



ORDINANCE NO. 24-03

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155, ENTITLED “ZONING”, ARTICLE VI DISTRICT REGULATIONS, § 155-13 C1-TOWN CENTER COMMERCIAL DISTRICT, PERMITTED ACCESSORY USES AND STRUCTURES

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 amendment is hereby adopted and incorporated into the Town of Millville Code at Chapter 155, entitled “Zoning”, § 155-13.

Additions will be shown in black bold and underlined and deletions in black bold and strikethrough as follows:

§ 155-13 C1-Town Center Commercial District.

- C. Permitted accessory uses and structures. Accessory uses are incidental to and subordinate to the principal use of the lot. The following are permitted accessory uses:
- (1) Parking in conjunction with a permitted use, including off-street parking for customers, employees and commercial vehicles used in the permitted activity;
 - (2) Indoor storage of merchandise or supplies carried in conjunction with a permitted business or office use; and

~~(3)~~ Residences for the owner or employees of the business.

(3) ~~(4)~~ One detached accessory garage in compliance with the following:

- (a) Any residentially used lot of less than 0.75 acre may, as an accessory to a single-family dwelling, have a detached accessory garage not to exceed 800 square feet.
- (b) Any residentially used lot of 0.75 acre or greater may, as an accessory to a single-family dwelling, have a detached accessory garage not to exceed a maximum of 1,200 square feet.
- (c) Storage space located in attic areas shall be included in total square footage.
- (d) A detached accessory garage must have a pitched roof and shall exceed neither 1 1/2 stories nor 18 feet in height.
- (e) No detached accessory garage shall be located in any front yard area.
- (f) A detached accessory garage shall have the following setbacks from the rear and side property lines:

Square Footage	Setback (feet)	Building Height
Up to 800	10	18 feet - not to exceed 1 1/2 stories
800 to 1,000	15	18 feet - not to exceed 1 1/2 stories
More than 1,000	20	18 feet - not to exceed 1 1/2 stories

(g) A detached accessory garage shall not occupy more than 20% of the side or rear yard in which it is located.

(h) All accessory buildings and principal buildings shall not exceed the maximum lot coverage of 35% as stated in § 155-13H(4).

(i) All properties along Route 26 should follow the Town's Development Design Standards and Guidelines.

(4) ~~(5)~~ Yard waste drop-off facility in compliance with the following:

[Amended 11-13-2018 by Ord. No. 19-07]

(a) Yard waste drop-off facilities in conjunction with a landscaping business, nursery, or both, for the temporary storage and transfer of yard waste, must be approved as an accessory use by the Town Council.

(b) Items accepted for yard waste collection shall be limited to:

- [1] Grass clippings and leaves.
- [2] Limbs and tree trimmings.
- [3] Plants, weeds, and shrubbery.

(c) The yard waste site shall be located no closer than 300 feet from any residentially used property as measured from the edge of the nearest pile to the nearest residentially used property line.

(d) The yard waste site shall be enclosed by fencing or shall reasonably limit vehicular and pedestrian access through the use of fences, trees, or other means.

(e) Yard waste to be disposed of must be clean of other waste. Individuals who haul the yard waste are responsible for ensuring that their load is secured as to prevent littering along the roadways. However, nothing in this subsection limits any potential liability of the property owner.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 22ND DAY OF AUGUST 2023.

SEAL:

MAYOR

ATTESTED:

SECRETARY

SYNOPSIS

This ordinance revises Chapter 155, § 155-13 in the Code for the Town of Millville to remove “residences for the owner or employees of the business”.