

# Town of Milton Off-Street Parking Waiver Policy

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Zoning policies specify certain characteristics of the zone and help to ensure that those characteristics are maintained across all zones within the Town of Milton. In the process of establishing parking requirements the Town of Milton is sometimes engaged in a balancing act. The Town leaders must consider access, mobility, and traffic safety, but the Town also must encourage appropriate land use and traffic management, environmental protection and energy and resource conservation.

The Town must consider the parking that is already available nearby; on the street or on nearby properties that may be available for users of a particular use. On-street parking can be considered to reduce the amount of off-street parking required for these uses, or as a reserve should any particular use would require more parking than expected. On-street parking has the added benefit of acting as a buffer between pedestrians and traffic, increasing the attractiveness of walking.

Specific uses and demographic information are important tools for establishing context-specific parking requirements, or in this case off-street parking waiver policy, that better balance supply and demand for parking.

An off-street parking waiver may be required when strict compliance with Article VII of the Zoning Ordinance (Off-Street Parking Requirements) cannot be achieved in the design of a parking facility. Waiver requests will need to address landscaping, setbacks, or the number of parking spaces required by the ordinance. The Town of Milton Planning & Zoning Commission for projects within a designated Zoning District area may, by resolution, waive or modify the provisions as herein set forth. Where, in the judgment of the Planning and Zoning Commission, the parking requirements

listed in § 220-42 are clearly excessive and unreasonable, the Commission may modify the requirements. If, in the opinion of the Planning & Zoning Commission, a unique circumstance or condition, such as, irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical condition peculiar to the property as well as an exceptional practical difficulty due to such unique condition such as construction and landscaping requirements, off-street parking waiver may be granted.

Furthermore, in any District, requirements for the provision of parking spaces with respect to two or more property uses of the same or different types may be satisfied by the permanent apportionment of the requisite number of spaces for each use in a common parking lot or facility, provided that the number of spaces designated is not less than the sum of the individual requirements for each use and that all regulations contained in this chapter are complied with.

An applicant may seek a waiver either before or during the course of an application for a building permit. The following information should be forwarded to the Town Code Enforcement Office:

1. request/justification letter
2. three copies of a site/landscape plan
3. list of adjoining and confronting property owners, including any affected citizens' associations

The Town Code Enforcement Officer will review the application with the Towns Zoning staff (Town Manager, Town Project Coordinator, Town Engineer, and Town Solicitor) if needed, the cost of which may be charged to the applicant with his/her prior approval, and will process the application, schedule a public hearing, and finalize a recommendation for the Planning and Zoning

Commission. The applicant will be notified of the Planning and Zoning Commission decision in writing.

**Town of Milton, Sussex County, Delaware Chapter 220 Zoning**

**[Article VII Development Guidelines](#)**

## § 220-42 Off-street Parking Requirements

E. Off-street parking waiver. Off-street parking requirements may be waived in whole or in part upon finding by the Planning and Zoning Commission that:

- (1) Adequate public off-street parking facilities are available within 400 feet of the lot containing the subject use; or
- (2) Evidence of satisfactory off-site parking arrangements has been documented; or
- (3) The area in question is located within the Town Center District.