



Town of Milton

115 Federal Street, Milton, Delaware 19968

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ORDINANCE 2022-004

AN ORDINANCE TO ACCEPT THE ANNEXATION PETITION FROM SAND HILL, LLC AND SU-SAX ACRES, LLC FOR PARCELS OF LAND IDENTIFIED AS 235-20.00-12.00 AND 235-20.00-19.00, TOGETHER CONTAINING APPROXIMATELY 450.12 ACRES.

WHEREAS, the Town of Milton, Delaware (“the Town”), 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 Property 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, said public hearing was duly noticed and held on February 7, 2022; and

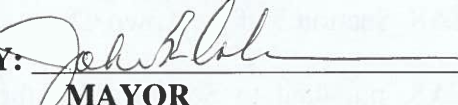
WHEREAS, having considered the Petition and public comment, on March 7, 2022, pursuant to Section 3(j) of the Charter, the Mayor and Town Council, with an affirmative vote of at least 2/3 of all the members present and voting, determined, based on the reasons stated on the record, that the Petition should be conditionally approved; and

WHEREAS, the conditions to approval to annex the Property into the Town were: 1) the Town and the applicant reaching a mutually agreeable Annexation and Zoning Agreement; 2) delayed implementation of the annexation until a period of at least 30 days from March 7, 2022, shall have elapsed, to allow for the possibility of a Town-wide referendum, in compliance with Section 3(j) of the Town Charter; 3) receipt of necessary approval from the Delaware State Office of Planning Coordination of the modifications to Exhibit G of the Town's 2018 Comprehensive Plan; 4) elimination of the propane tank farm for the Diamond Overlook neighborhood from the area of the Property to be annexed; and 5) receipt of a commitment from the applicant that it will not use any portion of the parcels that it still owns on Bangor Lane as access points, including for construction, of any portion of the annexed Property;

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, that the Annexation and Zoning Agreement is hereby approved and, as such, that condition related to the approval to annex the Property is hereby deemed satisfied.

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 2nd day of May, 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: MAY 7, 2022

SYNOPSIS

This ordinance approves the Annexation and Zoning Agreement between the Town and the applicant, in satisfaction of a condition of the annexation's approval.