

ORDINANCE 19-08

AN ORDINANCE TO AMEND the Town of Millville Code at Chapter 33, entitled “Planning and Zoning Committee.”

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 Planning and Zoning Committee Ordinance for the municipality, which has been codified in Chapter 33 of the Town Code; and

NOW, BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, following a duly noticed meeting on January 8, 2019, that the following language hereby be adopted and incorporated into the Town of Millville Code at Chapter 33, entitled “Planning and Zoning Committee” as follows:

Additions will be in black bold and underlined.  
~~Deletions will be black bold strike through.~~

Article I: Planning and Zoning ~~Committee~~ Commission

§ 33-1 Establishment.

~~There is hereby established a Committee to be known as the Planning and Zoning Committee, hereinafter referred to as the “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.~~

There is hereby established a Commission to be known as the “Planning and Zoning Commission”, hereinafter referred to as the “Commission.”

§ 33-2 ~~Membership~~ Membership; Appointment; Terms of office; Removal from office.

~~A. The Committee for the Town of Millville shall consist of the Town Manager, the Town’s Code and Building Administrator, Town Engineer, and one Town Council Member. The members shall be appointed by the Mayor and confirmed by the Town Council. Unless removed by the Mayor and Town Council, each member shall serve until the replacement member is appointed and confirmed.~~

A. The Commission for the Town of Millville shall consist of not less than five nor more than nine members. The members of the Commission shall be appointed by

the Mayor and subject to confirmation by a majority of the members of the Town Council, for a term of three (3) years, and shall not otherwise hold Town elective office. The terms of the members of the Commission first appointed pursuant to this chapter shall expire as follows: two (2) members shall be appointed for a term of three (3) years; two (2) members shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of one (1) year. Each of the members shall be at least twenty-one (21) years of age, and 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. In the event the Chairperson of the Commission is not able to otherwise have a quorum for a scheduled meeting, the Town Manager and Code and Building Official shall be the first and second alternates to the Commission, and may exercise all the powers of the regular members of the Planning and Zoning Commission.

B. Any member of the ~~Committee~~ Commission 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 ~~Committee~~ Commission, shall not affect its powers or functions, but shall be filled in the same manner in which the original appointment was made.

C. Any member of the Commission who fails to attend 75% of the scheduled meetings of the Commission in any twelve-month period, without an excuse acceptable to the Chairperson, shall be deemed to have resigned and the vacancy shall be filled as herein provided for the original appointments. Any vacancy occurring other than by expirations of term shall be filled for the remainder of the unexpired term in the same manner as an original appointment.

§ 33-3 Records; rules of procedure.

~~The Committee shall adopt its own rules of procedure and determine its time of meeting. Meetings and records of the Committee shall be open to the public, and records of the Committee shall be public record according to the provisions of 29 Del. C. Chapter 100.~~

The Commission shall elect annually a Chairperson 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 and Zoning Commission shall make its own rules of procedure and determine its time of meeting. Meetings and records of the Commission shall be open to the public according to the provisions of 29 Del. C. Chapter 100.

§ 33-4 Salaries and compensation.

~~The Town Council member of the 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 Committee.~~

The members of the Commission shall serve without compensation, but they shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties vested in the Commission.

§ 33-5 Powers and duties.

~~The 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.~~

A. The Planning and Zoning Commission shall plan for the development, improvement, and a beautification of the Town.

B. Comprehensive Plan.

(1) The Commission shall have the authority vested in municipal Planning Commission by Chapter 7, Title 22, Delaware Code, as amended, including but not limited to the preparation and recommendation of the comprehensive development plan, the implementation and modifications, to the Town Council.

C. The Commission shall perform the duties therein set forth whether or not such authority or duties are expressed or referred to herein, which include, but are not limited to:

(1) Recommendations on subdivision applications.

(2) Recommendations on site plan review applications.

(3) Recommendations on change of zoning requests.

(4) Review and amend the comprehensive development plan from time to time by a majority vote of the Planning and Zoning Commission, subject to approval by the Town Council.

D. The Commission 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 may hold regular monthly meetings, the dates to be determined by the Commission. 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.

The ~~Committee~~ Commission shall hold its meetings within 60 days of when an application is received for any zoning issue, and the ~~Committee~~ Commission may hold additional meetings at its discretion. The Town Manager will notify the ~~Committee~~ Commission members to set the time and date of the meeting. If the ~~Committee~~ Commission 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~~ Commission.

§ 33-7 Consultation with outside sources.

In carrying out its duties, the ~~Committee~~ Commission may seek the advice of various groups with interest in matters of concern to the ~~Committee~~ Commission, including but 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 ~~Committee~~ Commission 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 the Planning and Zoning ~~Committee~~ Commission

§ 33-9. Duties assigned.

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

§ 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 ~~Committee~~ Commission, 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 ~~Committee~~ Commission.

§ 33-11 Recommendation of ~~Committee~~ Commission 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 ~~Committee~~ Commission for its recommendation and report. Failure of the ~~Committee~~ Commission to report within 45 days after the proposal has been referred to the ~~Committee~~ Commission shall be deemed a recommendation of approval.

§ 33-12 Public Hearing.

A. The ~~Committee~~ Commission may hold a public hearing on any proposed amendment, supplement or change to the districts or the regulations of Chapter 155 of the 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.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 8th DAY OF JANUARY, 2019.

SEAL:



ATTESTED:

*Matthew Thomas Amerling*

*Robert W. Gordon*  
ROBERT GORDON, MAYOR

*Peter Michel*  
PETER MICHEL, SECRETARY

