



Town of Milton

115 Federal Street, Milton, Delaware 19968

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ORDINANCE 2024-001

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN AND THE OFFICIAL ZONING MAP OF THE TOWN OF MILTON FOR ANNEXATION OF A PARCEL LOCATED BETWEEN SHINGLE POINT ROAD AND HARBESON ROAD, SAID PARCEL IDENTIFIED AS 235-20.00-63.02.

WHEREAS, the Town of Milton, Delaware ("the Town"), has received an Annexation Petition ("the Petition") from The Company Store Inc. for the above-captioned parcel that totals 50.08 +/- 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 2023-016, 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 XV of the Town Code; and

WHEREAS, said public hearing was duly noticed and held on November 6, 2023; 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; and

WHEREAS, the Mayor and Town Council accepted the petition for annexation by a vote of 7 to 0 on December 4, 2023; and

WHEREAS, a petition for referendum was filed on December 21, 2023; and

WHEREAS, a notice of a referendum vote was published in the Cape Gazette paper on January 2, 2024 and January 19, 2024; and

WHEREAS, a notice of the referendum was posted at the Town of Milton bulletin board located at 101 Federal Street, at the Milton Town hall located at 115 Federal Street, at the Milton Library located at 121 Union Street, at the Milton Memorial Park bulletin board, and on the Town of Milton website on January 2, 2024; and

WHEREAS, the referendum vote to approve the annexation of the Property was held on February 3, 2024; and

WHEREAS, the referendum was approved by a vote of 397 to 86 for annexation of the Property; and

WHEREAS, the Town and Applicant have mutually agreed upon an Annexation Agreement;

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 held on December 4, 2023, with a quorum present and voting, and by majority of vote of the registered voters of the Town of Milton in a duly noticed referendum held on February 3, 2024, as follows:

Section 1. The Property 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 R-1 with Large Parcel Development (LPD) overlay on the Property annexed, with all of such amendments taking effect upon the annexed area being considered part of the Town.

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 5th day of **February, 2024**, 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: 2/6/2024

SYNOPSIS

This ordinance annexes the subject parcel into the Town and then amends the Town's official zoning map to reflect an R-1 with LPD Overlay designation for the property.