

**MILLVILLE CITY CODE**  
**TITLE 17 - ZONING**  
**CHAPTER 17.20C - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL**  
**(R-3)**

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

- A. Purpose: The purpose of the R-3 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.

## **17.20C.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.

## **17.20C.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.

## **17.20C.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 eighty seven thousand (87,000) square feet for slope class 1 lots (see definitions in this title), pending septic tank approval.

Minimum eighty seven thousand (87,000) square feet for slope class 2 lots, pending septic tank approval.

Minimum eighty seven thousand (87,000) square feet for slope class 3 lots, pending septic tank approval.

Minimum eighty seven thousand (87,000) square feet for slope class 4 lots, pending septic tank approval.

2. Lot frontage: Minimum one hundred thirty two feet (132') 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 eighty seven thousand (87,000) square feet for slope class 1 lots (see definitions in this title), pending septic tank approval.

Minimum eighty seven thousand (87,000) square feet for slope class 2 lots, pending septic tank approval.

Minimum eighty seven thousand (87,000) square feet for slope class 3 lots, pending septic tank approval.

Minimum eighty seven thousand (87,000) square feet for slope class 4 lots, pending septic tank approval.

2. Lot Frontage: One hundred thirty two foot (132') 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.

- P. 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. 2018-8)

### **17.20C.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.

### **17.20C.060: 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.
- 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 inch (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." (Ord. 2023-6: 2023)