



ORDINANCE NO. 25-03

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155, ENTITLED “ZONING”, REGARDING TWO NEW ZONING DISTRICTS, THE R2 — SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT AND THE MORE — MUNICIPAL, OPEN SPACE, RECREATION FACILITIES AND EDUCATIONAL DISTRICT.

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 the Town Charter of Millville affords the authority, inter alia, for the Town Council to regulate and control the exercise of any license or franchise; 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, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by Ordinance; and

WHEREAS, the Town Council held a duly noticed public hearing on the 10 of December, 2024;

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 § 155-10 with additions shown in bold and underline and with deletions shown in bold and strike-through as follows:

§ 155-10. **R1 and R2** — Residential ~~District~~ **Districts**.

- A. Purpose of the ~~district~~ **R1 — Residential District**. The purpose of this district is to provide for single-family residential developments along with churches, recreational facilities, and accessory uses set forth below in Subsection C, Permitted accessory uses.

- B. Permitted uses. In a **R1** — Residential District, a building may be erected, altered or used on a lot or premises and may be used for any of the following purposes and none other:
- (1) Single-family detached dwelling, but not including single- or double-wide mobile homes;
 - (2) Churches, rectories, parish houses, convents and monasteries, temples, synagogues and other places of worship;
 - (3) Cemeteries; or
 - (4) Public and private parklands, forests, wildlife reservations, and similar conservation project.

C. Permitted accessory uses **in an R1 — Residential District.**

(1) Accessory uses are incidental to and subordinate to the principal use of the lot. The following are permitted accessory uses:

(a) One detached accessory garage in compliance with the following:

- [1] Any lot of less than 0.75 acre may have a detached accessory garage not to exceed a maximum of 800 square feet.
- [2] Any lot of 0.75 acre or greater may have a detached accessory garage not to exceed a maximum of 1,200 square feet.
- [3] Storage space located in attic areas shall be included in total square footage.
- [4] A detached accessory garage must have a pitched roof and shall exceed neither 1 1/2 stories nor 18 feet in height.
- [5] No detached accessory garage shall be located in any front yard area.
- [6] 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

- [7] A detached accessory garage shall not occupy more than 20% of the side or rear yard in which it is located.
- [8] All accessory buildings and principal buildings shall not exceed the maximum lot coverage of 45% as stated in § 155-10E(1)(b).
- [9] All properties along Route 26 and Route 17 shall follow the Town's Development Design Standards and Guidelines.

- (b) Recreational uses, such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and not for commercial purposes;
 - (c) Shelters for domestic pets not to exceed 50 square feet exclusive of runs;
 - (d) Other customary residential accessory structures, such as private swimming pools, fireplaces, trellises, post lights and the like;
 - (e) Yard sales, provided that no more than two said sales shall be conducted in any one calendar year and provided that each said sale does not exceed two days in length of time;
 - (f) A structure, other than a primary residence or a detached accessory garage, such as a shed to be used for the storage of equipment to maintain that property on an individual parcel. However, this structure is not to be used for rental income or for any type of commercial storage other than personal use. Said structure shall not exceed 400 square feet;
 - (g) Playhouses, without plumbing, limited in floor area to 150 square feet and limited in head room to five feet;
 - (h) Storage of a boat trailer, camp travel trailer or a boat on the driveway; or
 - (i) Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (2) All permitted accessory structures shall be compatible in style and function with the principal use.
- D. Building height **in an R1 — Residential District**. The height of a building shall not exceed 42 feet in height or more than three stories, exclusive of a basement.
- E. Area and yard requirements **in an R1 — Residential District**.
- (1) The following requirements shall apply to all uses in the zone except where otherwise provided:
 - (a) Minimum:
 - [1] Lot frontage: 60 feet. Minimum lot frontage of 100 feet is required for lots without access to public sewer and water services.
 - [2] Lot area: 7,500 square feet.
 - [3] Lot depth: 100 feet.
 - [4] Each side yard: seven feet.
 - [5] Front yard: 25 feet.
 - [6] Rear yard: 10 feet.
 - (b) Maximum: the maximum coverage of the lot for the principal building and all accessory buildings shall be 45%.

F. Minimum off-street parking in an R1 — Residential District. See Article VII, Supplemental District Regulations, § 155-28. Off-street parking.

G. Purpose of the R2 — Single Family and Two Family Residential District. The purpose of this district is to provide for the development of detached or semidetached single-family residential developments along with churches, recreational facilities, and accessory uses set forth below in Subsection C, Permitted accessory uses.

H. Permitted uses. In an R2— Single Family and Two Family Residential District shall be:

(1) Uses permitted in the R1 — Residential District, provided the additional requirements and specific provisions of the R2 — Single Family and Two Family Residential District are met.

(2) Dwelling, two-family (duplex).

I. Permitted accessory uses.

(1) Accessory uses are incidental to and subordinate to the principal use of the lot. The following are permitted accessory uses in an R2— Single Family and Two Family Residential District:

(a) Recreational uses, such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and not for commercial purposes.

(b) Other customary residential accessory structures, such as fireplaces, trellises, post lights and the like.

(c) Yard sales, provided that no more than two said sales shall be conducted in any calendar year and provided that each said sale does not exceed two days in length of time.

(d) A structure, other than a primary residence, such as a shed, to be used for the storage of equipment to maintain that property on an individual parcel. However, this structure is not to be used for rental income or for any type of commercial storage other than personal use. Said structure shall not exceed 400 square feet.

(e) Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

(2) All permitted accessory structures shall be compatible in style and function with the principal use.

(3) Certain accessory structures not permitted. Private accessory structures, such as sheds, shall not be permitted in common lands or condominium communities.

J. Building height in an R2 — Single Family and Two Family Residential District. The height of a building shall not exceed 42 feet in height or more than three stories, exclusive of a basement.

K. Sewer and Water Access in an R2— Single Family and Two Family Residential District. All lots and units must have access to central or public sewer and water services.

L. Area and yard requirements in an R2 — Single Family and Two Family Residential District. The following requirements shall apply to all uses in the district except where otherwise provided:

(1) Minimums for single-family dwellings:

- (a) Lot frontage: 50 feet.**
- (b) Lot area: 5,000 square feet.**
- (c) Lot depth: 100 feet.**
- (d) Each side yard: seven feet.**
- (e) Front yard: 25 feet.**
- (f) Rear yard: 10 feet.**

(2) Minimums for two-family dwellings (duplex):

- (a) Lot frontage: 40 feet.**
- (b) Lot area: 4,000 square feet.**
- (c) Lot depth: 100 feet**
- (d) Each side yard: 10 feet.**
- (e) Front yard: 25 feet.**
- (f) Rear yard: 10 feet.**

(3) Maximum: the maximum coverage of the lot for the principal building and all accessory buildings shall be 55%.

(4) A mix of residential dwellings is required within this district; however, not less than 25% shall be single-family detached dwellings.

M. Minimum off-street parking in an R2— Single Family and Two Family Residential District. See Article VII, Supplemental District Regulations, § 155-28. Off-street parking.

Section 2. Amend § 155-11B.(1) with additions shown in bold and underline and with deletions shown in bold and strike-through as follows:

- B. Permitted uses. The uses permitted in a RPC — Residential Planned Community District shall be:
 - (1) Uses permitted in the **R1** — Residential District, provided the additional requirements and specific provisions of this section are met.

Section 3. Amend § 155-12C.(1) with additions shown in bold and underline and with deletions shown in bold and strike-through as follows:

C. Uses permitted.

- (1) Residential. All types of residential uses allowed by right, conditional use, or by special exception, in the R1-Residential District are permitted uses.
 - (a) The various residential housing types must be planned and constructed in accordance with recommendations and special conditions, if any, of the approved and adopted master plan.
 - (b) The location and type of all residential uses proposed on the site must be shown on the master plan submitted in accordance with the requirements of this chapter, with the level of specification increasing at each level of plans review.
 - (c) Residential uses should be a prominent element in any Master Planned Community Zone where the applicable development is to be an integral component of a proposed multiuse project.
 - (d) Residential uses may be mixed with proposed commercial/employment uses, rather than located in a separate residential area on the site, upon finding by the Town Council that combining residential and nonresidential uses at one location, within a site, will not adversely affect the overall development proposed.
 - (e) To encourage affordable housing opportunities, urban cottages may be constructed as a part of a main dwelling or of an outbuilding. These cottages may contain no more than 25% of the finished living space in the main dwelling, and may include living, cooking, and bathing facilities. The lot coverage maximum for the residential lot may not be exceeded when an urban cottage is included on such lots.

Section 4. Amend § 155-13B.(1) with additions shown in bold and underline and with deletions shown in bold and strike-through as follows:

- B. Permitted uses. In a C1 — Town Center Commercial District, a building may be erected, altered or used on a lot or premises and may be used for any of the following purposes:
 - (1) Uses permitted in R1 — Residential District, in conformity with the permitted residential requirements;

Section 5. Amend Chapter 155 by inserting between § 155-14 and § 155-15 a new § 155-14.1, with additions shown in bold and underline and with deletions shown in bold and strike-through as follows:

§ 155-14.1. MORE – Municipal, Open Space, Recreation Facilities and Educational District.

- A. Purpose of the District. The purpose of this district is to provide for areas within the Town that are owned by or under the possession and control of the Town for the use, recreation, entertainment and enjoyment of the employees of the Town, residents and property owners of the Town, and the general public, subject to such regulations as the Town Council deems appropriate.**

B. Permitted uses in a MORE – Municipal, Open Space, Recreation Facilities and Educational District. The following uses shall be permitted in municipally owned/leased properties in the MORE District:

- (1) Educational use, such as but not limited to, schools, libraries, museums, and nature centers.**
- (2) Municipal use, such as but not limited to, town halls, meeting halls/ conference centers, law enforcement facilities, public works facilities, water and stormwater management facilities.**
- (3) Fraternal and service organizations, public and private.**
- (4) Offices, in connection with on-site municipal, educational, recreational or community use.**
- (5) Athletic fields (e.g., baseball, football, soccer); basketball, tennis, volleyball, shuffleboard, and racquetball courts; skateboard and rollerblade parks; swimming and wading pools; and other similar athletic facilities.**
- (6) Bandstands, stages, pavilions, and platforms, open to the elements or partially enclosed, including related public address and sound amplification systems, lighting, seating, storage and changing areas.**
- (7) Parks and open spaces, including pavilions, gazebo, and related facilities; walking, jogging, and/or bicycle paths; nature trails, and observation towers.**
- (8) Accessory buildings and structures related to and necessary or convenient to the primary intended use (e.g., public buildings, public restrooms, benches and picnic tables, equipment storage facilities, fencing, AND directional, instructional, or identification signage).**
- (9) Accessory parking designated and reserved for persons enjoying the primary intended use.**

C. Dimensional regulations.

- (1) No minimum street frontage requirement.**
- (2) No minimum lot area requirement.**
- (3) Maximum lot coverage shall be 80%.**
- (4) Setbacks:**
 - (a) Front yard setback: none.**
 - (b) Rear yard setback: five feet for buildings and structures (except fencing), where abutting a residential district; otherwise, none.**
 - (c) Side yard setback: five feet for buildings and structures (except fencing), where abutting a residential district; otherwise, none.**

D. Regulation of activities: hours of operation. The Town Council may, by ordinance or

resolution, adopt such rules, regulations, policies and/or procedures governing the use of any or all lands in this district, including by the public, such as dates and times of operation, admission requirements, and safety regulations.

E. Off-street parking. There shall be no off-street parking requirement.

Section 6. Amend Chapter Amend § 155-46A. with additions shown in bold and underline and with deletions shown in bold and strike-through as follows:

A. Signs permitted in a **R1** — Residential District **and a R2— Single Family and Two Family Residential District:**

- (1) Signs as listed in § 155-44 of this article;
- (2) One (1) non-illuminated wall sign, with an area of no more than one and one-half (1 1/2) square feet total, identifying the name, street address, or both, of the occupant of the property, the name, street address, or both, of the building, the name of the building manager, the name of the One (1) non-illuminated wall sign, with an area of no more than one and one-half (1 1/2) square feet total, identifying the name, street address, or both, of the occupant of the property, the name, street address, or both, of the building, the name of the building manager, the name of the permitted home occupation or other permitted accessory use;
- (3) One (1) freestanding professional detached, business sign displaying the name, occupation, or both, for the identification of the permitted home occupation; provided, however, that such sign shall not exceed six (6) square feet;
- (4) One temporary nonilluminated real estate development sign advertising property in the process of development. The temporary real estate development sign shall not exceed thirty-two (32) square feet or eight (8) feet in height. No two (2) signs shall be closer than five thousand (5,000) feet on the same street frontage. If the property faces on more than one (1) street, one (1) such sign may be erected on each street;
- (5) One (1) indirectly illuminated bulletin board relating to a church, school, hospital, municipal building, club or similar permitted use with a sign area of no more than nine square feet of surface;
- (6) On a farm of five (5) acres or more with a permitted accessory use of selling farm products, one (1) nonilluminated identification sign with a sign area not to exceed twenty-four (24) square feet on any single surface, nor shall the total sign area exceed forty-eight (48) square feet, and provided that such sign is not located within thirty (30) feet of the front property line and fifty (50) feet from any other property line; and
- (7) One (1) indirectly illuminated changeable sign relating to a church or school, with a total sign area of no more than thirty-two (32) square feet and provided that such sign is not located within ten (10) feet of the front property line and thirty (30) feet of any street intersection or side property line.

Section 7. Amend Chapter Amend § 155-46E. with additions shown in bold and underline and with deletions shown in bold and strike-through as follows:

- E. Signs permitted in an AR — Agricultural District:
- (1) Signs as listed in § 155-44 of this article; and
 - (2) Any signs permitted in the R1 — Residential District.

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

SEAL:

MAYOR

ATTESTED:

SECRETARY

SYNOPSIS