

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.04 - INTRODUCTORY PROVISIONS

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16.04.010: AUTHORITY

The ordinance codified in this title is adopted pursuant to and in accordance with the authority vested in the City Council of Millville, by the statutes of the state of Utah, section §10-9a-6 et seq. All previously existing subdivision regulations for the City are repealed. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.020: SHORT TITLE

This Title shall be known, cited, and referred to as the SUBDIVISION TITLE OF THE CITY OF MILLVILLE, UTAH. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.030: INTENT AND PURPOSE

This Title is enacted for the purpose of:

- A. Ensuring orderly development in conformance with a duly adopted comprehensive master plan, which includes a roadway corridor study;
- B. Protecting the public health, safety, and general welfare of present and future residents of the City;
- C. Establishing standards and procedures for the protection of the common interests of the general public, and the landowner and/or subdivider;
- D. Protecting the character and value of lands and buildings throughout the City and minimizing conflicts among the uses of land and buildings;
- E. Providing for safe and adequate transportation systems, utilities and other public facilities;
- F. Establishing adequate and accurate records of land subdivision;
- G. Encouraging the use of innovative land planning and urban design techniques. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.040: CONFLICT WITH OTHER REGULATIONS

In the case of a conflict between this Title and/or any part thereof, any other ordinance of the City, or any state statute or code, the more restrictive in all cases shall apply. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.050: SUBDIVISION APPROVAL REQUIRED

- A. These regulations shall apply to all of the lands within the boundaries of the City.
- B. A subdivision of land is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office.
- C. No land shall be subdivided which is located wholly or in part in the City, except in compliance with this Title and Utah Code as adopted and amended.
- D. No person shall transfer ownership of a parcel of a subdivision if that subdivision has not been approved by the City in accordance with this Title. No deeds shall be recorded or property transferred until a plat has been approved and recorded in the manner prescribed herein. The description of such lot by metes and bounds shall not exempt the transaction from the provisions of this Title.
- E. The City shall not issue permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded and improvements accepted, except that the City may issue a permit on a tract of land which is not a subdivision.
- F. No building permit shall be issued for construction until full compliance with all the requirements of this Title have been met. No person shall commence the physical layout or construction on the ground of a subdivision without first obtaining the approval of the City in accordance with this Title.
- G. No public improvements are to be installed and service shall not be provided until approval of the final plat is granted.
- H. No modifications shall be made to any plat of a subdivision after approval by the City except through the subdivision amendment process described in this Title.
- I. The City reserves the right to withhold any or all public service, including the maintenance of roads and streets from all subdivisions, parcels, or tracts where public improvements associated with the subdivision have not been accepted by the City.
- J. The City shall not accept, lay out, open, improve, grade, pave, curb, light, lay, or authorize water mains or sewers or connections to be laid in any street which has not been approved by the City as a public street, except for the approval of a private lane.
- K. No building shall be erected nor shall a building permit be issued for a building, unless the street abutting on the lot upon which such building is proposed to be placed shall

have been approved by the Land Use Authority as a public street, except for the approval of a private lane.

- L. None of the provisions of these regulations shall be construed to require platting in any case in which subdivision plats have been made and legally recorded pursuant to any regulations previously in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding the fact that the procedures or the manner and form of acknowledgement may have been different than those prescribed by these regulations.

16.04.060: CONFORMITY WITH THE GENERAL PLAN

All subdivisions shall conform to and be in harmony with the General Plan of the City. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2003-4 § 1, 2003)

16.04.070: CONFORMITY WITH THE ZONING ORDINANCE

All subdivisions shall conform to the zoning ordinance of the City. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.04.080: PARKS AND PUBLIC SPACES

No subdivision shall be approved that does not provide for adequate parks, schools, and public spaces in conformity with the General Plan, Master Plan, and other Official Maps of the City.

Where a proposed park, school, or other public space as General Plan, Master Plan, and other Official Maps of the City is embraced in part or in whole by the boundaries of a proposed subdivision and such public land shall be reserved, the City shall have the right of first refusal to purchase said parcels at the current market price as a condition of subdivision approval. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.04.090: WATER RIGHTS REQUIRED

- A. The City shall have the right of first refusal to purchase any water shares or rights used with the property proposed for development beyond those needed to meet the

requirements for adequate water for the development as set forth herein. The purchase price for said shares or rights shall be the current market price as determined by independent appraisal or the price per share specified in Millville City resolution, whichever is greater. The expressed intention of the City is to acquire sufficient water rights to meet the future water demands of the City.

- B. The City has determined that it has insufficient water supplies to meet future water demands if development occurs. To meet the demands of additional water use from new development, the City will require as a condition of subdivision and development approval either a fee set by resolution or water shares set by resolution. The water share(s) must be from a source acceptable to the City at its sole discretion.
 - 1. If desired water shares are available, then the water shares must be transferred first.
 - 2. For a minor subdivision, the subdivider shall transfer one half ($\frac{1}{2}$) share of water or the equivalent payment of fees per new additional parcel created. For example, if a single parcel is split into three (3) parcels, two (2) additional parcels will have been created and the subdivider will transfer to the City one (1) share of water ($\frac{1}{2}$ share for each of the new parcels).
 - 3. For a major subdivision, the subdivider shall transfer one (1) water share per acre of total land subdivided with a minimum of one half ($\frac{1}{2}$) water share for land less than one half ($\frac{1}{2}$) acre subdivided. For example, if the developer is subdividing 7.3 acres into four (4) or more parcels, the subdivider will transfer to the City 7.5 water shares. The landowner and/or developer shall transfer the water shares or payment of fees before the approval of the final plat. The landowner and/or developer can combine water shares and fees to be transferred to the City. The City resolution sets out water share equivalent to fee amount. (Ord. 2025-1, 2025: Ord. 2018-13, 2018: Ord. 2008-4, 2008: Ord. 2002-4 § 1, 2002: Ord. 2002-2 § 2, 2002: Ord. 94-3 § 1)

16.04.100: CHARACTER OF THE LAND

- A. The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, landslides, or other geological hazards.
- B. All subdivision proposals shall be consistent with the need to minimize flood damage.

- C. All subdivision proposals shall preserve native features, vegetation, wetlands, and wildlife habitat as enforced by the appropriate state and federal agencies.
- D. All subdivision proposals shall locate public utilities and facilities such as sewer, gas, electrical, and water systems to service all lots and parcels. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.04.110: ESTABLISHED MONUMENTS

All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to ensure that these markers are maintained in good condition during the following construction and development. All section and one-quarter ($\frac{1}{4}$) section corners shall be duly described and tied within the boundaries of the subdivision and within one thousand feet (1,000') outside of subdivision boundary or in accordance with Utah state law and acceptable surveying practices. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.04.120: PREVENTIVE MEASURES

The subdivider and/or builder shall be solely responsible for any damage to adjacent properties caused by wind or water erosion during and upon completion of the construction. Any protective control measures which the subdivider proposes to implement to avoid damage from wind or water erosion must be included with the preliminary subdivision application and must be approved by the Land Use Authority prior to any construction activities. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

16.04.130: APPENDICES AND MANUAL OF DESIGN AND CONSTRUCTION STANDARDS

The appendices in this code and the "Manual Of Design And Construction Standards" (MDCS) are not part of this Code. They are for clarification, information, and the internal administrative control of Millville City. Therefore they may be changed at any time at the discretion of and by resolution of the Millville City Council. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2003-3, 2003)