



Town of Milton
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ORDINANCE NO. 2022-006
AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED "ZONING," REGARDING
SIGHT DISTANCES AT INTERSECTIONS.

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 provisions for particular zones or districts with regard to structures, building, and building material, and 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 May 9, 2022 and voted 7-0 in the Advisory Report received by Town Council; and

WHEREAS, The Town Council held a public hearing on July 11, 2022, 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 Article VII, entitled "Development Guidelines":

Section 1. Amend § 220-46 with deletions shown by strike-through and additions shown by underline as follows:

§ 220-46. Fences and walls.

Fences and walls are permitted as follows:

A. Where a driveway meets a street, no fence, wall, hedge, or other planting shall be installed and maintained ~~which that~~ exceeds 3 1/2 feet in height above grade or street pavement, whichever is greater, to within eight feet from the public right-of-way.

B. Clear vision area. The minimum distance for clear vision at a street intersection shall be 25 feet measured from the intersection along the lot lines of the lot.

(1) At street intersections, nothing shall be built, placed, planted, or allowed to grow higher than 3 1/2 feet within the sight triangle measured along the right of way line above the curb level of the intersecting streets for a distance of 25 feet from the intersection and formed by connecting the respective 25 foot distances.

(2) The clear vision area in this Subsection B shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding 3 1/2 feet from the top of the curb line or street pavement, unless such plantings shall have all branches or foliage removed to a height of 8 feet above the finished grade.

(3) A demonstrative exhibit is hereby adopted by reference.

C. Fences, walls, hedges, or screen plantings may be required, as specified elsewhere in this chapter for multifamily, commercial or industrial uses, as is necessary to protect the residential quality of adjacent property.

D. Fence and wall regulations.

(1) In all districts except the Limited Light Industrial District, Light Industrial District and Marine Resources ~~Districts~~ District, a maximum height of 3 1/2 feet above street pavement shall be allowed for fences and/or walls located in a front yard at a street intersection. Fences and walls shall be constructed of materials that shall not hinder clear vision in conformance with Subsection B of this section. Fences in side and rear yards shall not exceed eight feet in height above grade. The front yard is the distance from the front of the property to the required building line.

(2) In the Limited Light Industrial District, Light Industrial District and Marine Resource District, there shall be no restrictions, except that any fence or wall shall not exceed eight feet in height and that fences and walls located in a front yard at a street intersection shall be constructed of materials that shall not hinder clear vision in conformance with Subsection B of this section.

(3) The finished or decorative side of a fence shall face toward the neighboring property.

~~E. The clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding 3 1/2 feet in height measured from the top of the street pavement, unless such plantings have all branches and foliage removed to a height of eight feet above the finished grade.~~

Section 2. This ordinance shall not apply to structures legally existing as of its effective date.

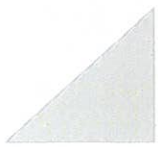
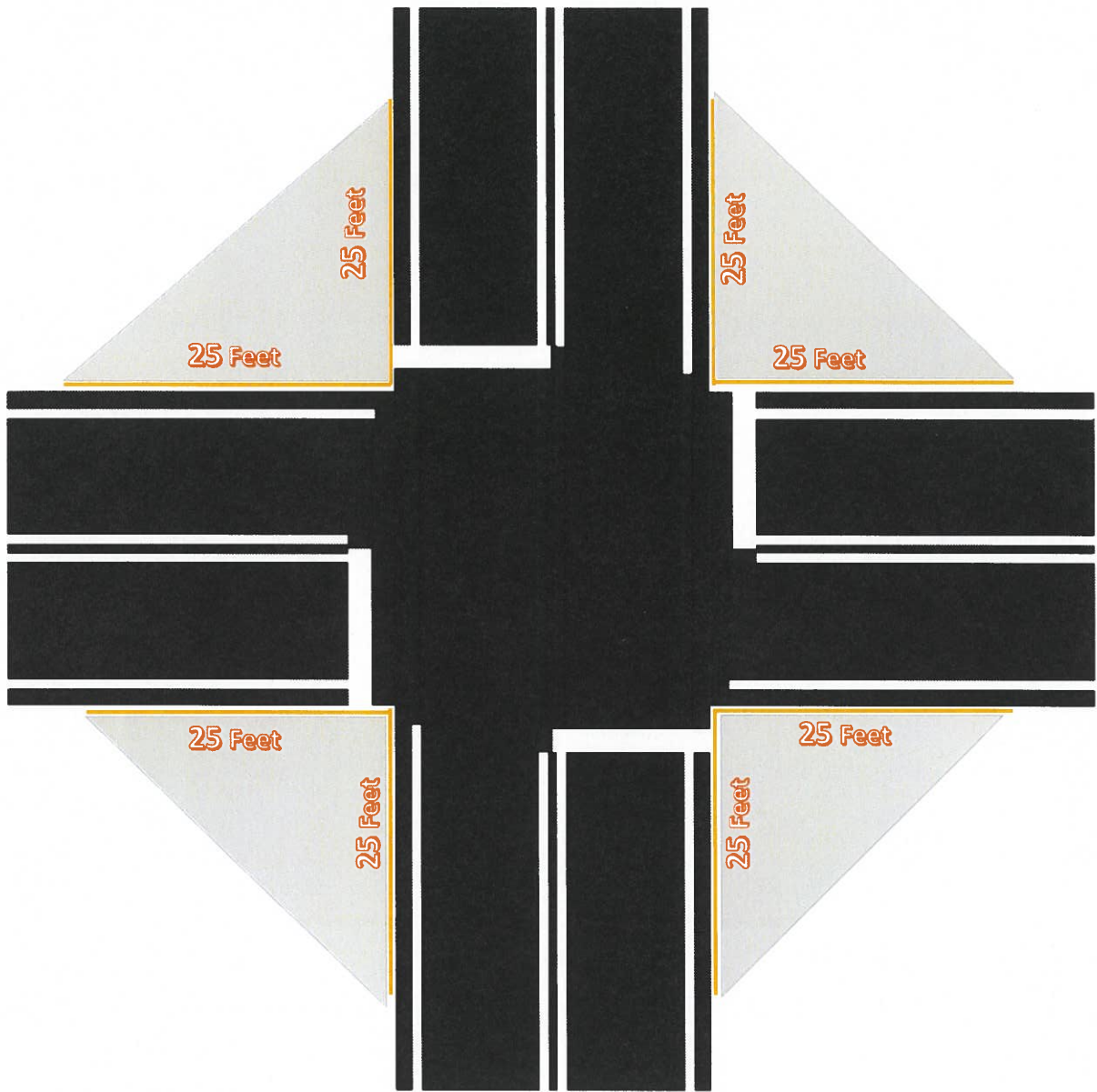
I, **JOHN R. COLLIER** Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the 11th day of July, 2022 following a duly noticed public hearing, at which a quorum was present and voting throughout and that the same is still in full force and effect.



MAYOR

SYNOPSIS

This ordinance amends the Town Code's zoning ordinance relating to sight distances at intersections. Enactment of this Ordinance does not impact pre-existing buildings within the sight triangle.



Clear Vision Zone



Property Line

Diagram to accompany Ordinance 2022-006