



ORDINANCE NO. 25-01

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE REGARDING ADMINISTRATIVE VARIANCES AT CHAPTER 155, ENTITLED “ZONING.”

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 Delaware Code affords the authority, *inter alia*, for the Town Council to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence or other purposes; and

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

WHEREAS, as authorized by Subchapter II of Chapter 3, Title 22 of the Delaware Code, the Town of Millville’s Zoning Ordinance, in Article XI of Chapter 155, includes the Town’s Board of Adjustment’s authority to hear requests for variances; and

WHEREAS, in 2008, the Delaware General Assembly amended § 327, Title 22 of the Delaware Code to permit a municipality, by ordinance, to “vest a designated town official or department with authority to administratively grant a dimensional variance for existing conditions that do not exceed one foot (1’) of the required dimension restrictions without the application being considered by the Board of Adjustment, subject to the standards, procedures and conditions set forth in the ordinance granting such authority;” and

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

WHEREAS, the Town Council held a duly noticed public hearing on the 12th of November 2024; and

WHEREAS, the Town Council finds vesting a designated Town official with authority for a determination on minor variances to further the purposes of the Zoning Ordinance and to promote the good order, health, safety, morals or the general welfare of the community;

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":

Additions are shown in bold and underlined, and deletions are shown in bold and strike-through as follows:

Article XI. Board of Adjustment

155-58 ~~(Reserved)~~ **Administrative variances.**

In lieu of § 155-59, the Town Manager or designate may administratively grant a dimensional variance when the distance being requested is no greater than one (1) foot of the required dimension restriction, subject to the standards, procedures, and conditions set forth in § 155-59.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS ____ DAY OF _____, 2024.

SEAL:

MAYOR

ATTESTED:

SECRETARY

SYNOPSIS

The purpose of this ordinance is to permit the Town Manager or designee to administratively review requests for relatively minor variances, i.e., the relief requested from the dimensional requirement is less than one foot. This is in lieu of the longer, more involved, more costly Board of Adjustment process that currently applies to variances of any size, even a single inch. The standard for receiving the variance remains the same.