

Town of Milton

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ORDINANCE NO. 2020-003

AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED "ZONING," CREATING THE LIMITED LIGHT INDUSTRIAL USE DISTRICT (LLI-1).

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 April 21, 2020, and voted 7-0 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 220-19.1 between Section 220-19 and Section 220-20 with deletions shown by strike-through and additions shown by underline as follows:

Chapter 220. Zoning

Article IV. Zoning Use and Overlay Districts

§ 220-19.1 Limited Light Industrial Use District (LLI-1).

A. Intent. The intent of the LLI-1 Limited Light Industrial Use District is:

(1) To delineate areas that are used for and suited for limited types of clean industrial uses compatible with adjacent residential and selected uses and are permitted by special permit. These types of uses include selected: light manufacturing, distribution; wholesaling; research and testing; warehousing; processing; and other uses that contribute jobs and tax base to the economy of the Town of Milton, are compatible with nonindustrial neighboring uses, and are consistent with standards described in Article VII of this chapter;

(2) To provide locations for the development of clean light intensity industrial, office, warehouse, wholesale, and research establishments to be compatible with a neighboring residential zone, and appropriately located for access by arterial and collector roadways, where all lots shall be used only for limited light manufacturing and other permitted uses as described within this section;

(3) To provide for performance standards and site design requirements that would control and confine offensive features such as noise, vibration, heat, smoke, glare, dust, odors, light, and storage; and

(4) To provide employment opportunities close to places of residence with corresponding reduction of travel time from home to work.

B. Permitted Uses. Within the LLI-1 Limited Light Industrial Use District permitted principal, accessory, and special uses are specified in the following sections.

(1) Permitted principal uses.

(a) General business and professional offices.

(b) Greenhouses.

(c) Newspaper, printing and publishing facilities.

(d) Public utilities or essential services, i.e. telephone, cable, electric services.

(e) Repair shop, personal service; not garage, service/repair.

(f) Self-service storage facilities.

(g) Medical clinics.

(h) Manufacturing of boats, electrical appliances, and wood products.

(i) Manufacturing of rugs, mattresses, pillows, clothing, fabrics, and textiles.

(j) Manufacturing of furniture, baskets, and similar products.

(k) Banks and financial institutions.

(l) Bakery operations.

(m) Millwork and lumberyards.

(n) Emergency uses, i.e. police, fire and rescue.

(o) Packing of previously prepared materials (excluding food/animal items).

(p) Industrial and technical training schools.

(q) HVAC, plumbing manufacturing and storage.

(r) Sign fabrication.

(s) Warehouses.

(t) Wholesale store, business or establishment.

(u) Artisans and craft work.

(v) Retail display rooms.

(w) Contractor's yards.

(x) Fabrication, extraction, assembly, and other handling of non-hazardous materials.

(y) Solar collector farms.

(z) Churches or places of worship.

(2) Permitted accessory uses and structures.

(a) Accessory uses and structures customarily incident to any of the uses mentioned for LLI use district, and on the same lot.

- (b) Antennas, minor.
- (3) Special permitted uses. The following uses may be permitted in the LLI-1 Limited Light Industrial Use District consistent with the provisions of this chapter and provided that a special use permit is approved by the Planning and Zoning Commission:
 - (a) Antennas and towers.
 - (b) Car washes.
 - (c) Manufacturing of medical, dental, optical, drafting, materials, and products not permitted under subsection B(1) of this section.
 - (d) Garages, service/repair.
 - (e) Governmental uses.
 - (f) Public parks and recreational areas.
 - (g) Research and testing in medical laboratories (excluding live animals).
 - (h) Radio, TV, cable broadcasting facilities.
 - (i) Vehicle rental facilities.
- (4) Special permitted accessory uses. An accessory use, if found necessary, can be drawn from the list of permitted principal uses or list of prohibited uses in this §220-19.1 or can relate to new uses if consistent with the other provisions of this chapter and provided that a special use permit is approved by the Planning and Zoning Commission.

C. Prohibited uses. The following uses are incompatible with the LLI-1 Limited Light Industrial Use District and are specifically prohibited.

- (1) Beverage blending and bottling.
- (2) Compounding of cosmetics, toiletries, drugs or pharmaceuticals.
- (3) Trucking terminal.
- (4) Residential dwellings of all types.
- (5) Gasoline filling stations.
- (6) Asphalt or concrete batching plants.
- (7) Kennels.
- (8) Sawmills.
- (9) Bulk or bagged building material storage or sale.
- (10) Dairy operations.
- (11) Livery stables and riding academies.
- (12) Raising of animals.
- (13) Processing, packing, storing, rendering or slaughtering of animals.
- (14) Blending or storing of insecticides, disinfectants and industrial or household chemicals.
- (15) Processing or manufacturing of rubber products, including tire recapping.
- (16) Restaurants, including standard, fast-food, and drive-in use.
- (17) Trailer and truck body assembly.
- (18) Junkyards and recycling centers for any materials.
- (19) Dumping, disposal, and incineration of garbage, sewage or dead animals.
- (20) Refining or smelting operations.
- (21) Vehicle sales areas and storage of new and used vehicles.
- (22) Personal service establishments, e.g., barber shops and beauty shops.
- (23) Dry cleaning commercial.
- (24) Commercial parking lots or garages.

D. Area and bulk regulations; density control.

- (1) The LLI-1 Limited Light Industrial Use District is subject to the area and bulk regulations in Article V of this chapter.

- (2) In addition, each business or use within an industrial/business park shall comply with the following:
 - (a) The minimum size is one acre or 43,560 square feet.
 - (b) There shall only be one principal structure and one principal use.
 - (c) Maximum coverage for principal building and all accessory buildings is 60%.
 - (d) The setbacks abutting non-residential zones are:
 - [1] A front yard setback of at least 40 feet.
 - [2] A side yard setback of at least 25 feet.
 - [3] a rear yard setback of at least 25 feet.
 - (e) For any property line abutting a residential zone, a landscape buffer of at least 100 feet is required, as described in subsection E(2)(a)[1] of this section. No structure other than fences shall be erected within the buffer zone, which must be created before any other construction commences, unless otherwise approved by the Planning and Zoning Commission in the site plan review process.

E. Site plan review.

(1) Site plan review and approval shall be required for all uses within the LLI-1 Limited Light Industrial Use District in accordance with Article VI of this chapter.

(2) In addition, the site plan shall include the following:

(a) In addition to Section 220-54 of this chapter, landscaping shall comply with the following:

[1] Within the buffer area required under subsection D of this section.

[a] The landscaping individually or in combination with a berm shall be of an initial height not less than 6.5 feet, and dense enough to screen any commercial or industrial activities that may occur from view on the adjacent residentially zoned lots.

[b] Buffer area plantings shall fill an area of at least 25 feet within a reasonable amount of time period, weather permitting, as deemed appropriate by the Planning and Zoning Commission during the site plan review.

[2] The landscape design or plan shall show typical placement and types of planting for the area immediately surrounding the main building and any other structures.

[3] Landscaping shall be placed in all unpaved areas not used for the structures, parking, loading, or storage.

[4] Each property owner, occupant, and lessee shall maintain all landscaping according to the standards of the Town of Milton Code.

[5] The Planning and Zoning Commission may specify and suggest plantings in the site plan review process.

[6] All landscaping shall be installed according to the approved site plan no later than 90 days after the issuance of a Certificate of Occupancy, weather permitting.

[7] A maintenance bond equal to 125% of the value of the plantings shall be in place for 18 months after notice of completion of said plantings is submitted to the Town Project Coordinator.

(b) Lighting plan.

[1] An exterior lighting plan, including the structures and the areas for parking, loading or unloading areas, shall be submitted as part of the site plan.

[2] The lighting plan shall include the type and location of each lighting fixture and identify lighted areas by showing where the light from each fixture will be on the ground/plan-a photometric distribution line.

[3] lighting shall not overlap, shine onto any adjacent property, or be of a type or design that produces any light upward beyond minimal light.

- [4] The maximum height of any free-standing light, whether pole or stanchion, shall be 25 feet, including fixture.
- (c) Signage. Signs are permitted as listed in Article VIII of this chapter, with the sign regulations for the C-1 General Commercial Use District in §220-66 applied and incorporated by reference for the LLI-1 Limited Light Industrial Use District.
- (d) Off-street parking requirements.
- [1] The off-street parking requirements are specified in Article VII of this chapter.
- [2] In addition, each use shall provide a sufficient number of parking spaces in the appropriate and approved location, so that no driveway, aisle, fire lane, or street right-of-way is used at any time for parking.
- (e) Loading and unloading requirements.
- [1] The loading and unloading requirements are specified in Article VII of this chapter.
- [2] In addition, all loading and unloading shall take place in the locations designated on the site plan and shall be located so that any vehicle maneuvering into a load/unload location does not interfere with any parking space, driveway, fire lane or street right-of-way.
- [3] All load/unload locations shall be paved according to this chapter prior to issuance of a Certificate of Occupancy.
- [4] No vehicle shall be permitted to idle its engine during the process of loading or unloading.
- (f) Construction of buildings and other structures.
- [1] The maximum height of any structure on the lot is 42 feet, except as permitted in §220-30.
- [2] Unless equivalent materials are approved during the site plan process:
- [a] Rear exterior walls shall be made of masonry block, either concrete or cinder block.
- [b] Other exterior walls, including front walls, shall be made of any of the following: natural stone; precast concrete; steel; aluminum; glass; or any combination thereof.
- (g) Screening and fencing.
- [1] Screening of service containers and waste disposal areas shall be included and shall identify the specific location and type of screening.
- [2] The maximum height of all screening and fencing shall be 8 feet.
- [3] Fences may be constructed of metal, plastic (PVC), or other materials approved in the site plan process but shall not be constructed of wood.
- [4] All fencing on a lot shall have a uniform and durable character and shall be properly maintained.
- (h) Utilities Placement and Design.
- [1] All utility lines, including electrical, telephone, sewer, water, and heating fuel, shall comply with §220-49.
- [2] In addition, all mechanical equipment, including roof mounted and wall mounted, shall be enclosed or screened, with the location shown on the site plan.

F. Outside Storage.

- (1) No materials shall be stored in any area on a site except inside a closed building or behind a visual barrier that screens the view from public streets, service roads, and all adjacent property.
- (2) No trailer or shipping container shall be used for storage purposes on any lot.
- (3) Neither raw materials nor finished product shall be stored outside; all storage of these items shall be within fully enclosed buildings.
- (4) Vehicles associated with or utilized by the use may be stored on-site overnight, provided these

vehicles are not visible from any adjacent property, and all security lighting meets the lighting standards provided for in this section; however, no such stored vehicle shall exceed 24 feet in length.

G. Nuisance control. No use in the LLI-1 Limited Light Industrial Use District shall violate the prohibitions in §220-22, §220-8F, or the more specific regulations in this subsection.

(1) Noise.

(a) No use or activity shall produce a noise or sound that is objectionable because of its volume, duration, frequency or shrillness.

(b) The noise regulations in Chapter 148 for commercial uses are applied and incorporated by reference to this District.

(c) In addition, the maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, produced by any permitted use or activity within this District shall not exceed a measurable level of seventy-five decibels (75 dB) beyond the property boundaries of the site upon which the sound or noise is generated or originates.

(2) Fumes and smoke.

(a) No operation, storage of material, or use shall be permitted, or maintained, that affects any adjacent site or property by emitting noxious, toxic or corrosive fumes or gases.

(b) No smoke shall be emitted when the shade of such smoke is darker than No. 2 on the Ringelmann Scale for Grading the Density of Smoke published by the United States Bureau of Mines.

(c) Air discharges at any venting pipe, stacks or windows shall contain no air contaminants that would require a permit for discharge from a governmental agency without the applicable permit.

(3) Odors. No use or activity shall produce odor or emissions that are detectable beyond the boundary of the property of origin and are objectionable because of continuity, regularity, or frequency.

(4) Dirt and dust. During the normal operation of any use, no unnecessary dirt or dust shall be created, nor shall be allowed to escape to an adjacent property.

(5) Exemptions. Activities related to public or private construction or maintenance work, agriculture, timber harvesting, emergency warning devices, or other similar short-term or temporary activities may be administratively exempted from the more specific requirements of this subsection if the Town Code Enforcement Officer determines there is sufficient reason to do so. In making that determination the Town Code Enforcement Officer may place reasonable conditions (such as time limitations and hours of operation) on such an exemption.

H. Hours of Operation. All uses in the LLI-1 Limited Light Industrial Use District shall comply with the hours of business regulations in §93-11.

Section 2. 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 an LLI-1 Limited Light Industrial Use District, as contemplated by the Town's 2018 Comprehensive Plan. The district has additional, more specific regulations due to the intent that the district is likely to abut residential uses.