

Town of Milton

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Milton, DE 19968



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ORDINANCE NO. 2018-006

AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED "ZONING," REGARDING TEMPORARY STRUCTURES.

WHEREAS, the Charter of the Town of Milton vests power in the Mayor and Town Council 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 Mayor and Town Council has the power to zone or district the Town and make particular provisions for particular zones or districts with regard to structures, building, and building material, and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22 of the Delaware Code; and

WHEREAS, the Town Council of the Town of Milton has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 220 of the Town Code; and

WHEREAS, pursuant to Chapter 220, the Town Council of the Town of Milton may, from time to time, on its own motion or on petition or upon recommendation by the Planning and Zoning Commission, amend, supplement or change the boundaries of the districts or the zoning regulations after public notice and hearing; and

WHEREAS, the Town of Milton Planning and Zoning Commission held a duly noticed hearing on December 18, 2018, and voted 6-0 in the Advisory Report received by Town Council; and

WHEREAS, The Town Council held a public hearing on January 7, 2019, as scheduled by prior resolution, with proper notice by publication as required by Town Code Section 220-101A; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby be incorporated into Chapter 220 of the Town Code, entitled "Zoning," in Article VII, entitled "Development Guidelines," with deletions shown by strike-through and additions shown by underline:

§ 220-60. ~~(Reserved)~~ Temporary structures.

A. For purposes of this section, "temporary structure" means a structure for use while relocation, construction or a short-term event is in progress and is not to be retained as part of the permanent improvements to the property once the relocation, construction or event is complete.

B. Except as otherwise permitted under the Town Code, it shall be unlawful for any person to construct, place, or permit to be constructed or placed on or adjacent to his or her property, any

temporary structure upon any property or street within the Town; provided, however, that a temporary structure may be constructed or placed upon property within the Town pursuant to the terms and conditions in this section and as set forth for accessory structures and uses in this chapter; provided, however, that the person shall make application on the form provided by the Town, as required herein, and shall pay any applicable fee to the Town prior to construction or placement of such temporary structure as required in this section. The application shall include information and a dimensioned drawing or site plan showing the property, the location on the property for the temporary structure, any easements on the property, the size of the structure, and the reasons therefor.

C. For a temporary structure to be used in connection with construction, demolition, maintenance or repair on the premises, or the relocation onto the premises the following additional requirements apply:

(1) Temporary structures are limited to the following: dumpster; storage unit for property owner's noncommercial use; and portable toilet.

(2) The Town Manager or designee may, as a condition of approval and for good cause shown, modify and limit the size, number, and location of such temporary structures to minimize any adverse impact on nearby property, traffic, or safety.

(3) The approval shall automatically terminate at the earlier of 6 months or when the construction, demolition, maintenance, or repair activity is substantially complete, at which time all temporary structures shall be promptly removed. The Town Manager or designee may extend the 6-month period upon a showing of good cause, but in no event shall such use exceed the duration of the Town building permit. Any extension may be conditioned upon such terms or restrictions as the Town Manager or designee deems necessary to protect the public health, safety or welfare.

(4) All required zoning certificates and applicable building permits must be obtained from both the Town and Sussex County prior to any placement or construction of any temporary structure.

(5) The application and fee must be filed at least 3 working days prior to the placement of such temporary structures.

D. For a temporary structure to be used in connection with a private social gathering or private social event, any other gathering or event, festival or exhibition, such use may not exceed a maximum of 3 working days, and the following additional requirements apply:

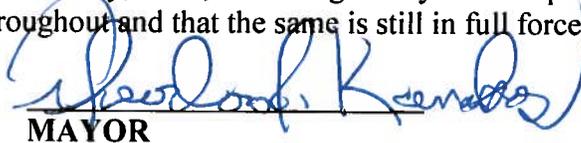
(1) For a private social gathering or private social event, the application and fee must be filed at least 3 working days prior to the placement of any such temporary structure.

(2) For any other gathering or event, festival or exhibition, an application and any applicable fee shall be submitted at least 14 days before the placement of any such temporary structure.

(3) The Town Manager or designee may modify or limit the size, scale, scope, and location of such temporary structures, in order to minimize any adverse impact on nearby property, traffic or safety. The Town Manager or designee may extend the permitted period upon a showing of good cause, but in no event shall such use exceed 14 days. Any extension may be conditioned upon such terms or restrictions as the Town Manager or designee deems necessary to protect the public health, safety or welfare.

(4) The temporary structure shall be promptly removed when the private social gathering, private social event, any other gathering or event, festival or exhibition is completed and, in any event, no later than 3 working days.

I, **THEODORE J. KANAKOS**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the 7th day of January, 2019, following a duly noticed public hearing, at which a quorum was present and voting throughout and that the same is still in full force and effect.


MAYOR

SYNOPSIS

This ordinance amends the Town Code's zoning ordinance relating to permitting temporary structures.