

**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.64 - PERMITTED AND CONDITIONAL USES GENERALLY**

[17.64.010: PERMITTED AND CONDITIONAL USES](#)

[17.64.020: PRINCIPAL AND ACCESSORY USES](#)

[17.64.030: TEMPORARY USES](#)

[17.64.040: OUTDOOR STORAGE FOR NONAGRICULTURAL PRODUCTS](#)

[17.64.050: CLEAR VIEW OF INTERSECTING STREETS](#)

[17.64.060: PURPOSE](#)

[17.64.070: CONDITIONAL USE PERMIT](#)

[17.64.080: PROCEDURE](#)

[17.64.090: CITY COUNCIL ACTION](#)

[17.64.100: APPEALS](#)

[17.64.110: INSPECTION](#)

[17.64.120: TIME LIMIT](#)

[17.64.130: REVOCATION](#)

**17.64.010: PERMITTED AND CONDITIONAL USES**

- A. In any district, no land or structure shall be used and no building shall hereafter be erected or structurally altered except that:
1. The use is permitted by right in that district; or
  2. A conditional use permit has been issued according to the procedures specified in sections 17.64.060 through 17.64.130 of this chapter.

- B. In the situation where a use is not specifically included in the zone herein, such a use shall be subject to the regulations of the use to which it is most related or similar, as determined by the city council. The council may determine that such a use is either permitted by right, or not permitted in a particular district based on recommendations from the planning commission. A written record of all such determinations shall be made and kept for consultation in future cases and for consideration as amendments to the zoning ordinance.
- C. Uses by right or conditional uses are principal uses subject to all sections of this title which have an effect on all or specific zoning district regulations. (Ord. 99-02-18-01 § 2)

## **17.64.020: PRINCIPAL AND ACCESSORY USES**

- A. Uses Listed In Each Zone: The uses listed in each zone as permitted by right and conditional uses in the various zoning districts are principal uses except when noted as being accessory.
- B. Accessory Use Permitted: Where the principal use is either permitted by right or authorized by a conditional use permit, an accessory use, building, or structure is permitted to accompany the principal use to which it is subordinate.
- C. Location Of Detached Accessory Structures And Buildings: In residential zoning districts, all accessory buildings or structures shall be located behind the front yard setback, unless incorporated into the principal use building or structure as an architectural and integral part thereof. In commercial and manufacturing zoning districts, accessory buildings may be located as outlined in those sections.
- D. Measuring The Height Of Accessory Buildings: When measuring the height of any accessory building, the measurement shall be taken from average ground level surrounding and adjacent to the building to the highest point on the roof.
- E. Maximum Coverage For Accessory Structures And Uses: In residential zoning districts, no accessory buildings, structures, or group of such buildings or structures shall cover more than twenty five percent (25%) of the rear yard space. Parking space shall also be included in the twenty five percent (25%) coverage of the rear yard space along with any impervious surfaces. In commercial and manufacturing zoning districts, the main building and all accessory buildings or uses in aggregate shall not exceed the lot coverage requirements outlined in those sections. (Ord. 2004-7, 2004: Ord. 2003-2, 2003: Ord. 99-02-18-01 § 2)

### **17.64.030: TEMPORARY USES**

Upon written application showing proof of need, the city council or its designated agent may issue a building permit and/or a temporary certificate of occupancy for the use of land and/or the erection and use of buildings for a temporary use as follows:

- A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction within the immediate area, provided that no retail or wholesale outlet is maintained in connection therewith.
- B. Temporary office used in conjunction with construction operations within immediate area or for the sale of property within the project.

Any such building permit shall be valid for a period not to exceed thirty (30) days and such temporary certificate of occupancy shall be valid for a period of six (6) months, subject to renewal at the discretion of the city council, for not more than six (6) months thereafter in the same location. (Ord. 99-02-18-01 § 2)

### **17.64.040: OUTDOOR STORAGE FOR NONAGRICULTURAL PRODUCTS**

Outdoor storage of nonagricultural products shall comply with Cache County and state of Utah health and safety regulations. (Ord. 99-02-18-01 § 2)

### **17.64.050: CLEAR VIEW OF INTERSECTING STREETS**

No obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the street lines. A reasonable number of trees pruned high enough to permit unobstructed views shall be allowed within this area. (Ord. 2003-2, 2003)

### **17.64.060: PURPOSE**

To allow the proper integration into city uses which may be suitable only in certain locations in the city and only if such uses are designed or laid out on the site in a particular manner. (Ord. 99-02-18-01 § 2)

### **17.64.070: CONDITIONAL USE PERMIT**

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations or elsewhere in this title. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.

- A. Application: Application for a conditional use permit can be obtained from the planning commission secretary.
- B. Development Plan: The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the planning commission, city council, or city engineer may deem necessary.
- C. Fee: At the time the conditional use permit application is filed, there shall be paid to the treasurer a filing fee as established by resolution of the city council. There shall be no action taken on the application until this fee is paid. This fee is not refundable. (Ord. 99-02-18-01 § 2)

### **17.64.080: PROCEDURE**

- A. Recommendation: Based upon their review of the application for a conditional use permit, the planning commission shall make a recommendation for approval or denial of the permit. After the recommendation, the city council shall decide whether or not to proceed any further with this process.
- B. Hearing: A public hearing shall be held to receive public input to the conditional use permit under consideration.
- C. Notice Of Public Hearing: The city council shall, insofar as practical, provide notice of the hearing at which an application for a conditional use is to be considered to all property owners appearing on the latest plat in the Cache County recorder's office within a six

hundred foot (600') radius of the subject property. The necessary names and addresses shall be furnished to the planning commission by the applicant at least thirty (30) days before the public hearing. (Ord. 99-02-18-01 § 2)

### **17.64.090: CITY COUNCIL ACTION**

- A. The city council may approve, modify and approve, or deny the conditional use application. In approving any conditional use, the city council shall request regulations and conditions as are necessary to protect the public welfare.
  
- B. In approving a conditional use, the city shall find:
  - 1. The proposed use is necessary or desirable and will contribute to the general well being of the community;
  - 2. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
  - 3. The proposed use will comply with the regulations of this title;
  - 4. The proposed use is in harmony with the intent of the master plan. (Ord. 99-02-18-01 § 2)

### **17.64.100: APPEALS**

Appeals of any decision of the city council shall be to the appeal authority. Appeals shall be in writing and shall be filed with the city recorder not more than ten (10) working days after the decision by the city council. The appeal authority may affirm, modify, or reverse the decision of the city council by a super majority vote. However, the appeal authority shall present in writing to the city council, the reasons for its action. (Ord. 2007-8, 2007: Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

### **17.64.110: INSPECTION**

The building inspector shall inspect the conditional use during the course of construction to ensure that it complies with the conditions of the use permit. (Ord. 99-02-18-01 § 2)

### **17.64.120: TIME LIMIT**

A conditional use permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion and work has been continuous and without delay. A conditional use permit becomes null and void if the conditionally approved use ceases for one continuous year. (Ord. 99-02-18-01 § 2)

### **17.64.130: REVOCATION**

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit. (Ord. 99-02-18-01 § 2)