

**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.80 - ADMINISTRATIVE REVIEWS AND PERMITS**

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**17.80.010: LICENSING**

All departments, officials, and public employees of the city which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this title. The same shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this title. Any such permit or license, if issued in conflict with the provisions of this title, shall be null and void. (Ord. 99-02-18-01 § 2)

**17.80.020: ADMINISTRATIVE REVIEWS AND PERMIT PROCESSING**

- A. Zoning Review For Building Permits: Applicant shall submit all applications for permits to the planning commission for zoning review. Such review is to determine compliance with the regulations of the ordinance. The application for a building permit shall be accompanied by a plan showing lot lines and dimensions, locations of structures and improvements, building elevations, a certified, dated plat and the applicable checklist,

and all data necessary to show that all provisions of the ordinance are met. The building inspector shall issue no building permit until approved by the planning commission.

- B. Site Plan Review: The planning commission shall receive all applications for site plan review.
- C. Conditional Use Permit: Applications for a conditional use permit shall be submitted to the planning commission as provided for in chapter 17.64 of this title. The city planner shall receive all submittals, assure completeness, and prepare submittals for review and approval by the planning commission. Recommendations of the planning commission shall be forwarded to the city council, which shall be responsible for issuing conditional use permits.
- D. Zoning Amendments: Requests for amendments or changes to the zoning ordinance or zoning district map shall be initiated with the planning commission after the payment of applicable fees. The amendment process shall proceed as provided for in chapter 17.76 of this title.
- E. Home Occupation Permit: Application for a home occupation permit shall be made to the city planner on a form provided and accompanied by the prevailing fee as established by resolution of the city council. After review and approval, the licensing officer is authorized to issue a permit.
- F. Sign Permit: The planning commission shall be responsible for approving permits for signs. (Ord. 2010-3, 2010: Ord. 2004-5, 2004: Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

### **17.80.030: BUILDING PERMIT REQUIREMENTS**

- A. Permits Required: No building or structure shall be constructed, reconstructed, altered, remodeled, moved, or demolished, without first obtaining a separate building permit for each building or structure from the office of the building inspector.
- B. Conformance To State Laws And Regulations: All buildings constructed within the city shall conform to all state laws and regulations as stated in the uniform building code in effect at the time of the application. All lots shall be visibly marked at all property corners with steel survey stakes. A survey by a licensed surveyor shall be required on all lots not previously marked. Applicants for a building permit must submit the following:
  - 1. Complete Set Of Building Plans With Specifications: Commercial structures must include plans prepared by a licensed architect or engineer. Applicant must have a

completed copy of architect's and engineer's submittal for plan review, completed and signed by the architect or engineer;

2. Plot Plan: Must show structure and distances to all property lines;
  3. Legal Description: Legal description of property with the tax identification number (available at the county recorder's office);
  4. Building Permit Clearance Application: A completed building permit clearance application turned in to the planning commission;
  5. Fees: Payment for water hookup, building permit, and other permit fees must be paid before permit is issued;
  6. Set Of Plans For Sheds: Nonoccupied structures such as enclosed or open sheds shall also be required to have a complete set of building plans drawn to scale with specifications of materials included. A plot plan showing all distances from property corners, adjacent properties, and all existing buildings.
- C. Accessory Building Permit: Building permits shall be required for accessory buildings that exceed two hundred (200) square feet. Certificates of occupancy may not be issued to accessory buildings except as a part of the certificate of occupancy for the principal use.
- D. Restrictions: No building permit shall be issued for structures requiring a city water meter at a surface elevation of higher than four thousand eight hundred fifty five feet (4,855'); unless an alternate water supply system approved by the Utah division of drinking water is submitted at the time of application. The system must also be approved by the city council.
- E. Exempted Works: A building permit will not be required for the following:
1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the square footage does not exceed two hundred (200) square feet;
  2. Fences not over six feet (6') high;
  3. Retaining walls which are not over four feet (4') in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids;

4. Platforms, walks, and driveways not more than thirty inches (30") above finished grade unless it crosses over any basement or story below
  5. Window awnings supported by an exterior wall when projecting not more than fifty four inches (54");
  6. Movable cases, counters, and partitions not over five feet nine inches (5'9") high.
- F. Plumbing, Electrical, And Mechanical Permits: Applicable plumbing, electrical, and mechanical permits will be required for the above exempted items.
- G. Exemption: Exemption from the permit requirements of this title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this city or any entity having jurisdiction. (Ord. 2007-3, 2007: Ord. 2006-1, 2006: Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

#### **17.80.040: PERMITS COMPLIANCE REQUIREMENTS**

From the time of the effective date hereof, the building inspector shall not grant a permit for the construction or alteration of any building or structure onto a lot if such building or structure would be in violation of any of the provisions of this title, nor shall any city officer grant any permit or license for the use of any building or land if such use would be in violation of this title. (Ord. 99-02-18-01 § 2)

#### **17.80.050: EXPIRATION OF BUILDING PERMITS**

- A. Expiration Of Permit: A new building permit must be obtained, including repayment of building permit fee, after twelve (12) months from date of issue.
- B. Expiration For Inaction: Each building permit issued as set forth in this title, and pursuant to which no construction is undertaken or work done, shall expire after one hundred eighty (180) days. A longer time may be specifically set forth at the time of issuance of the permit, or an extension may be granted by the issuing agency prior to expiration. (Ord. 2000-16 § 1: Ord. 99-02-18-01 §2)

### **17.80.060: FEES**

A fee for certain reviews, certificates, and permits shall be charged. No such fee or part thereof shall be returned in the event that the permit or approval applied for is denied. A fee schedule is available at the office of the city recorder. (Ord. 2000-16 § 1; Ord. 99-02-18-01 § 2)

### **17.80.070: COLLECTION FEES**

Should the city be required to have an attorney pursue legal action for the collection of any building permit fee or any other fee associated with zoning, the permittee will be required to reimburse the city for all legal fees incurred by the city. (Ord. 99-02-18-01 § 2)

### **17.80.080: CANCELLATION OF PERMITS, CERTIFICATES AND APPROVALS**

Failure to comply fully with the terms of any permits, certificates, or approvals may be grounds for cancellation of such. Action to cancel any permits, certificates, or approvals may be taken on proper grounds by the official(s) or agency which issued it. No action or approval shall be canceled until after a hearing has been afforded the permittee. Not less than fifteen (15) days' notice of a hearing on intention to cancel a permit, certificate, or approval shall be given such permittee. Any action decided on canceling a permit, certificate, or approval by the city council shall be appealable to the appeal authority. (Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)