

ORDINANCE 20-08

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155,
ENTITLED "ZONING," REGARDING PRIVATE WALKWAYS

WHEREAS, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

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;

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, that the following amendments are hereby adopted and incorporated into the Town of Millville Code at Chapter 155, entitled "Zoning":

Section 1. Amend § 155-17 with additions shown in black bold and underlined and ~~deletions in black bold and strikethrough~~ 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;
 - (4) Steps and balconies, projecting not more than five feet; and
 - (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 structure shall be erected within nor project into any side yard setback area except: ~~cornices, eaves, gutters or chimneys projecting not more than 18 inches.~~
- (1) Cornices, eaves, gutters, or chimneys projecting not more than 18 inches.

(2) One private walkway encroaching into the side yard setback along the side of a house but not be closer than 2 feet at any point to any property line.

Section 2. Amend § 155-79 with additions shown in black bold and underlined and inserted alphabetically and ~~deletions in black bold and strikethrough~~ as follows:

§ 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:

...
PRIVATE WALKWAY

A walking surface made from removable items such as pavers, cobblestone, bricks, slate, or any combination thereof, placed on a pervious base running parallel along the side of the house either from front toward the back or back toward the front being a width not to exceed 3 feet and not dedicated to the public.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 11th DAY OF Feb, 2020.

SEAL:



Steve Maneri
STEVE MANERI, MAYOR

ATTESTED:

Matthew Thomas Amerling

Ronald Belinko
RONALD BELINKO, SECRETARY

SYNOPSIS

This ordinance adds a definition for "private walkway," including building materials and a width limitation of three feet. The ordinance then allows a single private walkway to encroach into the side yard setback, but not to within two feet of the property line. The ordinance also changes "building" to the broader term "structure," as a private walkway is a structure but not part of the building.