

ORDINANCE 16-04

AN ORDINANCE TO AMEND the Code of the Town of Millville at Chapter 33 entitled "Planning and Zoning Commission".

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 adopted and incorporated into the Town of Millville Code at Chapter 33 with deletions shown by strikethrough and with additions shown by bold and underline as follows:

Chapter 33. ~~Planning and Zoning Commission~~ Planning and Zoning Committee

ARTICLE I

~~Planning Commission~~ Planning and Zoning Committee

§ 33-1. Establishment.

There is hereby established a ~~Commission~~ Committee to be known as the "~~Planning and Zoning Commission,~~" "Planning and Zoning Committee," hereinafter referred to as the "~~Commission,~~" "Committee" in this chapter. Additionally, for purposes of the Code of the Town of Millville, any references therein to the "Planning and Zoning Commission" shall mean the Committee.

§ 33-2. ~~Membership; appointment; terms of office; removal from office.~~ Membership.

- A. The ~~Commission~~ Committee for the Town of Millville shall consist of ~~five~~ members of the Town Manager, the Town's Code and Building Administrator, Town Engineer, and 1 Town Council Member. The members shall be appointed by the Mayor and confirmed by the Town Council. ~~, for a term of three years. The terms of the members of the commission first appointed pursuant to this chapter shall expire as follows: two members shall be appointed for a term of three years; two members shall be appointed for a term of two years; and one members shall be appointed for a term of one year. Each of the members shall be at least 18 years of age, property owners in the Town of Millville or a bona fide resident of the Town of Millville, with an interest in urban and rural planning and development. All members shall be eligible for reappointment. Unless removed by the Mayor and Town Council, each member shall serve until the replacement member is appointed and confirmed.~~
- B. Any member of the ~~Commission~~ Committee may be removed by a majority vote of the Mayor and Town Council for inefficiency, neglect of duty, or malfeasance in office. Any vacancy, which may occur on the ~~Commission~~ Committee, shall not affect its powers or functions, but shall be filled in the same manner in which the original appointment was made.

§ 33-3. Records; rules of procedure.

The Commission shall elect annually a Chairman and Secretary from among its members and may enlist experts, clerical and other assistants. The Commission may also appoint a custodian of its records. ~~The Planning Commission~~ Committee shall make adopt its own rules of procedure and determine its time of meeting. Meetings and records of the Commission Committee as defined in 29 Del. C. § 10001, shall be open to the public and records of the Commission Committee shall be public record according to the provisions of 29 Del. C. Chapter 100.

§ 33-4. Salaries and compensation.

The Town Council member of the ~~Commission~~ Committee shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred in the performance of duties vested in the ~~Commission~~ Committee.

§ 33-5. Powers and duties.

The ~~Commission~~ Committee shall have all of the powers, duties and responsibilities provided for in the laws of the State of Delaware, ordinances of the Town of Millville, and other powers, duties and responsibilities as assigned by the Mayor and Town Council.

§ 33-6. Meetings; quorum

The ~~Commission~~ Committee shall hold regular monthly meetings, the dates to be determined by the Commission; provided, however, that nothing shall prohibit the Commission from holding additional meetings. For the conduct of any meeting or hearing, a quorum shall not be less than three members. A majority vote of the members present and voting shall be required to take any action on questions brought before the Commission hold its meetings within 60 days of when an application is received for any zoning issue, and the Committee may hold additional meetings at its discretion. The Town Manager will notify the other Committee members to set the time of date of the meeting. If the Committee fails to timely hold a meeting on an application, the application shall be forwarded to the Town Council for its determination without the need of any action by the Committee.

§ 33-7. Consultation with outside sources.

In carrying out its duties, the ~~Commission~~ Committee may seek the advice of various groups with interest in matters of concern to the ~~Commission~~ Committee including but not limited to federal, state and county governments, public and private organizations and civic groups working in the field of municipal planning issues.

§ 33-8. Contracts.

The ~~Commission~~ Committee is not authorized to enter into any contract or agreement with any public or private organization, but shall recommend such course of action to the Town Council in order to carry out its assigned tasks.

ARTICLE II

Other Duties of ~~Planning Commission~~ the Planning and Zoning Committee

§ 33-9. Duties assigned.

The Town Council may, at its discretion, assign other duties to the ~~Planning Commission~~ Committee.

§ 33-10. Amendment to provisions by Town Council.

The Town Council may, from time to time, amend, supplement or change by ordinance the boundaries of the districts or the regulations of Chapter 155 of this Code or the regulations of this chapter. Any such amendment may be initiated by resolution of the Town Council or by motion of the ~~Commission~~, Committee, or by petition of any property owner addressed to the Town Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the ~~Commission~~ Committee.

§ 33-11. Recommendation of ~~Commission~~ Committee regarding amendment.

Before taking any action on any proposed amendment, supplement or change to the districts or the regulations of Chapter 155 of this Code, the Town Council may submit the same to the ~~Commission~~ Committee for its recommendation and report. Failure of the ~~Commission~~ Committee to report within ~~15~~ 45 days after the proposal has been referred to the ~~Commission~~ Committee shall be deemed a recommendation of approval.

§ 33-12. Public hearing.

- A. The ~~Commission~~ Committee may hold a public hearing on any proposed amendment, supplement or change to the districts or the regulations of Chapter 155 of this Code, before submitting its report to the Town Council and for this purpose may request the submission of all pertinent data and information by any person concerned.

- B. Before acting on any report by the ~~Commission~~ Committee concerning a proposed amendment, supplement or change to the districts or the regulations of Chapter 155 of this Code, the Town Council shall hold a public hearing thereon.

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