

ORDINANCE 16-03

AN ORDINANCE TO AMEND the Town of Millville Code at Chapter 155 relating to Zoning at: Article XI Board of Adjustment, § 155-58. Special exceptions.

WHEREAS, The Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

WHEREAS, The Town of Millville has adopted a Zoning Ordinance for the municipality; pursuant to its Charter and Title 22, Chapter 3 of the Delaware Code; and

WHEREAS, The Zoning Ordinance Article XIII provides that the Town Council may from time to time amend, supplement or change the regulations and restrictions established by this Ordinance, as required in 22 *Del. C. §§ 304 and 305*;

BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed public hearing on December 8, 2015, that the following language hereby be stricken and incorporated into the Town of Millville Code and Zoning Ordinance at Chapter 155 with deletions shown by strikethrough:

ARTICLE XI

Board of Adjustment

~~§ 155-58. Special exceptions.~~

~~A. The Board of Adjustment may hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; decide such questions as are involved in determining whether special exceptions should be granted; grant special exceptions with such conditions and safeguards as are appropriate under this chapter; or deny the special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:~~

~~(1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested;~~

~~(2) The owner of the property for which special exception is sought or his agent, and all property owners within 250 feet radius out from the property seeking a special exception shall be notified by certified mail, return receipt requested, of the application for a special exception at least 25 calendar days prior to the public hearing. Notice of such hearings shall be posted on the property for which a special exception is sought, at the Town Hall, and in one other public place at least 15 days prior to the public hearing;~~

~~(3) The public hearing is held. Any party may appear in person, or by agent or attorney;~~

~~(4) The Board of Adjustment makes a finding that is empowered under the section of this chapter described in the application to grant the special exception and makes a~~

finding that the granting of the special exception will not adversely affect the public interest; and

~~(5) The Board of Adjustment makes findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements has been made concerning the following, where applicable:~~

~~(a) Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe;~~

~~(b) Off-street parking and loading areas where required, with particular attention to the items in Subsection A(5)(a) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;~~

~~(c) Refuse and service areas, with particular reference to the items in Subsections A(5)(a) and (b) above;~~

~~(d) Utilities, with reference to locations, availability, and compatibility with adjacent structures and uses;~~

~~(e) Screening and buffering with reference to type, dimensions and character of such screening and buffering.;~~

~~(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;~~

~~(g) Required yards and other open spaces; and~~

~~(h) General compatibility with adjacent properties and other property in the district.~~

~~B. No later than 14 calendar days after the public hearing was held, the Board of Adjustment shall publish in a local newspaper and post at Town Hall, a notice stating the actions taken at its public hearing(s) for special exceptions.~~

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 8 DAY OF December, 2015.

SEAL:


GERALD HOCKER, JR., MAYOR

ATTESTED:


STEVE MANERI, SECRETARY