



*Town of Milton*  
115 Federal Street, Milton, Delaware 19968  
[www.milton.delaware.gov](http://www.milton.delaware.gov)  
Phone: 302-684-4110 Fax: 302-684-8999

**ORDINANCE NO. 2021-007**

**AN ORDINANCE TO AMEND TOWN CODE, CHAPTER 220, ENTITLED "ZONING,"  
REGARDING THE HISTORIC PRESERVATION OVERLAY DISTRICT**

**WHEREAS**, the Town Charter of the Town of Milton authorizes the Mayor and 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 Ordinances providing for proper zoning regulations; and

**WHEREAS**, the Charter of the Town of Milton vests power in the Mayor and 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 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 of the Town Code:

Section 1. Amend § 220-21D (7) with deletions shown by strike-through and additions shown by underline as follows:

- (7) At least once annually, all members of the HPC must make a reasonable effort to participate in historic preservation training which may include conferences, presentations, or workshops

by preservation professionals or the State Historic Preservation Office (SHPO). Ideally, such sessions will be identified and scheduled by the Commission's Education Chair.

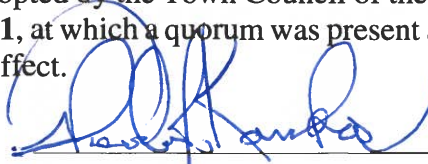
Section 2. Amend § 220-21D (8) with deletions shown by strike-through and additions shown by underline as follows:

- (8) ~~Chair/staff~~ Town staff review for certain new construction. In certain circumstances, the ~~HPC Chair, or an HPC commissioner appointed by the Chair, Project Coordinator and Code Enforcement Officer~~ may ~~decide to unanimously~~ approve an HPC application without a formal hearing. A ~~Chair/~~Project Coordinator staff review ~~shall~~ may be used for routine and minor Historic District new construction applications whose costs are estimated at less than \$3,000 fifteen thousand dollars (\$15,000) and meet the requirements of this chapter. The requests may include such items as the addition ~~or replacement~~ of fences, ~~window replacements~~ signage, decking, patios, and other projects where the HPC has a history of approving similar projects using the same materials. All ~~Chair/~~Project Coordinator staff decisions are subject to periodic review by the HPC.

Section 3. Amend § 220-21E (2) with deletions shown by strike-through and additions shown by underline as follows:

- (2) Actions not requiring review by the HPC. Ordinary repairs, maintenance, and replacements that do not constitute a change to the appearance of the structure and using identical material include:
- (a) Repair ~~and/or replacement~~ of existing windows or doors, ~~using the identical material and configuration,~~ including storm windows.
  - (b) Replacement of existing vinyl windows or doors with same design.
  - ~~(b)~~ (c) ~~Maintenance, repair,~~ Repair ~~and/or replacement~~ of existing roof material.
  - (e) (d) Repair ~~and/or replacement~~ of existing roof structures, such as cupolas, dormers and chimneys.
  - ~~(d)~~ (e) Repair ~~and/or replacement~~ of existing shingles, existing shutters, clapboards, or other siding, fences, or retaining walls.
  - ~~(e)~~ ~~Replacement or repairs to existing shutters, fences, or retaining walls.~~
  - (f) Change of paint color.

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 4th day of October 2021, 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 Historic District. Specifically, the ordinance clarifies the requirement for reviews that might not rise to the level of necessitating involvement of the Historic Preservation Commission (i.e., the HPC) and who can administratively approve them. The ordinance also reforms what actions do not require HPC review.