

ORDINANCE NO. 19-02

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155,  
ENTITLED "ZONING," RELATING TO TEMPORARY TENTS.

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;

WHEREAS, the Town of Millville has adopted a Zoning Ordinance for the municipality, which has been codified in Chapter 155 of the Town Code;

WHEREAS, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance; and

NOW, THEREFORE, BE IT 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 held on May 8, 2018, that the following language hereby is adopted and incorporated into the Town of Millville Code at Chapter 155, entitled "Zoning," at Section 155-17C, as follows:

Section 1.

Additions will be in black bold and underlined.

~~Deletions will be black bold strike through.~~

Chapter 155: Zoning

155-17: Appurtenances.

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 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) 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 De/ DOT entrance permit. Police or fire police shall be used.~~
- ~~(l) If food service is planned, the applicant must follow applicable health regulations.~~

**Section 2. Effective Date.** This Ordinance shall become effective immediately upon its adoption by Town Council.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 8 DAY OF May, 2018.

SEAL:

  
ROBERT GORDON, MAYOR

ATTESTED:

  
PETER MICHEL, SECRETARY

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### SYNOPSIS

This ordinance removes Section 155-17C(7), which regulated the use of temporary tents as an accessory structure. The Town Council recently adopted an ordinance that amended Chapter 90 of the Town Code to license tents and other items for a public event.