



**ORDINANCE NO. 26-05**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF MILLVILLE FOR A CERTAIN PARCEL OF LAND KNOWN AS TAX PARCEL NO. 134-12.00-366.00.**

**WHEREAS**, the Mayor and Council of the Town of Millville have the power to zone or district the Town and make particular provisions for particular zones or districts with regard to building, 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 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 legal or equitable owner of the above-captioned parcel (the “Property”) submitted a rezoning application and additional documentation to the Town; and

**WHEREAS**, the Property is approximately 5.41 acres in a largely rectangular shape, with relatively narrow frontage of less than 174 feet on Windmill Drive and an assigned current street address of 32198 Windmill Dr., Millville, DE 19967, in a centralized location within the Town, roughly ¼ mile south of Route 26 and similarly distanced from Evans Park; and

**WHEREAS**, the townhouses of Windhurst Manor abut the Property on the south and east, with the detached single-family homes of Deerhaven to the north, making the Property potentially a transition between the two; and

**WHEREAS**, the Property’s size, while larger than other undeveloped, R-1-zoned parcels within the Town, does not qualify for an RPC zoning, but its shape is not conducive to development purely as detached single-family homes, including in light of DelDOT requirements; and

**WHEREAS**, the Town adopted its October 2019 Comprehensive Plan (the “Comp Plan”) that was certified then by the Governor as an official statement about the Town’s future and is used to direct subsequent development decisions; and

**WHEREAS**, the Comp Plan’s community design discussion refers to the challenge of balancing “the needs of a growing resort and retirement community while maintaining the character that has attracted so many of its residents to Town,” adding emphasis on urban design measures that “preserve small town character while creating a highly desirable, human-scaled, and pedestrian-oriented community”; and

**WHEREAS**, the Property has been slated for residential use in the Comp Plan’s current use map and future land use map; and

**WHEREAS**, approximately 18 months ago, the Town Council enacted an ordinance amending the zoning regulations in Chapter 155 to provide for the R-2 Residential District, with the prior R-Residential being renamed the R-1 Residential District; and

**WHEREAS**, the purpose of the R-2 Residential District, per Section 155-10G, is “to provide for the development of detached or semidetached single-family residential developments along with churches, recreational facilities, and accessory uses,” while the R-1 Residential District only allows for single-family detached residences; and

**WHEREAS**, the Property is predominantly in Investment Level 1 on the recently adopted State Strategies map, signifying the Office of State Planning Coordination and the State more broadly expect Level 1’s characteristics like higher density development with mixed uses, a variety of housing and transportation options, and walkable communities; and

**WHEREAS**, the Property does not have any known environmental features, does not have wetlands, and is not in a floodplain or groundwater recharge area; and

**WHEREAS**, the Property has been zoned in the R-1 Residential District, and the application seeks to rezone the Property to the R-2 Residential District, which allows for duplex units but also requires not less than 25% of the residences will be single-family detached; and

**WHEREAS**, the R-1 Residential District allows for larger lots with well water and septic systems, while the R-2 District requires public water and sewer; and

**WHEREAS**, the Mayor and Town Council held a public hearing on April 14, 2026, whereat a number of public comments were received, with proper notice by publication as required by Section 155-74 and 22 *Del. C.* § 304; and

**WHEREAS**, after the public hearing, the Mayor and Town Council voted 4-1 in favor of the rezoning and now seek to formalize the map amendment and the reasons supporting it, including those mentioned herein, notably that the rezoning complies with the Comp Plan and promotes the purposes of 22 *Del. C.* § 303 and the Town’s zoning ordinance in Town Code Section 155-4 (including: providing for orderly population growth via this location that is near recreation, transportation, and public safety facilities; maintaining a family-oriented community situated within a rapidly expanding resort area; providing adequate light and air with a transition density; and facilitating the efficient and economic provision of water, sewerage, parks and other public requirements);

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the Official Zoning Map of the Town, adopted by reference in Town Code Section 155-5, is amended for said parcel to receive an R-2 Residential District designation.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 28<sup>th</sup> DAY OF APRIL 2026.**

**SEAL:**

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**MAYOR**

**ATTESTED:**

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**SECRETARY**

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**SYNOPSIS**

This ordinance amends the Town’s official zoning map from R1 to R2 for the captioned parcel.