

# City of Milford



## CITY COUNCIL AGENDA

September 28, 2015 - 7:00 P.M.

Joseph Ronnie Rogers Council Chambers

Milford City Hall

201 South Walnut Street

Milford, Delaware

## PUBLIC HEARINGS

Adoption/Ordinance 2015-12/Key Properties Group/Change of Zone/7254 & 7272 Cedar Creek Road  
Adoption/Resolution 2015-27/Annexing/Key Properties Group Parcels/7254 & 7272 Cedar Creek Road  
Approval/Annexation Agreement/Key Properties Group/7254 & 7272 Cedar Creek Road  
Adoption/Ordinance 2015-17/Bayhealth Medical Center Inc/Change of Zone/7296 Cedar Creek Road  
Adoption/Ordinance 2015-18/Bayhealth Medical Center Inc/Change of Zone/Cedar Creek Road  
Adoption/Ordinance 2015-19/Country Life Homes Inc/Change of Zone/20203 Elks Lodge Road  
Adoption/Ordinance 2015-20/Bayhealth Medical Center Inc/Change of Zone/Cedar Creek Road  
Adoption/Ordinance 2015-21/Key Properties Group/Change of Zone/Wilkins Road

## COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

Adoption Ordinance 2015-24/Electric Rules and Regulations/Theft of Services (Public Areas)

Proposal for Tourism Feasibility Study of Milford, Delaware & Funding Source

New Business

Adoption Resolution 2015-26/Scheduling Fall Clean-Up Week

Downtown Milford Master Plan Recap

Downtown Milford Master Plan Meetings/Economic Development Fund

Executive Session

Personnel-

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

Update-Vacant Executive Positions

Personnel Position

Organization-Personnel

Personnel Matter

Adjourn

**WORKSHOP**

Call to Order - Mayor Bryan Shupe

Solid Waste Code-Yard Waste Additional Container & Bulk Pickup Fee

Travel Policy Review-Postponed

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.

080515 090915 091515 091615 091915 Item Removed 092815

June 12, 2015

City of Milford  
201 S Walnut Street  
Milford Delaware 19963

RE: Petition for Annexation of Property  
Tax Map No.: 330-15.00-58.01 & 58.04  
Site Address: 7254 Cedar Creek Road (58.01)  
7272 Cedar Creek Road (58.04)

To Whom it May Concern:

We are requesting the above-referenced tax parcels be annexed into the City of Milford from Sussex County; 2.6± acres, currently zoned AR.

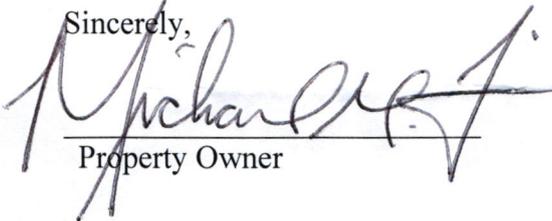
General Location Description: The property is located on the west side of Cedar Creek Road, situated between the DeLDOT SR 1 access ramp (south) and Wilkins Road (north). The parcel is contiguous to lands within the City of Milford (west and south).

The reason for our request is the parcels are included in Bayhealth Medical Center's new Health Campus.

We are applying for Institutional Service District Zoning, which is consistent with Milford's Comprehensive Plan.

The annexation applications and supporting documents will be submitted by Bayhealth Medical Center as

Sincerely,

  
\_\_\_\_\_  
Property Owner

  
\_\_\_\_\_  
Witness



# Land Use Application Cover Sheet

File Name: Bayhealth/Key Prop - Annex Date Stamp  
 File Number: 15-220

**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/processed if violations exist or if any fees are owed to the City.

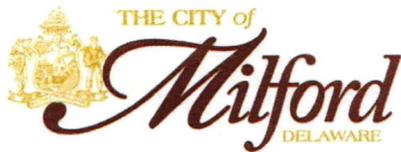
**Specify Type of Land Use Application to be submitted (check all that apply):**

- 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**

<b>Property Owner:</b> Key Properties Group, LLC			Phone:
Address: 610 Marshall Street			Cell:
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail:			
<b>Applicant Name and Company:</b> Bayhealth Medical Center, Inc. c/o Jerry Peters			Phone: 302.744.7027
Address: 640 South State Street			Cell:
City: Dover	State: DE	Zip: 19901	Fax: 302.735.3200
E-Mail: jerry_peters@bayhealth.org			
<b>Surveyor or Engineer:</b> Becker Morgan Group, Inc. c/o Gregory Moore, P.E.			Phone: 302.734.7950
Address: 309 S. Governors Avenue			Cell:
City: Dover	State: DE	Zip: 19904	Fax: 302.734.7965
E-Mail: gvmoore@beckermorgan.com			
Site Address: 7254 Cedar Creek Road (58.01) / 7272 Cedar Creek Road (58.04)			Zoning: AR (Sussex County)
Tax Map & Parcel Number (s): 330-15.00-58.01 & 58.04			Acreage: <del>2.6</del> +/- 1.28 / 1.28
<b>Brief Description of Proposal:</b> Annex property and rezone to Institutional Service District (IS) in order to construct Bayhealth Medical Center's new Health Campus.			
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:			
Signature of Applicant:			
		Date: 6/8/15	
		Date: 6/9/15	

REVISED: 01.2014



# Annexation Application

File Name: Bayhealth/Key Prop-Annex  
 File Number: 15-220

Date Stamp

A Land Use Application for Annexation 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.

Current County Zoning: AR-1 Requested Zoning: IS Comprehensive Plan Designation: Commercial

REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input checked="" type="checkbox"/>	1. Land Use Application Cover Sheet.	WRP	
<input checked="" type="checkbox"/>	2. Petition for annexation, signed by ALL property owners with signature of each petitioner duly witnessed; petition must contain:	WRP	
	A. Site address;	WRP	
	B. Tax map number (s);	WRP	
	C. Size of property in acres;	WRP	
	D. Reasons for request;	WRP	
	E. General location description (proximity to closest roadways, streets and intersections).	WRP	
<input checked="" type="checkbox"/>	3. A full legal description of the property in Word format.	WRP	
<input checked="" type="checkbox"/>	4. Current recorded deed showing legal description and ownership.	WRP	
<input checked="" type="checkbox"/>	5. Current sealed survey (no larger than 11" x 17"), drawn to scale, showing:		
	A. Property identified for annexation which clearly shows the parcel(s) and demonstrates contiguity to the City;		
	B. Date, scale and north arrow;		
	C. Existing right-of-ways and improvements;		
	D. Existing utilities;		
	E. Existing natural features;		
	F. Existing structures and other improvements;		
	G. All structures, natural features and other improvements on abutting property.		
<input checked="" type="checkbox"/>	6. Application fee (see page 2).	WRP	

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: 6/8/15  
 Signature of Applicant: [Signature] Date: 6/8/15

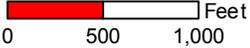
<b>FOR STAFF USE ONLY</b>			
City Council	Annexation Committee	Planning Commission	City Council
Applicant			
Owner			

REVISED: 01.2014



	Municipal Boundary
	Proposed Annexation

Digital Aerial Solutions, LLC

	Scale:  0      500      1,000      Feet	Title:  <p style="text-align: center;"><b>Proposed Annexation: Bayhealth Medical Center, Inc. Location Map</b></p>
	Drawn by: WRP      Date: 07/01/15	
Filepath: Z:\GIS\GEO_PROJECT\Annexation_KeyPropertiesBayhealth.mxd		



TO: Mayor Bryan Shupe & City of Milford Council Members  
 FROM: Annexation Committee  
 DATE: July 27, 2015  
 RE: Annexation Committee Report

A public meeting was held in Council Chambers on July 27, 2015 to consider the annexation request for lands described as:

Property Owner:	Key Properties Group, LLC
Location:	7254 & 7272 Cedar Creek Road
Size:	2.6 +/- acres
Existing Zoning:	AR (Sussex County)
Proposed Zoning:	IS (Institutional Service District)
Tax Map and Parcel Number:	330-15.00-58.01 & 58.04

**APPLICANT**

A petition by the property owners was submitted on June 17, 2015 to annex 2.6 +/- acres into the corporate limits of the City of Milford. Each property is improved with a dwelling unit but it is anticipated that the applicant will demolish the structures and incorporate these properties into the overall health campus project.

**LOCATION**

The property is identified as Sussex County tax parcels 330-15.00-58.01 & 58.04 and would be located in the 1st Ward of the City of Milford.

**STREETS**

The properties have frontage along Cedar Creek Road (State Rt. 30) but it is anticipated that access will be gained through the internal roadways associated with the health campus project.

**DRAINAGE**

There are currently roadside swales along Cedar Creek Road (State Rt. 30). The health campus project will be required to adhere to DNREC storm-water regulations and obtain required permits from the Sussex Conservation District and State of Delaware.

**ZONING**

The area proposed to be annexed is currently zoned AR in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property to be zoned IS (Institutional Service District) under the City of Milford's Zoning Ordinance.

## **SEWER**

The area will be served by gravity sewer associated with the Southeast Area utility agreement and the health campus onsite collection system.

## **WATER**

The area will be served with a water main extension from the newly constructed Southeast water tower and existing water main on Wilkins Road associated with the health campus project.

## **ELECTRIC**

The City will extend electric from the substation located on Elks Lodge Road and will provide additional loops from the north on Wilkins Road.

## **TRAFFIC**

Any development of these parcels will be directed through the internal layout of the health campus site. No anticipated traffic impacts associated with this annexation request.

## **ENVIRONMENTAL ISSUES**

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.

## **AREA LAND USES**

The properties will be incorporated into the overall health campus project. This area is surrounded by vacant commercial, low density residential, and moderate density residential.

## **FIRE AND POLICE**

The Carlisle Fire Dept. will provide fire and EMS coverage to this area. The City will provide police service.

## **COMPREHENSIVE LAND USE PLAN**

The annexation is consistent with the Southeast Master Plan Future Land Use Plan and is designated as Employment.

## **PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS**

No significant property tax or economic gain expected, except for the fact that the 2.6 acres will be incorporated into the overall health campus project.

## **ADVANTAGES TO THE CITY**

1. The property would be within the planning area of the City of Milford.
2. Identified within the Urban Growth Boundary Area of the 2008 Comprehensive Plan.
3. The properties will be incorporated into the overall health campus project.

## **DISADVANTAGES TO THE CITY**

1. None.

## **RECOMMENDATION**

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan".
2. Property is contiguous to existing City Limits.
3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
4. Property will be served by City Electric, Sewer, and Water. At present, these utilities are not available to the site.
5. An executed Annexation Agreement is required prior to final City Council approval.

6. Upon Council approval, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: IS

Katherine E. Wilson  
Council Representative/Committee Chairman

8/10/15  
Date

[Signature]  
Council Representative

8/10/15  
Date

Douglas W. Murnan  
Council Representative

8/13/15  
Date

[Signature]  
Planning Commission Chairman

8/10/15  
Date



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

August 19, 2015

Mr. Rob Pierce  
City of Milford  
201 S Walnut Street  
Milford, DE 19963

**RE: Plan of Services 2015-14, Key Properties Annexation  
Tax Parcels # 330-15.00-58.01  
330-15.00-58.04**

Dear Mr. Pierce,

This letter is to confirm that we have accepted the Plan of Services as complete for the above-referenced annexation. The City of Milford has completed all relevant annexation requirements of Title 22, Section 101, Subsection (3), Delaware Code.

After this property has been annexed please notify our office in writing so that we may update our records and maps. A copy of the official annexation resolution should accompany this notification. If you have any questions or concerns, please do not hesitate to contact me at (302) 739-3090.

Sincerely,

A handwritten signature in black ink, appearing to read "D Edgell".

David L. Edgell, AICP  
Principal Planner

cc: Connie Holland  
Laura Simmons

§ 230-19.2. - IS Institutional Service District.

[Added 4-9-2007 by Ord. No. 2006-10]

- A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.
- B. District Area. The minimum area to request an Institutional Service District shall be 20 acres.
- C. Permitted uses.
- (1) Hospital and all other health-care facilities, including any and all support services related thereto.
  - (2) Outpatient health-care centers and health-care facilities.
  - (3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
  - (4) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.
  - (5) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
  - (6) Pharmacies.
  - (7) Heliports.
  - (8) Private education institutions and training centers.
  - (9) Nursing facilities, convalescent homes, and a continued-care retirement communities.
  - (10) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
  - (11) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
  - (12) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
  - (13) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
  - (14) Ambulance and emergency rescue services.
  - (15) Maintenance and laundry facilities.
  - (16) Libraries
  - (17) Places of worship.
  - (18) Parking areas, including parking facilities.
  - (19) Publicly owned and/or health-related recreation facilities.
  - (20) Rehabilitation facilities.
  - (21) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
  - (22) Auditoriums.
  - (23) Modular office units.
  - (24) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
  - (25) Any and all uses and/or structures which are of the same general character as those listed above.
  - (26) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.
  - (27) Public and private elementary, junior or senior high schools and colleges.
  - (28) All uses permitted in the R-8 Zoning District.
- D. Uses prohibited: Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilizing equipment and similar devices are not classified as incinerators for purposes of this prohibition.
- E. Height regulations. The height of any structure, including any hospital structure existing as of the date of enactment of this section, shall not be greater than 140 feet, excluding smokestacks and/or other rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, enclosed mechanical rooms and similar appurtenances).
- F. Yard regulations. In the Institutional Service District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:
- (1) Front yard depth: 25 feet.
  - (2) Side yard width: 10 feet. On a corner lot, the side yard abutting the street shall be a minimum of 10 feet but may be increased in order to ensure clear visibility at the intersection of the two streets. There shall be one side yard for each single-family semidetached dwelling, which shall be not less than 10 feet in width. The requirement for side yard setbacks may be decreased upon the request of the property owner to the interior of the lots when lots have been combined into common ownership for a project which includes two or more lots.
  - (3) Rear yard width: 25 feet.
- G. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 85% of the area of the lot.
- H. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.
- I. Signs in the Institutional Service District.
- (1) Identification signs. The total permitted sign surface area, excluding its enclosure and/or manner of support, of all business identification signs located on or affixed to the facade of a building within the lower two stories or 26 feet, whichever is lower, shall not exceed an area equal to 5% of said lower two-story area of the building facade or 100 square feet, whichever is lower, per sign for each side of the building. For any freestanding sign not located on or affixed to a building, the total permitted sign surface area, excluding its enclosure and/or manner of support, shall not be greater than 100 square feet per sign for each side of the building. For business identification signs which are placed on a building above 26 feet, the sign shall not exceed an area of 5% of the area of the building facade measured from the ground to the top of the applicable proposed sign.
  - (2)

On-site informational signs. Any building less than 5,000 square feet shall be allowed four on-site informational signs not to exceed 50 square feet per side for each sign for each building. Any building greater than 5,000 square feet shall be allowed eight (8) on-site informational signs not to exceed 50 square feet per side for each building. In no case shall an on-site informational sign be constructed so as to obstruct the view at an intersection of a public street.

- (3) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct rays from the lights will not fall on any adjoining property. Signs in the Institutional Service District or lighting for signs shall not be placed in such a position that it will cause danger to traffic or create a traffic hazard by obscuring the view or in any way interfering with driver vision.

TAX MAP AND PARCEL #: 3-30-15.00-58.01

RETURN TO:  
Key Properties Group, LLC  
14701 Coastal Highway  
Milton, DE 19968

PREPARED BY:  
Griffin & Hackett, P.A.  
116 West Market Street  
Georgetown, DE 19947  
File No. G07-33/

***THIS DEED***, made this 3rd day of August, 2007,

- BETWEEN -

**JAMES H VREELAND**, of 30299 Holly Lane, Delmar, MD 21875, party of the first part,

- AND -

**KEY PROPERTIES GROUP, LLC**, a Delaware limited liability company, of 14701 Coastal Highway, Milton, DE 19968, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**PARCEL NO. 1**

ALL that certain tract, piece and parcel of land situate, lying and being in Cedar Creek Hundred, Sussex County, Delaware, described more particularly as follows, to wit:

BEGINNING at a stake in the western edge of the State Highway from Cedar Creek Road to Milford, distant northerly along said Highway 105 feet from the centerline of the northern lane leading to the farm dwelling on the whole tract; thence westerly to form a right angle to said highway, 210 feet to a stake; thence northerly, parallel to said highway, 210 feet to a stake; thence easterly parallel to the first mentioned line, 210 feet to said highway, thence with same, southerly, 210 feet to the place of beginning, containing one acre of land be the same, more or less.

*Jew*  
3

BEING the same lands conveyed unto James Vreeland by deed of Mary L. Vreeland dated February 1, 1983, said deed being filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 1161, page 55.

PARCEL NO. 2

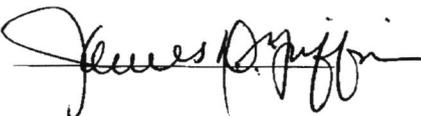
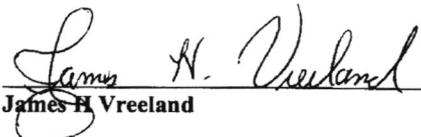
ALL that certain lot situated in Cedar Creek Hundred, Sussex County, Delaware, lying west of, but not adjacent to, Cedar Creek Road (State Route 30) at 60 feet wide, adjoining other lands now or formerly of James H. Vreeland, lands now or formerly of Louis J. and Shirley L. Renzi, residual lands of James H. Vreeland and Mary Lou Webb and Katharine V. McFadden and lands now or formerly of James K. and Katherine V.C. McFadden, and more particularly described in accordance with a survey plat prepared by Meridian Consulting Engineers dated February 28, 2003, as follows:

COMMENCING at an iron pipe found on the westerly side of Cedar Creek Road at a corner for other lands now or formerly of James H. Vreeland and lands now or formerly of James K. and Katherine V.C. McFadden, thence running South 87°00'27" West 210.00 feet to a point at a corner for residual lands now or formerly of James H. Vreeland and Mary Lou Webb and Katharine V. McFadden, the point of beginning; thence proceeding with said other lands now or formerly of James H. Vreeland South 02°59'33" East 210.00 feet to a point on line of lands now or formerly of Louis and Shirley Renzi; thence running with said Renzi lands South 87°00'27" West 65.00 feet to an iron pin found at a corner for residual lands now or formerly of James H. Vreeland and Mary Lou Webb and Katharine V. McFadden and lands now or formerly of Mary L. and Francis A. Webb, IV; thence running with said residual lands North 02°59'33" West 210.00 feet to a newly set iron pin; thence finally continuing with said residual lands North 87°00'27" East 65.00 feet to a point of beginning; containing 13,650 square feet of land, more or less.

BEING the same lands conveyed unto James H. Vreeland by deed of James H. Vreeland and Mary Lou Webb and Katherine V. McFadden dated June 16, 2003, said deed being filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 2848, page 289.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

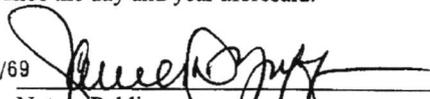
  (SEAL)  
James H. Vreeland

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on August 03, 2007, personally came before me, the subscriber, James H Vreeland, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

ADMITTED TO DELAWARE BAR 12/16/69  
ATTORNEY  
JAMES D. GRIFFIN  
NOTARY  
UNIFORM LAW ON NOTARIAL ACTS  
PURSUANT TO 29 DEL C. SEC 4323(3)

  
Notary Public  
Printed Name: JAMES D. GRIFFIN  
My Commission Expires: N/A

**RECEIVED**

AUG 08 2007

**ASSESSMENT DIVISION  
OF SUSSEX COUNTY**

Consideration: \$205000.00 Exempt Code: A

County	State	Total
3075.00	3075.00	6150.00

counter2 Date: 08/07/2007

RECORDER OF DEEDS  
JOHN F. BRADY  
08/07/2007 01:05P  
SUSSEX COUNTY  
DOC. SURCHARGE PAID

PARCEL ID NO.: 3-30-15.00-58.04

RETURN TO:  
Key Properties Group, LLC  
14701 Coastal Highway  
Milton, DE 19968

PREPARED BY:  
Griffin & Hackett, P.A.  
116 West Market Street  
Georgetown, DE 19947  
File No. G07-34/

***THIS DEED***, made this 3rd day of August, 2007,

- BETWEEN -

**JAMES K MCFADDEN** and **KATHARINE V MCFADDEN**, of 17467  
Oakridge Drive, Milford, DE 19963, parties of the first part,

- AND -

**KEY PROPERTIES GROUP, LLC**, a Delaware limited liability company, of  
14701 Coastal Highway, Milton, DE 19968, party of the second part.

**WITNESSETH:** That the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

PARCEL NO. 1

ALL that certain lot, piece and parcel of land situate, lying and being in Cedar Creek Hundred, Sussex County, and State of Delaware, fronting on the westerly side of the sixty (60) foot wide right-of-way of State Route 30, adjoining lands of Mary Vreeland and other lands now or formerly of Mary L. Vreeland, James H. Vreeland, Mary Louise Webb and Katharine Vreeland Clute McFadden and more particularly described as follows, to wit:

BEGINNING at a newly set iron pipe on the westerly right-of-way line of State Route 30 distant, on a bearing of South 03°02'46" East, 916.79 feet from the point of intersection of the centerlines of State Route 30 and County Road 206; thence proceeding with said right-of-way line and deflecting right along a 13,847.52 foot radius curve, the chord of which bears South 03°04'10" East 37.12 feet to a point of tangency; thence continuing with said right-of-way line South 02°59'33" East 172.88 feet to a newly set iron pipe at the northeasterly corner for



lands of Mary Vreeland; thence running with said Vreeland lands South 87°00'27" West 210.00 feet to a newly set iron pipe in line of other lands now or formerly of Mary L. Vreeland, James H. Vreeland, Mary Louise Webb and Katharine Vreeland Clute McFadden the following two (2) courses and distances: 1) North 02°59'33" West 210.00 feet and 2) North 87°00'27" East 209.95 feet to the place of beginning; containing 1.012 acres of land, more or less, according to a survey prepared by Charles D. Murphy, Jr., dated March 18, 1988.

BEING the same lands conveyed unto James Kingsly McFadden and Katherine Vreeland Clute McFadden by deed of Mary L. Vreeland, James H. Vreeland, Mary Louise Webb and Katharine Vreeland Clute McFadden in 1988, said deed being filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 1571, page 218.

PARCEL NO. 2

ALL that certain lot situated in Cedar Creek Hundred, Sussex County, Delaware, lying west of, but not adjacent to, Cedar Creek Road (State Route 30) at 60 feet wide, adjoining other lands now or formerly of James K. and Katherine V.C. McFadden, and residual lands now or formerly of James H. Vreeland and Mary Lou Webb and Katherine V. McFadden, and more particularly described in accordance with a survey plat prepared by Meridian Consulting Engineers dated February 28, 2003, as follows:

COMMENCING at an iron pipe found on the westerly side of Cedar Creek Road at a corner for other lands now or formerly of James K. and Katherine V.C. McFadden and lands now or formerly of James H. Vreeland, thence running South 87°00'27" West 210.00 feet to a point at a corner for residual lands now or formerly of James H. Vreeland and Mary Lou Webb and Katherine V. McFadden, the point of beginning; thence proceeding with said residual lands now or formerly of James H. Vreeland and Mary Lou Webb and Katherine V. McFadden South 87°00'57" West 65.00 feet to a newly set iron pin; thence continuing with said residual lands now or formerly of James H. Vreeland and Mary Lou Webb and Katherine V. McFadden North 02°59'00" West 210.00 feet to a newly set iron pin; thence continuing with said residual lands North 87°00'27" East 65.00 feet to a point at a corner for other lands now or formerly of James K. and Katherine V.C. McFadden; thence finally running with said other lands South 02°59'33" East 210.00 feet to the point of beginning; containing 13,650 square feet of land, more or less.

BEING the same lands conveyed unto James K. McFadden and Katherine V. McFadden by deed of James H. Vreeland and Mary Lou Webb and Katherine V. McFadden dated June 16, 2003, said deed being filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 2848, page 296.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

*James D. Griffin*  
as to both

*James K. McFadden* (SEAL)  
James K McFadden  
*Katharine V. McFadden* (SEAL)  
Katharine V McFadden

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on August 03, 2007, personally came before me, the subscriber, James K McFadden and Katharine V McFadden, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

ADMITTED TO DELAWARE BAR 12/16/69  
ATTORNEY  
JAMES D. GRIFFIN  
NOTARY  
UNIFORM LAW ON NOTARIAL ACTS  
PURSUANT TO 29 DEL C. SEC 4323(3)

*James D. Griffin*  
Notary Public  
Printed Name: James D. Griffin  
My Commission Expires: N/A

**RECEIVED**

AUG 08 2007

**ASSESSMENT DIVISION  
OF SUSSEX COUNTY**

Consideration: \$315000.00 Exempt Code: A  
-----  
County State Total  
4725.00 4725.00 9450.00  
counter2 Date: 08/07/2007

RECORDER OF DEEDS  
JOHN F. BRADY  
08/07/2007 01:10P  
SUSSEX COUNTY  
DOC. SURCHARGE PAID

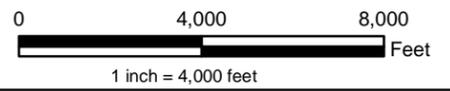
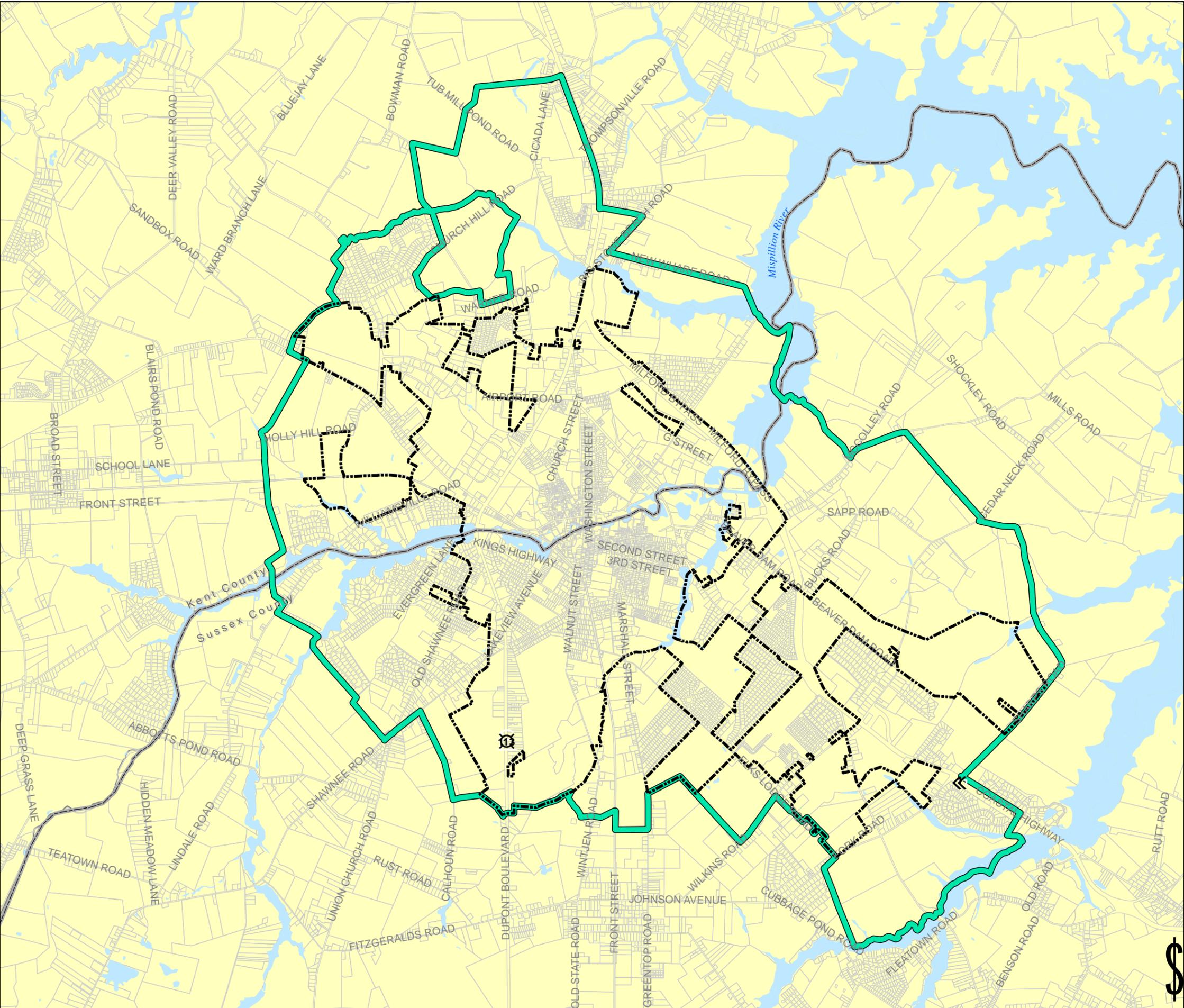


# Milford Comprehensive Plan

## Figure 4 Urban Growth Boundary

### Legend

-  Parcel
-  City Boundary
-  County Boundary
-  Water
-  Urban Growth Boundary



Data Sources:  
 Roads - DelDOT  
 State, County, Municipal Boundaries - State of Delaware  
 Urban Growth Boundary - City of Milford

File Name: R:\DE\_Milford\20611641\GIS\_job\Mapping\MapD\_Annexation\_Areas.mxd  
 November 3, 2008

# Milford South East Neighborhood Master Plan

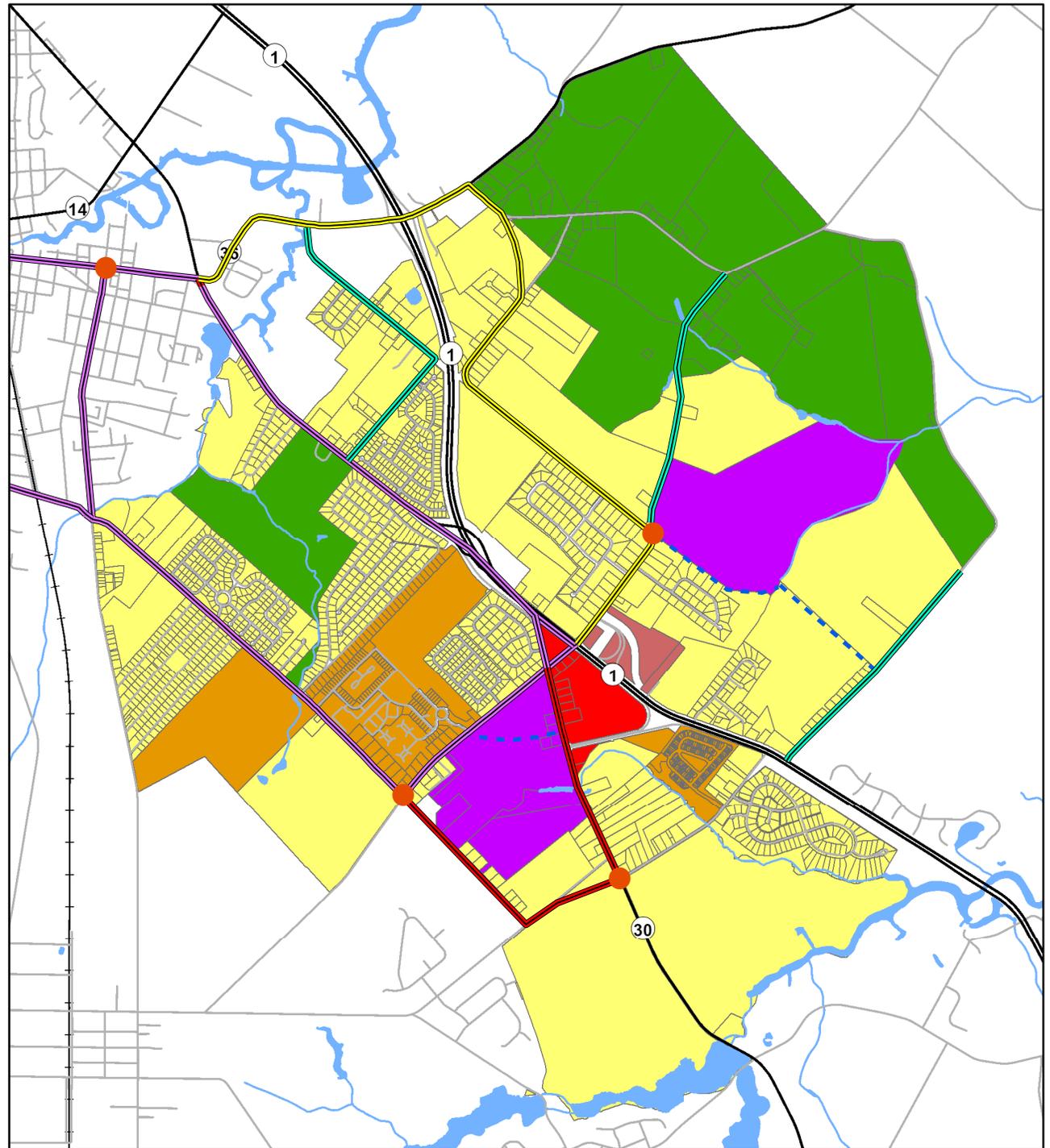
## Map #4 Land Use & Transportation Recommendations

Revised March 2015

**Legend**

-  Proposed Intersection Improvements
-  Proposed Additional Road Upgrades
-  Phase 1 - Transit Circulator/Road Upgrade
-  Phase 2 - Transit Circulator/Road Upgrade
-  Phase 3 - Transit Circulator/Road Upgrade
-  Proposed New Connector Roads\*
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agriculture
-  Employment Center
-  Commercial
-  DeIDOT Owned

\* Conceptual alignment subject to change



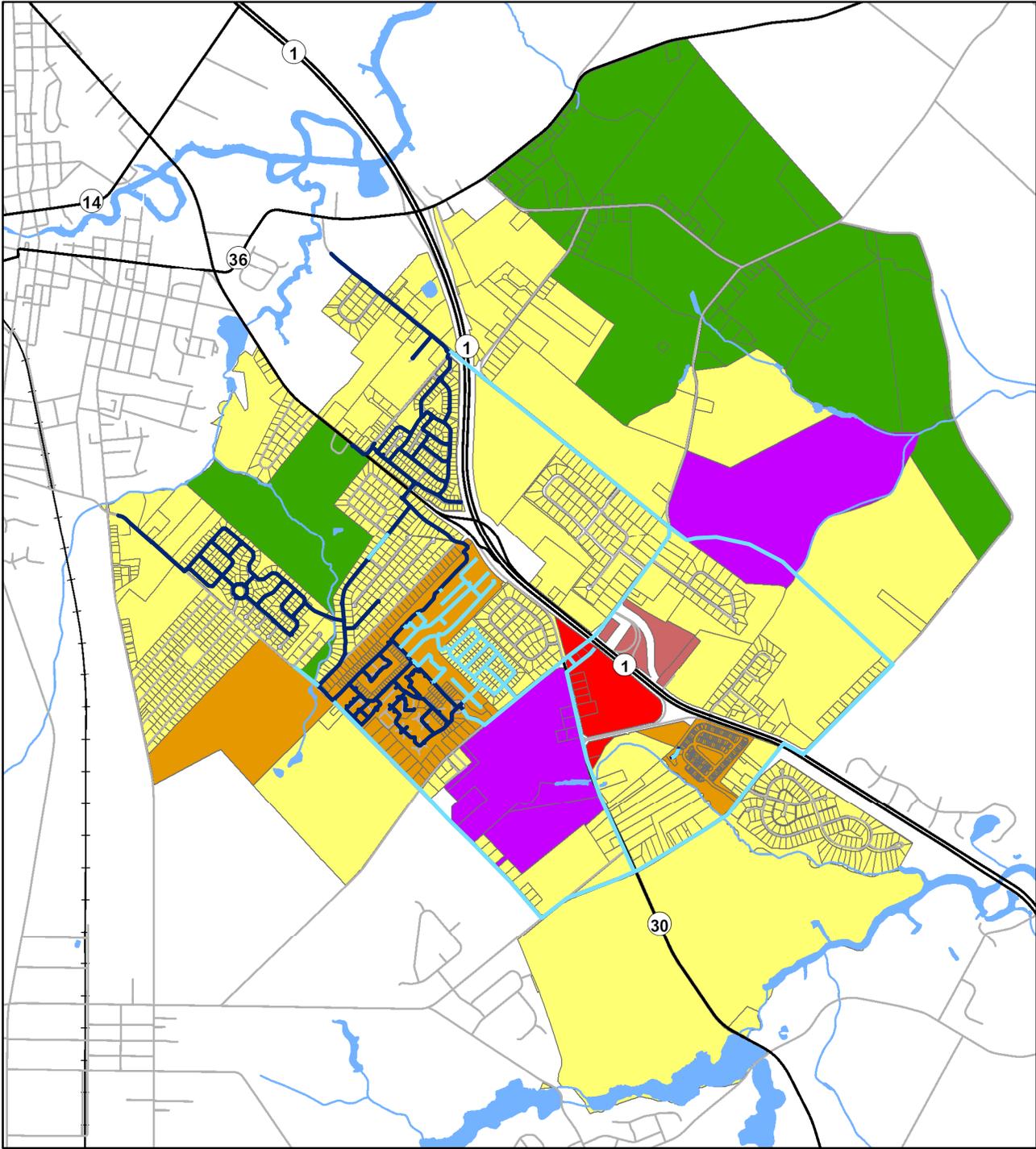
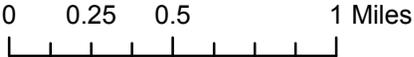
# Milford South East Neighborhood Master Plan

## Map #5 Land Use & Water

Revised March 2015

**Legend**

- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Employment Center
- Commercial
- DelDOT Owned
- Existing Water System
- Proposed Water System



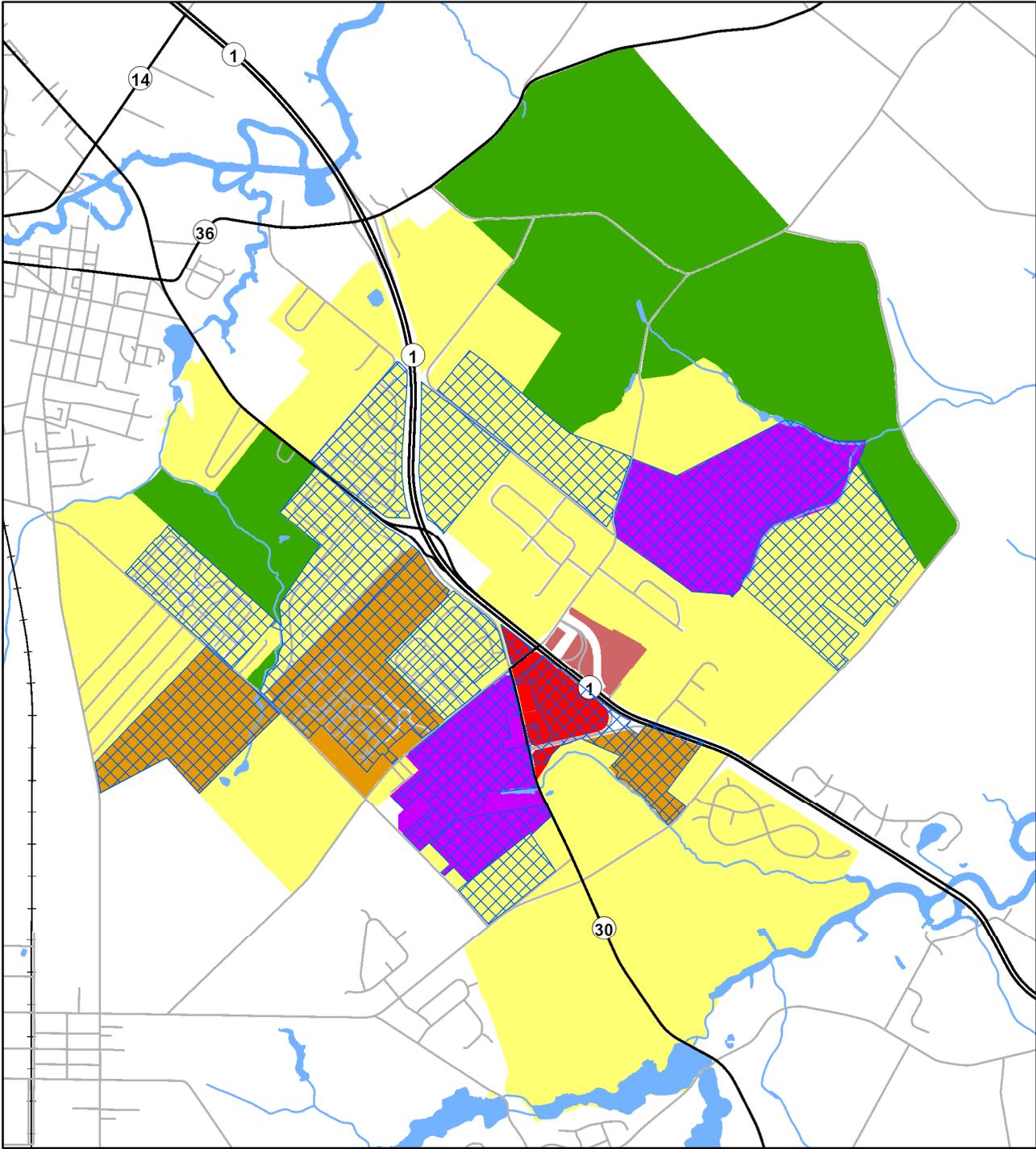
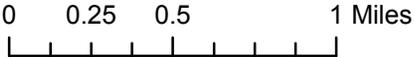
# Milford South East Neighborhood Master Plan

## Map #6 Land Use & Sewer

Revised March 2015

**Legend**

- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Employment Center
- Commercial
- DeIDOT Owned
- Proposed Sewer Extension



# City of Milford



## NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Map on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-12 may be adopted, with or without amendments.

ORDINANCE 2015-12

**Annexation/Lands belonging to Key Properties Group LLC**

Tax Parcel 3-30-15.00-58.01 and 3-30-15.00-58.04

2.56 +/- Acres

**Current Zone AR-1 / Proposed Zone IS**

An Ordinance to Amend the Zoning Designation of the parcel of land, under the ownership of Key Properties Group LLC, Tax Parcel 3-30-15.00-58.01 and 3-30-15.00-58.04, situated west side of Cedar Creek Rd (DE Rte 30), between Wilkins Rd (County Rd 206) to the north and Fork Rd to the south, upon its annexation into the City of Milford through the adoption of a resolution by the majority members of Milford City Council.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owner, thereof, has petitioned City Council to annex the same into the City of Milford, and

WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed and become part of the City of Milford and that a zoning classification is required, and

WHEREAS, the land owned by Key Properties Group LLC is presently zoned by Sussex County as "AR-1" (Agricultural Residential District), and

WHEREAS, City Council referred the zoning of the affected territory to the Planning and Zoning Commission for a report and recommendation and after a due hearing on September 15, 2015 as provided by law, the Planning and Zoning Commission made its recommendation to City Council, and

WHEREAS, following a Public Hearing held on September 28, 2015 and consideration of the recommendation of the City Annexation Committee, City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Sussex County, Delaware, to wit:

Tax Parcel No. 3-30-15.00-58.01

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road, on south by lands now or formerly of Louis J. & Shirley L. Renzi and on the west and north by other lands now or formerly of Key Properties Group, LLC, and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group Inc., said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following three courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 694.73 feet, chord bearing and distance of said arc being South 13°41'22" East 694.65 feet to a set concrete monument; thence South 12°15'04" East 198.51 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road 1) South 12°15'04" East 209.89 feet to point at a corner for this parcel and lands of Louis J. & Shirley L. Renzi; thence running with said other lands of Renzi 2) South 77°49'10" West 265.77 feet to a found iron pipe with cap a corner for this parcel and other lands of Key Properties Group, LLC; thence with said lands of said lands of Key Properties Group, LLC the following two courses and distances 3) North 12°11'12" West 209.89 feet to found iron rod; thence 4) North 77°49'10" East 265.53 feet to the point and place of beginning, containing 1.2800 acres of land be the same, more or less.

Tax Parcel No. 3-30-15.00-58.04

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road and on the south, west and north by other lands now or formerly of Key Properties Group, LLC and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group, LLC, said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following two courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 683.14 feet, chord bearing and distance of said arc being South 13°42'49" East 683.07 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road the following two courses and distances 1) along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 11.59 feet, chord bearing and distance of said arc being South 12°16'31" East 11.59 feet to a set concrete monument; thence 2) South 12°15'04" East 198.51 feet to a point at a corner for this parcel and other lands of Key Properties Group, LLC; thence with said other lands of Key Properties Group, LLC the following three courses and distances 3) South 77°49'10" West 265.53 feet to a found iron rod; thence 4) North 12°11'12" West 210.10 feet to a point; thence 5) North 77°49'10" East 265.29 feet to the point and place of beginning, containing 1.2802 acres of land be the same, more or less.

Upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as IS (Institutional Service District).

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 08/12/15*

**City of Milford**  
**RESOLUTION**  
**2015-27**

Annexation/Lands belonging to Key Properties Group, LLC  
Tax Parcel No. 3-30 15.00 58.01  
1.28 +/- Acres  
Current Zone A-R/Proposed Zone I-S

Annexation/Lands belonging to Key Properties Group, LLC  
Tax Parcel No. 3-30 15.00 58.04  
1.28 +/- Acres  
Current Zone A-R/Proposed Zone I-S

**Whereas**, the Milford City Council having considered the advantages and disadvantages of annexing into the City the following described lands, to wit:

Tax Parcel No. 3-30 15.00 58.01  
7254 Cedar Creek Road

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road, on south by lands now or formerly of Louis J. & Shirley L. Renzi and on the west and north by other lands now or formerly of Key Properties Group, LLC, and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group Inc., said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following three courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 694.73 feet, chord bearing and distance of said arc being South 13°41'22" East 694.65 feet to a set concrete monument; thence South 12°15'04" East 198.51 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road 1) South 12°15'04" East 209.89 feet to point at a corner for this parcel and lands of Louis J. & Shirley L. Renzi; thence running with said other lands of Renzi 2) South 77°49'10" West 265.77 feet to a found iron pipe with cap a corner for this parcel and other lands of Key Properties Group, LLC; thence with said lands of said lands of Key Properties Group, LLC the following two courses and distances 3) North 12°11'12" West 209.89 feet to found iron rod; thence 4) North 77°49'10" East 265.53 feet to the point and place of beginning,

CONTAINING 1.2800 acres of land be the same, more or less.

&

Tax Parcel No. 3-30 15.00 58.04  
7272 Cedar Creek Road

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (SR 30) and being bounded on the east by said Cedar Creek Road and on the south, west and north by other lands now or formerly of Key Properties Group, LLC and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group, LLC, said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following two courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 683.14 feet, chord bearing and

distance of said arc being South 13°42'49" East 683.07 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road the following two courses and distances 1) along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 11.59 feet, chord bearing and distance of said arc being South 12°16'31" East 11.59 feet to a set concrete monument; thence 2) South 12°15'04" East 198.51 feet to a point at a corner for this parcel and other lands of Key Properties Group, LLC; thence with said other lands of Key Properties Group, LLC the following three courses and distances 3) South 77°49'10" West 265.53 feet to a found iron rod; thence 4) North 12°11'12" West 210.10 feet to a point; thence 5) North 77°49'10" East 265.29 feet to the point and place of beginning,

CONTAINING 1.2802 acres of land be the same, more or less.

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation on whether or not to proceed with said annexation, having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code, having held a Public Hearing on February 18, 2014, having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code, the City of Milford, hereby determines as follows:

**Now, Therefore, Be It Resolved,**

That this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in Sussex County, Delaware where said lands are situate.

The Petitioner and the City of Milford enter into an annexation agreement for purposes including, but not limited to, the dedication of easements and/or right-of-ways to the City of Milford or State of Delaware for future utility, roads or other public improvements as determined by the City of Milford and/or State of Delaware.

That from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.

The annexation area is contiguous to Ward 1 and City Council intends that these parcels become part of and be included within the Ward 1 area upon annexation.

That the Official Zoning Map and Boundary/Ward Map(s) of the City of Milford, Delaware be amended to include the herein described property.

**Now I, Bryan W. Shupe, Mayor of the City of Milford,** do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on September 28, 2015 at which a quorum was present and voting throughout and that the same is still in full force and effect.

---

Mayor Bryan W. Shupe  
City of Milford

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

Teresa K. Hudson, Notary Public  
Commission Expires 06-17-18

Attachment: Plot

Tax Parcel No. 3-30-15.00-058.01

Tax Parcel No. 3-30-15.00-058.04

Prepared by: Planning & Zoning

City of Milford

201 S Walnut St

Milford, DE 19963

Return to: The Honorable Bryan Shupe, Mayor

City of Milford

201 S Walnut St

Milford, DE 19963

### KEY PROPERTIES GROUP ANNEXATION AGREEMENT

THIS AGREEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between KEY PROPERTIES GROUP LLC (hereinafter "KEY") whose principal location is located at 610 MARSHALL STREET MILFORD DE 19963 and the City of Milford, a municipal corporation of the State of Delaware with its principal offices located at 201 South Walnut Street, Milford Delaware, 19963 (hereinafter "City").

### RECITALS

A. WHEREAS, KEY is the record title owner of a parcel of land consisting of 2.56 acres, more or less, lying contiguous to the City of Milford, said tract identified on the Sussex County, Delaware tax maps as Tax Parcel No. 3-30-15.00-058.01 and 3-30-15.00-058.04, said tract hereinafter referred to as "Key Property".

Key is desirous of having the Key Property annexed into the City of Milford and requested the land use to be institutional service in nature.

B. WHEREAS the City, through its City Council (in consultation with the City Solicitor and City Planner), has duly considered the proposed annexation and has determined that the proposed annexation would be in the City's overall best interest for the following reasons among others:

1. The property would be within the planning area of the City of Milford.
2. The property would be combined with the overall Bayhealth Medical Campus property.
3. Identified within the Urban Growth Boundary Area of the 2008 Comprehensive Plan.
4. Consistent with the Future Land Figure of the 2011 Southeast Master Plan.

C. Recognizing that Key request for annexation is unilateral (in that the City cannot annex the Key Property unless Key desires the property to be annexed) and further recognizing that the intended land use is consistent with the City's Land Use Plan, and can be accommodated within the City's long range Comprehensive Plan, the City Council has determined that it is in the City's best interest to provide Key with binding assurances to proceed with annexation.

D. Article I, Section 1.04 of the City Charter of the City of Milford (pursuant to Chapter 148, Volume 72, Laws of Delaware {as amended}) authorizes and empowers the Mayor of the City of Milford to appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation.

NOW THEREFORE, in consideration of the premises, and in consideration of Key's request to be annexed into the City of Milford, in consideration of \$3780.00 paid to the City by Bayhealth, the receipt whereof is hereby acknowledged, and for other good and valuable consideration, the parties hereto, intending to be legally bound, hereby covenant and agree as follows:

1. Annexation Contingency. This Agreement is expressly contingent upon the annexation, by the City, of the Key Property. In the event that such annexation does not occur, this Agreement shall be null, void, and of no legal force or effect.
2. Land Subject to Annexation. The land subject to this Agreement consists of 2.56 acres, more or less, said tract identified on the Sussex County, Delaware tax maps as Tax Parcel No. 3-30-15.00-058.01 and 3-30-15.00-058.04.

The hereinabove described parcel of land is more fully depicted on that certain Survey / "Boundary Plan, dated July 1, 2015, prepared by Becker Morgan Group, registered surveyor" a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; metes and bounds description for parcel is attached hereto as Exhibit "B" and incorporated herein by specific reference.

3. Water Distribution System and Sanitary Sewer. Notwithstanding any other provision or requirement under any City ordinance or regulation, Key agrees that the Key Property will be connected to the City water distribution system and to the City's sanitary sewer system, treatment of which is provided by Kent County. The actual EDU's cannot be calculated at this time and are regulated by the permitted uses within the IS Zoning District. The parties agree that Key, at their sole expense, shall connect to public utilities, if not already in place on the property, and at their sole expense shall be responsible for the upgrade to any and all pump stations to accommodate the increase in EDU's from their existing capacity.
4. Electric Distribution System. Key agrees that the Key Property will utilize the City electric system.
5. Natural Features. The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.
6. Zoning. The Key Property shall be annexed as City district IS Institutional Service District and shall be developed in accordance with said district. Nothing in this agreement shall remove or eliminate the owner from the

necessary site plan reviews, fees, public hearings and all other requirements under the City's Land Use Ordinance.

5. City Not Responsible for Infrastructure Improvements; KEY Right to Assign.

Anything herein to the contrary notwithstanding:

- a) The City shall have no obligation or responsibility (financial or otherwise) for providing, installing, or constructing any of the required infrastructure improvements;
- b) Key may, with the City's prior written consent, which shall not be unreasonably withheld, sell, lease, or convey all or any portion of Key Property to any third party and, as part of such sale, lease, or conveyance, assign all or any of its rights and *corresponding obligations* hereunder to such third party.

6. Except as Modified, All Other City Ordinances and Regulations to Control. Except as specifically provided herein, once finally annexed into the City of Milford, all lands subject to this Agreement shall be subject to and governed by all provisions of the City Charter and all City ordinances and regulations as they now exist or may hereafter be amended, revised, or repealed, as well as any new ordinances or regulations adopted by the City Council, to the same effect and degree as all other lands within the City boundaries of the City of Milford.

7. Term of Annexation Agreement. This annexation agreement shall become null, void, and unenforceable after the expiration of seven (7) years from the date of the City Council's final annexation resolution; provided however that Key may at any time, in writing, release the City from any of the provisions of this Agreement.

8. Annexation Agreement to be a Material Part of Annexation Proceedings. Pursuant to Title 22, Delaware Code §101 Plan of Services Reporting, this Agreement shall be deemed to be a material part of the annexation proceedings conducted pursuant hereto; that is to say:

- a. The resolutions and notices adopted by the City Council, including any resolution and notices for public hearings, proposing the aforesaid annexation shall recite that the proposed annexation includes, and is subject to, an annexation agreement, shall briefly summarize the terms of this annexation agreement, and shall state that copies of the annexation agreement are available upon request at the City Hall.
- b. If the results of the annexation special election are favorable to the proposed annexation, the final resolution annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such annexation agreement by specific reference.

9. Land Use Planning Act. The City of Milford shall notify the Delaware State

Planning Office, Kent County Department of Public Works, Milford Police Department, Carlisle Fire Department and Milford School District of the proposed annexation contemplated by this Agreement and the parties shall comply with the requirements of the Delaware Land Use Planning of Title 29 of Delaware Code, Chapter 92 (Land Use Planning Act effective until February 14, 2004; Preliminary Land Use Services effective February 14, 2004), as amended.

10. Governing Law. This Agreement shall be governed by the laws of the State of Delaware (notwithstanding the fact that one or more parties may now or later become a resident of another state) and the parties hereto agree that the courts of the State of Delaware shall have jurisdiction over any case or controversy and hereby consent to such jurisdiction.
11. Separability. If any section, paragraph, sentence or clause of this Agreement is determined or declared to be invalid or unenforceable by any court of competent jurisdiction, the remainder hereof shall remain in full force and effect.
12. Entire Agreement. This Agreement constitutes the entire understanding of the parties. It supersedes any and all prior agreements between them. There are no representations or warranties other than those herein contained.
13. Amendments. This Agreement shall not be amended except in writing executed by all parties hereto.
14. Binding Effect. This Agreement shall be binding upon the parties hereto, their administrators, successors, successors in interest and assigns.
15. Contra Proferentum. The fact that one party has drafted this Agreement shall in no way be used against that party in construing the terms, condition, and obligations hereunder.
16. Headings. Headings and captions used herein are solely for the convenience of the parties and shall have no legal significance in construing the terms of this Agreement.
17. Non-Waiver. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.
18. Enforcement. In the event of a breach, this Agreement shall be enforced through a decree of specific performance, the parties agreeing that monetary damages would not provide an adequate remedy.
19. Recording. This agreement, dully executed by the City and Key, shall be recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware. The cost of recording shall be paid by the Key.

Attest: \_\_\_\_\_

By: *Elmer Fannin*  
8/28/15  
Elmer Fannin

Date

State of Delaware  
County of Kent

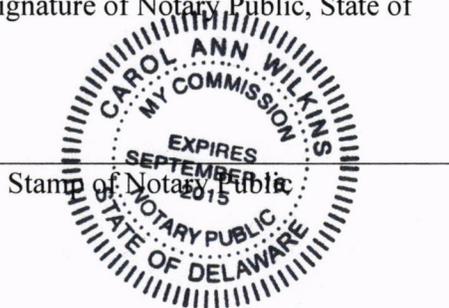
Signed and sworn to before me this 28<sup>th</sup> day of August, 2015, by Carol Ann Wilkins

(Seal)

*Carol Ann Wilkins*

Signature of Notary Public, State of

Delaware



Attest: \_\_\_\_\_

City Clerk

\_\_\_\_\_ Date

By: \_\_\_\_\_ (Seal)

Mayor, City of Milford

State of Delaware  
County of Kent

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Signature of Notary Public, State of Delaware



# Land Use Application Cover Sheet

File Name: Bayhealth-Renzi

Date Stamp

File Number: 15-221

**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/processed if violations exist or if any fees are owed to the City.

**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**

<b>Property Owner:</b> Louis & Shirley Renzi			Phone: 302.422.2365
Address: 7296 Cedar Creek Road			Cell:
City: Lincoln	State: DE	Zip: 19960	Fax: 302.422.6787
E-Mail: srenzi@harringtonera.com			
<b>Applicant Name and Company:</b> Bayhealth Medical Center, Inc. c/o Jerry Peters			Phone: 302.744.7027
Address: 640 South State Street			Cell:
City: Dover	State: DE	Zip: 19901	Fax: 302.735.3200
E-Mail: jerry_peters@bayhealth.org			
<b>Surveyor or Engineer:</b> Becker Morgan Group, Inc. c/o Gregory Moore, P.E.			Phone: 302.734.7950
Address: 309 S. Governors Avenue			Cell:
City: Dover	State: DE	Zip: 19904	Fax: 302.734.7965
E-Mail: gvmoore@beckermorgan.com			
Site Address: 7296 Cedar Creek Road			Zoning: C3
Tax Map & Parcel Number (s): 330-15.00-59.00 & 59.01			Acreage: <del>3.0</del> 1.26/1.74
<b>Brief Description of Proposal:</b> Rezone to Institutional Service District (IS) in order to construct Bayhealth Medical Center's new Health Campus.			
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: <i>Louis &amp; Shirley L. Renzi</i>			Date: <i>6-5-15</i>
Signature of Applicant: <i>[Signature]</i>			Date: <i>6/9/15</i>

REVISED: 01.2014



# Change of Zone Application

File Name: Bayhealth - Renzi  
 File Number: 15-221

Date Stamp

A Land Use Application for a Change of Zone 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.

Requested Zoning: IS Comprehensive Plan Designation: Commercial

### REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property.
- 3. Fifteen folded copies of a site plan (no larger than 11" x 17"), drawn to scale, showing:
  - A. Date, scale and north arrow;
  - B. Existing and proposed right-of-ways and improvements;
  - C. Existing and proposed utilities;
  - D. Existing natural features;
  - E. Existing and proposed structures and other improvements;
  - F. The location of proposed parking;
  - G. All structures, natural features and other improvements on abutting property.
- 4. Application fee.

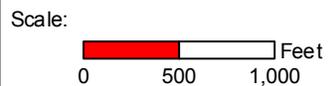
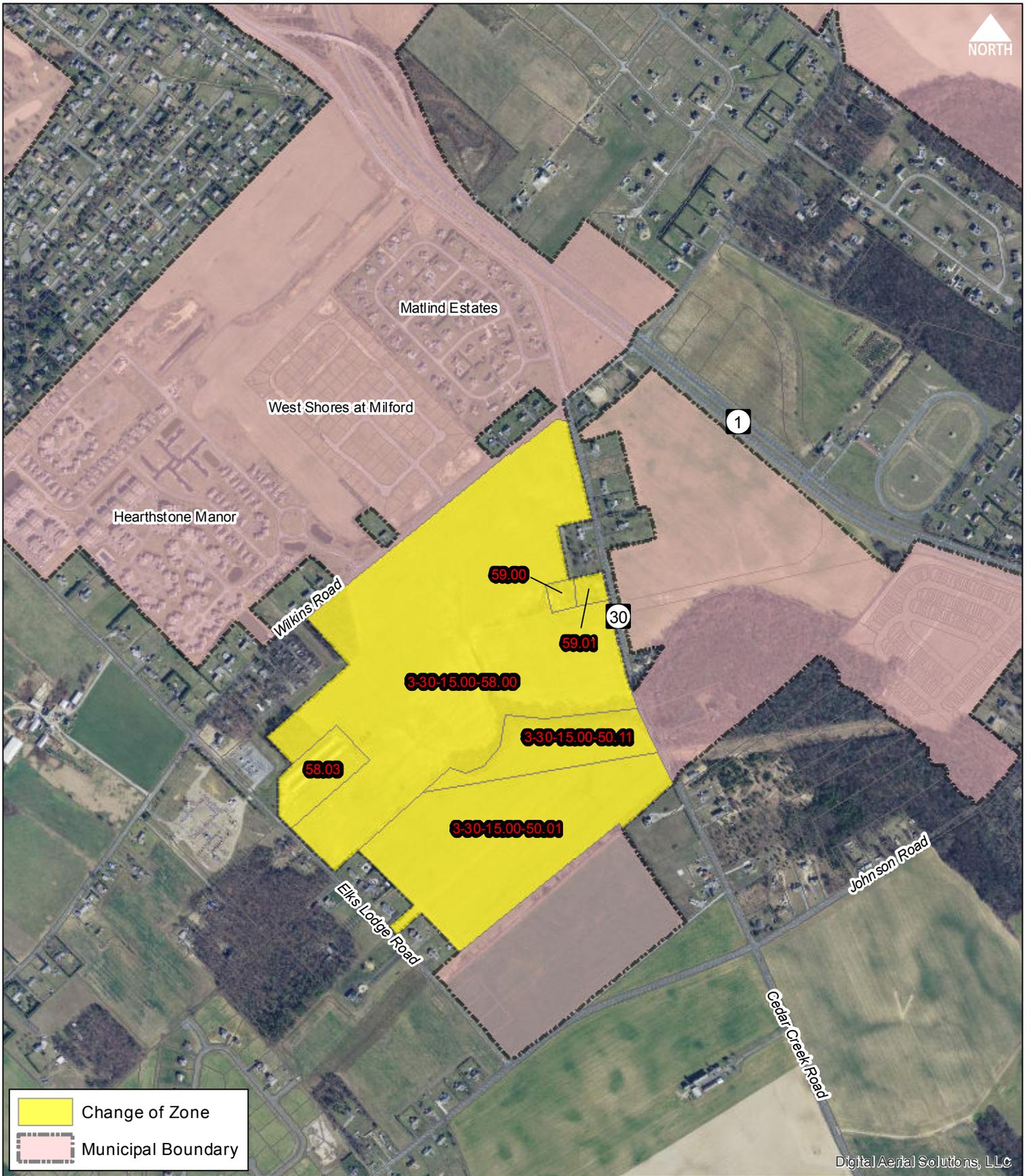
For Staff Use ONLY	
Verified	Waived
WFP	
WFP	
WFP	

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: Lori Renzi, Sheryl Renzi Date: 6-5-15  
 Signature of Applicant: [Signature] Date: 6/8/15

FOR STAFF USE ONLY				
	DAC	Planning Commission	City Council	BOA
Owner	n/a			n/a
Contact				
Applicant				

REVISED: 01.2014



Drawn by: WRP Date: 07/31/15

Title:

Proposed Change of Zone  
**Bayhealth Medical Campus**  
 Location Map

Filepath: \\GEO\_PROJECT\ChangeZone\_Bayhealth.mxd



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

**STAFF RECOMMENDATION REPORT**  
**August 4, 2015**

<b>Application Number / Name</b>	:	15-221 / Louis & Shirley Renzi
<b>Present Comprehensive Plan Designation</b>	:	Employment
<b>Proposed Comprehensive Plan Designation</b>	:	Employment
<b>Present Zoning District</b>	:	C-3 (Highway Commercial District)
<b>Proposed Zoning District</b>	:	IS (Institutional Service District)
<b>Present Use</b>	:	Single Family Detached Dwelling
<b>Proposed Use</b>	:	Medical Campus
<b>Tax Map &amp; Parcel</b>	:	3-30-15.00-059.00 and 3-30-15.00-059.01
<b>Size and Location</b>	:	3.0 +/- acres located at 7296 Cedar Creek Road, Lincoln, Delaware between Wilkins Road and Johnson Road.

**I. STAFF RECOMMENDATION:**

Based on the information presented, the City of Milford Code, and the Southeast Master Plan, staff submits the following regarding the request to amend the Zoning Map:

- The property is surrounded by commercial and residential zoning districts. The properties to the north are zoned R1 (Single-Family Residential District), R2 (Residential District), and R-3 (Garden Apartments & Townhouse District). The properties to the east are zoned C-3 (Highway Commercial District) and R-3 (Garden Apartments & Townhouse District). The properties to the south zoned R-2 (Residential District). The properties to the west are outside the municipal boundary and are designated Residential Low Density in the Southeast Master Plan.
- The proposed zoning is located along an established major collector (Cedar Creek Road) and local road (Wilkins Road). The owner/developer is in the process of performing a Traffic Operational Analysis on the proposed entrances to determine the extent of any road improvements in the area.

- The proposed rezoning meets the conditions for approval based on the following;
  - A. The new zoning classification conforms to the Southeast Master Plan for the City of Milford in relation to land use and intensity of nonresidential buildings and location.
  - B. Transportation facilities, water and sewerage systems, storm drainage systems, and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.
  - C. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.

**II. BACKGROUND INFORMATION:**

- These parcels were annexed into the City limits in April of 2013 as C-3 (Highway Commercial).
- The applicant requested an amendment to the Southeast Master Plan Future Land Use Map to revise the area of petition from Highway/Commercial to Employment. The City of Milford prepared the amendment which was reviewed by the Office of State Planning Coordination in February 2015. Comments were received from OSPC in April 2015 and the SE Master Plan amendment was approved by City Council on July 27, 2015 at Public Hearing. PLUS comments are attached for the Master Plan Map Amendment.

**III. AGENCY COMMENTS:**

- DeIDOT – No comments solicited for change of zone application. No comments provided during Comprehensive Plan Future Land Use amendment during PLUS hearing. Site Plan will require approval.
- Sussex Conservation District – No comments solicited. Site Plan will require approval and adherence to Sediment and Stormwater Regulations.
- State Fire Marshall – No comments solicited for change of zone application. The Site Plan will require approval.
- Carlisle Fire Company – The Fire Chief, Duane Fox, states the current response time for fire service will be increased by the time it takes to travel to the new location. Also, the time will increase for other units coming to aid Carlisle during an event. Also, the Fire Chief recommends a meeting between the fire department, police department and Bayhealth to review the hospital’s evacuation mitigation plan.
- Office of State Planning Coordination (OSPC) – OSPC had no objections to the amendment to the City’s Southeast Neighborhood Master Plan because the new land use will provide substantial economic development benefits to the City of Milford, while also providing enhanced health care services to residents of the City and surrounding area. The land use change does not alter the fundamental aspects of the Master Plan related to transportation, environmental protection, utilities, agricultural reservation or residential land use.

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Planning & Zoning Department. The Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to City Council in this matter.

ENC: Data Sheet

Exhibit A – Location & Zoning Map

Exhibit B - Comprehensive Plan Map

Exhibit C – Plot Plan

PLUS Comments from 4/23/15

Ordinance 2015-17

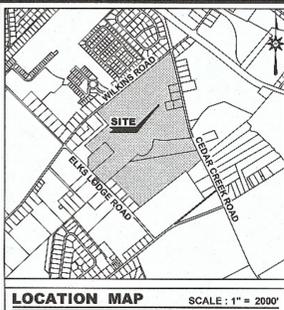
§ 230-19.2. - IS Institutional Service District.

[Added 4-9-2007 by Ord. No. 2006-10]

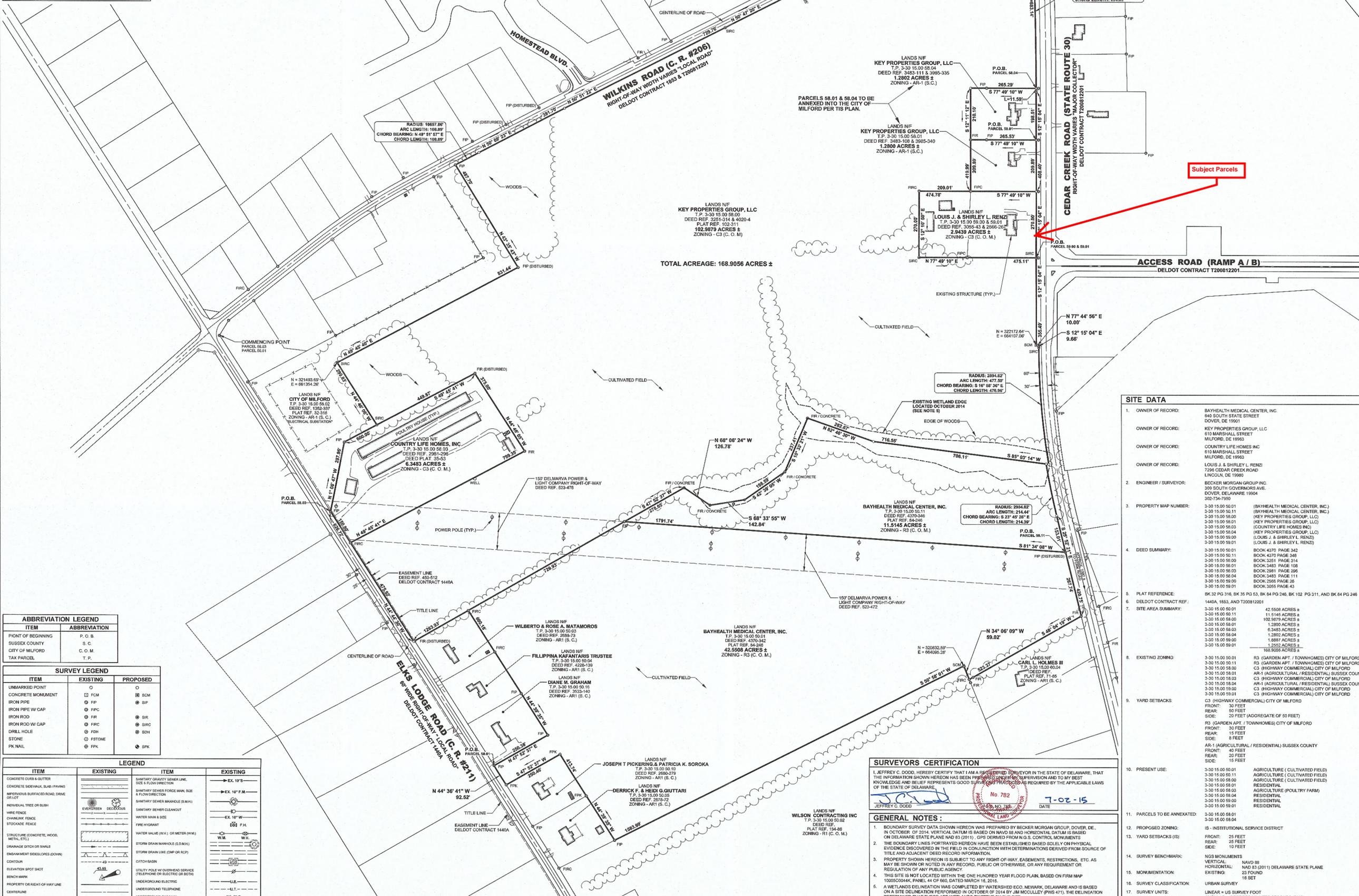
- A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.
- B. District Area. The minimum area to request an Institutional Service District shall be 20 acres.
- C. Permitted uses.
- (1) Hospital and all other health-care facilities, including any and all support services related thereto.
  - (2) Outpatient health-care centers and health-care facilities.
  - (3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
  - (4) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.
  - (5) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
  - (6) Pharmacies.
  - (7) Heliports.
  - (8) Private education institutions and training centers.
  - (9) Nursing facilities, convalescent homes, and a continued-care retirement communities.
  - (10) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
  - (11) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
  - (12) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
  - (13) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
  - (14) Ambulance and emergency rescue services.
  - (15) Maintenance and laundry facilities.
  - (16) Libraries
  - (17) Places of worship.
  - (18) Parking areas, including parking facilities.
  - (19) Publicly owned and/or health-related recreation facilities.
  - (20) Rehabilitation facilities.
  - (21) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
  - (22) Auditoriums.
  - (23) Modular office units.
  - (24) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
  - (25) Any and all uses and/or structures which are of the same general character as those listed above.
  - (26) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.
  - (27) Public and private elementary, junior or senior high schools and colleges.
  - (28) All uses permitted in the R-8 Zoning District.
- D. Uses prohibited: Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilizing equipment and similar devices are not classified as incinerators for purposes of this prohibition.
- E. Height regulations. The height of any structure, including any hospital structure existing as of the date of enactment of this section, shall not be greater than 140 feet, excluding smokestacks and/or other rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, enclosed mechanical rooms and similar appurtenances).
- F. Yard regulations. In the Institutional Service District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:
- (1) Front yard depth: 25 feet.
  - (2) Side yard width: 10 feet. On a corner lot, the side yard abutting the street shall be a minimum of 10 feet but may be increased in order to ensure clear visibility at the intersection of the two streets. There shall be one side yard for each single-family semidetached dwelling, which shall be not less than 10 feet in width. The requirement for side yard setbacks may be decreased upon the request of the property owner to the interior of the lots when lots have been combined into common ownership for a project which includes two or more lots.
  - (3) Rear yard width: 25 feet.
- G. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 85% of the area of the lot.
- H. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.
- I. Signs in the Institutional Service District.
- (1) Identification signs. The total permitted sign surface area, excluding its enclosure and/or manner of support, of all business identification signs located on or affixed to the facade of a building within the lower two stories or 26 feet, whichever is lower, shall not exceed an area equal to 5% of said lower two-story area of the building facade or 100 square feet, whichever is lower, per sign for each side of the building. For any freestanding sign not located on or affixed to a building, the total permitted sign surface area, excluding its enclosure and/or manner of support, shall not be greater than 100 square feet per sign for each side of the building. For business identification signs which are placed on a building above 26 feet, the sign shall not exceed an area of 5% of the area of the building facade measured from the ground to the top of the applicable proposed sign.
  - (2)

On-site informational signs. Any building less than 5,000 square feet shall be allowed four on-site informational signs not to exceed 50 square feet per side for each sign for each building. Any building greater than 5,000 square feet shall be allowed eight (8) on-site informational signs not to exceed 50 square feet per side for each building. In no case shall an on-site informational sign be constructed so as to obstruct the view at an intersection of a public street.

- (3) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct rays from the lights will not fall on any adjoining property. Signs in the Institutional Service District or lighting for signs shall not be placed in such a position that it will cause danger to traffic or create a traffic hazard by obscuring the view or in any way interfering with driver vision.



LOCATION MAP SCALE: 1" = 2000'



Subject Parcels

SITE DATA	
1. OWNER OF RECORD:	BAYHEALTH MEDICAL CENTER, INC. 840 SOUTH STATE STREET DOVER, DE 19901
OWNER OF RECORD:	KEY PROPERTIES GROUP, LLC 610 MARSHALL STREET MILFORD, DE 19963
OWNER OF RECORD:	COUNTRY LIFE HOMES INC 610 MARSHALL STREET MILFORD, DE 19963
OWNER OF RECORD:	LOUIS J. & SHIRLEY L. RENZI 7296 CEDAR CREEK ROAD LINCOLN, DE 19960
2. ENGINEER / SURVEYOR:	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE. DOVER, DELAWARE 19904 302-734-7950
3. PROPERTY MAP NUMBER:	3-30 15 00 50 01 (BAYHEALTH MEDICAL CENTER, INC.) 3-30 15 00 50 11 (BAYHEALTH MEDICAL CENTER, INC.) 3-30 15 00 50 02 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 01 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 04 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 01 (LOUIS J. & SHIRLEY L. RENZI) 3-30 15 00 50 01
4. DEED SUMMARY:	3-30 15 00 50 01 BOOK 4370 PAGE 342 3-30 15 00 50 11 BOOK 4370 PAGE 348 3-30 15 00 50 02 BOOK 3251 PAGE 314 3-30 15 00 50 01 BOOK 3483 PAGE 108 3-30 15 00 50 03 BOOK 2981 PAGE 296 3-30 15 00 50 04 BOOK 3483 PAGE 111 3-30 15 00 50 00 BOOK 2566 PAGE 26 3-30 15 00 50 01 BOOK 3055 PAGE 43
5. PLAT REFERENCE:	8K 02 PG 216, BK 35 PG 63, BK 64 PG 246, BK 102 PG 311, AND BK 64 PG 246
6. DELDOT CONTRACT REF.:	1440A, 1453, AND T200812201
7. SITE AREA SUMMARY:	3-30 15 00 50 01 42.5508 ACRES ± 3-30 15 00 50 11 11.5145 ACRES ± 3-30 15 00 50 02 102.8079 ACRES ± 3-30 15 00 50 01 1.2900 ACRES ± 3-30 15 00 50 03 6.3483 ACRES ± 3-30 15 00 50 04 1.2900 ACRES ± 3-30 15 00 50 00 1.8887 ACRES ± 3-30 15 00 50 01 1.2002 ACRES ± 168.9056 ACRES ±
8. EXISTING ZONING:	3-30 15 00 50 01 R3 (GARDEN APT. / TOWNHOMES) CITY OF MILFORD 3-30 15 00 50 11 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD 3-30 15 00 50 02 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 01 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 03 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 04 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 00 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD 3-30 15 00 50 01 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD
9. YARD SETBACKS:	C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD FRONT: 30 FEET REAR: 40 FEET SIDE: 20 FEET (AGGREGATE OF 50 FEET) R3 (GARDEN APT. / TOWNHOMES) CITY OF MILFORD FRONT: 30 FEET REAR: 15 FEET SIDE: 8 FEET AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY FRONT: 40 FEET REAR: 20 FEET SIDE: 15 FEET
10. PRESENT USE:	3-30 15 00 50 01 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 11 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 02 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 01 RESIDENTIAL 3-30 15 00 50 03 AGRICULTURE (POULTRY FARM) 3-30 15 00 50 04 RESIDENTIAL 3-30 15 00 50 00 RESIDENTIAL 3-30 15 00 50 01 RESIDENTIAL
11. PARCELS TO BE ANNEXED:	3-30 15 00 50 01
12. PROPOSED ZONING:	IS - INSTITUTIONAL SERVICE DISTRICT
13. YARD SETBACKS (IS):	FRONT: 25 FEET REAR: 25 FEET SIDE: 10 FEET
14. SURVEY BENCHMARK:	NGS (GARDEN APT. / TOWNHOMES) CITY OF MILFORD
15. MONUMENTATION:	VERTICAL: NAVD 88 HORIZONTAL: NAD 83 (2011) DELAWARE STATE PLANE EXISTING: 22 FOUND 16 SET
16. SURVEY CLASSIFICATION:	URBAN SURVEY
17. SURVEY UNITS:	LINEAR = US SURVEY FOOT ANGULAR = DEGREES MINUTES SECONDS (DMS)

**SURVEYORS CERTIFICATION**  
I, JEFFREY C. DODD, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.  
JEFFREY C. DODD DATE 7-02-15

**GENERAL NOTES:**  
1. BOUNDARY SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE, IN OCTOBER OF 2014. VERTICAL DATUM IS BASED ON NAVD 88 AND HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE NAD 83 (2011). GPS DERIVED FROM N.G.S. CONTROL MONUMENTS.  
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.  
3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.  
4. THIS SITE IS NOT LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAN, BASED ON FIRM MAP 15005C004K, PANEL 44 OF 60, DATED MARCH 18, 2016.  
5. A WETLANDS DELINEATION WAS COMPLETED BY WATERSHED ECO. NETWORK, DELAWARE AND IS BASED ON A SITE DELINEATION PERFORMED IN OCTOBER OF 2014 BY JIM MCCULLY (PWS 471). THE DELINEATION DETERMINED THAT THERE ARE WETLANDS EXISTENT ON THE SITE.

ITEM	ABBREVIATION
POINT OF BEGINNING	P. O. B.
SUSSEX COUNTY	S. C.
CITY OF MILFORD	C. O. M.
TAX PARCEL	T. P.

SURVEY LEGEND		
ITEM	EXISTING	PROPOSED
UNMARKED POINT	○	○
CONCRETE MONUMENT	□	□
IRON PIPE	⊙	⊙
IRON PIPE W/ CAP	⊙	⊙
IRON ROD	⊙	⊙
IRON ROD W/ CAP	⊙	⊙
DRILL HOLE	⊙	⊙
STONE	⊙	⊙
PK NAIL	⊙	⊙

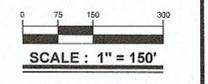
LEGEND			
ITEM	EXISTING	ITEM	EXISTING
CONCRETE CURB & GUTTER	—	SANITARY SEWER UNDER LINE, SIZE & FLOW DIRECTION	—
CONCRETE SIDEWALK, SLAB, FINISH	—	SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	—
ASPHALT PAVED DRIVE, DRIVE OR LOT	—	SANITARY SEWER MANHOLE (S.M.H.)	—
INDIVIDUAL TREE OR BUSH	—	SANITARY SEWER CLEANOUT	—
WIRE FENCE	—	WATER MAIN & SIZE	—
CHAINLINK FENCE	—	FIRE HYDRANT	—
STOCKADE FENCE	—	WATER VALVE (W.V.) OR METER (W.M.)	—
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	—	STORM DRAIN MANHOLE (S.D.M.H.)	—
CHIMNEY	—	STORM DRAIN LINE (S.D.L.)	—
CHIMNEY BRICK OR SHALE	—	CATCH BASIN	—
FOUNDATION (BLOCKS/GROUND)	—	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	—
ELEVATION SPOT SHOT	—	UNDERGROUND ELECTRIC	—
BENCHMARK	—	UNDERGROUND TELEPHONE	—
PROPERTY OR RIGHT-OF-WAY LINE	—	UNDERGROUND GAS MAIN	—
CENTERLINE	—		

**BECKER MORGAN GROUP**  
ARCHITECTURE ENGINEERING  
Dover, DE  
309 S. GOVERNORS AVE.  
DOVER, DE 19904  
PH. 302.734.7950  
FAX 302.734.7965  
Salisbury, MD  
312 West Main St., Suite 300  
Salisbury, MD 21801  
PH. 410.546.9100  
FAX 410.546.5824  
Wilmington, NC  
3205 Randall Parkway, Suite 211  
Wilmington, North Carolina 28403  
PH. 910.341.7600  
FAX 910.341.7506  
www.beckermorgan.com

**HEALTH CAMPUS PROJECT**

CEDAR CREEK ROAD, & ELKS LODGE ROAD  
CITY OF MILFORD  
SUSSEX COUNTY, DE

**EXISTING CONDITIONS PLAN FOR ANNEXATION & CHANGE OF ZONING**



MARK	DATE	DESCRIPTION
PROJECT NO.:	2014092.00	
DATE:	07/01/15	
SCALE:	1" = 150'	
DRAWN BY:	A.W.J.	PROJ. MGR.: J.C.D.
SHEET		
1 OF 1		

# City of Milford



## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-17 may be adopted, with or without amendments.

### ORDINANCE 2015-17

#### **Change of Zone/Lands belonging to Bayhealth Medical Center Inc\***

Tax Parcel 3-30-15.00-059.00 and 3-30-15.00-059.01

3.00 +/- Acres

#### **Current Zone C3/Proposed Zone IS**

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 3.00 +/- acres of real property from C3 to IS at 7296 Cedar Creek Road, Lincoln, Delaware. Present Use: Single Family Residential. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-059.00 and 3-30-15.00-059.01

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-059.00 and 3-30-15.00-059.01, owned by Bayhealth Medical Center Inc\* located at 7296 Cedar Creek Road, is hereby zoned IS.

#### Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 08/12/15*

*\*Louis & Shirley Renzi sold to Bayhealth Medical Center Inc on 07/07/15 after submission to the City.*



# Land Use Application Cover Sheet

File Name: Bayhealth  
 File Number: 15.222

Date Stamp

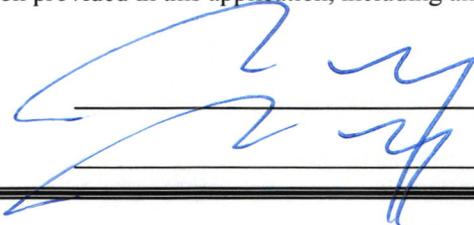
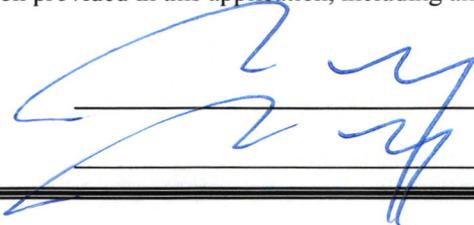
**Instructions for Applicants:**

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/processed if violations exist or if any fees are owed to the City.

**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**

<b>Property Owner:</b> Bayhealth Medical Center, Inc.			Phone: 302.744.7027
Address: 640 South State Street			Cell:
City: Dover	State: DE	Zip: 19901	Fax: 302.735.3200
E-Mail: jerry_peters@bayhealth.org			
<b>Applicant Name and Company:</b> Bayhealth Medical Center, Inc. c/o Jerry Peters			Phone: 302.744.7027
Address: 640 South State Street			Cell:
City: Dover	State: DE	Zip: 19901	Fax: 302.735.3200
E-Mail: jerry_peters@bayhealth.org			
<b>Surveyor or Engineer:</b> Becker Morgan Group, Inc. c/o Gregory Moore, P.E.			Phone: 302.734.7950
Address: 309 S. Governors Avenue			Cell:
City: Dover	State: DE	Zip: 19904	Fax: 302.734.7965
E-Mail: gvmoore@beckermorgan.com			
Site Address: <del>N/A</del> Cedar Creek Rd			Zoning: <del>R1</del> R3
Tax Map & Parcel Number (s): 330-15.00-50.01			Acreage: 42.6 +/-
<b>Brief Description of Proposal:</b> Rezone to Institutional Service District (IS) in order to construct Bayhealth Medical Center's new Health Campus.			
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: 			Date: 6/9/15
Signature of Applicant: 			Date: 6/9/15

REVISED: 01.2014



# Change of Zone Application

File Name: Baywalk  
 File Number: 15-222

Date Stamp

A Land Use Application for a Change of Zone 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.

**Requested Zoning:** IS

**Comprehensive Plan Designation:** Residential - Low Density

## REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property.
- 3. Fifteen folded copies of a site plan (no larger than 11" x 17"), drawn to scale, showing:
  - A. Date, scale and north arrow;
  - B. Existing and proposed right-of-ways and improvements;
  - C. Existing and proposed utilities;
  - D. Existing natural features;
  - E. Existing and proposed structures and other improvements;
  - F. The location of proposed parking;
  - G. All structures, natural features and other improvements on abutting property.
- 4. Application fee.

For Staff Use ONLY	
Verified	Waived
WRP	
WRP	
WRP	

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:

Date:

6/9/15

Signature of Applicant:

Date:

6/9/15

### FOR STAFF USE ONLY

DAC

Planning Commission

City Council

BOA

n/a

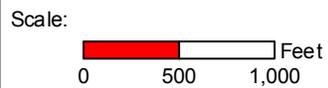
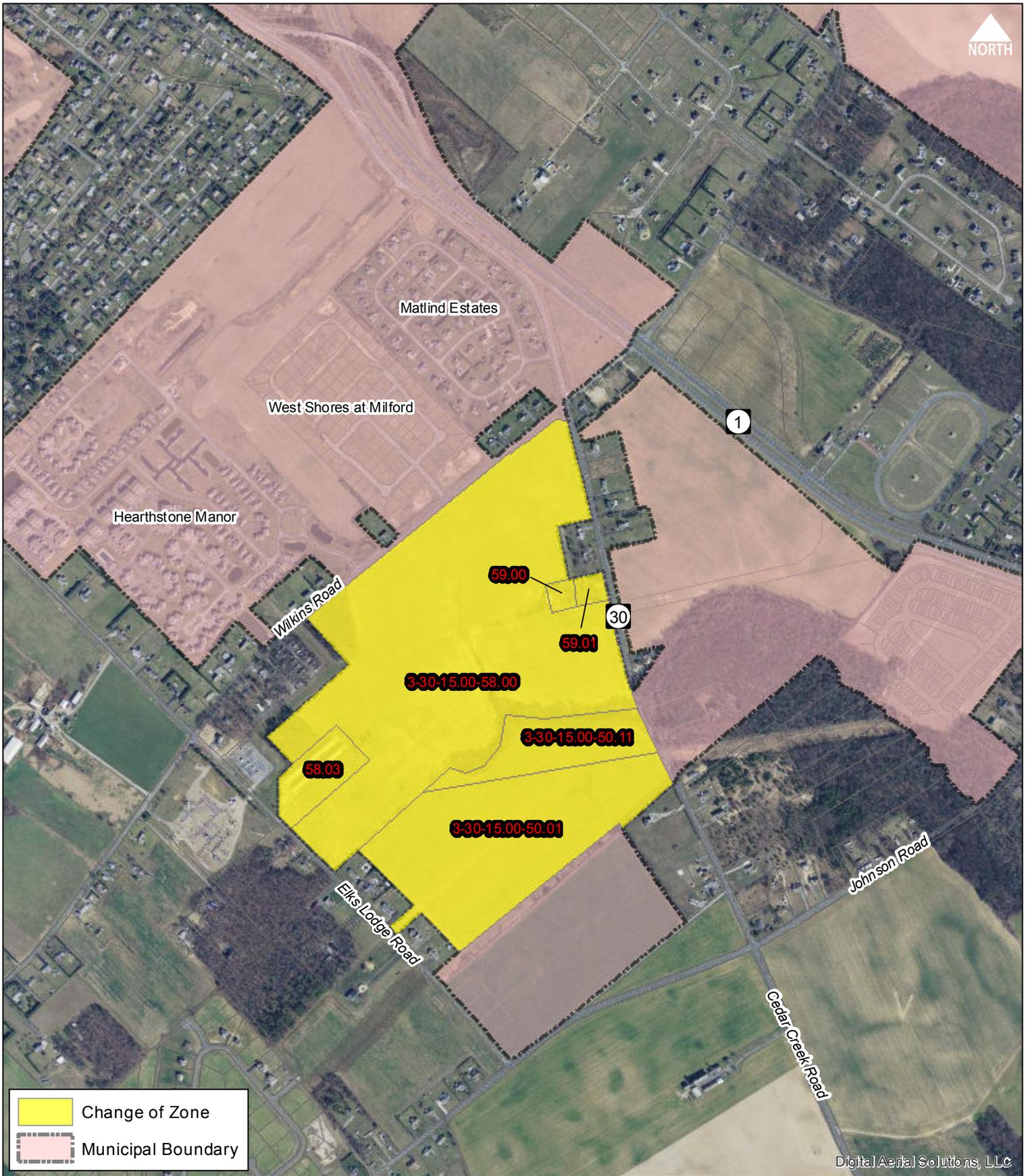
n/a

Owner

Contact

Applicant

REVISED: 01.2014



Drawn by: WRP Date: 07/31/15

Title:

Proposed Change of Zone  
**Bayhealth Medical Campus**  
 Location Map

Filepath: \\GEO\_PROJECT\ChangeZone\_Bayhealth.mxd



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

**STAFF RECOMMENDATION REPORT**  
**August 4, 2015**

<b>Application Number / Name</b>	:	2015-222 / Bayhealth Medical Center, Inc.
<b>Present Comprehensive Plan Designation</b>	:	Employment
<b>Proposed Comprehensive Plan Designation</b>	:	Employment
<b>Present Zoning District</b>	:	R-3 (Garden Apartments & Townhouse District)
<b>Proposed Zoning District</b>	:	IS (Institutional Service District)
<b>Present Use</b>	:	Vacant
<b>Proposed Use</b>	:	Medical Campus
<b>Tax Map &amp; Parcel</b>	:	3-30-15.00-050.01
<b>Size and Location</b>	:	42.55 +/- acres located Cedar Creek Road (State Route 30) and Elks Lodge Road.

**I. STAFF RECOMMENDATION:**

Based on the information presented, the City of Milford Code, and the Southeast Master Plan, staff submits the following regarding the request to amend the Zoning Map:

- The property is surrounded by commercial and residential zoning districts. The properties to the north are zoned R1 (Single-Family Residential District), R2 (Residential District), and R-3 (Garden Apartments & Townhouse District). The properties to the east are zoned C-3 (Highway Commercial District) and R-3 (Garden Apartments & Townhouse District). The properties to the south zoned R-2 (Residential District). The properties to the west are outside the municipal boundary and are designated Residential Low Density in the Southeast Master Plan.
- The proposed zoning is located along an established major collector (Cedar Creek Road) and local road (Wilkins Road). The owner/developer is in the process of performing a Traffic Operational Analysis on the proposed entrances to determine the extent of any road improvements in the area.

- The proposed rezoning meets the conditions for approval based on the following;
  - A. The new zoning classification conforms to the Southeast Master Plan for the City of Milford in relation to land use and intensity of nonresidential buildings and location.
  - B. Transportation facilities, water and sewerage systems, storm drainage systems, and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.
  - C. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.

**II. BACKGROUND INFORMATION:**

- These parcels were annexed into the City limits in March of 2006 as R-3 (Garden Apartments & Townhouse District).
- The applicant requested an amendment to the Southeast Master Plan Future Land Use Map to revise the area of petition from Highway/Commercial to Employment. The City of Milford prepared the amendment which was reviewed by the Office of State Planning Coordination in February 2015. Comments were received from OSPC in April 2015 and the SE Master Plan amendment was approved by City Council on July 27, 2015 at Public Hearing. PLUS comments are attached for the Master Plan Map Amendment.

**III. AGENCY COMMENTS:**

- DelDOT – No comments solicited for change of zone application. No comments provided during Comprehensive Plan Future Land Use amendment during PLUS hearing. Site Plan will require approval.
- Sussex Conservation District – No comments solicited. Site Plan will require approval and adherence to Sediment and Stormwater Regulations.
- State Fire Marshall – No comments solicited for change of zone application. The Site Plan will require approval.
- Carlisle Fire Company – The Fire Chief, Duane Fox, states the current response time for fire service will be increased by the time it takes to travel to the new location. Also, the time will increase for other units coming to aid Carlisle during an event. Also, the Fire Chief recommends a meeting between the fire department, police department and Bayhealth to review the hospital’s evacuation mitigation plan.
- Office of State Planning Coordination (OSPC) – OSPC had no objections to the amendment to the City’s Southeast Neighborhood Master Plan because the new land use will provide substantial economic development benefits to the City of Milford, while also providing enhanced health care services to residents of the City and surrounding area. The land use change does not alter the fundamental aspects of the Master Plan related to transportation, environmental protection, utilities, agricultural reservation or residential land use.

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Planning & Zoning Department. The Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to City Council in this matter.

ENC: Data Sheet

Exhibit A – Location & Zoning Map

Exhibit B - Comprehensive Plan Map

Exhibit C – Plot Plan

PLUS Comments from 4/23/15

Ordinance 2015-17

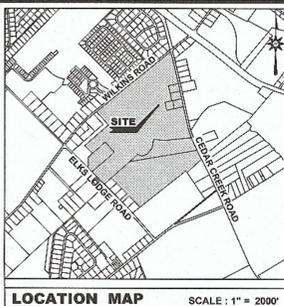
§ 230-19.2. - IS Institutional Service District.

[Added 4-9-2007 by Ord. No. 2006-10]

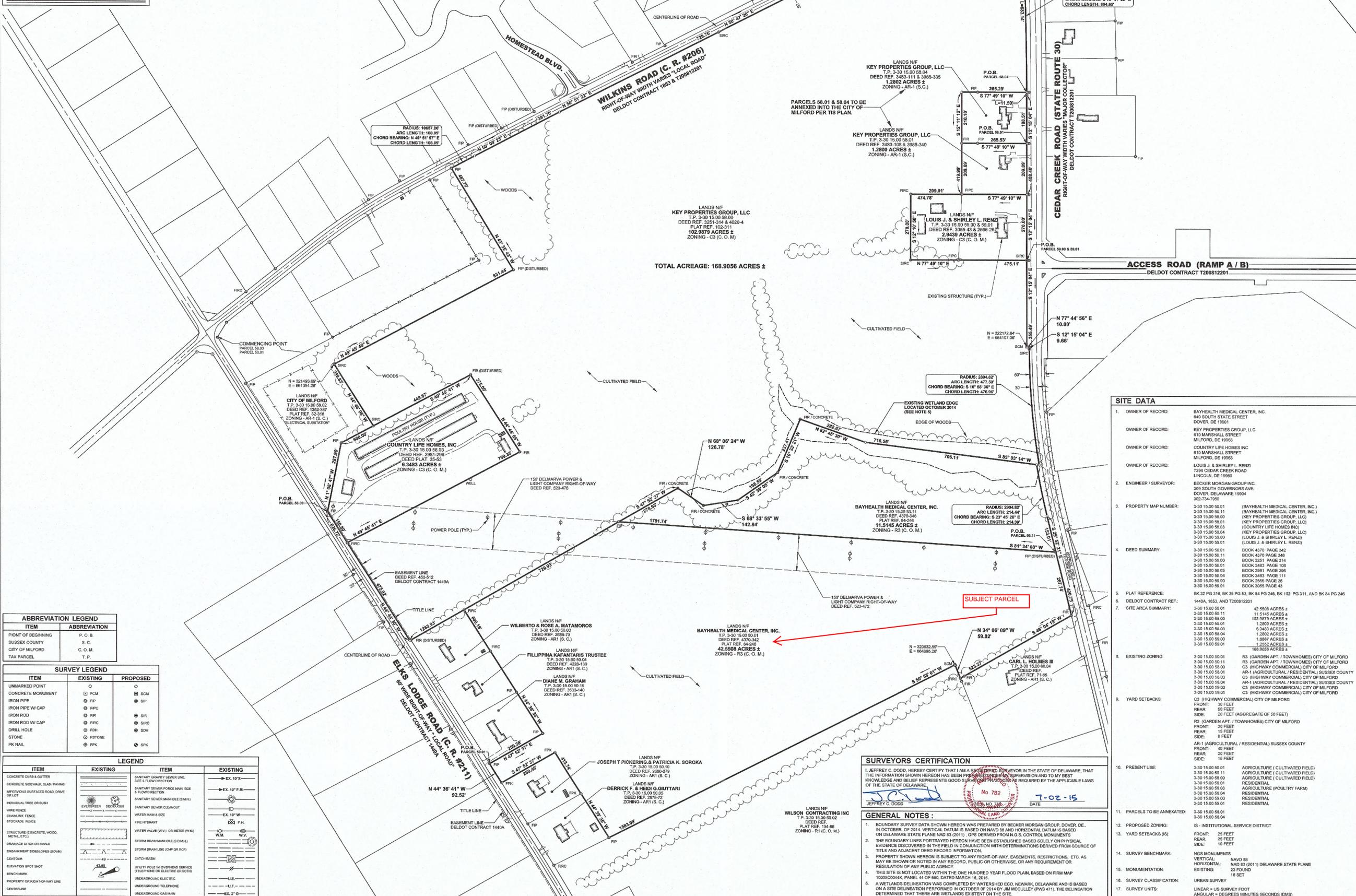
- A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.
- B. District Area. The minimum area to request an Institutional Service District shall be 20 acres.
- C. Permitted uses.
- (1) Hospital and all other health-care facilities, including any and all support services related thereto.
  - (2) Outpatient health-care centers and health-care facilities.
  - (3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
  - (4) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.
  - (5) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
  - (6) Pharmacies.
  - (7) Heliports.
  - (8) Private education institutions and training centers.
  - (9) Nursing facilities, convalescent homes, and a continued-care retirement communities.
  - (10) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
  - (11) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
  - (12) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
  - (13) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
  - (14) Ambulance and emergency rescue services.
  - (15) Maintenance and laundry facilities.
  - (16) Libraries
  - (17) Places of worship.
  - (18) Parking areas, including parking facilities.
  - (19) Publicly owned and/or health-related recreation facilities.
  - (20) Rehabilitation facilities.
  - (21) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
  - (22) Auditoriums.
  - (23) Modular office units.
  - (24) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
  - (25) Any and all uses and/or structures which are of the same general character as those listed above.
  - (26) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.
  - (27) Public and private elementary, junior or senior high schools and colleges.
  - (28) All uses permitted in the R-8 Zoning District.
- D. Uses prohibited: Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilizing equipment and similar devices are not classified as incinerators for purposes of this prohibition.
- E. Height regulations. The height of any structure, including any hospital structure existing as of the date of enactment of this section, shall not be greater than 140 feet, excluding smokestacks and/or other rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, enclosed mechanical rooms and similar appurtenances).
- F. Yard regulations. In the Institutional Service District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:
- (1) Front yard depth: 25 feet.
  - (2) Side yard width: 10 feet. On a corner lot, the side yard abutting the street shall be a minimum of 10 feet but may be increased in order to ensure clear visibility at the intersection of the two streets. There shall be one side yard for each single-family semidetached dwelling, which shall be not less than 10 feet in width. The requirement for side yard setbacks may be decreased upon the request of the property owner to the interior of the lots when lots have been combined into common ownership for a project which includes two or more lots.
  - (3) Rear yard width: 25 feet.
- G. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 85% of the area of the lot.
- H. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.
- I. Signs in the Institutional Service District.
- (1) Identification signs. The total permitted sign surface area, excluding its enclosure and/or manner of support, of all business identification signs located on or affixed to the facade of a building within the lower two stories or 26 feet, whichever is lower, shall not exceed an area equal to 5% of said lower two-story area of the building facade or 100 square feet, whichever is lower, per sign for each side of the building. For any freestanding sign not located on or affixed to a building, the total permitted sign surface area, excluding its enclosure and/or manner of support, shall not be greater than 100 square feet per sign for each side of the building. For business identification signs which are placed on a building above 26 feet, the sign shall not exceed an area of 5% of the area of the building facade measured from the ground to the top of the applicable proposed sign.
  - (2)

On-site informational signs. Any building less than 5,000 square feet shall be allowed four on-site informational signs not to exceed 50 square feet per side for each sign for each building. Any building greater than 5,000 square feet shall be allowed eight (8) on-site informational signs not to exceed 50 square feet per side for each building. In no case shall an on-site informational sign be constructed so as to obstruct the view at an intersection of a public street.

- (3) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct rays from the lights will not fall on any adjoining property. Signs in the Institutional Service District or lighting for signs shall not be placed in such a position that it will cause danger to traffic or create a traffic hazard by obscuring the view or in any way interfering with driver vision.



SCALE: 1" = 2000'



TOTAL ACREAGE: 168.9056 ACRES ±

SUBJECT PARCEL

ITEM	ABBREVIATION
POINT OF BEGINNING	P. O. B.
SUSSEX COUNTY	S. C.
CITY OF MILFORD	C. O. M.
TAX PARCEL	T. P.

ITEM	EXISTING	PROPOSED
UNMARKED POINT	○	○
CONCRETE MONUMENT	□	□
IRON PIPE	⊙	⊙
IRON PIPE W/ CAP	⊙	⊙
IRON ROD	⊙	⊙
IRON ROD W/ CAP	⊙	⊙
DRILL HOLE	⊙	⊙
STONE	⊙	⊙
PK NAIL	⊙	⊙

ITEM	EXISTING	ITEM	EXISTING
CONCRETE CURB & GUTTER	—	SANITARY SEWER MAIN, SIZE & FLOW DIRECTION	—
CONCRETE SIDEWALK, SLAB, FINISH	—	SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	—
ASPHALT SURFACED ROAD, DRIVE OR LOT	—	SANITARY SEWER MANHOLE (S.M.H.)	—
INDIVIDUAL TREE OR BUSH	—	SANITARY SEWER CLEANOUT	—
WIRE FENCE	—	WATER MAIN & SIZE	—
CHAINLINK FENCE	—	FIRE HYDRANT	—
STOCKADE FENCE	—	WATER VALVE (W.V.) OR METER (W.M.)	—
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	—	STORM DRAIN MANHOLE (S.D.M.H.)	—
CHIMNEY	—	STORM DRAIN LINE (S.D.L.)	—
POLE	—	CATCH BASIN	—
ELEVATION SPOT SHOT	—	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	—
BENCHMARK	—	UNDERGROUND ELECTRIC	—
PROPERTY OR RIGHT-OF-WAY LINE	—	UNDERGROUND TELEPHONE	—
CENTERLINE	—	UNDERGROUND GAS MAIN	—

**SURVEYORS CERTIFICATION**  
 I, JEFFREY C. DODD, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.  
 JEFFREY C. DODD DATE 7-02-15

**GENERAL NOTES:**  
 1. BOUNDARY SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE, IN OCTOBER OF 2014. VERTICAL DATUM IS BASED ON NAVD 83 AND HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE NAD 83 (2011). GPS DERIVED FROM N.G.S. CONTROL MONUMENTS.  
 2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.  
 3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.  
 4. THIS SITE IS NOT LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN, BASED ON FIRM MAP 15005C004K, PANEL 44 OF 60, DATED MARCH 18, 2016.  
 5. A WETLANDS DELINEATION WAS COMPLETED BY WATERSHED ECO. NETWORK, DELAWARE AND IS BASED ON A SITE DELINEATION PERFORMED IN OCTOBER OF 2014 BY JIM MCCULLY (PWS 471). THE DELINEATION DETERMINED THAT THERE ARE WETLANDS EXISTENT ON THE SITE.

**SITE DATA**

- OWNER OF RECORD: BAYHEALTH MEDICAL CENTER, INC. 840 SOUTH STATE STREET DOVER, DE 19901
- ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE. DOVER, DELAWARE 19904 302-734-7950
- PROPERTY MAP NUMBER: 3-30 15 00 50 01 (BAYHEALTH MEDICAL CENTER, INC.) 3-30 15 00 50 11 (BAYHEALTH MEDICAL CENTER, INC.) 3-30 15 00 50 02 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 03 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 04 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 05 (LOUIS J. & SHIRLEY L. RENZI) 3-30 15 00 50 06 (LOUIS J. & SHIRLEY L. RENZI)
- DEED SUMMARY: 3-30 15 00 50 01 BOOK 4370 PAGE 342 3-30 15 00 50 11 BOOK 4370 PAGE 348 3-30 15 00 50 02 BOOK 3251 PAGE 314 3-30 15 00 50 03 BOOK 3483 PAGE 108 3-30 15 00 50 04 BOOK 2981 PAGE 296 3-30 15 00 50 05 BOOK 3483 PAGE 111 3-30 15 00 50 06 BOOK 2566 PAGE 26 3-30 15 00 50 07 BOOK 3055 PAGE 43
- PLAT REFERENCE: BK 32 PG 216, BK 35 PG 63, BK 64 PG 246, BK 102 PG 311, AND BK 64 PG 248
- DEED CONTRACT REF: 1440A, 1463, AND T200812201
- SITE AREA SUMMARY: 3-30 15 00 50 01 42.5508 ACRES ± 3-30 15 00 50 11 11.5145 ACRES ± 3-30 15 00 50 02 102.8079 ACRES ± 3-30 15 00 50 03 1.2900 ACRES ± 3-30 15 00 50 04 6.3483 ACRES ± 3-30 15 00 50 05 1.2900 ACRES ± 3-30 15 00 50 06 1.8887 ACRES ± 3-30 15 00 50 07 1.2502 ACRES ± 168.9056 ACRES ±
- EXISTING ZONING: 3-30 15 00 50 01 R3 (GARDEN APT. / TOWNHOMES) CITY OF MILFORD 3-30 15 00 50 11 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD 3-30 15 00 50 02 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 03 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 04 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 05 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD 3-30 15 00 50 06 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD 3-30 15 00 50 07 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD
- YARD SETBACKS: C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD FRONT: 30 FEET REAR: 40 FEET SIDE: 20 FEET (AGGREGATE OF 50 FEET) R3 (GARDEN APT. / TOWNHOMES) CITY OF MILFORD FRONT: 30 FEET REAR: 40 FEET SIDE: 15 FEET AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY FRONT: 40 FEET REAR: 40 FEET SIDE: 15 FEET
- PRESENT USE: 3-30 15 00 50 01 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 11 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 02 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 03 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 04 RESIDENTIAL 3-30 15 00 50 05 AGRICULTURE (POULTRY FARM) 3-30 15 00 50 06 RESIDENTIAL 3-30 15 00 50 07 RESIDENTIAL
- PARCELS TO BE ANNEXATED: 3-30 15 00 50 01
- PROPOSED ZONING: IS - INSTITUTIONAL SERVICE DISTRICT
- YARD SETBACKS (IS): FRONT: 25 FEET REAR: 25 FEET SIDE: 10 FEET
- SURVEY BENCHMARK: NGS (GARDEN APT. / TOWNHOMES) CITY OF MILFORD
- MONUMENTATION: VERTICAL: NAVD 83 HORIZONTAL: NAD 83 (2011) DELAWARE STATE PLANE EXISTING: 22 FOUND 16 SET
- SURVEY CLASSIFICATION: URBAN SURVEY
- SURVEY UNITS: LINEAR = US SURVEY FOOT ANGULAR = DEGREES MINUTES SECONDS (DMS)

**BECKER MORGAN GROUP**  
 ARCHITECTURE ENGINEERING  
 Dover, DE  
 309 S. GOVERNORS AVE. DOVER, DE 19904  
 PH. 302.734.7950 FAX. 302.734.7965  
 Salisbury, MD  
 312 WEST MAIN ST., SUITE 300 SALISBURY, MD 21801  
 PH. 410.546.9100 FAX. 410.546.5824  
 Wilmington, NC  
 3205 RANDALL PARKWAY, SUITE 211 WILMINGTON, NORTH CAROLINA 28403  
 PH. 910.341.7600 FAX. 910.341.7506  
 www.beckermorgan.com

PROJECT TITLE  
**HEALTH CAMPUS PROJECT**  
 CEDAR CREEK ROAD, & ELKS LODGE ROAD CITY OF MILFORD SUSSEX COUNTY, DE  
 SHEET TITLE  
**EXISTING CONDITIONS PLAN FOR ANNEXATION & CHANGE OF ZONING**

SCALE: 1" = 150'

MARK	DATE	DESCRIPTION
PROJECT NO.:	2014092.00	
DATE:	07/01/15	
SCALE:	1" = 150'	
DRAWN BY:	A.W.J.	PROJ. MGR.: J.C.D.

SHEET 1 OF 1

# City of Milford



## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-18 may be adopted, with or without amendments.

### ORDINANCE 2015-18

#### **Change of Zone/Lands belonging to Bayhealth Medical Center Inc**

Tax Parcel 3-30-15.00-050.01

42.55 +/- Acres

#### **Current Zone R3/Proposed Zone IS**

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 42.55 +/- acres of real property from R3 to IS on Cedar Creek Road, Lincoln, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-050.01

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-050.01, owned by Bayhealth Medical Center Inc located on Cedar Creek Road, is hereby zoned IS.

#### Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 08/12/15*



# Land Use Application Cover Sheet

File Name: Bayhealth-Key Prop  
 File Number: 15-223

Date Stamp

**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/processed if violations exist or if any fees are owed to the City.

**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**

<b>Property Owner:</b> <del>Country Life Homes, LLC INC.</del> <u>Key Properties Group LLC</u>			Phone:
Address: 610 Marshall Street			Cell:
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail:			
<b>Applicant Name and Company:</b> Bayhealth Medical Center, Inc. c/o Jerry Peters			Phone: 302.744.7027
Address: 640 South State Street			Cell:
City: Dover	State: DE	Zip: 19901	Fax: 302.735.3200
E-Mail: jerry_peters@bayhealth.org			
<b>Surveyor or Engineer:</b> Becker Morgan Group, Inc. c/o Gregory Moore, P.E.			Phone: 302.734.7950
Address: 309 S. Governors Avenue			Cell:
City: Dover	State: DE	Zip: 19904	Fax: 302.734.7965
E-Mail: gvmoore@beckermorgan.com			
Site Address: 20203 Elk <sup>S</sup> Lodge Road			Zoning: C3
Tax Map & Parcel Number (s): 330-15.00-58.03			Acreage: <del>6.43 +/-</del> <u>6.35</u>
<b>Brief Description of Proposal:</b> Rezone to Institutional Service District (IS) in order to construct Bayhealth Medical Center's new Health Campus.			
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>[Signature]</u> Date: <u>6/8/15</u>	
Signature of Applicant:		<u>[Signature]</u> Date: <u>6/9/15</u>	

REVISED: 01.2014



# Change of Zone Application

File Name: Bayhealth-Key Prop  
 File Number: 15-223

Date Stamp

A Land Use Application for a Change of Zone 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.

Requested Zoning: IS Comprehensive Plan Designation: Commercial

## REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property.
- 3. Fifteen folded copies of a site plan (no larger than 11" x 17"), drawn to scale, showing:
  - A. Date, scale and north arrow;
  - B. Existing and proposed right-of-ways and improvements;
  - C. Existing and proposed utilities;
  - D. Existing natural features;
  - E. Existing and proposed structures and other improvements;
  - F. The location of proposed parking;
  - G. All structures, natural features and other improvements on abutting property.
- 4. Application fee.

For Staff Use ONLY	
Verified	Waived
WFP	
WFP	
WFP	

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:

*[Handwritten Signature]*

Date: 6/8/15

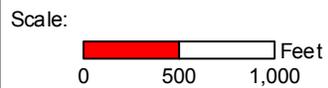
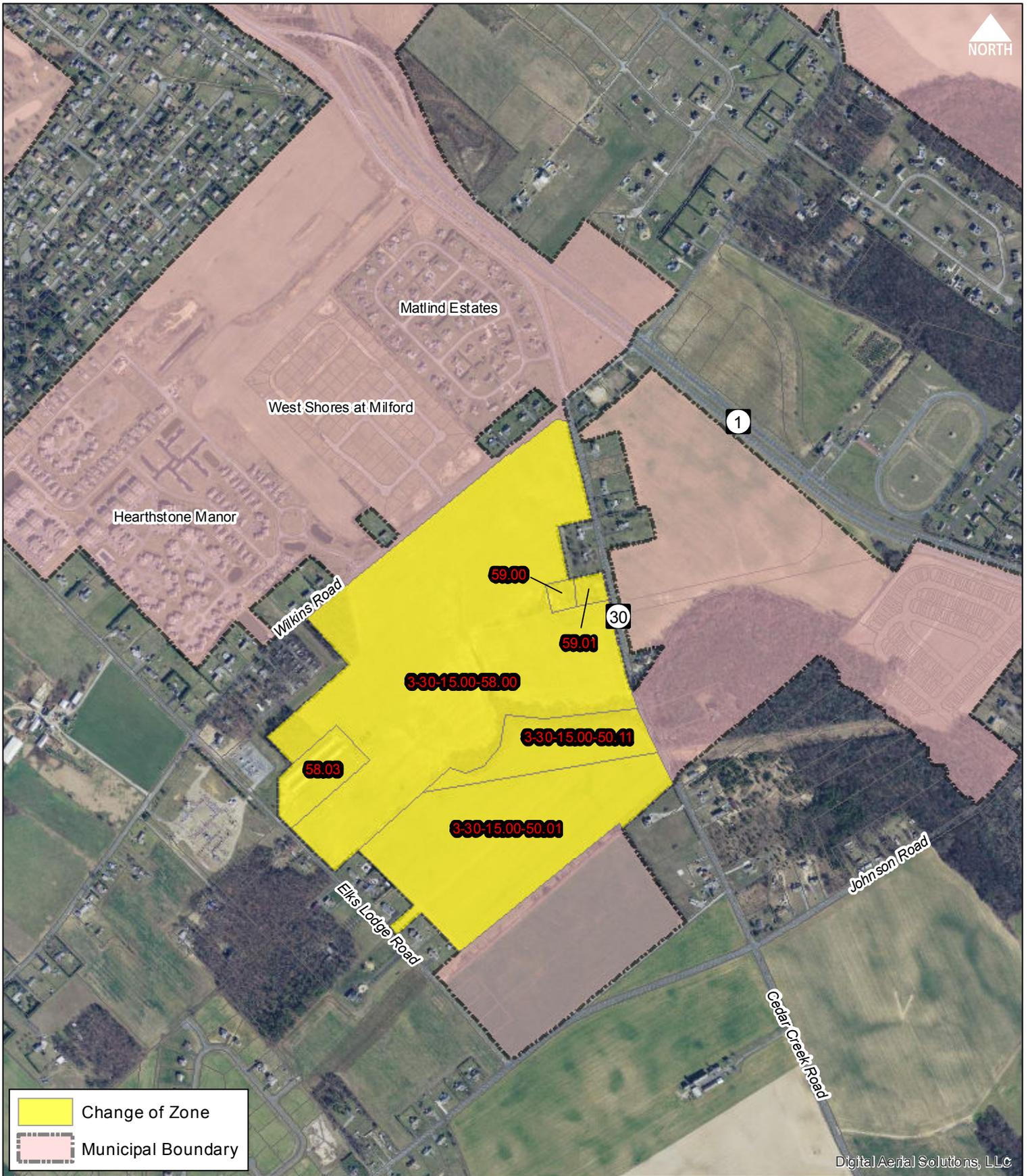
Signature of Applicant:

*[Handwritten Signature]*

Date: 6/9/15

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner	n/a			n/a
Contact				
Applicant				

REVISED: 01.2014



Drawn by: WRP Date: 07/31/15

Title:

Proposed Change of Zone  
**Bayhealth Medical Campus**  
 Location Map

Filepath: \\GEO\_PROJECT\ChangeZone\_Bayhealth.mxd



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

**STAFF RECOMMENDATION REPORT**  
**August 4, 2015**

<b>Application Number / Name</b>	:	2015-223 / Bayhealth Medical Center, Inc.
<b>Present Comprehensive Plan Designation</b>	:	Employment
<b>Proposed Comprehensive Plan Designation</b>	:	Employment
<b>Present Zoning District</b>	:	C-3 (Highway Commercial District)
<b>Proposed Zoning District</b>	:	IS (Institutional Service District)
<b>Present Use</b>	:	Poultry Houses
<b>Proposed Use</b>	:	Medical Campus
<b>Tax Map &amp; Parcel</b>	:	3-30-15.00-058.03
<b>Size and Location</b>	:	6.35 +/- acres located along the east side of Elks Lodge Road between Wikins Road and Johnson Road

**I. STAFF RECOMMENDATION:**

Based on the information presented, the City of Milford Code, and the Southeast Master Plan, staff submits the following regarding the request to amend the Zoning Map:

- The property is surrounded by commercial and residential zoning districts. The properties to the north are zoned R1 (Single-Family Residential District), R2 (Residential District), and R-3 (Garden Apartments & Townhouse District). The properties to the east are zoned C-3 (Highway Commercial District) and R-3 (Garden Apartments & Townhouse District). The properties to the south zoned R-2 (Residential District). The properties to the west are outside the municipal boundary and are designated Residential Low Density in the Southeast Master Plan.
- The proposed zoning is located along an established major collector (Cedar Creek Road) and local road (Wilkins Road). The owner/developer is in the process of performing a Traffic Operational Analysis on the proposed entrances to determine the extent of any road improvements in the area.

- The proposed rezoning meets the conditions for approval based on the following;
  - A. The new zoning classification conforms to the Southeast Master Plan for the City of Milford in relation to land use and intensity of nonresidential buildings and location.
  - B. Transportation facilities, water and sewerage systems, storm drainage systems, and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.
  - C. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.

**II. BACKGROUND INFORMATION:**

- This parcel was annexed into the City limits in November of 2005 as C-3 (Highway/Commercial).
- The applicant requested an amendment to the Southeast Master Plan Future Land Use Map to revise the area of petition from Highway/Commercial to Employment. The City of Milford prepared the amendment which was reviewed by the Office of State Planning Coordination in February 2015. Comments were received from OSPC in April 2015 and the SE Master Plan amendment was approved by City Council on July 27, 2015 at Public Hearing. PLUS comments are attached for the Master Plan Map Amendment.

**III. AGENCY COMMENTS:**

- DeIDOT – No comments solicited for change of zone application. No comments provided during Comprehensive Plan Future Land Use amendment during PLUS hearing. Site Plan will require approval.
- Sussex Conservation District – No comments solicited. Site Plan will require approval and adherence to Sediment and Stormwater Regulations.
- State Fire Marshall – No comments solicited for change of zone application. The Site Plan will require approval.
- Carlisle Fire Company – The Fire Chief, Duane Fox, states the current response time for fire service will be increased by the time it takes to travel to the new location. Also, the time will increase for other units coming to aid Carlisle during an event. Also, the Fire Chief recommends a meeting between the fire department, police department and Bayhealth to review the hospital’s evacuation mitigation plan.
- Office of State Planning Coordination (OSPC) – OSPC had no objections to the amendment to the City’s Southeast Neighborhood Master Plan because the new land use will provide substantial economic development benefits to the City of Milford, while also providing enhanced health care services to residents of the City and surrounding area. The land use change does not alter the fundamental aspects of the Master Plan related to transportation, environmental protection, utilities, agricultural reservation or residential land use.

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Planning & Zoning Department. The Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to City Council in this matter.

ENC: Data Sheet

Exhibit A – Location & Zoning Map

Exhibit B - Comprehensive Plan Map

Exhibit C – Plot Plan

PLUS Comments from 4/23/15

Ordinance 2015-17

§ 230-19.2. - IS Institutional Service District.

[Added 4-9-2007 by Ord. No. 2006-10]

- A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.
- B. District Area. The minimum area to request an Institutional Service District shall be 20 acres.
- C. Permitted uses.
- (1) Hospital and all other health-care facilities, including any and all support services related thereto.
  - (2) Outpatient health-care centers and health-care facilities.
  - (3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
  - (4) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.
  - (5) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
  - (6) Pharmacies.
  - (7) Heliports.
  - (8) Private education institutions and training centers.
  - (9) Nursing facilities, convalescent homes, and a continued-care retirement communities.
  - (10) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
  - (11) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
  - (12) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
  - (13) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
  - (14) Ambulance and emergency rescue services.
  - (15) Maintenance and laundry facilities.
  - (16) Libraries
  - (17) Places of worship.
  - (18) Parking areas, including parking facilities.
  - (19) Publicly owned and/or health-related recreation facilities.
  - (20) Rehabilitation facilities.
  - (21) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
  - (22) Auditoriums.
  - (23) Modular office units.
  - (24) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
  - (25) Any and all uses and/or structures which are of the same general character as those listed above.
  - (26) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.
  - (27) Public and private elementary, junior or senior high schools and colleges.
  - (28) All uses permitted in the R-8 Zoning District.
- D. Uses prohibited: Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilizing equipment and similar devices are not classified as incinerators for purposes of this prohibition.
- E. Height regulations. The height of any structure, including any hospital structure existing as of the date of enactment of this section, shall not be greater than 140 feet, excluding smokestacks and/or other rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, enclosed mechanical rooms and similar appurtenances).
- F. Yard regulations. In the Institutional Service District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:
- (1) Front yard depth: 25 feet.
  - (2) Side yard width: 10 feet. On a corner lot, the side yard abutting the street shall be a minimum of 10 feet but may be increased in order to ensure clear visibility at the intersection of the two streets. There shall be one side yard for each single-family semidetached dwelling, which shall be not less than 10 feet in width. The requirement for side yard setbacks may be decreased upon the request of the property owner to the interior of the lots when lots have been combined into common ownership for a project which includes two or more lots.
  - (3) Rear yard width: 25 feet.
- G. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 85% of the area of the lot.
- H. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.
- I. Signs in the Institutional Service District.
- (1) Identification signs. The total permitted sign surface area, excluding its enclosure and/or manner of support, of all business identification signs located on or affixed to the facade of a building within the lower two stories or 26 feet, whichever is lower, shall not exceed an area equal to 5% of said lower two-story area of the building facade or 100 square feet, whichever is lower, per sign for each side of the building. For any freestanding sign not located on or affixed to a building, the total permitted sign surface area, excluding its enclosure and/or manner of support, shall not be greater than 100 square feet per sign for each side of the building. For business identification signs which are placed on a building above 26 feet, the sign shall not exceed an area of 5% of the area of the building facade measured from the ground to the top of the applicable proposed sign.
  - (2)

On-site informational signs. Any building less than 5,000 square feet shall be allowed four on-site informational signs not to exceed 50 square feet per side for each sign for each building. Any building greater than 5,000 square feet shall be allowed eight (8) on-site informational signs not to exceed 50 square feet per side for each building. In no case shall an on-site informational sign be constructed so as to obstruct the view at an intersection of a public street.

- (3) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct rays from the lights will not fall on any adjoining property. Signs in the Institutional Service District or lighting for signs shall not be placed in such a position that it will cause danger to traffic or create a traffic hazard by obscuring the view or in any way interfering with driver vision.



# City of Milford



## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-19 may be adopted, with or without amendments.

### ORDINANCE 2015-19

#### **Change of Zone/Lands belonging to Country Life Homes Inc**

Tax Parcel 3-30-15.00-058.03

6.35 +/- Acres

#### **Current Zone C3/Proposed Zone IS**

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 6.35 +/- acres of real property from C3 to IS at 20203 Elks Lodge Road, Lincoln, Delaware. Present Use: Poultry Houses. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-058.03

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.03, owned by Country Life Homes Inc located at 20203 Elks Lodge Road, is hereby zoned IS.

#### Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 08/12/15*



# Land Use Application Cover Sheet

File Name: Bayhealth  
 File Number: 15.224

Date Stamp

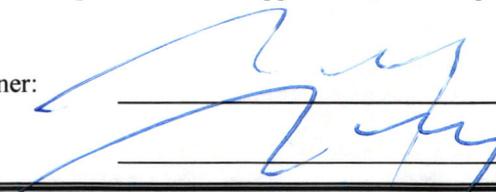
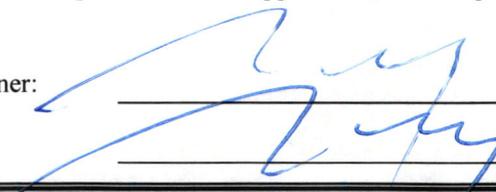
**Instructions for Applicants:**

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/processed if violations exist or if any fees are owed to the City.

**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**

<b>Property Owner:</b> Bayhealth Medical Center, Inc.			Phone: 302.744.7027
Address: 640 South State Street			Cell:
City: Dover	State: DE	Zip: 19963	Fax: 302.735.3200
E-Mail: jerry_peters@bayhealth.org			
<b>Applicant Name and Company:</b> Bayhealth Medical Center, Inc. c/o Jerry Peters			Phone: 302.744.7027
Address: 640 South State Street			Cell:
City: Dover	State: DE	Zip: 19901	Fax: 302.735.3200
E-Mail: jerry_peters@bayhealth.org			
<b>Surveyor or Engineer:</b> Becker Morgan Group, Inc. c/o Gregory Moore, P.E.			Phone: 302.734.7950
Address: 309 S. Governors Avenue			Cell:
City: Dover	State: DE	Zip: 19904	Fax: 302.734.7965
E-Mail: gvmoore@beckermorgan.com			
Site Address: <del>N/A</del> Cedar Creek Rd			Zoning: R3
Tax Map & Parcel Number (s): 330-15.00-50.11			Acreage: 11.5 +/-
<b>Brief Description of Proposal:</b> Rezone to Institutional Service District (IS) in order to construct Bayhealth Medical Center's new Health Campus.			
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: 			Date: 6/9/15
Signature of Applicant: 			Date: 6/9/15

REVISED: 01.2014



# Change of Zone Application

File Name: Bayhealth  
 File Number: 15-224

Date Stamp

A Land Use Application for a Change of Zone 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.

**Requested Zoning:** IS

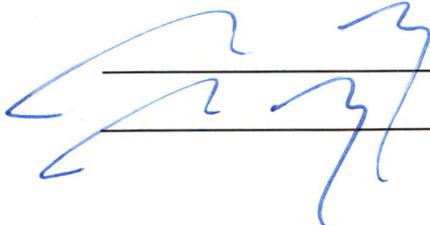
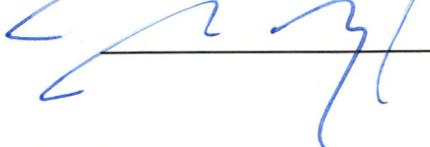
**Comprehensive Plan Designation:** Residential - Low Density

**REQUIRED ITEMS**

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property.
- 3. Fifteen folded copies of a site plan (no larger than 11" x 17"), drawn to scale, showing:
  - A. Date, scale and north arrow;
  - B. Existing and proposed right-of-ways and improvements;
  - C. Existing and proposed utilities;
  - D. Existing natural features;
  - E. Existing and proposed structures and other improvements;
  - F. The location of proposed parking;
  - G. All structures, natural features and other improvements on abutting property.
- 4. Application fee.

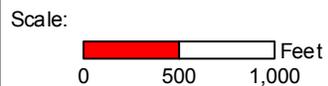
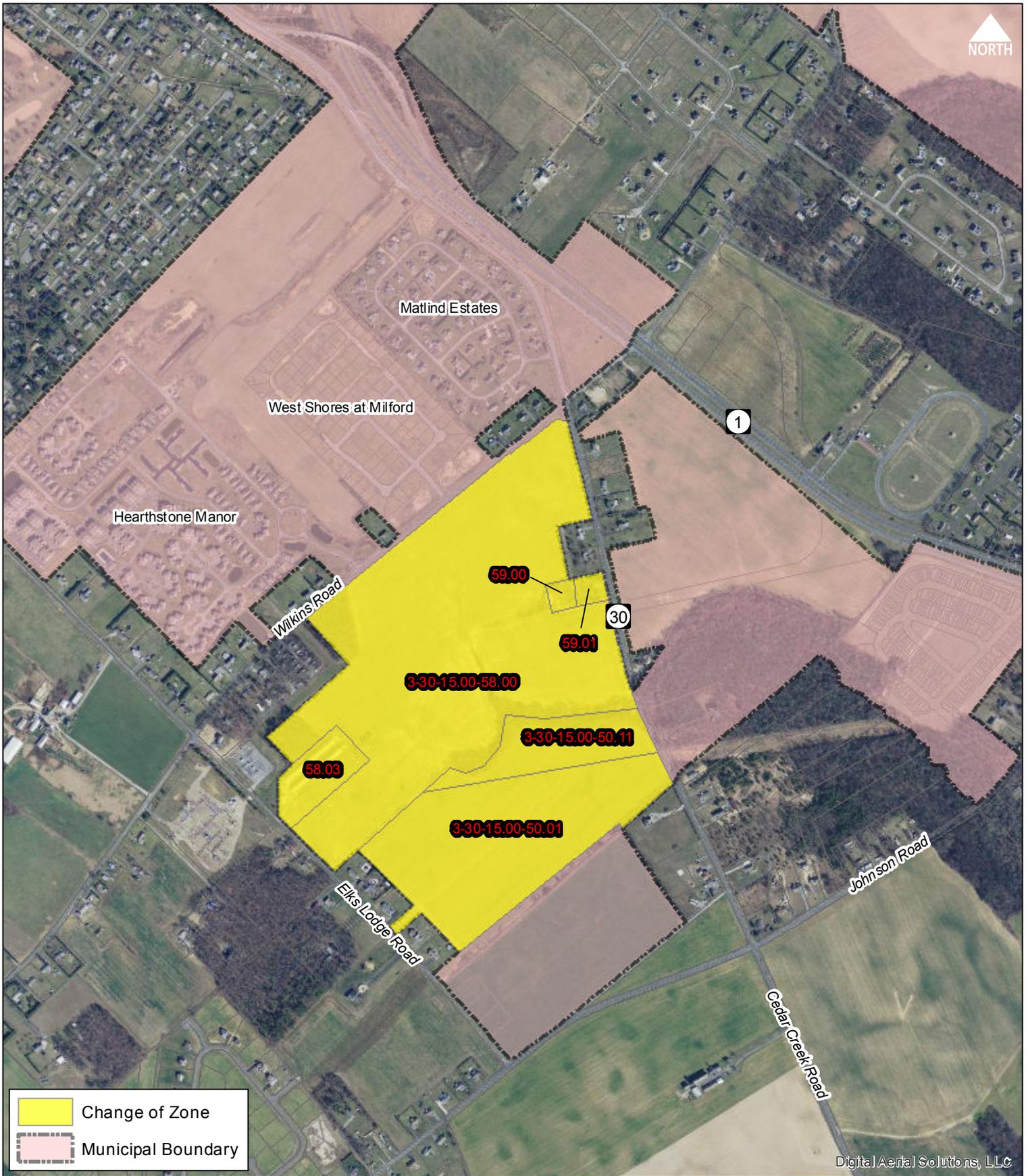
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I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner:  Date: 6/9/15  
 Signature of Applicant:  Date: 6/9/15

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner	n/a			n/a
Contact				
Applicant				

REVISED: 01.2014



Drawn by: WRP Date: 07/31/15

Title:

Proposed Change of Zone  
**Bayhealth Medical Campus**  
 Location Map

Filepath: \\GEO\_PROJECT\ChangeZone\_Bayhealth.mxd



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

**STAFF RECOMMENDATION REPORT**  
**August 4, 2015**

<b>Application Number / Name</b>	:	15-224 / Bayhealth Medical Center, Inc.
<b>Present Comprehensive Plan Designation</b>	:	Employment
<b>Proposed Comprehensive Plan Designation</b>	:	Employment
<b>Present Zoning District</b>	:	R-3 (Garden Apartments & Townhouse District)
<b>Proposed Zoning District</b>	:	IS (Institutional Service District)
<b>Present Use</b>	:	Vacant
<b>Proposed Use</b>	:	Medical Campus
<b>Tax Map &amp; Parcel</b>	:	3-30-15.00-050.11
<b>Size and Location</b>	:	11.5 +/- acres located along the west side of Cedar Creek Road (State Route 30) between Wilkins Road and Johnson Road.

**I. STAFF RECOMMENDATION:**

Based on the information presented, the City of Milford Code, and the Southeast Master Plan, staff submits the following regarding the request to amend the Zoning Map:

- The property is surrounded by commercial and residential zoning districts. The properties to the north are zoned R1 (Single-Family Residential District), R2 (Residential District), and R-3 (Garden Apartments & Townhouse District). The properties to the east are zoned C-3 (Highway Commercial District) and R-3 (Garden Apartments & Townhouse District). The properties to the south zoned R-2 (Residential District). The properties to the west are outside the municipal boundary and are designated Residential Low Density in the Southeast Master Plan.
- The proposed zoning is located along an established major collector (Cedar Creek Road) and local road (Wilkins Road). The owner/developer is in the process of performing a Traffic Operational Analysis on the proposed entrances to determine the extent of any road improvements in the area.

- The proposed rezoning meets the conditions for approval based on the following;
  - A. The new zoning classification conforms to the Southeast Master Plan for the City of Milford in relation to land use and intensity of nonresidential buildings and location.
  - B. Transportation facilities, water and sewerage systems, storm drainage systems, and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.
  - C. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.

## **II. BACKGROUND INFORMATION:**

- These parcels were annexed into the City limits in September of 2005 as R-3 (Garden Apartments & Townhouse District).
- The applicant requested an amendment to the Southeast Master Plan Future Land Use Map to revise the area of petition from Highway/Commercial to Employment. The City of Milford prepared the amendment which was reviewed by the Office of State Planning Coordination in February 2015. Comments were received from OSPC in April 2015 and the SE Master Plan amendment was approved by City Council on July 27, 2015 at Public Hearing. PLUS comments are attached for the Master Plan Map Amendment.

## **III. AGENCY COMMENTS:**

- DelDOT – No comments solicited for change of zone application. No comments provided during Comprehensive Plan Future Land Use amendment during PLUS hearing. Site Plan will require approval.
- Sussex Conservation District – No comments solicited. Site Plan will require approval and adherence to Sediment and Stormwater Regulations.
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This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Planning & Zoning Department. The Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to City Council in this matter.

ENC: Data Sheet  
Exhibit A – Location & Zoning Map  
Exhibit B - Comprehensive Plan Map  
Exhibit C – Plot Plan  
PLUS Comments from 4/23/15  
Ordinance 2015-17

§ 230-19.2. - IS Institutional Service District.

[Added 4-9-2007 by Ord. No. 2006-10]

- A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.
- B. District Area. The minimum area to request an Institutional Service District shall be 20 acres.
- C. Permitted uses.
- (1) Hospital and all other health-care facilities, including any and all support services related thereto.
  - (2) Outpatient health-care centers and health-care facilities.
  - (3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
  - (4) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.
  - (5) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
  - (6) Pharmacies.
  - (7) Heliports.
  - (8) Private education institutions and training centers.
  - (9) Nursing facilities, convalescent homes, and a continued-care retirement communities.
  - (10) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
  - (11) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
  - (12) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
  - (13) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
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  - (16) Libraries
  - (17) Places of worship.
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  - (19) Publicly owned and/or health-related recreation facilities.
  - (20) Rehabilitation facilities.
  - (21) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
  - (22) Auditoriums.
  - (23) Modular office units.
  - (24) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
  - (25) Any and all uses and/or structures which are of the same general character as those listed above.
  - (26) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.
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- D. Uses prohibited: Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilizing equipment and similar devices are not classified as incinerators for purposes of this prohibition.
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- F. Yard regulations. In the Institutional Service District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:
- (1) Front yard depth: 25 feet.
  - (2) Side yard width: 10 feet. On a corner lot, the side yard abutting the street shall be a minimum of 10 feet but may be increased in order to ensure clear visibility at the intersection of the two streets. There shall be one side yard for each single-family semidetached dwelling, which shall be not less than 10 feet in width. The requirement for side yard setbacks may be decreased upon the request of the property owner to the interior of the lots when lots have been combined into common ownership for a project which includes two or more lots.
  - (3) Rear yard width: 25 feet.
- G. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 85% of the area of the lot.
- H. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.
- I. Signs in the Institutional Service District.
- (1) Identification signs. The total permitted sign surface area, excluding its enclosure and/or manner of support, of all business identification signs located on or affixed to the facade of a building within the lower two stories or 26 feet, whichever is lower, shall not exceed an area equal to 5% of said lower two-story area of the building facade or 100 square feet, whichever is lower, per sign for each side of the building. For any freestanding sign not located on or affixed to a building, the total permitted sign surface area, excluding its enclosure and/or manner of support, shall not be greater than 100 square feet per sign for each side of the building. For business identification signs which are placed on a building above 26 feet, the sign shall not exceed an area of 5% of the area of the building facade measured from the ground to the top of the applicable proposed sign.
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On-site informational signs. Any building less than 5,000 square feet shall be allowed four on-site informational signs not to exceed 50 square feet per side for each sign for each building. Any building greater than 5,000 square feet shall be allowed eight (8) on-site informational signs not to exceed 50 square feet per side for each building. In no case shall an on-site informational sign be constructed so as to obstruct the view at an intersection of a public street.

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# City of Milford



## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-20 may be adopted, with or without amendments.

ORDINANCE 2015-20

**Change of Zone/Lands belonging to Bayhealth Medical Center Inc**

Tax Parcel 3-30-15.00-050.11

11.51 +/- Acres

**Current Zone R3/Proposed Zone IS**

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 11.51 +/- acres of real property from R3 to IS on Cedar Creek Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-050.11

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-050.11, owned by Bayhealth Medical Center Inc located on Cedar Creek Road, is hereby zoned IS.

Dates:

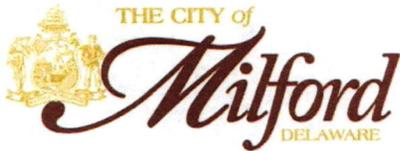
Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 08/12/15*



# Land Use Application Cover Sheet

File Name: Bayhealth-Key Prop  
 File Number: 15.225

Date Stamp

**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/processed if violations exist or if any fees are owed to the City.

**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**

<b>Property Owner:</b> Key Properties Group, LLC			Phone:
Address: 610 Marshall Street			Cell:
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail:			
<b>Applicant Name and Company:</b> Bayhealth Medical Center, Inc. c/o Jerry Peters			Phone: 302.744.7027
Address: 640 South State Street			Cell:
City: Dover	State: DE	Zip: 19901	Fax: 302.735.3200
E-Mail: jerry_peters@bayhealth.org			
<b>Surveyor or Engineer:</b> Becker Morgan Group, Inc. c/o Gregory Moore, P.E.			Phone: 302.734.7950
Address: 309 S. Governors Avenue			Cell:
City: Dover	State: DE	Zip: 19904	Fax: 302.734.7965
E-Mail: gvmoore@beckermorgan.com			
Site Address: <del>N/A</del> Wilkins Rd			Zoning: C3
Tax Map & Parcel Number (s): 330-15.00-58.00			Acreage: 102.99 +/-
<b>Brief Description of Proposal:</b> Rezone to Institutional Service District (IS) in order to construct Bayhealth Medical Center's new Health Campus.			
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:			Date: 6/8/15
Signature of Applicant:			Date: 6/9/15

REVISED: 01.2014



# Change of Zone Application

File Name: Bayhealth - Key Prop  
 File Number: 15.225

Date Stamp

A Land Use Application for a Change of Zone 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.

**Requested Zoning:** IS                      **Comprehensive Plan Designation:** Commercial

## REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property.
- 3. Fifteen folded copies of a site plan (no larger than 11" x 17"), drawn to scale, showing:
  - A. Date, scale and north arrow;
  - B. Existing and proposed right-of-ways and improvements;
  - C. Existing and proposed utilities;
  - D. Existing natural features;
  - E. Existing and proposed structures and other improvements;
  - F. The location of proposed parking;
  - G. All structures, natural features and other improvements on abutting property.
- 4. Application fee.

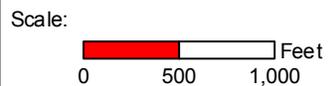
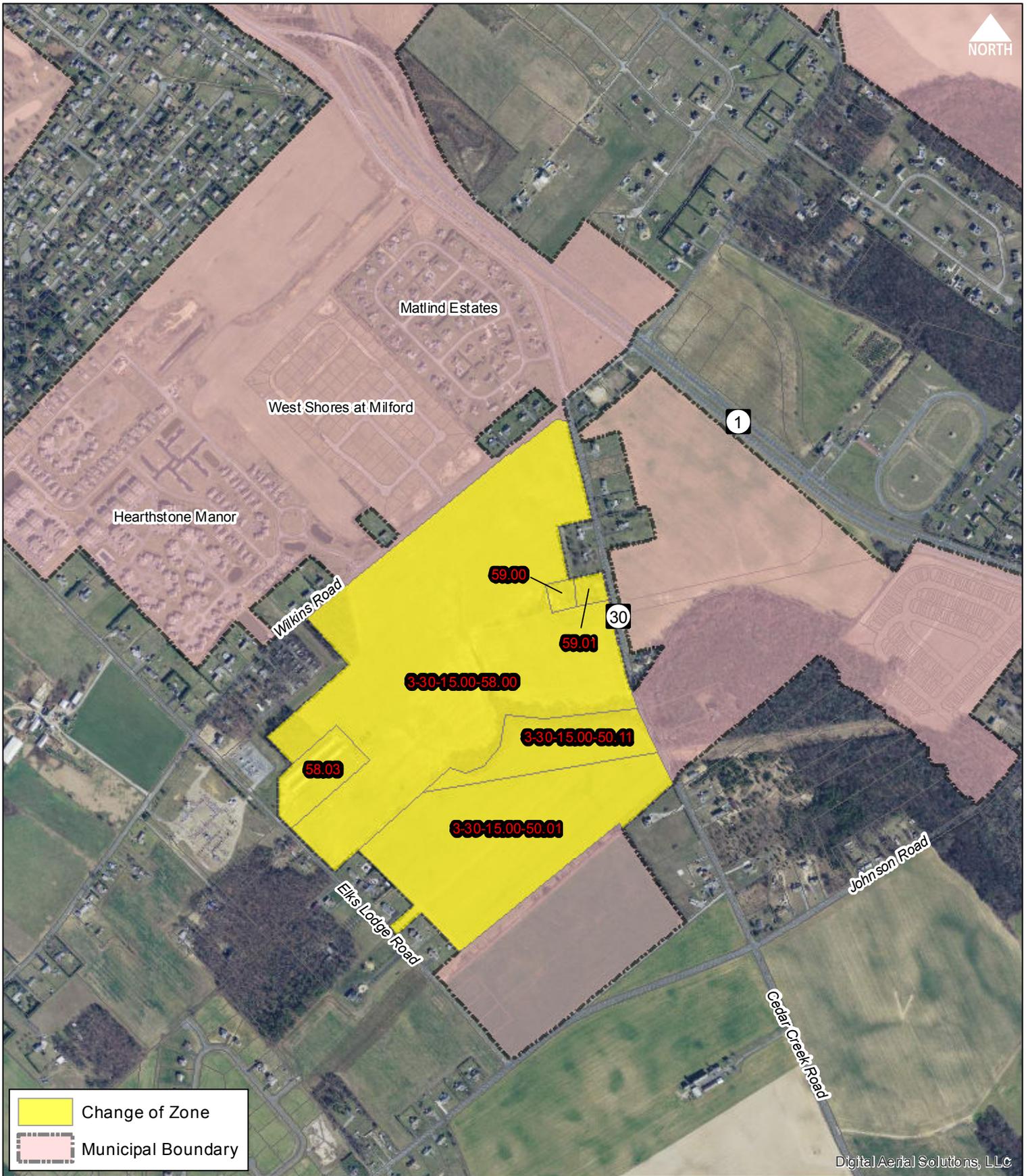
For Staff Use ONLY	
Verified	Waived
WFP	
WFP	
WFP	

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: 6/8/15  
 Signature of Applicant: [Signature] Date: 6/9/15

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner	n/a			n/a
Contact				
Applicant				

REVISED: 01.2014



Drawn by: WRP Date: 07/31/15

Title:

Proposed Change of Zone  
**Bayhealth Medical Campus**  
 Location Map

Filepath: \\GEO\_PROJECT\ChangeZone\_Bayhealth.mxd



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

**STAFF RECOMMENDATION REPORT**  
**August 4, 2015**

<b>Application Number / Name</b>	:	15-225 / Bayhealth Medical Center, Inc.
<b>Present Comprehensive Plan Designation</b>	:	Employment
<b>Proposed Comprehensive Plan Designation</b>	:	Employment
<b>Present Zoning District</b>	:	C-3 (Highway Commercial District)
<b>Proposed Zoning District</b>	:	IS (Institutional Service District)
<b>Present Use</b>	:	Vacant
<b>Proposed Use</b>	:	Medical Campus
<b>Tax Map &amp; Parcel</b>	:	3-30-15.00-058.00
<b>Size and Location</b>	:	102.99 +/- acres located along Wilkins Road between Elks Lodge Road and Cedar Creek Road (State Route 30).

**I. STAFF RECOMMENDATION:**

Based on the information presented, the City of Milford Code, and the Southeast Master Plan, staff submits the following regarding the request to amend the Zoning Map:

- The property is surrounded by commercial and residential zoning districts. The properties to the north are zoned R1 (Single-Family Residential District), R2 (Residential District), and R-3 (Garden Apartments & Townhouse District). The properties to the east are zoned C-3 (Highway Commercial District) and R-3 (Garden Apartments & Townhouse District). The properties to the south zoned R-2 (Residential District). The properties to the west are outside the municipal boundary and are designated Residential Low Density in the Southeast Master Plan.
- The proposed zoning is located along an established major collector (Cedar Creek Road) and local road (Wilkins Road). The owner/developer is in the process of performing a Traffic Operational Analysis on the proposed entrances to determine the extent of any road improvements in the area.

- The proposed rezoning meets the conditions for approval based on the following;
  - A. The new zoning classification conforms to the Southeast Master Plan for the City of Milford in relation to land use and intensity of nonresidential buildings and location.
  - B. Transportation facilities, water and sewerage systems, storm drainage systems, and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.
  - C. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.

**II. BACKGROUND INFORMATION:**

- This parcel was annexed into the City limits in November of 2005 as C-3 (Highway/Commercial).
- The applicant requested an amendment to the Southeast Master Plan Future Land Use Map to revise the area of petition from Highway/Commercial to Employment. The City of Milford prepared the amendment which was reviewed by the Office of State Planning Coordination in February 2015. Comments were received from OSPC in April 2015 and the SE Master Plan amendment was approved by City Council on July 27, 2015 at Public Hearing. PLUS comments are attached for the Master Plan Map Amendment.

**III. AGENCY COMMENTS:**

- DeIDOT – No comments solicited for change of zone application. No comments provided during Comprehensive Plan Future Land Use amendment during PLUS hearing. Site Plan will require approval.
- Sussex Conservation District – No comments solicited. Site Plan will require approval and adherence to Sediment and Stormwater Regulations.
- State Fire Marshall – No comments solicited for change of zone application. The Site Plan will require approval.
- Carlisle Fire Company – The Fire Chief, Duane Fox, states the current response time for fire service will be increased by the time it takes to travel to the new location. Also, the time will increase for other units coming to aid Carlisle during an event. Also, the Fire Chief recommends a meeting between the fire department, police department and Bayhealth to review the hospital’s evacuation mitigation plan.
- Office of State Planning Coordination (OSPC) – OSPC had no objections to the amendment to the City’s Southeast Neighborhood Master Plan because the new land use will provide substantial economic development benefits to the City of Milford, while also providing enhanced health care services to residents of the City and surrounding area. The land use change does not alter the fundamental aspects of the Master Plan related to transportation, environmental protection, utilities, agricultural reservation or residential land use.

This recommendation is offered without the benefit of public testimony and is based on the information presented

when the application was received by the Planning & Zoning Department. The Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to City Council in this matter.

ENC: Data Sheet

Exhibit A – Location Map

Exhibit B - Comprehensive Plan Map

Exhibit C – Plot Plan

PLUS Comments from 4/23/15

Ordinance 2015-17

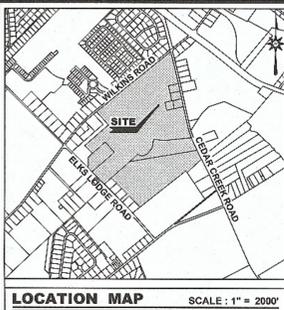
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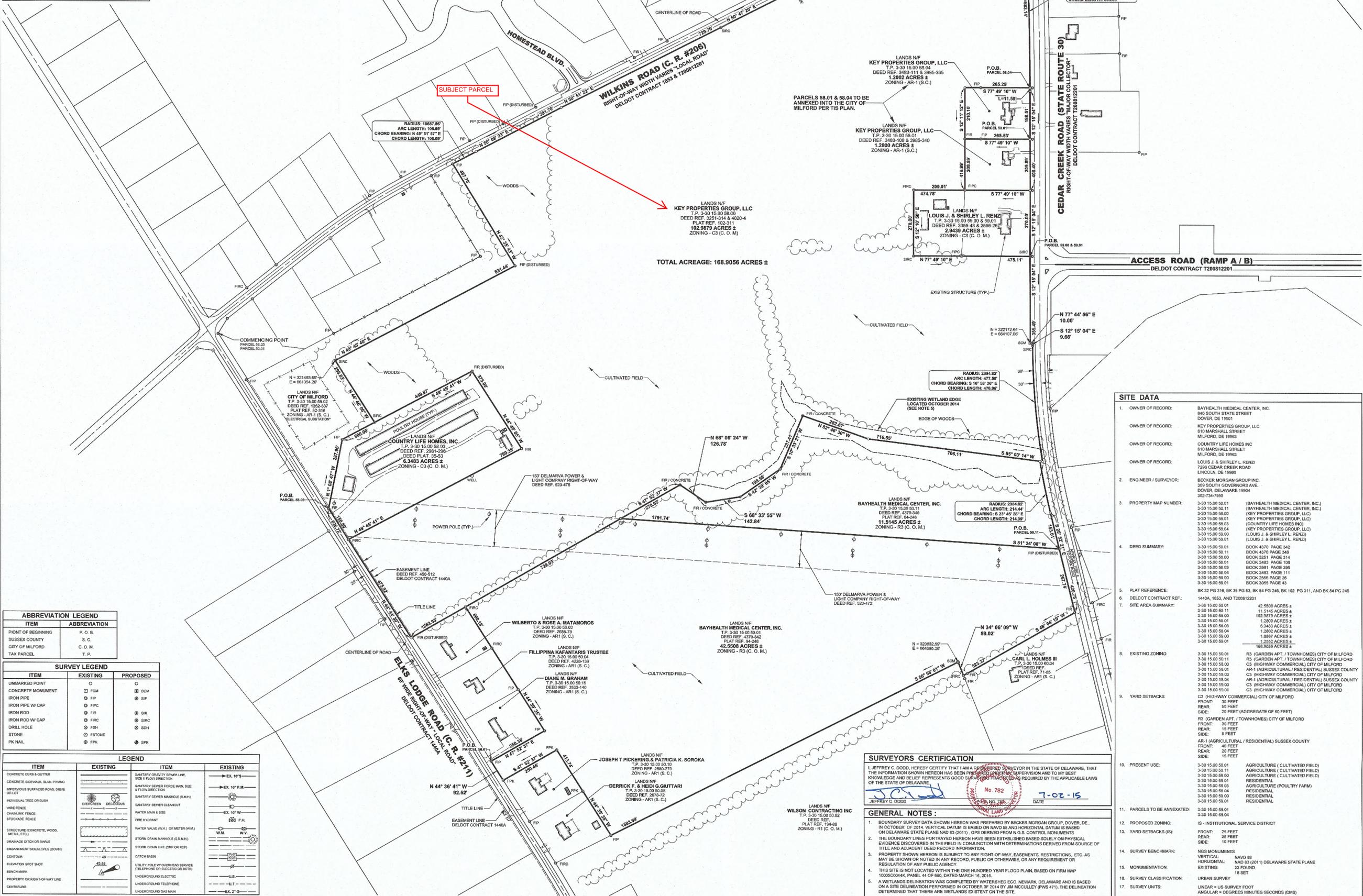
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LOCATION MAP SCALE: 1" = 2000'



ITEM	ABBREVIATION
POINT OF BEGINNING	P. O. B.
SUSSEX COUNTY	S. C.
CITY OF MILFORD	C. O. M.
TAX PARCEL	T. P.

SURVEY LEGEND		
ITEM	EXISTING	PROPOSED
UNMARKED POINT	○	○
CONCRETE MONUMENT	□	□
IRON PIPE	⊙	⊙
IRON PIPE W/ CAP	⊙	⊙
IRON ROD	⊙	⊙
IRON ROD W/ CAP	⊙	⊙
DRILL HOLE	⊙	⊙
STONE	⊙	⊙
PK NAIL	⊙	⊙

LEGEND			
ITEM	EXISTING	ITEM	EXISTING
CONCRETE CURB & GUTTER	—	SANITARY SEWER MAIN, SIZE & FLOW DIRECTION	—
CONCRETE SIDEWALK, SLAB, FINISH	—	SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	—
ASPHALT PAVED DRIVE, DRIVE OR LOT	—	SANITARY SEWER MANHOLE (S.M.H.)	—
INDIVIDUAL TREE OR BUSH	—	SANITARY SEWER CLEANOUT	—
WIRE FENCE	—	WATER MAIN & SIZE	—
CHAINLINK FENCE	—	FIRE HYDRANT	—
STOCKADE FENCE	—	WATER VALVE (W.V.) OR METER (W.M.)	—
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	—	STORM DRAIN MANHOLE (S.D.M.H.)	—
CHIMNEY	—	STORM DRAIN LINE (S.D.R. OR RCP)	—
POURAGE DITCH OR SWALE	—	CATCH BASIN	—
RESURFACING (SLOPES DOWN)	—	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	—
CONTOUR	—	UNDERGROUND ELECTRIC	—
ELEVATION SPOT SHOT	—	UNDERGROUND TELEPHONE	—
BENCHMARK	—	UNDERGROUND GAS MAIN	—
PROPERTY OR RIGHT-OF-WAY LINE	—		
CENTERLINE	—		

**SURVEYORS CERTIFICATION**  
 I, JEFFREY C. DODD, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.  
 JEFFREY C. DODD DATE 7-02-15

**GENERAL NOTES:**  
 1. BOUNDARY SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE, IN OCTOBER OF 2014. VERTICAL DATUM IS BASED ON NAVD 83 AND HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE NAD 83 (2011). GPS DERIVED FROM U.S. CONTROL MONUMENTS ON DELAWARE STATE PLANE NAD 83 (2011).  
 2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.  
 3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.  
 4. THIS SITE IS NOT LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN, BASED ON FIRM MAP 15005C004K, PANEL 44 OF 60, DATED MARCH 18, 2016.  
 5. A WETLANDS DELINEATION WAS COMPLETED BY WATERSHED ECO. NETWORK, DELAWARE AND IS BASED ON A SITE DELINEATION PERFORMED IN OCTOBER OF 2014 BY JIM MCCULLY (PWS 471). THE DELINEATION DETERMINED THAT THERE ARE WETLANDS EXISTENT ON THE SITE.

**SITE DATA**

- OWNER OF RECORD: BAYHEALTH MEDICAL CENTER, INC. 840 SOUTH STATE STREET DOVER, DE 19901
- ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE. DOVER, DELAWARE 19904 302-734-7950
- PROPERTY MAP NUMBER: 3-30 15 00 50 01 (BAYHEALTH MEDICAL CENTER, INC.) 3-30 15 00 50 11 (BAYHEALTH MEDICAL CENTER, INC.) 3-30 15 00 50 02 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 03 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 04 (KEY PROPERTIES GROUP, LLC) 3-30 15 00 50 05 (LOUIS J. & SHIRLEY L. RENZI) 3-30 15 00 50 06 (LOUIS J. & SHIRLEY L. RENZI)
- DEED SUMMARY: 3-30 15 00 50 01 BOOK 4370 PAGE 342 3-30 15 00 50 11 BOOK 4370 PAGE 348 3-30 15 00 50 02 BOOK 3251 PAGE 314 3-30 15 00 50 03 BOOK 3483 PAGE 108 3-30 15 00 50 04 BOOK 2981 PAGE 296 3-30 15 00 50 05 BOOK 3483 PAGE 111 3-30 15 00 50 06 BOOK 2566 PAGE 26 3-30 15 00 50 07 BOOK 3055 PAGE 43
- PLAT REFERENCE: BK 32 PG 216, BK 35 PG 63, BK 64 PG 246, BK 102 PG 311, AND BK 64 PG 248
- DEED CONTRACT REF: 1440A, 1453, AND T200812201
- SITE AREA SUMMARY: 3-30 15 00 50 01 42.5508 ACRES ± 3-30 15 00 50 11 11.5145 ACRES ± 3-30 15 00 50 02 102.8079 ACRES ± 3-30 15 00 50 03 1.2900 ACRES ± 3-30 15 00 50 04 6.3483 ACRES ± 3-30 15 00 50 05 1.2900 ACRES ± 3-30 15 00 50 06 1.8887 ACRES ± 3-30 15 00 50 07 1.2002 ACRES ± 168.9056 ACRES ±
- EXISTING ZONING: 3-30 15 00 50 01 R3 (GARDEN APT. / TOWNHOMES) CITY OF MILFORD 3-30 15 00 50 11 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD 3-30 15 00 50 02 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 03 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 04 AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY 3-30 15 00 50 05 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD 3-30 15 00 50 06 C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD 3-30 15 00 50 07 R3 (GARDEN APT. / TOWNHOMES) CITY OF MILFORD
- YARD SETBACKS: C3 (HIGHWAY COMMERCIAL) CITY OF MILFORD FRONT: 30 FEET REAR: 40 FEET SIDE: 20 FEET (AGGREGATE OF 50 FEET) R3 (GARDEN APT. / TOWNHOMES) CITY OF MILFORD FRONT: 30 FEET REAR: 15 FEET SIDE: 8 FEET AR-1 (AGRICULTURAL / RESIDENTIAL) SUSSEX COUNTY FRONT: 40 FEET REAR: 20 FEET SIDE: 15 FEET
- PRESENT USE: 3-30 15 00 50 01 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 11 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 02 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 03 AGRICULTURE (CULTIVATED FIELD) 3-30 15 00 50 04 RESIDENTIAL 3-30 15 00 50 05 AGRICULTURE (POULTRY FARM) 3-30 15 00 50 06 RESIDENTIAL 3-30 15 00 50 07 RESIDENTIAL
- PARCELS TO BE ANNEXED: 3-30 15 00 50 01
- PROPOSED ZONING: IS - INSTITUTIONAL SERVICE DISTRICT
- YARD SETBACKS (IS): FRONT: 25 FEET REAR: 25 FEET SIDE: 10 FEET
- SURVEY BENCHMARK: NGS (GARDEN APT. / TOWNHOMES) CITY OF MILFORD
- MONUMENTATION: VERTICAL: NAVD 83 HORIZONTAL: NAD 83 (2011) DELAWARE STATE PLANE EXISTING: 22 FOUND 16 SET
- SURVEY CLASSIFICATION: URBAN SURVEY
- SURVEY UNITS: LINEAR + US SURVEY FOOT ANGULAR = DEGREES MINUTES SECONDS (DMS)

**BECKER MORGAN GROUP**  
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PROJECT TITLE  
**HEALTH CAMPUS PROJECT**  
 CEDAR CREEK ROAD, & ELKS LODGE ROAD  
 CITY OF MILFORD  
 SUSSEX COUNTY, DE  
 SHEET TITLE  
**EXISTING CONDITIONS PLAN**  
 FOR ANNEXATION & CHANGE OF ZONING

SCALE: 1" = 150'

MARK	DATE	DESCRIPTION
PROJECT NO.:	2014092.00	
DATE:	07/01/15	
SCALE:	1" = 150'	
DRAWN BY:	A.W.J.	PROJ. MGR.: J.C.D.

SHEET  
**1 OF 1**  
 C:\p\m\2014\2014092\2014092025\14092-SVY-C3D16.dwg, Jul 02, 2015 - 6:40am

# City of Milford



## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 15, 2015

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 28, 2015

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 15, 2015 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 28, 2015 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2015-21 may be adopted, with or without amendments.

ORDINANCE 2015-21

**Change of Zone/Lands belonging to Key Properties Group LLC**

Tax Parcel 3-30-15.00-058.00

102.99 +/- Acres

**Current Zone C3/Proposed Zone IS**

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 102.99 +/- acres of real property from C3 to IS on Wilkins Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-058.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 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 change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.00, owned by Key Properties Group LLC located on Wilkins Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption (Projected) Date: September 28, 2015

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 08/12/15*



## **NOTICE OF PUBLIC MEETING**

The Delaware State Housing Authority (DSHA) will hold a public meeting on Wednesday, October 7, 2015, at 2:00 p.m. in DSHA's conference room, 18 The Green, Dover, Delaware, for the purpose of providing any interested citizens the opportunity to comment on proposed changes to the Delaware Community Development Block Grant Program Guidelines in Fiscal Year 2016. The period for receiving written comments on the Guidelines will close at 4:00 p.m. on Wednesday, October 7, 2015. Written comments can either be submitted at the public meeting, via fax at 302-739-2416, or via e-mail to [andy@destatehousing.com](mailto:andy@destatehousing.com). Questions should be directed to Andrew Lorenz at phone number 302-739-4263. A copy of the proposed Guidelines will be available for inspection and review at DSHA's office, 18 The Green, Dover, Delaware, between the hours of 8:00 a.m. and 4:00 p.m. of any working day or at DSHA's website [http://www.destatehousing.com/Landlords/dv\\_cdbg.php](http://www.destatehousing.com/Landlords/dv_cdbg.php). This federally-funded program will provide funds to support Community Development activities in eligible municipalities in Kent and Sussex Counties. The chief elected official of each of the eligible municipalities and both counties will also have a draft copy of the aforementioned Guidelines for public review.

**Delaware State Housing Authority**  
**Equal Opportunity Employer**  
**Equal Housing Opportunity**



September 22, 2015

MEMORANDUM

TO: Eligible Communities and Kent & Sussex Counties

FROM: Andrew J. Lorenz

SUBJECT: **Draft FY16 CDBG Program Guidelines**

Attached is a draft copy of the FY16 Community Development Block Grant (CDBG) Program Guidelines, Application Package, and a Notice of Public Meeting to be published as part of the process. The Program Guidelines and Application Package have **been changed from last year as follows:**

- **Under Section I.E.2.e., all target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on January 21, 2016;**
- **Section III.A.1.a.1) has been amended, to make sure applicants provide locations of the first four houses on their waiting lists each year prior to submission to DSHA; and,**
- **Under Section IV. A., applications for the State's FY16 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on February 25, 2016.**

Please review this draft and submit any comments by October 7, 2015. Comments will also be received at the public meeting scheduled for October 7, 2015, at 2:00 p.m. in our conference room at 18 The Green in Dover.

If you need additional copies of the Draft Program Guidelines or application, please contact me at the Community Development Section 739-0261 or via e-mail at [andy@destatehousing.com](mailto:andy@destatehousing.com). Thank you.

ajl

Attachments

STATE OF DELAWARE  
DELAWARE STATE HOUSING AUTHORITY  
DELAWARE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
DRAFT PROGRAM GUIDELINES FOR FY2016

I. GENERAL

A. Scope and Applicability

These Program Guidelines describe the Delaware Community Development Block Grant (CDBG) Program for Kent and Sussex Counties in Delaware. Funds for this program, when appropriated by the U.S. Congress, are provided in a block grant to the state by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 106 of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, and in accordance with HUD rules, regulations and program memoranda.

B. Administration

The Delaware State Housing Authority (DSHA) administers the Delaware CDBG Program. The purpose of DSHA is to provide affordable, decent, safe, and sanitary housing to low- and moderate-income persons.

C. Program Design and National Objectives

The Delaware FY2016 CDBG Program has been designed so as:

1. to give maximum feasible priority to activities which will benefit low- and moderate-income families;
2. to aid in the prevention of slums and/or blight; and
3. to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.

Each CDBG activity must be an eligible activity, and it must comply with one of the above three national objectives. Subgrantees shall ensure that the following records are maintained and kept up to date: 1) records demonstrating that each activity undertaken meets one of the national objectives; and 2) a full description of each activity carried out (or being carried out) in whole or in part with CDBG funds, including the nature and purpose of the activity, its location (if the activity has a geographical location) and the amount of CDBG funds budgeted, obligated and expended for the activity.

EXCEPT THAT the aggregate use of Title I funds received by the state during the period of Federal Fiscal Years 2016, 2017, and 2018 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit low- and moderate-income persons. In order to comply with the 70 percent principal benefit requirement, it is further agreed that not less than 70 percent of the total FY16 CDBG Grant shall be utilized for activities that benefit low- and moderate-income persons as defined in Section I.D. of these Program Guidelines.

D. Low- and Moderate-Income Definition

1. Low- and moderate-income persons are those persons whose incomes do not exceed the income limits for lower-income families pursuant to Section 8 of the United States Housing Act of 1937 as amended, and provided to the State of Delaware by HUD in a table of income limits as set forth by dollar amount and family size. (These income limits are periodically revised by HUD and are made available by DSHA to all units of general local government and counties in Delaware eligible for this program. See Attachment "A" to these Program Guidelines for the most recent figures dated 3/6/15.)
2. Low- and moderate-income households are all persons occupying the same housing unit, regardless of their relationship to each other, whose combined incomes do not exceed the income limits described in paragraph I.D.1., above.

E. Documentation of National Objectives and Low- and Moderate-Income Benefit

1. Documentation of National Objective.
  - a. Infrastructure (public works) Activities:

For each activity determined to benefit low- and moderate-income persons based on the area served by the activity, subgrantees must maintain records containing: 1) the boundaries of the service area; and 2) a summary of the income characteristics of the persons in the service area showing that at least 51 percent of area residents are low/moderate income.

- b. Housing Rehabilitation Activities:

For each direct benefit activity determined to directly benefit low- and moderate-income persons based on the household income of those directly benefiting and where the activity involves the submission of an application or the completion of a personal record, subgrantees must maintain sufficient evidence to ensure such benefits would accrue to low- and moderate-income persons, the income limits applied, and the point in time when the benefit was determined.

Individual household incomes must be thoroughly documented to verify that they are 100 percent low to moderate income before each housing unit is provided housing rehabilitation assistance. No rehabilitation assistance shall be provided to households that are not low to moderate income, except as provided under Section III.C.2.c. of these Program Guidelines (urgent need).

Subgrantees must maintain records including the number of units to be rehabilitated, and the amount to be spent on each unit to be rehabilitated.

c. Housing Code Enforcement/Demolition:

Documentation to be maintained by subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on addressing one or more of the conditions which qualified an area as a slum or blighted area must include: 1) the boundaries of the area; and, 2) a description of the conditions which qualified the area at the time of its designation in sufficient detail to demonstrate how the area met the requirements in 24 CFR 570.208(b)(1).

Documentation to be maintained by subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on the elimination of specific conditions of blight or physical decay not located in a slum or blighted area must include a description of how the threats to public health and safety are to be corrected.

d. Transitional Housing Construction/Rehabilitation:

For each activity determined to benefit low- and moderate-income persons because the activity involves a facility or service designed for use predominantly by low- and moderate-income persons, subgrantees shall maintain sufficient evidence to ensure that the predominant users would be low- and moderate-income persons.

e. Urgent Needs:

For each activity determined to meet a community development need having a particular urgency, subgrantees shall maintain documentation including: 1.) the nature and degree of seriousness of the conditions requiring assistance; 2.) evidence that the recipient certified that the CDBG activity was designed to address the urgent need; 3.) information on the timing of the development of the serious condition; and, 4.) evidence confirming that other financial resources to alleviate the need were not available.

2. Target Areas

- a. Community-wide low- and moderate-income percentages are noted in Attachment B to the Program Guidelines. The list is from HUD's Low/Moderate Income Summary Data estimates for FY2014. These community-wide low- and moderate-income percentages will normally be used only for infrastructure activities such as a town well.
- b. Infrastructure (public works) activities must utilize either the community-wide low- and moderate-income figures noted in Attachment B, a survey following the methodology contained in the 7/26/06 HUD Notice CPD-05-06, "(HUD) Suggested Survey Methodology to Determine the Percentage of Low- and Moderate-Income (LMI) Persons in the Service Area of a Community Development Block Grant-Funded Activity," or the available Census data at the tract or block group level, to show that target area residents are 51 percent low/moderate income. Census maps can be found at: <http://factfinder2.census.gov>. Past surveys not utilizing the HUD methodology will not be accepted.
- c. Housing rehabilitation activities no longer have to document that the target area residents are 51 percent low/moderate income. Instead, the target area will be defined on the basis of the number of substandard dwelling units contained within its boundaries. The total number of dwelling units shall also be enumerated. Documentation of these figures shall normally be accomplished through a windshield survey. A substandard dwelling unit is defined as failing to meet the standards of the Delaware State Housing Code or the housing code adopted by the jurisdiction where the unit is located.

Where no discernible target areas exist within a community's corporate limits, the entire community may be identified as a rehab target area. The total number of dwelling units, and the number of substandard dwelling units, shall be documented as for any other target area.

d. Housing Code Enforcement/Demolition:

Unless housing code enforcement/demolition activities meet the national criteria for slum and blight, these activities require target area determinations utilizing the HUD Survey Methodology or Census data documenting a 51 percent benefit to low/moderate-income persons.

e. DSHA Pre-Approval:

All target area survey instruments, descriptions of how surveys were conducted, survey results, maps clearly indicating service area boundaries, a rationale/justification for the service area determination, and a rationale for the method used to determine low- and moderate-income benefit (if Census information is not used) must be approved by DSHA prior to the submission of an application. Census data must be used to the maximum extent feasible for determining the income of persons residing in service areas. Target areas must have at least four eligible units per target area. All target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **January 21, 2016**.

f. Service Area Determination guidance can be found at the Section titled “Determining the service area” on pages 3-9 to 3-11 of the “Guide to National Objectives & Eligible Activities for State CDBG Programs,” available from DSHA, or at:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/communitydevelopment/library/stateguide](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/library/stateguide).

g. Areas of Minority Concentration

To affirmatively further Fair Housing, DSHA will provide up to 5 points in the Application Review scoring at Section V.B.1.d. to applications that target areas having disproportionate housing needs by race and ethnicity. Areas of racial and ethnic minority concentration are defined as geographic areas where the percentage of a specific minority or ethnic group is 10 percentage points higher than in the jurisdiction overall, as of the 2010 Census. In Kent County there are 8 Census tracts identified as having concentrations of Black residents, including 402.03, 405.01, 410, 412, 414, 415, 425, and 433. Kent County also has one Census tract having a concentration of Hispanic residents: 425. In Sussex County, there are five Census tracts having concentrations of Black residents: 501.05, 502, 504.06, 504.07, and 518.02. Sussex County also has four Census tracts having concentrations of Hispanic residents: 501.04, 505.03, 505.04, and 514.

F. Program Outcome Performance Measurement

On pages 11470 to 11481 of the March 7, 2006 Federal Register, HUD published a “Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs”. This Notice on Performance Measurement is to be followed in establishing and reporting outcome performance measures for each activity for FY2016. Subgrantees are required to provide proposed outcome/objective statements for each activity in their CDBG applications, and actual outcome/objective statements with indicators in their quarterly and closeout reports.

G. Affirmatively Furthering Fair Housing

In addition to typical reporting requirements, in an effort to affirmatively further Fair Housing, DSHA will increase monitoring and require increased reporting relative to Fair Housing issues. Eligible jurisdictions will be required to submit reports (1) detailing addresses of beneficiaries and their membership in protected classes and (2) a narrative report updating DSHA about progress on meeting objectives outlined in the Statewide Fair Housing Plan and other efforts to affirmatively further Fair Housing, such as training, outreach and new programs.

II. General Information for Applicants

A. Eligible Applicants

Eligible applicants are units of general local government in Kent and Sussex Counties, the Kent County Levy Court and the Sussex County Council.

B. Number and Type of Applications

Each unit of local government and each county government may make only one application for funds in each program year, with the exception of applications for emergency activities and infrastructure for new housing development. An application from the Kent and Sussex County Governments may include unincorporated portions of the county, as well as those incorporated areas whose governing bodies have specifically requested to be included in the county's application. Written evidence of that request must be included with the county's application. If a local government has requested to be included in a county application it may not make a separate application, except applications for emergency activities and infrastructure for new housing development submitted after the normal application deadline.

C. Activities Outside an Applicant's Boundaries

An applicant may apply for CDBG funds for eligible program activities, which are partially outside its boundaries if it can be demonstrated that these activities are appropriate to meet the applicant's needs and objectives. Such activities must be consistent with State and local law, and the county or municipality within which these activities will take place must agree to such activities.

D. Activities Within an Application

Within a single application or fiscal year, an applicant may seek funding for activities, which address more than one community development need, as long as the total does not exceed the maximum allocation of \$1,100,000. The CDBG funds requested, either by themselves or in combination with other funds, must be sufficient to complete the proposed activities. An allocation exceeding \$500,000 would have to be extremely competitive.

E. Eligible Activities

The 2016 program will provide funds to units of general local government and to counties not entitled to receive CDBG funds directly from HUD to undertake eligible approved activities, as listed in these Program Guidelines. The program is competitive in nature and it is anticipated that the demand for funds will far exceed the total amount available to the State. Therefore, eligible applicants selected for funding will be those communities and counties whose applications best address locally-determined needs of low- and moderate-income families as contained in the Delaware Consolidated Plan dated May, 2010, and which are also consistent with the 51 percent principal benefit requirement or otherwise meet one of the three National Objectives, and which meet one or more State priorities.

Applicants should be aware that proposed activities, which do not meet a State priority will be deemed unresponsive and not considered by the review panel, unless sufficient fundable activities meeting a State priority are not received by DSHA.

III. State Priorities and Set-Asides

The following are the State's priorities and set-asides for FY16 CDBG funding:

A. Maintenance of Existing Housing

1. Rehabilitation of substandard residential properties occupied by 100 percent low- and moderate-income households.

a. General

- 1) Applicants must submit a list of all residential properties to be rehabilitated, with each property identified as owner- or renter-occupied. However, local governments with current waiting lists containing at least twice the number of applicants than are proposed for assistance may simply submit a certification to that effect, without submitting the normal list of properties to be rehabilitated. Applicants' waiting lists must be updated each year, prior to submission to DSHA. Applicants must submit pictures of, **directions to, and addresses for,** the first four houses on each waiting list.

For the FY16 program year, if rehab applicants are exhausted in targeted areas before funds are exhausted in those areas, excess funds from those areas can be transferred to other target areas. If all eligible rehab applicants are exhausted in all target areas before funds are exhausted in those areas, then the excess funds from those areas can be transferred to scattered site rehabilitation.

- 2) All residential properties receiving CDBG assistance must be rehabilitated up to the standards of the Delaware State Housing Code or the local equivalent code, except that those properties only receiving assistance under a funded Emergency Home Repair activity under Section III.A.1.g. do not need to be brought completely up to code at the time the emergency repair is completed. All CDBG applicants must include a clause in their rehabilitation contracts, which enables them to rescind the contract in the event it is determined during the course of construction that the proposed rehabilitation is not feasible due to unforeseen conditions not known at the time the contract was executed.
- 3) All applicants requesting CDBG rehabilitation assistance must have adopted and be enforcing a housing code equivalent to or more restrictive than the Delaware State Housing Code. (Municipalities may be under contract for the enforcement of the code by county government.) The CDBG subgrantee must certify that the property is up to housing code standards when rehabilitation is completed.

- 4) A ten year lien must be placed against all properties rehabilitated with CDBG funds; a five-year lien is required on properties owned and occupied by a person(s) aged 62 years or older; a five-year lien is required on manufactured housing receiving less than \$10,000 in CDBG rehabilitation assistance; and no lien will be required to be placed on properties receiving only water/sewer hookups or meter installations costing \$3,500 or less for the physical work and associated permits.
- 5) The applicant must have adopted a rehabilitation manual containing all forms and procedures to be used, including: procedures for coordinating with similar rehabilitation programs and an executed Programmatic Agreement (PA) with the National Advisory Council and State Historic Preservation Office.
- 6) Applicants may use up to 50 percent of their CDBG funds for community-wide rehabilitation. Counties proposing to use their community-wide funds in incorporated communities must obtain a resolution from that community authorizing such rehabilitation to be done.
- 7) Applicants must use 51 percent of their CDBG funds in designated DSHA-approved target areas. Subject to DSHA approval, where no identifiable smaller target areas exist, the target area requirement may be waived for a particular community.
- 8) Except in cases of emergency rehabilitation, applicants must certify that units to be rehabilitated will be insured for at least the amount and period of the rehab loan.
- 9) Local officials shall determine the suitability of providing rehabilitation assistance to any given residential property.
- 10) Applicants are encouraged to support the Statewide initiative to hire minority-, veteran- or women-owned businesses. The company must be (a) 51 percent owned by minority, Veteran and/or woman or (b) 51 percent managed by minority group, service disabled veteran/veteran and/or woman and (c) certified as a MWBE (or home state equivalent) in home state of

business as for-profit business. For further information please refer to <http://gss.omb.delaware.gov/osd/index.shtml>.

- b. Lead-Based Paint: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households constructed prior to January 1, 1978 receiving Federally-funded project-based assistance.
  - 1) Grantees shall follow the lead-based paint regulations found at 24 CFR part 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
  - 2) In cases where evaluation or hazard reduction or both are undertaken, the subgrantee shall provide a notice to occupants in accordance with Section 35.125.
  - 3) Subgrantees must provide a lead hazard information pamphlet to all families receiving assistance living in pre-1978 housing, and obtain a signed acknowledgment from occupants that they have received the pamphlet.
  - 4) Lead-based paint inspection, risk assessments, testing, hazard reduction and abatement and treatment are eligible expenses.
  - 5) Inspection/risk assessment/testing reports must be kept by the subgrantee for a period of three years.
  - 6) The subgrantee must conduct paint testing or presume the presence of lead-based paint, in accordance with Section 35.930.
  - 7) CDBG administration funds may be used for rehabilitation subgrantee lead-based paint certification training. No matching funds are required for administrative funds used for CDBG subgrantee lead-based paint certification training.
- c. Rental Rehabilitation of housing units occupied by 100 percent low- and moderate-income households.
  - 1) A maximum of \$15,000 per unit may be provided for CDBG rental rehabilitation.
  - 2) CDBG rental rehabilitation loans will be financed at 3 percent amortized over a period of 10 years and will not be deferred.

- 3) Only 75 percent of the rehabilitation cost may be financed by CDBG funds. The remaining 25 percent must be financed through private funds.
  - 4) The servicing of 3 percent CDBG rental rehabilitation loans shall be handled by DSHA through an agreement with a private servicing agent. The costs to DSHA of providing servicing will be reimbursed from principal and interest payments made by the owner to the subgrantee. All principal and interest for rental rehabilitation loans shall be repaid on a regular monthly schedule after completion of the work.
  - 5) All rental units financed with CDBG funds must be occupied by low- and moderate-income persons at affordable rents throughout the duration of the loan agreement. Affordable rents are defined as Fair Market Rents (FMR) published periodically by the Federal HUD Section 8 Existing requirements. See Attachment D to these Program Guidelines for the most recent figures dated 10/01/15.
  - 6) All CDBG rental rehabilitation must utilize the forms and procedures contained in Delaware CDBG Rental Rehabilitation Procedures dated November, 1990.
- d. The rehabilitation of manufactured housing occupied by 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing, except that the following additional requirements apply:
- 1) There shall be a limit of \$15,000 per manufactured home rehabilitated on rental lots. There shall be a limit of \$25,000 per manufactured home rehabilitated where the owner owns both the manufactured home and the lot it is situated on;
  - 2) The CDBG subgrantee must certify that the property will have at least 10 years of habitable life after rehabilitation is completed;
  - 3) The CDBG subgrantee must obtain documentation that the manufactured home is in place and installed in accordance with local environmental, zoning and housing/building code requirements, prior to starting work on the property;
  - 4) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, the unit must have a permanent foundation in order to be eligible for

rehabilitation funds. If no permanent foundation exists, then the total rehabilitation contract specifications for a unit must include the installation of the foundation. For manufactured housing situated on rental lots, the permanent foundation requirement does not apply; and

- 5) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, and where the manufactured housing unit is beyond economical repair, the CDBG Subgrantee receiving HOME rehabilitation funds may only use HOME rehabilitation funds to replace the unit with a manufactured housing unit not more than 20 years old. All manufactured housing to be replaced must have been condemned by the applicant's code enforcement official, and the replacement unit must meet the standards of the Delaware State Housing Code or the local housing code. A ten-year lien must be placed against all properties where manufactured housing is replaced with HOME funds. For manufactured housing situated on rental lots, the replacement option does not apply.
- e. Water and/or sewer hookup of 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing rehabilitations, including the documentation of low- and moderate-income household according to the definition provided in Section I.D.2, above.
  - f. Energy Efficiency: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households. To the maximum extent feasible and cost-effective, subgrantees' work write-ups and specifications for rehab work necessary to bring the dwelling unit up to housing code standards shall require ENERGY STAR qualified products and procedures. Subgrantees shall utilize the Energy Star website directly at: <http://www.energystar.gov/homeadvisor> to determine the recommended energy-efficient specifications for rehabilitation and remodeling. The recommendations on these websites shall be followed for all required work and materials, including, but not limited to: windows, heating and air conditioning systems, ventilation, insulation, air sealing, water heaters, light fixtures, lighting, and doors. The CDBG subgrantee shall also coordinate its housing rehabilitation waiting lists, to the extent feasible, with the Delaware Weatherization Assistance Program waiting list, and the waiting lists of all other agencies that offer emergency home repair programs.

- g. Emergency Home Repair of residential properties owned and occupied by 100 percent low- and moderate-income households. CDBG applicants may apply for a separate Emergency Home Repair category of housing rehabilitation funds to address an emergency condition threatening the health or safety of an owner-occupied household's occupants. Emergency Home Repair is separate from emergency rehabilitation under Section III.C.2. of these program guidelines. Repairs that generally qualify as emergency home repair include: heating, plumbing, electrical, roofing, and structural problems.
  - 1) An emergency is defined as an unexpected occurrence or combination of events calling for immediate action. Unsafe electrical wiring, a non-working heater in winter, or structural conditions that are a major defect or are life-threatening and considered unsafe are examples of true emergencies.
  - 2) A minimum of \$500 and maximum of \$7,500 may be provided per home in CDBG emergency home repair assistance.
  - 3) Homeowners must meet all eligibility requirements to participate in the program.
  - 4) A five-year lien must be placed against all properties receiving more than \$5,000 in CDBG emergency home repair funds.
  
- 2. Housing code enforcement in areas of slum and blight (as defined in state regulations) or which benefit an area of at least 51 percent low- and moderate-income persons. (Also note Section I.E.2.d.)
  - a. Applicants proposing housing code enforcement activities must certify that they will maintain during the period of the CDBG contract, in addition to their expenditures for carrying out any program assisted with CDBG funds, a level of expenditures for code enforcement activities at not less than their normal expenditures for such activities in the year prior to the execution of the CDBG Contract.
  - b. Applicants requesting CDBG assistance for code enforcement must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.

3. Demolition of substandard structures in areas of slum and blight (as defined in state regulations) or which benefit 51 percent low- and moderate-income persons on an area or spot basis. Applicants for demolition funds may use up to 50 percent of such funds for community-wide demolition.
  - a. All structures to be demolished must have been condemned by the applicant's code enforcement official. Applicants requesting CDBG assistance for demolition must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.
  - b. Demolitions to be accomplished with the voluntary consent of the owner and at the discretion of the community, must be in the form of a permanent 0 percent deferred loan, that is not forgivable, unless new housing constructed on the property becomes exclusively: 1) owned and occupied as the principal residence(s) of low/moderate-income household(s); or, 2) rented by low/moderate-income household(s) for a period of at least ten years.
  - c. For non-voluntary demolitions, the governing body of the applicant must provide evidence that it has exhausted other available legal procedures to secure remedial action by the owner of the structure(s) involved, that demolition action is required, and that it has the legal authority to demolish the structure(s).
  - d. The applicant requesting CDBG assistance for non-voluntary demolitions must agree to place a tax lien on the property so that monies expended for razing, demolition, and removal of eligible structures or part(s) thereof, may be collected in the same manner as other real estate taxes. All such monies recovered shall be deemed to be program income.
  - e. Demolition liens, whether in the form of a 0 percent deferred loan, or a real estate tax lien, may be subordinated to a new mortgage on the property if the property is sold or transferred for the purpose of low/moderate-income housing. The lien will then continue in the original form until such time as the property is converted to a use other than for the purpose of low/moderate-income housing, at which time the lien will be required to be repaid; or, until such time as the property is actually used to house low/mod-income household(s) as

described in Section III.A.3.b., above, at which time the lien will be forgiven.

4. Construction or rehabilitation of emergency/transitional/permanent supportive housing serving of at least 51 percent low- and moderate-income limited clientele.
  - a. Applicant must provide evidence that the construction or rehabilitation will benefit at least 51 percent low- and moderate-income persons. This evidence must demonstrate that at least 51 percent of daily normal users of the facility are principally low- and moderate-income persons.
  - b. Applicant must certify that it will not charge any fees for accessing such assisted facilities so as to have the effect of precluding low- and moderate-income persons from obtaining said access.
  - c. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook.
  - d. No such activities will be funded unless additional funding has been secured for the provision of services which are complementary to the programmatic purpose of the activity.
  - e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested such as building codes, insurance, and the State architectural accessibility standards prescribed by the State of Delaware Architectural Accessibility Board.
  - f. If the facilities to be assisted are publicly owned, the facilities must be nonresidential buildings which are not used for the general conduct of government such as "city halls, county administration buildings, state capitol or office buildings, or other facilities in which the legislative or general administrative affairs of government are conducted." (Section 102 (a)(21) of the Act); and which meet the requirements of 24 CFR 570.200 (5)(b).
  - g. If the facilities to be assisted are privately owned by a nonprofit organization, the organization must meet the requirements of 24 CFR 570.204 (c)(1), and be operated so as

to be open for use by the general public during all normal hours of operation and otherwise meet the requirements of 24 CFR 570.200 (5)(b).

- h. The applicant must comply with all restrictions and limitations regarding the use of CDBG funds by nonprofit organizations which are church-related found at 24 CFR 570.200(j).
- 5. Relocation assistance as required under the Uniform Relocation Act, Delaware Code, and 24 CFR 570.
  - 6. Substantial reconstruction of housing occupied by 100 percent low- and moderate-income households.

A unit of general local government may use CDBG funds to reconstruct residential structures (i.e. rebuild the structure on the same site) having a low- and moderate-income owner/occupant and consisting of one dwelling unit if either:

- a. The need for the reconstruction was not determinable until after rehabilitation on the structure had already commenced; or
- b. The housing that is being reconstructed is part of a neighborhood rehabilitation effort in which the unit of general local government is carrying out or proposes to carry out housing rehabilitation activities, and the housing to be reconstructed would otherwise be a part of the housing rehabilitation in that neighborhood; and the unit of general government determines:
  - 1) That the housing to be reconstructed is unsuitable for rehabilitation based upon severe structural deficiencies and an estimated cost of rehabilitation of \$25,000 or more;
  - 2) The estimated cost of reconstruction is at least 20 percent less than the estimated cost of purchasing comparable newly constructed housing (including land) located in that neighborhood or in a comparable neighborhood of the unit of general local government; and
  - 3) The estimated cost of the reconstruction is less than the fair market value of the reconstructed housing and land based on an appraisal obtained before reconstruction.

- c. The unit of general local government shall document the basis for each of the determinations noted above.
7. Provision of housing-related services in conjunction with activities noted above. Such housing-related services could include: training in housekeeping, fair housing and homeownership counseling, and other housing-related services not provided by other social service agencies, but that support the programmatic purpose of the activities noted above.
  8. Set-aside: 60-90 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the Existing Housing set aside will be dependent upon the quality and type of applications received in FY16.
- B. Infrastructure benefiting at least 51 percent low- and moderate-income persons

The following activities in support of this State priority for low- and moderate-income persons are eligible:

1. Definition of infrastructure: The installation or improvement of water systems, sewer systems, streets, storm drainage systems, sidewalks. This includes all related activities such as engineering, land surveys, site acquisition (for housing development), planning studies, relocation assistance, etc.;
2. Architectural/engineering studies for infrastructure directly related to housing development, including feasibility studies, site tests and soil borings;
3. Preparation of grant applications to other grantor agencies;
4. Acquisition of land for new housing development, in accordance with the requirements of the Uniform Relocation Act of Delaware Code;
5. Clearance and site preparation for new housing development for low- and moderate-income persons;
6. Installation or improvement of infrastructure benefiting service areas of at least 51 percent low- and moderate-income persons, including: water, sewer, streets, sidewalks;
7. Planning studies, including comprehensive plans and zoning ordinances, which clearly by their intent and design, encourage the

provision of affordable housing for low- and moderate-income persons; and

8. For items 1-7 as applicable above:
  - a. The applicant must provide evidence that it will provide a minimum cash or in-kind match for each activity, as described below. Cash matches may be provided through other sources of funding for the same activity;

Infrastructure Match Requirements

<u>Total Activity Cost</u>	<u>Cash Match</u>	<u>or</u>	<u>In-Kind Match</u>
Up to \$100,000	10% of Activity		15% of Activity
\$100,000+ to \$199,999	15% of Activity		20% of Activity
\$200,000+	20% of Activity		25% of Activity

- b. Applicant must provide evidence that at least 51 percent of the persons benefited by the activity are in fact low- and moderate-income persons;
  - c. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds. The term special assessment is defined to mean a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public facility improvement, such as streets, curbs, and gutters. The amount of the fee represents the pro rata share of the capital costs of the public improvement levied against the benefiting properties;
  - d. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
  - e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested.
9. Set-aside: 10-40 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the Infrastructure for Housing Development and Maintenance set-aside will be dependent upon the quality and type of applications received in FY16.

- C. Emergency activities (water, sewer, housing rehabilitation and demolition), which have a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community and other financial resources are not available to meet such needs.
1. For emergency water and sewer activities:
    - a. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds;
    - b. The nature, degree of serious and immediate threat must be documented by letters from appropriate agencies such as the State Division of Public Health, DNREC, State/local fire officials, etc.;
    - c. The serious and immediate threat must be of recent origin or recently became urgent, that is, the condition developed or became critical within 18 months of a certification that must be made by the applicant in its application;
    - d. Applicant must certify and document that it is unable to finance the construction of these facilities without CDBG funds. Such documentation shall include: (a) if appropriate, letters from other grantor agencies such as the Department of Natural Resources and Environmental Control, Department of Transportation, Division of Public Health, etc., confirming that funds were not available; (b) appropriate financial statements showing the lack of local funds; and (c) a financial analysis of why the activity is not feasible through use of other methods of local funding such as the proceeds of general obligation bonds, special assessments, etc.;
    - e. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
    - f. The applicant must certify that it will obtain all necessary permits and will comply with all federal, State and local standards and regulations that pertain to the type of activity requested.

2. For emergency rehabilitation and demolition:
  - a. Required as a direct result of a natural disaster, such as a tornado, flood, hurricane, or similar catastrophe;
  - b. State has made a formal request to the Federal Emergency Management Agency for preliminary damage assessment and/or for which federal disaster assistance has been officially sought by the State;
  - c. At the discretion of the DSHA Director, rehabilitation assistance may be provided to persons not of low/moderate income when the need for such assistance is clearly documented;
  - d. Emergency rehabilitation and demolition activities will only be provided to cover losses not covered by insurance; and
  - e. Both emergency rehabilitation and demolition assistance will utilize the same liens and contracts as used for regular rehabilitation and demolition programs.
3. Set-aside: 0-7 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the emergency activities set aside will be dependent upon the quality and type of applications received in FY16.

D. Administration

1. At least 50 percent of the administrative cost of the activity(ies) must be provided by the local funds of the applicant.
2. Matching Requirements

These local funds may be drawn from local operating appropriations, nonprofit organization funds, proceeds of general obligation revenue bonds or other funds expended for the same purpose as the CDBG funds are expended. Any costs incurred by the applicant for activities that directly benefit the CDBG activity and meet the requirements of OMB Circular A-87 may be used to meet this match requirement. However, these funds must be spent in the same consecutive twelve-month period as the CDBG funds. For the purpose of this match requirement an applicant is considered to be: (a) a county's application for its unincorporated areas; (b) incorporated areas applying on their own; or (c) incorporated areas under a county's application.

3. Administrative Costs Limits

Administrative costs allowable to participating units of general local government under the CDBG Program shall be governed by the matching requirement in Paragraph 2. above, the contract budget and by the federal requirement that the State and its CDBG subgrantees are limited to an aggregate amount of administrative costs that represent twenty percent of the State's total grant from HUD in any given federal fiscal year. It should be noted that the total amount of CDBG funds available for administration in FY16 may be less than the amount currently allocated, depending upon the number and quality of applications received, and the amount of funding allocated by HUD. The maximum allocation for all administrative and program delivery costs for any single applicant shall not exceed **\$162,000** in any program year. Applications shall provide the salaries of all program administration personnel to be funded through CDBG funds. DSHA may separate rehabilitation specialists' salaries from general administration costs and allocate funding for those salaries as rehabilitation program delivery costs.

IV. Application Submission

A. Submission Date

Applications for the State's FY16 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **February 25, 2016**. Applications for emergency activities and infrastructure for housing development will be considered at any time during the program year, subject to the following conditions: sufficient unallocated CDBG funds must be available to fund the activity(ies); assuming the availability of CDBG funds, a review panel will be convened to evaluate such proposals as well as those activities which were not originally recommended for full funding; and the need for CDBG funds must have arisen after the application deadline and be required for immediate use. **ONE SIGNED ORIGINAL AND ONE SIGNED COPY of the application must be submitted.**

B. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms and questionnaires as may be applicable to the specific proposed activity.

C. Documentation and Certifications

Application for CDBG funds must include all such documentation and certifications as may be prescribed in these Program Guidelines and in the application instructions prescribed by DSHA.

#### D. Program Performance Period

All applications for 2016 funds shall be to finance CDBG-eligible activities that shall be initiated after July 1, 2016, and completed no later than June 30, 2017.

#### V. Application Review

##### A. DSHA Staff

1. The DSHA staff will review all applications for completeness and to determine whether the applications meet the minimum threshold requirements for all applications.
2. If the assessment by the DSHA staff indicates that an application fails to meet any of the applicable threshold requirements, and the applicant has not provided the requested information to make the application complete, DSHA staff will prepare a report on each such application and submit it to the Director of DSHA. If the Director of DSHA agrees with the assessment by DSHA staff, the application will be considered unresponsive. Such applications will not be forwarded to the review panel(s) referred to below, but will be returned to the applicant with a reason for the rejection. Any application that has been assessed as unresponsive shall be precluded from any further consideration in the FY16 CDBG Program, unless it is modified after July 1, 2016 to meet the threshold requirements for activities having a particular urgency or infrastructure for new housing development, and provided it falls within the requirements for a request for "recaptured/remaining funds" after July 1, 2016 as specified in Section VI.D. of these Program Guidelines.
3. It is essential that the amount of CDBG funds requested in each application be reflected in a budget which is both reasonable and realistic, and which conforms with all the requirements for such budgets contained in these Program Guidelines and the instructions for CDBG applications. Because of this, DSHA staff may, after determining that an application has met all the applicable threshold requirements, enter into direct negotiations with an applicant to reach agreement on any budgetary modifications that should be made before the application is presented to the review panel(s) that will evaluate the proposal(s).
4. The DSHA staff shall provide the review panel(s) with a separate staff report on each application that will at a minimum include the following:
  - a. Certification that the application/applicant has met all applicable threshold requirements, including evaluation of low- and moderate-income benefit;

- b. Certification that the proposed budget represents a realistic/reasonable budget which conforms to all applicable instructions and policies;
- c. The conformance of the proposed activities to the goals and objectives of the Delaware Consolidated Plan; and
- d. An evaluation of the applicant's capacity, and past performance under the CDBG Program.

B. Review Panel(s)

- 1. The review panel(s), composed of persons with the appropriate background and experience, shall evaluate each proposed activity, based upon the following criteria. A maximum total of 100 points may be received by an application.
  - a. Low- and Moderate-Income Benefit (Provided by DSHA staff): Applications showing a greater benefit to low- and moderate-income persons for similar activities will be rated higher than those showing a lesser benefit to low- and moderate-income persons. Up to 25 points as follows:
    - (1) 90-100% L/M = 25
    - (2) 80-89% L/M = 20
    - (3) 70-79% L/M = 15
    - (4) 60-69% L/M = 10
    - (5) 51-59% L/M = 5
    - (6) 0 -50% L/M = 0
  - b. Management Capacity (provided by DSHA staff): Each applicant's management capacity for each of the activities proposed will be evaluated on the basis of the most recent monitoring report(s), current or proposed staff qualifications, progress achieved in completing its current CDBG Program (if applicable), and most recent audit report(s) (if applicable). Up to 5 points as follows:
    - (1) outstanding = 5
    - (2) above standard = 3
    - (3) standard = 1
    - (4) below standard = 0 (no allocation)
  - c. Cost/benefit of Activity: Each proposed activity will be evaluated on the basis of the following factors. Up to 70 points as follows:
    - (1) severity of need, including the number, percent and geographic concentration of low/moderate-income families; number, percent and geographic concentration of substandard housing; number, percent and geographic concentration of housing needing public facilities; health and/or safety conditions; emergency status:

<u>Points</u>	<u>Need</u>
1	not documented
8	moderate
15	severe

- (2) holistic impact of activity, meaning, the degree (percentage, from Section IV. B. and C. of application) to which the identified need(s) for the activity(ies) is/are proposed to be addressed:

<u>Points</u>	<u>Impact</u>
1	low
8	moderate
15	high

- (3) cost reasonableness, meaning, the reasonableness of the proposed program activity costs taking into account construction estimates and the availability of other resources:

<u>Points</u>	<u>Cost/Reasonableness</u>
1	low
8	moderate
15	high

- (4) leveraging of other resources, meaning extent to which other firm, committed funding sources are identified:

<u>Points</u>	<u>Other Resources</u>
1	minimal or no match
8	moderate match
15	significant match

- (5) suitability/feasibility of work plan, meaning the extent to which the applicants proposed scope of work will realistically be accomplished within the next fiscal year:

<u>Points</u>	<u>Plan Feasibility</u>
1	poor
3	fair
5	good

- d. Targeting Areas of Minority Concentration: Applications showing a greater benefit to areas of minority concentration (see Section I.E.2.g.) for similar activities will be rated higher than those showing a lesser benefit to areas of minority concentration. Up to 5 points as follows:

<u>Points</u>	<u>Minority Targeting</u>
1	poor
3	fair
5	good

- e. An oral presentation by the applicant to the review panel will supplement the application scores and serve as a factor in the panel's final decision.

2. Review Panel Recommendations

DSHA staff will prepare a summary evaluation of all applications received, which will include the scores for each proposed activity as described in V.B. above, and a descriptive summary of the review panel's comments and recommended priorities for funding.

C. Director of DSHA

The Director of DSHA will make the final decisions on allocating CDBG funds, based upon the review panel(s) recommendations and any additional relevant information obtained subsequent to those recommendations. Such additional information will only be considered if it reflects a substantive change in the application review criteria noted in Section V.B.1. above.

D. Allocations

Allocations to specific activities will be based on approved contract budgets. The maximum allocation for any single applicant shall not exceed \$1,100,000 in any program year. Applicants should be aware that a total of approximately \$2,000,000 is expected to be available for program activities. An allocation exceeding \$500,000 would need to be extremely competitive.

VI. Additional Funding

A. Program Income Returned to Unit of Local Government

- 1. Program income means amounts earned by a unit of general local government or its subrecipient that were generated from the use of CDBG funds allocated by the State in a contract with a unit of general local government.
- 2. The use of program income is subject to all the applicable requirements of federal law, HUD regulations and program memoranda, and the general requirement of these Program Guidelines, which are consistent with said law, regulations and program memoranda. Additionally, the specific requirements for Program Income as are contained in the State's Financial Handbook shall also apply.

3. Program income retained by the unit of local government will:
  - a. be added to funds committed to the activity and used to further the same program activity as the income was derived;
  - b. not be used to pay administrative costs; and
  - c. be expended before additional funds are drawn down from DSHA for the same activity.
4. Program income not authorized for retention and expenditure by the unit of local government will be returned to the State.

B. Program Income Returned to the State of Delaware

Section 104(i) of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, authorizes States to distribute program income when such income has been returned to the State. Program income returned to the State shall be disbursed to communities under open CDBG Contracts prior to making additional draws from the U.S. Treasury. The funds thus freed up shall be allocated in accordance with Section VI.D. below.

NOTE: Program income generated by CDBG rental rehabilitation loan repayments is considered program income of the unit of local government, even though such repayments are made directly back to DSHA through its loan servicing agreement. All such program income will be distributed to the appropriate unit of local government in accordance with the provisions of Section VI.A. above.

C. Reallocated/Supplementary Funds

Reallocated funds are those HUD has recaptured from a Small Cities subgrantee and "reallocated" to Delaware. If Delaware should receive any "reallocated funds" from HUD for distribution as part of the FY16 CDBG Program, these funds shall be allocated in the same manner and under the same conditions as described in Section VI.D. below. Supplementary funds are those funds that HUD may award to the State after July 1, 2016, and shall also be allocated in the same manner and under the same conditions as described in Section VI.D. below.

D. Recaptured/Remaining Funds

1. Recaptured funds are those CDBG funds which remain unobligated after a CDBG contract has either been closed out or terminated; or after it has been determined that the total amount of CDBG funds originally allocated in a given contract are not required to complete the proposed activity for which they are allocated.

Remaining funds are funds for which a method of distribution was contained in a prior year's Program Guidelines, but which have not been, and are no longer intended to be so distributed. Remaining funds may also be an amount

left over after the state has awarded all of its contracts, but the left over amount is too small to fund an application.

2. Recaptured/remaining funds that shall be received from its recipients by June 15, 2016, shall be included as part of the FY2016 allocations in accordance with all applicable requirements of these Program Guidelines.
  3. Recaptured/remaining funds that shall be received from its recipients after June 15, 2016 shall be set aside for the following purposes:
    - a. To provide additional funding for any activity already under contract so long as the total amount of funds allocated does not exceed the \$1,100,000 maximum allocation for any single applicant; in those cases where an unforeseen situation may have arisen after the original contract budget had been approved (the burden of proof will rest with the applicant); or when the activity has not been funded in the total amount originally requested;
    - b. To fund emergency activities and infrastructure for housing development that were not previously submitted as part of the FY2016 CDBG Program and the need for which may have arisen after the deadline for FY2016 applications has passed. The \$1,100,000 maximum allocation of CDBG funds for any single applicant in any program year shall apply;
    - c. At the discretion of the Director of DSHA, eligible applications not originally recommended for funding because of limited resources may be reconsidered for funding after approved activities noted in (a) and (b) above have been funded; and
    - d. The priorities for distributing funds under this part shall be in accordance with the state's method of distribution found in Section V.
- E. Combining Other Funding to Comprehensively Address Rehabilitation Needs
- A. Again in FY16, greater emphasis will be given to applications, which take a holistic approach to community development through comprehensively combining all funding sources, one community at a time. DSHA expects applications responsive to this change in emphasis to combine smaller CDBG funding requests with Housing Preservation Grant (HPG) funding in target areas. Where these other sources of funding are used to comprehensively address rehabilitation needs and to lessen the demand on CDBG rehabilitation funding, greater consideration will be given to CDBG infrastructure requests. As a result, rehabilitation needs will be comprehensively addressed, more CDBG funds will be available for infrastructure activities, and community development needs in general will be holistically addressed. In the scoring of applications, strong emphasis is given to leveraging, and, leveraging funds must be shown and identified in activity budgets. Letters of commitment signed by a majority of the board/council committing the match, and including

the source of the match, must accompany any applications claiming to have matching funds.

VII. Waivers of Policy

The Director of DSHA may waive any requirement of these Policies not required by federal/state law or federal regulation, whenever it is determined that undue hardship will result from applying the requirement or where application of the requirement would adversely affect the purposes of the Delaware CDBG Program. Waivers shall be made in writing, citing the policy provision to be waived, the authority for the waiver, and be supported by documentation of the pertinent facts. Where only a portion of the policy provision is to be waived, the waiver must expressly limit itself to that portion.

Attachment A to the Delaware CDBG Program Guidelines

REVISED INCOME LIMITS  
(EFFECTIVE 3/6/15)

	<u>Kent County</u>			<u>Sussex County</u>		
	30% of Median	Low	Moderate	30% of Median	Low	Moderate
1 Person	\$13,900	\$23,150	\$37,050	\$13,300	\$22,200	\$35,500
2 Person	\$15,930	\$26,450	\$42,350	\$15,930	\$25,350	\$40,550
3 Person	\$20,090	\$29,750	\$47,650	\$20,090	\$28,500	\$45,600
4 Person	\$24,250	\$33,050	\$52,900	\$24,250	\$31,650	\$50,650
5 Person	\$28,410	\$35,700	\$57,150	\$28,410	\$34,200	\$54,750
6 Person	\$32,570	\$38,350	\$61,400	\$32,570	\$36,750	\$58,800
7 Person	\$36,730	\$41,000	\$65,600	\$36,730	\$39,250	\$62,850
8 Person	\$40,890	\$43,650	\$69,850	\$40,890	\$41,800	\$66,900

Higher income limits apply to families with more than eight persons, although they are not included in the printed State lists because of space limitations. The lower income limits for families larger than eight persons are determined by adding 6.25 percent of the four-person income limit base to the eight-person limit for each person in excess of eight. For very low-income limits, 8 percent of the four-person base is added to the eight-person limit for each person in excess of eight (e.g., the nine-person very low limit equals 1.4 (1.32 + .08) times the four-person limit.) The limits developed by the use of these factors are to be rounded to the nearest \$50.

Attachment B to the Delaware CDBG Program Guidelines

LIST OF LOW/MODERATE-INCOME BENEFIT FIGURES  
IN KENT AND SUSSEX MUNICIPALITIES (FY2013 HUD LMISD)

<u>Place Number</u>	<u>City / Town</u>	<u>% Persons Low/Mod</u>	<u>Place Number</u>	<u>City / Town</u>	<u>% Persons Low/Mod</u>
07250	Bowers	42.1%	60290	Rehoboth B.	16.5%
10760	Camden	26.0%	64320	Seaford	53.8%
14660	Cheswold	67.7%	64840	Selbyville	41.2%
15440	Clayton	33.5%	67050	Slaughter B.	40.9%
21387	DAFB Housing	54.7%	67700	S. Bethany	18.4%
25840	Farmington	92.3%			
26620	Felton	41.6%			
28440	Frederica	43.0%			
33120	Harrington	37.1%			
33250	Hartly	6.9%			
36760	Houston	26.2%			
39100	Kenton	43.7%			
41700	Leipsic	52.0%			
42870	Little Creek	38.1%			
44430	Magnolia	64.7%			
47420	Milford	40.8%			
67310	Smyrna	41.9%			
74330	Viola	51.4%			
80830	Woodside	12.5%			
81350	Wyoming	38.9%			
05690	Bethany Beach	17.7%			
05820	Bethel	18.9%			
06730	Blades	46.1%			
08680	Bridgeville	51.9%			
18950	Dagsboro	25.6%			
20380	Delmar	46.6%			
20900	Dewey Beach	27.5%			
24020	Ellendale	37.9%			
26880	Fenwick Island	16.6%			
28310	Frankford	51.8%			
29090	Georgetown	55.8%			
31560	Greenwood	41.8%			
33900	Henlopen Acres	8.3%			
41310	Laurel	50.0%			
41830	Lewes	28.2%			
47420	Milford	40.8%			
47940	Millsboro	42.8%			
48200	Millville	28.0%			
48330	Milton	48.2%			
53920	Ocean View	21.1%			

Attachment C to the Delaware  
CDBG Program Guidelines

CERTIFICATIONS BY APPLICANTS  
FOR  
THE DELAWARE CDBG PROGRAM

The applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
  - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);

- 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated May 15, 2013 and Section 508 of the Housing and Community Development Act of 1987; and
  - 3) Each applicant certifies that it has included in its notice of public meeting the following language:
 

"...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals..."
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the applicant certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
  - (e) Its chief executive officer or other officer of the applicant approved by DSHA:
    - (1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1 (a)(3) and carry out this responsibility in accordance with the "Overview of Environmental Review Procedures" issued for the Delaware CDBG Program and dated July 1989; and meet the requirements of 24 CFR Part 58 and 24 CFR 570.604; and
    - (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
  - (f) The program will be conducted and administered in compliance with:
    - (1) Title VI of the Civil Rights Act of 1964 (Pub. L 88-352) and implementing regulations issued in 24 CFR Part 1;
    - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
    - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);

- (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
- (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the State review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
- (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
- (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
- (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
- (10) The labor standards requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
- (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
- (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
- (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
- (14) Section 106 of the National Historic Preservation Act of 1966, as amended via the Advisory Council on Historic Preservation's Regulations, Protection of Historic and Cultural Properties (36 CFR 80);
- (15) The provisions of the Hatch Act, which limits the political activity of employees; and

- (16) The lead-based paint requirements of 24 CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).
- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with the HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification.
- (i) It will give HUD, DSHA, the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following "special condition" is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts.

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD's final regulations related thereto, which supersede or are not provided in the FY16 Program Guidelines shall govern the use of the assistance provided by the State to local government units in FY16-FY17.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
  - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
  - 2) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income, who are not persons of very low income.
  
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

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Signature of Authorized Official Date

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Title of Official

Attachment D to the Delaware  
CDBG Program Guidelines

DSHA-35

**SECTION 8 EXISTING FAIR MARKET RENTS  
AND CONTRACT RENT ANNUAL ADJUSTMENT FACTORS**

**I. FAIR MARKET RENTS - (Revised 10/1/15)**

KENT COUNTY					
0-BR	1-BR	2-BR	3-BR	4-BR	Manufactured (Mobile) Home Space
675	813	941	1,369	1,643	376

SUSSEX COUNTY					
0-BR	1-BR	2-BR	3-BR	4-BR	Manufactured (Mobile) Home Space
694	747	1,000	1,371	1,545	400

**II. CONTRACT RENT ANNUAL ADJUSTMENT FACTORS FOR UNITS WITH NO  
TURNOVER - (Effective 1/1/15 - Revised 12/31/15)**

HIGHEST COST UTILITY		
	Included	Excluded
Southern Region	1.026	1.029

**NOTE:** The Annual Rent Adjustment Factors shown above may be used by investors/owners after the first year of the rehabilitation loan. However, the rents charged by investors/owners may not exceed the current Fair Market Rents for the duration of the loan.

**DELAWARE STATE HOUSING AUTHORITY (DSHA)  
FY16 DELAWARE CDBG APPLICATION FORM**

I. General Application Information

A. Name, address, phone number, DUNS number, and EIN number of Applicant:


B. Name, position and signature of Person Submitting Application:

Signature and Date:

C. Application on behalf of:

--

Name and position of authorizing official:

Signature and Date:	

D. For “On Behalf of” applications, written documentation authorizing each “on behalf of” application request must be attached as Exhibit 1. If information contained in a county’s application for its unincorporated areas is to be repeated in the body of the “on behalf of” applications, e.g. administrative budget, management capacity, etc., then these sections contained in the “on behalf of” applications may simply reference the appropriate section in the county’s application.

E. Name, address and phone number of Contact Person (if different from B above):

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F. Summary of Request:

(Attach cost breakdown for each activity requested on page two. Activities must be in order of priority).

Total Units/Low-Moderate Income Units Served: \_\_\_\_\_/\_\_\_\_\_  
Total CDBG Program Funds Requested: \$ \_\_\_\_\_  
Total Cash Matching Funds: \$ \_\_\_\_\_  
Total In-Kind Match Value: \$ \_\_\_\_\_  
Total Program Cost (if different from amount requested) \$ \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

Activity: \_\_\_\_\_ Amount Requested: \$ \_\_\_\_\_  
Total/L-M Units Served: \_\_\_\_\_/\_\_\_\_\_  
Cash Matching Funds: \$ \_\_\_\_\_  
CDBG Cost/Unit: \$ \_\_\_\_\_ In-Kind Value: \$ \_\_\_\_\_  
Total Activity Cost (if different from amount requested): \$ \_\_\_\_\_  
Census Tract Number(s) (L-M Area Benefit activities): \_\_\_\_\_  
Outcome Statement: \_\_\_\_\_

(Attach additional pages as necessary.)

II. Low/Moderate-Income Benefit:

LOW/MODERATE-INCOME BENEFIT TABLE – INSTRUCTIONS

The amount of benefit to low- and moderate-income persons must be calculated for each activity, as described below:

1. In column 1, list the activity.
2. In column 2, show the total number of persons that the activity will serve.
3. In column 3, show the number of low- and moderate-income persons that the activity will serve.
4. In column 4, divide column 3 by column 2 to show the percent of low- and moderate-income persons that the activity will serve.
5. In column 5, show the amount of funds requested for the activity.
6. In column 6, multiply column 4 by column 5 to show the amount of those funds that will be used to benefit low- and moderate-income persons.
7. List the source of data used to calculate benefit in the space provided at the bottom of this page. If a local survey was conducted, briefly summarize the survey method used and attach a copy of the survey instrument. (DSHA should be contacted before the survey is conducted to assure that the acceptable survey methodology is being used, or that prior surveys are still valid.)

LOW/MODERATE-INCOME BENEFIT TABLE

1. Activity	2. Total Persons Activity Will Serve	3. L/M Persons Activity Will Serve	4. % L/M Persons Activity Will Serve	5. Amount Requested For Activity	6. Amount L/M Benefit

Source of Data:

III. Management Capacity

- A. List the person(s) to be responsible for administering the CDBG Program, and title(s):

<u>CDBG Personnel</u>	<u>Title(s)</u>

- B. Attach resumes or other supporting documentation for the personnel of new applications and new CDBG Program managers, which establishes the capacity of the personnel above to effectively manage a CDBG Program. **Attach the salaries of all program administration personnel to be funded through CDBG funds.**
- C. If the applicant proposes to contract out any portion of its administration, a copy of the proposed subcontract **must be** attached.
- D. Past performances under the Delaware CDBG Program will be evaluated by DSHA based upon past monitoring reports, audit findings, and timely completion of contracts. No additional documentation is required of the applicant under this section.

#### IV. Application Work Plan

Each proposed program activity must address each of the following areas. Failure to specifically address any of these elements will make the application incomplete, forcing DSHA to consider the application unresponsive.

- A. Each program activity must be addressed separately. Program activities must be listed in order of priority with the program activity of highest priority first. This order of priority for program activities must be followed on all forms contained in this application.
- B. Each program activity must be fully described. For rehabilitation programs, this description must include THE NEED FOR THE PROPOSED ACTIVITY, the numbers of units to be rehabilitated, any special population groups the rehabilitation program will address, the target area, the NUMBER OF UNITS NEEDING REHABILITATION ASSISTANCE, THE PERCENTAGE OF UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, AND THE PROPOSED OUTCOME.
- C. For public infrastructure projects, a detailed description of the work to be accomplished, the need for the proposed activity, the target area, the linear footage of what type and size of infrastructure to be provided, the NUMBER OF UNITS NEEDING INFRASTRUCTURE ASSISTANCE, THE PERCENTAGE OF THE UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, THE PROPOSED OUTCOME, the location of what type and size of land acquisition, the matching funds to be provided, and the population groups to be addressed must be provided.
- D. Provide a timetable showing monthly milestones for completion of each activity. All FY16 Contracts will commence on July 1, 2016 and terminate on June 30, 2017.
- E. Attach maps indicating target areas.
- F. Attach drawings, plans, or other documentation necessary to describe program activities.
- G. Describe each activity's conformance with the goals and objectives of the Delaware Consolidated Plan.
- H. Describe the extent to which the proposed project(s) will result in a measurable concrete reduction of one or more significant problems identified in the Delaware Consolidated Plan.
- I. Describe the extent to which the project builds upon previous work or supplements other work that will be funded from other sources.

- J. Analyze the reasonableness of total cost in view of the cost benefit(s) to be achieved.
- K. Describe source and amount of any funds used to leverage the CDBG portion of the project. Indicate when these funds will be available. Attach documentation of any match.
- L. Describe any in-kind resources to be applied to the project. Attach documentation of any match.
- M. Attach documentation of any match. Matching resolutions must be signed by a majority of Board/Council members and must include the source of funds.
- N. For infrastructure projects, a description of why the jurisdiction is unable to pay for the activity without CDBG assistance.

V. Each application should also describe the following:

- A. Describe any plans for the provision of housing for existing residents and anticipated growth for the area;
- B. Describe any plans for the provision of adequate sites with supporting infrastructure for future housing, including housing for low/moderate-income residents of the area; and
- C. Describe any efforts to coordinate with businesses regarding the development of the community as it affects low/moderate-income residents of the area.

VI. Application Submission

1. Submission Date for the FY16 CDBG Program

Applications for the state's FY16 CDBG Program must be received in DSHA's office at 18 The Green, Dover, Delaware 19901 no later than **4:00 p.m. on February 25, 2016** ONE SIGNED ORIGINAL AND ONE COPY of the application must be submitted.

2. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms as may be applicable to the specific proposed activity.

VII. Additional Requirements

- A. Re-Use Plan.
- B. Rehabilitation Manual.
- C. Target Area Approval.
- D. Boards and Commissions Reporting Form.
- E. Form HUD-2880 (Disclosure/Update Report).

STATE OF DELAWARE  
 DELAWARE STATE HOUSING AUTHORITY  
DELAWARE CDBG PROGRAM – PROJECT COST SUMMARY

CONTACT PERIOD – FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Summary of Program Activities  
 Amount of Source

I. PROGRAM ACTIVITIES	CDBG/HOME PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
A.				
B.				
C.				
D.				
E.				
F.				
G.				
H.				
I.				
J.				
<b>TOTAL PROG. ACTIVITY COST</b>				
II. ADMINISTRATION				
A. SALARIES				
B. OTHER EMPLOYMENT COSTS				
C. TRAVEL				
D. CONTRACTUAL SERVICES				
E. SUPPLIES & MATERIALS				
<b>TOTAL ADMINISTRATION COSTS</b>				
III. <u>TOTAL PROGRAM COSTS</u>				

NOTES:

1. \* Denotes Cash Match
2. \*\* Denotes In-kind Match
3. List Sources of Each Match Amount on Additional Page

CERTIFICATION BY APPLICATIONS  
FOR  
THE DELAWARE CDBG PROGRAM

The application hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of Federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
  - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);
  - 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated May 15, 2013 and Section 508 of the Housing and Community Development Act of 1987; and
  - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

“...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals...”
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low-and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the application certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
- (e) Its chief executive officer or other officer of the applicant approved by DSHA:
  - (1) Consents to assume the state of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1(a)(3) and carry out this responsibility in accordance with the “Overview of Environmental Review Procedures” issued for the Delaware CDBG Program and dated July 1989; and meet the requirement of 24 CFR Part 58 and 24 CFR 570.604; and

- (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (f) The program will be conducted and administered in compliance with:
- (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations issued in 24CFR Part 1;
  - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
  - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);
  - (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
  - (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the state review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
  - (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
  - (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
  - (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
  - (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
  - (10) The labor standard requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
  - (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
  - (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
  - (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of Federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
  - (14) Section 106 of the National Historic Preservation Act 1966, As amended via the Advisory Council on Historic Preservation's regulations, Protection of Historic and Cultural Properties (36 CFR 80);
  - (15) The provisions of the Hatch Act, which limits the political activity of employees;
  - (16) The lead-based paint requirements of 24CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).

- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification;
- (i) It will give HUD, DSHA and the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following “special condition” is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts:

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD’s final regulations related thereto, which supersede or are not provided in the FY16 Program Guidelines shall govern the use of the assistance provided by the state to local government units in FY16-FY17.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low-and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
  - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
  - 2) for purposes of assessing any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income.
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Title of Official

VIII. Exhibits

A. The following exhibits should be attached to the application, as applicable, in order noted below:

1. Authorization for “on behalf of” applications.
2. A copy of the notice of public hearing and summary of comments received.
3. Activities Under the Existing Housing Set Aside:
  - a. Rehabilitation:
    - 1) Copy of rehabilitation manual;
    - 2) Re-use plan for program income generated by rental rehab;
    - 3) DSHA target area approval attached;
    - 4) Identification of amount of funds and number of units to be accomplished in approved target areas and community-wide; and
    - 5) Identification of mobile home units to be rehabilitated including number owner-and/or renter-occupied.
  - b. Demolition:
    - 1) Amount of funds and units to be accomplished in approved target areas and community-wide identified; and
    - 2) Re-use Plan for program income from demolition liens attached.
4. Activities Under Infrastructure Project Set Aside:
  - a. Water and Sewer:
    - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
    - 2) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
      - a) letters from other grantor agencies
      - b) financial statements
      - c) financial analysis
    - 3) Letters from community or appropriate agencies documenting commitment and source of matching funds.
5. Activities Under Emergency Project Set-Aside:
  - a. Water and Sewer:
    - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
    - 2) Documentation attached demonstrating that condition developed or became critical within 18 months of application; and
    - 3) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
      - a) letters from other grantor agencies
      - b) financial statements
      - c) financial analysis



Comcast Cable  
7850 Walker Drive  
Greenbelt, MD 20770

August 31, 2015

Mr. Richard Carmean  
City Manager  
City of Milford  
201 S. Walnut Street  
Milford, DE 19963

Dear Mr. Carmean:

Currently, many High Definition channels are available to customers in the 200 channel range and are duplicated in 800 channel range. To mitigate confusion for our customers, on October 8<sup>th</sup>, duplicate channels in the 200s will be dropped.

The enclosed updated channel lineup is being mailed to customers which also details the changes. Further, customers are receiving a bill message (as provided below) informing them of the duplicate channel drop in October.

Please do not hesitate to contact me at (301) 836-9461 with any questions you may have.

Sincerely,

Yantee Neufville  
Manager, Government & Regulatory Affairs

cc: Chris Comer, Beltway Division Director of Government & Regulatory Affairs

Enclosure: Channel Lineup Update

**Bill Message:**

Starting October 8, 2015, all HD channels will only be available on channels located between 800 and 946, including HD channels currently available in the 200s.

Your scheduled DVR recordings will not be affected; however, if you marked an HD channel as your favorite in the 200s, be sure to update it after October 8!

For more info, visit [www.myxfinityupdate.com](http://www.myxfinityupdate.com)

**xfinity**  
the future of awesome®

# The New XFINITY Channel Lineup

Starting October 8, 2015, all HD channels will only be available on channels located between 800 and 946, including HD channels currently available in the 200s.

Your scheduled DVR recordings will not be affected; however, if you marked an HD channel as your favorite in the 200s, be sure to update it after October 8!



For more info, visit [www.myxfinityupdate.com](http://www.myxfinityupdate.com)

## Sussex County – Effective October 8, 2015

### LIMITED BASIC

SD	HD	CHANNEL NAME
98	941	C-SPAN
104	942	C-SPAN2
287		Daystar
89/283		EVINE Live
291	799	EWTN
4	808	HSN
88		HSN2
295		Inspiration Network
286		ION
15/184		Jewelry TV
8/191		Leased Access
268		MPT2
14	802	QVC
290		TBN
91	911	WBAL-11 (NBC) Baltimore
207		WBOC Classics
6	212*/806	WBOC-16 (CBS) Salisbury
5	213*/811	WBOC-21 (FOX) Salisbury

### LIMITED BASIC

SD	HD	CHANNEL NAME
90		WCAU-10 (NBC) Philadelphia
269/559		WCPB V-me
22	220*/812	WCPB-28 (PBS) Salisbury
257		WDPB Y Arts
258		WDPB Y Info
12	219*/813	WDPB-12 (PBS) Wilmington
99/561		WFDC-14 (Univision) Washington DC
93		WJZ-13 (CBS) Baltimore
563		WMDO-47 (uniMás) Washington DC
203		WMDT MeTV
7	210*/807	WMDT-47 (ABC) Salisbury
3	803	WMDT-53 (CW) Salisbury
294		The Word Network
568		WQAW-20 (Azteca America)
9		WRDE (NBC) Salisbury
204		WRDE MyNetwork
209*/809		WRDE NBC

### LIMITED BASIC

SD	HD	CHANNEL NAME
95	905	WTTG-5 (FOX) Washington DC
96		WTFX-29 (FOX) Philadelphia
565		WZDC-25 (Telemundo) Washington DC
186/550		Xfinity Latino Barker

### EXPANDED BASIC

SD	HD	CHANNEL NAME
43	223*/831	A&E
57	245*/881	ABC Family
58	218*/889	AMC
53	241*/868	Animal Planet
114	930	BBC America
70	866	BET
715	855	Big Ten Network

*Includes Limited Basic, a standard definition digital converter & remote on primary outlet, and access to pay-per-view & On Demand programming.*

# Sussex County - Effective October 8, 2015

EXPANDED BASIC			EXPANDED BASIC			DIGITAL ECONOMY		
SD	HD	CHANNEL NAME	SD	HD	CHANNEL NAME	SD	HD	CHANNEL NAME
713/714		Big Ten Sports Overflow	61	884	MTV	56	244*/880	Disney Channel
23	814	Bloomberg TV	109	224*/871	National Geographic Channel	47	833	E!
45	832	Bravo	35	226*/848	NBC Sports	44	231*/839	Food Network
105		C-SPAN3	54	879	Nickelodeon	25	222*/820	Fox News
55	878	Cartoon Network	52		OWN	116	876	H2
297		The Church Channel	123	931	Oxygen	69	830	Hallmark
24	819	CNBC		227*/882	Palladia	64	237*/875	History Channel
26	234*/817	CNN	128	935	PBS Kids Sprout	42	835	Lifetime
16	856	The Comcast Network MA	100	940	Pop	100	940	Pop
30	251*/846	Comcast SportsNet Mid-Atlantic	282		Smile of a Child	72	841	truTV
29		Comcast SportsNet Philadelphia	40	827	Spike	60		TV Land
62	828	Comedy Central	73	236*/829	Syfy	41	235*/823	USA
51	239*/869	Discovery Channel	599		TBN Enlace	2	815	The Weather Channel
56/136	244*/880	Disney Channel	39	232*/826	TBS	<i>Includes Limited Basic, a standard definition digital converter &amp; remote on primary outlet, and access to pay-per-view &amp; On Demand programming.</i>		
47	833	E!	59	890	TCM			
31	252*/850	ESPN	50	240*/837	TLC			
32	253*/851	ESPN2	38	249*/825	TNT			
48	834	Esquire	65	840	Travel Channel			
44	231*/839	Food Network	72	841	truTV			
106	821	Fox Business Network	60		TV Land			
25	222*/820	Fox News	71	865	TV One			
36	242*/857	Fox Sports 1		250*/822	Universal			
37	221*/824	FX	189	887	UP			
725	842	FXX	41	235*/823	USA			
115	874	fyi,		225*/870	Velocity			
34	254*/849	Golf Channel	63	886	VH1			
66/179	924	GSN	117	836	WE tv			
116	876	H2	2	815	The Weather Channel			
69	830	Hallmark	180		WGN America			
157	894	Hallmark Movie & Mysteries	<i>Includes Limited Basic, a standard definition digital converter &amp; remote on primary outlet, and access to pay-per-view &amp; On Demand programming.</i>					
27	816	Headline News						
46	229*/838	HGTV						
64	237*/875	History Channel						
111	899	Investigation Discovery						
288		JUCE						
42	835	Lifetime						
119	895	Lifetime Movie Network						
33	247*/845	MASN						
17	844	MASN2						
149		MoviePlex						
28	818	MSNBC						

## FAMILY TIER

SD	HD	CHANNEL NAME
130	934	Discovery Family Channel
56	244*/880	Disney Channel
135	877	DisneyXD
121		DIY
44	231*/839	Food Network
27	816	Headline News
46	229*/838	HGTV
109	224*/871	National Geographic Channel
54	879	Nickelodeon
128	935	PBS Kids Sprout
110	217*/872	Science Channel
133		Teen Nick
2	815	The Weather Channel

*Includes Limited Basic, a standard definition digital converter & remote on primary outlet, and access to pay-per-view & On Demand programming.*

## DIGITAL ECONOMY

SD	HD	CHANNEL NAME
43	223*/831	A&E
58	218*/889	AMC
53	241*/868	Animal Planet
70	866	BET
55	878	Cartoon Network
26	234*/817	CNN
62	828	Comedy Central
51	239*/869	Discovery Channel

## DIGITAL PREFERRED

SD	HD	CHANNEL NAME
107		Al Jazeera America
112		American Heros Channel
120		Aspire

*Includes Limited Basic, Expanded Basic, a standard definition converter & remote on the primary outlet, access to pay-per-view & On Demand programming. Channels not available on additional outlets with a Digital Adapter*

\* No longer available after October 7, 2015

# Sussex County - Effective October 8, 2015

## DIGITAL PREFERRED

SD	HD	CHANNEL NAME
171		BBC World News
732	854	CBS Sports
174		Centric
146	883	CMT
145		CMT Pure Country
122		Cooking Channel
113	873	Destination America
130	934	Discovery Family Channel
181		Discovery Life Channel
125		Disney Jr.
135	877	DisneyXD
121		DIY
162		El Rey
150	891	Encore
152		Encore Action
158		Encore Black
156		Encore Classics
134		Encore Family
154		Encore Suspense
160		Encore Westerns
719	852	ESPNews
730	853	ESPNU
170		Flix
148	885	fuse
567		Galavision
147		Great American Country
164	893	IFC
167		IndiePlex
163		Logo
738	859	MLB Network
139		MTV Hits
142		MTV Jams
140		MTV2
108	914	National Geographic Wild
749	863	NBA TV
631		NBC Universo
733	246*/860	NFL Network
739	858	NHL Network
131		Nick Jr.
132		Nick2
129		Nicktoons

## DIGITAL PREFERRED

SD	HD	CHANNEL NAME
629		nuvoTV
728	864	Outdoor Channel
155	946	Ovation
284		Qubo
161		Reelz Channel
168		RetroPlex
153		Revolt
175		RL TV
110	217*/872	Science Channel
710	913	SEC Network
194	915	Smithsonian
165		Sundance TV
133		Teen Nick
141/630		Tr3s
718		TVG
667		tvk24 (Korean)
586		Univision Deportes
143		VH1 Classic
144		VH1 Soul
101		Weatherscan

*Includes Limited Basic, Expanded Basic, a standard definition converter & remote on the primary outlet, access to pay-per-view & On Demand programming. Channels not available on additional outlets with a Digital Adapter.*

## SPORTS & ENTERTAINMENT PACKAGE

SD	HD	CHANNEL NAME
726		beIN Sport
583		beIN Sport ñ
715		Big Ten Network
713/714		Big Ten Sports Overflow
732	854	CBS Sports
159		Crime & Investigation
723		ESPN Classic
712		ESPN Goal Line / Buzzer Beater
719	852	ESPNews
730	853	ESPNU
720		Fox College Sports Atlantic
721		Fox College Sports Central
722		Fox College Sports Pacific
717		HRTV
176		Military History Channel

## SPORTS & ENTERTAINMENT PACKAGE

SD	HD	CHANNEL NAME
738	859	MLB Network
749	863	NBA TV
733	246*/860	NFL Network
734	861	NFL RedZone
739	858	NHL Network
728	864	Outdoor Channel
183		RFD TV
736		Sportsman Channel
735	862	The Tennis Channel
718		TVG

*Available as an à la carte service with subscription to Expanded Basic or higher level of service. Channels not available on additional outlets with a Digital Adapter.*

## MUSIC CHOICE

SD	HD	CHANNEL NAME
429		70's
428		80's
427		90's
416		Adult Alternative
415		Alternative
446		Blues
417		Classic Alternative
434		Classic Country
418		Classic Rock
449		Classical Masterpieces
435		Contemporary Christian
403		Dance / EDM
448		Easy Listening
411		Gospel
405		Hip-Hop and R&B
407		Hip-Hop Classics
401		Hit List
404		Indie
445		Jazz
424		Kidz Only!
450		Light Classical
420		Love Songs
414		Metal
438		Mexicana
437		Musica Urbana

\* No longer available after October 7, 2015

# Sussex County - Effective October 8, 2015

MUSIC CHOICE			LATINO TIER			XFINITY TV 300 LATINO		
SD	HD	CHANNEL NAME	SD	HD	CHANNEL NAME	SD	HD	CHANNEL NAME
422		Party Favorites	575		Discovery en Español	57	245*/881	ABC Family
431		Pop Country	593		Discovery Familia	114	930	BBC America
421		Pop Hits	590		DisneyXD Español	45	832	Bravo
436		Pop Latino	622		Ecuavisa	24	819	CNBC
402		Pop Rhythmic	585		ESPN Deportes	648		Encore Espanol
409		R&B Classics	597		EWTN en Español	48	834	Esquire
410		R&B Soul	584		Fox Deportes	106	821	Fox Business Network
406		Rap	627		Fox Life	37	221*/824	FX
412		Reggae	567		Galavision	725	842	FXX
413		Rock	577		History en Español	66/179	924	GSN
440		Romances	579		HITN	27	816	Headline News
447		Singers & Swing	587		Latin American Sports	46	229*/838	HGTV
444		Smooth Jazz	601		Mexicanal	119	895	Lifetime Movie Network
419		Soft Rock	605		Multimedios	149		MoviePlex
430		Solid Gold Oldies	631		NBC Universo	28	818	MSNBC
441		Sounds of the Season	616		Nuestra Tele	61	884	MTV
443		Soundscapes	629		nuvoTV	54	879	Nickelodeon
442		Stage & Screen	607		Once TV	52		OWN
423		Teen MC	626		Pasiones		227*/882	Palladia
408		Throwback Jamz	635		RitmoSon Latino	128	935	PBS Kids Sprout
432		Today's Country	571		SUR	40	827	Spike
425		Toddler Tunes	623		Sur Peru	73	236*/829	Syfy
439		Tropicales	599		TBN Enlace	59	890	TCM
433		True Country	620		Telefe	50	240*/837	TLC
426		Y2K	604		TeleFórmula	65	840	Travel Channel
			633		Telehit	71	865	TV One
			566		Telemundo (W)		250*/822	Universal
			141/630		Tr3s		225*/870	Velocity
			621		TV Chile	63	886	VH1
			612		TV Dominicana	117	836	WE tv
			617		TV Venezuela	180		WGN America
			618		TVE Internacional			
			564		uniMás (W)			
			562		Univision (W)			
			586		Univision Deportes			
			594		V-Me Kids			
			637		Videorola	57	245*/881	ABC Family
			649		Viendo Movies	114	930	BBC America
			611		WAPA America	715	855	Big Ten Network

LATINO TIER		
SD	HD	CHANNEL NAME
592		BabyFirst Americas
636		Bandamax
583		beIN Sport ñ
602		Canal 52MX
615		Caracol TV
588		CentroAmerica TV
647		Cine Latino
645		Cine Mexicano
644		Cine Sony Television
651		Cinema Dinamita
570		CNN en Español
641		De Pelicula
643		De Pelicula Clasico

XFINITY TV 450 LATINO		
SD	HD	CHANNEL NAME
57	245*/881	ABC Family
114	930	BBC America
715	855	Big Ten Network

*Includes Limited Basic, Digital Economy, Xfinity TV Latino and a standard definition digital converter for primary outlet. Not all channels available on additional outlets with a Digital Adapter.*

*Included in all Xfinity TV Latino Packages, or available as an à la carte service with subscription to Limited Basic with Digital Equipment or higher level of service.*

*Includes Limited Basic, Digital Economy, Xfinity 300 Latino, Xfinity TV Latino and a standard definition digital converter for primary outlet. Not all channels available on additional outlets with a Digital Adapter.*

\* No longer available after October 7, 2015

# Sussex County - Effective October 8, 2015

## XFINITY TV 450 LATINO

SD	HD	CHANNEL NAME
713/714		Big Ten Sports Overflow
45	832	Bravo
24	819	CNBC
16	856	The Comcast Network MA
30	251*/846	Comcast SportsNet Mid-Atlantic
29		Comcast SportsNet Philadelphia
648		Encore Espanol
31	252*/850	ESPN
32	253*/851	ESPN2
48	834	Esquire
106	821	Fox Business Network
36	242*/857	Fox Sports 1
37	221*/824	FX
725	842	FXX
34	254*/849	Golf Channel
66/179	924	GSN
27	816	Headline News
46	229*/838	HGTV
119	895	Lifetime Movie Network
33	247*/845	MASN
17	844	MASN2
149		MoviePlex
28	818	MSNBC
61	884	MTV
35	226*/848	NBC Sports
54	879	Nickelodeon
52		OWN
	227*/882	Palladia
128	935	PBS Kids Sprout
40	827	Spike
73	236*/829	Syfy
39	232*/826	TBS
59	890	TCM
50	240*/837	TLC
38	249*/825	TNT
65	840	Travel Channel
71	865	TV One
	250*/822	Universal
	225*/870	Velocity
63	886	VH1
117	836	WE tv

## XFINITY TV 450 LATINO

Includes Limited Basic, Digital Economy, Xfinity 300 Latino, Xfinity TV Latino and a standard definition digital converter for primary outlet. Not all channels available on additional outlets with a Digital Adapter.

## PREMIUM

SD	HD	CHANNEL NAME
180		WGN America
329		5StarMax
324		ActionMax
320	233*/319	Cinemax
322		Cinemax (W)
301	228*/300	HBO
306		HBO (W)
302		HBO 2
305		HBO Comedy
304		HBO Family
311		HBO Latino
303		HBO Signature
310		HBO Zone
328		MAX Latino
321		MoreMax
350	351	The Movie Channel
352		The Movie Channel Xtra
327		MovieMAX
330		OuterMax
544		Playboy
340	238*/339	Showtime
346		Showtime Beyond
347		Showtime Extreme
342		Showtime Showcase
341		Showtime Too
370	248*/369	Starz
374		Starz Cinema
375		Starz Comedy
371		Starz Edge
372		Starz InBlack
373		Starz Kids & Family
325		ThrillerMax

Included in select Digital TV packages or available as an à la carte service with subscription to Limited Basic with digital equipment or higher level of service. Channels not available on additional outlets with a Digital Adapter.

## PAY-PER-VIEW

SD	HD	CHANNEL NAME
548		Hustler
501	785	iN Demand 1
502		iN Demand 2
543		Juicy
751-760	787	NBA League Pass / MLS Direct Kick
771-784	789	NHL Center Ice / MLB Extra Innings
771-784	790	NHL Center Ice / MLB Extra Innings
549		Penthouse TV
544		Playboy
547		TEN
545		VIVID
542		Xtsy

Requires a standard definition digital converter and Limited Basic with Digital Equipment. Sports subscriptions are subject to blackouts according to league broadcast rules. Sports subscriptions cannot be cancelled, refunded, or credited (in part or in whole) after the season starts. Sports subscriptions conclude at the end of sports regular season and subscriber must call to renew packages annually. Channels not available on additional outlets with a Digital Adapter.

## INTERNATIONAL SELECTIONS

SD	HD	CHANNEL NAME
690		ABP NEWS
661		CCTV4 (Chinese)
654		Channel One Russia
660		CTI Zhong Tian (Chinese)
664		ETTV
670		The Filipino Channel
682		Globo TV
669		GMA Pinoy
652		The Israeli Network
692		Life OK
662		Phoenix InfoNews
663		Phoenix North America
679		RAI (Italian)
655		RTN (Russian)
657		Russian Kino
694		SET Asia
696		STAR India GOLD

Services are individually priced. International Selections are available à la carte with a minimum of Limited Basic with Digital Equipment. Channels not available on additional outlets with a Digital Adapter.

# Sussex County - Effective October 8, 2015

## INTERNATIONAL SELECTIONS

SD	HD	CHANNEL NAME
693		STAR India PLUS
695		TV Asia
674		TV Japan
680		TV5 (French)
689		Willow Plus
668		WKTU (Washington Korean TV)
691		Zee TV (Asian Indian)

Services are individually priced. International Selections are available à la carte with a minimum of Limited Basic with Digital Equipment. Channels not available on additional outlets with a Digital Adapter.

\* No longer available after October 7, 2015

# xfinity

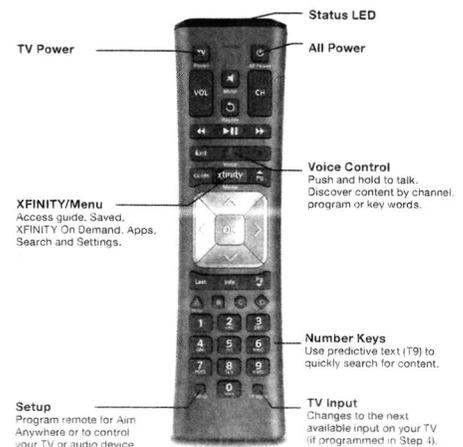
the future of awesome®

## Channel Lineup Effective 10/8/2015

Restrictions may apply. Not all programming available in all areas. A subscription to Limited Basic is required to receive any other video service. Digital equipment or CableCard is required to receive Digital TV Packages. HDTV Broadcast signals are included with subscription to Limited Basic. To receive HDTV signals provided by Comcast an HDTV capable television set (not provided by Comcast), CableCard and/or an HDTV Digital Converter are required. In addition, to receive Expanded Basic, Digital Preferred, Sports & Entertainment Package or Premium (i.e. HBO, Showtime) HDTV signals, the HD Technology Fee and a subscription to the corresponding service tier is required to view HD channels above Limited Basic. Digital Adaptors does not provide service to all channels nor access to premium services, pay-per-view, On Demand or other two-way interactive services. The listed channels, packages, services, channel numbers, content, format and other aspects of Comcast's service are its current offerings and are subject to change or discontinuance at any time.

## Voice Control

**Say it. See it.** Introducing the voice remote, part of the X1 Entertainment Operating System. The new voice remote lets you find what you want faster. Use voice commands to change channels, search for shows, get recommendations, and more.



Voice Remote only available with X1 HD DVR equipment.

Delaware Valley Communications

**To: Delaware Valley Associates**  
**From: Pauline Corso, Operational VP, COO, Nemours Physician Network**  
**Cindy Bo, Chief Strategy & Business Development Officer**  
**Date: September 22, 2015**  
**Subject: Nemours and Bayhealth Collaboration**

This evening, Brent King, MD, Enterprise Vice President, Chief Medical Officer and Physician-in-Chief, Nemours/Alfred I. duPont Hospital and Terry Murphy, FACHE, President & CEO, Bayhealth will announce that an agreement has been made between the two organizations for Nemours to provide pediatric and senior care at BayHealth's new health campus in Milford, DE.

As part of the agreement, Nemours will have a dedicated area for development on the new health campus. The facility will be positioned on the front of the property making it easily accessible to patients and visitors.

The Nemours and Bayhealth collaboration demonstrates that this new health campus will be more than just a hospital – it will provide state-of-the-art facilities that will redefine healthcare in Kent and Sussex Counties. The 165-acre property will also provide convenient outpatient services such as primary care, specialty physicians and diagnostic testing – all in one location. We are expecting this facility to be completed in 2018.

# Bayhealth Announces Collaboration with Nemours at New Health Campus

09.24.2015

On Sept. 22, Bayhealth hosted an event at Abbott's Grill in Milford, Del. Bayhealth leaders, board members, civic leaders, physicians, and community members were on hand to hear updates about the organization's new health campus in Sussex County - slated for completion in 2019.

At the event, Bayhealth President & CEO Terry Murphy, FACHE, announced that an agreement had been made with Nemours to provide pediatric and senior care at the new health campus.

"I'm pleased to announce an agreement with Nemours to provide specialty care at our new health campus in Milford," said Bayhealth President & CEO Terry Murphy, FACHE. "Nemours pediatricians will care for children, and Nemours SeniorCare will provide retirees with hearing and vision services."

As part of the agreement, Nemours will have a dedicated area for development on the new health campus plan. The facility will be positioned on the front of the property and will be easily accessible to patients and visitors.

Brent R. King, MD, Enterprise Vice President for Nemours and Chief Medical Officer (CMO) of the Nemours/Alfred I. duPont Hospital for Children, spoke to the audience following Murphy's announcement. "Our relationship with Bayhealth is one of professional collaboration in pursuit of a larger goal – to give Delawareans access to the best possible care, in their communities, no matter their age."

The Nemours/Bayhealth collaboration demonstrates that this new health campus will be more than just a hospital – it will redefine health care in Sussex County. The 165-acre property will also provide convenient outpatient services such as primary care, specialty physicians and diagnostic testing – all in one location. Bayhealth's goal is to provide many different services at one location to maximize the community's access to the best health care in the region.

Keep current on news about the new health campus by logging in and registering on [ImagineDE.com](http://ImagineDE.com). Sign up to receive updates about the new health campus project as announcements are made, or share your own comments.

CURRENT ELECTRIC CODE:

SECTION 15      TAMPERING WITH CITY'S PROPERTY

15.1    TAMPERING EXPRESSLY FORBIDDEN

No person except a duly authorized representative of the City shall make any connection or disconnection, either temporary or permanent between Service load of the Customer and Service wires of the City; or set, change, remove or interfere with or make any connections to the City's meter or other property or any wiring between the City's meter and the Service wires of the City. By taking Service from the City, the Customer agrees to respect the integrity of the meter seal.

15.2    LIABILITY FOR TAMPERING

In the event of the City's meters or other property being tampered or interfered with, the Customer being supplied through such equipment shall pay the amount which the City may estimate is due for Service used but not registered on the City's meter, and for any repairs or replacements required, and such changes in Customer's installations as may be required by the City. Furthermore, the Customer may be subject to a utility tampering fee in accordance with the Fee Schedule, Appendix 1.

When the City discovers evidence of tampering or interference, Services may be terminated and the police will be notified for possible criminal charges. Upon request and pending police action, the Customer may be reconnected after all applicable fees have been paid. (See Fee Schedule, Appendix 1).

**CITY OF MILFORD**  
**ORDINANCE NO. 2015-24**

WHEREAS, The City of Milford maintains electrical outlets that are located in areas open to the general public; and

WHEREAS, The City of Milford installed this electrical outlets for the exclusive use of the City of Milford; and

WHEREAS, any use of these electrical outlets is paid by the City of Milford; and

WHEREAS, The City of Milford desires to update Appendix B of the City Code to recognize that any unauthorized use of these electrical outlets or other electric service maintained and paid by the City of Milford is prohibited.

NOW THEREFORE, THE CITY OF MILFORD ORDAINS:

Section 1.

Section 15 of Appendix B of the Code of the City of Milford, entitled "TAMPERING WITH CITY PROPERTY," shall be amended by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 15 - TAMPERING WITH AND THEFT OF CITY PROPERTY

15.1

TAMPERING EXPRESSLY FORBIDDEN

No person except a duly authorized representative of the City shall make any connection or disconnection, either temporary or permanent between Service load of the Customer and Service wires of the City; or set, change, remove or interfere with or make any connections to the City's meter or other property or any wiring between the City's meter and the Service wires of the City. By taking Service from the City, the Customer agrees to respect the integrity of the meter seal.

15.2

THEFT OF CITY PROPERTY

No person shall commit theft of Services that are owned by or billed to the City. Theft of Services is obtaining Services owned by or billed to the City by deception, threat, coercion, stealth, tampering or use of false token or device. For purposes of this section, "tampering" includes, but is not limited to, making a connection of any wire, electronic device, conduit or device to any Service, electrical outlet, or transmission line owned by or billed to the City. No person shall be in violation of this section if the service is expressly stated to be for use by the public, or for any act that was expressly authorized by a duly authorized representative of the City.

### 15.3

#### LIABILITY FOR TAMPERING OR THEFT OF CITY PROPERTY

In the event of the City's meters or other property being tampered or interfered with, the Customer being supplied through such equipment shall pay the amount which the City may estimate is due for Service used but not registered on the City's meter, and for any repairs or replacements required, and such changes in Customer's installations as may be required by the City. Furthermore, the Customer may be subject to a utility tampering fee in accordance with the Fee Schedule, Appendix 1.

Any person found committing and act of theft of services as provided under Section 15.2 shall be subject to penalty of \$25.00 for each violation. Furthermore, the person may be reported to the police for potential criminal charges.

When the City discovers evidence of tampering or interference, Services may be terminated and the police will be notified for possible criminal charges. Upon request and pending police action, the Customer may be reconnected after all applicable fees have been paid. (See Fee Schedule, Appendix 1).

Section 2.

Date.

Introduction: 09-14-2015

Adoption: 09-28-2015

# **Proposal for Tourism Feasibility Study of Milford, Delaware**

Department of Hotel, Restaurant and Institutional Management (HRIM)  
Alfred Lerner College of Business and Economics  
University of Delaware

September 21, 2015

Prepared by

Joanne Jung-Eun Yoo, Ph.D.

Assistant Professor - Hotel, Restaurant and Institutional Management  
Associate Director - Center for Applied Business & Economic Research  
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1. HRIM will conduct a study to determine the feasibility of diversifying and expanding the tourism attractions and infrastructure in the City of Milford, Delaware. The aim is to offer recommendations for the development and marketing of the City's tourism products. To determine the feasibility of the Milford's tourism industry, the project will address the following factors:
  - Define the demographic and other characteristics of current and potential tourists to Milford;
  - Assess Milford's existing tourism attractions and infrastructure;
  - Identify Milford's most appealing tourism attractions;
  - Determine what sources/businesses exist and can be developed to appeal the targeted tourists to Milford;
  - Suggest implementation plans for the development and marketing of the tourism products
2. HRIM (Principal Investigator and Graduate Students) will conduct site surveys and a series of interviews/surveys with current and potential tourists to Milford in order to identify the existing and potential tourism products of Milford.
3. HRIM will gather and analyze the data using IBM SPSS (Statistical Package for the Social Sciences) software. HRIM already owns the software and there will be no charge to Delaware Tourism Office and the City of Milford for its use in the project.
4. HRIM will work with the Delaware Tourism office, the City of Milford, and other project partners to collect information and data required to assess the feasibility of the Milford's tourism industry.
5. In exchange for completion of the services specified above, HRIM proposes \$15,000 to Delaware Tourism Office and the City of Milford. \$7,500 is payable when the contract is signed and the final \$7,500 is payable upon receipt of the final report.
6. Timetable for the Project:
  - Initiation of Project: September 2015
  - Secondary Market Analysis and Site Inspection: September 2015
  - Data Collection of Current & Prospective Visitors: October, November 2015
  - Data Analysis: November 2014
  - Draft Executive Summary Completed: Early December 2015
  - Final Report Completed: Mid December 2015

DELAWARE TOURISM OFFICE

CITY OF MILFORD

HRIM, University of Delaware

By: \_\_\_\_\_

*Joanne Yoo*

Name: Linda Parksowski  
Title: Director of Tourism

Name: Bryan Shupe  
Title: Milford Mayor

Name: Joanne Jung-Eun Yoo  
Title: Assistant Professor, HRIM



## **Annual Fall Clean-Up Week** **October 5, 2015 through October 9, 2015**

The City of Milford is pleased to offer additional refuse collection to its customers the week of October 5<sup>th</sup> through October 9<sup>th</sup>.

During this week, customers may place additional items for disposal alongside their City container ON THEIR REGULARLY SCHEDULED TRASH AND YARD WASTE COLLECTION DAY.

There is no additional charge for this service and customers do not have to call for a bulk pickup.

In order for the City of Milford to provide this service to its customers, the following guidelines must be adhered to:

- *Additional items for disposal must be placed beside the city container on the customer's regular trash collection day.*
- *City containers and items must be placed curbside by 7:00 a.m.*
- *Additional yard waste must be placed beside the city container on the customer's regular yard waste collection day. (\*See route schedule below)*
  - *Customer is allowed a maximum of (3) bundles of branches.*
  - *Branches must be (3) inches in diameter or smaller, cut to a length of 4 feet or less and must be tied securely into bundles.*
  - *NO bags or personal containers of yard waste will be accepted.*
  - *Yard Waste Collection Schedule:*
    - \* **GOLD ROUTE** (Monday trash customers) – **Wednesday, October 7<sup>th</sup>**
    - \* **MAROON ROUTE** (Tuesday & Friday trash customers) – **Wednesday, October 14<sup>th</sup>**
- *Commercial trash, construction debris and hazardous materials will not be accepted.*

Collections WILL ONLY BE COVERED ONCE. A return trip will not be made on alternate days during this week. The city asks that every customer cooperate during this project.

For more information, please call the Customer Service Department at 302-422-6616.

# City of Milford



## Resolution 2015-26

### *FALL CLEAN-UP WEEK*

Now, Therefore, Be It Resolved by the Mayor and Council of the City of Milford, in Council met:

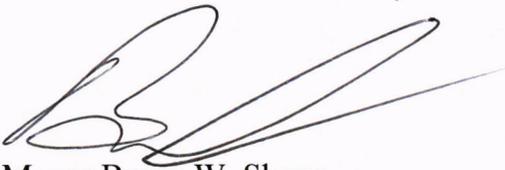
WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

WHEREAS, we are fortunate to live in a community blessed with natural assets that we have a continuing responsibility to preserve our environment by keeping it clean, healthy and in order by organizing and carrying out clean-up and fix-up projects which will enhance, restore and maintain the beauty of all properties; and

WHEREAS, all maintenance and clean-up debris, including large and bulk items, shall be placed for curbside pickup in order to exemplify cleanliness and beauty.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 5, 2015 to October 9, 2015 "Fall Clean-Up Week" in the City of Milford; in the case of inclement weather, "Fall Clean-Up Week" will be extended through October 16, 2015.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 28<sup>th</sup> day of September 2015.

  
Mayor Bryan W. Shupe

City Clerk 

## KENT COUNTY GARBAGE, RECYCLING & YARD WASTE COLLECTION SERVICE GUIDELINES

**SCHEDULE:** Garbage and Recycling collection occurs **WEEKLY**, Monday through Friday, from 6:00 a.m. to 6:00 p.m. See Schedule for your assigned collection day. Yard Waste collection also occurs weekly during April through December each year. Collection times will vary.

**PUT CONTAINERS OUT THE NIGHT BEFORE YOUR COLLECTION DAY.** Place containers at end of driveway, away from mailboxes, parked cars or other obstructions – (including other containers/cans) **(OBSTRUCTED CONTAINERS CANNOT BE COLLECTED)**

**HOLIDAYS:** Collection will **NOT** occur on the holidays listed below; collection will be 1 day later

- |                 |   |                    |
|-----------------|---|--------------------|
| * New Years Day | * July 4 <sup>th</sup> Independence Day | * Thanksgiving Day |
| * Memorial Day  | * Labor Day                             | * Christmas Day    |

*If holiday falls on Monday (Memorial Day and Labor Day), ALL residents are collected 1 day later.  
If holiday falls on Thursday (Thanksgiving Day) only Thursday and Friday collections are 1 day later.  
If a holiday falls on a Saturday or Sunday, there is no change to the schedule.*

**WEATHER:** If collection cannot occur due to serious weather events or road restrictions, service will occur on the next possible day. See County website for updates. Missed collections may occur due to unplowed or inaccessible roads.

**CONTAINERS:** A **BLACK** garbage container and a **BLUE** and **YELLOW** recycling container are placed at each property. A **GREEN** yard waste container will also be placed at properties in districts that have yard waste service. Residents must use the provided containers on each collection day. Containers are owned by Kent County and remain on the property if the ownership changes. Residents should identify containers with the property address to help avoid loss or theft. A 2<sup>nd</sup> garbage, recycle or yard waste container may be requested. A **maximum of 4** containers per property will be provided by Kent County. Residents may use personal 32 gallon cans for additional garbage, recycling or yard waste - **maximum weight is not to exceed 40 pounds. County or personal containers cannot be collected if overweight.**

### GARBAGE

- BAG ALL GARBAGE - ALL BAGS INSIDE A CAN.** Bags left on the ground, on top of can, etc. **will not** be collected.
- DO NOT OVERFILL CONTAINER - LID SHOULD CLOSE.** (Overfilled containers **cannot** be collected).
- MAXIMUM QUANTITY:** A maximum of **(5) GARBAGE** items will be taken each collection. The first item must always be the County garbage container; the remaining 4 items may be a combination of privately owned, 32 gallon cans or "Bulk Items".
- BULK (Large) ITEMS:** A large or "Bulk Item", such as furniture, appliances, electronics, mattress, carpet, TV's, patio furniture, grills, lawn mowers and other types of large household items require special handling. A bulk item must fit into the truck, must be manually lifted into the truck and must be able to crush in the truck. **RESIDENTS SHOULD CONTACT THE DEPARTMENT OF PUBLIC WORKS IF YOU ARE NOT SURE IF AN ITEM IS AN ACCEPTABLE BULK ITEM - SOME ITEMS CANNOT BE COLLECTED.** A maximum of **(4) Bulk Items** will be taken each week. There is no additional fee for bulk item collection.
- RESTRICTED ITEMS:** Restricted items will not be collected. Residents are responsible for the proper disposal of restricted items at the "Sandtown Landfill". **(SLEEP SOFAS AND RECLINERS CANNOT BE COLLECTED)**
  - \* Hazardous materials - gasoline, oil base paint, propane fuel tanks, pesticides, pool chemicals, oil filters/motor oil.
  - \* Automobile parts - such as tires, batteries and motor parts.
  - \* Construction/Landscaping materials - such as drywall, lumber, sinks, tubs, showers, toilets, cinderblock, patio block, pavers, wooden or plastic deck and fence materials, etc.

6. **REFRIGERATORS, FREEZERS, AIR CONDITIONERS & DEHUMIDIFIERS:** Appliances that contain Freon require special handling. Residents should contact the Department of Public Works for disposal instructions.
7. **ELECTRONICS:** Electronic items such as computers, laptops, cell phones, etc. can be recycled by dropping them off at any DSWA electronic drop off site. For more information about the electronic recycling program contact **DSWA at (800) 404-7080 or visit [www.dswa.com](http://www.dswa.com).**
8. **PAINT:** Small quantities of water soluble paint (Latex) **must be air dried in the can or absorbed with cat litter**. Place dry paint can - **with lid removed** - into garbage container. Cans containing wet paint cannot be collected.
9. **CARPET / PADDING:** Cut to widths of 4 feet or less, must be rolled and secured with rope, twine or duct tape and placed next to garbage container. Each roll of carpet or padding, counts as 1 bulk item.

## RECYCLING

1. **DO NOT BAG RECYCLING - PLACE ALL RECYCLING INSIDE A CAN.**
2. **DO NOT OVERFILL CONTAINER - LID SHOULD BE CLOSED.** (Overfilled containers ***cannot*** be collected).
3. **STYROFOAM IS NOT RECYCLABLE - CANS WITH ANY STYROFOAM WILL NOT BE COLLECTED.**
4. **MAXIMUM QUANTITY:** A maximum of **(5) RECYCLING** items will be taken each week. The 1<sup>st</sup> item must always be the County recycle container. The remaining 4 items may be privately owned, 32 gallon cans or bundles of cardboard boxes.

### THESE ITEMS SHOULD BE PLACED IN YOUR RECYCLE CAN

(Empty and rinse all bottles, cans and jars)

**PAPER** - Newspapers, Catalogs, Magazines, Junk Mail, Phone Books

**PAPERBOARD** - Gift boxes, Cereal, Cracker, Cookie, Pasta and Tissue boxes

**GLASS** (Any Color) - Bottles and jars only.

**METAL CANS** (Aluminum or Steel) - Food, Beverage and Pet Food cans only

**PLASTICS** - Milk, Water, Soda, Laundry Detergent, and other plastics with recycle symbol #1, #2, #4, #5 & #7

**CARDBOARD** - All corrugated boxes including Shipping, Moving and Storage boxes

- \* Remove any plastic bags, bubble wrap and Styrofoam, flatten box and place into recycle can
- \* Cut larger boxes down to fit inside can
- \* Large quantities of cardboard boxes may be flattened, tied securely into bundles and placed next to recycle can for collection. Large quantities of cardboard boxes may also be taken to a recycling drop off station. For the nearest location contact **DSWA at (800) 404-7080**.

### THESE ITEMS SHOULD NOT BE PLACED IN YOUR RECYCLE CAN

Styrofoam - such as egg cartons, meat packaging, coffee cups, take-out meals and any other type of Styrofoam

Garbage - Paper plates, napkins, paper towels and any containers or other items with food residue

Shrink Wrap / Plastic Wrap / Bubble Wrap - such as plastic newspaper bags and shrink wrap from cases of water and soda

Plastic Shell Packaging - such as plastic party platters and trays, plastic cake, pie and cookie trays

Other Plastics - such as plastic silverware, picnic plates, mini-blinds, plastic furniture, plastic pools, toys, strollers and car seats

Aluminum Foil and Aluminum foil baking pans and trays

Household Glass - such as dishware, windows, mirrors, glass tabletops and shelves

Furniture - such as tables, chairs, wall units, entertainment centers, dressers and bed frames

Clothing, Shoes & Textiles - such as clothes, shoes, purses, belts, coats, blankets and towels

Household Hazardous Materials - any product marked as "Hazardous", "Flammable", "Poisonous", "Corrosive" and "Explosive" such as gasoline, motor oil/oil filters, car batteries, oil base paint, varnish, wood stains, drain cleaners, bleach, pesticides, and pool chemicals. These items may be taken to one of the free Hazardous Waste Collection events held throughout Delaware. For a schedule of events contact **DSWA at (800) 404-7080 or visit [www.dswa.com](http://www.dswa.com)**.

## YARD WASTE (April through December)

### EXACT DATES WILL CHANGE EACH YEAR BASED ON THE CALENDAR

(to find out exact dates please contact Kent County Department of Public Works at (302) 744-2429 or visit [www.co.kent.de.us](http://www.co.kent.de.us))

The Delaware Code prohibits residents from combining yard waste with household garbage or recycling. All yard waste such as grass clippings, leaves, tree branches, twigs, brush, shrubs, bushes, weeds and mulch must be placed - UNBAGGED - into the green yard waste container provided by Kent County.

Kent County provides "Yard Waste" service to the communities that voted to receive the service. Yard Waste collection occurs on the resident's normal collection day. Exact dates are published on the County's website.

1. **DO NOT BAG YARD WASTE - BAGS OF YARD WASTE WILL NOT BE COLLECTED.** (bags cannot be mulched).
2. **ALL YARD WASTE MUST BE PLACED INSIDE A CAN** (except tied bundles of branches).
3. **DO NOT OVERFILL CONTAINER - LID SHOULD BE CLOSED.** (Overfilled containers cannot be collected).
4. **MAXIMUM QUANTITY:** A maximum quantity of **(5) YARD WASTE** items will be taken each week. The first item must always be the County green yard waste container. The remaining 4 items may be a combination of privately owned, 32 gallon cans or bundles of branches.
5. **TREE BRANCHES:** Tree branches must be (3) inches in diameter or smaller, cut to a length of 4 feet or less and must be tied securely into bundles. Place bundles (maximum of 4) next to the green yard waste container for collection.
6. **CHRISTMAS TREES:** For residents receiving "Yard Waste" service, Christmas trees will be collected on the resident's normal collection day during the 2<sup>nd</sup> and 3<sup>rd</sup> week of January each year only. *(The dates for Christmas tree pickup will change, please contact the office to verify the dates of collection) 302-744-2429*

**LANDFILL:** The "Sandtown Landfill" is located at 1107 Willow Grove Road (Route 10 West) in Sandtown, Delaware and is operated by the **Delaware Solid Waste Authority (DSWA)**. A disposal fee will be charged for disposal at the landfill. For directions, fees and hours of operation, please call **DSWA at (800) 404-7080** or visit [www.dswa.com](http://www.dswa.com).

For any questions regarding any of your Garbage, Recycling or Yard Waste services, contact  
**Kent County Department of Public Works at 555 Bay Road, Dover, DE 19901 by phone (302) 744-2429**  
**or visit our website at [www.co.kent.de.us](http://www.co.kent.de.us)**

KENT COUNTY  
GARBAGE COLLECTION SERVICES SCHEDULE  
January 2015

DIST #	DISTRICT NAME	COLLECTION DAY	YARD WASTE SERVICE
178	ALEXANDERS VILLAGE	WEDNESDAY	Yard Waste Service
37	ARTIS DRIVE	TUESDAY	NO Yard Waste Service
70	BAILEYS	WEDNESDAY	NO Yard Waste Service
40	BAKERS CHOICE	FRIDAY	Yard Waste Service
153	BARRETT FARM	THURSDAY	NO Yard Waste Service
65	BEAVER RUNNE 2	THURSDAY	Yard Waste Service
69	BOWERS BEACH + BAYVIEW HEIGHTS	FRIDAY	Yard Waste Service
144	BREEDERS CROWN FARM	FRIDAY	Yard Waste Service
103	BRENFORD STATION	MONDAY	Yard Waste Service
135	BRENFORD WOODS	MONDAY	Yard Waste Service
1	BRIAR PARK	TUESDAY	Yard Waste Service
28	BRIGHTON PLACE	MONDAY	Yard Waste Service
11	BROOKDALE HEIGHTS	THURSDAY	Yard Waste Service
39	BROOKFIELD	WEDNESDAY	Yard Waste Service
99	BURTONWOOD VILLAGE	MONDAY	Yard Waste Service
148	BUTTERFIELDS	FRIDAY	NO Yard Waste Service
4	CAPITAL PARK	THURSDAY	Yard Waste Service
83	CARDINAL HILLS	TUESDAY	Yard Waste Service
154	CARPENTERS BRIDGE CROSSING	FRIDAY	NO Yard Waste Service
151	CHAMPIONS CLUB AT JONATHANS LANDING	THURSDAY	NO Yard Waste Service
100	CHESTNUT RIDGE & VILLAGE OF CHESTNUT RIDGE	THURSDAY	NO Yard Waste Service
74	CHIMNEY HILLS	FRIDAY	Yard Waste Service
63	CHURCH CREEK	THURSDAY	Yard Waste Service
126	COUNTRY FIELD	THURSDAY	Yard Waste Service
145	COURSEYS POINT	FRIDAY	Yard Waste Service
30	CYPRESS GARDENS	THURSDAY	Yard Waste Service
155	DEER MEADOWS	FRIDAY	Yard Waste Service
168	DICKINSON CREEK	FRIDAY	NO Yard Waste Service
81	DOE RUN	THURSDAY	NO Yard Waste Service
167	DOGWOOD MEADOWS	FRIDAY	NO Yard Waste Service
31	DUPONT MANOR	TUESDAY	Yard Waste Service
24	EAGLES NEST	WEDNESDAY	Yard Waste Service
170	EAST BAY POINT	FRIDAY	Yard Waste Service
132	ESTATES AT WILD QUAIL (THE)	TUESDAY	NO Yard Waste Service
18	FELTON HEIGHTS	FRIDAY	Yard Waste Service
98	FERNWOOD	FRIDAY	NO Yard Waste Service
72	FIELDS OF MAGNOLIA (THE)	THURSDAY	Yard Waste Service

KENT COUNTY  
GARBAGE COLLECTION SERVICES SCHEDULE  
January 2015

DIST #	DISTRICT NAME	COLLECTION DAY	YARD WASTE SERVICE
52	FOXHALL COURTSIDE	TUESDAY	NO Yard Waste Service
91	FREDERICA WEST	FRIDAY	NO Yard Waste Service
32	GARRISON LAKE	MONDAY	Yard Waste Service
20	GENERALS GREEN	THURSDAY	Yard Waste Service
106	GRAND OAKS	THURSDAY	Yard Waste Service
111	GRANDVIEW MEADOWS	THURSDAY	NO Yard Waste Service
43	GREEN BRIAR	TUESDAY	Yard Waste Service
177	GREEN HILL FARM ESTATES	MONDAY	Yard Waste Service
136	HAMPTON HILLS	TUESDAY	Yard Waste Service
130	HARMONY HILL	WEDNESDAY	NO Yard Waste Service
161	HAZEL FARM	MONDAY	NO Yard Waste Service
35	HAZELWOOD	MONDAY	Yard Waste Service
122	HERITAGE TRACE	MONDAY	Yard Waste Service
29	HICKORY DALE	MONDAY	Yard Waste Service
27	HIDDEN ACRES	TUESDAY	Yard Waste Service
36	HUNTERS POINT	TUESDAY	Yard Waste Service
79	HUNTERS RIDGE	FRIDAY	Yard Waste Service
165	HUNTERS RUN	THURSDAY	NO Yard Waste Service
117	IRISH HILLS	THURSDAY	Yard Waste Service
94	JACKSONS RIDGE	FRIDAY	NO Yard Waste Service
137	JOCKEY HOLLOW	MONDAY	Yard Waste Service
57	JONATHANS LANDING / CYPRESS CREEK	THURSDAY	Yard Waste Service
2	KENT ACRES	WEDNESDAY	Yard Waste Service
101	LAKESHORE VILLAGE / LAKESHORE GLEN	MONDAY	Yard Waste Service
33	LAKEWIND	FRIDAY	NO Yard Waste Service
128	LAUREL TOWNE	THURSDAY	Yard Waste Service
133	LONGACRE VILLAGE	WEDNESDAY	NO Yard Waste Service
166	LYNNWOOD VILLAGE	FRIDAY	NO Yard Waste Service
66	MAGNOLIA MEADOWS	FRIDAY	Yard Waste Service
142	MASSEY'S MILL	MONDAY	NO Yard Waste Service
64	MEADOWRIDGE VILLAGE	TUESDAY	Yard Waste Service
140	MEADOWS AT CHESTNUT RIDGE (THE)	THURSDAY	Yard Waste Service
45	MESSINA HILL	MONDAY	Yard Waste Service
160	MILLWOOD CROSSING	MONDAY	NO Yard Waste Service
58	MISTY PINES	FRIDAY	Yard Waste Service
8	MOORES LAKE AREA	WEDNESDAY	Yard Waste Service
67	MOORES MEADOWS	MONDAY	Yard Waste Service

KENT COUNTY  
GARBAGE COLLECTION SERVICES SCHEDULE  
January 2015

DIST #	DISTRICT NAME	COLLECTION DAY	YARD WASTE SERVICE
156	MOUNT FRIENDSHIP	MONDAY	NO Yard Waste Service
93	MOUNT VERNON ESTATES	FRIDAY	NO Yard Waste Service
51	NORMANSMEADE	THURSDAY	Yard Waste Service
10	NORTHRIDGE	MONDAY	Yard Waste Service
38	NORTH MAGNOLIA + HIDEAWAY ACRES	THURSDAY	Yard Waste Service
71	OAKNOLL	FRIDAY	Yard Waste Service
9	OLD MILL ACRES + SOUTH OLD MILL ROAD	WEDNESDAY	Yard Waste Service
25	OLD MILL ACRES II (Old Mill Manor)	WEDNESDAY	Yard Waste Service
143	OLDE FIELD VILLAGE	FRIDAY	NO Yard Waste Service
17	ORCHARD ACRES/HILLSIDE ACRES/CANTERBURY TRAILS	FRIDAY	NO Yard Waste Service
109	OTTER RUN	FRIDAY	NO Yard Waste Service
47	PERSIMMON LANE	TUESDAY	NO Yard Waste Service
102	PHEASANT POINTE II	MONDAY	Yard Waste Service
163	PICKERING POINTE	THURSDAY	Yard Waste Service
127	PINEHURST VILLAGE	FRIDAY	NO Yard Waste Service
95	PLANTERS RUN	THURSDAY	NO Yard Waste Service
88	PLANTERS WOODS	TUESDAY	Yard Waste Service
73	PLEASANT HILL	WEDNESDAY	Yard Waste Service
96	PLEASANT VALLEY	THURSDAY	NO Yard Waste Service
49	PLEASANT WOODS	FRIDAY	NO Yard Waste Service
159	PLYMOUTH PLACE	FRIDAY	NO Yard Waste Service
129	POINT LANDING	THURSDAY	Yard Waste Service
123	PROVIDENCE HILLS	MONDAY	Yard Waste Service
112	QUAIL LANDING	THURSDAY	Yard Waste Service
147	RESERVE AT CHESTNUT RIDGE	THURSDAY	Yard Waste Service
16	RICHARDSON CIRCLE / HOLLY COVE CIRCLE	THURSDAY	NO Yard Waste Service
6	RICHARDSON ESTATES	WEDNESDAY	Yard Waste Service
113	RIVERSIDE	THURSDAY	Yard Waste Service
56	RIVERVIEW ESTATES	FRIDAY	Yard Waste Service
173	ROBIN HILL	FRIDAY	Yard Waste Service
104	ROCKLAND HILLS	TUESDAY	Yard Waste Service
107	ROCKLAND WEST	TUESDAY	NO Yard Waste Service
3	RODNEY VILLAGE	TUESDAY	Yard Waste Service
152	ROESVILLE ESTATES	FRIDAY	Yard Waste Service
84	ROLLING MEADOWS	TUESDAY	Yard Waste Service
19	ROYAL GRANT + THE FIRST TENTH	WEDNESDAY	Yard Waste Service
48	SANDY HILLS	WEDNESDAY	Yard Waste Service

KENT COUNTY  
GARBAGE COLLECTION SERVICES SCHEDULE  
January 2015

DIST #	DISTRICT NAME	COLLECTION DAY	YARD WASTE SERVICE
138	SATTERFIELD	FRIDAY	NO Yard Waste Service
46	SOUTH CAMDEN AREA	TUESDAY	Yard Waste Service
12	SOUTH DOVER MANOR + PENNWOOD	THURSDAY	Yard Waste Service
119	SPARTAN VILLAGE	FRIDAY	NO Yard Waste Service
139	SPRING MEADOW	MONDAY	NO Yard Waste Service
82	ST. JONES COMMONS	THURSDAY	Yard Waste Service
97	STAG CROSSING	FRIDAY	NO Yard Waste Service
14	STAR HILL	WEDNESDAY	Yard Waste Service
41	STONEGATE	WEDNESDAY	Yard Waste Service
115	STONEWATER CREEK	TUESDAY	NO Yard Waste Service
162	STRATFORD VILLAGE	WEDNESDAY	NO Yard Waste Service
5	TAYLOR ESTATES	WEDNESDAY	Yard Waste Service
68	THE ORCHARDS	WEDNESDAY	Yard Waste Service
149	TIMBER MILLS	MONDAY	NO Yard Waste Service
141	TOWNSEND FIELDS	WEDNESDAY	NO Yard Waste Service
90	TRAYBERN	WEDNESDAY	Yard Waste Service
86	TWELVE OAKS	THURSDAY	Yard Waste Service
110	TWIN WILLOWS	MONDAY	Yard Waste Service
157	VILLAGE OF EASTRIDGE	MONDAY	NO Yard Waste Service
78	VILLAGE OF WILD QUAIL	TUESDAY	Yard Waste Service
169	VILLAGES OF NOBLES POND	TUESDAY	NO Yard Waste Service
118	WEATHERSTONE CROSSING	FRIDAY	Yard Waste Service
50	WEST MAGNOLIA	FRIDAY	NO Yard Waste Service
114	WICKSFIELD	MONDAY	Yard Waste Service
44	WILD QUAIL (GOLF & COUNTRY CLUB)	TUESDAY	Yard Waste Service
158	WILLOWWOOD	MONDAY	NO Yard Waste Service
54	WINDING RIDGE	TUESDAY	Yard Waste Service
53	WINMILL	FRIDAY	Yard Waste Service
116	WOLF CREEK	THURSDAY	NO Yard Waste Service
15	WOODBURY MANOR	FRIDAY	NO Yard Waste Service
7	WOODLAND BEACH	MONDAY	NO Yard Waste Service
34	WOODSHAVEN	FRIDAY	Yard Waste Service
61	WOODS OF CARLISLE (THE)	TUESDAY	Yard Waste Service
92	WYNN WOOD	TUESDAY	Yard Waste Service