

City of Milford



AGENDA

Council Meeting

October 27, 2014

Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware

7:00 P.M.

PUBLIC HEARING

Minor Subdivision & Conditional Use

303 Pierce Street/Parcel MD-16-183.10-04-12.00

Adoption/Ordinance 2014-07/Matthew & Jennifer Feindt/Conditional Use

WORKSHOP

Call to Order - Mayor Bryan Shupe

Downtown Development District/DMI President SaraKate Hammer

Review/Ordinance 2014-13/No Smoking Policy/City Parks and Facilities

Adjourn

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

New Business

USDA/Rural Economic Development Loan and Grant Program (REDLG)

Resolution 2014-15/Downtown Development District Approval & Support

FY 2014-2015 Budget Adjustment/Water Street Paving Project/Municipal Street Aid Fund

FY2014-2015 Budget Adjustment/UnderCom Proposal/Billing Office-PNC Building*

Executive Session

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Council Matter)**

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

**SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT
NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED
OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.**

091614 093014 100814 101614 102014 *102214 Late Addition Request of City Manager **102714 1000 Hours-Late Addition Request of Mayor Shupe

City of Milford



PUBLIC NOTICE CITY OF MILFORD CITY COUNCIL HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, July 28, 2014 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, to take final action upon the matter of:

Matthew and Jennifer Feindt for a Conditional Use to allow a single family semidetached dwelling in an R2 District, a Final Minor Subdivision on 0.25+/- acres at 303 Pierce Street, a reduction in front yard setback to 18.5' on Pierce Street, and a reduction in front yard setback to 17.5' on NE Second Street, Milford, Delaware. Tax Map MD-16-183.10-04-012.00

All parties of interest are hereby notified to be present and to express their views before a final decision is rendered. If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should call me at 302.424.3712 extension 308.

By: Christine Crouch
Deputy City Clerk

033114, 061114

Feindt Minor Subdivision/Conditional Use Project History

Project Description: This project is a proposed minor subdivision/conditional use. The applicant is proposing to subdivide a 10,827 ft² corner lot located at the corner of Pierce and Second Streets. The property is zoned R-2 and the applicant wishes to construct a semi-detached residential building. This is a conditional use in the R-2 zone. The building will result in two (2) separately owned single-family units. The property line which will subdivide the existing parcel will subdivide the two (2) single family units. This will facilitate separate ownership.

May, 2014:

- The application was forwarded to the City's planning and engineering consultant, Davis, Bowen & Friedel on **May 5, 2014**. The application included an application for a request for two (2) variances. The applicant was seeking relief from the required minimum front yard setback of 30 feet and the minimum required corner lot area of 6,500 ft². The applicant was proposing a minimum front setback of 18 ½ feet along Pierce Street and a corner lot area of 6,068 ft².
- The consultant submitted review comments on **May 8, 2014**. The review pointed out that an additional variance would be required. A corner lot requires a minimum front setback of 30 feet on each street frontage. The applicant was proposing a front setback along Second Street of 17 ½ feet.
- The project was considered by the Planning Commission on **May 20, 2014**. The Commission voted to recommend approval of the minor subdivision with the recommendation that the lot size variance be granted. The Commission then recommended approval of the conditional use with the following conditions:
 1. There is a party wall between the two units
 2. There is to be separate fee ownership of the two units
 3. The setback variance(s) has (*have*) to be granted by the Board of Adjustment
 4. It (*the project*) must meet all code criteria for duplexes
- The requests for variances for the minimum required front setbacks and corner lot area were considered by the Board of Adjustment on **May 22, 2014**. The Board approved the variances for the requested reduction to the Pierce Street front setback and the corner lot area. The requested reduction to the Second Street front setback was conditionally approved pending recommendation from the Planning Commission and approval from Council.

July, 2014:

- The revised plan was submitted to the City's consultant on **July 11, 2014**. The consultant forwarded review comments to the City on **July 15, 2014**. The review comments noted that two additional variances would be required. The maximum lot coverage for the conditional use is 30%. The applicant was proposing a lot coverage for the interior lot of 45%. The minimum lot width for the conditional use is 40 feet. The applicant was proposing a lot width of 39.2 feet for the interior lot.
- The Planning Commission considered the project again on **July 15, 2014**. The Commission recommended approval of the 17 ½ foot front setback on Second Street and they recommended approval by the Board of Adjustment of the proposed interior lot coverage and the proposed interior lot width.

September, 2014:

- The requests for reduced interior lot coverage and lot width were considered by the Board of Adjustment on **September 11, 2014**. The Board approved both requests.



Land Use Application Cover Sheet

CITY OF MILFORD

File Name: Feindt, Matthew & Jennifer

Date Stamp: **MAR 31 2014**

File Number: 14-207

RECEIVED

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted if violations exist or if any fees owed the City are delinquent.

Specify Type of Land Use Application to be submitted (check all that apply):

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

Please Type or Print Legibly

Property Owner: <u>Feindt, Matthew & Jennifer</u>			Phone: <u>302-745-0793</u>
Address: <u>4330 Big Stone Beach Rd.</u>			Cell: <u>"</u>
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail: <u>mattfeindt@aol.com</u>			
Applicant Name and Company: <u>Matt Feindt</u>			Phone:
Address: <u>Same</u>			Cell: <u>Same</u>
City: <u>Same</u>	State:	Zip:	Fax:
E-Mail:			
Surveyor or Engineer: <u>Bob Nash</u>			Phone: <u>302-422-7327</u>
Address: <u>634 Abbott Drive</u>			Cell: <u>302-462-0555</u>
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail: <u>rnash551@comcast.net</u>			
Site Address: <u>303 Pierce St.</u>		Zoning: <u>R2</u>	
Tax Map & Parcel Number (s): <u>5-16-18310-04-1200-00001</u>		Acreage: <u>0.25</u>	
Brief Description of Proposal: <u>Conditional use for duplex; final minor submission.</u>			
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Property Owner: <u>Matt Feindt</u>		Date: <u>3/31/14</u>	
Signature of Applicant: <u>Same</u>		Date:	

REVISED: 01.2014



Conditional Use Application

CITY OF MILFORD

File Name: Feindt, Matthew & Jennifer

Date Stamp: **MAR 31 2014**

File Number: 14-207

RECEIVED

Applicant is seeking a Conditional Use, per the Code of the City of Milford:

Chapter 230-10, titled Residential District, section C Conditional Uses, subsection Single-family semidetached dwelling., which states:

A Land Use Application for a Conditional Use is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property, including the tax map and parcel number.
- 3. A written summary of the proposal, including the goals of the proposal, the section(s) of the City of Milford Code which require approval of the application, and the relationship of the arrangement of building and other structures, parking and landscaping to those goals and to development and use of adjoining properties.
- 4. A written description of the proposed use of the site, including hours of operation, number of employees, and any proposed storage or use of hazardous materials, if applicable.
- 5. A summary table of project statistics, including site area, building coverage, impervious surface, required and proposed parking, etc.
- 6. Thirty-eight folded copies of a site plan (5 copies no smaller than 24" x 36" and 33 copies no larger than 11" x 17") showing:
 - A. Date, scale and north arrow;
 - B. Existing and proposed right-of-ways and improvements;
 - C. Existing natural features;
 - D. Existing and proposed utilities;
 - E. Existing and proposed structures and other improvements;
 - F. The location of parking for the proposed use;
 - G. All structures, natural features and other improvements on abutting property.
- 7. A landscaping plan showing existing and proposed landscaping, fencing and buffering.
- 8. Application fee. \$700

For Staff Use ONLY	
Verified	Waived
cc	
cc	
	cc
	cc
cc	
cc	
	cc
cc	

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: [Signature] Date: 3/31/14
 Signature of Applicant: [Signature] Date: _____

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner	NA	05-20-14	06-23-14	n/a
Contact				
Applicant				

REVISED: 01.2014



Final Minor Subdivision Application

CITY OF MILFORD

File Name: Feindt, Matthew & Jennifer

MAR 31 2014

File Number: 14-207

RECEIVED

Proposed Subdivision Name: _____

I/We wish to subdivide our lot(s) as follows : 2 # of lots and 2 # of units; consisting of
0 # of commercial units and 2 # of residential units

A Land Use Application for a final minor subdivision is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing. Once an application is deemed by Planning staff to be complete, the application will be scheduled for the required meetings.

FINAL MAJOR SUBDIVISION CHECKLIST

REQUIRED ITEMS (The applicant is to indicate with a check that each of the items below is included. If an item is not applicable, indicate N/A.)

- I. Land Use Application Cover Sheet.
- II. Agency approvals, including but not necessarily limited to:
 - A. DeIDOT for entrance and utility construction permit (where applicable).
 - B. Kent or Sussex County Conservation District.
 - C. Fire Marshal for site.
 - D. State Office of Drinking Water.
 - E. DNREC for sewer and for wetland and/or tax ditch disturbance where applicable.
 - F. U.S. Army Corps of Engineers for jurisdictional determination and approval for wetland disturbance, where applicable.
 - G. Kent or Sussex County 911 Addressing for street names.
 - H. City Departmental final subdivision approval. Feas. Study
 - I. A final copy (or copies) of any required easement(s).
 - J. A copy of the final Public Works Agreement.
 - K. A final copy of any deed restrictions and restrictive covenants proposed by the subdivider.
- III. Fifteen folded copies of final subdivision plans, including the record plat (1 copy no smaller than 24" x 36" and 14 copies no larger than 11" x 17"). All plans to be signed and sealed by the engineer; the title sheet shall be signed by the owner and developer, or the owner/developer; and the wetlands certification to be signed by the certified wetlands delineator.
- IV. A CD with all of the above information saved in pdf format, except that deed restrictions and restrictive covenants shall be saved in Word format. If the property is newly annexed, provide a copy of the legal description of the boundary in Word format.
- V. Application fee. \$400

For Staff Use ONLY	
Verified	Waived
<u>cc</u>	
	<u>cc</u>
<u>cc</u>	
<u>cc</u>	

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: [Signature] Date: 3/31/14

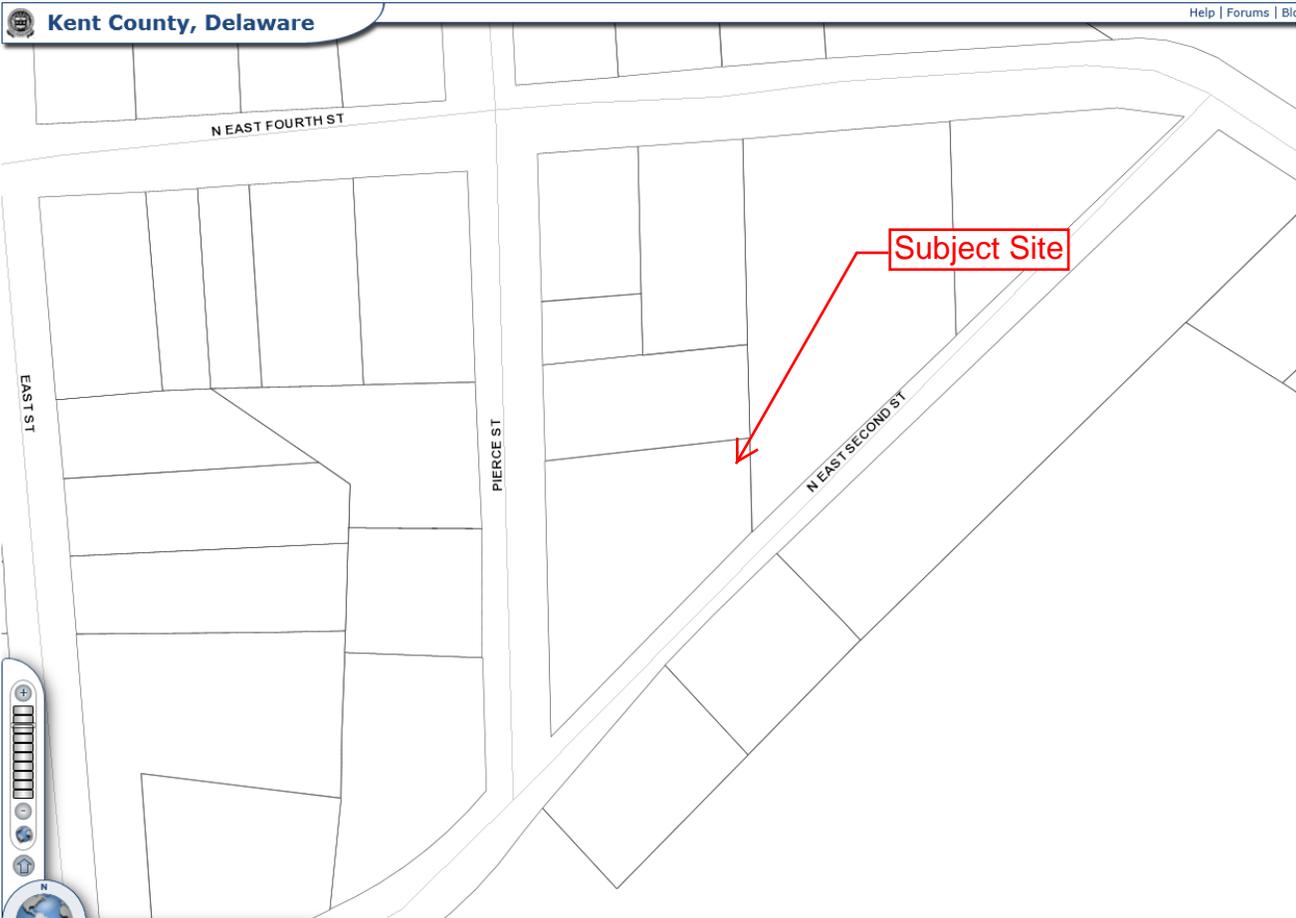
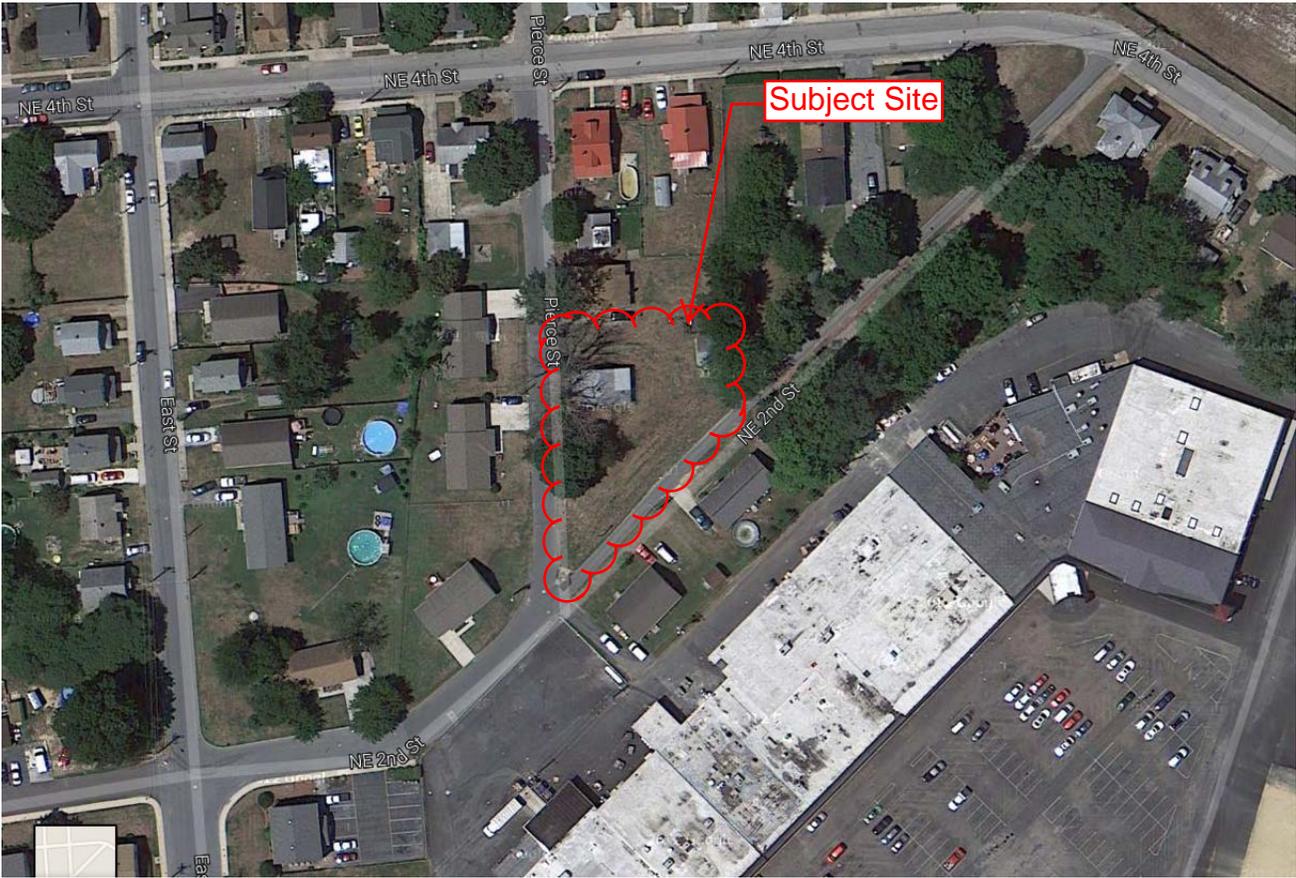
Signature of Applicant: [Signature] Date: _____

Signature of Surveyor or Engineer:

Date:

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner	n/a	05-20-14	06-23-14	n/a
Contact				
Applicant				

REVISED: 01.2014



CITY OF MILFORD
BOARD OF ADJUSTMENT
MINUTES OF MEETING
May 22, 2014

A meeting of the Board of Adjustment was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on May 22, 2014

PRESIDING: Chairman Frank Bason
IN ATTENDANCE: Keith Gramling, Brendon Warfel
ALSO: City Solicitor David Rutt, Deputy City Clerk Christine Crouch

Mr. Bason called the meeting to order at 10:01 am followed by the pledge of allegiance.

Applicant: Zurzolo, Joseph & Karen
Owner: Zurzolo, Joseph & Karen
Location: 919 SE Front Street
Tax Map: 3-30-7.17-108.00
Area of Petition: .23 +/- Acres
Zoning District: R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article VII-Miscellaneous Provisions, §230-42 Fences of the City of Milford Code as described below:

§230-42 Fences. Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level. At the intersection of two or more streets, no hedge, fence or wall over two feet shall be permitted that would interfere with vehicular sight distance as determined by the Code Official.

Applicant is seeking to install a 40' long section of 8' tall fencing, 40' from the roadway.

After Mrs. Crouch explained the reason for the variance application, Mr. Joseph Zurzolo, the property owner, was sworn in. Referring to the site plan, Mr. Zurzolo explained he would like to install an 8' tall fence approximately 40' from front property line in order to achieve privacy since the house sits about 3.5' from grade therefore a 6' tall fence would still allow neighbors to see inside the first floor. The additional 2' of fencing blocks the sight line into first floor windows of the house. The fence will then reduce in height to 6' and will end approximately 2' from the rear property line.

Mr. Bason questioned what exactly the privacy issue is at this location. Mr. Zurzolo explained if someone stands in the driveway of the adjacent property they can see directly over a 6' tall fence right into the windows of the house because the first floor sits roughly at the same height as the council table and with everything being elevated that 3.5' or so, someone can look over a 6' tall fence into the house. If the house was on grade without a basement there would be no privacy issue with a 6' tall fence. Mr. Bason asked if there is a fence at the rear of the property to which Mr. Zurzolo replied it is chainlink fence and a tree line. The neighbor to the rear is Warfel Construction, so the trees are sufficient.

Mr. Warfel confirmed no comments from neighbors were received.

When asked by Mr. Bason if this is a mixed use area, Mr. Warfel replied technically yes.

Mr. Zurzolo stated the fence will be constructed of white vinyl PVC, solid panel.

Mr. Bason called for public comments and hearing none, closed the public hearing.

Mr. Warfel made a motion to approve the application as submitted because the height of the house creates a special practical difficulty. Mr. Bason seconded the motion. Motion carried following a poll of the Board.



Applicant:	Feindt, Matthew & Jennifer
Owner:	Feindt, Matthew & Jennifer
Location:	303 Pierce Street
Tax Map:	MD-16-183.10-04-012.00
Area of Petition:	.25 +/- Acres
Zoning District:	R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, §230-10G(2)Area Regulations of the City of Milford Code as described below:

§230-10G(2) For single-family semidetached dwellings separately owned:

(a) Minimum corner lot area shall be 6500 square feet.

(e) Minimum front building setback line shall be 30 feet.

Applicant is seeking a corner lot area of 6068 square feet.

Applicant is seeking a minimum front building setback line of 18.5 feet.

Mr. Bason requested Mrs. Crouch explain the application. Mrs. Crouch explained Mr. Feindt is seeking a variance from the area regulations for an R2 district to allow a corner lot square foot area of 6068 sq ft and a variance to allow a front setback line of 18.5' along Pierce Street. The application was reviewed by the Planning Commission on May 20, 2014 for a recommendation on the conditional use, which is required for a duplex in an R2 district, and a minor subdivision. The minutes of that meeting were included in the packet for the Board, however as a summary the Commission recommended approval of the conditional use and minor subdivision provided the application receives the variances from the Board for the lot area and front setback. Once approval is received from the Board, the application will be heard by City Council for a final determination for the conditional use and minor subdivision.

Mrs. Crouch referred to the May 20, 2014 minutes where Mr. Adkisson, with Davis, Bowen & Friedel, whom reviewed the application on behalf of the City, explained Chapter 230-43 requires a corner lot to have two front setbacks which would require a 30' front setback from NE Second Street as well, which was not applied for. The code does allow for a reduction or relief in front setbacks if existing homes within 200' of the project have setbacks that are less than the required

setback. At the time of the Planning Commission meeting, those neighboring property setbacks within 200' were unknown. The remainder of the issues Mr. Adkisson noted during the Planning Commission meeting were minor in nature.

Also at the Planning Commission meeting Mr. Rutt noted Chapter 200-6 which allows the applicant to request waivers from the code and City Council has the authority to grant those waivers upon recommendation from the Planning Commission.

Two neighbors submitted comments regarding this application; one in favor and one with several questions. Copies of those comments were provided to the Board.

Mr. Robert Nash, the applicant's surveyor, was sworn in. He explained the application is seeking relief in setbacks and lot square footage. The Planning Commission recommended conditional approval based on receiving approval from the Board. Final approval will be next with City Council.

He tried everything he could to design the duplex to fit on the lot and make the area square footage work however because it is a triangular shape lot, it just would not work. Mr. Nash did check the houses within 200' of this property and they measured 10' and 15' from the property line. Essentially the applicant is asking for variance so the duplexes can be built. They will be very attractive buildings, as can be seen by other duplexes Mr. Feindt owns. It will certainly not detract from the neighborhood. There are existing duplexes in the area as well. Mr. Nash is aware of the comments from Mr. Watilo who owns properties across the street.

Regarding the five questions Mr. Watilo posed, Mr. Nash provided the following answers:

1. Is this duplex on one lot or on two lots being combined?

Answer: There will be two lots with a separately owned duplex on it. The property line separating the lots will also be the party wall of the duplex.

2. Why is there a need to push the building 18 feet closer to the street when you could actually do a wrap around driveway in front of the duplex utilizing that space for parking rather than on the sides of the buildings? There is no street parking as you know and no curbs. Having a building 18 feet from the street will tend to narrow the feel of the entire street corridor.

Answer: The location of the structure on the lots is preferred so the residents of the units will have back yards instead of larger front yards used only for parking. The parking locations are separated between the two units so each unit has its own parking spaces.

3. How large is the building structure for the duplex? Is each duplex comparable in size as the remainder of the properties on the street? If not, it is a concern to me as a property owner of two single family homes directly across the street.

Answer: The structure will be two stories. Each unit will be 22' x 44' which is 968 sq ft per dwelling unit.

4. Please provide some detail of the style and design of the duplex and where the utility stub ups would be and where air conditioning units/heat pumps and other noise making devices would be located on the property. Having a reduced set back with noise generating machinery that is not

designed at the rear of the duplex would be very objectionable to me. If you have an artist's rendering of the building design and a street view corridor concept for my viewing, I would appreciate seeing it.

Answer: After speaking with Mr. Feindt, the heat pumps and air conditioning units will be on the sides of the units at the rear and will not affect houses across the street.

5. My property Manager is Wayne Sommers and he is being copied on this email. Please provide him with the same documentation you provide me so if it is necessary for him to attend the public hearing or an appeal in the future, we would have the proper information.

Answer: This was a comment, so no answer is needed.

Mr. Bason questioned the legality of doing this as tax parcels. Mr. Rutt stated it will be two tax parcels which will be owned by two different owners. Mr. Feindt could not own both lots in his name and rent them. They each one have to be a separate tax parcel with a separate owner.

Mr. Gramling asked if there is a reason for that. The code calls for it to be that way according to Mr. Rutt.

Mr. Nash confirmed the code does not specify a time frame of when this has to be in separate ownership. Mr. Feindt will be the owner while it is being built. Mr. Nash asked if once they are built, can he rent them out, with the intent to eventually sell them separately. Mr. Rutt replied the ownership would have to be divided after the CO is issued but prior to being occupied.

Mr. Rutt explained the two issues before the Board are for the setback and lot size.

Mr. Rutt asked Mr. Nash if the configuration of the lot, since it is not a rectangle, present challenges to him. Mr. Nash replied it presented many challenges. If the building were to be moved back, it only got closer to NE Second Street. Mr. Rutt confirmed the 18.5' front setback is for Pierce Street and confirmed the lot is now vacant. Prior to being demolished, Mr. Nash stated the building set back 10.4' from Pierce Street.

Mr. Nash asked if the application can be amended to include a request for a variance for the setback on NE Second Street from 30' to 17.5'. After getting the comments back from DB&F, he realized a variance that variance needs to be granted as well. He thought NE Second Street was going to have a side setback.

Mr. Rutt replied it cannot be amended now because it's been advertised as a setback from Pierce Street, not NE Second Street. There could be people on NE Second Street who didn't care about Pierce Street, but may have a concern about the setback on NE Second Street and would want to voice those concerns.

Mr. Nash asked if the setback can be waived at the Council level. Mr. Rutt replied there is a provision in Chapter 200, Subdivision of Land, section 6 the applicant can request at the time of making application for a subdivision variances and waivers from the setbacks that the Planning Commission can recommend to City Council, but that's not what we are here for today. There is the possibility we can amend the application assuming this body recommends the variance. Mr.

Nash can amend his application to also include the variance on NE Second Street. It may require re-advertising and deferring that decision to a later date before City Council.

Mr. Rutt reviewed the notice for today's hearing and noted the public notice states the applicant is seeking a front building setback line of 18.5' whereas the setback needed for NE Second Street is 17.5'.

Mrs. Crouch confirmed Mr. Rutt's recommendation is to have the applicant amend the application to include the setback on NE Second Street, re-advertise the then amended application, hold a Planning Commission hearing on the matter and then be heard for a final determination on all items by the City Council. The Board today can address the two variances for the lot square footage and setback on Pierce and do a conditional approval of the setback on NE Second Street pending Planning Commission recommendation to City Council. This would cover all the bases.

Mr. Bason called for public comments.

Mr. Wayne Sommers, the property manager for Mr. Kirk Watilo, stated Mr. Watilo's main concern is how this will affect the property values in the surrounding area. Will this diminish the values, will it block views, how tall is the building? His main concern is if the building is coming out to 18' and it will be a tall building, will it narrow the view and feel like a closed corridor? His main thing is for aesthetics and for keeping property values up. He would like to see a drawing and asked Mr. Sommers to pick it up today and take it with him. Mr. Sommers will be going to the area to take pictures today to let him know what it looks like right now. Mr. Sommers heard the reasons for making the lot smaller, and he understands that, but Mr. Watilo's concern also was if parking is going to be on both sides, could the parking be moved to around front and create a wrap around driveway.

Mr. Bason stated he doesn't see how a wrap around driveway would work considering the setback on NE Second Street. Mr. Sommers said he has not seen a visual for this lot and doesn't understand it.

Mr. Nash showed Mr. Sommers a copy of the site plan and explained that by moving the building back, it decreases the distance from the building to NE Second Street, which requires a 30' setback, therefore moving the structure back further from Pierce Street is not a useful option.

Mr. Sommers asked how much time Mr. Watilo has to respond unto this before it goes into effect or will it be approved today? Mrs. Crouch explained a final determination regarding the two variances will be made today. Regarding the amendment, a new public notice will be sent and Mr. Watilo can comment on that if he would like.

Mr. Sommers cannot make a good judgment because he can't visualize what it will look like. Mr. Watilo had him for a CAD drawing of the building. Mr. Warfel stated Mr. Feindt will build what is allowed per the code and the city doesn't have design standards. Mr. Nash can give him things out of the kindness of his heart, but he is not required to give conceptual drawings.

Mr. Rutt, addressing the appeal issue, if Mr. Watilo feels aggrieved, under Chapter 230-33, if *“Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or commission of the City of Milford may present to a court of record a petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds for the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision. The court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe the time within which a return must be made and served upon the petitioner attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application or notice to the Board and on due cause shown, grant a restraining order.”*

Mr. Sommers asked Mr. Warfel, as an expert, if the values of the surrounding properties will be affected. Mr. Rutt advised Mr. Warfel not to answer because Mr. Warfel is making a decision and cannot render his opinion as an expert in the record. Mr. Sommers acknowledged what was there before was an eyesore and probably anything would be better. Mr. Sommers appreciates what is trying to be done and at this point is not aggrieved. He thinks it will be well designed and aesthetically nice place.

Mr. Bason closed the public record.

Mr. Rutt advised the motions be in three steps. First address the setback off Pierce Street, then secondly the variance for the lot size, and third will be if the Board wishes to entertain a conditional approval of the setback on NE Second Street pending recommendation by the Planning Commission and approval by City Council.

Considering the setback on Pierce Street will be further than what was there, Mr. Warfel has no problem with it and considering the overall square footage of the two lots meets the code, he has no problem with the variance for the one lot's square footage because the lot is an odd shape.

Regarding the setback issue on NE Second Street, Mr. Warfel does not have a problem with either.

Mr. Rutt advised the Board to do three motions.

Mr. Warfel made a motion to approve the setback variance as presented on Pierce Street because the setback is greater than what was there before, it will not be contrary to public interest and the odd configuration of the lot. Mr. Bason seconded the motion. Motion carried unanimously.

Mr. Warfel made a motion to approve the lot area variance as presented because the two lots meet the overall lot area requirement but due to the odd shape of the lot created an issue for the one lot to meet the code. Mr. Bason seconded the motion. Motion carried unanimously.

Mr. Gramling made a motion to conditionally approve a setback variance on NE Second Street to allow a 17.5' setback, pending a recommendation from the Planning Commission and approval from City Council. Mr. Warfel seconded the motion. Motion carried unanimously.

With no further business, the meeting adjourned at 10:54 am.

Respectfully Submitted,

A handwritten signature in black ink that reads "Christine Crouch". The signature is written in a cursive, flowing style.

Christine Crouch
Deputy City Clerk

Christine R. Crouch

From: Bob Nash <rnash551@comcast.net>
Sent: Wednesday, May 28, 2014 4:07 PM
To: Christine R. Crouch
Subject: Feindt Minor subdivision and Conditional use Application

Christine,

We, my client and I would like to amend the application for the Minor Subdivision and Conditional Use application to request a waiver for the building setback on Second Street. My plan reflects my thinking at the time that Second St. would be considered a side setback and not another frontage setback, consequently it was overlooked at the BOA level as was evidenced at the recent hearing. The waiver would be to ask for relief of 12.5 feet from the setback requirement of 30 feet on Second St., we currently have a proposed setback of 17.5 feet the waiver would allow for the required 30 foot setback. I'll be awaiting your instructions on how this can be accomplished. Thank you for your consideration.

Best regards,
Bob Nash

§ 230-10. R-2 Residential District.

[Amended 10-16-1989; 4-10-1991; 11-9-1992]

In an R-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the R-2 District is to permit housing at a greater density than in the R-1 District by providing for the orderly development of low- to medium-density residential housing into those areas where public services are available. This district also allows for professional home occupations. Finally, it protects existing developments of this nature and excludes noncompatible ones.
- B. Permitted uses: all uses permitted in the R-1 District.
- C. Conditional uses: all uses specified as conditional uses in the R-1 District, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with Article IX of this chapter:
 - (1) Single-family semidetached dwelling.
 - (a) Ownership.
 - [1] Dwelling units and individual lots of a single-family semidetached dwelling may be owned separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time in conformance with Chapter 200, Subdivision of Land, of this Code.
 - [2] Provisions satisfactory to the City Council shall be made to assure that areas of common use of the occupants, but not in individual ownership, shall be maintained in an acceptable manner without expense to the general public.
- D. Design requirements. No apartment/dwelling units shall be located within a cellar.
- E. Site requirements.
 - (1) The structure shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.
 - (2) Off-street parking shall be provided at the rate of 2 1/2 spaces for every dwelling unit on each lot.
- F. Facilities.
 - (1) Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other such facilities.
 - (2) Facilities for temporary trash/refuse storage shall be provided in such a manner that is adequate for the dwelling units they must support.
- G. Area regulations.
 - (1) For permitted uses and single-family semidetached dwellings not separately owned:
 - (a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.
 - (b) Maximum lot coverage shall be 30%.
 - (c) Minimum lot width shall be 80 feet.

- (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (e) Minimum front building setback line shall be 30 feet.
- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
- (g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.
- (h) Parking shall comply with the requirements provided in Article IV of this chapter.
- (i) Signs shall comply with the requirements in Article VI of this chapter.
- (j) Decks, subject to the following requirements:

[Added 9-8-2008 by Ord. No. 2008-13]

- [1] The deck cannot be located in the front yard.
 - [2] A minimum distance of 10 feet must be maintained from the deck to the rear property line.
- (2) For single-family semidetached dwellings separately owned:
- (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
 - (b) Maximum lot coverage shall be 30%.
 - (c) Minimum lot width shall be 40 feet.
 - (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - (e) Minimum front building setback line shall be 30 feet.
 - (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
 - (g) Side yard shall be provided as follows: each lot shall have one side yard a minimum width of eight feet.
 - (h) Parking shall comply with the requirements provided in Article IV of this chapter.
 - (i) Signs shall comply with the requirements in Article VI of this chapter.

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 230 - ZONING**
>> **ARTICLE IX Conditional Uses** >>

ARTICLE IX Conditional Uses

[§ 230-46. Purpose.](#)

[§ 230-47. Application and approval procedures.](#)

[§ 230-48. Criteria for evaluation.](#)

[§ 230-48.1. Criteria for planned unit residential development.](#)

[§ 230-49. Conditions for approval; expiration.](#)

§ 230-46. Purpose.

- A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.

- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-48.1. Criteria for planned unit residential development.

[Added 6-11-2001 by Ord. No. 4-2001; amended 10-25-2004 by Ord. No. 2004-9]

- A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.
- B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.
- C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.
- D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.
- E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in [Chapter 200](#), Subdivision of Land.

[Added 5-22-2006 by Ord. No. 2006-2]

- F. Neighborhood commercial.

[Added 11-27-2006 by Ord. No. 2006-15]

- (1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:
- (a) Retail goods and services.
 - (b) Child-care center (care for fewer than 24 children).
 - (c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).
 - (d) Medical and dental offices, clinics, and laboratories.
 - (e) Professional and administrative offices.
 - (f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)
 - (g) Mixed use building (residential, including rentals, with other permitted use).
 - (h) Laundromats or dry cleaners.
 - (i) Art, music, or photography studio.
 - (j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).
 - (k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).

- (2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.
 - (3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.
 - (4) Storage. Except for plants and garden supplies, overnight storage is not permitted.
 - (5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.
 - (6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.
 - (7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.
- G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

[Ord. No. 2009-17, § 5, 4-26-2010]

§ 230-49. Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in [§ 230-48](#) and that such use will continue to do so.
 - B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
 - C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
 - D. See fee schedule.
- [Amended 5-11-1998 by Ord. No. 4-1998]*
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
 - F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 200**
SUBDIVISION OF LAND >>

Chapter 200 SUBDIVISION OF LAND

[HISTORY: Adopted by the City Council of the City of Milford 11-10-2008 by Ord. No. 2008-12.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction – See Ch. 88	Streets and sidewalks – See Ch. 197
Floodplain management – See Ch. 130	Trees – See Ch. 211
Property maintenance – See Ch. 174	Water – See Ch. 222
Sewers – See Ch. 185	Zoning – See Ch. 230

[§ 200-1. Purpose.](#)

[§ 200-2. Title.](#)

[§ 200-3. Definitions.](#)

[§ 200-4. Application procedure.](#)

[§ 200-5. General requirements and design standards.](#)

[§ 200-6. Variances and waivers.](#)

§ 200-1. Purpose.

These regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

§ 200-2. Title.

These regulations shall be known and may be cited as the "City of Milford, Delaware, Land Subdivision Regulations."

§ 200-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

COMMISSION — The Planning Commission of the City of Milford, Delaware.

OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose

to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

- (1) Community gardens;
- (2) Promotion of conservation and protection of wildlife;
- (3) Perpetual conservation easements;
- (4) Parks, plazas, walkways, sidewalks and trails;
- (5) Buffers or forested areas; or
- (6) For recreational uses as defined herein.

Open space shall not include areas of land for the following unless otherwise approved by Council:

- (1) Wetlands or stormwater management facilities;
- (2) Drainage easements;
- (3) Flagpole areas;
- (4) Medians (unless designed as a park);
- (5) Signage areas;
- (6) Landscaping in parking areas;
- (7) Predominantly impervious surfaces such as streets and parking lots;
- (8) Required front, side, or rear yards;
- (9) Any land included within designated lot lines; or
- (10) Utility facilities for uses such as sewer, water, gas or electric.

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and which is submitted to the County Recorder of Deeds for recording.

PROPERTY OWNERS' ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.

RECREATIONAL USE — Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:

- (1) Indoor club houses;
- (2) Swimming pools and pool houses;
- (3) Tennis courts;
- (4) Basketball courts;
- (5) Athletic fields;
- (6) Picnic areas with tables;
- (7) Ponds for recreational use (boat, fishing or swimming);
- (8) Playgrounds; and
- (9) Bike or multi-model trails.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.

ROADWAY — The paved portion of the street primarily used for vehicular traffic.

- A. **ARTERIAL STREET and HIGHWAY** — A street primarily used for fast and/or heavy traffic.
- B. **COLLECTOR STREET** — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
- C. **MINOR STREET** — A street primarily used for access to the abutting properties.

- D. MARGINAL ACCESS STREET — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
- E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.
- F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN — The current specifications regulating subdivision design and construction as adopted by the City.

STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.

SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.

SUBDIVISION — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development.

SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, Chapter [230](#), Zoning, or this chapter; limited to four lots.

SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

[Ord. No. 2009-18, §§ 1, 2, 4-26-2010]

§ 200-4. Application procedure.

- A. Preliminary approval.
 - (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in [§ 230-57](#)
 - (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.
 - (3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.
 - (4) City Council shall grant preliminary approval of the application with or without conditions, deny the application, or table the application.
 - (5) Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.
- B. Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in [§ 230-57](#)
- (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
- (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
- (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
- (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-5. General requirements and design standards.

The following shall be deemed to be minimum requirements and may be varied or waived by the Commission only under circumstances set forth in [§ 200-6](#):

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another

subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.

- (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
 - (3) Minor streets shall be laid out so as to discourage their use by through traffic.
 - (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
 - (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
 - (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A (4) above.
 - (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
 - (8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.
 - (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
 - (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
 - (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
 - (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
 - (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
 - (14)

Right-of-way widths.

- (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

Street Type (feet)	Right-of-Way Roadway (feet)	
	Arterial	80 to 110
Collector	60	28
Minor, for townhouses and apartments	60	30
Minor, for other residences	50	<u>25</u>
Dead-end	50	<u>22</u>
Marginal access	30	<u>16</u>
*Alley	<u>20</u>	<u>12</u>

Note:

* If utilities are present in an alley, the City reserves the right to modify the minimum right-of-way and roadway widths.

- (b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.
- (15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.
- (16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.
- (17) Street names.
- (a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

General direction	Long	Short (under 1,000 feet)
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or Circles

- (b) Arterial streets shall be named "boulevards."
- (18) Street grades shall not exceed 5%.

- (19) Street grades shall be not less than 0.5% wherever feasible.
 - (20) Changes in street grades shall be connected by vertical curves of suitable length.
 - (21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.
 - (22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.
- B. Sidewalks and curbs.
- (1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:
 - (a) In residential subdivisions: four feet unless otherwise specified.
 - (b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.
 - (2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.
 - (3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.
- C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.
- D. Blocks.
- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) The provision of building sites suitable to the needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) The control, safety and convenience of pedestrian and vehicular traffic.
 - (d) The characteristics of topography.
 - (2) Block length shall not exceed 1,200 feet.
 - (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
 - (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
 - (5) Alleys shall be provided if required by the City Engineer.
- E. Lots.
- (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
 - (2) Lot sizes shall conform to the requirements of Chapter [230](#), Zoning.
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter [230](#), Zoning.
 - (4)

Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.

- (5) All lots in a subdivision shall have frontage on a public street.
- (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
- (7) Side lot lines shall be at right angles or radial to street lines.
- (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.
- (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.

F. Parks, playgrounds, open spaces, school sites and natural features.

- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.
- (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code.² In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
- (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
- (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.

- G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.
- H. Improvements.
- (1) In major subdivisions the following improvements are required:
- (a) Paved streets.
 - (b) Street signs.
 - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
 - (d) Sidewalks.
 - (e) Streetlighting.
 - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.
 - (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.
 - (i) Water mains, culverts, storm sewers and sanitary sewers.
 - [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
 - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
 - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
 - (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
 - (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.

- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
- (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
- (4) The developer shall pay the review and inspection fees as set forth in Chapter [230](#), Zoning, [§ 230-57](#), Planning, Zoning and Engineering Fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

[Ord. No. 2013-7, § 1, 9-23-2013]

§ 200-6. Variances and waivers.

Applicants may request, at the time of application submission, the varying or waiving of requirements of [Chapter 200](#), and the Planning Commission may, at its discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the City Council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, Chapter [230](#), Zoning, the Development Plan or this chapter. In varying or waiving certain requirements, the City Council may specify such conditions at will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

FOOTNOTE(S):

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Editor's Note: This ordinance also repealed former Ch. 200, Subdivision of Land, adopted 12-10-2001 by Ord. No. 2001-8, as amended. ([Back](#))

--- () ---

Editor's Note: See Ch. 230, Zoning. ([Back](#))

May 8, 2014

*Michael R. Wigley, AIA, LEED AP
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Gerald G. Friedel, P.E.*

City of Milford
201 South Walnut Street
P.O. Box 159
Milford, DE 19963

Sent via e-mail

Attn: Christine Crouch,
Executive Assistant/Deputy City Clerk

Re: Minor Subdivision/Conditional Use Review
Carlisle Lane, LLC Application

Dear Christine,

We have reviewed the Minor Subdivision/Conditional Use drawing submission referenced above and we have the following comments.

1. Please include a statement acknowledging who conducted the survey and when the survey was conducted; or, note what previous survey or deed the boundary information shown is based upon, including the plat book and page number.
2. Include the horizontal datum in the Data Column.
3. Remove the first note from the sheet.
4. Remove "**Signature**" from beneath the signature line of the Owner's Certification and replace it with the typed name and title of the individual who will be signing on behalf of the Owner.
5. Based on the R-2 Zone Conditional Use requirements, we assume that this application is for single-family semidetached dwellings **separately owned**. This should have been specified on the application form.
6. Proposed Lot 1 does not meet the minimum corner lot area requirement of 6,500 ft². According to the drawing, the proposed area of this lot will be 6,068 ft².
7. Include the proposed lot coverage on both lots, in the Site Data. The coverage must include the driveways; and, on the residue lot, the coverage must include the existing shed.

8. Dimension all proposed setback (BSL) lines. The proposed setback along the Pierce Street right-of-way scales to 15 feet. The minimum dimension shown for the front setback of the proposed building footprint on the residue lot is 18 ½ feet; and the minimum front setback of the building footprint on Lot 1 is 20 feet. The minimum required front setback is 30 feet.
9. According to §230-43, D, (2), the Second Street frontage is also considered a front setback with a minimum required setback of 30 feet. The BSL line shown on the plan is setback 8 feet from the Second Street right-of-way and the minimum distance from the proposed building footprint to the right-of-way is 17 ½ feet, according to the drawing.
10. According to §230-21, A, (1), each parking space must be 18 feet long; and, according to §230-21, B, 2 ½ spaces are required for each semidetached dwelling. According to §230-20, D, “**...parking spaces must be setback 15 feet from any street line.**” Assuming the street line is the edge of pavement of Pierce Street, each driveway must be 60 feet long, beginning at the edge of paving of Pierce Street. Show a line that represents the edge of paving of Pierce Street and dimension the area designated for parking on each lot. Adjust the length(s) if necessary.
11. Please revise and re-submit the drawing, along with a comment response letter.

Please contact our office if you have any questions or concerns regarding these comments.

Sincerely,



Scott Adkisson,
Project Manager

cc: Erik Retzlaff, P.E., Davis, Bowen & Friedel (e-mail)

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC14-005

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD
THE APPROVAL OF A CONDITIONAL USE FOR
MATTHEW & JENNIFER FEINDT
AT 303 PIERCE STREET
FOR A SINGLE FAMILY SEMIDETACHED DWELLING
IN AN R-2 ZONING DISTRICT
TAX MAP MD-16-183.10-04-012.00**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on July 15, 2014; and,

WHEREAS, by a vote of recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following conditions:

1.

APPROVED: _____
James Burk,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Deputy City Clerk

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC14-006

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD
THE APPROVAL OF A FINAL MINOR SUBDIVISION FOR
MATTHEW & JENNIFER FEINDT
AT 303 PIERCE STREET
FOR A TWO LOT SUBDIVISION
IN AN R-2 ZONING DISTRICT
TAX MAP MD-16-183.10-04-012.00; 0.25 +/- Acres**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on July 15, 2014; and,

WHEREAS, by a vote of _____ recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

1.

APPROVED: _____
James Burk,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Deputy City Clerk

PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the City of Milford Planning Commission and City Council and Public Hearings have been scheduled as indicated.

Ordinance 2014-07

Matt Feindt on behalf of Legal Owner Matthew & Jennifer Fiendt for a Conditional Use

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW A SINGLE FAMILY SEMI-DETACHED DWELLING IN AN R-2 DISTRICT AT 303 PIERCE STREET, MILFORD, DELAWARE. TAX PARCEL MD-16-183.10-04-12.00

Whereas, the City of Milford Planning Commission reviewed the conditional use application at a Public Hearing on May 20, 2014; and

Whereas, the conditional use application will be considered by City Council at their June 23, 2014 meeting; and

Whereas, Ordinance 2014-07 will be reviewed by the Planning Commission on July 15, 2014 and a recommendation made to City Council; and

Whereas, Milford City Council will hold a Public Hearing on July 28, 2014 to allow for public comment and further review of the ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a single family semi-detached dwelling as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance of the permit or the conditional use becomes void.

Section 3. Dates.

Introduction to City Council: 06-23-14

Planning Commission Review & Public Hearing: 07-15-14

City Council Review & Public Hearing: 07-28-14

This ordinance shall take effect and be in force ten days after its adoption.

Ordinance 2014-07 is scheduled for adoption, with or without amendments, at the scheduled City Council Meeting on Monday, July 28, 2014. Should you have questions, please contact Milford City Hall at 302-424-3712 Extension 308.

City of Milford



PUBLIC NOTICE CITY OF MILFORD PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the following applicant has filed a land use application with the Planning Department of the City of Milford:

Matthew and Jennifer Feindt for a Conditional Use to allow a single family semidetached dwelling in an R2 District, a Final Minor Subdivision on 0.25+/- acres at 303 Pierce Street, a reduction in front yard setback to 18.5' on Pierce Street, and a reduction in front yard setback to 17.5' on NE Second Street, Milford, Delaware. Tax Map MD-16-183.10-04-012.00

A Public Hearing is scheduled for Tuesday, July 15, 2014 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

All parties of interest are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should call me at 302.424.3712 extension 308.

By: Christine Crouch
Deputy City Clerk

033114, 061114

LANDS N/F
JOHN R. CORRIVEAU
D-639-237
ZONED R2

LANDS N/F
MICHAEL WAYNE MITCHELL
D-2633-252
ZONED R2

NOTES:

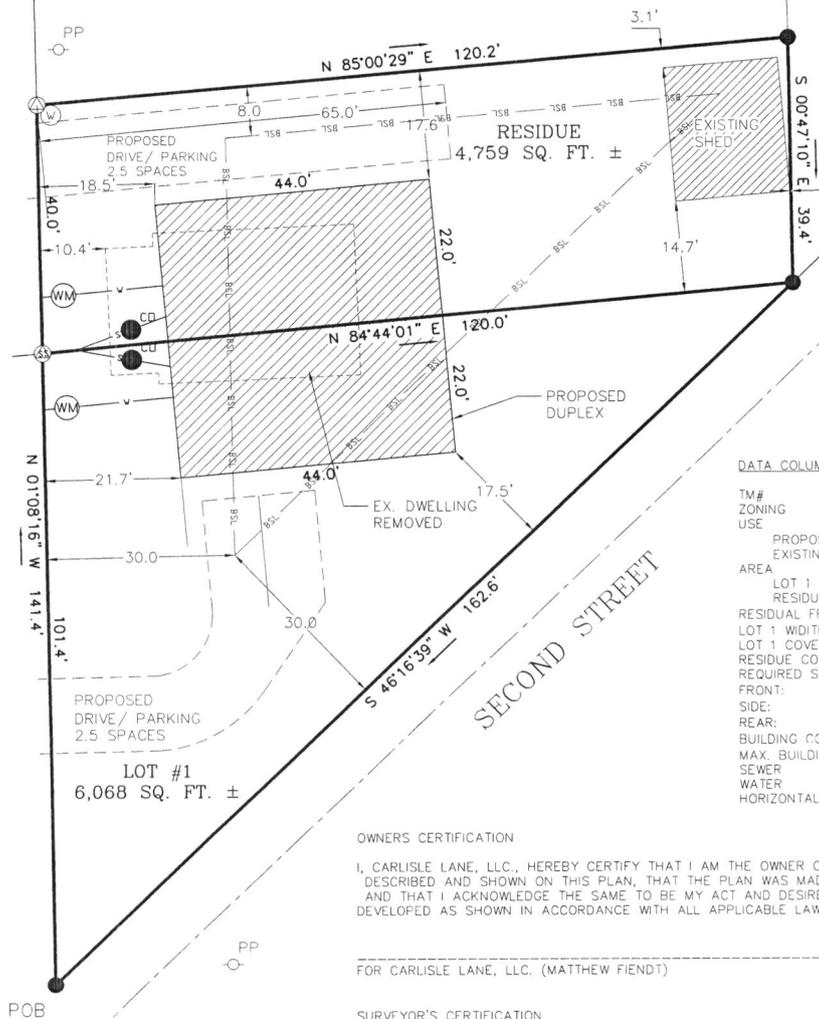
ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

BASIS OF BEARINGS DELAWARE PLANE CO-ORDINATES NAD83.
SURVEY CLASS= SUBURBAN
NO EASEMENTS PROVIDED
TITLE DEED BK.7141 PG.77

SURVEYED BY BOB NASH ASSOCIATES SEPT. 17, 2012.

REVISED MAY 22, 2012. DBF COMMENTS
& NAME REVISION

PIERCE STREET



DATA COLUMN

TM#	MD-16-183.10-04-12.00
ZONING	R-2
USE	
PROPOSED:	RESIDENTIAL(SEMI-DETACHED SEPARATELY OWNED)
EXISTING:	RESIDENTIAL
AREA	
LOT 1	4,759 SQ.FT. ±
RESIDUAL	6,068 SQ.FT. ±
RESIDUAL FRONTAGE:	40.00'
LOT 1 WIDTH:	50' AVERAGE
LOT 1 COVERAGE	30%
RESIDUE COVERAGE	45%
REQUIRED SETBACKS	
FRONT:	30'
SIDE:	8'
REAR:	15'
BUILDING CONSTRUCTION:	TYPE V (000)
MAX. BUILDING HEIGHT:	3 STORIES (35')
SEWER	CITY OF MILFORD
WATER	CITY OF MILFORD
HORIZONTAL DATUM	NAD83

OWNERS CERTIFICATION

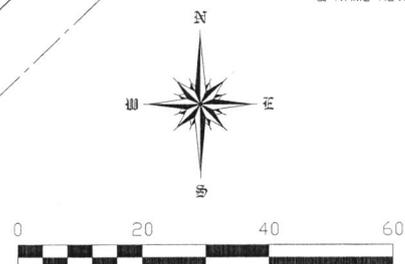
I, CARLISLE LANE, LLC., HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

FOR CARLISLE LANE, LLC. (MATTHEW FIENDT) _____ DATE _____

SURVEYOR'S CERTIFICATION

I, ROBERT W. NASH, P.L.S. #551, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

ROBERT W. NASH, PLS 551 _____ DATE _____



LEGEND

- CAPPED REBAR SET
- IRON PIPE FOUND
- FIRE HYDRANT
- UTILITY POLE
- WATER METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- BUILDING SETBACK LINE
- BOUNDARY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING 6" SANITARY SEWER
- EXISTING WATER* (FIELD VERIFY SIZE & LOCATION)
- PROPOSED 6" SEWER SERVICE
- PROPOSED CLEANOUT
- PROPOSED WATER METER
- PROPOSED WATER VALVE
- PROPOSED 1" WATER SERVICE

Conditional Use Plan and,

Minor Subdivision of Property of:
CARLISLE LANE, LLC.

CITY OF MILFORD		DATE: 6 NOV. 2012
KENT COUNTY, DELAWARE		W.O.: WO 12-9-162
		T.M.: MD-16-183.10-04-12.00
		F.B.: 10-51 <small>DRAWN BY: RWN</small>
<small>Surveying & Land Design</small>		DISK: FIENDT-PIERCE
<small>P.O. Box 280 Milford, DE 19963 (302) 422-7327 P.L.S. 551</small>		SCALE: 1" = 20'

City of Milford



BOARD OF ADJUSTMENT – PUBLIC HEARING *DATE CHANGED

Milford City Hall – Joseph Ronnie Rogers Council Chambers – 201 South Walnut Street, Milford DE 19963
AGENDA

Thursday, May 22, 2014

10:00 A.M.

Call to Order – Chairman Bason

Public Hearings:

Applicant: Zurzolo, Joseph & Karen
Owner: Zurzolo, Joseph & Karen
Location: 919 SE Front Street
Tax Map: 3-30-7.17-108.00
Area of Petition: .23 +/- Acres
Zoning District: R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article VII-Miscellaneous Provisions, §230-42 Fences of the City of Milford Code as described below:
§230-42 Fences. Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level. At the intersection of two or more streets, no hedge, fence or wall over two feet shall be permitted that would interfere with vehicular sight distance as determined by the Code Official.

Applicant is seeking to install a 40' long section of 8' tall fencing, 40' from the roadway.

Applicant: Feindt, Matthew & Jennifer
Owner: Feindt, Matthew & Jennifer
Location: 303 Pierce Street
Tax Map: MD-16-183.10-04-012.00
Area of Petition: .25 +/- Acres
Zoning District: R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, §230-10G(2)Area Regulations of the City of Milford Code as described below:
§230-10G(2) For single-family semidetached dwellings separately owned:

- (a) Minimum corner lot area shall be 6500 square feet.
- (e) Minimum front building setback line shall be 30 feet.

Applicant is seeking a corner lot area of 6068 square feet.

Applicant is seeking a minimum front building setback line of 18.5 feet.

Adjourn

032714, 033114, *050714 date changed from 05/08/14



BOARD OF ADJUSTMENT – PUBLIC HEARING

Milford City Hall – Joseph Ronnie Rogers Council Chambers – 201 South Walnut Street, Milford DE 19963

AGENDA

Thursday, September 11, 2014

10:00 A.M.

Call to Order – Chairman Bason

Public Hearings:

Applicant:	Feindt, Matthew & Jennifer
Owner:	Feindt, Matthew & Jennifer
Location:	303 Pierce Street
Tax Map:	MD-16-183.10-04-012.00
Area of Petition:	.25 +/- Acres
Zoning District:	R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, §230-10G(2)Area Regulations of the City of Milford Code as described below:
§230-10G(2) For single-family semidetached dwellings separately owned:

- (b) Maximum lot coverage shall be 30%
- (c) Minimum lot width shall be 40 feet.

Applicant is seeking a maximum lot coverage of 45%.

Applicant is seeking a lot width of 39.2 feet.

Adjourn

080114

PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the City of Milford Planning Commission and City Council and Public Hearings have been scheduled as indicated below:

Ordinance 2014-07

Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt for a Conditional Use

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW A SINGLE FAMILY SEMI-DETACHED DWELLING IN AN R-2 DISTRICT AT 303 PIERCE STREET, MILFORD, DELAWARE. TAX PARCEL MD-16-183.10-04-12.00

WHEREAS, the City of Milford Planning Commission did hold a public hearing on July 19, 2014, in accordance with the requirements set forth in the City of Milford Zoning Code to consider the Conditional Use Application and Ordinance 2014-07; and

WHEREAS, after reviewing all facts and testimony presented at said hearing, the Planning Commission did recommend that City Council approve the application and ordinance; and

WHEREAS, the Board of Adjustment held two hearings on May 20, 2014 and September 11, 2014 during which time variances for setback, lot size, lot coverage and lot width requirements were granted; and

WHEREAS, on October 27, 2014, a second public hearing was held at which time the City Council reviewed the Conditional Use application and Ordinance 2014-07, along with the recommendations of the Planning Commission and city staff; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a single family semi-detached dwelling in an R-2 district as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance by City Council, Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt is hereby granted a Conditional Use Permit at Tax Map MD-16-183.10-04-12.00, in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance of the permit or the conditional use becomes void.

Section 3. Dates.

Introduction to City Council: 10-13-14

City Council Review & Public Hearing: 10-27-14

This ordinance shall take effect and be in force ten days after its adoption.



Downtown Development District Grant – Summary

Grants are available for up to 20 percent of Qualified Real Property Investments in excess of the Minimum Qualified Investment Threshold of \$25,000. The building or facility use must be commercial, industrial, residential, or mixed-use. Qualified Real Property Investments are capital costs, incurred after District designation, necessary for the rehabilitation or expansion of an existing structure, or new construction.

Small and Large Project Set-Asides

Small Project Set-Aside of \$1,000,000

Investors are eligible for this set-aside for total Qualified Real Property Investments less than \$250,000.

Within 45 days of completion, Investor submits as part of the application:

- Placed in service documentation
- Confirmation of location and conformance with District Plan
- Type of District Investor – owner, tenant-owner consent, multiple owners, developer
- Proof of payment of Qualified Real Property Investments

DSHA distributes funds within 60 days of receipt.

Large Project Pool of \$5,650,000

Establishes a Reservation process based on each General Assembly appropriation to provide:

- Qualified District Investors assurance they will be funded once successfully completed.
- Each District reasonable access to District Grant funds.
- An opportunity to assess demand and make modifications to ensure program’s success.

Applications for a Reservation are accepted once a year and include:

- Project description
- Type of District Investor – owner, tenant-owner consent, multiple owners, developer
- Confirmation of location and conformance with District Plan.
- Detailed budget with expected Qualified Real Property Investments clearly supported
- Proof of applicant readiness to initiate and complete the project within three years

Each District will have reasonable access to District Grant funds via a District Set Aside. Once each District Set Aside is met, projects will receive Reservations from the remaining pool of funds.

If Reservation requests **exceed** funding allocated, ***then*** requests that address one or more of the following priorities will receive special consideration:

<ul style="list-style-type: none"> • <i>Identified as a Key Priority Project in District Plan</i> • <i>Creates permanent jobs</i> • <i>Provides mixed-use development</i> • <i>Adaptively reuses existing structures</i> 	<ul style="list-style-type: none"> • <i>Expands housing opportunities</i> • <i>Protects historic resources</i> • <i>Promotes sustainable practices</i>
--	---

Grant Fund Disbursement requests are due with 45 days of being placed in placed in service.

DSHA will conduct a compliance review of the final project requesting Grant Fund Disbursement. This on-site review will ensure the final project conforms to project scope outlined in the Reservation Agreement.

DSHA distributes funds within 60 days of receipt.



Eligible Expenses and Activities

Qualified Real Property Investments includes expenditures, incurred after District designation, that are properly chargeable to a capital account and are necessary for the rehabilitation or expansion of an existing structure, or new construction. Examples include:

- Exterior, interior, structural, mechanical or electrical improvements
- Excavations
- Grading and paving
- Installing driveways
- Landscaping or land improvements
- Demolition

Restrictions

The following types of projects and activities are not eligible for a District Grant:

- Adult bookstores, adult video shops, other adult entertainment facilities, check cashing facility, gambling facilities, liquor stores, massage parlors, pawn or gun shops, tanning salons, tattoo parlors.
- Soft Costs, including:

Appraisal, architectural, engineering, bids or interior design fees	Legal, accounting, realtor, sales, marketing or other professional fees	Permits, user fees, zoning fees, impact fees, inspection fees
Land or building acquisition	Loan fees, capitalized interest	Utility hookup or access fees
Well, septic or sewer systems	Machinery, tools or other equipment	Temporary facilities
Bonding, closing costs, insurance	Blinds or other window treatments	Furnishings
Outbuildings (if ancillary to function of the main building)	Signage, signs or roads	Rent loss

Investment Range

District Grants are calculated at 20 percent of the Qualified Real Property Investment in excess of the Minimum Qualified Investment Threshold up to \$500,000 per building or facility. District Grants in excess of \$500,000 will be determined according to the following investment ranges for a maximum of \$1,000,000.

Investment Range	Grant Amount	Investment Range	Grant Amount
\$2,525,000 - \$3,500,000	\$500,000	\$12,500,001 - \$13,500,000	\$785,000
\$3,500,501 - \$4,500,000	\$528,000	\$13,500,001 - \$14,500,000	\$814,000
\$4,500,001 - \$5,500,000	\$557,000	\$14,500,001 - \$15,500,000	\$843,000
\$5,500,001 - \$6,500,000	\$585,000	\$15,500,001 - \$16,500,000	\$871,000
\$6,500,001 - \$7,500,000	\$614,000	\$16,500,001 - \$17,500,000	\$900,000
\$7,500,001 - \$8,500,000	\$642,000	\$17,500,001 - \$18,500,000	\$928,000
\$8,500,001 - \$9,500,000	\$671,000	\$18,500,001 - \$19,500,000	\$957,000
\$9,500,001 - \$10,500,000	\$700,000	\$19,500,001 - \$20,000,000	\$986,000
\$10,500,001 - \$11,500,000	\$728,000	\$20,000,001 and over	\$1,000,000
\$11,500,001 - \$12,500,000	\$757,000		



Delaware State Housing Authority

District Grant for Developers and Investors

Delaware State Housing Authority
18 The Green ☎ Dover, DE 19901
(302) 739-4263 ☎ (888) 363-8808
www.DESateHousing.com



District Grant

Key incentive to support and *further encourage* investment within designated Districts.

- Administered by DSHA
- Encourages a variety of projects
- Ensures investors in all Districts throughout Delaware have reasonable access to funds
- Can be used with State/Federal Historic Tax Credits





District Grant Summary

Grant is available to investors undertaking rehabilitation, expansion, or new construction projects within a District.

- Building/facility must be commercial, industrial, residential, or mixed-use
- Minimum Qualified Investment Threshold - \$25,000
- Grant is up to 20% of Qualified Real Property Investments (QRPI) over Threshold
- Activity must conform to District Plan





Eligible Applicants

A Qualified District Investor is any entity or individual capitalizing on the costs associated with real property investment:

- Property Owner
 - Occupant or non-occupant
- One of multiple owners
 - Must coordinate grant request with all other owners of the property
- Tenant
 - Tenants with capital lease may apply with the owner's permission
- Developer





Qualified Real Property Investments

Eligible Expenses and Activities

- Expenditures chargeable to a capital account *necessary* for expansion, rehabilitation or new construction
- Hard construction costs
- Structurally part of the building or facility

EXAMPLE:

Exterior, interior, structural, mechanical or electrical activities





Two Set-Asides

Small Project Set-Aside – FY2015 \$1,000,000

- Available to investors whose total Qualified Real Property Investment does not exceed \$250,000 per building/facility.
- Application submitted after project is complete.

Large Project Set-Aside – FY2015 \$5,650,000

- Allocated through a Reservation process prior to beginning project.
- Assures investors their projects will be funded once successfully completed.



Small Project Set-Aside

Within 45 days of completion, Investor submits:

- **Placed in Service** documentation
- Confirmation of location/conformance with District Plan
- Type of District Investor
- Documentation of Qualified Real Property Investments incurred **after** District designation

DSHA confirms information provided is accurate and work compliant with Grant Program

DSHA distributes funds within 60 days





Placed in Service

- Date the final approved **Certificate of Occupancy (CO)** is issued for work done to the respective building or facility.
OR
- Date the final approved **building inspection** is issued for the work done to the building or facility.
OR
- When a project does not require permits, documentation by the local building official stating that the project is complete.

Important that Investor apply with the final placed in service document required by the locality!





Small Project Set-Aside

EXAMPLE:

Investor spends \$300,000 to expand an existing commercial building. \$230,000 of the investment is chargeable to a capital account.

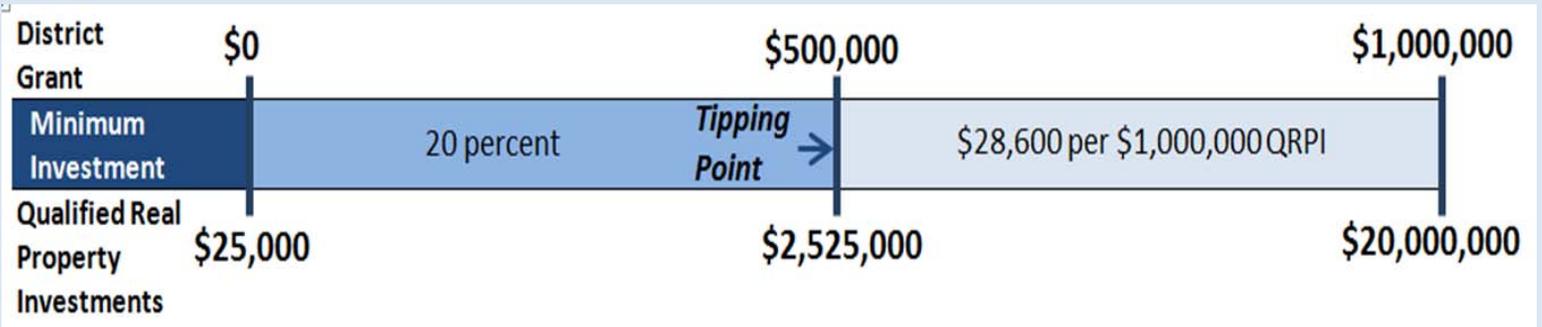
Qualified Real Property Investment	\$230,000
Minimum Qualified Investment Threshold	<u>- \$25,000</u>
Grant Eligible	\$205,000
	<u>X .20</u>
GRANT	\$41,000





Large Project Set-Aside

Grant Range



- *Grant is calculated at 20% of the Qualified Real Property Investments for grants up to \$500,000*
Reflects a \$2,525,000 investment
- *District Grants over \$500,000 calculated at lower rate*
- *Grant limit \$1,000,000*
- *Capped per building/facility over a 5-consecutive year term*





Large Project Set-Aside

Applications for a Reservation are accepted once a year.

All projects must meet **threshold criteria** for consideration

- Confirmation of location within District
- Demonstration that project conforms with District Plan
- Applicant readiness to begin and finish project in three years





Large Project Set-Aside

When Reservation applications exceed the funding allocated, then applications that address one or more of the following priorities will receive special consideration.

- *Identified as a Key Priority Project in District Plan*
- *Creates permanent jobs*
- *Provides mixed-use development*
- *Expands housing opportunities*
- *Protects historic resources*
- *Adaptively reuses existing structures*
- *Promotes sustainable practices*





District Set-Aside

Created to ensure each designated District reasonable access to District Grant funds.

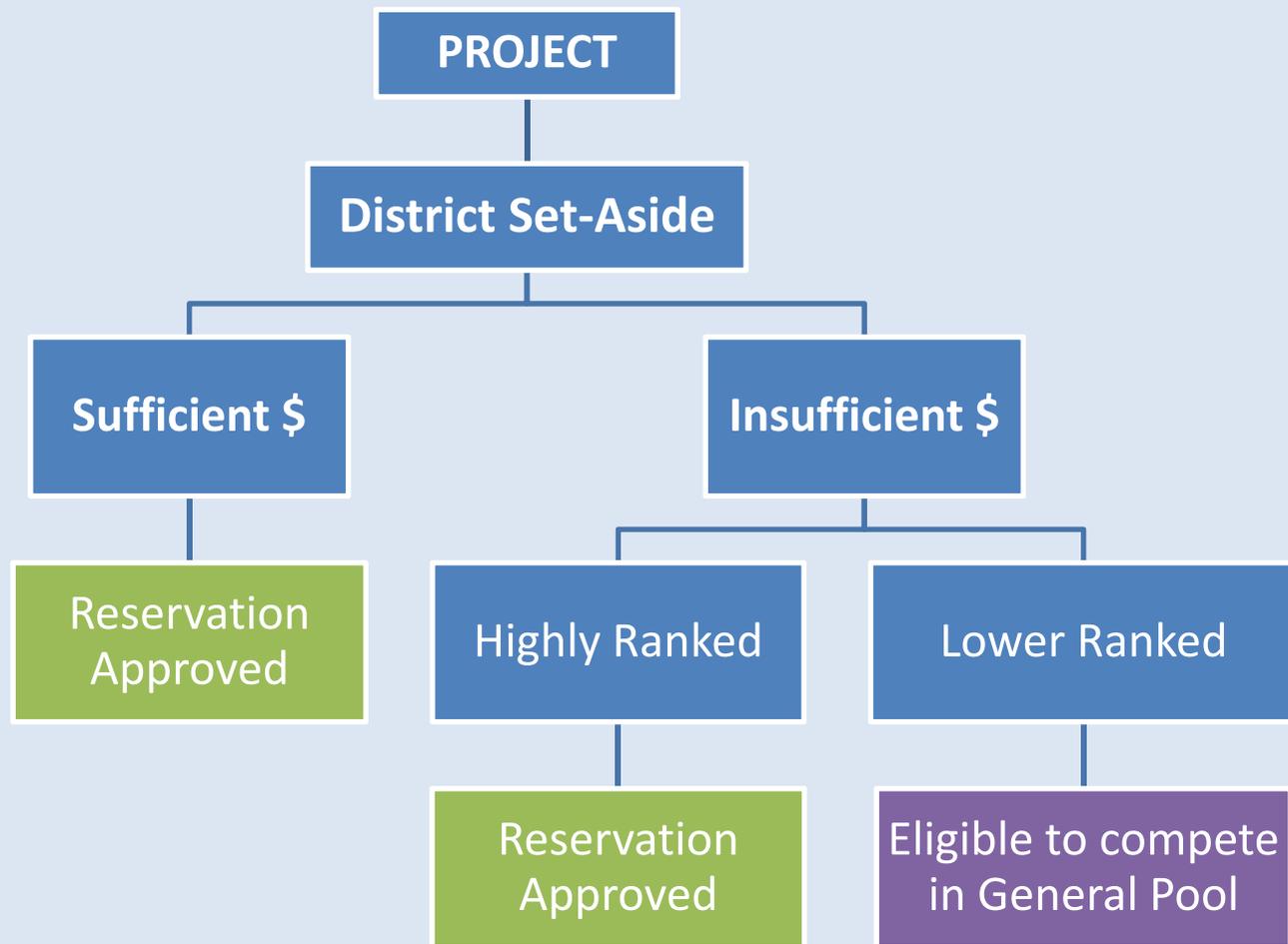
- Funds evenly divided between District Set-Aside and General Pool.
- Projects located in same District are ranked for that District's Set-Aside.
- Highest ranked projects receive funds from that District's Set-Aside.
- Once District Set-Aside funds are allocated, lower ranked projects are ranked with other projects in General Pool.





Large Project Set-Aside

Projects where *Qualified Real Property Investments* meet threshold criteria compete in District Set-Aside.





Large Project Set-Aside

Grant Fund Disbursement

- Requests are due within 45 days of final project being placed in service
- Includes an independent CPA Attestation of investments
- DSHA will conduct compliance review of the final project – including site visit - to ensure final project conforms to project scope outlined in Reservation Agreement
- Grant funds are disbursed within 60 days





Large Project Examples

EXAMPLES:

	<u>Rehab</u>	<u>New Construction</u>
Investment	\$600,000	\$10,000,000
Threshold	<u>-\$25,000</u>	<u>-\$25,000</u>
Grant Eligible	\$575,000	\$9,975,000
	<u>X .20</u>	<i>reference Investment Range</i>
GRANT	\$115,000	\$700,000



Investment Range	Grant Amount
\$9,500,001 - \$10,500,000	\$700,000



Grant Timeline

FY 15 (first year)

(Approximate Dates Based on District Designation)

March 15

- Reservation Application Deadline

May 15

- Reservations Announced

FY 16 (and future years)

Sept 1

- Reservation Application Deadline

Nov 1

- Reservations Announced



Upcoming Public Meetings

New Castle County

- 10:30 A.M., Friday, October 10, 2014.
Carvel State Building, 2nd Floor Auditorium, 820 N. French Street, Wilmington, DE 19801.

Kent County

- 2:00 P.M., Monday, October 13, 2014.
Kent County Administration Building, Room 220, 555 South Bay Road, Dover, DE 19901.

Sussex County

- 1:30 P.M., Wednesday, October 15, 2014.
CHEER Community Center, 20520 Sand Hill Road, Georgetown, DE 19947.



For More Information...

visit

<http://www.destatehousing.com/FormsAndInformation/ddd.php>

or contact

Karen E. Horton

Delaware State Housing Authority

18 The Green

Dover, Delaware 19901

Telephone: 739-4263

Toll Free: 888-363-8808

E-mail: KarenH@destatehousing.com



ORDINANCE 2014-13

AN ORDINANCE OF THE CITY OF MILFORD PROHIBITING SMOKING IN CITY PARKS, BUILDINGS AND FACILITIES, SPECIFYING REQUIRED SIGNAGE, PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a new chapter in the Code of the City of Milford is being created to prohibit smoking in all City parks, buildings and facilities; and

WHEREAS City parks are intended for the healthy enjoyment of all citizens, including children and youth; and

WHEREAS smoking and tobacco use in parks can result in litter of cigarette butts, cigar butts and other tobacco-related waste which can cause environmental degradation and pose a health risk to children and animals; and

WHEREAS studies have shown that children and youth exposed to smoking and tobacco use are more likely to smoke when they get older; and

WHEREAS many parks in the City contain trees and plants that can be combustible, particularly in the dry summer months and pose an increased risk of fire; and

WHEREAS, on September 23, 2014, the Community Affairs Committee and Parks and Recreation Committee recommended a smoking ban in City Parks; and

WHEREAS, City Council has previously taken formal action by voting on a policy which prohibits smoking in City Buildings and Facilities.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 190, to be entitled Smoking Prohibited in City Parks, Buildings and Facilities to read as follows:

Section 2. CHAPTER 190. SMOKING PROHIBITED IN CITY PARKS, BUILDINGS AND FACILITIES.

§ 190-1 Definition.

§ 190-2 Smoking prohibited at all times of year

§ 190-3 Conditions.

§ 190-4 Penalties.

§ 190-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Parks and Recreation Director: City of Milford Parks and Recreation Director and any employee or designee thereof.

Smoking: The combustion in any cigar, cigarette, pipe, or any other similar article or any device, of tobacco or other combustible substance.

§ 190-2 Smoking prohibited.

(A) Parks.

(1) Smoking shall be prohibited at all times in all City of Milford public parks and playgrounds, including, without limitation:

- a. Banneker Park
- b. Bicentennial Park
- c. Marshall Pond Park
- d. Marvel Square Park
- e. Memorial Park South
- f. Tony Silicato Memorial Park

(B) Smoking is prohibited within a 25-foot radius of the perimeter of all parks and playground areas owned by the city and open to the public.

(C) Smoking is prohibited in a building or facility owned, leased or operated by the City of Milford.

§ 190-3 Park Conditions.

A. At the entrance(s) of each designated park, there shall be appropriate signage designating the prohibition.

B. No person shall be prosecuted for violation of this chapter unless signs, readily visible to the public, are posted in appropriate places at the entrance(s) to those areas where smoking is prohibited, indicating smoking is prohibited and that violations are subject to penalties.

§ 190-4 Enforcement and Penalties.

The Milford Police Department, City of Milford Code Enforcement Officials and Parks and Recreation Director shall enforce this chapter.

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$100. For a second or subsequent violation, any person, upon conviction, shall be subject to a fine of not less than \$50 nor more than \$200. Each day that a violation of any of the provisions of this chapter continues shall be deemed and taken to be a separate and distinct violation.

Any city employee authorized to enforce this chapter, as provided herein, has the authority to eject from a park facility any person in violation of this chapter.

Section 3. Dates.
Review: 10/27/2014
Introduction: 11/10/2014
Adoption: 11/24/2014 (Projected)



**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
MONTHLY DINNER MEETING
THE DUNCAN CENTER
500 W. LOOCKERMAN STREET, 5TH FLOOR, DOVER**

THURSDAY, NOVEMBER 13, 2014

REGISTRATION/SOCIAL HOUR: 5:30 P.M. – 6:15 P.M.

DINNER: 6:30 P.M. – 7:15 P.M.

PROGRAM: 7:15 P.M.

PROGRAM:

The University of Delaware Institute of Public Administration is working to promote a plan for Complete Communities in Delaware. This is a resource for all towns and cities, and is a demonstration of a valuable online program. A Complete Community embraces smart growth principles. Tools in this program are designed to engage and educate local leaders on strategies to plan for and manage growth, better design communities, spur reinvestment in older neighborhoods, protect resources, understand links between land use and transportation planning, promote economic development, and combat sprawl. Be sure to bring your managers and planning professionals to this presentation.

Attached is a description of the presentation.

Next Meeting: Thursday, January 22, 2015

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN NOVEMBER 6, 2014

Mail To/Make Payable to: Delaware League of Local Governments • P.O. Box 484 • Dover, DE 19903-0484
Phone: 302-678-0991 • Email: cfluft@udel.edu

_____ will have _____ attendees
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

<u>Name</u>	<u>Title</u>
_____	_____
&	_____
_____	_____
&	_____
_____	_____
&	_____
_____	_____
&	_____

- () Check enclosed for () dinners @ \$30 each
- () Please direct bill the Municipality/County/Agency
- () Payment will be made at the door
- () Enclosed for () dinners @ \$30 each



Rural Development

United States Department of Agriculture



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Business and Cooperative Assistance

RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT (REDLG)

The REDLG program provides funding to rural projects through local utility organizations. Under the REDLoan program, USDA provides zero interest loans to local utilities which they, in turn, pass through to local businesses (ultimate recipients) for projects that will create and retain employment in rural areas. The ultimate recipients repay the lending utility directly. The utility is responsible for repayment to the Agency. Under the REDGrant program, USDA provides grant funds to local utility organizations which use the funding to establish revolving loan funds. Loans are made from the revolving loan fund to projects that will create or retain rural jobs. When the revolving loan fund is terminated, the grant is repaid to the Agency.

Who is eligible?

To receive funding under the REDLG program (which will be forwarded to selected eligible projects) an entity must:

- Have borrowed and repaid or pre-paid an insured, direct, or guaranteed loan received under the Rural Electrification Act or,
- Be a not-for-profit utility that is eligible to receive assistance from the Rural Development Electric or Telecommunication Program
- Be a current Rural Development Electric or Telecommunication Programs Borrower

What types of projects are eligible?

REDLG grantees and borrowers pass the funding on to eligible projects. Examples of eligible projects include:

- Capitalization of revolving loan funds
- Technical assistance in conjunction with projects funded under a zero interest REDLoan
- Business Incubators
- Community Development Assistance to non-profits and public bodies (particularly job creation or enhancement)
- Facilities and equipment for education and training for rural residents to facilitate economic development
- Facilities and equipment for medical care to rural residents
- Telecommunications/computer networks for distance learning or long distance medical care

How to Apply

To apply for funding for the REDLG program, please contact your [Rural Development State Office](#).

Availability of Funds

During FY 2014, approximately \$91 million is available for loans and \$10 million for grants.

[2014 Notice of Funds Availability](#)

Last Modified: 10/10/2014



City of Elizabeth City Downtown Improvement Grant Program Fiscal Year 2013-2014

Overview

The City of Elizabeth City Downtown Improvement Grant (DIG) Program is a part of the City's goal to encourage economic development; and it is designed to address safety issues and improve the aesthetics of the downtown district. The downtown district is generally defined as the area between Road Street and the Pasquotank River and Elizabeth Street and Ehringhaus Street.

The DIG grant program is sponsored by, funded and overseen by the Elizabeth City Council, which may amend, adjust or eliminate the program at any time. The grant award decisions of the Elizabeth City Council are final.

Scope

The Elizabeth City Council has allocated \$80,000.00 for the Elizabeth City Downtown Improvement Grant Program for Fiscal Year 2013-2014. Grants are competitive and will be awarded on a first come/first served basis until funds are depleted.

Applications will be accepted from December 1, 2013 to May 10, 2014 and must be received by City staff by 5 p.m. on the 23rd of each month in order to be listed on the next month's agenda for consideration. Applicants whose grant is denied may reapply in thirty (30) days. If an applicant is successful in receiving a grant, he or she may not reapply for the same type of grant for the same property until twelve (12) months from the date of project completion, which is defined as the date of final approval by the Building Inspector.

Grants are to be used only for commercial property. If the property is zoned for both residential and commercial use, grant funds and the required matching funds may only be used for the commercial property portion of the property.

Work must not commence on any projects seeking grant funds until the grant has been approved by the Elizabeth City Council.

Building/business owners are responsible for all necessary permits, proper zoning and compliance with the City of Elizabeth City Unified Development Ordinance (UDO), which includes Historic Preservation Commission (HPC) review. HPC approval must be received before a grant application is submitted to the City Council.

Tenants must have authorization from the property owner in order to apply for a grant and for the improvements proposed for completion. If a property receives a grant and the property is sold within thirty-six (36) months of the completion of the grant, the amount of the grant must be repaid to the City of Elizabeth City by the property owner.

Program Criteria

Eligible Projects

- Life Safety Code compliance renovations (permanent)
- Commercial interior remodeling improvements (permanent)
- Commercial site (exterior) improvements
- Improvements for compliance with Americans with Disabilities Act (ADA) for commercial properties
- Installation, repair, and replacement of exit (exterior) doors and hardware
- Weatherization of building
- Repair, replacement or addition of exterior shutters and awnings/canopies
- Repair, replacement or purchase of signage
- Repair/replacement or installation of interior/exterior stairs, porches, railings and exit facilities
- Repair or rebuilding of interior/exterior walls, including cleaning, sealing, tuck pointing and painting
- Repair or replacement of frames, sills, glazing, replacement of glass and installation of new windows
- Repair or replacement of flooring
- Installation of permanently affixed landscaping (such as stone or brick planters)
- Installation, repair or replacement of exterior lighting
- Mechanical work, including wiring, plumbing, insulation, mechanical systems/climate control
- Payment of permits and fees

Ineligible Projects

- Structural additions
- Residential structures
- Real estate or building purchases
- Furnishings and equipment purchases
- Working capital
- Inventory financing
- Title reports and legal fees
- Professional fees such as architects, engineers and attorneys
- Labor provided by the applicant or tenant of the building
- Extermination of insects, rodents, vermin and other pests
- Expenses incurred prior to grant application approval
- Landscaping
- Interior cleaning, except that required as prep work for other eligible improvements

Projects must support new and expanded business development or the retention of jobs in the downtown area.

Work must commence within thirty (30) days of the grant approval and be completed within ninety (90) days from the date of approval, absent extenuating circumstances as approved by the City Council.

Upon grant approval, applicant shall display a sign (provided by the City of Elizabeth City) indicating participation in the DIG grant program. The sign must be displayed either on the exterior or in the front window of the building for a period of at least thirty (30) days after the completion of the project.

All projects are reimbursable grants. Recipients must spend matching funds first, and will be reimbursed for up to one-half of the grant funds at the time the Building Inspector determines that the project is at the pre-approved project milestone plan of seventy-five percent (75%) completion. Proof of matching funds being expended will be required for grant funds to be reimbursed. Receipts for materials, supplies and labor should be provided and itemized. Handwritten invoices/receipts are discouraged and will require confirmation.

Photos of the project progression must be submitted to the Elizabeth City Planning and Community Development Department every thirty (30) days with the first submission being within ten (10) days after the project start date. Photos of the project shall be provided to the Elizabeth City Planning and Community Development Department at the time final reimbursement is requested.

Bids must be provided by licensed contractors.

All grant award funds are dollar for dollar matching grants. The maximum annual grant any business or property owner may receive per property is \$20,000.00. Examples are:

- Applicant Match: \$2,500 Grant Award: \$2,500
- Applicant Match: \$20,000 Grant Award: \$20,000

The minimum grant award shall be \$2,500.

Application Requirements

In order to be considered for a grant, a complete application must be submitted to the City of Elizabeth City Planning and Community Development Department, 3rd Floor, A. P. Midgett Building, 302 E. Colonial Avenue, Elizabeth City, NC 27909. A complete application shall include:

- Application
- Proof of Commercial Lease (if applicant is not property owner)
- Before photos, preferably in digital format
- Itemized bids from at least two (2) licensed contractors, including supplier cost estimates with at least one (1) local bid. (A bid is considered local if provided by a contractor with a business office located in Pasquotank County.)
- Project timetable
- Inspection reports from the City of Elizabeth City Inspections Department and Fire Marshal, if applicable

- Approval by the Historic Preservation Commission for the project, if applicable
- Approval from property owner (if applicant is not property owner)

New Businesses must also provide:

- Copy of signed lease agreement
- Verification of Commercial Zoning
- Copy of Business Plan
- City of Elizabeth City Privilege License

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 13, 2014

A Meeting of the Economic Development Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, October 13, 2014.

PRESIDING: Chairman Garrett Grier III

IN ATTENDANCE: Mayor Bryan Shupe

Committee Members-Councilmen Chris Mergner and James Starling, Sr.

City Clerk/Recorder Terri Hudson

Chairman Grier called the meeting to order at 6:03 p.m.

USDA Revolving Fund Loan

Chairman Grier reported the city has an opportunity to apply for a \$300,000 grant in which the city must provide a match of \$60,000. The grant is through the USDA Rural Economic Development Loan and Grant Program (REDLG). The city would then have the ability to lend out \$360,000 to small businesses. Guidelines and perimeters will be needed though Mayor Shupe and he feel those rules can be established at a later date.

He advised that Elizabeth City, North Carolina had a similar program called the Elizabeth City Downtown Improvement Grant Program. That was also a competitive program whose awards were made on a first serve basis until the funds were depleted.

Chairman Grier believes we will be able to mirror their program as we establish our criteria.

Mayor Shupe advised that he and the city manager met USDA Rural Development State Director for Delaware and Maryland Bill McGowan. Under the REDLG program, the USDA will provide \$300,000. With the city's match of \$60,000, \$360,000 would be available for loans to small businesses for start-up and/or expansion. Interest on the loan that would be charged to the business and must be below the prime rate.

Specific perimeters will need to be established and potential borrowers must meet that criteria. He feels a good objective would be the type of business the city wants to attract or the type of business that may be beneficial to the overall growth of the city.

One of Mayor Shupe's recommendations would be to fund restaurants in the downtown area. He said residents are continually asking why the businesses in downtown Milford are not open seven days a week. He believes the answer is for a restaurant to be open seven days a week. That would bring people or foot traffic downtown on weekends, including Sundays. It would then encourage other businesses, including his, to open the additional days and/or hours.

Mayor Shupe said that may be a perimeter which he will discuss at a later date.

He said in order to apply for the REDLG grant, the city must commit \$60,000 which he feels can be paid from the economic development fund. Governor Markell has appropriated \$7 million in Delaware Downtown Designation grants. The committee agreeing with his recommendation also makes the city eligible for that grant

through the State of Delaware. The city is already in the process of applying for that grant. One of the perimeters of this grant will be to create a new incentive for businesses.

Mr. Grier asked the mayor to clarify 'new' incentives; Mayor Shupe explained they must be new at the time the application is submitted. We must also provide proof the city is committed to the new incentive.

Mr. Grier recalled the former city manager and the economic development committee discussing the possibility of providing loans to small businesses. However, that was never pursued because of the criteria in addition to the question of where the money would come from. At that time, there was no economic development fund though that was recently created.

Mr. Grier is hoping that the economic development director will be on board within the next month or so to help with these projects.

He feels the \$300,000 grant is vital considering the city only has to provide \$60,000.

Mayor Shupe emphasized that the funds will be available as long as the city continues to offer the support to small businesses. He said a good example would be to provide the new owners of the Warren Furniture Building money for renovations.

Mr. Grier confirmed it could be used for the expansion of a current business; Mayor Shupe stated yes.

Mr. Mergner asked what happens when the money runs out; Mayor Shupe said that is why a percentage should be added. As the city lends the money, we will earn some back. Mr. Mergner feels it is important to recoup our \$60,000.

The mayor said the intent is as the money is paid back, another business can apply for it. He would not recommend lending \$300,000 to one business; instead use smaller increments for more businesses. He emphasized the need to target certain types of businesses and to encourage job growth.

He advised that former City Planner Gary Norris did this in another city and has been very helpful with the application. The intent is for him to sit down with the committee as they review the details and criteria that should apply.

Mr. Starling asked if this would be a one shot deal per business; Mayor Shupe stated yes. He explained the USDA representative informed the mayor that a lot of small municipalities have taken advantage of this program and they have never had a problem with businesses paying back the loan.

Mr. Grier feels it is a big incentive and any bank loan will be 4.75% to 6%. SBA loans are approximately 3%. He feels if the city is lending this at 2.5%, the city can still make a little bit of money. In the meantime, this will be a huge help to a business who is trying to start up or expand.

Mayor Shupe feels that while the perimeters are established, this could involve a small loan the bank is unwilling to provide. For example, someone may need \$4,000 to expand but they are unable to qualify over the next two years.

Mr. Mergner emphasized the need to get some additional information on other towns that have done this.

Mr. Grier feels this would be a great first project for the economic development/planner. They could create a

rough draft for the committee to critique.

Mayor Shupe said that one of the restrictions prohibits art purposes so it cannot be used for a program the City of Milford is starting and it has to be a private business. He pointed out that in theory, that money will be there as people make payments and account will continue to replenish itself.

He advised that the only one city in each county will be provided with the grant. This year, the Downtown Designation is a pilot program. If Milford does not receive that funding this year, we can reapply next year.

Mr. Grier feels we need to jump on the USDA grants and referenced the infrastructure grant the city is receiving. Though we often have to provide matching funds, only \$60,000 is needed and in turn, we will receive \$300,000.

Mr. Starling moved to proceed with the application for the \$300,000 Economic Development Loan and Grant Program (REDLG), seconded by Mr. Mergner. Motion carried.

Mr. Starling moved to designate \$60,000 from the Economic Development fund to be used as a match for the Rural Economic Development Loan and Grant Program (REDLG), seconded by Mr. Mergner. Motion carried.

City Marketing Options

Mayor Shupe advised that at the Community Affairs and Parks Recreation joint committee meeting, there were several options considered. It was agreed it would be great for the different departments of the city to market itself. Whether television, newspapers or the internet is used, the recommendation was to pursue an ongoing marketing effort for each department.

For example, the parks and recreation department could use the spot to encourage more registrations. City hall could use it to promote an upcoming election and the electric department could inform customers of an issue in their department.

The mayor is familiar with the election notices published in the local newspapers, but feels like something like this would benefit the parks and recreation department by informing our residents of the programs available and even market the individual parks and playgrounds. He believes this is a way to entice people to visit our downtown area.

Mr. Mergner pointed out that parks and recreation is a profit center and be operated like a profit center. Marketing tools are needed to get the message out. His children are still involved in the parks and recreation programs and he does not know what programs are available unless he drives by and sees a sign that indicates sign ups are scheduled. He is fortunate to be on the e-mail distribution list but feels there is not much campaigning done to promote their programs. A flyer is passed out in the schools and he can only hope his child brings it home.

Mr. Mergner feels there should be more of an effort to get this information out. He feels we have a nice niche for what parks and recreation can offer but we need to better communicate.

Mayor Shupe agreed and referenced the opening of Goat Island and though there were a few council members there, an advertising campaign would have brought a lot more people to that event.

Mr. Mergner agreed adding that it should be done through different medias including e-mail, telephone, radio as well as facebook and twitter. He feels this is a different area of how we are made up in demographics, gender

and many are not familiar with the internet, texting, etc. But we also have younger people that are tweeting and are on facebook. He stressed the importance of using all those media outlets.

Mayor Shupe recommends we create a subcommittee that focuses on those efforts. Besides the publication that can be costly, they can also concentrate on the social medias that are free. In addition, we can add something to our utility bills on a regular basis. We would have a list of events for the entire year and a schedule for providing that information in advance of the event. His goal is to be proactive and engage the public as well.

Mr. Mergner noted that his company looks at the entire year and decides what to promote each quarter. Once that is established, they determine how to communicate it. He feels that planning it out in that manner will help the budgeting factor.

Mayor Shupe explained that this was not put on the economic development committee agenda to expect the economic development fund pay for it. In his opinion, it should be paid by every department across the board.

Mr. Grier asked the city clerk where the money comes from for publications and asked if it is paid from general reserves; Mrs. Hudson explained that city hall has an advertising line item which is strictly for city hall. Mr. Grier asked if the other departments have that line item. Mrs. Hudson believes parks and recreation does but is unsure if the other departments do.

Mayor Shupe advised that the police department created a facebook page a few months ago which has been well received. They post a number of things, including things going on at the schools, wanted persons, etc. He was really impressed with their 'ask a cop' night when they were answering live questions during a specific period of time. He noticed that most people were not complaining, but in general, were asking about things going on, projects, etc. He feels they set a good example for what can be done for the rest of the city.

Mrs. Hudson advised that Christine Crouch is working on a facebook page which will hopefully be up and running when our new website is launched. Mayor Shupe is very impressed with the new website design which looks more like a tourism site versus a government site. He feels the pictures will entice visitors to come to Milford.

He reported that they also just finished the Community Videos which will be added to the new website. They could also be utilized for marketing as well. He feels they have the potential of attracting outside businesses to come to Milford.

Mr. Grier referenced the value of advertising on television versus the cost. There are different packages and he has one for his carwashes that starts at \$950 a month. He feels that is inexpensive considering it provides a month-long advertising campaign. That would easily promote our riverwalk festival by reaching out to tens of thousands of people versus only Milford residents.

Mayor Shupe referenced Berlin, Maryland when they were awarded the Coolest Town in the United States and used that phrase in their marketing. They included pictures of live entertainment downtown, people eating at restaurants, etc. He spoke with a representative of their downtown group who told the mayor that a lot of people came to visit them as a result of that campaign to find out just why Berlin was given that award.

Mr. Mergner said we might be able to offset the cost a little bit by slightly increasing our business permitting fees. Mr. Grier and Mayor Shupe felt that was a good solution.

As an example, Mr. Mergner suggested a new business be invited to advertise an upcoming event. That business

could also be included in a television ad that would entice people to visit their business. Mr. Grier suggested promoting a new business each month.

As a businessman, he likes the idea of getting something additional for a \$500 permit or so.

Mayor Shupe pointed out that when Bayhealth starts to construct their new replacement hospital, they will most likely have an ad campaign. The city could include a 30-second video on the new hospital, how many new jobs it will create and information about expanding health services. Basically, he feels it can inform people of what is happening in Milford.

Mr. Grier believes this is a great way to encourage someone who is contemplating expanding or starting a new business to come and check Milford out.

Mayor Shupe agrees that would be a great tool because in today's world, the only time Milford is mentioned by the media is when there is an arrest or some type of scandal. This will allow Milford to be promoted in a positive way.

Mr. Grier pointed out the budget for this current year is already in place but he does not want to wait until July 1st to find the funding for this. He suggests we use the economic development money over the next eight months to get the campaign started. We would then set aside money in the next budget which would be spread across the board and paid from different departments.

Mayor Shupe agrees we need to promote economic development and organizations that have festivals and events can do their own advertising. However, the city can include them in our overall strategy.

Mr. Grier asked if we want to wait until the economic development director is hired and allow that person to oversee the project and asked Mayor Shupe the time frame before they are hired. The mayor said we have received several applications and will start reviewing them next week.

Mr. Grier then questioned if they will be hired by January 1st. Mayor Shupe said that would probably be the latest date.

Mayor Shupe likes the idea of the committee and economic development director partnering to design something. However, he does not believe that will have to go before council. Mr. Grier agrees it will be good to have the committee's intentions in the minutes to ensure the idea will not die after the committee meeting.

Mr. Mergner asked if Downtown Milford is part of the city or a separate entity. Mayor Shupe explained it is a nonprofit group that promotes downtown. However, the city provides funding in the amount of \$40,000 per year over the next five years. Mr. Grier pointed out the \$40,000 basically covers the salary of their director.

It was noted that DMI is a separate entity and similar to the chamber of commerce.

Mr. Mergner suggested they help in this endeavor as well.

With no further business, Mr. Grier moved to adjourn the meeting, seconded by Mr. Mergner. Motion carried.

The Economic Development Committee meeting adjourned at 6:44 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

City of Milford



Resolution 2014-15 *Downtown Development District*

WHEREAS, under the Downtown Development Districts Act, 22 Del.C. §§ 1901 et seq. (the "Act"), the State of Delaware may designate districts within Delaware's cities, towns, and unincorporated areas that will qualify for significant development incentives and other State benefits; and

WHEREAS, these districts are known as Downtown Development Districts ("Districts"); and

WHEREAS, the State is accepting applications for the designation of the initial round of Districts, with such applications being due on November 1, 2014; and

WHEREAS, under the Act, each applicant must submit a plan that includes the boundaries of, and a detailed planning and development strategy for, the proposed District ("District Plan"); and

WHEREAS, under the Act, each applicant must also propose incentives that address local economic and community conditions, and that will help achieve the purposes set forth in the Act ("Local Incentives"); and

WHEREAS, if an application is successful and the City of Milford, Delaware ("City") receives District designation, the District Plan and Local Incentives proposed by an applicant shall be binding upon the applicant; and

WHEREAS, the incentives associated with designation as a Downtown Development District would greatly benefit current and future residents, businesses, non-profit organizations and others within the City; and

WHEREAS, the Milford City Council of Milford, Delaware strongly believes that it is in the best interest of the City to apply for District designation.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD :

1. Milford City Council supports the Application for Designation as a Downtown Development District; and
2. The City is authorized to appoint a District Administrator ("Administrator") to file the Application on behalf of the City and to provide such other documents and information as may be necessary or desirable in connection with the Application; and
3. If the Application is successful and the City receives notice that it has been selected for designation as a District:
 - a. The City shall adhere to the District Plan and the Local Incentives contained in the Application for the duration of the District designation; and
 - b. The Mayor of the City of Milford is authorized to execute such documents and enter into such agreements as may be necessary or desirable in connection with the Downtown Development Districts program and the rights and obligations of the City thereunder; and
 - c. The Administrator, or his or her designee(s), is authorized to carry out all District administrative and reporting requirements on behalf of the City for the duration of the Designation.

Mayor Bryan Shupe

Attest _____

Jerry Kovach
President



Proposal

17776 Oak Hill Drive - Milford, DE 19963
302-422-7676 Fax: 302-422-3434

Date of Proposal:
10/06/14

Project Number:
JP140779

To: City of Milford
Department of Public Works
180 Vickers Drive
Milford, DE 19963
Attn: Brad Dennehy

Project: Water Street

Phone: (302) 422-6616x113 Fax: (302) 422-1119 Email bdennehy@milford-de.gov

We hereby submit the following specifications and price quotes for the above referenced project:

Water Street

1. Provide for safe access and egress during all phases of construction.
2. Roto-mill in place existing paving
3. Fine grade base material for proper elevation and drainage of new pavement.
4. Place 2" Type "C" Hot Mix on approximately 400 S.Y.
5. Clean up and remove any debris generated by our construction activities

General Notes:

- One Mobilization
- No retainage
- All mix quoted is 64-22/160 GY unless otherwise specified.

Escalation Clauses:

- *Quote based on current Liquid Asphalt Cost of \$623.30 per Ton.*
- *All asphalt adjustments will be based on Virgin AC content only.*
- *Quote based on current Weekly On Highway Diesel Fuel Index of \$4.16 per gallon*
- *Invoicing will reflect any changes in liquid asphalt, fuel escalation and material increases from the time the proposal was quoted*
- *By signing below you indicate that you accept the above general notes and escalation clause.*

We hereby propose to furnish labor, material and equipment - complete in accordance with the above specifications, for the sum of:

Sixteen Thousand, Eight Hundred, Thirteen and 05/100 dollars **(\$16,813.05)**

Terms Net 30 days from date of invoice. A 1.5% per month (18% per year) service charge will be added to all unpaid balances after 30 days from date of invoice. Purchaser agrees that acceptance of this proposal creates a contractual obligation in connection with this contract obligating purchaser to pay all monies due, any service charge due and any collection costs Jerry's Inc. may incur including, but not limited to, reasonable counsel fees, court costs and other similar collection expenses.

SPECIAL TERMS:

If at any time the financial responsibility of purchaser becomes impaired or unsatisfactory to the Company, Jerry's Inc. reserves the right to require payment in advance or satisfactory security. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Additional Hot Mix used due to change in plans, scope, leveling and wedging will be billed as extra to the contract.

Jerry's Inc. will not be responsible for damage to pavement due to construction activities and traffic. This agreement is subject to strikes, accidents, unforeseen construction problems, and other causes beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance

Authorized signature

ACCEPTANCE OF PROPOSAL:

The above polices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. The undersigned is hereby authorized on behalf of the Owner named above to execute this Proposal and bind purchaser to the provisions of this proposal.

ACCEPTED

Date: _____

Authorized Signature

Title

Please return signed copy of proposal for scheduling. Keep a copy for your records.

Under/Comm

198 Mullet Run St.
Milford, DE 19963
Phone: 302.424.1554
Fax: 302.424.4478

QUOTE

Number: Q5034
Date: 10/13/2014
Account No: MIL001
Prepared For: Wes Banasan
Terms: Net 30
Reference:

Billing Address
City Of Milford
10 S.E. 2nd St
Milford, DE 19963

Service Address
City Of Milford
119 S. Walnut St
Milford, DE 19963

This proposal includes all labor and materials associated with installing new cabling for the new City offices located in the old PNC Bank.

Place, terminate, test, and label 11 new workstation outlets, consisting of two category 6 cables, to designated locations.

Place, terminate, test, and label 13 new workstation outlets, consisting of three category 6 cables, to designated locations.

Place, terminate, test, and label 3 new workstation outlets, consisting of four category 6 cables, to designated locations.

The new cables will be run to the IT room and terminated on new category 6 patch panels.

Provide and install ladder tray in the IT room.

Terminate, test, and label one 12-strand singlemode fiber optic cable installed by the City.
The new cable will be terminated using SC type connectors in new wall and rack mount enclosures.

This proposal assumes that an equipment rack will be provided by the owner in the IT room.

All labor and materials provided by Under/Comm, Inc. will be warranty for a period of one year from the date of installation. This warranty does not cover abuse, neglect, acts of nature and/or acts of man.

If not accepted, this proposal may be withdrawn without notice after 60 days.

Accepted By _____

Total: \$14,736.84