



*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 2022-014**

**AN ORDINANCE TO ANNEX A PARCEL LOCATED AT 300 BROADKILL ROAD, SAID PARCEL IDENTIFIED AS 235-14.15-74.00 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF MILTON FOR SAID PARCEL.**

**WHEREAS**, the Town of Milton, Delaware (“the Town”), has received an Annexation Petition (“the Petition”) from Route 16, LLC for the above-captioned parcel that totals .56 +/- 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 Property 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 2022-017, 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 December 5, 2022; and

**WHEREAS**, having considered the Petition and public comment, the Mayor and Town Council has determined, based on the reasons stated on the record, that the amendment to the Zoning Map is in accordance with the Comprehensive Plan and promotes 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 Parcel is hereby annexed into the Town of Milton.

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 Commercial C-1, on the Property annexed, with all of such amendments taking effect upon the annexed area 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; and 2) 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 5<sup>th</sup> day of **December, 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: 12/7/2022

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## **SYNOPSIS**

This ordinance first annexes the subject parcel into the Town and then amends the Town's official zoning map to reflect a C-1 designation for the property. The ordinance's effect is conditioned upon the 30-day referendum period lapsing without a proper petition, and recordation of a plot.