



Town of Milton

115 Federal Street, Milton, Delaware 19968

www.milton.delaware.gov

Phone: 302-684-4110 Fax: 302-684-8999

ORDINANCE NO. 2025-001

**AN ORDINANCE TO AMEND CHAPTER 188 OF THE TOWN CODE, ENTITLED
"SUBDIVISION AND LAND DEVELOPMENT," REGARDING PARTITIONING AND
CONSOLIDATING PARCELS**

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 of the Town of Milton have previously enacted an ordinance governing Subdivision and Land Development, codified as Chapter 188 of the Town Code; and

WHEREAS, the Mayor and Town Council held an open meeting on the 6th day of January, 2025, to consider amendments to Chapter 188;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton:

Section 1. Amend § 188-7 of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

§ 188-7. Definitions.

CONSOLIDATION

The combining of two parcels within the same zoning district to form one parcel that meets the current density requirements for that zoning district.

Section 2. Amend § 188-28 of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

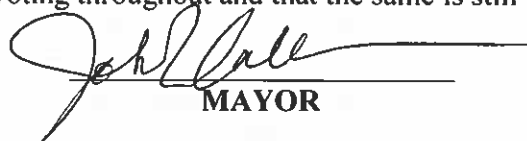
§ 188-28. Partitioning or consolidating of parcels.

- A. An application for either partitioning of a ~~lot~~ parcel or consolidating two parcels shall be made on a form supplied by the Town, together with a plan/map, prepared by and attested

to by a licensed surveyor or engineer, showing the ~~property parcel~~ to be divided or consolidated and showing the entire frontage of the proposed partitioned ~~lots parcels~~ or consolidated parcel, and that of the adjoining properties of the proposed partition or consolidation. The application, plan and the required fees shall be submitted to the Town for recording prior to forwarding to the Town Council. The required fees shall be the fees established in the currently effective Town of Milton Fee Schedule.

- B. The Town Council may approve partitioning or consolidation applications that are found to meet all of the requirements of this chapter and Chapter 220, Zoning. Additionally, existing lots less than 20,000 square feet zoned R-1 and located in the Town boundaries prior to the adoption and effect of the Town's original Zoning Ordinance (1987) may file for partitioning of the existing lot to the minimum size of 7,500 square feet, except that minimum width and depth for R-1 zoning is required, the ~~combining of lots or~~ moving of any existing structures is not permitted, and the minimum setback from existing structures to property lines is required.
- C. The applicant shall submit the approved plan, within 90 days from the approved date, to the office of the Recorder of Deeds, in and for Sussex County for recording. If any approved plan is not filed within that period, the approval of such partition shall expire. The Town Council, for good cause shown, may extend the time for filing of the plan for a period not to exceed 90 days. A record of all partitions and consolidations and one copy of the approved plan shall be kept by the Town and reflected in the records retained by the Town.
- D. If the Town Council disapproves a partition or consolidation application, a written notice shall be returned to the applicant stating the basis for such disapproval. Reasons for disapproval shall be remedied prior to any resubmission.

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 13th day of January, 2025, following a duly noticed meeting, 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 subdivision ordinance. Specifically, it adds an express process for consolidating parcels.