

Town of Milton

115 Federal Street
Milton, DE 19968



www.milton.delaware.gov

Phone: 302-684-4110

Fax: 302-684-8999

ORDINANCE NO. 2020-004

AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED "ZONING," REGARDING THE MARINE RESOURCES USE DISTRICT (M-R).

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 4, 2020, and voted 6-0 with one member absent in the Advisory Report received by Town Council; and

WHEREAS, The Town Council held a public hearing on April 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 be incorporated into Chapter 220 of the Town Code, entitled "Zoning," in Section 220-18, entitled "Marine Resources Use District (M-R)," with deletions shown by strike-through and additions shown by underline:

Chapter 220. Zoning

Article IV. Zoning Use and Overlay Districts

§ 220-18 Marine Resources Use District (M-R).

A. Intent. The intent of the Marine Resources Use District established in this section is to recognize the unique role which the Broadkill River and its waterfront areas have played in the formation, growth and life of the Town of Milton. The ~~objectives~~ intent of this district ~~are~~ is:

- (1) To provide for a compatible mixture of waterfront-related uses, including recreational, park, open space and boating uses;
- (2) To encourage appropriate and environmentally sensitive land development, including the utilization of land and buildings and the adaptive reuse of existing structures, ~~which~~ that is in harmony with the conservation of the district's general recreational and open space character and the historic environmental areas adjacent to the river;
- (3) To recognize the sensitivity of the unique waterfront environment ~~in this area~~ and reinforce appropriate safeguards to protect the area from periodic flooding, soil erosion, sedimentation and slope failure due to unregulated construction, removal of vegetation, dredging, filling, damming, construction of unnecessary bulkheads, or channelization;
- (4) To further protect scenic views of the river;
- (5) To encourage public access to the river; and
- (6) To protect and create buffers along the waterways while promoting responsible development of upland portions of the lot.

B. Permitted Uses. Within the M-R Use District, permitted principal, accessory and special uses shall be specified ~~in the following sections as follows~~:

- (1) Permitted principal uses.
 - (a) Agricultural uses.
 - (b) Antique and craft shops.
 - (c) Art galleries.
 - (d) Boat docks, slips, piers, etc.
 - (e) Watercraft sales, rentals and storage, etc.
 - (f) Detached single-family dwellings.
 - (g) Marine and yacht ~~club~~ clubs.
 - (h) Nonprofit membership clubs.
 - (i) Public parks and recreational uses.
 - (j) Restaurants, ~~fast-food~~ standard.
 - (k) ~~Restaurants, standard~~ Churches or places of worship.
- (2) Permitted accessory uses, buildings and structures.
 - (a) Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
 - (b) Antennas, minor.
 - (c) Swimming pools.
 - (d) Electric vehicle recharging stations.
- (3) Special permitted uses. The following uses may be permitted in the M-R 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) Antenna and towers.
 - (b) Aquarium, commercial.
 - (c) Antennas.
 - (d) Bed-and-breakfasts.
 - (e) ~~Churches or places of worship~~.
 - (f) ~~(e)~~ (e) Colleges and educational institutions.
 - (g) ~~(f)~~ (f) Dwelling units above first-floor business.
 - (h) ~~(g)~~ (g) Fabrication, maintenance and repair of watercraft.
 - (i) ~~(h)~~ (h) Golf ~~course~~ courses.

- (j) (i) Government uses.
- (k) (j) Home occupation.
- (l) (k) Inns.
- (m) (l) Hunting and Fishing supply sales.
- (n) (m) Marine research facilities.
- (o) (n) Marine fueling facilities.
- (p) (o) Museums.
- (q) (p) Public utilities or essential uses.

C. Dimensional Requirements. The dimensional requirements for this district are specified in § 220-24, Density Control Table, ~~which is~~ located as part of this chapter.

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

E. Signage. Signs are permitted as listed in Article VIII of this chapter.

F. Site Plan Review. Site plan review and approval shall be required for all uses permitted within the M-R District in accordance with Article VI of this chapter.

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 relating to the Marine Resources Use District (M-R). Specifically, the ordinance adds buffering to the purpose of the district. Also, the ordinance makes churches permitted by right, rather than a specially permitted use, in compliance with The Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc(b). The ordinance adds electric vehicle charging stations as a permitted accessory use. The ordinance implements adjustments and enhancements to the M-R District contemplated by the Town’s 2018 Comprehensive Plan.