

§ 185-73 Changes and amendments.

A. Initiation of change. The Town Commissioners may, from time to time, amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Town Commissioners or by petition of any property owner addressed to the Town Commissioners. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Town Commissioners.

B. Report from the Planning Commission.

(1) Before taking any action on any proposed amendment, supplement, or change, the Town Commissioners shall submit the same to the Planning Commission for its recommendations and report, unless, by unanimous vote, the Town Commissioners present decide that the change proposed is not significant.

(2) The Planning Commission shall report within 120 days after the first meeting of the Planning Commission after the proposal has been referred to the Planning Commission, provided further that a one-time extension of up to 60 days may be requested in writing by motion of the Planning Commission to the Town Commissioners, who shall grant the request, unless the Town Commissioners find the request to be arbitrary or capricious. In order to finalize a report on the proposal, said report or request for extension shall be given at the next Town Commissioners meeting after the end of the time period or extension period. Failure of the Planning Commission to report within the time frames specified above shall be deemed a recommendation of approval.

C. Notice and hearings.

(1) The Planning Commission shall hold a public hearing on any proposed amendment, supplement, or change before submitting its report to the Town Commissioners and for this purpose may request the submission of all pertinent data and information by any person concerned.

(2) Before acting on any proposed amendment, supplement or change, the Town Commissioners shall hold a public hearing thereon in accordance with 22 Del. C. § 304.

D. Reconsideration; one-year limitation. Whenever a petition requesting an amendment, supplement, or change has been denied by the Town Commissioners, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

§ 185-74 Procedures for approval of conditional uses.

A. The procedures for approval of conditional use are the same as those prescribed for changes and amendments in § 185-73. A conditional use shall only be approved if the location is appropriate, the public health, safety, morals and general welfare will not be adversely affected, adequate off-street parking facilities will be provided, the use will not contribute to a traffic problem on congested roads, the necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values, and further provided that additional standards in this article are observed. Unless otherwise specified in this article or specified as a condition of approval, all requirements shall be the same as for other uses in the district in which the conditional use is located.

B. A preliminary site plan, together with the request for a conditional use and a proposed ordinance, shall be filed with the Town Commissioners. The preliminary site plan shall comply with the requirements of this chapter and may be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Commissioners. Fifteen eleven-inch by seventeen-inch and five twenty-four-inch by thirty-six-inch or twenty-four-inch by forty-two-inch copies of the plan, plus an electronic copy in Adobe Acrobat format, shall be submitted.

C. The Town Commissioners may also request electronic copies of all submission materials at their discretion.