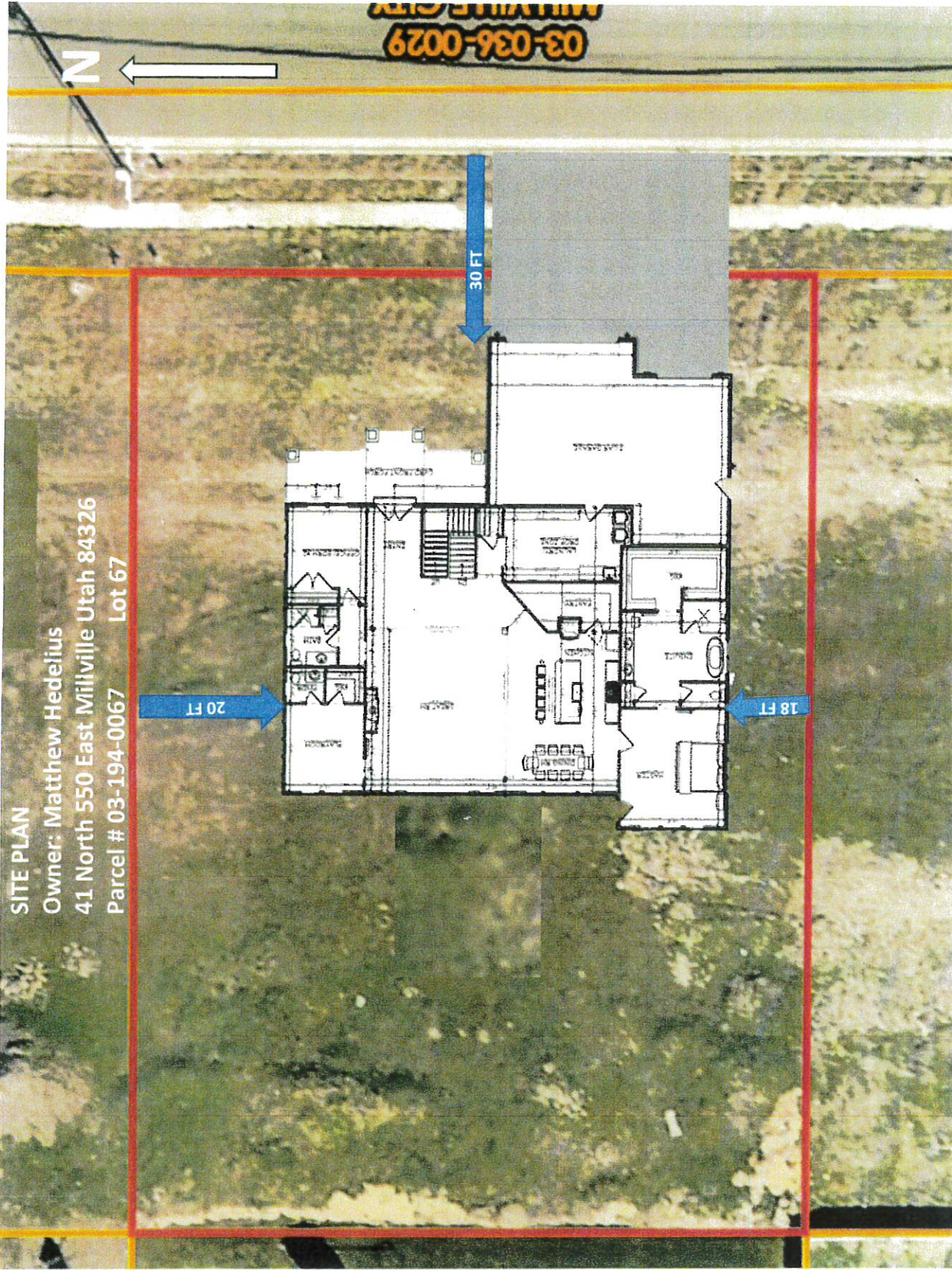
This property is being approved for building permit issuance as indicated above. Any change in the type or placement of the structure is not allowed. This clearance is not a waiver of compliance with either the zoning ordinance or the building codes. Millville City Form 101 - 15 Nov. 2003 (previous edition is obsolete)

**MOND-AIRE HEIGHTS SUBDIVISION PHASE 4**  
 PART OF THE NW 1/4 OF SEC 23, T11N, R1E, SLM  
 MILLVILLE CITY, CACHE COUNTY, UTAH

**03-194**  
**- 4 -**  
 Electronic Only  
 TAX UNIT 07



FILED 12 JULY 2019  
 ENT 1222751  
 MAP NO. 2019-3267  
 SITE PAGE 03-036-2



**SITE PLAN**

Owner: Matthew Hedelius  
41 North 550 East Millville Utah 84326  
Parcel # 03-194-0067 Lot 67

03-036-0029  
MILLVILLE CITY



MILLVILLE CITY  
ZONING CLEARANCE FOR BUILDING PERMIT  
THIS FORM EXPIRES 60 DAYS FROM DATE OF APPROVAL

APPLICATION INFORMATION

1. Unique Custom Homes (Tyler Goss)  
APPLICANT'S NAME

2. 164 N. 300 E  
MAILING ADDRESS

Providence Ut. 84332  
CITY STATE ZIP CODE

3. \_\_\_\_\_ 4. 435-770-4224  
HOME TELEPHONE BUSINESS TELEPHONE

5. Tyler  
OWNER'S NAME (if different from applicant)

6. Home  
TYPE OF STRUCTURE

7. 1815 8. R-1  
SQUARE FOOTAGE ZONE

9. Park Meadows Lot 8  
SUBDIVISION NAME AND LOT NUMBER (if applicable)

10. 02 - 130 - 0058  
TAX IDENTIFICATION NUMBER

11. 384 N. 100 E  
ADDRESS OF CONSTRUCTION

12. .33 Ac 13. \_\_\_\_\_  
LOT SIZE LOT ELEVATION

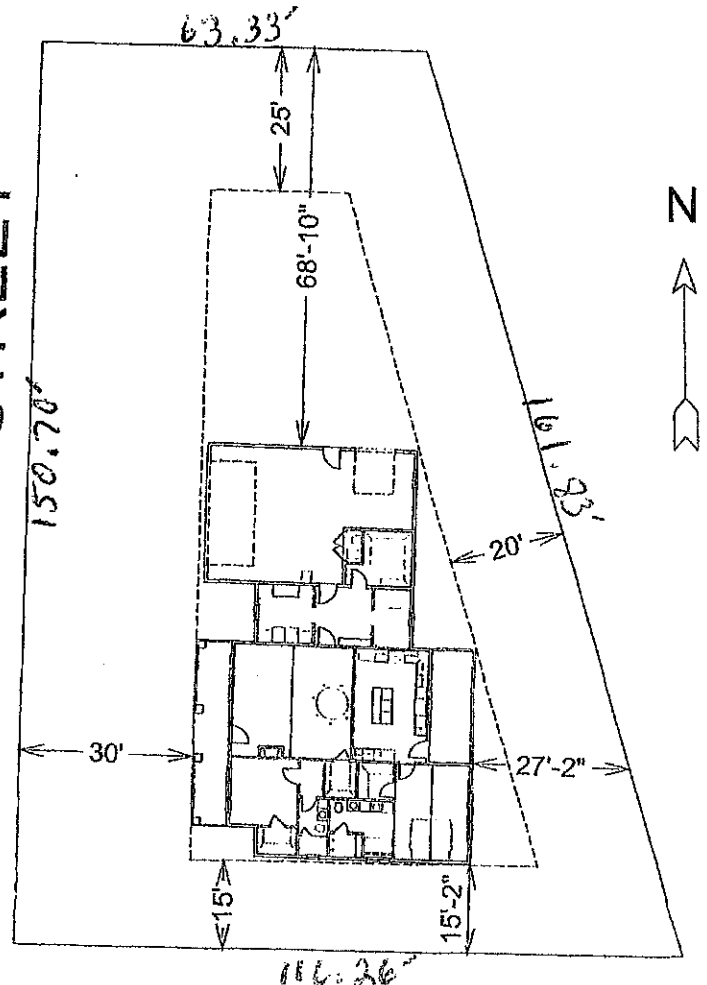
14. SEWER ☐ SEPTIC TANK ☒ N/A ☐  
(choose one)

15. CITY WATER ☒ PRIVATE WELL ☐ N/A ☐  
(choose one)

16. ELECTRICITY ☒ GAS ☒ OTHER UTILITY ☐  
(specify in remarks)

17. \_\_\_\_\_  
REMARKS

100 EAST STREET



APPROVED - PLANNING AND ZONING \_\_\_\_\_ DATE \_\_\_\_\_

FEES PAID - TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

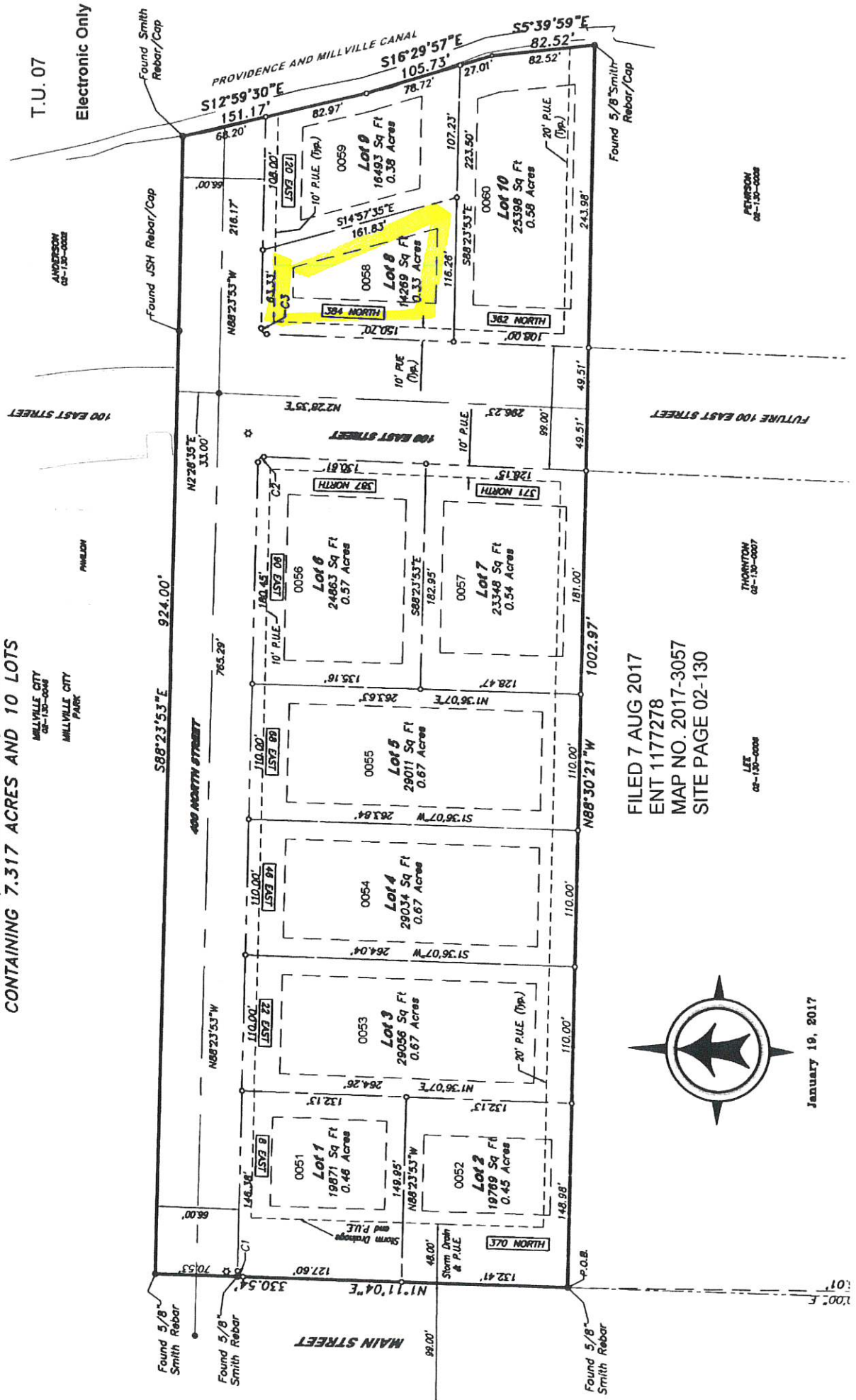
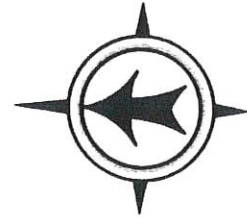
This property is being approved for building permit issuance as indicated above. Any change in the type or placement of the structure is not allowed. This clearance is not a waiver of compliance with either the zoning ordinance or the building codes. Millville City Form 101 - 15 Nov. 2003 (previous edition is obsolete)

# Park Meadows Subdivision

02-130

A PART OF THE SOUTHEAST QUARTER OF SECTION 15, T11N, R1E, S.L.B.&M.  
MILLVILLE, CACHE COUNTY, UTAH  
CONTAINING 7.317 ACRES AND 10 LOTS

-2-



January 19, 2017

FILED 7 AUG 2017  
ENT 1177278  
MAP NO. 2017-3057  
SITE PAGE 02-130

LEE  
02-130-0008

THORNTON  
02-130-0007

PETERSON  
02-130-0008

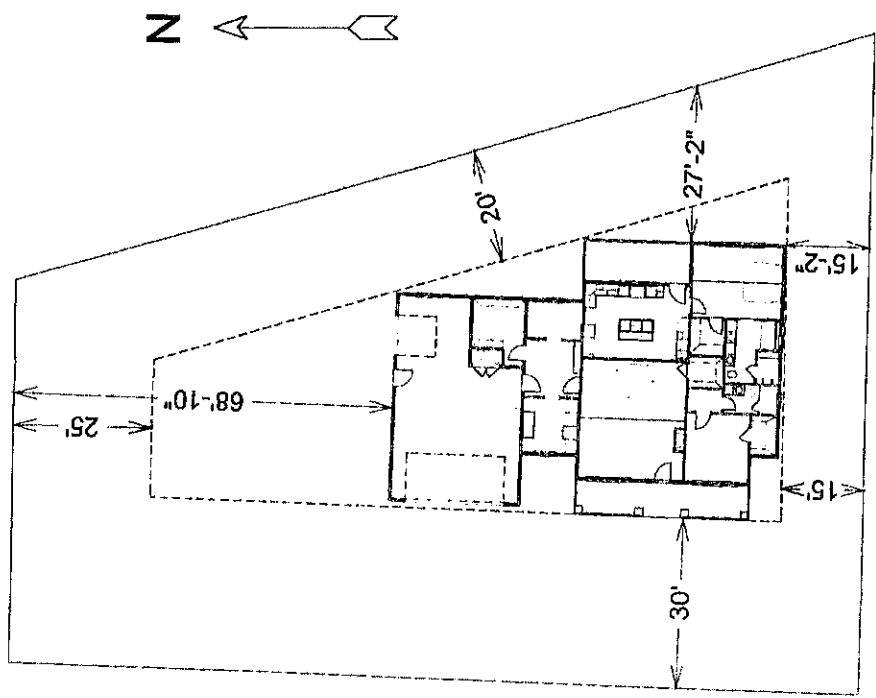
MILLVILLE CITY  
02-130-0004  
MILLVILLE CITY  
PARK

PAULSON

ANDERSON  
02-130-0002

T.U. 07

Electronic Only



100 EAST STREET

**PLOT PLAN**  
SCALE 1"=10'



## **AGENDA REPORT: GRIFFEN PROPERTY ANNEXATION**

**OCTOBER 6, 2022**

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The Griffins have donated 1.74 acres of property directly south of the existing South Park. We were hoping that we could do a boundary adjustment to just move that from their parcel and make it part of the parcel in the park, but since it is in the County, we will need to annex it in as well.

For the annexation to take place, we need the Planning Commission to take a look at it and recommend annexing it into Millville.

This park extension is intended to have shade trees and a walking path and some picnic tables and benches. Only access will be a walking bridge across the canal from the southeast corner of our existing park.

Attached are the petition and the plat. The grey area that is part of the Griffin property at the bottom is the portion that the City now owns and are planning to annex into Millville.

## PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF MILLVILLE CITY, CACHE COUNTY,  
STATE OF UTAH:

We, the undersigned owners of certain real property lying contiguous to the present municipal limits of Millville City hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah code Annotated, 2015, as amended (UCA);
2. That the property subject to this petition is a contiguous, unincorporated area contiguous to the boundaries of Millville City and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. That the signatures affixed hereto are those of the owners of private real property that:
  - a. is located within the area proposed for annexation;
  - b. covers a majority of the private land area within the area proposed for annexation; and
  - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;
  - d. is described as follows:

A parcel of Ground located in the Southwest Quarter of Section 23, Township 11 North, Range 1 East of the Salt Lake Base & Meridian. Described as follows:

Commencing at the Aluminum Cap Monument found at the Southwest Corner of Section 23, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, from which the point Brass Cap Monument found at the Northwest Corner of said section bears North 0°02'39" East 5,340.07 feet and the Aluminum Cap Monument found at the South Quarter Corner of said section bears North 89°40'13" East 2,636.08 feet, and running Thence North 804.909 feet; Thence East 977.474 feet to a found Bolt at a fence corner; Thence South 00°49'00" West 18.673 feet to a point in the center of the Garr Spring Branch and is the point of beginning; and running Thence Northeasterly along said centerline the following eight courses, 1) North 77°29'22" East 9.887 feet; 2) Thence South 83°02'28" East 52.668 feet; 3) Thence North 59°05'24" East 20.884 feet; 4) Thence North 64°00'08" East 27.372 feet; 5) Thence North 59°45'57" East 27.339 feet; 6) Thence North 69°46'22" East 45.430 feet; 7) Thence North 71°30'58" East 40.692 feet; 8) Thence North 47°28'59" East 2.974 feet to fence; Thence following said fence the following two courses, 1) North 85°25'09" East 99.219 feet; 2) Thence North 87°52'03" East 30.695 feet to a point on the West line of Lot 1 of the Pehrson Place Subdivision-52.297 feet Northerly of the Southwest corner of said Lot 1; Thence South 00°01'06" West (South 00°14'58" West by record of said subdivision) 283.782 feet; Thence North 72°11'17" West 517.214 feet; Thence North 08°49'30" East 28.054 feet to the center of the Garr Spring Branch; Thence Easterly along said centerline the following five courses, 1) South 73°27'20" East 23.975 feet; 2) Thence North 81°33'51" East 35.793 feet; 3) Thence North

77°21'26" East 38.799 feet; 4) Thence North 65°34'52" East 36.434 feet; 5) Thence North 77°29'22" East 18.153 feet to the point of beginning.  
Containing 75,790 Square Feet or 1.740 Acres.

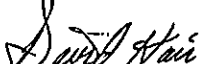
4. That up to five of the signers of this petition have been designated as sponsors, one of whom is designated "contact sponsor", with the mailing address of each sponsor being indicated;
5. That this petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
6. That this petition does not propose annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 UCA or a petition under Section 10-2-125 UCA if;
  - a. the request or petition was filed before the filing of the annexation petition; and
  - b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
7. That the petitioners have caused an accurate plat of the above described property to be made by a competent, licensed surveyor, which plat is filed herewith; and
8. That the petitioners understand the property, if annexed, will be zoned Agricultural.

WHEREFORE, the Petitioners hereby request that this petition be considered by the governing body at its next regular meeting, or as soon thereafter as possible; that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

DATED this 29<sup>th</sup> day of September, 2022.

Petitioner:

Address:

|                                                                                                                                     |                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <br>Contact Sponsor<br>Phone Number 435-881-2669 | Corey Twardt - City Recorder<br>510 E. 300 S.<br>PO Box 308<br>Millville, UT 84326 |
| <br>Sponsor<br>David Hair, Millville Mayor       | 510 E. 300 S.<br>PO Box 308<br>Millville, UT 84326                                 |

Sponsor

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







## **AGENDA REPORT: PRE-CONCEPTUAL COVERT PROPERTY**

**OCTOBER 6, 2022**

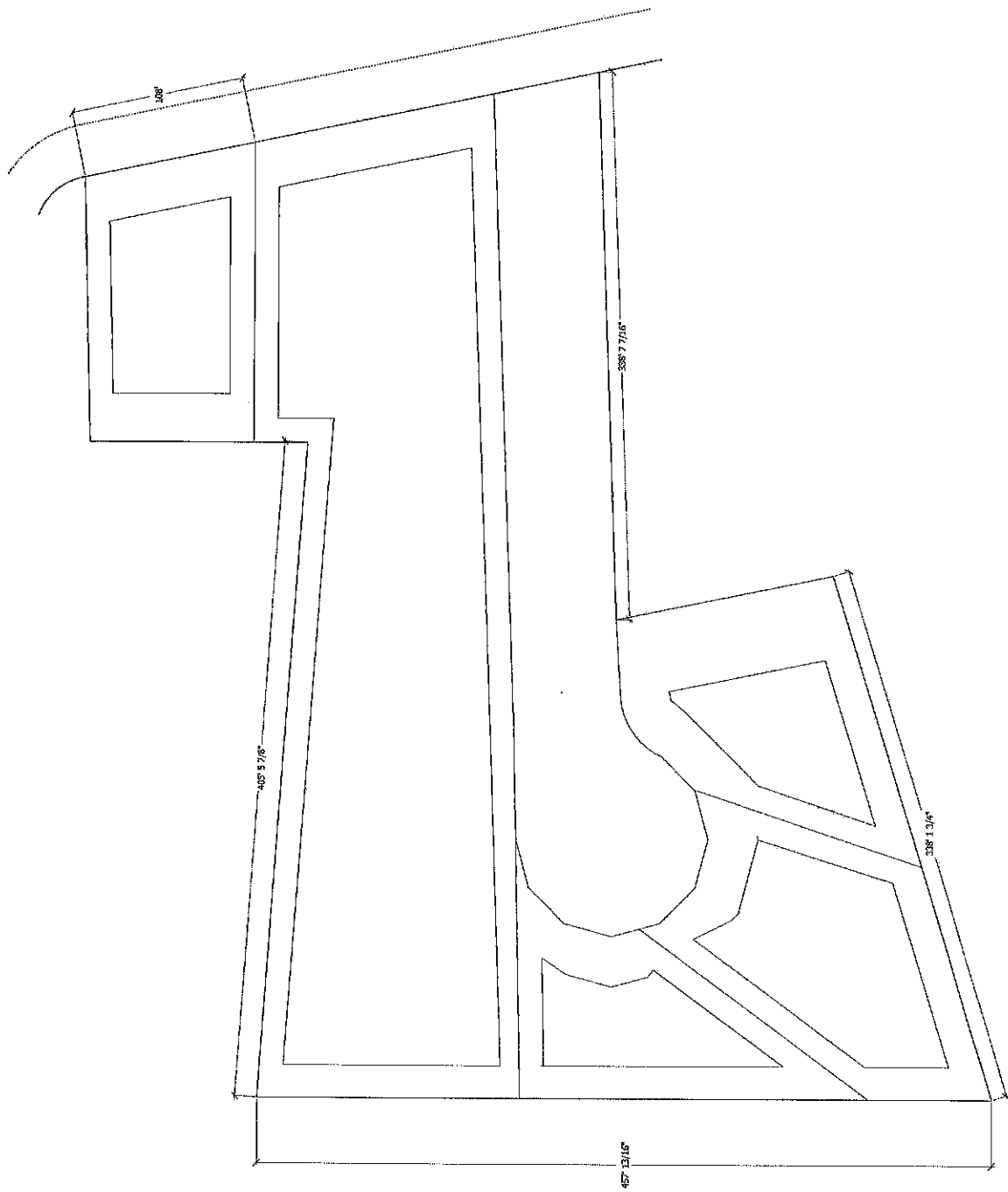
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A gentleman from out of the country has called inquiring about the Covert's property. He has sent over this rough pre-conceptual drawing and wanted feedback from the commission that Development Coordinator Everton will email after the meeting.

Some things to consider:

- Dedication of property because of the alley and road
- The frontage does seem to meet the requirements for the two properties on the North side.
- The furthest north property seems to be 1/3 acre.

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|           |  | 10 |  |  |   |    |
|           |  | 11 |  |  |   |    |
|           |  | 12 |  |  |   |    |
| REVISIONS |  | 1  |  |  | A | 01 |
| REVISIONS |  | 2  |  |  |   |    |



**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.46 - ACCESSORY DWELLING UNITS**

17.46.010: DEFINITIONS

17.46.020: REGULATIONS

17.46.030: RENTAL PROVISIONS

17.46.040: LEGALIZING ACCESSORY DWELLING UNITS

17.46.050: PENALTY

**17.46.010: DEFINITIONS**

"Accessory Dwelling Unit (ADU)" is a second residential dwelling on the same lot or parcel as the primary residence. An ADU may be detached or inside the primary residence.

"External Accessory Dwelling Unit (EADU)" is a second residential dwelling unit which is a self-contained dwelling unit located in a detached building on the same lot or parcel as a single family residence.

"Internal Accessory Dwelling Unit (IADU)" is a second residential dwelling unit which is a self-contained dwelling unit located within the footprint of a single family residence. (Ord. 2022-?, 2022)

**17.46.020: REGULATIONS**

- A. An ADU shall comply with all applicable building, health, and fire codes.
- B. The owner of the property shall occupy either the ADU or the primary dwelling where the ADU is located as their place of primary residence.

- C. Occupancy of any ADU shall be limited to a single family as defined by Millville City Code.
- D. A minimum of two (2) extra parking spaces beyond the parking required for the primary dwelling shall be provided on a property where an ADU is proposed. This parking spaces can not be on a City street or the City right-of-way.
  - 1. Any parking spaces displaced by the construction of an ADU (i.e. parking within a garage or carport displaced after the construction of an ADU within the garage or carport) shall be replaced to meet the requirement above.
  - 2. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.
- E. An ADU shall maintain the same address as the primary dwelling.
- F. An ADU shall not operate on separate utility meters from the primary dwelling.
- G. The owner of a property with an ADU shall be charged the base rate for all utilities in accordance with the Millville City Fee Schedule for the ADU in addition to the utility fees for the primary residence.
- H. Accessory dwelling units shall be subject to impact fees in accordance with the Millville City Impact Fee Schedule.
- I. A maximum of one ADU is permitted per parcel.
- J. The total area of an EADU shall be less than fifty percent (50%) of the total square footage of the primary residence, but not more than 1,200 square feet.
- K. New EADUs are subject to the same ordinances that apply to the principal dwelling unit as far as zoning, height restrictions and setbacks.
- L. An IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.
- M. An EADU shall be of substantially similar architectural features with respect to roof pitch, building materials, colors and design details of the primary dwelling unit.
- N. EADUs are limited to twenty-five percent (25%) of the rear lot area. EADUs shall not be located in front of the primary dwelling unit.

- O. An ADU shall not be permitted within a mobile home or within the property area of a mobile home. (Ord. 2022-?, 2022)

#### **17.46.030: RENTAL PROVISIONS**

- A. An ADU shall not be made available to rent without the owner of the property on which the ADU is located first obtaining a valid permit for the purpose of renting an ADU from Millville City.
- B. An ADU shall not be made available for use as a short-term rental (any rental occupancy for a period of less than 30 consecutive days).
- C. An ADU shall not be made available to rent where the owner does not reside within the primary dwelling unit on the property. (Ord. 2022-?, 2022)

#### **17.46.040: LEGALIZING ACCESSORY DWELLING UNITS**

Any existing illegal ADU will not be subject to any enforcement action if an application to legalize the ADU is submitted within twelve (12) months of the adoption of these regulations. (Ord. 2022-?, 2022)

#### **17.46.050: PENALTY**

In addition to applicable remedies for correction of non-compliance found in Millville City and Utah State Code, Millville City may hold a lien of up to \$100 per day against a property that contains an ADU if the ADU is in violation of any of the provisions of Utah Code 10-9a-530 or of any provisions of Millville City Code. The lien shall be removed after the violations are resolved. (Ord. 2022-?, 2022)

**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.50 - SHORT-TERM RENTAL HOUSING**

17.50.010: DEFINITION

17.50.020: LICENSE REQUIRED

17.50.030: LIMITATION ON TOTAL NUMBER OF SHORT-TERM RENTALS

17.50.040: REGULATIONS

**17.50.010: DEFINITION**

"Short-Term Rental" is the use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single-household or multi-household occupancy or of any other residential property for an effective term of thirty (30) consecutive calendar days or less. (Ord. 2022-?, 2022)

**17.50.020: LICENSE REQUIRED**

- A. It is unlawful for any person or firm to keep, conduct, operate or maintain a short-term rental within the City without a business license.
- B. A business license for a short-term rental is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any short-term rental. Such notice of transferred interest shall include the name, address and information regarding the person(s) or entity succeeding to the ownership of control thereof. The new owner shall obtain a business license within thirty (30) days of the date of purchase as required by this chapter.
- C. Each business license application for a short-term rental shall include the following information:

1. Maximum occupancy of the short-term rental.
2. Number of bedrooms within the home and number of bedrooms that the short-term rental will occupy.
3. A copy of the Utah State tax license number for remittance of transient lodging taxes.
4. The name and contact information of the owner and if applicable, the designated local contact, residing in the State of Utah, who is authorized by the owner for service of process.
5. A site plan which shows off-street and off-right-of-way parking areas in relation to the home and parking for the primary residence which meets the requirements of this chapter. (Ord. 2022-?, 2022)

#### **17.50.030: LIMITATION ON TOTAL NUMBER OF SHORT-TERM RENTALS**

The total number of short-term rental business licenses shall be limited in accordance with the following:

- A. The maximum number of short-term rental licenses issued citywide shall be proportionate to the total population of the City and is limited to four (4) licenses for every one thousand (1,000) of total population.
- B. The total number of licenses available each year shall be re-calculated based on the City's most current population as of July 1st using the American Community Survey (ACS) data, U.S. Census data, or official State of Utah population numbers.
- C. If, after the maximum number of licenses has been issued, an application meeting all other requirements for issuance of a license shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability, and the applicant shall have thirty (30) days from the date of such notice to file an updated and complete application, pay the filing fee, and sixty (60) days to complete the licensing process. In the event that the applicant fails to file a complete application and filing fee within thirty (30) days or fails to complete the licensing process within sixty (60) days, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.

- D. In the event of a sale or other transfer of any property containing a dwelling licensed as a short term vacation rental, the purchaser or transferee of the property shall be required to apply for a new license within thirty (30) days of the date of purchase. In the event that the purchaser or transferee fails to apply for a new license within said thirty (30) days, the license will be forfeited, and the owner must reapply for any available license or be placed on the waiting list. (Ord. 2022-?, 2022)

## **17.50.040: REGULATIONS**

- A. Short-term rentals are only allowed within a permanent, residential structure. Short term rental of accessory structures or spaces for camping, within recreational vehicles, or other locations outside of a permanent residential structure shall not be permitted.
- B. Only one Short-term rental shall be allowed for each property.
- C. Off-street and off-right-of-way parking shall be provided at the following rates, based upon occupancy limitation of the short-term rental:

| <b>Maximum occupants</b> | <b>Minimum parking stalls</b>            |
|--------------------------|------------------------------------------|
| 1-4                      | 1                                        |
| 5-8                      | 2                                        |
| 9-12                     | 3                                        |
| 13-16                    | 4                                        |
| 17-20                    | 5                                        |
| Above 20                 | Commensurate with the rates listed above |

For short-term rentals, which are incidental to a permanent residence, this parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit. Parking surfaces shall be constructed of a hard surface, such as concrete, asphalt, or gravel.

- D. Each host of a short-term rental shall inform short-term rental tenants about Millville City Code noise, parking and other applicable City ordinances. The record owner of the property shall be held responsible for any nuisance or noise violations at the short-term rental location. Two or more violations within the previous twelve-month period may be grounds for denial or revocation of a business license. (Ord. 2022-?, 2022)