

# Town of Milton

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Milton, DE 19968



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## ORDINANCE NO. 2019-001

### AN ORDINANCE TO AMEND TOWN CODE, CHAPTER 220, ENTITLED “ZONING” REGARDING CALCULATION OF PERMITTED DENSITY IN ALL DISTRICTS

**WHEREAS**, the Town Charter of the Town of Milton authorizes the Town Council to provide for and preserve the health, cleanliness, ornament, good order and public welfare of the Town, its inhabitants and affairs; and

**WHEREAS**, the Town of Milton currently has its Ordinances providing for proper zoning regulations; and

**WHEREAS**, the Charter of the Town of Milton vests power in the Town Council to zone or district the Town and make particular provisions for particular zones or districts with regard to building or 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;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Town Council of the Town of Milton, a majority thereof concurring, that the following amendments be hereby incorporated into Chapter 220, Article V, Section 220-24 of the Town Code, with additions shown by underline as follows:

§ 220-24. Density Control Table; Calculation.

A. The Town of Milton Density Control Table which is hereby adopted and declared to be part of this Town of Milton Zoning Ordinance shows height, area and bulk requirements within each zoning use district within the Town of Milton.

B. For purposes of calculating the permitted density or allowable density in all districts, the gross area shall be divided by the applicable lot area stated in each district, unless otherwise specifically set forth therein. For purposes of this section, “gross area” shall include the lot areas and the area of land set aside for common open space or recreational use but shall exclude any area designated as a buffer tidal tributary stream, freshwater pond, lake or river pursuant to § 220-59, and any wetlands, either tidal or freshwater, designated as protected by state or federal law or both.

**I, Theodore Kanakos**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, **2019**, at which a quorum was present and voting throughout and that the same is still in full force and effect.

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**MAYOR**

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**SYNOPSIS**

This ordinance amends the Town Code’s zoning ordinance relating to Article V, entitled “Area and Bulk Regulations; Density Control.” Specifically, the ordinance creates a formula for calculating density, and the gross area variable of that formula excludes buffers under Section 220-59 of the Town Code and any federal or state wetlands, akin to the Sussex County Code regarding the calculation of permitted density.