

**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.20A - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL**  
**(R-1)**

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**17.20A.010: PURPOSE; DEFINITION**

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

## **17.20A.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. 2018-6, 2018: Ord. 2009-4, 2009: Ord. 2004-4, 2004: Ord. 2003-5 §§ 1, 2, 2003: Ord. 2000-9 § 1)

## **17.20A.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. 2013-2, 2013: Ord. 2009-4, 2009: Ord. 99-02-18-01 § 2)

## **17.20A.040: REGULATIONS AND REQUIREMENTS**

- A. One Main Building: Not more than one main building may be placed upon one lot or parcel of land.
1. Lot corners will be marked with five-eighths inch ( $\frac{5}{8}$ " ) rebar (#5 rebar) that is eighteen (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.
- B. Minimum Conditions: Minimum conditions for a single-family dwelling shall include, but not be limited to:
1. Lot area: Minimum fourteen thousand (14,000) square feet for slope class 1 lots (see definitions in this title), pending septic tank approval.  
  
Minimum twenty thousand (20,000) square feet for slope class 2 lots, pending septic tank approval.  
  
Minimum twenty six thousand (26,000) square feet for slope class 3 lots, pending septic tank approval.  
  
Minimum thirty two thousand (32,000) square feet for slope class 4 lots, pending septic tank approval.
  2. Lot frontage: Minimum one hundred eight feet (108') of clear ownership of the lot the dwelling is built on.
  3. Lot slope requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. 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.
- C. Front Yard Setback: Minimum thirty feet (30') from the lot line.
- D. Side Yard Setback:

1. Interior lots: Minimum fifteen feet (15') from the side property line. For accessory buildings, no minimum setback shall be required, except the drip line shall be on the lot.
2. Corner lots:
  - a. Minimum fifteen feet (15') from the property line common to an interior lot.
  - b. Minimum twenty feet (20') from the property line adjacent to the street.
  - c. For accessory buildings no minimum setback shall be required at an interior lot line, except the drip line shall be on the lot. Minimum twenty feet (20') from the property line adjacent to the street.

E. Rear Yard Setback:

1. Interior lots: Minimum thirty feet (30') from the rear property line. For accessory buildings, no setback requirement except the drip line shall be on the lot.
2. Corner lots: Minimum twenty feet (20') from the rear property line. For accessory buildings, no setback requirement except the drip line shall be on the lot.

F. Building Height:

1. Maximum thirty five feet (35').
2. Height shall be measured from the highest point of the building roof to the main entrance threshold.

G. Distance Between Buildings: Corrals, barns, stables, coops, kennels and other buildings used for the accommodation of animals (except for household pets) must be located at least seventy five feet (75') from owner's existing structure and at least fifty feet (50') from a property line.

H. Building Size: The finished living area of any dwelling shall be a minimum of nine hundred sixty (960) square feet for a single-story dwelling. Living area shall be calculated excluding basement, open porches, and garages.

I. 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.

J. Minimum Conditions: Minimum conditions for a duplex shall include, but not be limited to:

1. Lot Area: Minimum twenty thousand (20,000) square feet for slope class 1 lots (see definitions in this title), pending septic tank approval.

Minimum twenty six thousand (26,000) square feet for slope class 2 lots, pending septic tank approval.

Minimum thirty two thousand (32,000) square feet for slope class 3 lots, pending septic tank approval.

Minimum thirty eight thousand (38,000) square feet for slope class 4 lots, pending septic tank approval.

2. Lot Frontage: One hundred twenty four foot (124') minimum.
3. Minimum Parking: Parking spaces for a minimum of four (4) cars shall be provided.
4. Exterior Elevations: Exterior elevations shall resemble a single-family dwelling.
5. Living Area: Each living unit shall have at least nine hundred sixty (960) square feet of living area exclusive of porches, garages, and carports.
6. More Than One Prohibited: Not more than one duplex may be placed upon one lot or parcel of land.
7. Minimum Distance: Lots with duplexes shall be a minimum distance of three hundred fifty feet (350'), in any direction, from any other lot with a duplex.
8. Repealed.
9. Lot Slope Requirement: All building lots shall be slope class 1, unless a hillside development permit has been issued. 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.

K. Minimum Dimension: All dwellings for human occupancy shall have a minimum dimension of twenty feet (20') (measured wide or deep), be attached to a permanent concrete foundation, and meet minimum uniform building code requirements.

- L. 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.
- M. 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.
- N. 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 and five percent (5%) when possible;
  7. Entry walks shall not exceed 5.0 percent;
  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').
- O. 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. (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)

### **17.20A.050: ACCESSORY BUILDINGS**

No building permit will be required for a structure up to and including two hundred (200) square feet, unless required by state statute. (Ord. 2018-6, 2018: Ord. 99-02-18-01 § 2)