



Town of Milton

115 Federal Street, Milton, Delaware 19968

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ORDINANCE 2022-003

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN AND THE OFFICIAL ZONING MAP OF THE TOWN OF MILTON FOR ANNEXATION OF PARCELS LOCATED BETWEEN GRAVEL HILL ROAD, SAND HILL ROAD AND DIAMOND POND, SAID PARCELS IDENTIFIED AS 235-20.00-12.00 AND 235-20.00-19.00, AND FOR A PROPOSED AMENDMENT TO THE TOWN ZONING MAP FOR THE SAME PARCELS.

WHEREAS, the Town of Milton, Delaware (“the Town”), has received an Annexation Petition (“the Petition”) from Sand Hill, LLC and Su-Sax Acres, LLC for the above-captioned parcels that total approximately 450.12 acres (“the Property”); and

WHEREAS, pursuant to Title 22, Section 702 of the Delaware Code, the Town adopted, and the State certified, the Town’s 2018 Comprehensive Plan, which may be revised or amended pursuant to the aforementioned Section of the Delaware Code; and

WHEREAS, the Project is contiguous with the Town and within the growth area of the Town’s 2018 Comprehensive Plan and therefore eligible for annexation into the Town, pursuant to Title 22, Section 101 of the Delaware Code; and

WHEREAS, Section 3 of the Town Charter identifies the procedure for annexation; and

WHEREAS, pursuant to Section 3 of the Town Charter, a Special Review Committee investigated and reported back to the Mayor and Town Council, and the Mayor and Town Council voted to accept the report and referred the Petition to the Planning & Zoning Commission; and

WHEREAS, the Planning & Zoning Commission reviewed the Petition, including the zoning classification requested for the area to be annexed, and issued an Advisory Report recommending annexation of the currently unincorporated area with the requested zoning; and

WHEREAS, the Office of State Planning Coordination has reviewed the Petition, accepted the completed Plan of Services, and confirmed the Town’s completion of all relevant annexation requirements; and

WHEREAS, via Resolution 2021-024, the Mayor and Town Council then scheduled a public hearing on the Petition, including the Project's zoning; 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 Mayor and Town Council may, from time to time, amend by ordinance the boundaries of the Town's zoning districts, pursuant to Chapter 220, Article XIV of the Town Code; and

WHEREAS, said public hearing was duly noticed and held on February 7, 2022; and

WHEREAS, having considered the Petition and public comment, the Mayor and Town Council has determined, based on the findings of facts attached hereto and for the reasons stated on the record, that the amendments to the Comprehensive Plan and Zoning Map are in accordance with the Comprehensive Plan and promote the health, safety, morals, and general welfare of the Town;

NOW THEREFORE, BE IT ENACTED AND ORDAINED by majority vote of the Mayor and Town Council of the Town of Milton, in a duly noticed meeting with a quorum present and voting, as follows:

Section 1. The following amendments are hereby made to the Town's Comprehensive Plan:

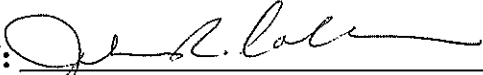
- Exhibit G: Future Land Use/Potential Expansion is amended to add the classification of R-2 with Large Parcel Development (LPD) overlay as it applies to the Property.

Section 2. The Official Zoning Map of the Town, adopted by reference in Town Code Section 220-10, is amended to reflect the aforementioned designations of R-2 with Large Parcel Development (LPD) overlay on the Property's annexed areas, with all of such amendments taking effect upon the annexed areas being considered part of the Town.

Section 3. This Ordinance shall become effective after all of the following have occurred: 1) the lapse of the 30-day hold period for a proper petition for referendum to be filed with the Town Manager or designee, pursuant to Section 3(j) of the Town Charter; 2) receipt of any approval required by the Office of State Planning Coordination; and 3) the Mayor and Town Council causing a description and a plot of the portion of the Property to be annexed to be recorded in the Office of the Recorder of Deeds in compliance with Section 3(m) of the Town Charter, with that portion of the Property being considered part of the Town from the time of recordation.

I, **JOHN COLLIER**, 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 4TH day of APRIL, **2022**, 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.

TOWN OF MILTON

BY: 

MAYOR

DATE: APRIL 5, 2022

SYNOPSIS

This ordinance first amends the Town’s comprehensive plan and then the official zoning map to reflect a R-2 with LPD overlay designation for the Granary Project proposed by Sand Hill, LLC and Su-Sax Acres, LLC. The ordinance’s effect is conditioned upon the 30-day referendum period lapsing without a proper petition, receipt of any necessary OSPC approvals, and recordation of a plot.