

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

March 30, 2023

PRESENT: Garrett Greenhalgh, Bonnie Farmer, Lynette Dickey, Larry Lewis, Darcy Ripplinger, Matt Anderson, Tara Hobbs, Kara Everton, Chad Kendrick, Colter Wilker, Shaelynn Dattage, Wendy Wilker, Clay Wilker, Pam June, Brad Gibbons, Katie Gibbons

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for March 30, 2023, at 8:00 p.m. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt.) were present. Commissioner Thompson was 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 Anderson moved to approve the agenda for March 30, 2023.** Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt.) voted yes. Commissioner Thompson was absent.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the minutes for the Planning Commission Meeting for March 16, 2023. **Commissioner Farmer moved to approve the minutes.** Commissioner Dickey seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt.) voted yes. Commissioner Thompson was absent.

5.A. Hillside Overlay Requirement Discussion- Brad & Katie Gibbons

The Gibbons are here for further clarification on Hillside Overlay requirements. Commissioner Greenhalgh referenced the map provided by the parcel viewer that shows the slope classes in red and yellow, and asked where the house will be located. Brad Gibbons showed where the house will sit. Commissioner Greenhalgh verified that the house will not be on the slope, but the driveway will go through the sloped area. Brad stated that they are not disagreeing with the classification, but Katie had some concerns about the inconsistencies with the hillside overlay requirements in the city. The Gibbons weren't clear on the process moving forward. One path they understood was that they need to gather the application information, pay the Hillside Overlay fee, and then the city's contracted engineers will perform the studies, and review the requirements, and it's all included in the Hillside Overlay fee. Another path was that they needed to hire other engineers to perform the studies required and turn those in

with the Hillside Overlay fee in which the cities contracted engineers would just review the application and studies.

Commissioner Rachel Thompson arrived at this point.

Commissioner Greenhalgh stated that his understanding was that when the Hillside Overlay fee was paid, that would then initiate the engineers to show up and give a list of requirements specified to the lot. Development Coordinator Everton clarified that, per the meeting involving Recorder Corey Twedt, and Franson Engineers the process is as follows once Hillside Overlay is identified. The homeowner/contractor is required to pay the Hillside Overlay fee to initiate a review. The homeowner/contractor is also responsible in gathering all documents necessary. The landscaping, storm drainage and some other reports should be completed and included with the design or construction drawings for the property/home. There is one other study that is necessary that may be in addition to all others reports, which is the Geotechnical report. This report is more of an in-depth view of the lot and describes where dirt will be moved and is always required on a Hillside Overlay lot. If a lot is not originally labeled as Hillside Overlay in the final plat of the subdivision, there may still be further reviews necessary depending on the slope classifications on the GIS website. This will be reviewed by the Development Coordinator when a building zoning clearance is submitted. If there are any slopes on the property that are over 20-30% there needs to be further review and would initiate a Hillside Overlay review. Once the Hillside Overlay application and studies are completed and turned into the development coordinator, it would then be sent over to the engineers to begin their review. Katie Gibbons asked if the code could be clearer specifying the rules especially regarding the setback in relation to a slope. Development Coordinator Everton read the code that was recently adopted in the last six months located in section 17.14.040.A1 where it states,

“No building or structure is to be located on any existing slope with an average gradient through the building area of thirty percent (30%) or greater, nor within thirty feet (30') of any slope falling away at a grade of thirty percent (30%) or greater;”

Commissioner Ripplinger stated that the reason behind this code is for safety and that the city doesn't want any ground moving. Commissioner Thompson agreed.

Commissioner Greenhalgh continued describing the process in stating that once the engineers review and approve the Hillside Overlay application, it would return to the development coordinator and then it would be scheduled for a review in Planning & Zoning. Katie Gibbons asked if the process could be reconsidered to have the Hillside Overlay fee going toward the geological engineering studies of the lot and not just the review. Recorder Twedt reviewed the rate and stated that the fee is set at a flat rate to cover engineering costs that will incur in the reviewing of the property. This fee will most likely go up in the next six months due to costs associated with that review. Katie Gibbons asked if she could perform the studies herself, and the commission referenced the code educational/professional requirements for the engineer performing this study. The commission advised having a professional draw the entirety of the studies up, stamp and complete them to ensure it is done correctly.

Katie Gibbons mentioned her concerns again with the inconsistencies in the hillside overlay requirements. The commission clarified that hillside overlay has been very consistent recently, but there's not anything to do with past projects that may have been missed. Katie Gibbons asked if she could meet with the city engineer out on the property to know what to do moving forward, but that would be a conflict of interest.

Recorder Twedt referred the Gibbons to the Sensitive Areas section of the code to give to their engineer to review and know exactly what is required. Commissioner Greenhalgh stated that the Hillside Overlay regulations have been in place for a long time, but the Sensitive Areas code is newer and could be what the inconsistencies are that they are referring to.

5.B. Review of redline draft code and make changes:

1. Relating to Ordinance No 2018-3: Definition of Frontage

The code that is being updated was read. The definition was updated to include private lane. Some of the language is the legal description of how to determine the frontage.

2. Relating to Development on Private Lane

The new code was read through and discussed line by line and updated accordingly. *The commission would like an update if the driveway requirements for a new residence needs to have an asphalt surface.*

Commissioner Thompson made a motion to schedule a public hearing for April 20, 2023, at 8:05 p.m. regarding changes to the Millville City Code 17.08-Definitions and 17.20A.060: Lots Located on Private Lanes. Commissioner Lewis seconded. Commissioners Garrett Greenhalgh, Lynette Dickey, Bonnie Farmer, Larry Lewis, Rachel Thompson, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt.) voted yes.

5.C. Other

- Lots that are smaller than city code allows of one-third acre were brought up. Director of Public Works, Chad Kendrick, mentioned that some went through the board of adjustments at one point or another. It was discussed that these lots, while smaller than code minimums, they still would need to adhere to setback regulations.
- Some concerns were brought up with the concrete house on 350 E 350 N where a picnic area has been cut into the hill. Director of Public Works, Chad Kendrick, stated that he walked the property with Andy Eames, and it is not something that would require further permitting, and is an improvement and safety net for that property as well as the one to the east. These two properties are a great example of needing further review on properties with extreme slopes that aren't labeled as hillside overlay.
- The Bare Acres Subdivision preliminary review came back, and the main concern was that the roadway on 550 E would need to meet code at 66' instead of the 55' that's stated on the plat. Currently, the neighboring properties equal a 55' roadway, and that is what is being planned. The recommendation from the commission is that from the center of the road, the developer needs to have their side come out 33' from centerline. The commission agreed.

6. City Council Report – review minutes from March 16, 2023 meeting

7. Agenda Items for Next Meeting

A Public Hearing will be scheduled on April 20, 2023, at 8:05 P.M.

8. Calendaring of future Planning Commission Meeting

The next scheduled meeting will be held Thursday, April 20, 2023, at 8:00 pm.

- Commissioner Larry Lewis will be gone.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at approximately 9:44 p.m.



SS23 T11N R1E SLM

FINAL PLAT

MOND-AIRE HEIGHTS SUBDIVISION
PHASE 3



ENGINEER	17 AUGUST 2007	1" = 50'	1/1
SURVEYOR		CALCULATED BY:	
PLANNER		C. EARL	
		DRAWN BY:	
		L. ANDERSON	
95 Gold Canyon Rd. Suite 101 Logan, UT 84321 435.713.0099		APPROVED BY:	
		C. EARL	
		PROJECT NUMBER	1702004

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SURVEY CERTIFICATE

SURVEYOR JACQUES CORREY RE LAYS OUT THE STATE OF IDEAL THAT THIS
 PLAN IS A TRUE, CORRECT, AND COMPLETE PLAN OF MOUND-ARE REZONS
 SUBDIVISION PHASE 3 AS Laid OUT, PLATTED, DECRIED, AND SHOWN
 HEREON, THAT SUCH PLAN 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 STATED UPON THE GROUNDS IN
 COMPLIANCE WITH THE CITY OF MALLVILLE REGULATIONS GOVERNING THE
 SUBDIVISION OF LAND TO AN ACCURACY OF ONE PART IN TEN THOUSAND
 (1/10,000).

CERTIFICATE OF DEDICATION

[illegible]

ACKNOWLEDGMENT

[illegible]

UTILITY COMPANY APPROVALS

DOWNHILL ENERGY _____ DATE 8-17
 ROCKY MOUNTAIN POWER & LIGHT _____ DATE 8-17
 CENTURY LINK _____ DATE 8-17
 COMCAST CORPORATION _____ DATE 8-17

LEGEND

[illegible]

418

CURVE TABLE					
CURVE	LEADING	NUMBER	EXP	ON	EXP
C0	11.5%	7507	EXP27	11.5%	7507
C1	12.5%	7507	EXP28	12.5%	7507
C2	13.5%	7507	EXP29	13.5%	7507
C3	14.5%	7507	EXP30	14.5%	7507
C4	15.5%	7507	EXP31	15.5%	7507
C5	16.5%	7507	EXP32	16.5%	7507
C6	17.5%	7507	EXP33	17.5%	7507
C7	18.5%	7507	EXP34	18.5%	7507
C8	19.5%	7507	EXP35	19.5%	7507
C9	20.5%	7507	EXP36	20.5%	7507
C10	21.5%	7507	EXP37	21.5%	7507
C11	22.5%	7507	EXP38	22.5%	7507
C12	23.5%	7507	EXP39	23.5%	7507
C13	24.5%	7507	EXP40	24.5%	7507
C14	25.5%	7507	EXP41	25.5%	7507
C15	26.5%	7507	EXP42	26.5%	7507
C16	27.5%	7507	EXP43	27.5%	7507
C17	28.5%	7507	EXP44	28.5%	7507
C18	29.5%	7507	EXP45	29.5%	7507
C19	30.5%	7507	EXP46	30.5%	7507
C20	31.5%	7507	EXP47	31.5%	7507
C21	32.5%	7507	EXP48	32.5%	7507
C22	33.5%	7507	EXP49	33.5%	7507
C23	34.5%	7507	EXP50	34.5%	7507
C24	35.5%	7507	EXP51	35.5%	7507
C25	36.5%	7507	EXP52	36.5%	7507
C26	37.5%	7507	EXP53	37.5%	7507
C27	38.5%	7507	EXP54	38.5%	7507
C28	39.5%	7507	EXP55	39.5%	7507
C29	40.5%	7507	EXP56	40.5%	7507
C30	41.5%	7507	EXP57	41.5%	7507
C31	42.5%	7507	EXP58	42.5%	7507
C32	43.5%	7507	EXP59	43.5%	7507
C33	44.5%	7507	EXP60	44.5%	7507
C34	45.5%	7507	EXP61	45.5%	7507
C35	46.5%	7507	EXP62	46.5%	7507
C36	47.5%	7507	EXP63	47.5%	7507
C37	48.5%	7507	EXP64	48.5%	7507
C38	49.5%	7507	EXP65	49.5%	7507
C39	50.5%	7507	EXP66	50.5%	7507
C40	51.5%	7507	EXP67	51.5%	7507
C41	52.5%	7507	EXP68	52.5%	7507
C42	53.5%	7507	EXP69	53.5%	7507
C43	54.5%	7507	EXP70	54.5%	7507
C44	55.5%	7507	EXP71	55.5%	7507
C45	56.5%	7507	EXP72	56.5%	7507
C46	57.5%	7507	EXP73	57.5%	7507
C47	58.5%	7507	EXP74	58.5%	7507
C48	59.5%	7507	EXP75	59.5%	7507
C49	60.5%	7507	EXP76	60.5%	7507
C50	61.5%	7507	EXP77	61.5%	7507
C51	62.5%	7507	EXP78	62.5%	7507
C52	63.5%	7507	EXP79	63.5%	7507
C53	64.5%	7507	EXP80	64.5%	7507
C54	65.5%	7507	EXP81	65.5%	7507
C55	66.5%	7507	EXP82	66.5%	7507
C56	67.5%	7507	EXP83	67.5%	7507
C57	68.5%	7507	EXP84	68.5%	7507
C58	69.5%	7507	EXP85	69.5%	7507
C59	70.5%	7507	EXP86	70.5%	7507
C60	71.5%	7507	EXP87	71.5%	7507
C61	72.5%	7507			

NOTES & RESTRICTIONS

1. OPERATING TO UTILITY CODE AMES § 6-2-1-27 THIS PLAT CONVEYS TO THE OWNERS OF ALL OPERATORS OF UTILITY FACILITIES A PERMANENT EASEMENT ALONG WITH ALL THE RIGHTS AND DUES REQUIRED THEREFOR.
2. THE EASEMENT IS GRANTED BY AND TO THE CITY OF HOUSTON, TEXAS FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND PROVIDES FOR THE PROPER MAINTENANCE OF SUCH EASEMENTS AND DOES NOT AFFECT ANY OTHER RIGHTS OR INTERESTS IN THE PROPERTY.

SURVEY NARRATIVE

W/OUT A 24" REDUCE W/D RANCE. LASTER COPS STAMPED STEVEN G. CLARK'S NAME ON THE PROPERTY. THE CLARKS WERE NOT NOTICING THE CLEAR LOT CHANGES UNTIL THE MAILED LEAD FIRST MET WITH WARDEN LOT SET. WARDEN PHONOCALLED SOME LOT LINES W/INDEENT THE CURB BETWEEN ADJACING LOTS.

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED BY THE CITY COUNCIL OF THE CITY OF MARIETTA THIS 5th
DAY OF October, 2017.


MAYOR


CITY CLERK

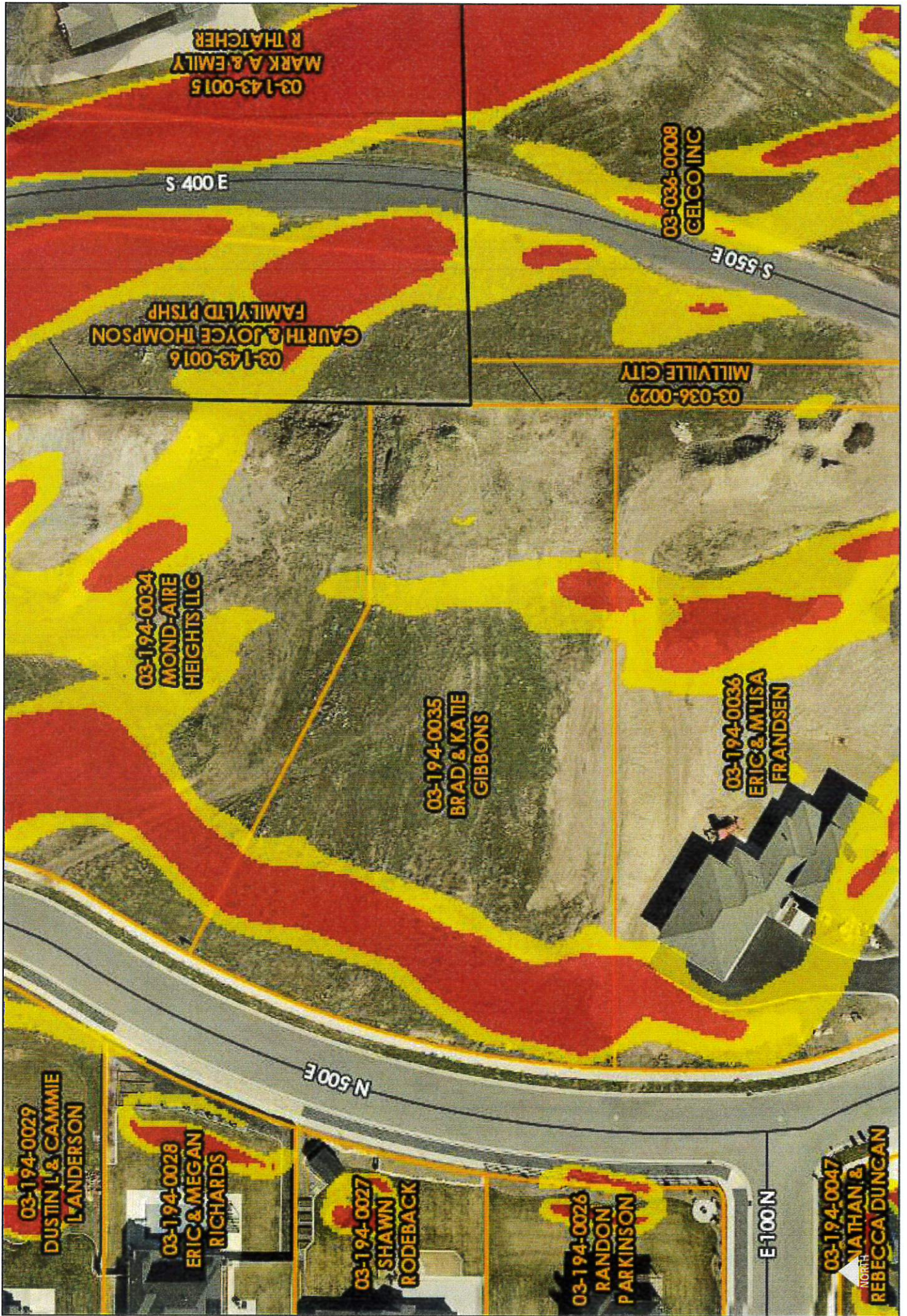
PLANNING AND ZONING COMMISSION

RES. PLAT APPROVED BY THE CITY OF MILWAUKEE PLANNING AND ZONING COMMISSION MAY 12, 2017.

APPROVED:  SECRETARY

COUNTY RECORDER'S NO. 1181547

JUDGE 2017-3076
 MICHAEL GUZZO, COURT RECOVERER
 FILED IN FILE OF PLANS
 STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE
 CLERK OF DISTRICT COURT, COUNTY OF CACHE, UTAH
 REGISTERED MAIL
 DATE 2-21-17 TIME 2:41 PM
 FILE 64, 68
 MICHAEL GUZZO



MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.08 - DEFINITIONS

[17.08.010: GENERAL PURPOSE](#)

[17.08.020: DEFINITION OF TERMS](#)

17.08.010: GENERAL PURPOSE

For the purposes of this title, the following terms and words and their derivations shall have the meaning as given herein. When consistent with the context, words used in the present tense include the future, words in the singular number include the plural, and the plural the singular. "Shall" is always mandatory. Words not included herein, but which are defined in the building code, shall be construed as defined therein.

Pronouns of masculine or feminine gender shall be used interchangeably, in their generic sense, without connoting or denoting the actual sexuality of either group, and are not used or intended to convey gender identification. (Ord. 99-02-18-01 § 2)

17.08.020: DEFINITION OF TERMS

As used in this title:

ACCESSORY BUILDING: A detached subordinate building which is clearly incidental to and located upon the same lot occupied by the main building.

AGRICULTURE: A farming activity limited to the tilling of soil, the raising of crops, horticulture, and gardening, the accessory uses of which shall not be construed as to permit any commercial activity or raising of animals or fowl.

ALTERED: Any change in the construction of, or addition to, a building which would permit an increase in capacity or a change of use.

DUPLEX: A building designed to be occupied as a two-family dwelling. Both dwelling units having a common wall, separate entrances, separate parking areas, and meeting all setback requirements, and meeting the definition of a "dwelling".

DWELLING: Any building or portion thereof which is designed for use for residential purposes except hotels, apartment hotels, boarding houses, rooming houses, and motels. Mobile homes, campers, trailers, and recreational vehicles, shall not qualify as a dwelling. All dwellings shall be a minimum dimension of twenty feet (20') (measured wide or deep), shall be set on a concrete foundation, and shall consist of a minimum ground floor area of nine hundred sixty (960) square feet, exclusive of open porches, garages, and carports.

DWELLING GROUP: A group of two (2) or more dwellings located on a parcel of land in one ownership and having any yard in common.

DWELLING, MULTIPLE-FAMILY: "Multiple-family dwelling" means a building arranged or designed to be occupied by more than two (2) families, each dwelling meeting the definition of a "dwelling".

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means a building designed for and occupied exclusively by one family on a separate lot, and having only one dwelling unit, that meets the definition of a "dwelling".

FEMA: Is an acronym for the federal emergency management agency.

FLOODPLAIN: Any land area subject to being inundated by water from any source. Floodplain areas are generally defined on the flood insurance relief map (FIRM) provided by FEMA.

FLOOR AREA: The sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

FRONTAGE, MINIMUM: Every building lot must have frontage on a public highway, street, public right-of-way or private lane.

FRONTAGE: The property fronting one side off the street between intersecting or interception streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary; measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. ~~All property fronting on a public street, the length of the lot line adjacent to a public street.~~

GARAGE, PRIVATE: "Private garage" means an attached or detached accessory building used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory. A private garage designed and constructed as an architectural

LOT: A parcel, place, tract, or portion of land designated by metes and bounds, registered land survey, recorder's plat, or other means and separated from other parcels or portions by such description for the purpose of sale, lease, or separation thereof.

LOT, CORNER: "Corner lot" means a lot located at the intersection of two (2) streets and having two (2) adjacent sides abutting streets.

LOT CORNER MONUMENTS: Eighteen (18) to twenty four inch (24") by five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) with surveyor's official cap.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE: The property line bounding a lot except that where any portion of a lot extends into the right of way or a proposed public right of way, the line of such right of way shall be the lot line.

LOT, THROUGH: "Through lot" means any lot other than a corner lot which abuts more than one street.

LOT WIDTH: The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the front setback line.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the city council or as shown on the city master drainage plan, when adopted, in which areas no buildings shall be constructed.

OPEN SPACE: An open, landscaped area which is unoccupied and unobstructed by buildings or hard surfaces such as concrete or asphalt, except that such open space may be traversed by necessary sidewalks and access rights of way.

PARKING LOT: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE: The space within a building, lot, or parking lot for the temporary parking or storage of one vehicle.

PERSONAL SERVICES: Establishments primarily involved in providing personal grooming and related services. This definition shall include barber shops, beauty parlors, tailors, etc., but not laundries or dry cleaners.

UPDES: The Utah pollution discharge elimination system.

YARD: A space on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT: "Front yard" means any yard between the front lot line and the front corner points of the dwelling and extending for the full width of the lot for inside lots and for the full width and depth of corner lots.

YARD, REAR: "Rear yard" means a yard between the rear lot line and the rear corner points of the dwelling, extending across the full width of inside lots, and for corner lots a yard between the rear lot line extending between the side lot line and the front yard lying opposite thereto.

YARD, SIDE: "Side yard" means any yard extending from the front yard to the rear yard. (Ord. 2023-3, 2023: Ord. 2012-2, 2012: Ord. 2008-3, 2008: Ord. 2004-4, 2004: Ord. 2002-5 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 2000-16 §§ 1, 2: Ord. 99-02-18-01 § 2)

MILLVILLE CITY CODE

TITLE 17 - ZONING

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

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

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

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

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

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

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

17.20A.010: PURPOSE; DEFINITION

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

Education services both public and private. (Ord. 2013-2, 2013: Ord. 2009-4, 2009: Ord. 99-02-18-01 § 2)

17.20A.040: REGULATIONS AND REQUIREMENTS

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

1. Lot corners will be marked with five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) that is eighteen (18) to twenty four inches (24") long, capped with the surveyor's red cap containing the surveyor's name or license number driven down to ground level.

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

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

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

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

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

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

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

D. Side Yard Setback:

J. Minimum Conditions: Minimum conditions for a duplex shall include, but not be limited to:

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

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

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

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

2. Lot Frontage: One hundred twenty four foot (124') minimum.
3. Minimum Parking: Parking spaces for a minimum of four (4) cars shall be provided.
4. Exterior Elevations: Exterior elevations shall resemble a single-family dwelling.
5. Living Area: Each living unit shall have at least nine hundred sixty (960) square feet of living area exclusive of porches, garages, and carports.
6. More Than One Prohibited: Not more than one duplex may be placed upon one lot or parcel of land.
7. Minimum Distance: Lots with duplexes shall be a minimum distance of three hundred fifty feet (350'), in any direction, from any other lot with a duplex.
8. Repealed.
9. Lot Slope Requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. In a hillside development area when a lot has a mix slope of slope classes 1 through 4, and the lot has seventy five percent (75%) or more of the lower slope area, the minimum lot area for the lower slope shall be allowed.

K. Minimum Dimension: All dwellings for human occupancy shall have a minimum dimension of twenty feet (20') (measured wide or deep), be attached to a permanent concrete foundation, and meet minimum uniform building code requirements.

Such documentation is to be provided to the development coordinator who shall provide documentation to the planning and zoning commission, mayor and/or city council if needed.

- P. **ORIENTATION:** Any residence constructed on any buildable parcel must be accessed from a "public street", as defined in Ordinance 17.08.020 "STREET, PUBLIC". Said residence shall have the property entrance located to face the public street to which its address was assigned. (Ord. 2018-8, 2018: 2018-6, 2018: Ord. 2012-2, 2012: Ord. 2008-3, 2008: Ord. 2004-6, 2004: Ord. 2004-4, 2004: Ord. 2004-2, 2004: Ord. 2003-2, 2003: Ord. 2002-6 § 1, 2002: Ord. 2002-5 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 2000-16 §§ 1, 2: Ord. 2000-9 § 1: Ord. 99-02-18-01 § 2)

17.20A.050: ACCESSORY BUILDINGS

No building permit will be required for a structure up to and including two hundred (200) square feet, unless required by state statute. (Ord. 2018-6, 2018: Ord. 99-02-18-01 § 2)

17.20A.060: LOTS LOCATED ON PRIVATE LANES

- A. **Public Street Systems Encouraged:** Public street systems shall be encouraged for access to all residential dwelling sites. However, the City recognizes that there are cases where it is impossible or impractical to develop a lot according to normal subdivision standards. In situations where insufficient land access exists for a public street system, the Planning Commission may allow for a building lot using frontage from a private lane.
- B. **Subdivisions on private lanes** may be developed when the following conditions have been met:
1. Development on a private lane would not impede the extension of any adjacent public right-of-way either now or in the foreseeable future; and
 2. The development does not impede the necessary access from adjoining properties as required by the master transportation plan.
 3. Rights-of-way shall be of sufficient design to service the projected use of property and adjoining properties that may have access across such rights-of-way. All new private lanes shall be fully improved with asphalt or concrete to adopted city

14. All required infrastructure, including road improvements and stormwater controls shall be installed prior to issuance of a building permit.
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" were allowed alternative construction standards from adopted public or private streets standards. Millville City shall not take control of said lane unless it is first deemed by the City Council that there is a compelling public interest, the street is brought to public standards and all landowners accessing the street have consented to the dedication." (Ord. 2023-3: 2023)