

ORDINANCE 15-02

AN ORDINANCE TO AMEND The Town of Millville Code Chapter 155 at: Article VIII “Nonconforming Lots, Uses, Structures and Premises”, § 155-37.

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, that the following language hereby be adopted and incorporated into the Town of Millville Code and Zoning Ordinance at Chapter 155 with additions shown by black bold and underlined as follows:

Article VIII

Nonconforming Lots, Uses, Structures and Premises

§ 155-37. Nonconforming uses of structures and premises in combination.

If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

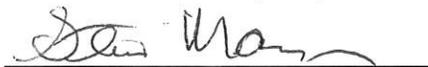
A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located. **However, within the C1-Commercial District, any commercial use and structure which existed and was permitted on May 13, 1992 but is now nonconforming may be extended or enlarged on one occasion during its permitted nonconformity, provided that the extension or enlargement does not exceed 50% of the gross floor area existing on May 13, 1992 and the extension or enlargement does not violate any other provisions of this chapter or other applicable town ordinances.**

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 10TH DAY OF MARCH, 2015.

SEAL:


GERALD HOCKER, JR., MAYOR

ATTESTED:


STEVE MANERI, SECRETARY