



ORDINANCE NO. 25-06

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF MILLVILLE FOR CERTAIN PARCELS OF LAND KNOWN AS TAX PARCEL NOS. 134-12.00-16.00, 134-12.00-1501.00, 134-12.00-1502.00, 134-12.00-1503.00, 134-12.00-1504.00, 134-12.00-1505.00, 134-12.00-1506.00, 134-12.00-1507.00, 134-12.00-1508.00, 134-12.00-1509.00, 134-12.00-1511.00, 134-12.00-1512.00, 134-12.00-1513.00, 134-12.00-1514.00, and 134-12.00-1515.00.

WHEREAS, the Town of Millville received a petition for annexation for the above-captioned parcels owned by Foxlane Homes at Whites Neck, LLC; and

WHEREAS, the Town reviewed the petition for annexation in accordance with Section 3 of the Charter, including the Town Council’s receipt and acceptance of a report from the Annexation Committee, followed by a zoning recommendation and comments from the Planning and Zoning Commission; and

WHEREAS, concurrent with this Ordinance, the Mayor and Council of the Town of Millville have considered a Resolution that would approve the annexation request, and said request received the requisite two-thirds (2/3) supermajority vote of all Council members present and voting; and

WHEREAS, the Mayor and Council have the power 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 Council has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 155 of the Town Code, and adopt an official Zoning Map; and

WHEREAS, Article XIII of Chapter 155 governs zoning amendments, including Section 155-73 providing in part, “Any such amendment may be initiated by resolution of

the Town Council or by petition of any property owner addressed to the Town Council”; and

WHEREAS, the Town adopted its October 2019 Comprehensive Plan that was then certified by Governor Carney as an official statement about the Town’s future and direction on subsequent development decisions; and

WHEREAS, Map No. 6 of the Town’s 2019 Comprehensive Plan, entitled “Future Land Use & Annexations,” includes the above-captioned parcels with a designation of “residential”; and

WHEREAS, Map No. 5 of the Town’s 2019 Comprehensive Plan, entitled “Future Land Use,” includes a portion the above-captioned parcels currently within Town limits as having a designation of “commercial”; and

WHEREAS, by letter dated December 20, 2024, Delaware’s Office of State Planning Coordination waived the Preliminary Land Use Service (i.e., “PLUS”) review for changing the future land use designations associated with the above-captioned parcels from “commercial” to “residential”; and

WHEREAS, the Mayor and Council held a public hearing on January 28, 2025, with proper notice as required by Section 3(j) of the Town Charter and Section 155-74 of the Town Code; and

WHEREAS, having considered the results of the annexation process and public comment, the Mayor and Council have determined, based on the reasons stated on the record, that the amendment to the Zoning Map promotes the health, safety, morals, and general welfare of the Town;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Town Council for the Town of Millville, Sussex County, Delaware, having met in a duly noticed meeting with a quorum present and voting, as follows:

Section 1. Annexation of the above-captioned parcels into the Town of Millville is hereby ratified.

Section 2. Map No. 5 of the Town’s 2019 Comprehensive Plan, entitled “Future Land Use,” is hereby amended, such that all portions the above-captioned parcels currently within Town limits shall have a designation of “residential.”

Section 3. The Official Zoning Map of the Town, adopted by reference in Town Code Section 155-5, is hereby amended to include the above-captioned parcels fully within the Town corporate limits and to reflect the zoning classification of R1 - Residential District (formerly known as “R - Residential District”).

Section 4. 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(i) of

the Town Charter; and 2) the Mayor and Council causing a description and a plot of the portion of the above-captioned parcels 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 above-captioned parcels being considered part of the Town from the time of recordation.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS _____ DAY OF _____, 2025.

SEAL:

MAYOR

ATTESTED:

SECRETARY

SYNOPSIS

This Ordinance amends the Town’s Future Land Use map with respect to the portions of the subject properties currently in Town limits to reflect residential use and amends the Town’s official Zoning Map to designate the annexed areas as R1 - Residential District (formerly known simply as the “R - Residential District”). The Ordinance has a delayed effectiveness to allow for compliance with the Charter’s annexation process, specifically allowing the 30-day referendum period and requiring recordation of a description and plot of the newly annexed area.