

ORDINANCE NO. 18-04

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155
RELATING TO ZONING SETBACKS AND STRUCTURES.

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 12, 2017, that the following language hereby be adopted and incorporated into the Town of Millville Code and Zoning Ordinance at Chapter 155, Sections §155-17 and §55-79, with deletions shown by ~~striketrough~~ and additions shown by **black bold and underlined** as follows:

§ 155-17. Appurtenances.

A. No part of a building shall be erected within or shall project into the front and rear yard setback areas except:

- (1) Cornices, eaves, gutters and chimneys projecting not more than 18 inches;
- (2) Bay windows not extending through more than one story and not projecting more than three feet;
- (3) One-story open porches, **concrete patios, and decks** projecting not more than five feet; and
- (4) Steps and balconies, projecting not more than five feet.
- (5) **Paver patios may encroach no more than half the distance from the rear yard setback to the rear property line.**

B. No part of a building shall be erected within nor project into any side yard setback area, except cornices, eaves, gutters or chimneys projecting not more than 18 inches.

C. Accessory structure and uses.

(1) Any accessory structure attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard setback requirements for the principal building, regardless of the technique of connecting the principal and accessory buildings.

(2) Accessory buildings which are not a part of the main building, and are not a detached accessory garage, may be constructed in a rear yard setback area, provided that such accessory building does not contain more than 400 square feet of area in the Residential District or 600 square feet of area in another permitted district, and provided that the accessory building shall ~~may~~ be located at least five feet from a side lot line and at least five feet from a rear lot line.

(3) Except as herein provided, no accessory building shall project beyond a required yard line along any street.

(4) Accessory uses may be conducted on any lot, provided the use complies with the provisions of this chapter.

(5) Height and area of accessory building. Accessory buildings shall not exceed one story or 18 feet in height and may not occupy more than 20% of the yard in which it is located or a maximum of 600 square feet, whichever is smaller, except that agricultural buildings are excluded from these requirements.

(6) Patios that are not part of a building may extend not more than five feet into the front and rear yard setback area.

(7) ~~(6)~~ Temporary tents. The use of a tent as a temporary accessory structure shall be limited to and subject to the following provisions:

(a) No tents shall be permitted other than for municipal activities sponsored by the Town of Millville; nonprofit events on properties owned by the entity applying for the event; and commercial businesses that currently transact business out of a permanent, nonaccessory building on the proposed location of the tent.

(b) Season begins April 1 and concludes on December 1 of each year.

(c) Events or activities may not be held more than five times per season, and no more than one per month.

(d) Tents can be erected no longer than 10 consecutive days, including set up and tear down.

(e) Each event or activity shall require a Town permit with a fee in accordance with the current fee schedule. All permits must be prominently displayed on the premises at all times.

(f) The applicant must show proof of liability insurance at the time of the permit application.

(g) A Town business license is required for each business entity involved in the sale of products and/or services during each event or activity.

(h) The size of the tent is limited to 1,500 square feet and limited to one tent per property.

(i) Permanent structure setback requirements apply.

(j) All product/merchandise must be contained in the tent at all times.

(k) The permittee shall be responsible for traffic control and DelDOT entrance permit. Police or fire police shall be used.

(l) If food service is planned, the applicant must follow applicable health regulations.

§ 155-79. Definitions and word usage.

For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

B. The present tense includes the future tense; the singular number includes the plural; the plural number includes the singular.

C. The word "shall" is mandatory; the word "may" is permissive.

D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

E. The word "lot" includes the words "plot" or "parcel."

F. As used in this chapter, the following terms shall have the meanings indicated:

STRUCTURE

Anything constructed or erected, the use of which requires more or less permanent with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, poster panels, patios, signs, pools, porches, decks, and pavers; for purposes of setbacks, structures do not include driveways, front yard sidewalks or front yard pathways less than five feet in width.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 9 DAY OF January, 2018.

SEAL:

ATTESTED:



Matthew Thomas Amerling

Robert W. Gordon

ROBERT GORDON, MAYOR

Valerie Faden

VALERIE FADEN, SECRETARY

Deputy Mayor for