

Town of Milton

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ORDINANCE NO. 2020-002

AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED “ZONING,” CREATING THE MIXED-USE RESIDENTIAL AND COMMERCIAL DISTRICT (MURC) AND REVISING THE DEFINITIONS IN SECTION 220-6.

WHEREAS, the Charter of the Town of Milton vests power in the Mayor and Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Mayor and Town Council has the power to zone or district the Town and make particular provisions for particular zones or districts with regard to structures, building, and 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; and

WHEREAS, the Town of Milton Planning and Zoning Commission held a duly noticed hearing on February 25, 2020 and voted 6-0 in the Advisory Report received by Town Council; and

WHEREAS, The Town Council held a public hearing on July 6, 2020 as scheduled by prior resolution, with proper notice by publication as required by Town Code Section 220-101A; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby by incorporated into Chapter 220 of the Town Code, entitled “Zoning”:

Section 1. Create a new Section 220-15.1 between Section 220-15 and Section 220-16 with deletions shown by strike-through and additions shown by underline as follows:

Chapter 220. Zoning

Article IV. Zoning Use and Overlay Districts

§ 220-15.1 Mixed-Use Residential and Commercial District (MURC).

A. Intent.

(1) The intent of the Mixed-Use Residential and Commercial District is to encourage and promote well planned, suitable and appropriate mixed-use developments with residential and commercial components within appropriate areas of the town. The focus is to: allow a more balanced mix of uses in a mixed use development, provide for the diverse needs of the residents of the town, allow development flexibility without sacrificing the existing image and character of the surrounding neighborhood, encourage efficient land use by minimizing the amount of land needed for building area, reduce neighborhood vehicle trips, and facilitate development that supports public transit where applicable. A mixed use development should be safe, comfortable and attractive to pedestrians, patrons and residents. The purpose of the District is to encourage carefully planned mixed use developments as a means of creating a superior shopping, working and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.

(2) The MURC District standards are based on the following principles:

- (a) Ensure efficient use of land and public services.
- (b) Located along Town's principal arterials.
- (c) Create a mix of housing and employment opportunities.
- (d) Provide transportation options for employees and customers and reduce reliance on the automobile.
- (e) Promote business services close to employment centers.
- (f) Ensure compatibility of mixed-use developments with the surrounding area and minimize off-site impacts associated with such development.
- (g) Create economically successful mixed-use centers and transit corridors.
- (h) For an individual development, maintain a minimum size of 5 acres and a maximum size of 25 acres.
- (i) Maintain a raw ratio of 8:2 Residential to Commercial.

B. Permitted Uses. The following permitted uses are intended to create and maintain developments with a compatible mix of residential and commercial uses. A broad range of uses are permitted to provide options for commercial opportunities and to promote the development of affordable and workforce housing. This mix of retail, offices, commercial services, housing, and civic uses is intended to create economic and social vitality while encouraging the linking of trips and shortening trip distances between uses and services.

(1) Commercial:

- (a) Administrative, financial and professional offices.
- (b) Antique stores.
- (c) Art Galleries.
- (d) Artist's and photographer's studios.
- (e) Bakery shops.
- (f) Barber shops and beauty salons.
- (g) Blueprinting and photostatting.
- (h) Book and stationary stores.
- (i) Clothing stores.
- (j) Confectionary stores.
- (k) Daycare centers.
- (l) Florists and plant shops.
- (m) Hardware and paint stores.

- (n) Home appliance stores.
- (o) Interior decorating shops.
- (p) Jewelry stores.
- (q) Neighborhood markets.
- (r) Media operations (TV and Internet)
- (s) Medical and dental offices and clinics.
- (t) Pet shops.
- (u) Pharmacies.
- (v) Post offices.
- (w) Standard restaurants, coffee shops, tea rooms.
- (x) Shoe repair shops.
- (y) Shoe shops (retail).
- (z) Tailor shops.
- (aa) Theaters.

(2) Residential:

- (a) Multiple-family dwellings.
- (b) Two-family dwellings.
- (c) Townhouses.
- (d) Semidetached single-family dwellings.
- (e) Detached single-family dwellings, provided they are developed in conjunction with multiple-family dwellings.

(3) Other:

- (a) Churches or places of worship.
- (b) Public parks and noncommercial recreational uses.
- (c) Open space.

C. Permitted accessory uses, buildings and structures.

- (1) Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
- (2) Antennas, minor.
- (3) Swimming pools.
- (4) The following, subject to site plan review under Article VI of this chapter:
 - (a) Outdoor dining.

D. Special permitted uses. The following uses may be permitted in the MURC District consistent with the provisions of this chapter and provided that a special use permit is approved under Article VI of this chapter:

- (1) Adult-care facilities.
- (2) Bed and breakfasts.
- (3) Cemeteries.
- (4) Cluster housing.
- (5) Electric vehicle (EV) charging station.
- (6) Enclosed amusement facilities.
- (7) Golf courses.
- (8) Home occupations.
- (9) Laboratories, medical and dental.
- (10) Libraries.

- (11) Licensed establishments serving alcoholic beverages for consumption on the premises provided the establishment of such a business would not adversely affect the health, safety, and general welfare of the community.
- (12) Lodges and meeting halls.
- (13) Museums.
- (14) Nursery Schools.
- (15) Nursing and convalescent homes.
- (16) Public utilities or essential uses.
- (17) Schools, public or private.
- (18) Supportive housing, subject to those restrictions that apply to other dwellings of the same type in the MURC District.
- (19) Transitional housing, subject to those restrictions that apply to other residential dwellings of the same type in the MURC District.
- (20) Vocational or professional colleges or training centers, including but not limited to barber and beauty colleges, modeling schools, medical training, and other trades located within enclosed facilities.
- (21) Government uses.

E. Prohibited uses. The following uses are incompatible with the MURC District and are specifically prohibited:

- (1) Adult-oriented businesses.
- (2) Automotive repair facilities.
- (3) Automotive service stations.
- (4) Car wash facilities.
- (5) Commercial parking lots.
- (6) Commercial uses other than specifically identified in this section as permitted or specially permitted.
- (7) Contractor yard/storage.
- (8) Fast food and drive-thru restaurants.
- (9) Gasoline filling stations.
- (10) Gun shops.
- (11) Industrial uses.
- (12) Landfills.
- (13) Motels and hotels.
- (14) Motor vehicle dealerships.
- (15) Pawn shops.
- (16) Sale of any boat or vehicle from a vacant or unimproved lot.
- (17) Swap meets.
- (18) Transfer stations.

F. Area and bulk regulations; density control.

- (1) The MURC District is subject to the area and bulk regulations in Article V of this chapter.
- (2) In addition, a development may have a maximum of 40% of its gross area consist of residential dwellings.
- (3) In addition, the dimensional requirements for this district are incorporated from § 220-24, Density Control Table as follows:
 - (a) Two-family dwellings, multiple-family dwellings and townhouses shall comply with the dimensional requirements of the R-3 District.

- (b) Semidetached single-family dwellings shall comply with the dimensional requirements of the R-2 District.
- (c) Detached single-family dwellings shall comply with the dimensional requirements of the R-1 District.
- (d) Commercial and non-residential uses shall comply with the dimensional requirements of the C-1 District.

G. Off-street parking requirements and loading requirements. The off-street parking and loading regulations are specified in Article VII of this chapter.

H. Signage. Signs are permitted as listed in Article VIII of this chapter, with residential uses subject to the regulations of residential districts in § 220-64 and commercial and non-residential uses subject to the regulations of the C-1 District in § 220-66.

I. Site plan review; concept plan required.

(1) Site plan review and approval shall be required for all uses permitted within the MURC District in accordance with Article VI of this chapter.

(2) However, notwithstanding Section 220-35D, a concept plan conference shall be required prior to site plan review for a mixed-use development:

Section 2. Amend the definitions in Section 220-6 by inserting the following in the alphabetical sequence with deletions shown by strike-through and additions shown by underline as follows:

PUBLIC UTILITIES or ESSENTIAL SERVICES

The erection, construction, alteration, maintenance or operation by utility companies, or public safety companies or agencies, of underground, surface or overhead gas, electrical, steam, wastewater, stormwater or water transmission systems, including but not limited to poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants, pumping stations and other similar equipment, structures and accessories thereto, reasonably necessary for the furnishing of adequate service by such companies or agencies or for the public health, safety or general welfare.

SUPPORTIVE HOUSING

A combination of housing and services intended as a cost-effective way to assist people live more stable and productive lives. Supportive housing is set up to transition qualified residents into accredited (minimum State of Delaware accreditation), licensed, and insured organizations who provide permanent, affordable supportive housing.

TRANSITIONAL HOUSING

Temporary housing for certain segments of the population, including working homeless people who are earning too little money to afford long-term housing. Transitional housing is set up to transition qualified residents into accredited (minimum State of Delaware accreditation), licensed, and insured organizations who provide permanent, affordable housing. It is not in an emergency homeless shelter, but an apartment in a residence with support services.

Section 3. This Ordinance shall take effect upon its enactment.

I, THEODORE J. KANAKOS, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the ____ day of _____, **2020**, following a duly noticed public hearing, at which a quorum was present and voting throughout and that the same is still in full force and effect.

MAYOR

SYNOPSIS

This ordinance amends the Town Code's zoning ordinance by creating a Mixed-Use Residential and Commercial District (MURC), as contemplated by the Town's 2018 Comprehensive Plan. While a concept plan is optional under the site plan process of Section 220-35, for a mixed-use development, it is mandatory. This is due to the additional complexities of a mixed-use development and allows an earlier opportunity for feedback from the Planning & Zoning Commission. This ordinance also amends the Town Code's zoning ordinance definitions to include two uses in the MURC and to specifically include public safety companies or agencies, like fire departments and EMS services, as a public utility/essential service.