

Ordinance No. 13-2024

AN ORDINANCE AMENDING MILLVILLE CODE CHAPTER 30 ("LAND USE AND DEVELOPMENT REGULATIONS") TO REZONE BLOCK 135, LOTS 1-6; BLOCK 139, LOTS 1-8, 22 AND 25-27 TO FARMLAND PRODUCTION AS ORIGINALLY RECOMMENDED BY THE 2017 LAND USE ELEMENT

WHEREAS, on January 9, 2017 by Resolution No. 4-2017PB the City of Millville Planning Board adopted an updated Land Use Element which recommended the elimination of and/or consolidation of several of the City's existing zoning districts; and

WHEREAS, on April 21, 2020 a prior Board of Commissioners of the City of Millville adopted Ordinance No. 8-2020 which allowed utility-scale solar power facilities as a new conditional use in several of the City's then existing zoning districts; and

WHEREAS, on August 2, 2023 the Board of Commissioners of the City of Millville amended Chapter 30 "in order to implement the new Land Use Element of the Master Plan adopted by the City of Millville Planning Board by Resolution No. 4-2017PB"; and

WHEREAS, as recommended in the 2017 Land Use Element, the new zoning ordinance eliminated such zoning districts as the Land Conservation District and the Agricultural Conservation District and replaced them with the new Farmland Production District; and

WHEREAS, said Ordinance also rezoned approximately 700 acres bounded by Buckshutem, Dividing Creek and Silver Run Roads from Land Conservation to the new Airport Enterprise District; and

WHEREAS, the 2017 Land Use Element had recommended that said property be rezoned as Farmland Production; and

WHEREAS, on September 22, 2023 the contract purchaser of said property, Buckshutem Solar, LLC (hereinafter "Buckshutem") filed a Complaint in lieu of Prerogative Writs against the City of Millville and the Planning Board. Buckshutem alleges in its complaint that the rezoning of its property as in the Airport Enterprise District instead of the Farmland Production District was inconsistent with the 2017 Land Use Element zoning map. It also alleges that notice of the proposed zone change was deficient given the inconsistency with the 2017 Land Use Element Land Use Plan map; and

WHEREAS, on October 3, 2023 by Resolution No. 27-2023 the Board of Commissioners directed the Planning Board to conduct a Re-examination of the City's Master Plan because the most recent Master Plan Re-examination had been done in 2012 more than 10 years ago; and

WHEREAS, the Board of Commissioners finds that it is in the best interests of its residents under the circumstances in the interim to rezone the property that is the subject of Buckshutem Solar, LLC v. City of Millville et al., CUM-L-000539-23, and adjacent parcels and which consists of Block 135, Lots 1-6; Block 139, Lots 1-8, 22, and 25-27 on the Tax Map of the City of Millville, to Farmland Production in order to conform to the Land Use Plan map recommended in the 2017 Land Use Element.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MILLVILLE that Ordinance No. 19-2023 is hereby amended to rezone approximately 700 acres of land bounded by Dividing Creek, Buckshutem and Silver Run Roads and more specifically consisting of Block 135, Lots 1-6; Block 139, Lots 1-8, 22, and 25-27 from the Airport Enterprise District to the Farmland Production District as recommended by the 2017 Land Use Element.

Section One

Should any provisions of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the

provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

Section Two

This ordinance shall take effect twenty (20) days after final passage, according to law.

FIRST READING: March 5, 2024

Moved By: Romanik
Seconded By: Hewitt

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Lisa M. Orndorf				X
Benjamin J. Romanik	X			
Joseph Sooy	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr	X			

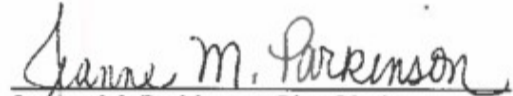
SECOND READING: March 19, 2024

Moved By: Romanik
Seconded By: Watson

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Benjamin J. Romanik	X			
Joseph Sooy	X			
Lisa M. Orndorf	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr	X			

CERTIFICATION

I certify that the foregoing is a true copy of an Ordinance adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on March 19, 2024.


Jeanne M. Parkinson, City Clerk

<i>PROCEDURE</i>	
Approved on First Reading:	March 5, 2024
Published:	March 9, 2024
Approved on Second Reading:	March 19, 2024
Published:	March 23, 2024
Effective Date:	April 12, 2024