

**MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.20 - RESIDENTIAL**

[17.20.010: PURPOSE; DEFINITION](#)

[17.20.020: PERMITTED USES](#)

[17.20.030: CONDITIONAL USES](#)

[17.20.040: REGULATIONS AND REQUIREMENTS](#)

[17.20.050: LOTS LOCATED ON PRIVATE LANES](#)

17.20.010: PURPOSE; DEFINITION

- A. Purpose: The purpose of the Residential 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. 2026-1, 2026: Ord. 2000-01: Ord. 99-02-18-01 § 2)

17.20.020: PERMITTED USES

Accessory buildings.

Agriculture.

Apartment in owner occupied, single-family dwelling.

Barbershop.

Beauty shop.

Bed and breakfast.

Childcare and/or education.

Craft store.

Duplex.

Household pets.

Municipal facilities.

Personal services.

Pools.

Public utilities.

Single-family dwelling.

Uses not listed as permitted or conditional are not permitted without approval from the city council. (Ord. 2026-1, 2026: Ord. 2018-6, 2018: Ord. 2009-4, 2009: Ord. 2004-4, 2004: Ord. 2003-5 §§ 1, 2, 2003: Ord. 2000-9 § 1)

17.20.030: CONDITIONAL USES

The following may be permitted conditional uses after application and approval as specified in section 17.64.070 of this title:

Education services both public and private. (Ord. 2026-1, 2026: Ord. 2013-2, 2013: Ord. 2009-4, 2009: Ord. 99-02-18-01 § 2)

17.20.040: REGULATIONS AND REQUIREMENTS

A. Space Requirement Chart:

	R-14	R-21	R-43	R-87	Duplex ^{4,7}	Accessory Building	External Accessory Dwelling Unit
Approx Lot Size	1/3 Acre	1/2 Acre	1 Acre	2 Acre			
Minimum Lot Area¹ (calculated in square feet)	14,000	21,000	43,000	87,000	20,000		
Lot Frontage	108'	108'	108'	132'	108'		See lot size
Front Setback	30'	30'	30'	30'	30'	30'	30'
Side setback, street	20'	20'	20'	20'	20'	20'	20'
Side setback, interior	15'	15'	15'	15'	15'	5'	15'
Rear setback, corner lot	20'	20'	20'	20'	20'	5'	20'
Rear setback, interior	30'	30'	30'	30'	30'	5'	30'
Maximum Height²	35'	35'	35'	35'	35'	35'	35'
Minimum Building Size³ (calculated in square feet)	960 SF	960 SF	960 SF	960 SF	960 SF	200 ⁵	up to 1200 SF ⁶
Minimum Width Building	20'	20'	20'	20'	20'		
Parking Spots Required	2	2	2	2	4		2

1. Lot slope requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. See table below for additional Slope Class minimum lot sizes.
2. Measured from the main entrance threshold to the highest point of the building roof.
3. Not more than one main building may be placed upon one lot or parcel of land. Living area shall be calculated excluding basement, open porches, and garages. Buildings must be attached to a permanent concrete foundation, and meet minimum uniform building code requirements.
4. Not more than one duplex may be placed upon one lot or parcel of land. Lots with duplexes shall be a minimum distance of three hundred fifty feet (350'), in any direction, from any other lot with a duplex.
5. No building permit will be required for a structure up to and including two hundred (200) square feet, unless required by state statute.
6. The total area of an Exterior Accessory Dwelling Unit shall be less than fifty percent (50%) of the total square footage of the primary residence, but not more than 1,200 square feet.

7. *Duplexes need to be determined at the time of Zoning Clearance. A home cannot be converted into a duplex.*

B. Slope Class Minimum Lot Size Requirements:

	R-14	R-21	R-43	R-87	DUPLEX
Class 1 0-20% slope	14,000	21,000	43,000	87,000	20,000
Class 2 20-23% slope	20,000	21,000	43,000	87,000	26,000
Class 3 23-27% slope	26,000	26,000	43,000	87,000	32,000
Class 4 27-30% slope	32,000	32,000	43,000	87,000	38,000
Class 5 30%+ slope	<i>Not Buildable</i>	<i>Not Buildable</i>	<i>Not Buildable</i>	<i>Not Buildable</i>	<i>Not Buildable</i>

1. *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.*
2. *Hillside Overlay applications have more studies/requirements and can be found in Chapter 17.26.040*

C. Lot corners will be marked with five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) that is eighteen inches (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.

D. Space Compliance: No space needed to meet the width, yard, area, coverage, parking, or other requirements for minimum lot size or setback may be sold or leased apart from such lot or building unless other space so complying is provided.

E. Trash Prohibited Outside Containers: No trash, rubbish, weeds, debris, waste products or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, abandoned automobiles, automobile parts, or restoration projects shall be stored or allowed to remain on any lot in any residential zone unless such objects are out of visible sight of the public.

F. Odorous Uses Prohibited: A use shall not be permitted which creates objectionable odor in such quantity as to be readily detectable at the boundaries of the site.

G. Lot Grading Standards: For residential developments, a plan shall be prepared in a manner that will allow the following conditions to be met prior to, or as part of, actual

building construction. If necessary, individual lot grading plans will be required prior to issuance of building permits:

1. A minimum fall of six inches (6") in the first ten feet (10') away from any building is required;
 2. A maximum gradient of twenty one percent (21%) within four feet (4') of the foundation;
 3. Usable minimum yard area of three hundred (300) square feet with a maximum slope of five percent (5%);
 4. A minimum foundation exposure of six inches (6") above finished grade;
 5. Slopes of three to one (3:1) and steeper must be sodded and will be accepted only when the developer and engineer can show this to be the most feasible approach;
 6. Driveway grades should be maintained between 0.5 percent (0.5%) and five percent (5%) when possible;
 7. Entry walks shall not exceed 5 percent (5%);
 8. Lots should be graded so that a minimum slope of two percent (2%) can be maintained between the sewer flow line in the street and the finished grade of the lowest floor elevation;
 9. Minimum depth of any sewer line shall be five feet (5').
- H. Legal Nonconforming Status: Vacant lots which do not meet the current frontage requirement, but can provide division and deed history showing they met historic requirements, may be granted "legal nonconforming" status and receive building permits. 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.
- I. 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. 2026-1, 2026: Ord. 2025-7, 2025: Ord. 2018-8, 2018: Ord. 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)

J. Residential lots which are not part of a subdivision that do not have a sidewalk shall install that infrastructure as part of any new primary residential construction if the location is indicated on the sidewalk map. All new development that occurs that is not currently on the map will be evaluated by the Planning Commission. (Resolution 2021-8)

Formatted: Indent: Left: 0.5"

17.20.050: 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, with the exception of the bulb of a cul-de-sac. The bulb of a cul-de-sac is defined as the circular area at the end of a dead-end residential street
- 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 a hard-packed maintainable surface with a minimum of twenty feet (20') of surface width. Curb and gutter or other appropriate storm drainage methods may be required.
 - 4. Improvements shall include a strategically located turnaround to accommodate emergency vehicles. The turnaround configuration may be in any form compliant with the appropriate fire codes, as determined by the fire marshal or designee. Additional clearance may be required to accommodate emergency vehicle access.
 - 5. Private lanes shall satisfy the frontage requirements for no more than one lot.

6. All necessary public utility easements shall be dedicated on all lots, including full access where required by city officials and workers. Public services, such as garbage collection, will be at the dedicated street only.
7. Minimum yard setback requirements as defined for public streets shall apply to all buildings and uses adjoining private rights-of-way, with setbacks measured from edge of required private lane width or from the width of the future city road in that location.
8. No portion of the private lane may be counted towards required driveway dimensions on individual lots.
9. No portion of the private lane may be counted towards the minimum required building lot size.
10. Private lane area shall not be included in the calculation of buildable area for an individual lot, including determination of allowed square footage for primary and accessory structures.
11. A driveway approach with a minimum of twenty feet (20') by twenty feet (20') of three inches (3") minimum thickness of permanent asphalt from the public street to the lane is required.
12. All lots shall be provided with standard utility connections, furnished by the property owner, including approved fire protection infrastructure. All utilities underneath a private right-of-way shall be deemed private utilities for ownership and maintenance purposes.
13. Private lanes shall be named and identified by means of a suitable permanent street marker according to Millville City standards, to be installed prior to issuance of building permits.
14. All required infrastructure, including road improvements and stormwater controls shall be installed prior to occupancy being granted on a building lot.
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" was 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."

C. The creation of a private lane is a subdivision of property and follows the same requirements outlined in Chapter 16.16: Subdivision Application Requirements. The Application Review Procedure can be found in Chapter 16.20. A public hearing is required before Final Plat approval. (Ord. 2026-1, 2026: Ord. 2025-7, 2025: Ord. 2023-6: 2023)