

**MILLVILLE CITY CODE  
TITLE 17 - ZONING  
CHAPTER 17.04 - INTRODUCTORY PROVISIONS**

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**17.04.010: SHORT TITLE**

This title shall be known as the ZONING ORDINANCE of the city and may be so cited and pleaded. (Ord. 99-02-18-01 § 2)

**17.04.020: APPLICATION**

The provisions of this chapter are general in nature and, as applied, affect the entire title. (Ord. 99-02-18-01 § 2)

**17.04.030: SCOPE**

This title is designed and enacted in accordance with the master plan to:

- A. Designate, regulate, and guide the erection, construction, reconstruction, alteration, location, and uses of buildings;
- B. Designate, regulate, and restrict the uses of land for business, industry, residence, recreation, public activities, or other purposes;
- C. Regulate and restrict the height, number of stories, size, and bulk of buildings and other structures hereafter erected or altered;
- D. Regulate and restrict the height, bulk and location of vegetation where such objects are deemed to be hazardous to life or property;
- E. Regulate and determine the size of lots, yards, and other open spaces and the percentage of the lot that may be occupied;
- F. Regulate the density and distribution of population, and for these purposes, to divide the city into zones or districts of such number, shape, or area as may be deemed best suited to carryout these regulations and provide for their enforcement. (Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

**17.04.040: PURPOSE**

The purpose of this title is to preserve and promote the health, safety, morals, convenience, order, and the general welfare of the city, for its present and future inhabitants, and the public generally, and in particular to:

- A. Encourage and facilitate the orderly growth and expansion of the city;
- B. Secure economy in governmental expenditures;
- C. Enhance the economic well being of the city and its inhabitants;
- D. Facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, and other public requirements;
- E. Prevent the overcrowding of land and the undue concentration of population;
- F. Stabilize and conserve property values;
- G. Encourage the development of an attractive and beautiful community;

H. Promote the development of the city in accordance with the city comprehensive master plan. (Ord. 2000-16 § 1: Ord. 99-02-18-01 § 2)

#### **17.04.050: EFFECT OF OTHER REGULATIONS**

Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance, or regulation than are established by the provisions of this title, the provisions of such other statute, ordinance, or regulation shall govern. (Ord. 99-02-18-01 § 2)

#### **17.04.060: EFFECT OF PRIVATE COVENANTS AND AGREEMENTS**

This title shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons, but shall prevail notwithstanding such provisions which are less restrictive. Enforcement of private covenants and agreements is affected only by the parties in interest and the responsibility therefor shall not be assumed by the municipality or its agents. (Ord. 99-02-18-01 § 2)

#### **17.04.070: REQUIREMENTS DECLARED MINIMUMS**

The use and regulations which apply to each zone were established in accordance with a general or comprehensive master plan designed for the same purposes for which this title is enacted. The requirements set forth herein are declared to be the minimums which are necessary to accomplish the purposes of this title. (Ord. 99-02-18-01 § 2)

#### **17.04.080: PROPERTY USE REGULATIONS**

The use of all real property within the corporate limits of the city shall be limited and restricted as follows:

- A. No land shall be used or occupied except as specifically permitted in the regulations for the zone in which it is located.
- B. No building or structure shall be designed, erected, altered, used, or occupied except as specifically permitted in the regulations of the zone in which the lot is located.

- C. No accessory building or structure shall be erected, used, or occupied before the main building has been erected and has been placed into operation. Any such accessory use building or structure may be erected only after construction of the main building has commenced. A conditional use permit may be issued for the construction of an accessory building prior to the construction of a main building with the stipulation that all other requirements for size, setbacks, etc., are met with the construction of the main building. If all requirements are not met, the conditional use permit shall be revoked and the accessory structure removed by the owner, prior to issuance of a building permit for the main building.
- D. No space needed to meet the width, yard, area, coverage, parking, or other requirements of this title for a lot or building may be sold or leased apart from such lot.
- E. No lot or parcel of land which has less than the minimum width or area requirements for the zone in which it is located may be subdivided or separated from a larger parcel of land.
- F. No building or structure shall be erected or constructed or building permit issued for a nonconforming lot until such lot is brought into conformity or variance granted by the appeal authority. (Ord. 2007-8, 2007: Ord. 2000-16 § 2: Ord. 99-02-18-01 § 2)