

TOWN OF ODESSA  
THE MAYOR AND COUNCIL OF THE TOWN OF ODESSA  
ODESSA, DELAWARE 19730

ORDINANCE 2023-02

AN ORDINANCE TO AMEND ORDINANCE 97-1, THE ZONING ORDINANCE OF THE TOWN OF ODESSA, TO REVISE THE COMPOSITION OF THE BOARD OF ADJUSTMENT

**WHEREAS**, Title 22, Chapter 3 of the Delaware Code states that Board of Adjustment members “shall not be candidates nor members of the legislative body nor employees of the city of town;” and

**WHEREAS**, in the opinion of the Town Council of the Town of Odessa, it is in the best interest of the public health, safety, and welfare to amend the Zoning Ordinance with respect to the composition of the Board of Adjustment to bring it into compliance with the Delaware Code.

**NOW, THEREFORE, BE IT HEREBY ADOPTED**, by the Town Council of the Town of Odessa, a majority thereof concurring in council duly met, that Ordinance 97-1, the Town of Odessa Zoning Ordinance, is hereby amended as follows:

**Section 1.** Section 140 is hereby amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

SECTION 140. MEMBERSHIP, TERMS, REMOVALS, VACANCIES

The Board of Adjustment of Odessa shall consist of ~~an advisor who is the town solicitor (without vote), plus one council member and four other members who are registered voters of the town,~~ five residents of the town who have knowledge of the problems of urban or suburban or rural development and who, at the time of appointment and throughout the term of office, shall not be candidates nor members of the legislative body nor employees of the town, who shall be appointed by the Mayor and approved by the Council.

**Section 2. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council’s intent.

**Section 3. Effective Date.** This Ordinance shall become effective immediately upon its adoption.

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SYNOPSIS

This ordinance establishes the membership of the Board of Adjustment in accordance with 22 *Del. C.* Chapter 3.

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This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Odessa at its regular Council meeting on August 01, 2023.

ATTEST:

Amy Marie Offinger  
Council Secretary

[Signature]  
Mayor

