

City of Milford



CITY COUNCIL AGENDA **Monday, November 25, 2019**

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

6:00 P.M.

WORKSHOP

Respect and Anti-Harassment Training

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

Public Hearings ®

Ordinance 2019-37

Change of Zone of Annexed Lands belonging to Baltimore Aircoil Company, Incorporated

Tax Map MD-00-182.00-01-14.00

49.25 +/- Acres located at 1162 Holly Hill Road, Milford, DE

Current Zoning: IL/Proposed Zoning: I2

Ordinance 2019-39

Judith Diaz on behalf of The Chaney Center LLC for a Conditional Use for a Daycare on 2.09+/- acres in a C-3 Zoning District. Property is located at the southeast corner of N Rehoboth Blvd and NE Front St intersection, addressed as 600 NE Front Street, Milford, Delaware. Present Use: Shopping Center; Proposed Use: Shopping Center with Daycare to be known as Little Bucs Learning Center. Tax Map MD-16-183.07-01-029.00, -030.00

Ordinance 2019-40

Liborio Watergate LLC for an Amended Conditional Use and Amended Final Major Subdivision of 47.39 +/- acres into a 276-unit subdivision consisting of 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center in an R-3 Zoning District. Property is located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware. Present use: Vacant Land Proposed Use: Planned Unit Development to be known as Watergate. Tax Map: 3-30-11.09-030.00 & 031.00

Ordinance 2019-38
Code of The City of Milford
Part II-General Legislation
Chapter 230-Zoning
Sign Regulations

Communication & Correspondence

Unfinished Business

- Delaware Avenue Tree Removal:
 - Impose Moratorium/Future Tree Removals
 - Create/Policy/Future Tree Removals
 - Authorization/Removal/Two Trees

New Business

- Board of Adjustment Resignation/Vacancy
- City Council Rules of Procedure

Executive Session

Motion to Recess into Executive Session

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation

Return to Open Session

Employee/Collective Bargaining

Potential Litigation

Adjournment

All items, other than those on a Workshop Session Agenda, are subject to a potential vote.

**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.**

© Public Comment, up to three minutes per person, will be permitted. Public Comment, per State and Local Laws, accepted on all Public Hearing Items.

101019 101419 101519 101719 102819 110519 111210 111819

Takes effect January 1, 2019



STATE OF DELAWARE DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS

4425 N. MARKET STREET, 3RD FLOOR
WILMINGTON, DE 19802
(302) 761-8200

BLUE HEN CORPORATE CENTER
655 S. BAY ROAD, SUITE 2H
DOVER, DE 19901
(302) 422-1134

8 GEORGETOWN PLAZA, SUITE 2
GEORGETOWN, DE 19947
(302) 422-1134

Employers must distribute this information sheet to new employees at the commencement of employment and to existing employees by July 1, 2019

Download this Notice at www.dol.delaware.gov

DELAWARE SEXUAL HARASSMENT NOTICE

The Delaware Discrimination in Employment Act

The Delaware Discrimination in Employment Act protects all individuals against discrimination in the workplace based on gender. Sexual harassment is a form of gender discrimination. A new law against sexual harassment passed in 2018 extends protections to all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff, agricultural workers, domestic workers, and unpaid interns.

Sexual Harassment and the Law

Sexual harassment of an employee is unlawful when the employee is subjected to conduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors

- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The Delaware Discrimination in Employment Act prohibits employers from retaliating or discriminating against any person because that person opposed an unlawful discriminatory practice. Retaliation can occur through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The Delaware Discrimination in Employment Act protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination. Call 302-761-8200 or 302-424-1134 or visit

<https://dia.delawareworks.com/discrimination/>

to learn how to file a complaint or report discrimination. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.

EAP+Work/Life Training Seminar

Respect and Harassment Awareness Training for Managers

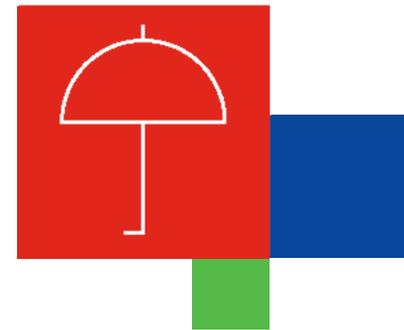
EAP+Work/Life Program Features

- 24/7, unlimited telephone access
- In-person assessments
- Unlimited HR and management consultations
- Employee wellness and prevention seminars
- Critical incident debriefings

Work/Life Support

Work/Life Specialists find support services and local resources to help with:

- Eldercare, childcare
- Legal concerns
- Financial issues
- Time management
- Relocation issues



Employee Assistance Program (EAP)

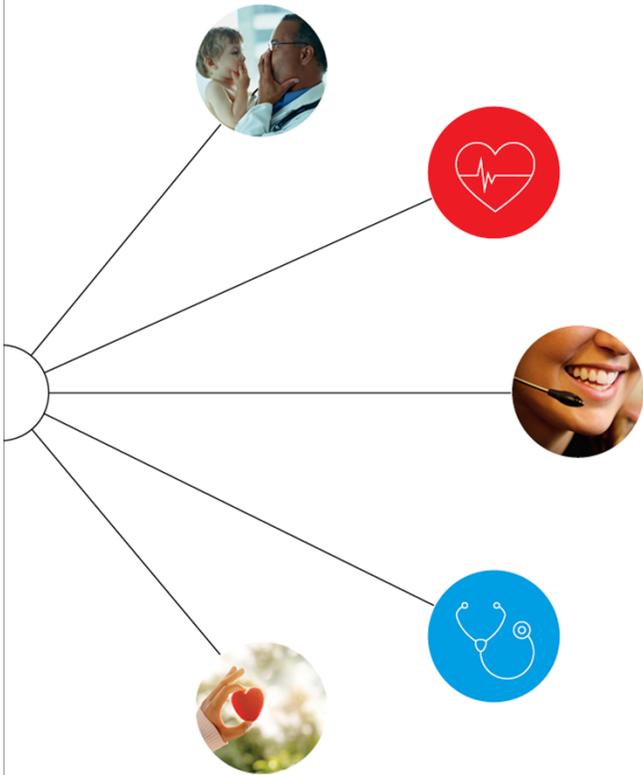
Short-term problem resolution with Licensed Professional Counselors for help addressing a wide range of issues:

- Stress; depression; anxiety
- Marital problems; family/parenting issues
- Work conflicts
- Anger, grief and loss; substance abuse

Provides referrals for more long-term support

Goals and Objectives

- Identify
- Stop
- Prevent



The Interpersonal “Stew”

- Workplaces have collective emotional “atmospheres”
- Each of us puts “ingredients” into this “stew” through our actions
- Each of us takes out “emotional food”

Thin or Thick Skinned?

Thin

- Sensitive
- Reactive
- Aware

Thick

- Non-Sensitive
- Non-Reactive
- Non-Aware



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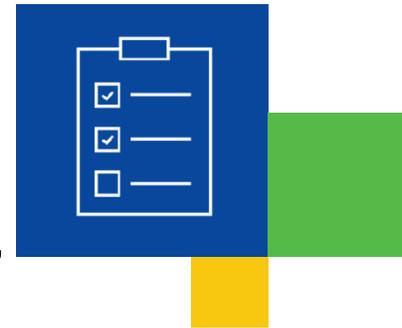
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Why Victims Do Not Speak Out

- Fear of loss of job opportunities
- Fear of rejection by coworkers
- Fear of being labeled a “trouble-maker” or a “feminist”
- Fear of not being considered a “team player”
- Fear of being accused of not having a “sense of humor”
- Fear of the “rumor mill”
- Fear of being labeled “over-sensitive” or “mentally unstable”
- Fear of not being believed
- Fear of being “wrong”



High Costs

Harassment History and The Law

Title VII, Pub. L. 88-352, 78 Stat. 253 (42 U.S.C. 2000e et seq.)

- Quid Pro Quo
- Hostile Environment
- Prevention

Reasonable Person Standard

“The discrimination would detrimentally affect a reasonable person of the same sex in that position”

What's the Motive?

- Power
- Control
- Bullying

Liability Rests With Management

An employer is **generally** responsible for its acts and those of its agents and supervisory employees with respect to harassment regardless of whether the specific act complained of was authorized or even forbidden by the employer, and often regardless of whether the employer knew or should have known of its occurrence.

Management Responsibility

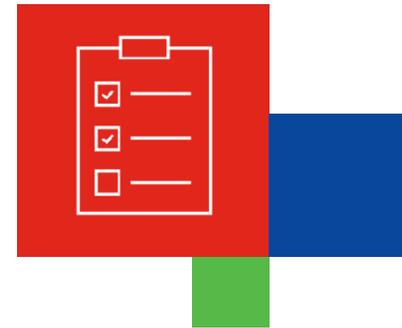
- Inform their organizations about this policy
- Properly investigate claimed violations
- Give careful consideration to the confidentiality of the information
- Communicate that reprisal toward affected individuals will not be tolerated
- Take appropriate action when the policy is violated up to and including termination

Stopping Harassment Is Part Of Your Job

Because so many legal actions result from mishandling of complaints by supervisors or other “agents” of the employer, it is vital that every manager use every means possible to handle complaints effectively within the organization.

Top Mistakes Managers Make

- Trying to resolve complaints personally
- Ignoring a complaint
- Not taking it seriously
- Not taking action



Manager's Role in Promoting Respect

- **Be self-aware:** Monitor your behavior to role model respect and inclusion of co-workers.
- **Include & Value:** Pull people in and affirm their basic worth.
- **Be oversensitive:** Be thin-skinned toward disrespectful behavior and confront it early. Act promptly and follow policy.
- **Be fair:** Work to treat everyone the same.
- **Advocate:** Openly value and promote respect and the acceptance of differences.

Important Facts About Harassment Awareness

- Men can harass men; women can harass women
- Harassment does not have to be directed at a particular individual
- Offenders can be supervisors, co-workers or non-employees (customers, vendors, suppliers)
- Harassment does not have to be intentional
- What is offensive is in the “eye of the beholder”

Definition

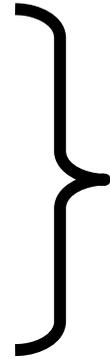
Harassment depends on how the person being harassed is affected, not on the harasser's intent.

What Constitutes Harassment?

- Person states it is unwelcome
- Person is made aware it is unwelcome
- Behavior continues
- Most one-time incidents do not constitute harassment with the exception of physical touching

The Term Harassment Includes, But is Not Limited to:

- Verbal
- Non-Verbal
- Physical
- Written



Conduct



Relating to All Individuals

- Race
- Color
- Religion
- National Origin
- Age
- Gender
- Disability
- Veteran Status
- Sexual Orientation (some jurisdictions)
- Gender Identity (some jurisdictions)

Examples of Disrespect

- Insensitive jokes or “horseplay”
- Malicious gossip
- Verbal or non-verbal threats or intimidation
- The unwelcome use of profanity
- Written, photographic or electronic media that ridicule, intimidate or demean
- Excluding with the “silent treatment”
- Screaming, name-calling or public “dressing down”
- Statements or actions that stereotype individuals
- Ignoring someone’s contributions or ideas

Continuum: Respect to Violence

Respect — Affirms and Includes



Disrespect — Denigrates and Excludes

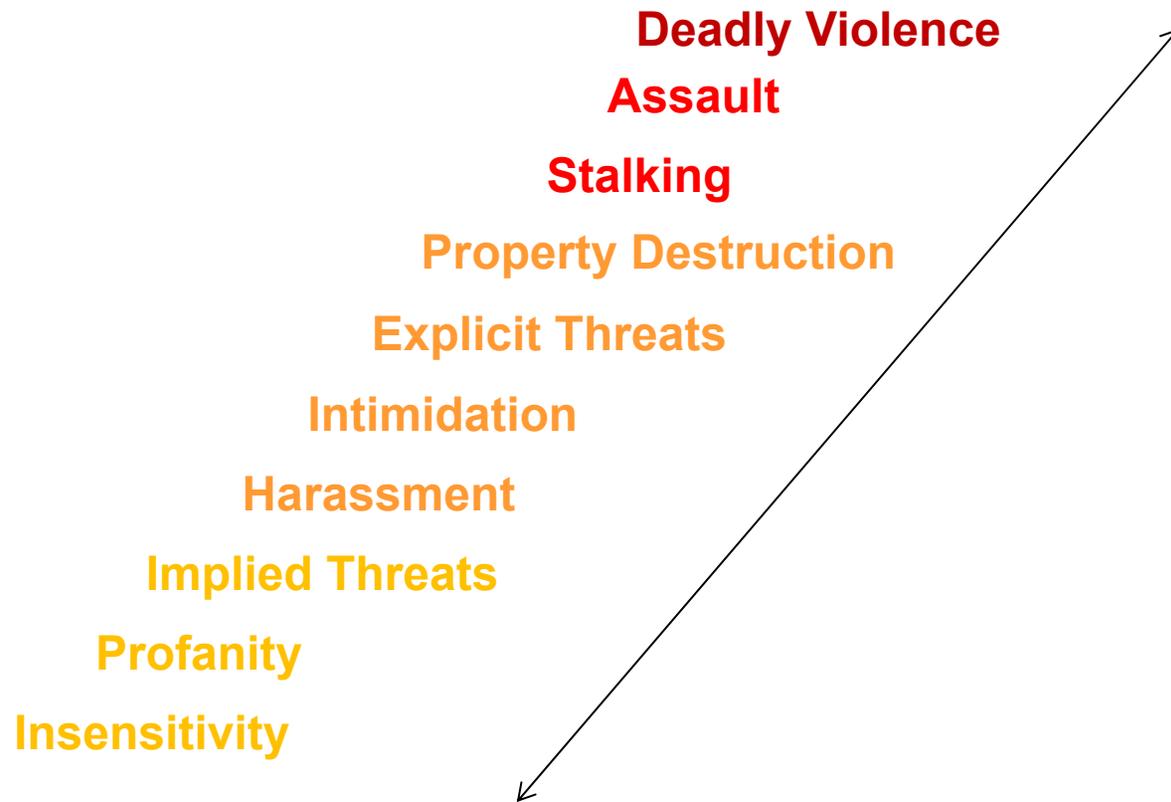


Harassment — Demeans



Violence — Destroys

Violence Continuum



Common Excuses for Disrespect

- “Everybody else was OK. What’s their problem?”
- “What about my right to free speech?”
- “I didn’t mean any harm.”
- “But we were off duty.”
- “If nobody complained, what’s the big deal?”
- “Can’t anybody take a joke?”
- “I was just having a bad day.”
- “It’s just the way I was brought up.”

Questions to Ask Yourself

- Can I demonstrate respect toward a co-worker whom I do not personally like?
- Do I feel intolerant toward certain types of individuals or groups?
- Do I feel entitled to treat others as less than equal?
- How would I feel if someone treated me, my spouse, partner or one of my children the way that I treat my co-workers?

Check Your Own Behavior

- Would I want any of those behaviors to be a **headline** in the newspaper?
- Is there **equal power** between me and the person with whom I'm interacting?
- Would I **behave** the same way if the person with whom I'm in a relationship were standing next to me?
- Would I want someone else to **act** this way toward a person with whom I'm in a relationship?

Confronting Disrespect

- **Do** confront in a respectful manner
- **Do** tell the person what you find disrespectful, insensitive or harassing
- **Do** tell the person the behavior bothers you
- **Do** tell the person what you want or don't want to have happen
- **Don't** "punish" the other person
- **Don't** ignore the behavior
- **Don't** try to handle harassment on your own

Expectations

- Be a good **role model**
- **Examine your own behavior**
- Be **open and available** to discuss concerns
- **Remain alert** to disrespectful or excluding behavior and, if it occurs, **confront it early**
- **Act promptly**

Thank You
Any questions?



HealthAdvocate Solutions™



Let's Connect

For more information visit us on the web:
Hms.healthadvocate.com
800-343-2186



HealthAdvocate Solutions™



CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: OCTOBER 15, 2019
CITY COUNCIL PUBLIC HEARING: OCTOBER 28, 2019

NOTICE IS HEREBY GIVEN the Planning Commission and City Council will hold public hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street at 7:00 p.m. to allow interested parties to participate in the discussion and consideration of the following zoning matter:

ORDINANCE 2019-37

Change of Zone of Annexed Land Belonging to Baltimore Aircoil Company, Incorporated
1162 Holly Hill Road, Milford, DE 19963
Tax Map MD-00-182.00-01-14.00
49.25 +/- Acres
Current Zone IL/Proposed Zone I2

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 49.25 +/- acres of newly annexed lands from IL to I2 at 1162 Holly Hill Road, Milford, DE 19963.

WHEREAS, in accordance with Title 22 of the Delaware State Code and Chapter 230 of the City of Milford Code, the City provided public notice by advertisement in the Milford Beacon and by mailing public notices to property owners within a 200-foot radius of the site of the property being considered for a change of zone; and

WHEREAS, on Tuesday, October 15, 2019, the Planning Commission will hold the noticed public hearing during which interested persons have an opportunity to testify in support of, or opposition to, the proposed zoning change, after which a recommendation by favorable vote of the Commissioners will be made; and

WHEREAS, City Council will consider evidence presented, public comments and the Planning Commission's recommendation at their hearing on Monday, October 28, 2019, and will deem whether it is in the best interest of the City of Milford to allow the change of zone as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 49.25 +/- acres, as shown on the plan denoted as Exhibit A, to be zoned as I-2 (General Industrial) and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.



DATA SHEET FOR BALTIMORE AIRCOIL COMPANY

Annexation Committee: September 9, 2019
Planning Commission Meeting: October 15, 2019
City Council Meeting: October 28, 2019

Application Number / Name	:	19-032 / Baltimore Aircoil Company
Applicant	:	Baltimore Aircoil Company 1162 Holly Hill Road Milford, DE 19963
Owner	:	Baltimore Aircoil Company 7600 Dorsey Run Road Jessup, MD 20794
Application Type	:	Annexation
Comprehensive Plan Designation	:	Industrial
Current Zoning District	:	IL (Limited Industrial)
Proposed Zoning District	:	I-2 (General Industrial District)
Present Use	:	Manufacturing Facility
Proposed Use	:	Manufacturing Facility
Area and Location	:	49.25 +/- acres of land located along the south side of Holly Hill Road approximately 3,000 feet south of Milford-Harrington Highway (Route 14) addressed as 1162 Holly Hill Road.
Property Identification Numbers	:	MD-00-182.00-01-14.00

ENC: Annexation Committee Report
Exhibit A - Location & Zoning Map
Exhibit B – Comprehensive Plan Land Use Map
Exhibit C – Written Petition
Exhibit D – Annexation Agreement
Exhibit E – OSPC Approval



TO: Mayor & Council Members
FROM: Annexation Committee
DATE: September 9, 2019
RE: Annexation Committee Report

A public meeting was held in Council Chambers on September 9, 2019 to consider the annexation request for lands described as:

Property Owner:	Baltimore Aircoil Company, Inc.
Location:	1162 Holly Hill Road
Size:	49.25 +/- acres
Existing Zoning:	IL – Limited Industrial (Kent County)
Proposed Zoning:	I-2 – General Industrial
Tax Map and Parcel Number:	MD-00-182.00-01-14.00-000

APPLICANT

A petition by the property owners was submitted on August 15, 2019 to annex 49.25 +/- acres into the corporate limits of the City of Milford.

LOCATION

The property is identified as Kent County tax parcel MD-16-182.00-01-14.00-000 and is located along the south side of Holly Hill Road approximately 3,000 feet south of the Milford-Harrington Highway (Route 14) intersection.

STREETS

The property contains an existing industrial site where all internal roadways and parking lots are privately owned and maintained. The site has access to an existing DeIDOT road. Any modifications of the entrance would require approval from the State of Delaware.

DRAINAGE

The industrial site is already developed. Any future development and expansion of the manufacturing facility would be subject to DNREC storm-water regulations and the owner would be required to obtain any and all permits from the Kent Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned IL (Limited Industrial) in Kent County under the Kent County Levy Court zoning ordinance. The applicant requests the property be zoned I-2 (General Industrial District) under the City of Milford zoning ordinance.

SEWER

The property is currently served by the City of Milford with a small lift station and force main that discharges wastewater into the City's gravity collection system along Milford-Harrington Highway. Future planned improvements associated with the Hickory Glen project will allow the City to abandon this lift station and the wastewater will be conveyed to the new pumping station associated with the residential project.

WATER

City water is not currently available to the site and the closest connection point is 3,000 feet to the east along Milford-Harrington Highway. The property is currently served by a State approved drinking well. The City requests that the owner connect to the water system if and when water service becomes technically available at a connection point located along Holly Hill Road, within the BAC property. The City will require the applicant sign an annexation agreement where CPCN rights will be assigned to the City.

ELECTRIC

The property is currently served by the Delaware Electric Cooperative and the City will not be providing electric service to the property unless mutually agreed upon by BAC, the City and DEC.

TRAFFIC

The existing site has an internal network of parking lots and driveways that are privately maintained. The existing entrances located along Holly Hill Road are permitted by DelDOT and any alteration of the entrances or use of the property would need to be approved by the State of Delaware.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property contains state mapped wetlands. The property is not located within the 100-year floodplain according to the most recent FEMA Flood Insurance Rate Maps (FIRMs). However, the property contains areas of excellent groundwater recharge and would be subject to the City's sourcewater protection ordinance.

AREA LAND USES

The properties to the north and west of the subject parcel are currently used for agricultural purposes. The property to the east is located within the City of Milford and is being developed by Nutrien Ag Solutions as an industrial site. The property to the northeast, known as the proposed Hickory Glen subdivision, is currently used for agricultural purposes but is in the final subdivision and site plan review process for 399 residential units. The subject parcel is bound on the south by an active railroad. The property to the south of the railroad, known as the Draper Farm, is annexed into the City as R-2 but is currently undeveloped and used for agricultural purposes.

FIRE AND POLICE

The subject parcel is located within the Carlisle Fire Company district area according to Kent County's online mapping application. Carlisle Fire Dept. already provides fire and EMS coverage to this area. EMS is also currently provided by Kent County Levy Court. Milford Police Department will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and is designated as Proposed Industrial.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The proposed annexation will generate new property tax revenue to the City along with revenues for any future expansion of the facility.

ADVANTAGES TO THE CITY

1. The property is within the planning area of the City of Milford.
2. The City would receive revenues (property tax, building permits, etc.) for activity on the property.
3. Potential for additional water.
4. The annexation would satisfy the requirement to annex as stated in the 2006 Sewer Collection Agreement signed by both the City and BAC.
5. Identified within the Urban Growth Boundary of the 2018 Comprehensive Plan.
6. Consistent with the Comprehensive Plan Future Land Use exhibits.

DISADVANTAGES TO THE CITY

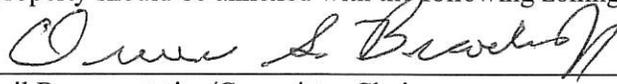
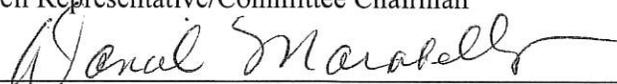
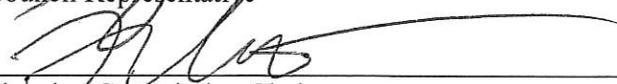
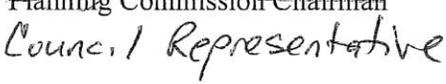
1. None.

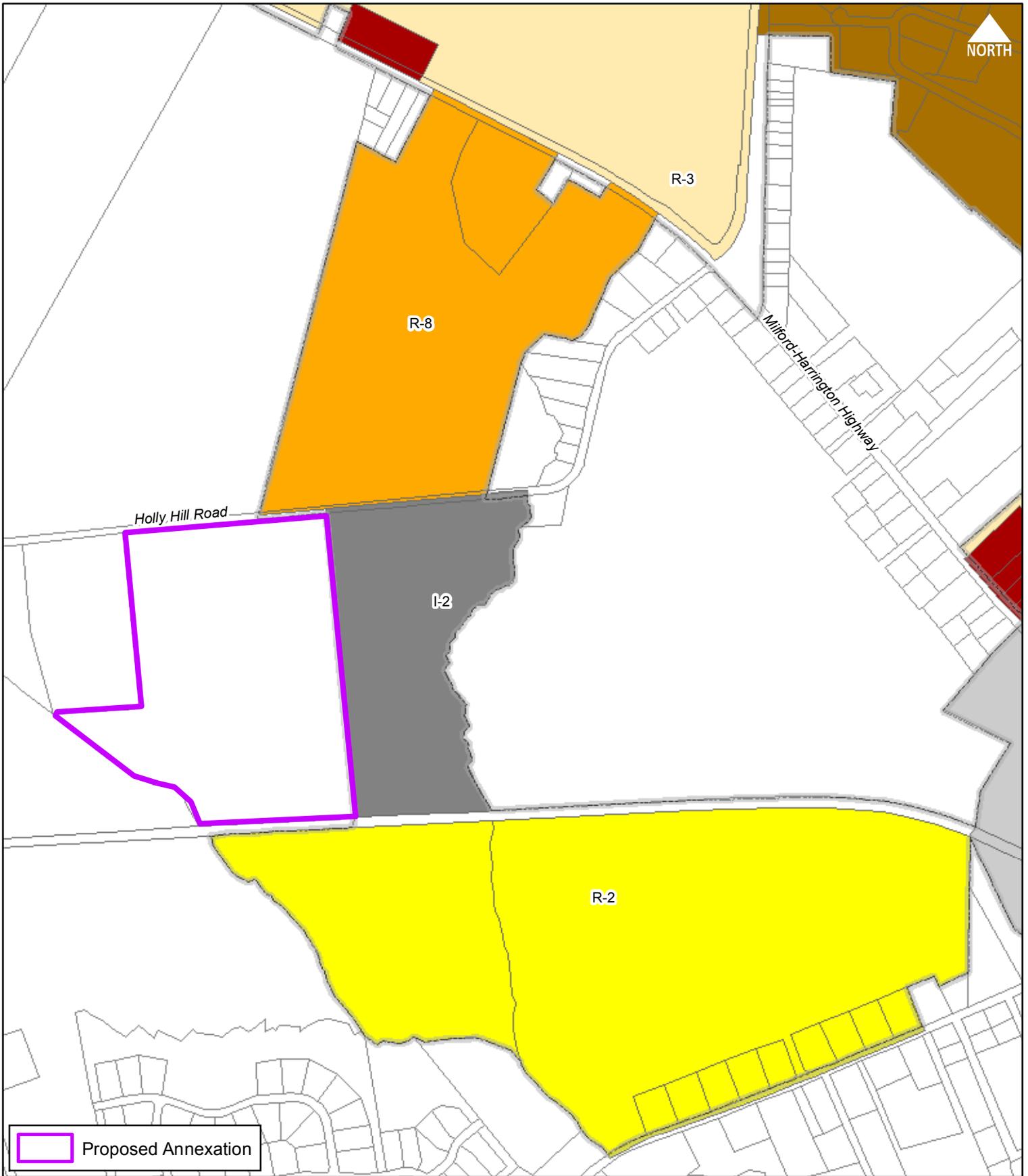
RECOMMENDATION

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 is already served by City Sewer and should be served by City Water in the future.
5. The annexation will benefit the City through additional revenues, including property taxes.
6. An executed Annexation Agreement is required prior to final City Council approval.
7. Upon approval of the annexation committee report, 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: I-2 (General Industrial)

	<u>9/19/19</u>
Council Representative/Committee Chairman	Date
	<u>9/9/19</u>
Council Representative	Date
	<u>9-9-19</u>
Council Representative	Date
	<u>9/9/19</u>
Planning Commission Chairman	Date
	
Council Representative	



 Proposed Annexation

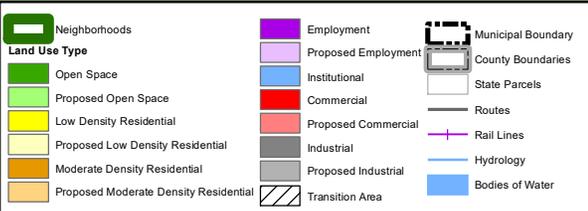
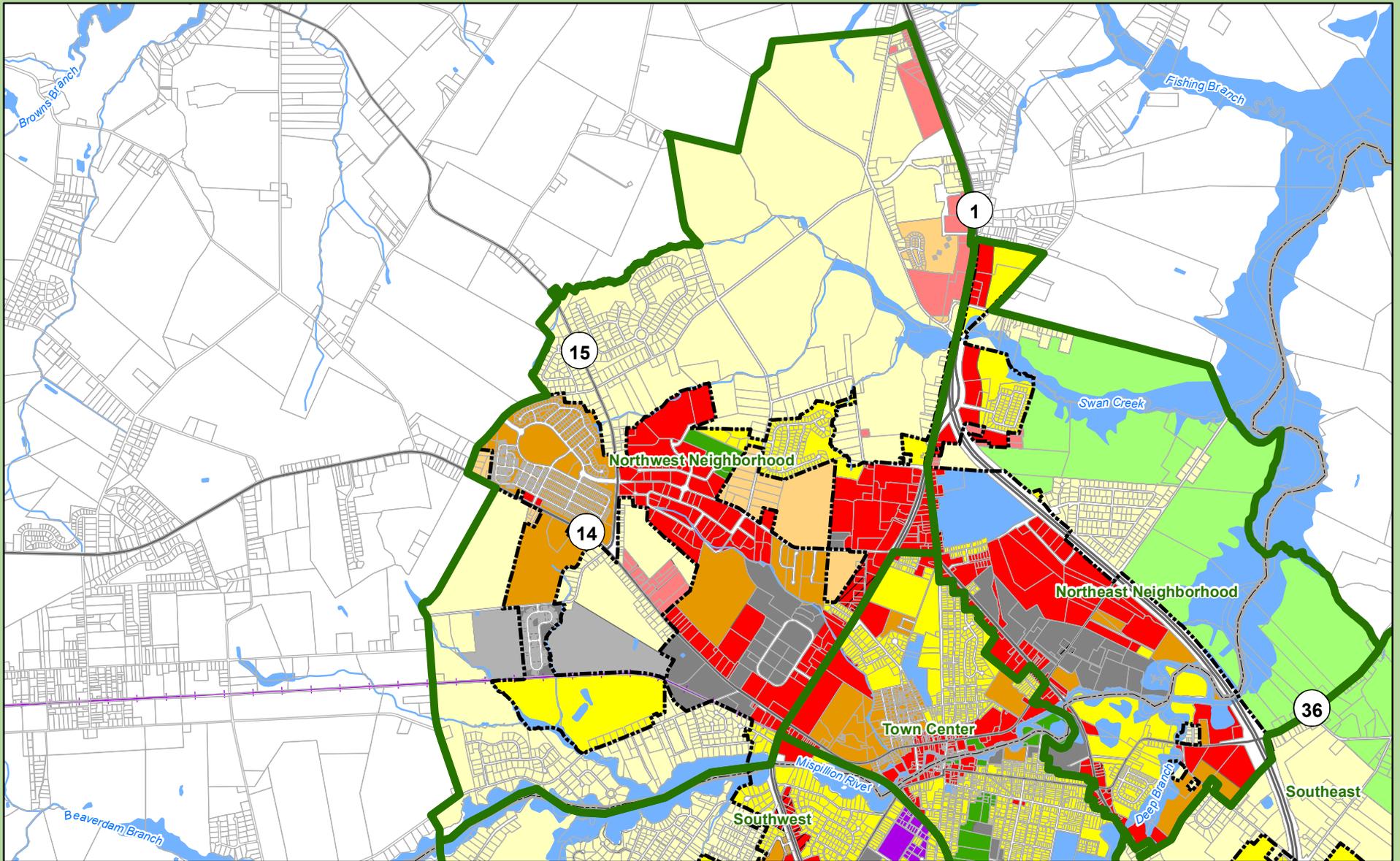


Scale:  Feet
0 375 750

Drawn by: WRP Date: 03/15/18

Title:
**Proposed Annexation
Baltimore Aircoil Company
Location & Zoning Map**

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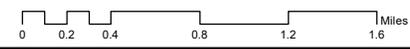


City of Milford, Delaware

Future Land Use

Northwest Neighborhood

Adopted Jan. 22, 2018, Certified TBD



Sources:
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 DRAFT Future Landuse - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.



www.ipa.udel.edu
 Institute for Public Administration



BALTIMORE AIRCOIL COMPANY

1162 Holly Hill Road Milford, DE 19963 · tel 302.424.2558 · fax 302.422-2850 · www.BaltimoreAircoil.com

08/15/19

City of Milford
Rob Pierce, Planning & Development Director
201 S. Walnut Street
Milford, DE 19963

RE: Request for Annexation

Property Address: 1162 Holly Hill Road, Milford, DE 19963
Owner: Baltimore Aircoil Company, Inc.
Tax Parcel # MD-00-182.00-01-14.00-000

Dear Mr. Pierce,

Please accept this letter as a formal request for annexation of the above referenced parcel located at 1162 Holly Hill Road, Milford, DE 19963 containing the existing Baltimore Aircoil Company, Inc. (BAC) manufacturing facility and 49.6 +/- acres. BAC respectfully requests the property be zoned I-2 (General Industrial) which is consistent with the City's Comprehensive Plan future land use exhibit and the existing and proposed uses on the property.

Regarding the Annexation Fee we request deferment of the payment until Annexation is complete and agree to remit payment no more than 30 days from the date of annexation. In the unlikely event payment hasn't been made within 30 days we agree to have the fee added to our Tax Bill.

Please contact me with any questions.

Sincerely,


Stephen Tsotsoros
Plant Manager, Milford DE

Notarized

 8/16/2019
KAHLIMA DUDLEY
NOTARY PUBLIC
HOWARD COUNTY
MARYLAND
MY COMMISSION EXPIRES AUG. 17, 2022

Tax Parcel No. MD-00-182.00-01-14.00-000

Prepared by: Planning & Zoning

City of Milford
201 S. Walnut St.
Milford, DE 19963

Return to: The Honorable Arthur J. Campbell, Mayor

City of Milford, 201 S. Walnut St.
Milford, DE 19963

BALTIMORE AIRCOIL COMPANY, INC. PLAN OF SERVICES AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2019, by and between BALTIMORE AIRCOIL COMPANY, INC. (hereinafter “BAC”) whose principal location is located at 1162 Holly Hill Road, Milford, Delaware 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, BAC is the record title owner of a parcel of land consisting of 49.25 acres, more or less, lying contiguous to the City of Milford, said tract identified on the Kent County, Delaware tax maps as Tax Parcel No. MD-00-182.00-01-14.00-000, said tract hereinafter referred to as “BAC PROPERTY”.

BAC is desirous of having the BAC PROPERTY annexed into the City of Milford and requested the land use to be Industrial 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. Identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
3. Consistent with the Future Land Figure of the 2018 Comprehensive Plan.

- C. Recognizing that BAC’s request for annexation is unilateral (in that the City cannot annex the BAC PROPERTY unless BAC 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 BAC 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 BAC's request to be annexed into the City of Milford, in consideration of \$27,125.00 to be paid no later than October 31, 2019 to the City by BAC for filing and administrative expenses, 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 BAC 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 49.25 acres, more or less, said tract identified on the Kent County, Delaware tax maps as Tax Parcel No.MD-00-182.00-01-14.00-000.

The hereinabove described parcel of land is more fully depicted on that certain Survey "Baltimore Aircoil Company, Inc.," dated February 12, 2018, prepared by Becker Morgan Group 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, BAC agrees that the BAC PROPERTY will be connected to the City water distribution system if and when water service becomes technically available at a connection point located along Holly Hill Road, within the BAC Property. The actual Equivalent Dwelling Units (EDU's) cannot be calculated at this time and shall be determined when the time of connection occurs. The parties agree that BAC is connected to City sanitary sewer and at its sole expense shall be responsible for the upgrade to any and all infrastructure to accommodate any future increase in EDU's from its existing capacity. BAC agrees to execute any documents needed for the City to obtain Certificate of Public Convenience and Necessity (CPCN) rights.
4. Electric Distribution System. The property currently obtains electric service through Delaware Electric Cooperative and notwithstanding any annexation of the BAC Property into the City, BAC shall have the right to select the electric utility provider of its choice for service to the BAC Property.

5. Natural Features. The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.
6. Zoning. The BAC shall be annexed as City district I-2 General Industrial 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; BAC 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) BAC may, with the City's prior written consent, which shall not be unreasonably withheld, sell, lease, or convey all or any portion of BAC 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. 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 hearings 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. Amendments. This Agreement shall not be amended except in writing executed by all parties hereto.
13. Binding Effect. This Agreement shall be binding upon the parties hereto, their administrators, successors, successors in interest and assigns.
14. 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.
15. 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.
16. 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.
17. 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.
18. Recording. This agreement, dully executed by the City and BAC, shall be recorded in the office of the Recorder of Deeds, in and for Kent County,

Delaware. The cost of recording shall be paid by BAC.

- 19. Plan of Services Requirement. This Agreement shall not be considered or deemed to be contract zoning. The parties hereto acknowledge their respective obligations to enter into a Plan of Services Agreement as part of the annexation process according to 22 Del.C., §101(3) and Milford City Charter Article 1.04(a)(3).

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

BALTIMORE AIRCOIL COMPANY, INC.

Attest: _____

By: _____
Tim Buzby, Global VP – Finance and IT

CITY OF MILFORD

Attest: _____
City Clerk

By: _____ (Seal)
Arthur J. Campbell, Mayor

STATE OF MARYLAND :
:
COUNTY OF HOWARD :

Signed and sworn to before me this _____ day of _____, 2019, by Tim Buzby, Global VP – Finance and IT, of Baltimore Aircoil Company, Inc.

Signature of Notary Public

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2019, by Arthur J. Campbell, Mayor of the City of Milford.

Signature of Notary Public

Exhibit A

Exhibit B

OWNER: Baltimore Aircoil Company, Inc.
TAX MAP NO.: 05-00-18200-01-1400-00001

49.25 ACRES ±

All that certain lot, piece or parcel of land, situated in the Milford Hundred, Kent County, State of Delaware, lying on the southerly side of Holly Hill Road, being bounded on the north by said Holly Hill Road, on the east by lands now or formerly of Crop Production Services, on the south by lands now or formerly Delaware Railroad Real Estate Agent and on the west by lands now or formerly of R & C Fry Farms LP and as shown on a plan entitled "Annexation Plan – Lands of Baltimore Aircoil Company, Inc." as prepared by Becker Morgan Group, Inc., dated February 12, 2018 and being more particularly described as follows to wit:

Beginning at a set iron rod with cap at a corner for the southerly right of way of Holly Hill Road and this property, said point being South 84°50'14" West 1179.37 feet as measured from the intersection of centerline of a ditch and the southerly right of way line of Holly Hill Road; thence leaving said point of beginning and running in part with Holly Hill Road right of way, lands of Crop Production Services, Inc. and lands of Delaware Railroad Real Estate Agent 1) South 05°33'56" East 1794.82 feet to a found concrete monument at a corner for this parcel and lands of Delaware Railroad Real Estate Agent; thence running with the northerly right of way of a railroad, lands of Delaware Railroad Real Estate Agent 2) South 87°03'19" West 901.13 feet to a point at the intersection of the centerline of Ludnam Branch and the northerly right of way of railroad, thence running by and with the centerline of Ludnam Branch and lands of R & C Fry Farms LP the following fifty one courses and distances:

3) North 06°45'46" West 78.53 feet; thence 4) North 21°43'49" West 76.42 feet; thence 5) North 32°09'39" West 128.58 feet; thence 6) North 78°17'45" West 37.14 feet; thence 7) South 68°06'32" West 26.11 feet; thence 8) North 66°22'48" West 23.24 feet; thence 9) North 34°55'59" West 11.56 feet; thence 10) North 78°12'49" West 10.31 feet; thence 11) North 50°01'04" West 12.45 feet; thence 12) North 10°04'15" West 14.21 feet; thence 13) North 78°42'40" West 43.16 feet; thence 14) South 74°46'37" West 47.89 feet; thence 15) North 36°28'42" West 22.28 feet; thence 16) North 77°51'17" West 9.36 feet; thence 17) South 55°33'29" West 35.98 feet; thence 18) North 82°03'35" West 15.89 feet; thence 19) North 61°40'39" West 18.26 feet; thence 20) South 80°33'17" West 12.51 feet; thence 21) North 45°30'31" West 10.86 feet; thence 22) North 03°24'47" East 12.49 feet; thence 23) North 26°34'45" West 15.29 feet; thence 24) North 73°07'32" West 12.01 feet; thence 25) South 72°10'42" West 12.32 feet; thence 26) North 62°21'41" West 24.20 feet; thence 27) North 29°28'45" East 25.11 feet; thence 28) North 40°26'54" West 16.55 feet; thence 29) North 27°59'18" West 11.04 feet; thence 30) North 03°42'11" West 14.75 feet; thence 31) North 59°40'16" West 10.03 feet; thence 32) North 88°18'36" West 13.89 feet; thence 33) North 62°46'45" West 15.18 feet; thence 34) South 81°50'06" West 20.75 feet; thence 35) North 54°24'29" West 15.51 feet; thence 36) South 76°51'26" West 13.13 feet; thence 37) North 66°25'07" West 13.71 feet; thence 38) North 87°30'28" West 10.26 feet; thence 39) North 69°01'09" West 41.09 feet; thence 40)

North 22°10'06" East 12.99 feet; thence 41) North 11°30'44" West 40.88 feet; thence 42) North 44°46'42" West 40.57 feet; thence 43) North 77°21'51" West 24.59 feet; thence 44) North 29°29'46" East 26.54 feet; thence 45) North 75°44'13" West 36.96 feet; thence 46) North 05°37'15" East 28.39 feet; thence 47) North 55°01'12" West 33.19 feet; thence 48) North 22°48'04" East 11.59 feet; thence 49) North 23°36'25" West 7.85 feet; thence 50) South 87°13'13" West 15.76 feet; thence 51) North 49°19'05" West 29.82 feet; thence 52) North 40°14'52" West 47.03 feet; thence 53) North 25°06'01" East 5.56 feet to a point in the centerline of Ludnem Branch and at a corner of this parcel and the lands of R & C Fry Farms LP, said courses and distances having a tie line with a bearing and distance of North 48°31'06" West 1035.23 feet; thence departing the centerline of Ludnem Branch and continuing with the lands of R & C Fry Farms LP the following two courses and distances 54) North 85°01'06" East, passing over a found concrete monument at 5.42 feet and continuing a total distance of 405.34 feet to a found concrete monument; thence 55) North 05°33'56" West 1000.05 feet to a found concrete monument at the corner of this parcel and in line with the southerly right of way of Holly Hill Road; thence with said Holly Hill Road right of way 56) North 84°26'04" East 1200.27 feet to the point and place of beginning, and containing 49.25 acres of land be the same, more or less.



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 24, 2019

Mr. Rob Pierce
Director of Planning and Economic Development
City of Milford
180 Vickers Dr.
Milford, DE 19963

**RE: Plan of Services 2019-07, Lands of Baltimore Aircoil Company, Inc.
Tax Parcel(s) 5-00-08200-01-1400-000**

Dear Mr. Pierce,

This letter is to confirm that we have received and accepted the completed Plan of Services for the above referenced annexation. The City has completed all relevant annexation requirements of Title 22, Section 101, and subsection (3) of the 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 annexation committee report and the official annexation resolution should accompany this notification. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

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

David L. Edgell, AICP
Principal Planner

cc: Connie Holland, Director

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, November 19, 2019 @ 7:00 p.m.
City Council Hearing: Monday, November 25, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street to allow interested parties to participate in the discussion and consideration of the following zoning matter:

ORDINANCE 2019-39

Judith Diaz on behalf of The Chaney Center LLC for a Conditional Use for a Daycare on 2.09+/- acres in a C3 (Highway Commercial) Zoning Districts. Property is located at the southeast corner of N Rehoboth Blvd and NE Front St intersection, addressed as 600 NE Front Street, Milford, Delaware. Present Use: Shopping Center; Proposed Use: Shopping Center with Daycare to be known as Little Bucs Learning Center. Tax Map MD-16-183.07-01-029.00, -030.00

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2019 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Daycare to be known as Little Bucs Learning Center as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Upon the adoption of this ordinance, Judith Diaz on behalf of The Chaney Center LLC is hereby granted a Conditional Use Permit to allow a Daycare to be known as Little Bucs Learning Center in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

Effective: December 5, 2019

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 10/30/19



DATA SHEET FOR LITTLE BUCS LEARNING CENTER

Planning Commission Meeting: November 19, 2019

Application Number / Name	:	19-036 / Little Bucs Learning Center
Applicant	:	Judith Diaz Little Bucs Learning Center 713 Evergreen Lane Milford, DE 19963
Owner	:	The Chaney Center, LLC Everett Bennett 902 Poplar Street Milford, DE 19963
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Shopping Center
Proposed Use	:	Shopping Center with Daycare
Size and Location	:	2.10 +/- acres located at the southeast corner of N. Rehoboth Boulevard and NE Front Street intersection.
Tax Map & Parcel	:	MD-16-183.07-01-29.00 & 30.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Survey



**STAFF REPORT
October 11, 2019**

Application Number / Name	:	19-036 / Little Bucs Learning Center
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Shopping Center
Proposed Use	:	Shopping Center with Daycare
Tax Map & Parcel	:	MD-16-183.07-01-29.00 & 30.00
Size and Location	:	2.10 +/- acres located at the southeast corner of the N. Rehoboth Boulevard and NE Front Street intersection.

I. BACKGROUND INFORMATION:

- The applicant proposes convert 2600 square feet of the existing shopping center into a daycare facility and provide an outdoor, fenced in play area for the children.
- Chapter 230-14(C)(12) states a “day-care center” is a conditional use within the C-3 Highway Commercial zoning district and is subject to City Council approval.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request for the Conditional Use:

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.
 - A. The presence of adjoining similar uses.

The site contains an existing commercial strip center that was constructed in the 1980’s and has operated as a mixture of retail and office space over the past several decades. The property is bound to the north and west by major roadways, Route 1A (N. Rehoboth Boulevard) and Route 14 (NE Front Street). The parcels to the north are zoned a mixture

of C-3 Highway Commercial and I-1 Limited Industrial. The properties to the west are zoned primarily C-3 Highway Commercial, and include automotive repair businesses. The property to the east is zoned R-3 Garden Apartment and Townhouse District and has a 102 unit apartment project known as Mispillion Landing proposed for the site.

- B. An adjoining district in which the use is permitted.

The proposed use is only allowed by conditional use approval within the residential and commercial zoning districts.

- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.

The Comprehensive Plan designates this area as Commercial, which is intended to provide an area with various types of commercial uses, including retail, office, service establishments, etc.

- D. There is sufficient area to screen the conditional use from adjacent different uses.

The proposed use would be within the existing commercial building, except for the proposed fenced in play area located at the south side of the parking lot. No screening is proposed. The Mispillion Landing site plan proposes screening along the entire property line between the multi-family project and the commercial strip center.

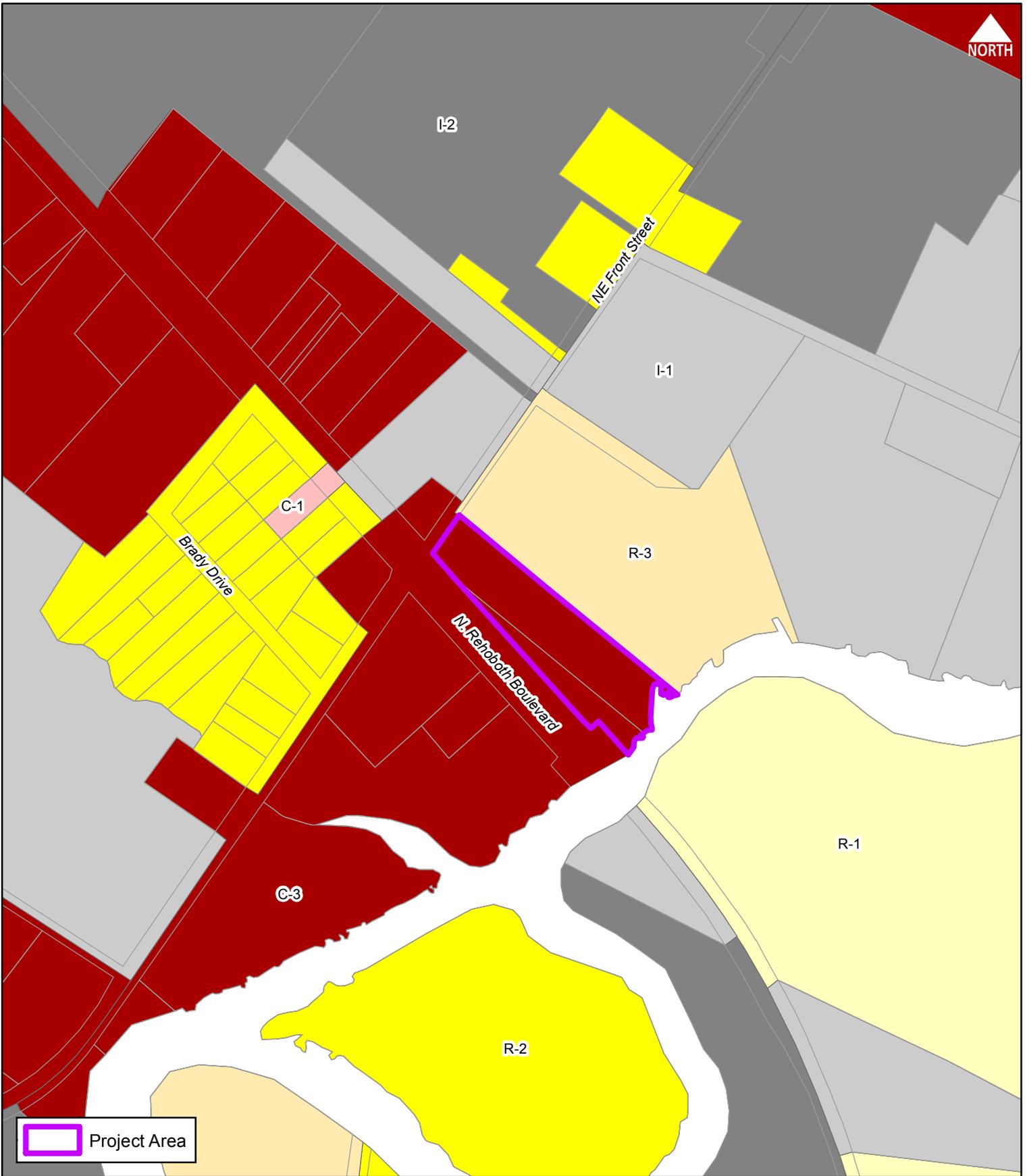
- E. The use will not detract from permitted uses in the district.

The proposed use should not detract from other permitted uses in the district and the use is compatible with the adjacent residential lands. Daycares should be located within commercial and residential districts as allowed for in the City Code.

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

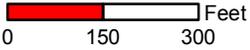
The site is located in an established commercial shopping center that has sufficient parking for the proposed use and other existing uses. Setbacks and traffic control are established under previously approved site plan. Screening is not proposed, however, the proposed residential project to the east will provide screening with their site construction to separate the residential and commercial uses.

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:
 - The applicant must obtain a building permit from the City of Milford for renovations associated with the proposed use, which will require State Fire Marshal's Office and State Plumbing Office approvals.



 Project Area



Scale:  Feet
0 150 300

Drawn by: WRP Date: 10/08/19

Title:

Conditional Use
Little Bucs Learning Center
 Location & Zoning Map

Filepath: ConditionalUse_LBLC.mxd

Little Bucs Learning Center - Site Plan Narrative

Introduction-

Ms. Judith Diaz would like to use part of the existing Chaney Center to provide a daycare or learning center. The center would be open to children and would include both a day program as well as an after school program. The location of the center is off NE Front Street Ext or Old Wharf Road. It is also located adjacent to Rehoboth Boulevard. The location is convenient and central for its clients. Also the center is close to the businesses located on Rehoboth Boulevard.

Hours of Operation-

The center will be open from Monday through Friday from 7 am to 5:30 pm to service its clients. A small playground will be located at the rear of the facility. It will be a fenced in facility which will give the students a safe area to enjoy outside games and other activities.

Parking-

There are currently 27 paved parking spaces in the existing parking lot. The 2 existing businesses which are located in the center are composed of an existing Shoe Repair Shop as well as a window cleaning contractor. These businesses require 8 parking spaces based on retail stores and shops use as shown in the City of Milford Parking and Loading Standards.

The new daycare center will require the use of an additional 8 spaces based on the educational use as shown in the City of Milford Parking and Loading Standards. Therefore there will be 11 spaces which will remain unused.

Daycare

The daycare will use 5 of the currently unused sections of the building. These sections will house 5 classrooms as well as 1 office and are located in the center of the existing building. There will be 4 bathrooms that will service these facilities. There will also be a lounge for the workers and kitchen for snacks for the children and workers. A mop sink and drinking fountain will be located in the center section.

Site Plan

A site plan has been prepared by John B Roach Engineering, LLC. The plan shows the existing building layout as well as the parking location and entrances. Electric transformers, telephone boxes and power poles are also shown. The plan includes a data column which identifies the projects compliance to the site plan application as submitted for this project.

Sewer Impacts and EDU's

Based on the Kent County sewer guidelines Section 128 -18 there are 3.5 EDU's required for this use.

Little Bucs Learning Center - Site Plan Narrative

Wetlands and 100 year flood plain

This property has wetlands bordering it on the south side which are delineated by on the site plan. Also a small part of this property borders the 100 year flood plain. The flood plain is located near the Misipillion River and does not affect the existing building and parking areas.

§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B. Permitted uses. Permitted uses for the C-3 District shall be as follows:
 - (1) Those uses permitted in the C-2 District.
 - (2) Warehouses.
 - (3) Large retail outlets.
 - (4) Indoor storage accessory building.
 - (5) Fast-food restaurants and drive-in restaurants.
 - (6) Supermarkets.
 - (7) Truck and trailer rentals.
 - (8) Roadside produce market.
 - (9) Memorial stone shop.
 - (10) Outdoor commercial recreational facilities, not motorized vehicles.
 - (11) Swimming club.
 - (12) Indoor facility for amusement or assembly.
 - (13) Bus station.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
 - (1) Motels or hotels with a minimum lot size of three acres.
 - (2) Commercial greenhouse.
 - (3) Wholesale establishment.
 - (4) Newspaper publishing or printing establishment.
 - (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
 - (6) Laboratory, testing and research.
 - (7) Car repair shops.
 - (8) Used car lots.
 - (9) Telephone central office or television cable central office.
 - (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (a) All facilities shall be located and all services shall be conducted on the lot.
 - (b) All repair work shall be conducted within an entirely enclosed building.
 - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

- (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
 - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (11) Shopping center, subject to site plan review and the following site requirements:
- (a) The total shall not be less than one acre.
 - (b) The site must be served by public water, sewer and electricity.
 - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
 - (d) Traffic and parking.
 - [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
 - [2] Access to state highways shall be controlled by the State Department of Transportation.
 - [3] The minimum distance between accessways and a residential district shall be 50 feet.
 - [4] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.
 - [6] Parking lots shall be attractively landscaped as shown on the general site plan.
 - (e) Setback.
 - [1] From street right-of-way: 15 feet.
 - [2] From nonresidential districts: 15 feet.
 - [3] From residential districts: 100 feet.
 - (f) Buffering and landscaping.
 - [1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
 - [2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.
- (12) Day-care centers, with site plan required.**
- (13) Car wash, all types (staffed, automatic, self-service, etc.).
 - (14) Convenience stores with gas pumps.
 - (15) Community residential treatment program.
 - (16) All dwellings other than single-family with a maximum density of 12 units per acre.
 - (17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

- (a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

(19) Aquarium.

D. Area regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.
- (5) Minimum building setback shall be 30 feet.
- (6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
- (7) Minimum rear yard shall be 50 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.

§ 230-48. - Criteria for evaluation.

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

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.

- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, November 19, 2019 @ 7:00 p.m.

City Council Hearing: Monday, November 25, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street to allow interested parties to participate in the discussion and consideration of the following zoning matter:

ORDINANCE 2019-40

Liborio Watergate LLC for an Amended Conditional Use and Amended Final Major Subdivision of 47.39 +/- acres into a 276-unit subdivision consisting of 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center in an R-3 Zoning District. Property is located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware. Present use: Vacant Land Proposed Use: Planned Unit Development to be known as Watergate. Tax Map: 3-30-11.09-030.00 & 031.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for an amended conditional use and for final approval of an amended plat; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2019 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 approve the amended conditional use and amended plat, as herein described.

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

Section 1. Following adoption of Ordinance 2019-40, and upon the effective date, Liborio Watergate LLC is hereby granted an Amended Conditional Use and Amended Final Major Subdivision to allow 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

Effective: December 5, 2019

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 10/30/19



DATA SHEET FOR LIBORIO WATERGATE LLC

Planning Commission Meeting: November 19, 2019

City Council Public Hearing: November 25, 2019

Application Number / Name	:	16-014 / Liborio Watergate LLC
Applicant	:	Liborio Watergate LLC 903 N. French Street Wilmington, DE 19801
Owner	:	Same
Application Type	:	Amended Planned Unit Development / Final Major Subdivision
Present Comprehensive Plan Map Designation	:	Moderate Density Residential
Present Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Size and Location	:	47.39 +/- acres located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection.
Tax Map & Parcel	:	PB 121 PG 123 3-30-11.09-030.00 & 031.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Final Major Subdivision



STAFF REPORT
October 16, 2019

Application Number / Name	:	16-014 / Watergate Subdivision
Present Comprehensive Plan Designation	:	Moderate Density Residential
Present Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Tax Map & Parcel	:	PB 121 PG 123 3-30-11.09-030.00 & 031.00
Size and Location	:	47.39 +/- acres located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection.

I. BACKGROUND INFORMATION:

- On April 23, 2018, City Council approved the Final Major Subdivision application associated with the revised Watergate Planned Unit Development.
- Applicant is seeking to modify the Planned Unit Development to eliminate two proposed twelve unit apartment buildings containing twenty-four units and create a residual R-3 (Garden Apartment and Townhouse) zoned parcel to be used to construct a proposed daycare facility. The overall subdivision layout remains the same except for the front section where the Daycare will be constructed. The developer is reducing the overall number of dwelling units in the Watergate subdivision from 300 to 276.
- City Council approved the conditional use application on July 22, 2019 for the proposed Daycare facility, which required the proposed revision to the Watergate subdivision before final site plan approval could be obtained from the Planning Commission for the Daycare facility.

II. PROPOSED CHANGES:

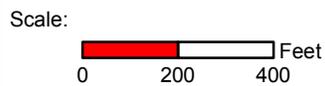
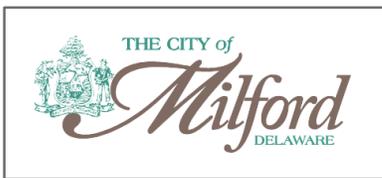
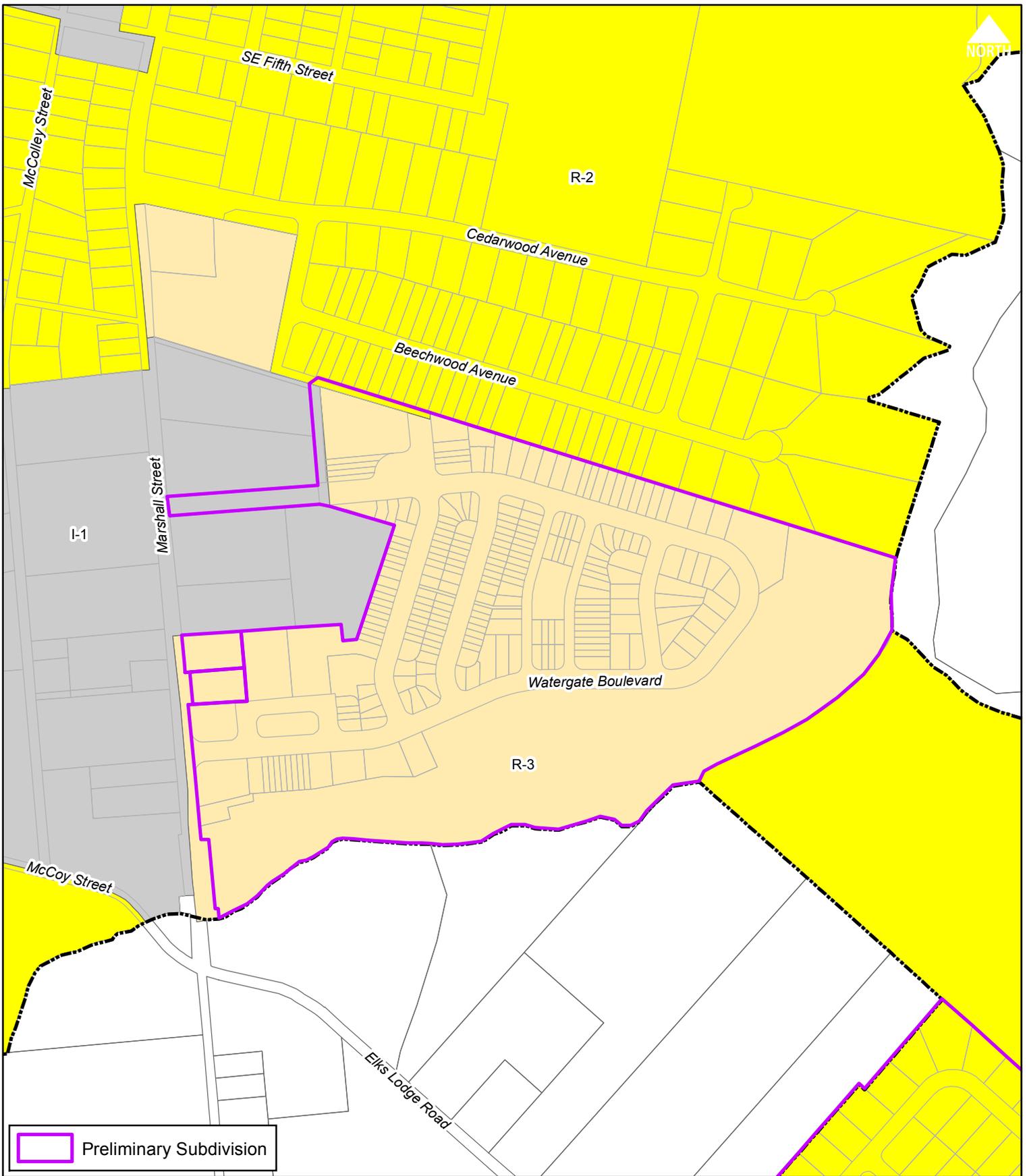
Number and Type of Units – Below is a breakdown of the number and types of units based on the 2006, 2008, 2018 approved plans and the proposed conditions. The overall number of units will decrease. The applicant proposes to reduce the number of apartment buildings in the area of the proposed daycare facility.

	11/28/2006	6/9/2008	4/23/2018	Proposed
Towhouse	127	126	129	129
Duplex	58	60	48	48
Single Family	35	34	33	33
Single Family Court	19	19	10	10
Mansion Apartments	24	24	80	56
Live/Work Units	40	40	0	0
	303	303	300	276

III. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for an Amendment to a Conditional Use Planned Unit Development approval:

- Evaluation based on “Criteria for Planned Unit Residential Development” as provided in Chapter 230-48.1
 - The original Planned Unit Development was approved in 2006 and the revised Planned Unit Development was approved in 2018. The only proposed revision includes eliminating twenty four apartment units in exchange for the creation of residual R-3 lands for the construction of a daycare under separate approval.
- The applicant is seeking approval to amend the Planned Unit Development conditional use approval and obtain Final Major Subdivision approval from the City.



Drawn by: WRP Date: 06/11/18

Title:

Final Major Subdivision
Liborio Watergate LLC
Location & Zoning Map

Filepath: Final_LiborioWatergateLLC.mxd



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Neil I. Van Cleef, P.E., L.S. & P.P.
Robert J. Clerico, P.E. & P.P.
Robert B. Heibell, P.E., L.S. & P.P.
Daniel A. Nagy, L.S. & P.P.
Samuel D. Costanzo, P.E. & P.P.

PROJECT NARRATIVE

The applicant/owner, Liborio Watergate, LLC, is seeking a Major Subdivision approval of the recently re-recorded Watergate Subdivision. The purpose of the request is to eliminate two (2) apartment buildings in order to establish a vacant lot (Lot 2). This lot will be used for a proposed daycare that is subject to a separate application with the City. The remaining lots and unit counts remain the same as the original application as well as the conditions that were placed on the plan as part of the agreement with the neighboring property owner.

Please Reply To:

NORTHERN DE OFFICE • 630 Churchmans Road, Suite 105 • Newark, DE 19702 • 302.368.3184 • Fax: 302.368.7195

With Other Offices In:

Salisbury MD • Hamilton NJ • Hillsborough NJ • Lebanon NJ • Phillipsburg NJ • Whippany NJ • Thorofare NJ •
Doylestown PA • Bethlehem PA • Wyomissing PA

GENERAL PROJECT:

- OWNER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (302) 426-0200
- DEVELOPER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (302) 426-0200
- STATE & FEDERAL WETLANDS DELINEATION: JCM/ECJ
100 LAKE DR. SUITE
NEWARK, DE 19702
PHONE: (302) 77-795
FAX: (302) 77-546
C/O: JAMES MCCULLEY
- CIVIL/SITE ENGINEER: VAN CLEEF ENGINEERING ASSOCIATES
630 CHURCHMANS RD, SUITE 105
NEWARK, DE 19702
PHONE: (302) 368-3184
- THE TOPOGRAPHIC INFORMATION WAS PROVIDED BY THE DELMARVA SURVEY COMPANY, INC.
- THE BOUNDARY INFORMATION IS TAKEN FROM A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY THE DELMARVA SURVEY CO. DATED MAY 26, 2005 AND A PLAN ENTITLED "LANDS TO BE CONVEYED TO WESTOVER LAND COMPANY" PREPARED BY CHARLES D. MURPHY ASSOC., INC. DATED DECEMBER 22, 2006.
- THE "LIMIT OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM" WERE DELINEATED BY JAMES C. MCCULLEY IV, ENVIRONMENTAL CONSULTANTS INC. AS SHOWN ON A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY JAMES C. MCCULLEY IV, ENVIRONMENTAL CONSULTANTS INC. DATED MAY 26, 2005.
- THE PROJECT IS LOCATED AT THE INTERSECTION OF MARSHALL STREET & INDUSTRIAL BLVD. IN CEDAR CREEK HUNDRED, CITY OF MILFORD, SUSSEX COUNTY, DELAWARE.
- FLOOD ELEVATIONS BASED UPON FLOOD INSURANCE RATE MAP DATED MARCH 16, 2015 (FIRM) NUMBER 1000SC0043K.
- THE PROPERTY SERVED BY THIS PLAN IS REFERENCED ON TAX MAP # 3-30-11.09 PARCEL 29, 29.03, 30, 31, AND 32.
- LOT 218 TO BE CONVEYED TO MILFORD RENT-ALL, LLC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30-11.09.29.09 AS PART OF THIS RECORD PLAN.
CONDITIONS:
THE CITY OF MILFORD SHALL RETAIN EASEMENT RIGHTS ON THIS PARCEL FOR THE PURPOSE OF UTILITY INSTALLATION.
- LOT 34 TO BE CONVEYED TO MILFORD MINI-STORAGE, INC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30-11.09.29.07 AS PART OF THIS RECORD PLAN.
CONDITIONS:
MILFORD MINI-STORAGE, INC. SHALL PROVIDE FENCING AND LANDSCAPING ALONG THE PROPERTY LINE. PARCEL MAY BE USED FOR ACCESS TO INDUSTRIAL BOULEVARD AND THAT PORTION OF WATERGATE BOULEVARD NORTH IMMEDIATELY ADJACENT TO LOT 34, BUT NOT FOR ACCESS TO THE REMAINDER OF WATERGATE BOULEVARD NORTH.

GENERAL CONSTRUCTION PLAN NOTES

- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/93, CONTROL MONUMENTS. BENCHMARK - GPS IRON ROD ELEV. 18.85 (88 DATUM)
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION, COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES PROVIDED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIGHER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
- USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.
- THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
- ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
- PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE WATER MAINS, SEWER MAINS, NON-METALLIC WATER MAINS, SEWER LATERALS, AND WATER SERVICES.
- CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES, AND ALONG ALL SEWER LATERALS AND FORECAMS. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERGATE CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BODIES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
- PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING UTILITIES TO ASSIST IN THE SYSTEM ISOLATION.
- SHOP DRAWINGS FOR ANY ITEMS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO THE INSTALLATION OF THE ITEMS.
- ALL SANITARY SEWER MAINS AND FORECAMMS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.
- THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORECAMMS OF 30 FEET AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORECAMMS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.
- THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 32 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASED THE PIPE IN CONCRETE.
- ALL ROADWAYS ARE TO BE SWEEP FREE OF SEDIMENT ON A DAILY BASIS.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CURBS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, TRENCHES, OR OTHER OBSTRUCTIONS. TRAFFIC CONTROL, REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELATIONSHIP KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
- IF IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
- THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS, LATEST EDITION.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON REGULATION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
- CONTRACTOR SHALL GRAD, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
- A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROFESSIONAL SURVEY MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MONUMENTS OR MONUMENTS SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR THE SHORT TERM (DURING CONSTRUCTION) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.
- THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF THE OPEN SPACE AND STORMWATER MANAGEMENT FACILITIES.
- THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY, AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY. AFTER ALL ITEMS HAVE PASSED CITY INSPECTION, AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPY OF THE RECORD DRAWINGS, AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY, AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.
- SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID, AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONNECTION, TRENCH, AND DISPOSAL.
- PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED FOR GOOD CAUSE BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.
- THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR. UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.
- FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERWAY WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST AN ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
- THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.
- AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND TO POST A COMPLETION GUARANTEE FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTEE SHALL BE IN AN AMOUNT EQUAL TO 100% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTEE SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN THE PUBLIC WORKS AGREEMENT AND THE GUARANTEE SHALL BE REVIEWED AND APPROVED BY THE CITY ENGINEER. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
- A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE AMOUNT OF THE COMPLETION GUARANTEE SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY ENGINEER SHALL MAINTAIN THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.

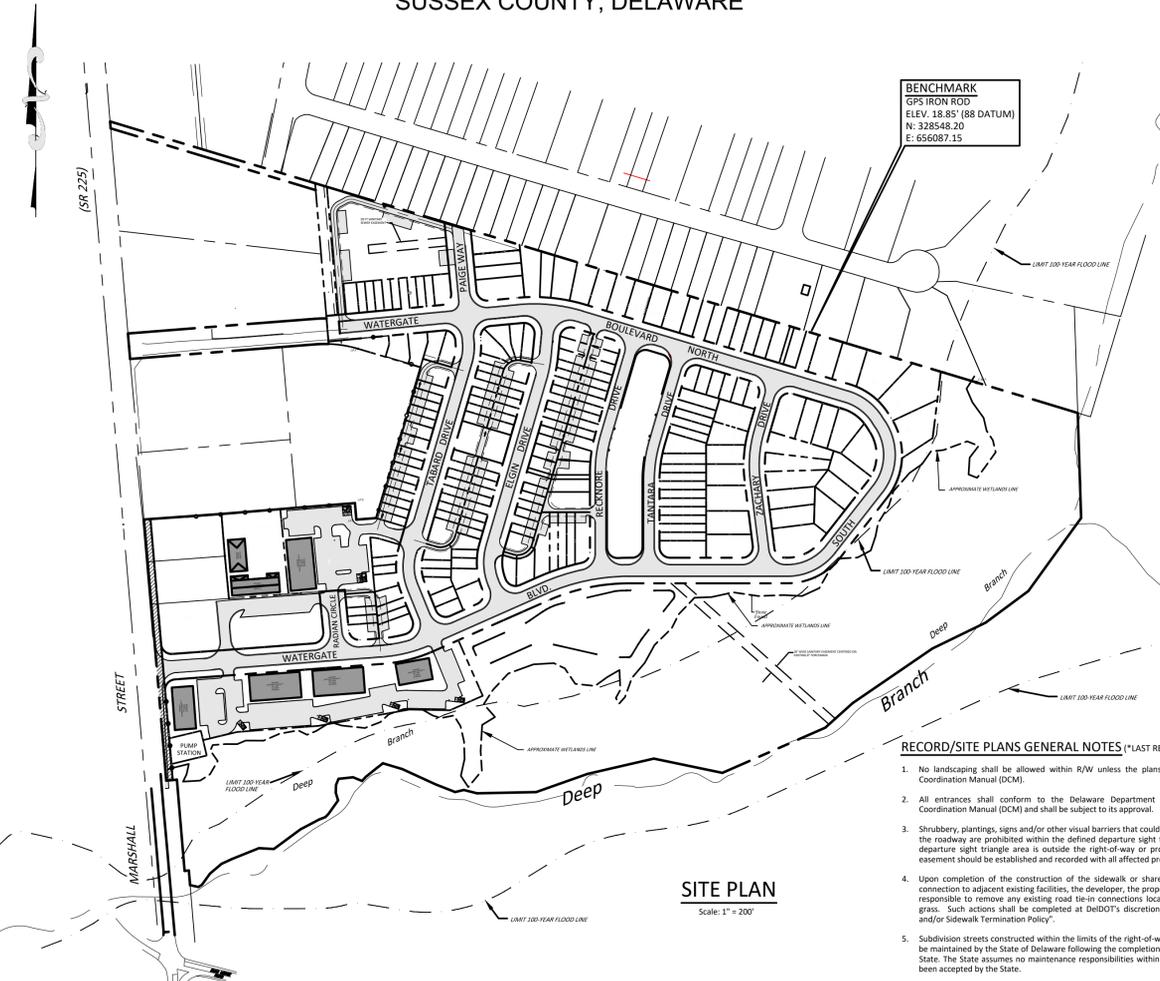
TRAFFIC IMPACT STUDY RECOMMENDATIONS (OCTOBER 19, 2006)

- THE DEVELOPER SHOULD ENTER INTO AN AGREEMENT WITH DELOT TO FUND AN EQUIVALENT PORTION OF THE IMPROVEMENT REQUIRED AT THE INTERSECTION OF MARSHALL ROAD AND ELKS LODGE ROAD/MCCOY AVENUE. THIS IMPROVEMENT INCLUDES THE CONSTRUCTION OF AN AUXILIARY RIGHT TURN LANE ON THE WESTBOUND ELKS LODGE ROAD APPROACH. ONE OTHER DEVELOPER (HEARTHSTONE MANOR II) IS RESPONSIBLE FOR THIS IMPROVEMENT AS WELL. THE DEVELOPER SHOULD COORDINATE WITH DELOT ON THE IMPLEMENTATION AND EQUIVALENT COST SHARING OF THIS IMPROVEMENT.
- THE DEVELOPER SHOULD IMPROVE MARSHALL STREET FROM ELKS LODGE ROAD/MCCOY AVENUE INTERSECTION TO THE NORTHERN PROPERTY LINE/ACCESS POINT IN ORDER TO MEET DELOT'S COLLECTOR ROAD STANDARDS AS NEARLY AS POSSIBLE. THESE STANDARDS INCLUDE TWO TWELVE FOOT LANES AND TWO EIGHT FOOT SHOULDERS. THE DEVELOPER SHOULD PROVIDE A BITUMINOUS CONCRETE OVERLAY TO THE EXISTING TRAVEL LANES, AT DELOT'S DISCRETION. DELOT SHOULD ANALYZE THE EXISTING TRAVEL LANES' PAVEMENT SECTION AND RECOMMEND AN OVERLAY THICKNESS TO THE DEVELOPER'S ENGINEER IF NECESSARY. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)
- THE FOLLOWING BICYCLE AND PEDESTRIAN IMPROVEMENTS SHOULD BE INCLUDED:
 - A MINIMUM OF A FIVE FOOT BICYCLE LANE (IN ADDITION TO ANY REQUIRED AUXILIARY LANES) SHOULD BE STRIPPED ALONG THE SITE FRONTAGE ON MARSHALL STREET IN ORDER TO FACILITATE SAFE AND UNIMPEDED BICYCLE TRAVEL. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)
 - UTILITY COVERS SHOULD BE MOVED OUTSIDE OF THE DESIGNATED BICYCLE LANE OR BE FLUSH WITH THE PAVEMENT. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)
 - A MINIMUM OF A FIVE FOOT SIDEWALK (WITH A MINIMUM OF A THREE FOOT SETBACK FROM THE ROADWAY) THAT MEETS CURRENT AASHTO AND ADA STANDARDS SHOULD BE INCLUDED ALONG THE SITE FRONTAGES ON MARSHALL STREET.
 - ADA COMPLIANT CURB RAMPS AND CROSSWALKS SHOULD BE PROVIDED AT THE SITE ENTRANCES.
 - INTERNAL SIDEWALKS TO PROMOTE WALKING AS A VIABLE TRANSPORTATION ALTERNATIVE SHOULD BE INSTALLED, INCLUDING SIDEWALKS CONNECTING THIS DEVELOPMENT TO ADJACENT RESIDENTIAL DEVELOPMENTS.

FINAL MAJOR SUBDIVISION PLAN

for WATERGATE AT MILFORD

CEDAR CREEK HUNDRED, CITY OF MILFORD, SUSSEX COUNTY, DELAWARE



BENCHMARK
GPS IRON ROD
ELEV. 18.85' (88 DATUM)
N: 328548.20
E: 656087.15

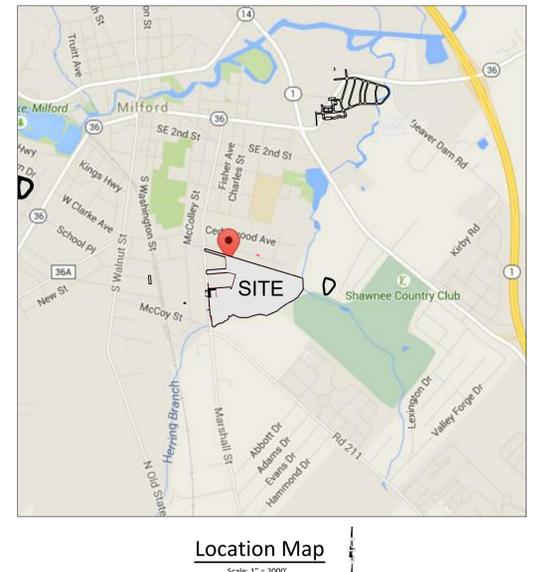
SITE PLAN
Scale: 1" = 200'

GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

RECORD/SITE PLANS GENERAL NOTES (*LAST REVISED DECEMBER 8, 2017)

- No landscaping shall be allowed within RWJ unless the plans are compliant with Section 3.7 of the Development Coordination Manual (DCM).
- All entrances shall conform to the Delaware Department of Transportation's (DelDOT's) current Development Coordination Manual (DCM) and shall be subject to its approval.
- Shrubbery, plantings, signs and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited within the defined departure sight triangle area established on this plan. If the established departure sight triangle area is outside the right-of-way or projects onto an adjacent property owner's land, a sight easement should be established and recorded with all affected property owners to maintain the required sight distance.
- Upon completion of the construction of the sidewalk or shared-use path across this project's frontage and physical connection to adjacent existing facilities, the developer, the property owners or both associated with this project, shall be responsible to remove any existing road tie-in connections located along adjacent properties, and restore the area to grass. Such actions shall be completed at DelDOT's discretion, and in conformance with DelDOT's "Shared-Use Path and/or Sidewalk Termination Policy".
- Subdivision streets constructed within the limits of the right-of-way dedicated to the public use shown on this plan are to be maintained by the State of Delaware following the completion of the streets by the developer to the satisfaction of the State. The State assumes no maintenance responsibilities within the dedicated street right-of-way until the streets have been accepted by the State.
- Subdivision streets constructed within the limits of the right-of-way dedicated to public use shown on this plan are to be maintained by the City of Milford following the acceptance of the streets. The State of Delaware assumes no maintenance responsibilities within the dedicated internal street right-of-way.
- The sidewalk shall be the responsibility of the developer, the property owners or both within this subdivision. The State of Delaware assumes no responsibility for the future maintenance for the sidewalk.
- All lots shall have access from the internal subdivision street.
- The developer shall be required to furnish and place right-of-way monuments on the dedicated subdivision street right-of-way in accordance with Section 3.2.4.1 of the Development Coordination Manual, and the requirements of the land use agency. Right-of-way monuments shall be placed along the right-of-way lines, at a minimum on one side of the street at every change in horizontal alignment to provide a permanent reference for the re-establishing the centerline and right-of-way line.



Location Map
Scale: 1" = 2000'

SITE DATA:

- TOTAL AREA: 47.39± Ac.
- CURRENT ZONING: R-3
- PROPOSED ZONING: R-3 WITH PLANNED UNIT RESIDENTIAL DEVELOPMENT OVERLAY (PUD) PLANNED UNIT DEVELOPMENT
- PROPOSED USE: NGVD 88
- ELEVATION: 14.39± Ac.
- PUBLIC WATER AND SEWER PROVIDED BY THE CITY OF MILFORD
- AREA OF WATERS OF THE U.S.: 23.56± Ac.
- AREA OF EXISTING FOREST: 7.45± Ac.
- AREA OF FOREST TO BE REMOVED: 7.45± Ac.
- PROPOSED ROADS TO BE DEDICATED AND MAINTAINED BY THE CITY OF MILFORD
- PROPOSED ALLEYS TO BE OWNED AND MAINTAINED BY HOMEOWNERS ASSOCIATION
- ACCESS: SUBDIVISION STREETS
- PONDS SHOWN ARE TO BE UTILIZED FOR STORMWATER MANAGEMENT, ALONG WITH ANY OTHER FACILITIES NEEDED TO MEET THE REQUIREMENTS OF DNREC.
- CURB, SIDEWALK, AND STREET LIGHTING WILL BE PROVIDED WHERE APPROPRIATE.
- PROPOSED DENSITY: 276/24.17 = 11.42 UNITS PER ACRE
- ROAD RIGHT-OF-WAY AREA: 8.37± Ac. (17.7%)
- ALLEY EASEMENT AREA: 1.26± Ac. (2.7%)
- RESIDUAL LANDS OF WATERGATE: 1.82± Ac. (3.8%)
- AREA OF STORMWATER MANAGEMENT (SWM) PONDS: 0.51± Ac. (1.1%)
- TOTAL AREA OF OPEN SPACE (INCLUDING PONDS, AND WETLANDS): 19.21± Ac. (40.54%)
- MINIMUM RECREATIONAL OPEN SPACE: 400SF/UNIT X 276 = 2.53 AC. REQUIRED

CITY OF MILFORD ORDINANCE WAIVER REQUEST (PREVIOUSLY GRANTED):

- CHAPTER 200 - SUBDIVISION OF LAND
 - 200-6.(D)(3) - BLOCK WIDTHS SHALL BE NOT LESS THAN 275 FEET OR MORE THAN 450 FEET AND SHALL BE PLANNED TO PROVIDE TWO ROWS OF LOTS
 - 200-6.(E)(7) - SIDE LOT LINES SHALL BE AT RIGHT ANGLES OR RADIAL TO STREET LINES.
- NOTES:**
- THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
 - THE PROJECT OWNER AND/OR THE HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER POND TO INCLUDE INSPECTION FOR DEBRIS AND SEDIMENT ACCUMULATION ON AN ANNUAL BASIS OR AS REQUIRED BY THE SUSSEX CONSERVATION DISTRICT IF A LESS FREQUENT INSPECTION IS REQUESTED.

SCHEDULE OF AREA & BULK REGULATION FROM R-3 ZONING

R3 - ZONING	SINGLE FAMILY		DUPLEX		TOWNHOUSE		MULTI-FAMILY		SINGLE FAMILY COURT	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
TRACT AREA	7,500	N/A	7,500	N/A	1 Ac.	N/A	1 Ac.	N/A	N/A	N/A
REQUIRED MINIMUM OPEN SPACE	N/A	N/A	N/A	N/A	40%	N/A	40%	N/A	N/A	N/A
MAXIMUM DUS PER ACRE	6	N/A	12	N/A	12	N/A	16	N/A	N/A	N/A
MINIMUM LOT STANDARDS										
LOT AREA PER DU (SF)										
INTERIOR	7,500	4,000	3,750	1,700	2,000	1,200	2,500	1,200	4,000	
CORNER	7,500									
STREET FRONTAGE PER DU (LF)	60	40	30	30	20		N/A	N/A	N/A	15
LOT WIDTH AT FRONT BLDG. LINE (FT)	60	60								
SETBACKS										
FRONT YARD (FEET)	30	5	30	5	25	0	12	0	N/A	5
SIDE YARD (FEET)										
ONE	8	5	8	5	7	0	12	5	N/A	5
INTERIOR	7									
EXTERIOR	30									
SUM OF BOTH	16	10	8	10	N/A	0	24	10	N/A	10
REAR YARD (FEET*)	15	15	15	5	5	5	5	N/A	5	5
MAXIMUM BUILDING HEIGHT										
HEIGHT (FEET)	<35	<35	<35	<35	<35	<35	<35	<35	N/A	<35
STORIES	3	3	3	3	3	3	3	3	N/A	3
MAXIMUM BLDG COVERAGE (% OF LOT)	45%	44%	45%	43%	60%	75%	20%	61%	N/A	25%
MINIMUM LOT DEPTH (FEET)	80									
MAXIMUM UNITS WITH COMMON WALLS	N/A	N/A	2	2	8	11	12	12	N/A	N/A

* INDICATES A VARIANCE FROM R-3 ZONING REGULATIONS
DOES NOT INCLUDE DETACHED GARAGE

RESIDENTIAL UNIT YIELD CALCULATIONS:

47.39± Ac.	GROSS LOT AREA
15.17± Ac.	LOT AREA IMPACTED BY WETLANDS OR FLOODPLAIN
32.22± Ac.	NET LOT AREA
8.05± Ac.	25% OF NET AREA
24.17± Ac.	*15 UNITS/ACRE = 386 MAXIMUM UNITS ALLOWED

* ALLOWED DENSITY UNDER R-3 ZONING

City Engineer Approval

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR WATER, SEWER AND STREETS. THE OWNER AND HIS ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR DESIGN AND ACCURACY OF INFORMATION SHOWN HEREON.

CITY ENGINEER DATE SCOTT E. LOBDELL, PROFESSIONAL ENGINEER NO. 12260 DATE

LOT DATA

Number of Lots	Number of Units	Unit Plan Designation	Unit Type	Off Street Parking (Provided)	Spaces Per Unit (Provided)
129	129	A	Townhouses	265	2.1
48	48	B	Duplex Homes	118	2.4
33	33	C	Single Family	106	3.2
1	10	D	Single Family Courts	26	2.6
2	56	E	Mansion Apartments	125	2.2
1	-	F	Civic / Recreation Center	26	-
1	-	G	Residual Lands	-	-
215	276		Total Parking Provided	666	2.4/unit
			Total Parking Required	690	2.5/unit

Engineer's Certification:

I, SCOTT E. LOBDELL, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE CITY OF MILFORD DEVELOPMENT CODE.

Certificate of Ownership:

I, LOU RAMUNNO, HEREBY CERTIFY THAT LIBORIO WATERGATE, LLC IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF CITY OF MILFORD DEVELOPMENT CODE.

LOU RAMUNNO DATE

PLAN NOTES

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
RP1	COVER SHEET
RP2	OVERALL SITE
RP3	SITE PLAN
RP4	SITE PLAN
RP5	SITE PLAN
RP6	SITE PLAN
RP7	LINE AND CURVE TABLES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016
3	Revised Notes	1/2017
4	Per Planning Dep. rev. letter dated 9/13/17	11/2017
5	Moved DeDOT notes from sheet RP6 & Updated	6/2018



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BY: **SCOTT E. LOBDELL** DATE _____
DELAWARE PROFESSIONAL ENGINEER NO. 12260



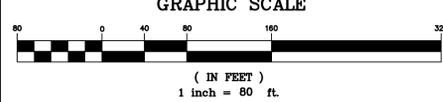
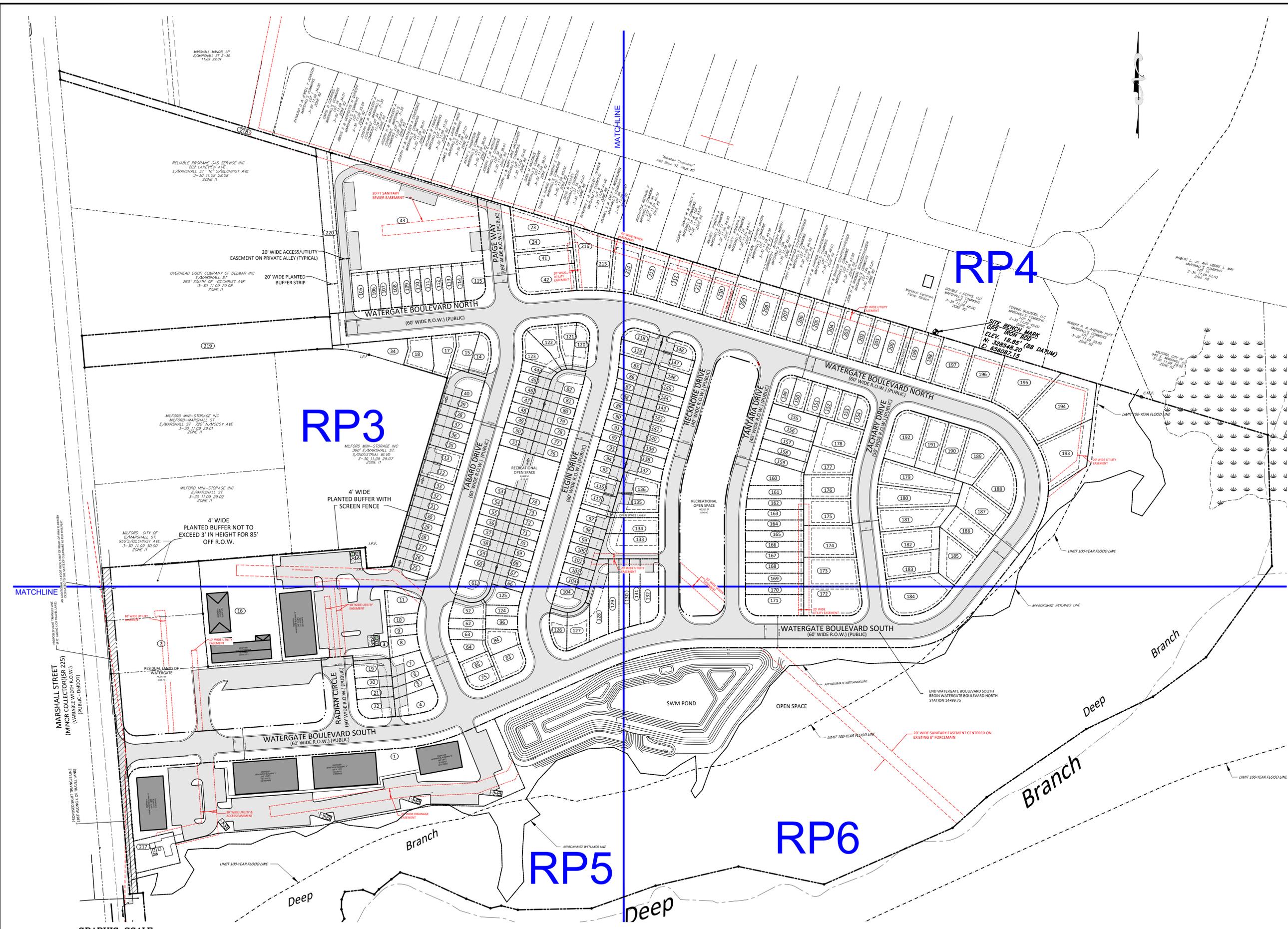
Consulting Civil Engineering
Environmental Engineering
Municipal Engineering
Land Surveying
Professional Planning
Landscape Architecture

PROJECT: 1301MLD DESIGNED BY: S.E.L.
DATE: 5/9/2016 DRAWN BY: E.P.C.
SCALE: AS NOTED CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE: **COVER**

RECORD PLAN SHEET NUMBER RP1



SITE PLAN
scale: 1" = 80'

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: **SCOTT E. LOBDELL** DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

Van Cleef ENGINEERING ASSOCIATES

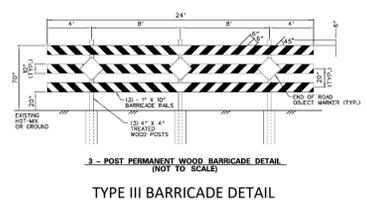
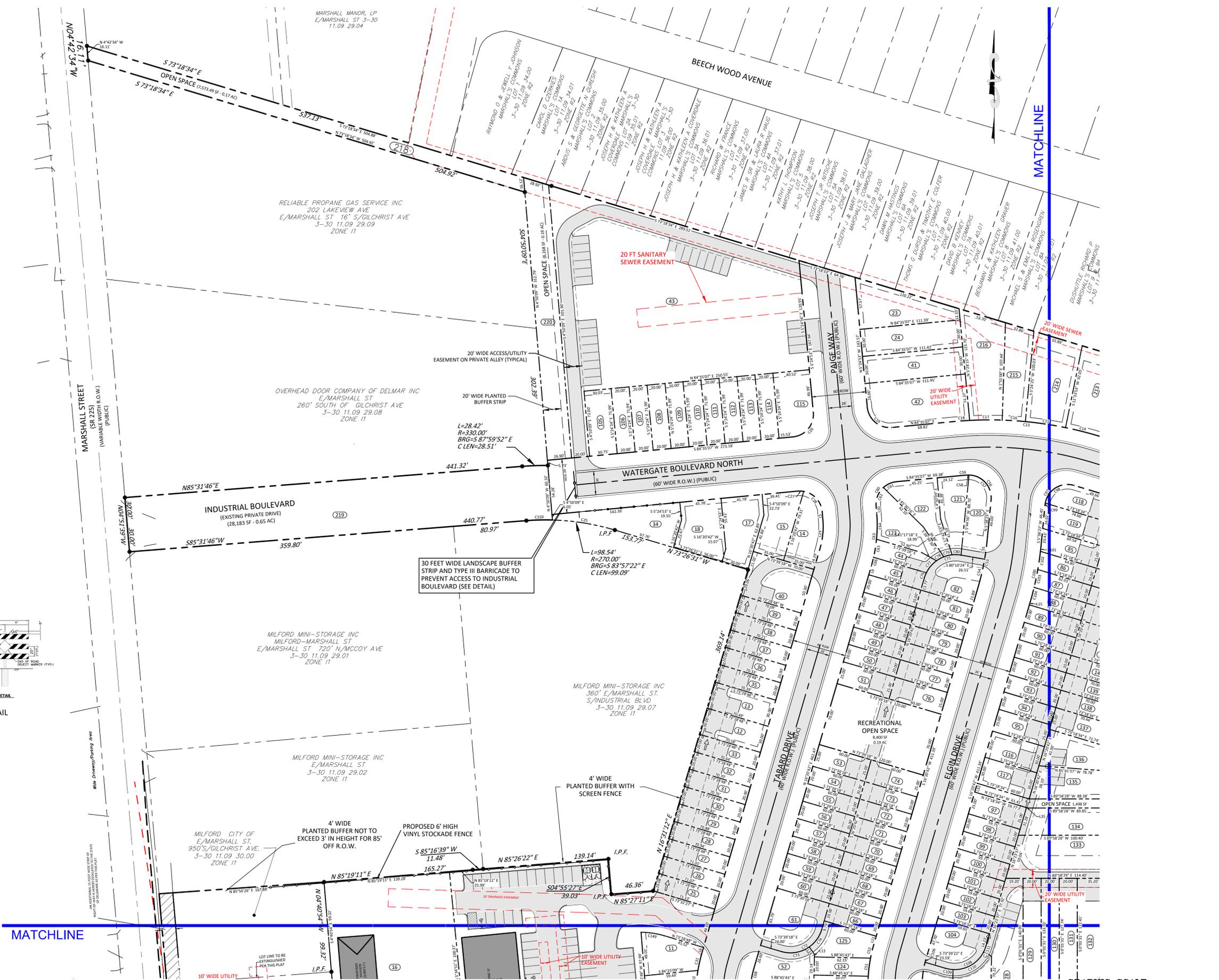
Consulting Civil Engineering Environmental Engineering Municipal Engineering Land Surveying Professional Planning Landscape Architecture

630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERN@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE: (302) 398-1384 FAX: (302) 398-7159

PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE: OVERALL SITE	SHEET NUMBER: RP2
RECORD PLAN	



NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: **SCOTT E. LOBDELL** DATE: _____
DELAWARE PROFESSIONAL ENGINEER NO. 12260

Van Cleaf ENGINEERING ASSOCIATES

Consulting Civil Engineering Environmental Engineering Municipal Engineering Land Surveying Professional Planning Landscape Architecture

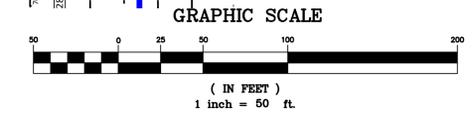
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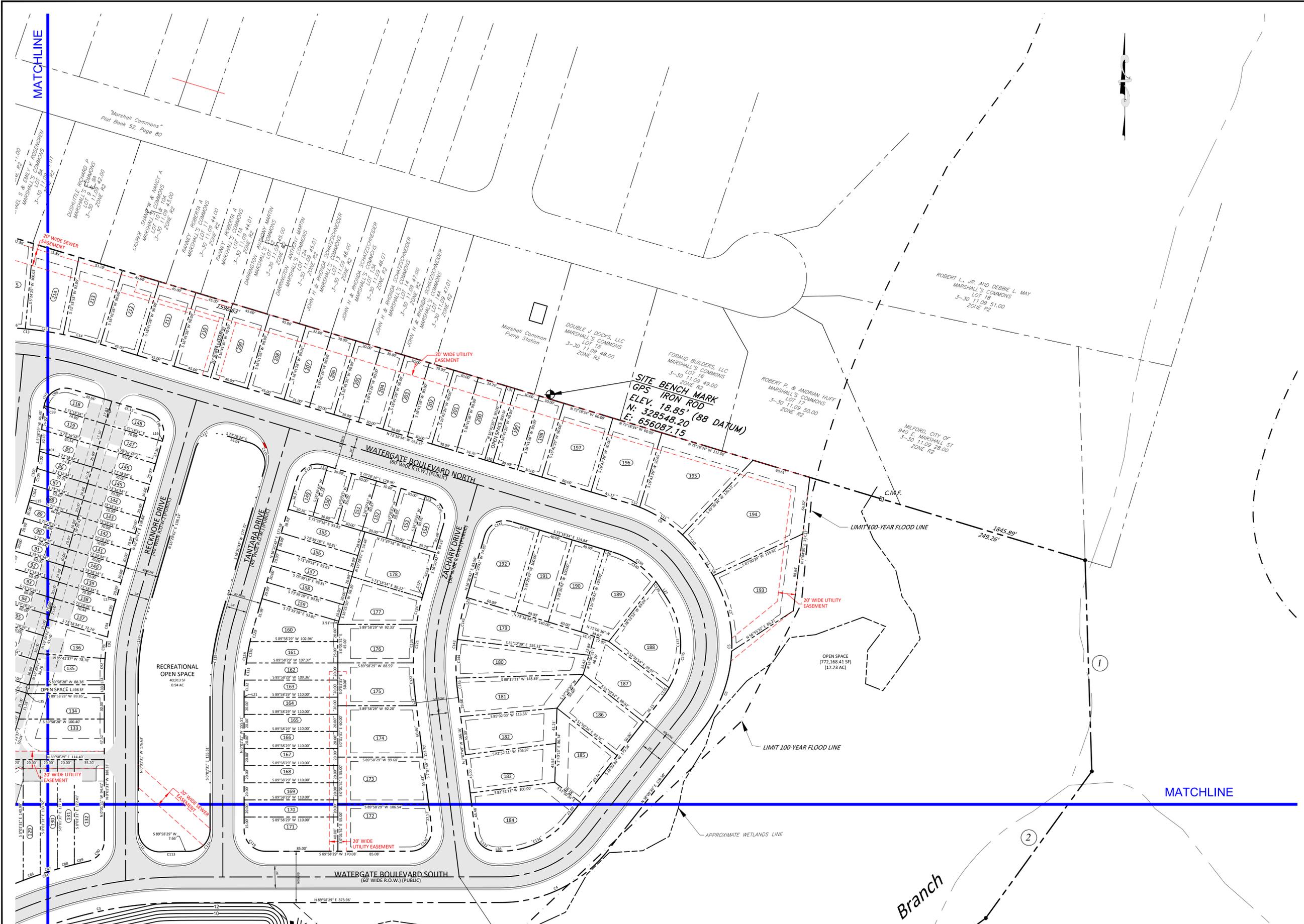
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE: **RECORD PLAN**

RECORD PLAN SHEET NUMBER **RP3**





NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: SCOTT E. LOBDELL DATE: _____
 DELAWARE PROFESSIONAL ENGINEER NO. 12260

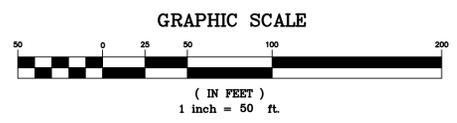
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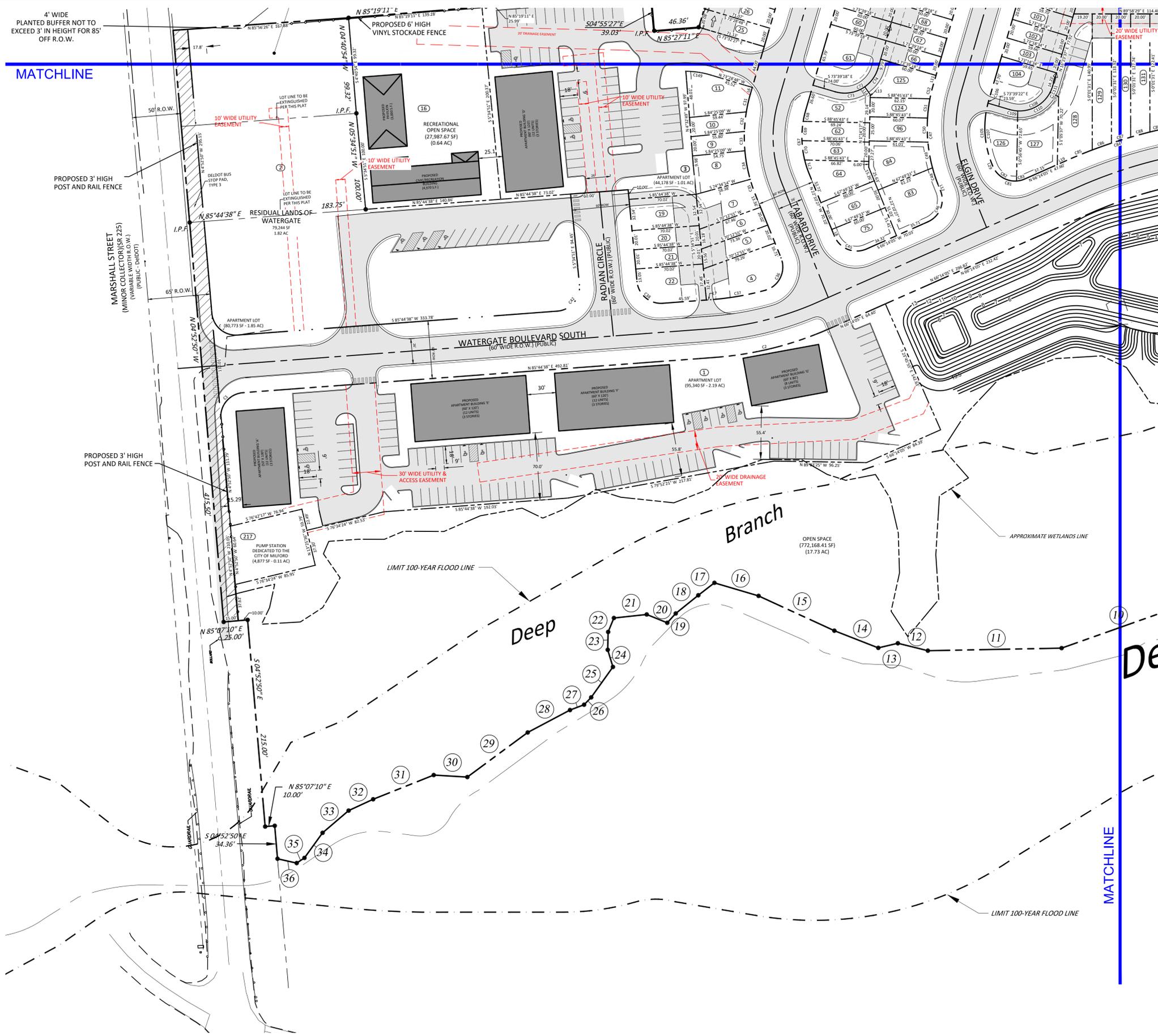
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
 FOR LIBORIO WATERGATE, LLC
 TAX MAP 3-30-1109, PARCELS 29, 30, 31, 32
 SITUATED IN CITY OF MILFORD
 SUSSEX COUNTY, DELAWARE

TITLE: RECORD PLAN

RECORD PLAN SHEET NUMBER RP4





BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
1	S 01°49'55" E	246.86'
2	S 35°58'52" W	211.89'
3	S 53°33'35" W	125.00'
4	S 64°12'46" W	139.60'
5	S 55°44'01" W	227.71'
6	S 48°12'36" W	86.55'
7	S 66°23'24" W	264.85'
8	N 78°19'22" W	165.20'
9	S 77°01'38" W	160.69'
10	S 70°35'00" W	128.40'
11	S 88°54'08" W	139.28'
12	N 76°09'01" W	32.21'
13	S 76°45'16" W	20.86'
14	N 68°44'00" W	49.15'
15	N 65°25'43" W	86.68'
16	N 73°35'35" W	47.93'
17	S 52°24'46" W	21.14'
18	S 51°17'41" W	30.16'
19	S 42°18'35" W	13.07'
20	N 67°57'56" W	23.05'
21	S 83°51'00" W	34.38'
22	S 22°34'02" W	15.65'
23	S 01°18'46" W	18.49'
24	S 17°02'36" E	18.59'
25	S 35°41'33" W	38.87'
26	S 44°08'12" W	10.57'
27	S 69°18'08" W	15.68'
28	S 62°13'27" W	49.76'
29	S 53°39'11" W	78.05'
30	N 86°36'49" W	35.03'
31	S 68°17'37" W	67.85'
32	S 65°19'30" W	28.13'
33	S 49°38'49" W	35.55'
34	S 36°01'32" W	32.15'
35	S 56°24'29" W	9.68'
36	N 77°22'38" W	20.41'

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: **SCOTT E. LOBDELL** DATE: _____
 DELAWARE PROFESSIONAL ENGINEER NO. 12260

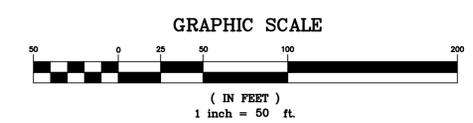
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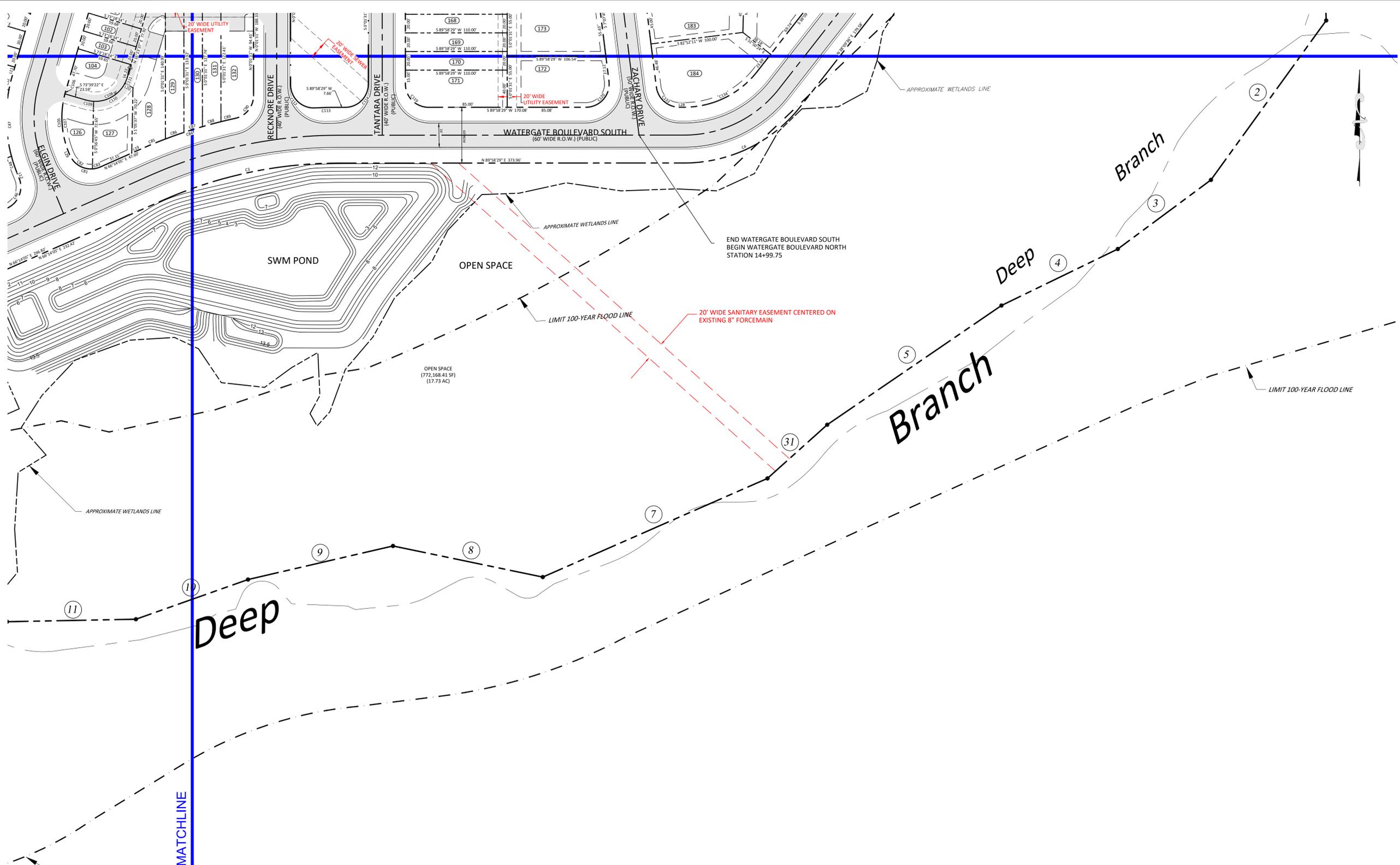
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
 FOR **LIBORIO WATERGATE, LLC**
 TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
 SITUATED IN **CITY OF MILFORD**
SUSSEX COUNTY, DELAWARE

TITLE: **RECORD PLAN**

RECORD PLAN SHEET NUMBER **RP5**





NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016
3	Moved DelDOT notes to Sheet RP1	6/2018



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BY: SCOTT E. LOBDELL DATE _____
 DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT NJ, EASTERN PA, AND DE

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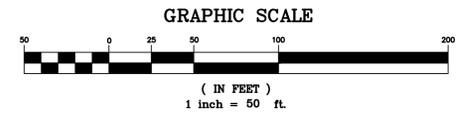
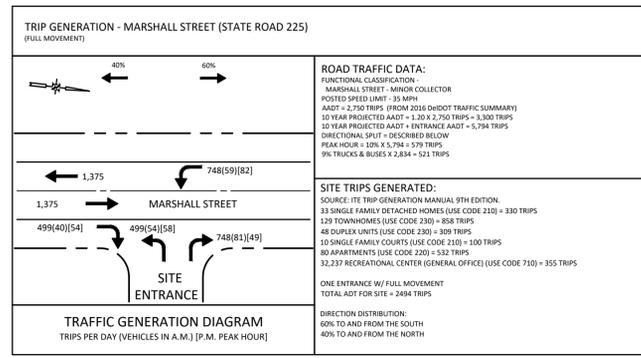
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 PHONE (302) 368-3184 FAX (302) 368-7195

PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
 FOR
LIBORIO WATERGATE, LLC
 TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
 SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE
RECORD PLAN

RECORD PLAN	SHEET NUMBER RP6
--------------------	---------------------



PARCEL LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	14.81'	S 33°04'28" E
L2	7.44'	S 73°18'34" E
L5	9.10'	N 4°50'09" W
L6	6.69'	N 16°20'42" E
L7	4.61'	N 85°44'38" E
L9	10.08'	S 16°20'42" W
L10	7.41'	S 4°50'09" E
L11	9.50'	N 16°20'42" E
L12	5.26'	N 22°10'27" W
L13	2.87'	S 1°14'17" W
L14	10.00'	N 35°09'18" W
L15	3.69'	S 16°20'42" W
L16	2.99'	N 16°20'42" E
L17	3.20'	N 16°20'42" E
L18	27.72'	S 16°20'42" W
L19	10.45'	N 66°14'05" E
L20	10.00'	S 62°27'07" E
L21	0.51'	S 0°01'31" E
L22	5.11'	N 73°18'34" W
L23	4.85'	N 73°18'34" W
L24	10.69'	N 7°07'49" W
L25	8.71'	S 16°20'42" W
L26	9.98'	N 73°18'34" W
L27	14.81'	N 33°04'28" W
L28	5.44'	N 89°58'29" E
L29	2.20'	N 22°10'27" W
L30	10.00'	S 73°18'34" E
L31	10.00'	N 73°18'34" W
L32	10.00'	N 16°20'42" E
L33	10.00'	S 0°01'31" E
L34	6.40'	N 0°01'31" W
L35	1.64'	S 73°18'34" E

PARCEL CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD LENGTH	CHORD DIRECTION
C1	25.00'	39.54'	90°37'27"	35.55'	N 40°25'54" E
C2	360.00'	122.58'	19°30'33"	121.99'	N 75°59'22" E
C3	470.00'	194.74'	23°44'24"	193.35'	N 78°06'17" E
C4	160.00'	144.69'	51°48'53"	139.81'	N 64°04'03" E
C5	160.00'	198.92'	71°14'05"	186.36'	N 2°32'34" E
C6	160.00'	99.09'	35°29'02"	97.51'	N 20°25'05" E
C7	160.00'	91.94'	32°55'26"	90.68'	S 13°47'09" E
C8	160.00'	7.89'	249°36"	7.89'	S 31°39'40" E
C9	160.00'	112.36'	40°14'05"	110.06'	N 53°11'31" W
C10	160.00'	37.46'	13°24'57"	37.38'	S 39°46'57" E
C11	160.00'	60.04'	21°30'00"	59.69'	S 57°14'26" W
C12	160.00'	14.85'	51°08"	14.85'	S 70°39'00" E
C13	420.00'	162.04'	22°06'19"	161.04'	N 84°21'43" W
C14	420.00'	37.58'	5°07'33"	37.56'	S 75°52'21" E
C18	420.00'	17.68'	2°24'44"	17.68'	N 85°47'29" E
C19	25.00'	39.27'	90°00'00"	35.36'	S 50°24'53" E
C20	25.00'	39.27'	89°59'45"	35.36'	S 39°35'07" W
C25	270.00'	70.18'	14°53'35"	69.98'	S 80°53'18" E
C27	25.00'	6.83'	15°39'11"	6.81'	N 87°35'17" W
C28	25.00'	32.69'	74°55'33"	30.41'	N 42°17'55" W
C29	85.00'	31.42'	21°10'51"	31.24'	N 54°51'17" E
C31	160.00'	19.47'	6°58'14"	19.45'	N 12°51'35" W
C32	160.00'	20.41'	71°8'31"	20.40'	N 54°13'3" E
C33	160.00'	20.06'	71°10'5"	20.05'	N 13°1'35" W
C34	160.00'	30.16'	10°47'55"	30.11'	N 10°31'03" W
C35	160.00'	17.47'	6°15'24"	17.46'	N 19°02'44" W
C36	25.00'	42.30'	96°56'33"	37.43'	N 26°17'50" E
C37	300.00'	57.47'	10°58'32"	57.38'	N 8°15'22" E
C38	25.00'	38.69'	88°40'30"	34.94'	S 49°55'07" E
C46	25.00'	38.58'	88°24'32"	34.86'	N 22°01'48" E
C47	160.00'	107.57'	38°31'09"	105.55'	N 2°54'52" W
C48	160.00'	19.84'	7°06'21"	19.83'	N 18°37'16" W
C49	160.00'	27.03'	9°40'47"	27.00'	N 10°13'42" W
C50	160.00'	25.04'	8°58'04"	25.02'	N 0°54'16" W
C51	160.00'	20.12'	7°12'20"	20.11'	N 7°10'56" E
C52	160.00'	15.53'	5°33'36"	15.52'	N 13°33'54" E
C53	270.00'	50.45'	10°42'19"	50.37'	N 10°59'33" E
C54	270.00'	30.72'	6°31'06"	30.70'	N 13°05'09" E
C55	270.00'	19.73'	4°11'13"	19.73'	N 7°44'00" E
C56	25.00'	43.46'	89°36'04"	38.19'	N 44°09'39" W
C57	25.00'	41.27'	94°34'26"	36.74'	N 41°38'50" W
C58	25.00'	2.19'	5°01'38"	2.19'	S 88°33'08" W
C59	360.00'	9.13'	1°27'12"	9.13'	S 85°18'43" W
C60	25.00'	39.02'	89°25'16"	35.18'	S 39°52'29" W
C61	25.00'	16.13'	36°58'03"	15.85'	S 66°06'05" W
C62	25.00'	22.89'	52°27'13"	22.10'	S 21°23'28" W
C63	160.00'	59.15'	21°10'51"	58.81'	S 5°45'17" W
C64	160.00'	29.06'	10°24'17"	29.02'	S 0°22'00" W
C65	160.00'	20.17'	7°13'23"	20.16'	S 9°10'50" W
C66	160.00'	9.92'	3°33'11"	9.92'	S 14°34'07" W
C67	100.00'	67.23'	38°31'09"	65.97'	S 2°54'52" E
C68	100.00'	12.24'	7°00'51"	12.23'	S 12°50'17" W
C69	100.00'	20.05'	11°29'17"	20.02'	S 3°35'13" W
C70	100.00'	20.30'	11°37'43"	20.26'	S 7°58'17" E
C71	100.00'	14.64'	8°23'18"	14.63'	S 17°58'48" E
C72	36.00'	56.55'	90°00'00"	50.91'	N 61°20'42" E
C73	36.00'	32.36'	51°30'00"	31.28'	S 80°35'42" W
C74	36.00'	24.19'	38°30'00"	23.74'	S 35°35'42" W
C75	36.00'	52.45'	83°28'54"	47.93'	S 58°05'09" W
C76	36.00'	6.27'	9°58'21"	6.26'	N 21°19'53" E
C77	36.00'	17.61'	28°01'57"	17.44'	N 40°20'01" E
C78	36.00'	9.20'	14°38'08"	9.17'	N 61°40'04" E
C79	36.00'	9.40'	14°57'16"	9.37'	N 76°28'12" E
C80	36.00'	9.98'	15°52'46"	9.95'	S 88°06'47" E
C81	25.00'	39.96'	91°35'28"	35.84'	S 67°58'11" E
C82	25.00'	31.23'	71°34'40"	29.24'	N 57°57'47" W
C83	25.00'	8.73'	20°00'48"	8.69'	N 76°14'29" E
C84	530.00'	107.67'	11°38'22"	107.48'	N 72°03'16" E
C85	530.00'	28.97'	3°07'56"	28.97'	N 67°48'03" E
C86	530.00'	21.21'	2°17'36"	21.21'	N 70°30'49" E
C87	530.00'	20.94'	2°15'48"	20.93'	N 72°47'31" E
C88	530.00'	20.70'	2°14'16"	20.70'	N 75°02'32" E
C89	530.00'	15.85'	1°42'47"	15.85'	N 77°01'04" E
C90	25.00'	33.99'	77°53'58"	31.43'	N 38°55'28" E
C91	320.50'	91.57'	16°22'13"	91.26'	N 8°09'36" E

PARCEL CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD LENGTH	CHORD DIRECTION
C93	320.50'	25.40'	4°32'28"	25.40'	N 6°34'37" E
C94	320.50'	25.13'	4°29'30"	25.12'	N 11°05'36" E
C95	320.50'	16.81'	3°00'21"	16.81'	N 14°50'32" E
C96	25.00'	39.12'	89°39'16"	35.25'	N 28°28'56" W
C97	25.00'	44.09'	101°03'03"	38.60'	S 56°09'55" W
C98	25.00'	42.11'	96°30'34"	37.31'	S 58°26'09" W
C99	25.00'	1.98'	4°32'29"	1.98'	S 7°54'38" W
C100	330.00'	61.66'	10°42'19"	61.57'	S 10°59'33" W
C101	330.00'	5.04'	0°52'30"	5.04'	S 6°04'38" W
C102	330.00'	20.22'	3°30'39"	20.22'	S 8°16'12" W
C103	330.00'	20.08'	3°29'09"	20.07'	S 11°46'06" W
C104	330.00'	16.32'	2°50'02"	16.32'	S 14°55'41" W
C105	100.00'	67.23'	38°31'09"	65.97'	S 2°54'52" E
C106	100.00'	2.86'	1°38'14"	2.86'	S 15°31'35" W
C107	100.00'	64.37'	36°52'55"	63.27'	N 3°43'59" E
C108	36.00'	56.52'	89°57'01"	50.89'	N 61°22'08" E
C109	36.00'	8.43'	13°25'26"	8.42'	S 80°22'04" E
C110	36.00'	40.99'	65°14'25"	38.81'	S 60°18'00" W
C111	36.00'	7.09'	11°17'10"	7.08'	S 22°02'12" W
C112	25.00'	40.46'	92°43'14"	36.18'	N 46°23'08" W
C113	530.00'	25.17'	2°43'14"	25.16'	S 88°36'52" W
C114	25.00'	39.27'	90°00'00"	35.36'	S 44°58'29" W
C115	338.00'	96.57'	16°22'13"	96.24'	S 8°09'36" W
C116	25.00'	39.12'	89°39'16"	35.25'	S 28°28'56" E
C117	25.00'	39.42'	90°20'44"	35.46'	N 61°31'04" E
C118	280.50'	80.14'	16°22'13"	79.87'	N 8°09'36" E
C119	25.00'	39.27'	90°00'00"	35.36'	S 45°01'31" E
C120	25.00'	42.37'	97°06'18"	37.48'	N 41°25'20" E
C121	300.00'	122.92'	23°28'31"	122.06'	N 4°36'27" E
C122	300.00'	39.49'	7°32'30"	39.46'	N 3°21'34" W
C123	300.00'	45.20'	8°37'56"	45.16'	N 4°43'39" E
C124	300.00'	31.91'	6°05'38"	31.89'	N 12°05'26" E
C125	300.00'	6.32'	11°2'27"	6.32'	N 15°44'29" E
C126	25.00'	39.12'	89°39'16"	35.25'	N 28°28'56" W
C127	25.00'	39.42'	90°20'44"	35.46'	S 61°31'04" W
C128	298.00'	85.14'	16°22'13"	84.85'	S 8°09'36" W
C129	298.00'	20.13'	3°52'16"	20.13'	S 14°24'34" W
C130	298.00'	25.40'	4°52'59"	25.39'	S 10°01'56" W
C131	298.00'	20.10'	3°51'54"	20.10'	S 5°39'29" W
C132	298.00'	19.51'	3°45'03"	19.51'	S 1°51'01" W
C133	25.00'	36.17'	82°53'42"	33.10'	S 48°34'40" E
C134	100.00'	90.43'	51°48'53"	87.38'	N 64°04'03" E
C135	100.00'	124.33'	71°14'05"	116.47'	S 2°32'34" W
C136	100.00'	13.89'	7°57'33"	13.88'	N 34°10'50" E
C137	100.00'	110.44'	63°16'32"	104.91'	N 1°26'12" W
C138	100.00'	70.22'	40°14'05"	68.79'	S 53°11'31" E
C139	100.00'	8.41'	4°48'57"	8.40'	N 35°28'57" W
C140	100.00'	61.82'	35°25'09"	60.84'	N 55°55'59" W
C141	25.00'	39.42'	90°20'44"	35.46'	S 61°31'04" W
C142	250.00'	102.43'	23°28'31"	101.72'	N 4°36'27" E
C143	250.00'	41.70'	9°33'21"	41.65'	S 11°34'02" W
C144	250.00'	45.25'	10°22'11"	45.18'	S 13°6'15" W
C145	250.00'	15.49'	3°32'59"	15.49'	S 5°21'20" E
C149	91.00'	25.90'	161°8'30"	25.81'	N 81°38'03" W
C150	270.00'	28.91'	6°08'08"	28.90'	N 88°35'50" E

LOT AREA TABLE			
LOT NO.	AREA (SF)	AREA (AC)	
3	44,178	1.01	
4	3,210	0.07	
5	1,526	0.04	
6	1,408	0.03	
7	2,076	0.05	
8	1,959	0.04	
9	1,101	0.03	
10	1,148	0.03	
11	2,448	0.06	
12	2,116	0.05	
13	2,113	0.05	
14	2,414	0.06	
15	2,664	0.06	
16	28,066	0.64	
17	2,963	0.07	
18	3,036	0.07	
19	2,278	0.05	
20	1,400	0.03	
21	1,400	0.03	
22	2,497	0.06	
23	3,893	0.09	
24	3,342	0.08	
25	1,425	0.03	
26	1,421	0.03	
27	1,419	0.03	
28	1,418	0.03	
29	1,417	0.03	
30	1,416	0.03	
31	1,415	0.03	
32	1,413	0.03	
33	1,412	0.03	
34	3,579	0.08	
35	1,407	0.03	
36	1,406	0.03	
37	1,405	0.03	
38	1,404	0.03	
39	1,402	0.03	
40	3,515	0.08	
41	3,343	0.08	
42	5,553	0.13	
43	48,760	1.12	
44	1,273	0.03	
45			

1 CITY OF MILFORD
2 NOTICE OF PUBLIC HEARINGS
3

4 Planning Commission Hearing: Tuesday, November 19, 2019 @ 7:00 p.m.
5 City Council Hearing: Monday, November 25, 2019 @ 7:00 p.m.
6

7 Notice is hereby given that the Planning Commission and City Council will hold Public Hearings in the
8 Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, to allow
9 interested parties to participate in the discussion and consideration of the following matter:
10

11 **ORDINANCE 2019-38**
12 **CODE OF THE CITY OF MILFORD**
13 **PART II-GENERAL LEGISLATION**
14 **CHAPTER 230-ZONING**
15 **SIGN REGULATIONS**
16

17 WHEREAS, the regulating of signage throughout the City is necessary to balance the need to protect the
18 public safety and welfare, the need for a well maintained and attractive community, the need for
19 adequate identification, communication, and advertising; and
20

21 WHEREAS, Chapter 230 of the Code of Ordinances provides for such regulations; and
22

23 WHEREAS, after a review of sign regulations, City Council has determined it is in the best interest of
24 the City to update and further clarify regulations regarding the size, style, location, and maintenance of
25 signage; and
26

27 WHEREAS, many of the present sign regulations have been in existence for many years; and
28

29 WHEREAS, recent amendments to State statutes regarding the regulation of signs require modification
30 of the current City Code.
31

32 NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:
33

34 *Section 1:* Chapter 230 is hereby renamed by adding language shown as underlined as follows:
35

36 Chapter 230 - ZONING CODE
37

38 *Section 2:* §230-4 “Definitions and word usage” is hereby amended by removing language indicated by
39 strikethrough, as follows:
40

41 ~~ANIMATION—Mechanical or electrical movement or change of lighting, either natural or artificial, to~~
42 ~~depict action or to create visual motion. This includes blinking, fading, flashing, scrolling vertically,~~
43 ~~traveling or crawling horizontally.~~
44

45 ~~BILLBOARD—A sign directing attention to a business, commodity, service or entertainment conducted,~~
46 ~~sold or offered elsewhere than upon the premises where the sign is maintained.~~
47

48 ~~EMB SIGN—An electronic message board sign that is capable of displaying words, numbers, symbols,~~
49 ~~figures or images that can be electronically or mechanically changed by remote or automatic means. The~~
50 ~~display of State mandated fuel pricing shall not be considered an EMB sign.~~

51 ~~SIGN, ADVERTISING~~—A sign which directs attention to a business or profession conducted or to a
52 commodity, service or entertainment sold or offered upon the premises where such sign is located or to
53 which it is affixed.

54
55
56 ~~SIGN, BUSINESS~~—A sign which directs attention to a business or profession conducted or to a
57 commodity, service or entertainment sold or offered upon the premises where such sign is located or to
58 which it is affixed.

59
60 ~~SIGN, GROSS SURFACE AREA OF~~—The entire area within a single continuous perimeter enclosing
61 the extreme limits of such sign and in no case passing through or between any adjacent elements of the
62 same. However, such perimeter shall not include any structural or framing elements lying outside the
63 limits of such sign and not forming an integral part of the display.

64
65 *Section 3: §230-9 “R-1 Single-Family Residential District.”* is hereby amended by removing language
66 indicated by strikethrough, adding language shown underlined, and renumbering Section C(6)
67 accordingly, as follows:

68
69 B. Permitted uses. Permitted uses for the R-1 District shall be as follows:

70 ~~(h) A maximum of one nonilluminated sign (size and setback specified in Article VI of this~~
71 ~~chapter) may be affixed to the building or placed within the front property line.~~

72
73 C. Conditional uses subject to special regulations. The following uses may be permitted with the approval
74 of a conditional use permit by the Milford City Council in accordance with the provisions in Article
75 IX of this chapter:

76 (5) Professional occupation restricted to the owner/occupant, subject to conformance with the
77 following requirements:

78 ~~(h) A maximum of one nonilluminated display sign affixed to the building not exceeding two~~
79 ~~square feet shall be permitted.~~

80 (6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors
81 and other similar persons, subject to conformance with the following requirements:

82 ~~(f) A maximum of one nonilluminated display sign affixed to the building not exceeding two~~
83 ~~square feet shall be permitted.~~

84 ~~(g)~~ (f) A maximum of two employees shall be permitted in the operation of the home occupation
85 or studio.

86 (11) Planned Residential Neighborhood Development.

87 ~~(k) Signs. Signs shall be reviewed and approved by the Planning Commission and City Council to~~
88 ~~ensure they meet the requirements of this chapter.~~

89 (12) Bed-and-breakfast, subject to the following requirements:

90 ~~(k) Signs. For each bed-and-breakfast, one small unlighted announcement sign not exceeding three~~
91 ~~square feet in area may be attached to and parallel with the front porch or wall of the building.~~

92
93 *Section 4: §230-11 “R-3 Garden Apartment and Townhouse District.”* is hereby amended by removing
94 language indicated by strikethrough, adding language shown underlined, and renumbering Section C(6)
95 accordingly, as follows:

96
97 C. Conditional uses subject to special regulations. All uses specified as conditional uses in the R-1 and
98 R-2 Districts and subject to its area regulations, and the following uses may be permitted with the
99 approval of a conditional use permit by the Milford City Council in accordance with the provisions of
100 Article IX of this chapter:

101 (6) Mobile home parks, subject to conformance with the following requirements and subject to site
102 plan review:

103 ~~(g) Signs:~~

104 ~~[1] An identification sign may be set up at the park entrance. This sign may be illuminated and~~
105 ~~shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may~~
106 ~~not exceed 20 square feet of area on either side.~~

107 ~~[2] Unilluminated traffic direction signs may also be erected. These signs shall have a street~~
108 ~~and property setback of 15 feet. They shall be no more than four square feet in area or two~~
109 ~~feet in height.~~

110 ~~(h)~~ (g) Streets shall be required from abutting public streets to individual lots. The streets shall be
111 designed to minimize congestion and traffic hazards and must be built to the street and storm
112 drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two
113 streets shall intersect at one point.

114 ~~(i)~~ (h) Minimum requirements for mobile home lots.

115 [1] Lot area shall be 5,000 square feet per mobile home.

116 [2] Width shall be 40 feet.

117 [3] Public street setback shall be 50 feet.

118 [4] Mobile home park setback shall be 35 feet.

119 [5] Mobile home street or parking area setback shall be 30 feet.

120 [6] Distance from other mobile homes and buildings shall be 25 feet.

121 [7] One patio shall be required per unit, 10 feet by 40 feet paved.

122 [8] Landscaping shall be one tree per lot.

123 [9] Mobile homes must meet the requirements of the Federal Manufacturer Housing
124 Construction and Safety Standard Act of 1974.

125 [10] The entire lot occupied by a mobile home park shall be maintained in single ownership
126 throughout the entire life of the mobile home park.

127
128 *Section 5: §230-13 “C-2 Central Business District.” is hereby amended by removing language indicated*
129 *by strikethrough and adding language shown underlined, as follows:*

130
131 D. Area regulations.

132 (5) Signs shall comply with the requirements provided in Article VI of this chapter.

133
134 *Section 6: §230-13.1 “C-2A Riverfront Development District.” is hereby amended by removing language*
135 *indicated by strikethrough and adding language shown underlined, as follows:*

136
137 D. Area and bulk requirements.

138 (11) ~~Signs shall comply with the requirements for C-2 Central Business District as provided in Article~~
139 ~~VI of this chapter.~~ Signs shall comply with the requirements provided in Article VI of this chapter.

140
141 *Section 7: §230-14 “C-3 Highway Commercial District.” is hereby amended by removing language*
142 *indicated by strikethrough, adding language shown underlined, and renumbering Section 19 accordingly,*
143 *as follows:*

144
145 C. Conditional uses subject to special requirements. The following uses are permitted subject to
146 receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

147 ~~(18) Billboard, subject to the following:~~

148 ~~(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-~~
149 ~~Highways, Chapter 11 Regulations of Outdoor Advertising, Subchapter 1 General Provisions.~~

150 ~~(19)~~ (18) Aquarium.

151
152 *Section 8:* §230-15 “H-1 Institutional Development District.” is hereby amended by adding Section 8
153 shown underlined, as follows:

154
155 D. Area regulations.

156 (8) Signs shall comply with the requirements provided in Article VI of this chapter.

157
158 *Section 9:* §230-16 “I-1 Limited Industrial District.” is hereby amended by removing language indicated
159 by strikethrough and adding language shown underlined, as follows:

160
161 F. Area and height regulations.

162 (10) ~~Sign requirements. See Article VI of this chapter.~~ Signs shall comply with the requirements
163 provided in Article VI of this chapter.

164
165 *Section 10:* §230-17 “I-2 General Industrial District.” is hereby amended by removing language indicated
166 by strikethrough and adding language shown underlined, as follows:

167
168 F. Area and height regulations.

169 (10) ~~Sign requirements. See Article VI of this chapter.~~ Signs shall comply with the requirements
170 provided in Article VI of this chapter.

171
172 *Section 11:* §230-18 “OC-1 Office Complex District.” is hereby amended by removing language indicated
173 by strikethrough and adding language shown underlined, as follows:

174
175 F. Area and height regulations.

176 (10) ~~Sign requirements.~~ Signs shall comply with the requirements provided in Article VI of this
177 chapter.

178
179 ~~(a) A single sign facing each street from which access to the lot is provided announcing the name~~
180 ~~or logo (or both) of all establishments or businesses housed therein shall be allowed.~~

181 ~~(b) The sign shall be applied to the wall of the building and shall not exceed 50 square feet.~~

182 ~~(c) The sign shall not extend beyond the wall of the building upon which it is attached.~~

183 ~~(d) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall~~
184 ~~be shielded from the view of adjacent properties or streets.~~

185 ~~(e) One identification sign shall be allowed at each access point with an area of not more than eight~~
186 ~~square feet.~~

187
188 *Section 12:* §230-19 “OB-1 Office Building District.” is hereby amended by removing language indicated
189 by strikethrough and adding language shown underlined, as follows:

190
191 F. Area and height regulations shall be as follows:

192 (10) ~~Sign requirements.~~ Signs shall comply with the requirements provided in Article VI of this
193 chapter.

194 ~~(a) A wall sign shall be allowed, with the following stipulations:~~

195 ~~[1] The sign shall be applied or affixed to the building and shall not exceed 20 square feet in~~
196 ~~area.~~

197 ~~[2] The sign shall not extend beyond the wall of the building upon which it is attached and~~
198 ~~shall not protrude from the wall more than six inches.~~

199 ~~[3] If a sign is illuminated, said illumination shall be of an indirect nature and shall have its~~

200 ~~light source shielded from all adjacent properties and streets.~~
201 ~~(b) One identification sign shall be allowed at each street access point, the size of which shall not~~
202 ~~exceed one foot by two feet.~~

204 *Section 13:* §230-19.1 “BP Business Park District.” is hereby amended by removing language indicated
205 by strikethrough and adding language shown underlined, as follows:

207 G. ~~Signage requirements.~~ Signs shall comply with the requirements provided in Article VI of this
208 chapter.

209 ~~(1) A single wall and/or low profile freestanding sign announcing the name or logo (or both) of all~~
210 ~~establishments or businesses housed therein shall be allowed.~~

211 ~~(2) The sign shall be applied to the wall of the building and shall not exceed 10% of the wall area to~~
212 ~~which it is affixed.~~

213 ~~(3) The freestanding low profile sign shall be no more than six feet in height and eight feet in width.~~

214 ~~(4) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be~~
215 ~~shielded from the view of adjacent properties or streets.~~

217 *Section 14:* §230-19.2 “IS Institutional Service District.” is hereby amended by removing language
218 indicated by strikethrough and adding language shown underlined, as follows:

220 I. ~~Signs in the Institutional Service District.~~ Signs shall comply with the requirements provided in
221 Article VI of this chapter.

222 ~~(1) Identification signs. The total permitted sign surface area, excluding its enclosure and/or manner~~
223 ~~of support, of all business identification signs located on or affixed to the facade of a building~~
224 ~~within the lower two stories or 26 feet, whichever is lower, shall not exceed an area equal to 5%~~
225 ~~of said lower two story area of the building facade or 100 square feet, whichever is lower, per~~
226 ~~sign for each side of the building. For any freestanding sign not located on or affixed to a building,~~
227 ~~the total permitted sign surface area, excluding its enclosure and/or manner of support, shall not~~
228 ~~be greater than 100 square feet per sign for each side of the building. For business identification~~
229 ~~signs which are placed on a building above 26 feet, the sign shall not exceed an area of 5% of the~~
230 ~~area of the building facade measured from the ground to the top of the applicable proposed sign.~~

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

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

241 *Section 15:* §230-19.3 “IM Institutional Medical District.” is hereby amended by removing language
242 indicated by strikethrough and adding language shown underlined, as follows:

244 J. ~~Signs in the Institutional Medical District.~~ Signs shall comply with the requirements provided in
245 Article VI of this chapter.

246 ~~(1) In those instances involving a single building with a single business use occupying a single lot, the~~
247 ~~total allowable sign area shall be 18 square feet, exclusive of the necessary architectural supports~~
248 ~~or columns. The reference to sign area is reference to size of structure without reference to size of~~
249 ~~actual advertising area.~~

- 250 ~~(2) In those instances involving a single building but with multiple business uses, there may be erected~~
 251 ~~a single advertising sign on which there shall be listed all of the occupants of the building, in which~~
 252 ~~case the total allowable sign area, determined as provided in Subsection J (1) above, may be up to~~
 253 ~~but not in excess of 36 square feet. The only other allowable signage for the lot shall be name~~
 254 ~~identification signs for each individual business, which shall not exceed two square feet for each~~
 255 ~~and shall be limited solely to the name of the business being identified and shall be attached to the~~
 256 ~~building.~~
- 257 ~~(3) In those instances involving a single lot comprised of a building with multiple occupants as well~~
 258 ~~as a detached building with a single occupant or detached building with multiple occupants, the~~
 259 ~~allowable signage for the lot shall be as provided in Subsection J (2) above.~~
- 260 ~~(4) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct~~
 261 ~~rays from the lights will not fall on any adjoining property. Signs in the Institutional Medical~~
 262 ~~District or lighting for signs shall not be placed in such a position that is will cause danger to traffic~~
 263 ~~or create a traffic hazard by obscuring the view or in any way interfering with driver vision.~~

265 *Section 16:* §230-19.4 “R-8 Garden Apartment and Townhouse District.” is hereby amended by removing
 266 language indicated by strikethrough and adding language shown underlined, as follows:

267
 268 C. Conditional uses subject to special regulations. The following uses and any conditional use allowed
 269 in R-1, R-2, and R-3 Districts may be permitted with the approval of a conditional use permit by the
 270 Milford City Council in accordance with the provisions of Article IX of this chapter:

271 (6) Mobile home parks, subject to conformance with the following requirements and subject to site
 272 plan review:

273 (g) Signs shall comply with the requirements provided in Article VI of this chapter.

274 ~~[1] An identification sign may be set up at the park entrance. This sign may be illuminated and~~
 275 ~~shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may~~
 276 ~~not exceed 20 square feet of area on either side.~~

277 ~~[2] Nonilluminated traffic direction signs may also be erected. These signs shall have a street~~
 278 ~~and property setback of 15 feet. They shall be no more than four square feet in area or two~~
 279 ~~feet in height.~~

280
 281 D. District regulations.

282 (3) Signs shall comply with the requirements provided in Article VI of this chapter.

283
 284 *Section 17:* ARTICLE VI – Signs §230-24 through §230-26 is hereby repealed in its entirety indicated by
 285 language shown by strikethrough and replaced with language shown underlined, as follows:

286
 287 ~~§ 230-24. — Permitted and prohibited signs.~~

288 ~~For the purpose of this article of this chapter, the regulations are hereby set forth as follows:~~

289 ~~A. Signs permitted without limitation in all zoning districts shall be as follows:~~

290 ~~(1) Authorized signs regulating traffic under state or city authority.~~

291 ~~(2) Signs designating public transportation pickup points.~~

292 ~~(3) Informational signs: those erected for safety or those installed to provide directional~~
 293 ~~information and those erected for the identification of public rest areas, public parking areas,~~
 294 ~~entrances or exits and loading or unloading zones (not to exceed 2 1/2 square feet in area and~~
 295 ~~nonilluminated).~~

296 ~~(4) Warning signs and no trespassing signs.~~

297 ~~(5) Memorial plaques, corner stones and signs designating historical sites.~~

298 ~~(6) Signs required to be posted by law.~~

299 ~~(7) Duly authorized governmental signs, public notices and signs posted or maintained by~~

- 300 governmental order, rule or regulation.
301 (8) ~~Flags or emblems of governmental, educational or religious organizations.~~
302 (9) ~~Address signs, not to exceed one for each principal building or premises, not to exceed 160~~
303 ~~square feet in area. The signs shall show only numerical address designations of premises upon~~
304 ~~which they are affixed/maintained.~~
305 (10) ~~—Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only~~
306 ~~two per each street frontage.~~
307 (11) ~~—Signs which are attached or are integral to fuel dispensing pumps or devices, to be no larger~~
308 ~~than the servicing device to which they are attached.~~
309 (12) ~~—Temporary sign for sale (realty, private owner, etc.), rental or lease of premises at location.~~
310 ~~Allowance shall be determined by the Code Official.~~

- 311
312 ~~B. Signs prohibited in all zoning districts shall be as follows:~~
313 ~~(1) Flashing signs.~~
314 ~~(2) Animated signs.~~
315 ~~(3) Signs producing noise or sounds.~~
316 ~~(4) Signs emitting visible smoke, vapor, particles or odor.~~
317 ~~(5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.~~
318 ~~(6) Signs which, by reason of wording, position, shape or color, may cause interference with or~~
319 ~~obstruction of view or may be confused with authorized traffic signage. The allowance shall~~
320 ~~be determined by the Code Official.~~
321 ~~(7) Signs attached to fire fighting equipment, emergency egress doors, windows and like~~
322 ~~emergency purposes.~~
323 ~~(8) Signs causing radio, television or other communication interference because of lighting or~~
324 ~~control mechanism(s).~~
325 ~~(9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A type,~~
326 ~~sidewalk/curb signs (nonpermanent) and balloons or other gas filled figures. Allowance shall~~
327 ~~be determined by the Code Official.~~
328 ~~(10) Signs attached to trees, fences, utility poles or any other means not designated by this article~~
329 ~~or that which is not approved by a City Code Official. Exceptions are public notices and public~~
330 ~~announcements (as previously stated).~~
331 ~~(11) Portable signs, fixed on movable stands or chassis, or those self-supported types not~~
332 ~~permanently embedded or any sign that allows ready transport from site to site.~~

- 333
334 ~~§ 230-25. — Construction; violations and penalties.~~
335 ~~A. All signs permitted by this article shall be erected/placed in accordance with the zoning~~
336 ~~requirement set forth by this chapter (regarding setbacks, sizes and height limitations) and shall be~~
337 ~~constructed so as to withstand loadings imposed by wind or the direct result of the sign's weight~~
338 ~~or stresses that may be otherwise imposed. All signage applications shall be accompanied by scale~~
339 ~~drawings and shall meet the approval of the Plans Review Official.~~
340 ~~B. Any violations of city code(s)/ordinance(s) regarding the laws governing signs within the City of~~
341 ~~Milford shall be grounds for the removal of the sign in question, fines, imprisonment or all of the~~
342 ~~preceding. This shall be determined by the Code Official.~~

- 343
344 ~~§ 230-26. — General standards.~~
345 ~~The chart, found at the end of this chapter, shall determine the size and height requirements allowed within~~
346 ~~the designated zoning district. Additional requirements are as follows:~~
347 ~~A. —Setback.~~
348 ~~(1) Commercial/industrial districts: 10 feet from front right-of-way line.~~
349 ~~(2) Noncommercial districts (nonresidential):~~

- 350 (a) Advertising: 10 feet from front right-of-way line.
- 351 (b) Nameplate, identification and instruction: five feet from right-of-way line.

352
353 ~~B. Sign standards chart (end of chapter).~~

354
355 ~~C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning~~
356 ~~districts:~~

- 357 (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.
- 358 (2) Variances for dimensional increases in area, height or coverage must be submitted for review
- 359 and determination by the Board of Adjustment of the City of Milford. Violations of the
- 360 requirements set forth in the attached chart shall be deemed as a violation of this chapter and
- 361 will be subject to the penalties herein described.
- 362 (3) All signs whose primary function it is to direct attention to the identity of the business,
- 363 professional or industrial activity and which describes said nature of such operation shall be
- 364 deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

365
366 ~~D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within~~
367 ~~the C-2 Downtown Commercial District:~~

- 368 (1) Signs shall reflect simplicity, using graphics and minimum information.
- 369 (2) Light colored lettering should be used over dark matte background as the dominant motif.
- 370 (3) Signs should have a singular theme.
- 371 (4) A maximum of three colors may be used.
- 372 (5) Signs should employ a style consistent with the age of the building.
- 373 (6) Signs should fit into the size and proportions of the building.
- 374 (7) Wall signage shall be placed directly above the storefront.
- 375 (8) Wall signs should be made of natural materials, when feasible.
- 376 (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All
- 377 awning signage and the awning assembly shall be kept properly maintained and shall be
- 378 repaired as needed.

379
380 ~~E. Political signs:~~

- 381 (1) Residential and Downtown Commercial Districts:
- 382 (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
- 383 (b) The maximum height of any political sign shall not exceed three feet.
- 384 (c) All political signs shall be removed within seven days after the election.
- 385 (2) Other zoning districts:
- 386 (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
- 387 (b) The maximum height of any political sign shall be no more than five feet.
- 388 (c) All political signs shall be removed within seven days after the election.

389
390 ~~F. EMB signs. The following are the guidelines for all EMB signage:~~

- 391 (1) EMB signs are only permitted in the C-3 Zoning District.
- 392 (2) Contain static messages for at least eight seconds before changing the message and shall not
- 393 have animation on any part of the sign, nor shall such sign have varying light intensity during
- 394 the display of any single message.
- 395 (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels
- 396 as measured at a distance of 150 feet.
- 397 (4) The owner of said EMB sign shall provide a certification by an independent contractor of the
- 398 lumens showing compliance at time of building permit application.
- 399 (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the

- 400 natural ambient light conditions change.
- 401 ~~(6) Shall meet the same installation and permitting requirements and inspections as set out for all~~
- 402 ~~other signs.~~
- 403 ~~(7) The owner of said sign shall coordinate with the local authorities to display, when appropriate,~~
- 404 ~~emergency information important to the traveling public including, but not limited to Amber~~
- 405 ~~Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information~~
- 406 ~~messages shall remain in the advertising rotation according to the protocols of the agency that~~
- 407 ~~issues the information.~~
- 408 ~~(8) The owner of said sign shall provide to the City of Milford contact information for a person~~
- 409 ~~who is available to be contacted at any time and who is able to turn off the electronic sign~~
- 410 ~~promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are~~
- 411 ~~no longer working, the owner of said sign shall make repairs to the sign within 60 days or the~~
- 412 ~~sign will require removal.~~
- 413 ~~(9) Each sign located on a state maintained road must comply with all Delaware Department of~~
- 414 ~~Transportation rules and regulations applicable to electronic changeable message signs where~~
- 415 ~~not in conflict with this [article].~~
- 416 ~~(10) All EMB signs shall have a height of no less than a minimum of two feet and no greater than~~
- 417 ~~a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of~~
- 418 ~~12 feet and shall be no larger than 32 square feet total.~~

419

420 § 230-24. Purpose.

421 These regulations balance the need to protect the public safety and welfare, the need for a well maintained

422 and attractive community, and the need for adequate identification, communication, and advertising. The

423 regulations for signs have the following specific objectives:

- 424 A. To ensure that signs are designed, constructed, installed and maintained according to minimum
- 425 standards to safeguard life, health, property and public welfare.
- 426
- 427 B. To allow and promote positive conditions for sign communication.
- 428
- 429 C. To reflect and support the desired ambience and development patterns of the various zones and
- 430 districts and promote an attractive environment.
- 431
- 432 D. To ensure that the constitutionally guaranteed right of free expression is protected.
- 433

434 § 230-24.1. Hierarchy of Regulations.

- 435 A. Where there is a conflict between specific sign regulations and the base for general sign regulations
- 436 of this Code, the specific sign regulations supersede the base sign regulations.
- 437
- 438 B. Other conflicts. Where there is a conflict between a land use regulation and a structural regulation,
- 439 or other conflicts not otherwise addressed by this section, the most restrictive regulation applies.

440

441 § 230-24.2. Definitions.

442 For purpose of this Article, certain words and phrases shall be interpreted and defined as follows:

443

- 444 ABANDONED OFF-PREMISE SIGN – A sign that, for 180 days or more, no longer:
- 445 (1) Directs attention to a business commodity, service or entertainment conducted, sold, or offered
- 446 elsewhere than upon the premises where the sign is maintained; and
- 447 (2) No longer markets, advertises, or promotes the sign for sale or rent.
- 448

449 ABANDONED ON-PREMISE SIGN – A sign or sign structure that, for 180 days or more, no longer
450 identifies an ongoing business, product, location, service, idea, or activity conducted on the
451 premises on which the sign is located or on a property adjacent to the property on which the sign
452 is located when the adjacent property has a recorded easement for access on or along the property
453 on which the sign is located.

454
455 ALTERATION – A change in the size or shape of an existing sign. Copy or color change of an
456 existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

457
458 ANIMATED SIGN – A sign employing actual motion, the illusion of motion, or light and color
459 changes achieved through mechanical, electrical, or electronic means. Animated signs, which are
460 differentiated from changeable signs as defined and regulated by this Code, include the following
461 types:

462 (1) ENVIRONMENTALLY ACTIVATED - Animated signs or devices motivated by wind,
463 thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant
464 strings, and other devices or displays that respond to naturally occurring external motivation.

465 (2) MECHANICALLY ACTIVATED - Animated signs characterized by repetitive motion or
466 rotation activated by a mechanical system powered by electric motors or other mechanically
467 induced means.

468 (3) ELECTRICALLY ACTIVATED - Animated signs producing the illusion of movement by
469 means of electronic, electrical, or electromechanical input or illumination capable of
470 simulating movement through employment of the characteristics of one or both of the
471 classification notes below:

472 (a) FLASHING - Animated signs or animated portions of signs whose illumination is
473 characterized by a repetitive cycle in which the period of illumination is either the same as
474 or less than the period of non-illumination. For the purposes of this ordinance, flashing
475 will not be defined as occurring if the cyclical period between on-off phases of illumination
476 exceeds eight seconds.

477 (b) PATTERNED ILLUSIONARY MOVEMENT - Animated signs or animated portions of
478 signs whose illumination is characterized by simulated movement through alternate or
479 sequential activation of various illuminated elements for the purpose of producing
480 repetitive light patterns designed to appear in some form of constant motion.

481
482 ARCHITECTURAL PROJECTION – Any projection from a building that is decorative or functional
483 and not intended for occupancy, and that extends beyond the face of an exterior wall of a building
484 but that does not include signs as defined herein. See also Awning; Back-lit Awning; and Canopy,
485 Attached and Freestanding.

486
487 AWNING – An architectural projection or shelter projecting from and supported by the exterior wall
488 of a building and composed of a covering of rigid or non-rigid materials or fabric on a supporting
489 framework that may be either permanent or retractable.

490
491 AWNING SIGN – A sign displayed on or attached flat against the surface or surfaces of an awning.
492 See also Wall or Fascia Sign. An awning that contains a “sign” section or copy area shall comply
493 with the applicable sign area requirements for parallel signs contained in this Code. Only the sign
494 or copy area displayed on an awning shall be used to determine the permitted sign area; the entire
495 awning shall not be included in a Sign Area calculation.

496
497 BACK-LIT AWNING – An awning comprised of covering material exhibiting the characteristic of
498 luminosity obtained by means of a source of illumination contained within its framework.

499 BANNER – A flexible substrate on which copy or graphics may be displayed.
501
502 BANNER SIGN – A sign utilizing a banner as its display surface.
503
504 BENCH SIGN – A sign applied or affixed to the seat or back of a bench.
505
506 BILLBOARD – See Off-Premise Sign and Commercial Outdoor Advertising Sign.
507
508 BUILDING FAÇADE – That portion of any exterior elevation of a building extending vertically from
509 grade to the top of a parapet wall or eaves and horizontally across the entire width of the building
510 elevation.
511
512 BUILDING SIGN – A sign that is applied or affixed to a building.
513
514 CANDELA – The basic unit of measurement of light in SI (metric) units.
515
516 CANDELA PER SQUARE METER (cd/m²) – The SI (metric) unit used to describe the luminance of
517 a light source or of an illuminated surface that reflects light. Also referred to as Nits.
518
519 CANDLE OR CANDLEPOWER – Synonymous with Candela, but in English, not SI, terms.
520
521 CANOPY (Attached) – A multi-sided overhead structure or architectural projection supported by
522 attachment to a building on one or more sides and either cantilevered from such building or also
523 supported by columns at additional points. The surface(s) or soffit of an attached canopy may be
524 illuminated by means of internal or external sources of light. Similar to a Marquee.
525
526 CANOPY (Freestanding) – A multi-sided overhead structure supported by columns, but not enclosed
527 by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of
528 internal or external sources of light.
529
530 CANOPY SIGN – A sign affixed to the visible surface(s) of an attached or freestanding canopy. May
531 be internally or externally illuminated. Similar to a Marquee Sign.
532
533 CHANGEABLE SIGN – A sign with the capability of content by means of manual or remote input,
534 includes the following types:
535 (1) MANUALLY ACTIVATED – Changeable sign whose message copy or content can be
536 changed manually on a display surface.
537 (2) ELECTRONICALLY ACTIVATED – Changeable sign whose message copy or content can
538 be changed by means of remote electrically energized on-off switching combinations of
539 alphabetic or pictographic components arranged on a display surface. Illumination may be
540 integral to the components, such as characterized by lamps or other light-emitting devices; or
541 it may be from an external light source designed to reflect off the changeable component
542 display. See also Electronic Message Center.
543
544 CHANNEL LETTER (Open Faced) – A dimensional letter with a back and sides but no face at the
545 front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or
546 illuminated by a light source contained inside the open channel of the letter itself, such as a neon
547 tube.
548

549 CHANNEL LETTER (Internally Illuminated) – A dimensional letter with a back, sides, and a
550 translucent front face capable of transmitting light from an internal light source within the letter.
551
552 CHANNEL LETTER (Reverse) – A dimensional letter with a face and sides but no back, opposite to
553 an Open-Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or
554 building to which it is affixed. A Reverse Channel Letter may contain a source of illumination
555 designed to project lighting against the surface behind the letter, commonly referred to as a Backlit
556 Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse
557 Channel Letter does not illuminate.
558
559 CLADDING – A non-structural covering designed to conceal the actual structural supports of a sign.
560 See also Pole or Pylon Cover.
561
562 COMMERCIAL OUTDOOR ADVERTISING SIGN – A permanent off-premise sign erected,
563 maintained or used in the outdoor environment for the purposes of providing copy area for
564 commercial or noncommercial messages.
565
566 CONFORMING SIGN – A sign that is legally installed in conformance with all prevailing
567 jurisdictional laws and ordinances.
568
569 COPY – The graphic content or message of a sign.
570
571 COPY AREA OF SIGN – The actual area of the sign copy as applied to any background. Copy area
572 on any individual background may be expressed as the sum of the geometrically computed shape
573 or shapes encompassing separate individual letters, words, or graphic elements on the background.
574
575 DIMENSIONAL LETTER, SYMBOL, OR GRAPHIC – A letter, symbol, or graphic that is three
576 dimensional in character, containing height, width, and depth.
577
578 DIRECTIONAL SIGN – Any sign that is designed and erected for the purpose of providing direction
579 or orientation for pedestrian or vehicular traffic.
580
581 DISPLAY TIME – The amount of time a message or graphic is displayed on an Electronic Message
582 Sign.
583
584 DISSOLVE – A mode of message transition on an Electronic Message Sign accomplished by varying
585 the light intensity or pattern, in which the first message gradually appears to dissipate and lose
586 legibility with the gradual appearance and legibility of the second message.
587
588 DOUBLE-FACED SIGN – A sign with two faces, back to back.
589
590 DYNAMIC FRAME EFFECT – An Electronic Message Sign frame effect in which the illusion of
591 motion or animation is used.
592
593 ELECTRIC SIGN – Any sign activated or illuminated by means of electrical energy.
594
595 ELECTRONIC MESSAGE CENTER OR SIGN (EMC) –An electrically activated changeable sign
596 whose variable message or graphic presentation capability can be electronically programmed by
597 computer from a remote location. Also known as an EMC. EMCs typically use light emitting
598 diodes (LEDs) as a lighting source. (See also following terms principally associated with

599 Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame
600 Effect, Scroll, Transition, Travel)

601

602 EXTERNALLY ILLUMINATED SIGN – See Illuminated Sign.

603

604 EXTERIOR SIGN – Any sign placed outside a building.

605

606 FAÇADE – See Building Façade.

607

608 FADE – A mode of message transition on an Electronic Message Sign accomplished by varying the
609 light intensity, where the first message gradually reduces intensity to the point of not being legible
610 and the subsequent message gradually increases intensity to the point of legibility.

611

612 FASCIA SIGN – See Wall Sign.

613

614 FLASHING SIGN – See Animated Sign, Electrically Activated.

615

616 FONT – A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.

617

618 FOOT CANDLE – An English unit of measurement of the amount of light falling upon a surface
619 (Illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means
620 of an illuminance meter.

621

622 FOOT LAMBERT – An English unit of measurement of the amount of light emitted by or reflecting
623 off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

624

625 FRAME – A complete, static display screen on an Electric Message Sign.

626

627 FRAME EFFECT – A visual effect on an Electronic Message Sign applied to a single frame. See also
628 Dynamic Frame Effect.

629

630 FREESTANDING SIGN – A sign principally supported by one or more columns, poles, or braces
631 placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also
632 to Section 8 for visual reference examples.

633

634 FRONTAGE (Property) – The length of the property line(s) of any single premise along either a public
635 way or other properties on which it borders.

636

637 FRONTAGE (Building) – The length of an exterior building wall or structure of a single premise
638 along either a public way or other properties that it faces.

639

640 GROUND SIGN – See Freestanding Sign.

641

642 ILLUMINANCE – The amount of light falling upon a real or imaginary surface, commonly called
643 “light level” or “illumination.” Measured in foot candles (lumens/square foot) in the English
644 system, and lux (lumens/square meter) in the SI (metric) system.

645

646 ILLUMINATED SIGN – A sign characterized by the use of artificial light, either projecting through
647 its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally
648 illuminated].

649 INTERNALLY ILLUMINATED SIGN – See Illuminated Sign.
650
651
652 INTERIOR SIGN – Any sign placed within a building, but not including window signs as defined by
653 this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by
654 this ordinance.
655
656 LISTED SIGN – A sign manufactured and labeled in accordance with specifications promulgated by
657 a recognized testing laboratory designed to assure compliance with applicable American National
658 Standards (ANSI) and the National Electric Code (NEC).
659
660 LUMINANCE – The light that is emitted by or reflected from a surface. Measured in units of
661 luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet
662 in English measurement units). Expressed in Si units as cd/m², and in English units as foot
663 lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured
664 by means of a luminance meter.
665
666 LUX – the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.
667
668 MANSARD – A roof-like façade comparable to an exterior building wall.
669
670 MARQUEE – See Canopy (Attached).
671
672 MARQUEE SIGN – See Canopy Sign.
673
674 MULTIPLE-FACED SIGN – A sign containing 3 or more faces.
675
676 NIT – A photometric unit of measurement referring to luminance. One nit is equal to one cd/m².
677
678 NON-CONFORMING SIGN – A sign that was legally installed by permit in conformance with
679 municipal sign regulations and ordinances in effect at the time of its installation, but which may
680 no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to
681 the sign.
682
683 NON-CONFORMING USE – A continued and lawful use of property, including a sign or signs
684 lawfully installed in accordance with laws or ordinances prevailing at the time of installation.
685
686 OFF-PREMISE SIGN – See Outdoor Advertising Sign. See Also, Wayfinding Sign.
687
688 ON-PREMISE SIGN – A sign erected, maintained or used in the outdoor environment for the purpose
689 of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the
690 property on which it is displayed or on a property adjacent to the property on which the sign is
691 located when the adjacent property has a recorded easement for access on or along the property on
692 which the sign is located.
693
694 ORIGINAL ART MURAL - A hand produced work of visual art which is tiled or painted by hand
695 directly upon, or affixed directly to, an exterior wall of a building or structure. Original Art Mural
696 does not include: mechanically produced or computer-generated prints or images, including but
697 not limited, to digitally printed vinyl, murals containing electrical or mechanical components, or
698 changing image murals.

699
700 OUTDOOR ADVERTISING SIGN – A permanent sign erected, maintained or used in the outdoor
701 environment for the purpose of the display of commercial or non-commercial messages not
702 appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is
703 displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor
704 Advertising Sign.
705
706 PARALLEL SIGN – See Wall Sign.
707
708 PARAPET – The extension of a building façade above the line of the structural roof.
709
710 PERMITTED ORIGINAL ART MURAL - An Original Art Mural for which a permit has been issued
711 by the City of Milford pursuant to this Article.
712
713 PERPENDICULAR SIGN – See also Freestanding Sign; See also Projecting Sign.
714
715 POLE COVER OR PYLON COVER – An enclosure designed to conceal poles or other structural
716 supports of a sign. See also Cladding.
717
718 POLE SIGN – See Freestanding Sign.
719
720 POLITICAL SIGN – A temporary sign intended to advance a political statement, cause, ballot, issue,
721 or candidate for office.
722
723 PORTABLE SIGN – Any sign not permanently attached to the ground and can be removed without
724 the use of tools.
725
726 PROJECTING SIGN – A sign other than a Wall Sign that is attached to or projects more than 18
727 inches from a building face or wall or from a structure whose primary purpose is other than the
728 support of a sign.
729
730 PYLON SIGN – See Freestanding Sign.
731
732 REAL ESTATE SIGN – A temporary sign advertising the sale, lease, or rental of the property or
733 premises upon which it is located.
734
735 REVOLVING SIGN – A sign that has the capability to revolve 360 about an axis. See also: Animated
736 Sign, Mechanically Activated.
737
738 ROOF LINE – The uppermost line of the roof of a building or, in the case of an extended façade or
739 parapet, the uppermost point of said façade or parapet.
740
741 ROOF SIGN – A sign mounted on the main roof portion of a building or on the uppermost edge of a
742 parapet wall of a building and which is wholly or partially supported by such building. Signs
743 mounted on mansard facades, pent eaves, and architectural projections such as canopies or
744 marquees shall not be considered to be roof signs.
745
746 SCROLL – A mode of message transition on an Electronic Message Sign in which the message
747 appears to move vertically across the display surface.
748

749 SI (International System of Units) – The modern metric system of measurement abbreviated Sis for
750 the French term “Le Systeme International d’Unites.”
751

752 SIGN – Any device visible from a public place whose essential purpose and design is to convey either
753 commercial or noncommercial messages by means of graphic presentation of alphabetic or
754 pictorial symbols or representations. Noncommercial flags or any other flags displayed from
755 flagpoles or staffs will not be considered to be signs.
756

757 SIGN AREA – The area of the smallest geometric figure, or the sum of the combination of regular
758 geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign
759 shall be the area of the largest single face only. The area of a sphere shall be computed as the area
760 of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the
761 area of all faces of the sign.
762

763 SIGN COPY – The letters, numerals, figures, symbols, logos and graphic elements comprising the
764 content or message of a sign, exclusive of numerals identifying a street address only.
765

766 SIGN FACE – The surface upon, against or through which the sign copy is displayed or illustrated,
767 not including structural supports, architectural features of a building or sign structure,
768 nonstructural thematic or decorative trim, or any areas that are separated from the background
769 surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.
770 (1) In the case of panel or cabinet signs, the sign face shall include the entire area of the sign panel,
771 cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open
772 space between separate panels or cabinets.
773 (2) In the case of signs painted on a building, or individual letters or graphic elements affixed to a
774 building or structure, the sign face shall comprise the sum of the geometric figures or
775 combination of regular geometric figures drawn closest to the edge of the letters or separate
776 graphic elements comprising the sign copy, but not the open space between separate groupings
777 of sign copy on the same building or structure.
778 (3) In the case of sign copy enclosed within a painted or illuminated border, or displayed on a
779 background contrasting in color with the color of the building or structure, the sign face shall
780 comprise the area within the contrasting background, or within the painted or illuminated
781 border.
782

783 SIGN STRUCTURE – Any structure designed for the support of a sign.
784

785 SITE – The ground area legally designated as a zoning lot, which may be categorized as a permanent
786 parcel (a lot of record), multiple lots of record, or a portion of a lot of record.
787

788 SPECIAL EVENT SIGN – A temporary sign pertaining to any civic, patriotic, or special event of
789 general public interest.
790

791 TEMPORARY SIGN – A sign intended to display either commercial or noncommercial messages of
792 a transitory or temporary nature. Portable signs or any sign not permanently embedded in the
793 ground, or not permanently affixed to a building or sign structure that is not permanently embedded
794 in the ground, are considered temporary signs.
795

796 TRANS-ILLUMINATED SIGN – See Internally Illuminated Sign.
797

798 TRANSITION – A visual effect used on an Electronic Message Sign to change from one message to
799 another.

800
801 TRAVEL – A mode of message transition on an Electronic Message Sign in which the message
802 appears to move horizontally across the display surface.

803
804 UNDER CANOPY OR UNDER MARQUEE SIGN – A sign attached to the underside of a canopy or
805 marquee.

806
807 V SIGN – A sign containing two faces of equal size, positioned at an interior angle subtending less
808 than 179 degrees at the point of juncture of the individual faces.

809
810 WALL OR FASCIA SIGN – A sign that is in any manner affixed to any exterior wall of a building or
811 structure and that projects not more than 18 inches from the building or structure wall. Also
812 includes signs affixed to architectural projections that project from a building provided the copy
813 area of such signs remains on a parallel plane to the face of the building façade or to the face or
814 faces of the architectural projection to which it is affixed.

815
816 WAYFINDING SIGN – A sign, frequently off-premise, specifically designed to provide directional
817 or destination information and installed or maintained by the City or another government agency.

818
819 WINDOW SIGN – A sign affixed to the surface of a window with its message intended to be visible
820 to the exterior environment.

821
822 § 230-24.3. Typical On-Premise Sign Types.
823 The purpose of this section is to provide visual examples of certain types of signs.



PYLON

POLE WITH CLADDING

MULTI PANEL PYLON

POLE



MONUMENT

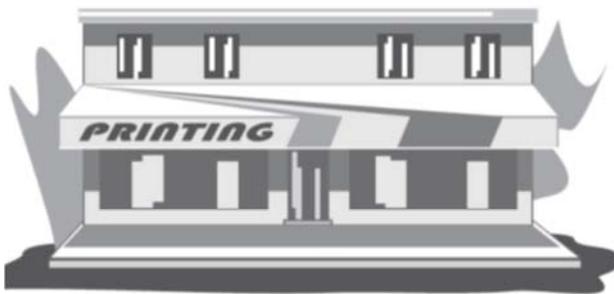


CANOPY



MONOLITH

BUILDING SIGNS



AWNING

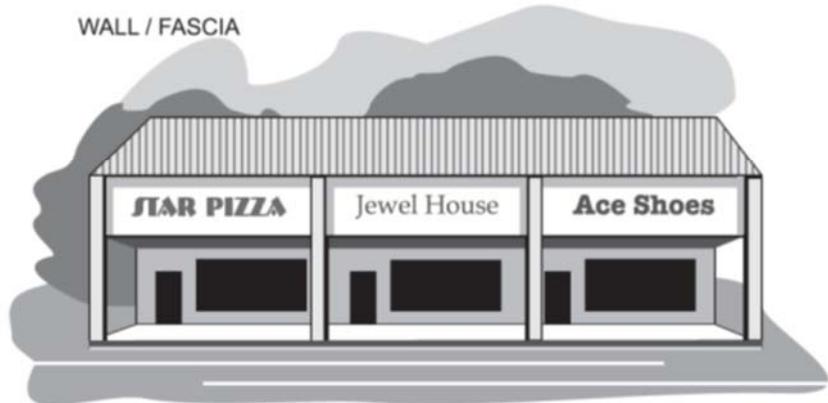


ROOF



PROJECTING

WALL / FASCIA



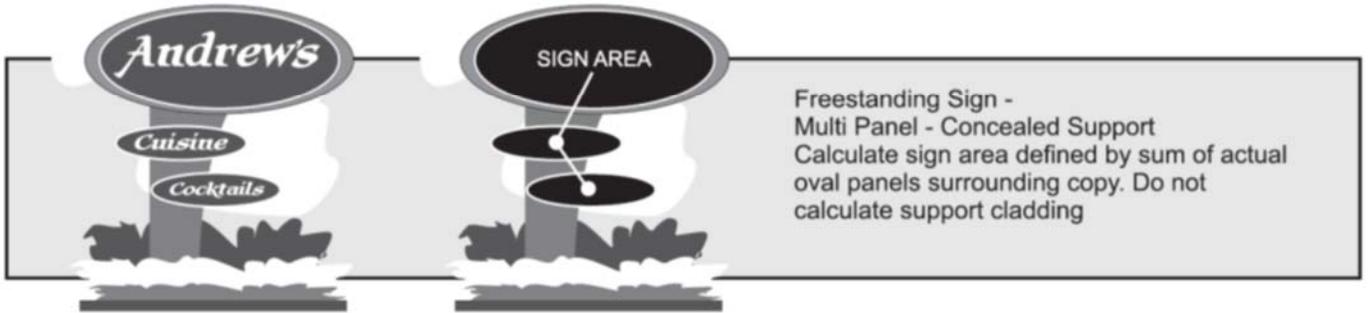
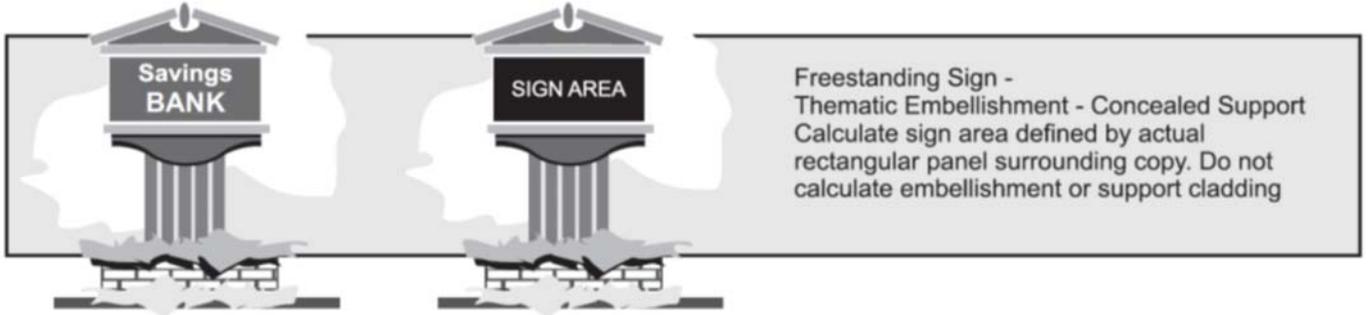
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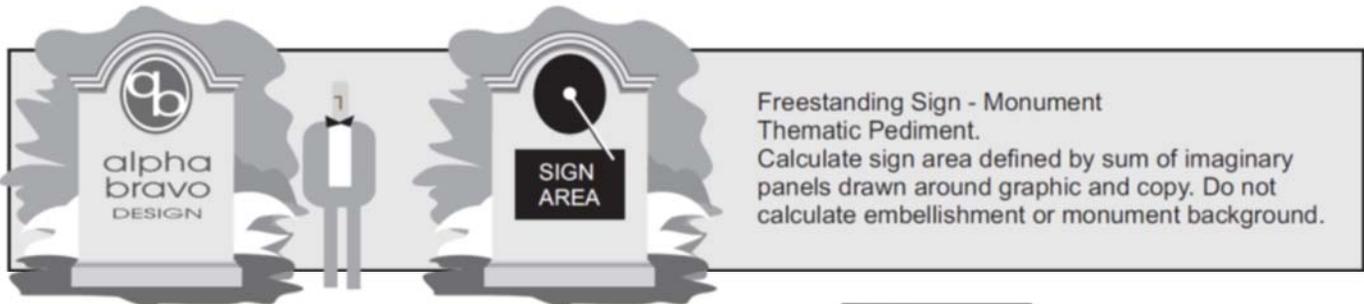
826 [§ 230-24.4. Sign Area Computational Methodology.](#)

827

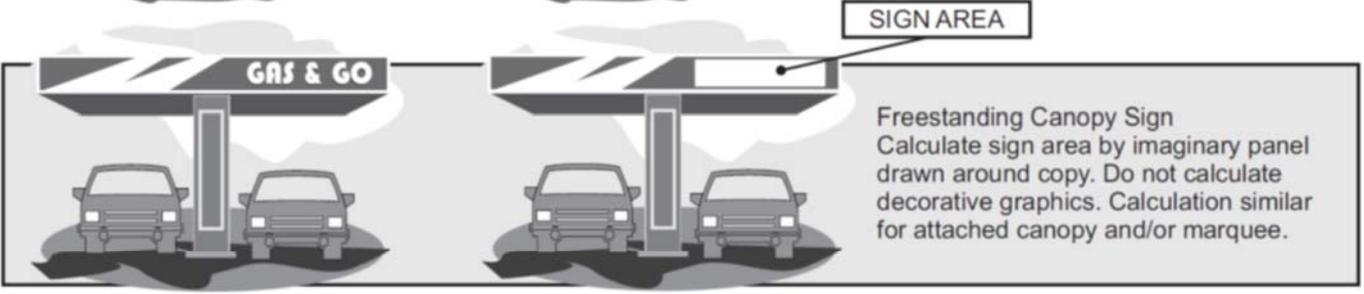
828 [Sign areas shall be calculated using the methodology set forth in this section, except that embellishment](#)

or support cladding is not included in the sign area unless it contains copy.



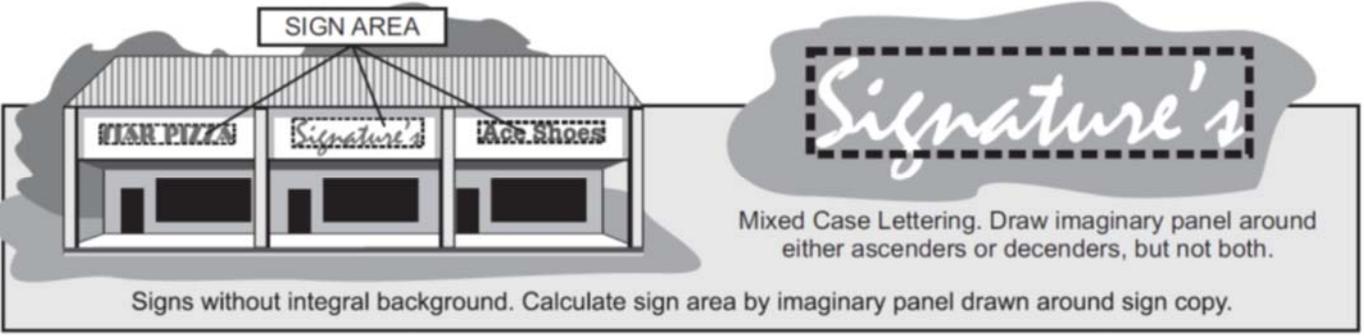


Freestanding Sign - Monument
 Thematic Pediment.
 Calculate sign area defined by sum of imaginary panels drawn around graphic and copy. Do not calculate embellishment or monument background.



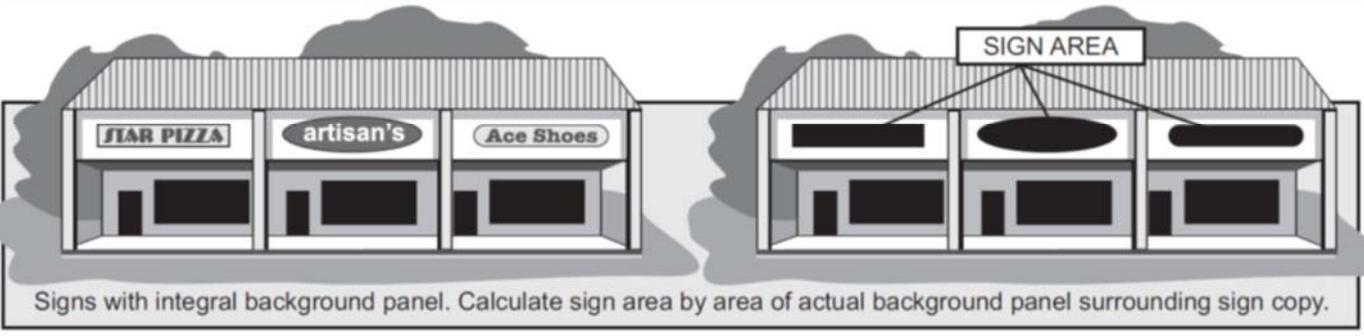
Freestanding Canopy Sign
 Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

Wall / Fascia Signs

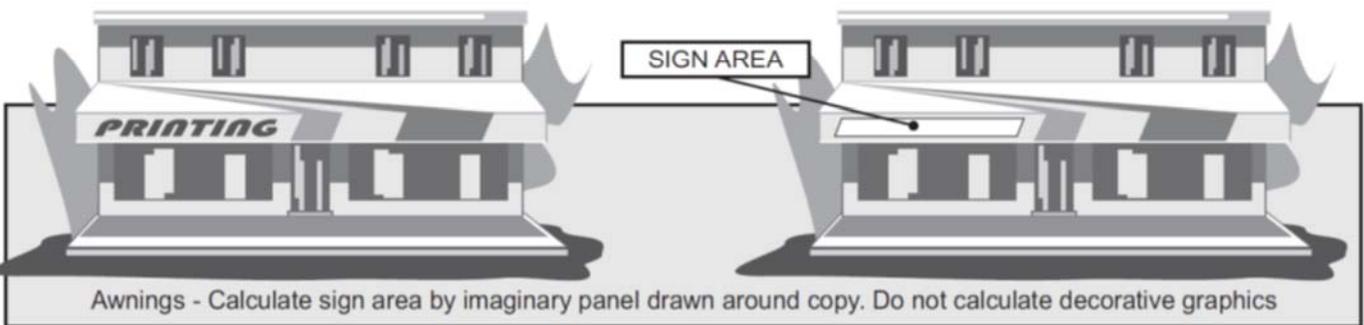


Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.



Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.



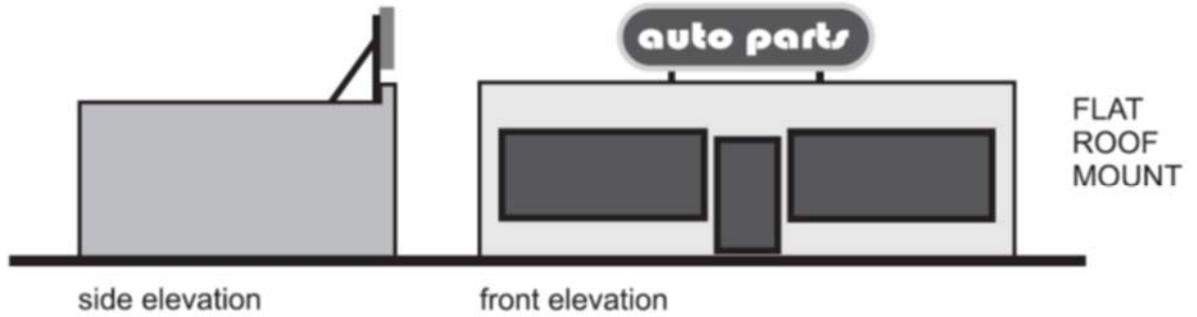
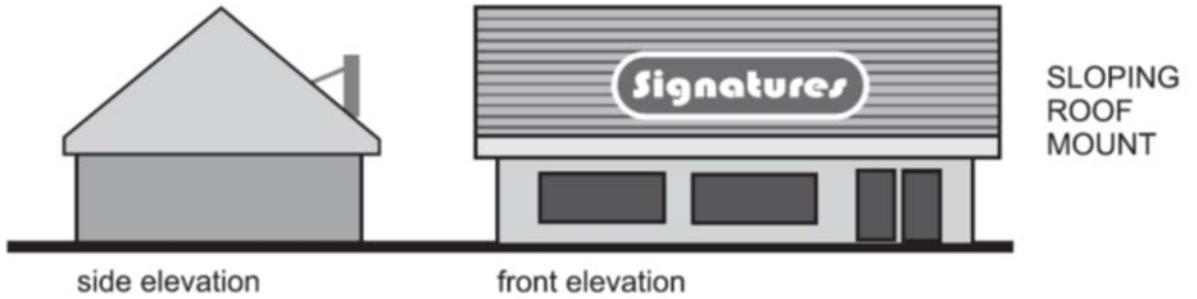
Awnings - Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics

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 833
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 835

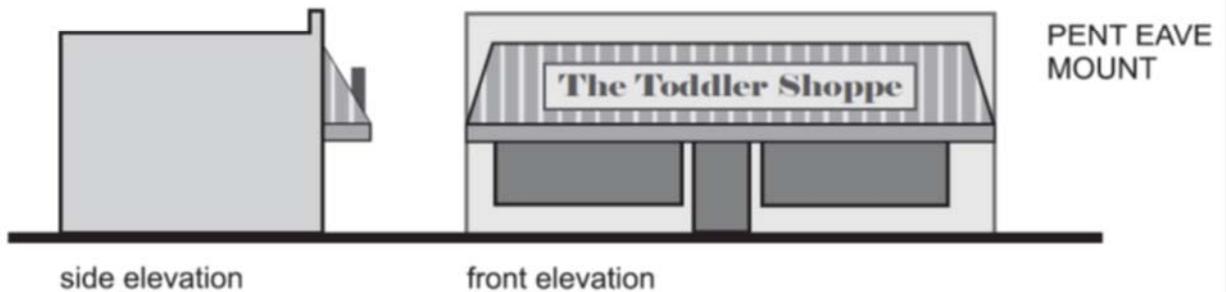
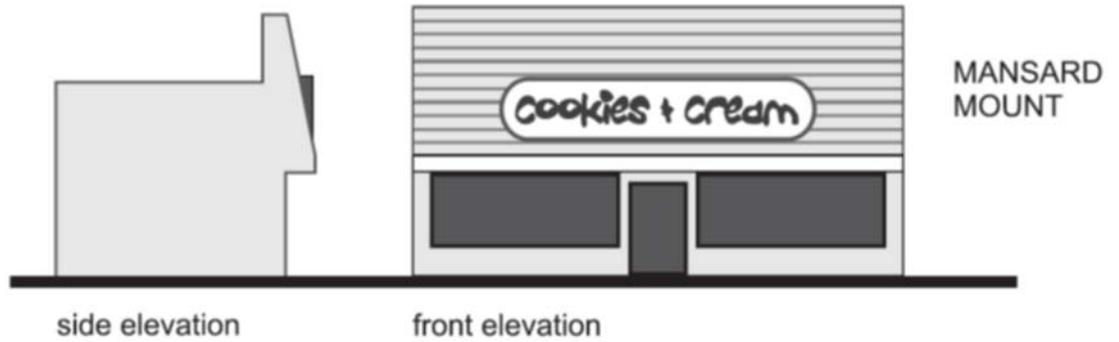
§ 230-24.5. Comparison: roof and wall sign distinctions.

836 The following diagrams demonstrate visual examples of distinctions between roof signs and wall signs.
837

ROOF SIGNS



Fascia Signs on Roof-Like Projections NOT ROOF SIGNS



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§ 230-24.6. Sign Face Area.

- A. Sign Cabinets. The area of sign faces enclosed in frames or cabinets shall be determined based on the outer dimensions of the frame or cabinet.
- B. Double-sided signs. Only one side of a double-sided sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than 91 degrees shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.
- C. Round, Oval, and Irregularly shaped signs shall be measured based on the appropriate mathematical formula to obtain the sign area for the shape of the sign.
- D. Calculating Sign Area
 - (1) Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.
 - (2) Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.
- E. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

§ 230-24.7. Height of Signs.

- A. Except as otherwise provided in this section, the overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.
- B. Where a freestanding sign or sign structure is mounted along a roadway that has a higher-grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure A.

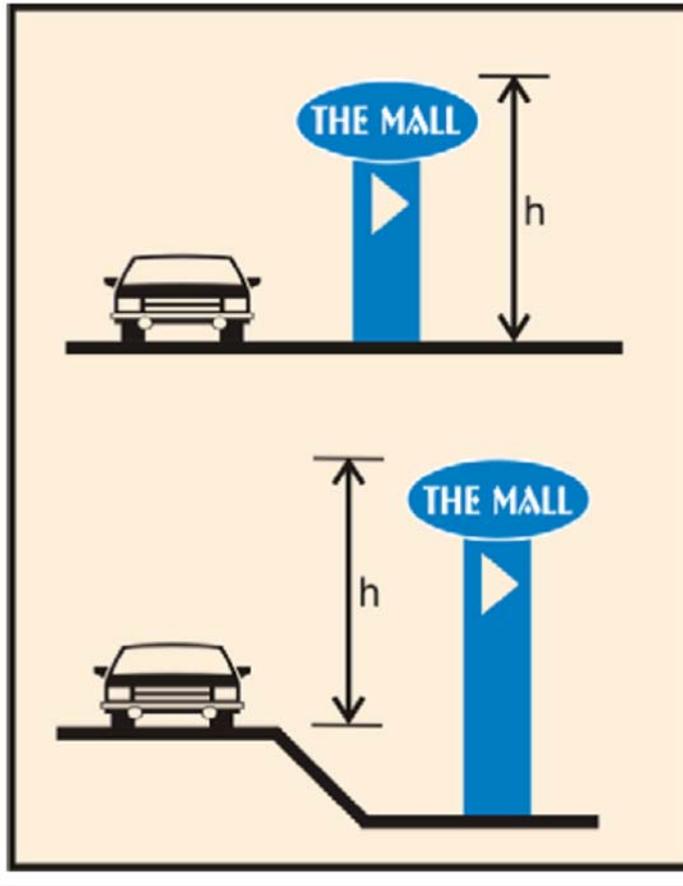


Figure A.

§ 230-24.8. Signs Permitted in All Zones. Exempt from Permit.

The following are exempt from the regulations of this Article, but may be subject to other portions of this Chapter where applicable:

- A. Signs inside a building and not visible from outside the building.
- B. Signs carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade and a part of the physical construction of the building materials comprising the façade in order to qualify for relief under this provision. Letters or signs that are merely attached to the exterior façade of the building, even if the same finish and color, shall not qualify for this exemption.
- C. Signs required by federal, state, county, or City of Milford law or regulation.
- D. Painted or applied wall accents and decorations, provided that the accents and decorations are typically not associated with the brand or company that owns or occupies the building, site, or tenant space.
- E. Illuminated building accents and decorations, provided the accents and decorations are typically associated with the brand or company that owns or occupies the building, site, or tenant space.
- F. Public Art, including Permitted Original Art Murals.

- 916 G. Name and Address – Up to two signs indicating address, number or name of occupants of the
917 premises, that do not exceed two square feet in area per side, and do not include any commercial
918 advertising or other identification.
919
- 920 H. Decals – Decals or logos affixed to windows or door glass panels, such as those indicating
921 membership in a business group or identifying credit cards accepted at the establishment.
922
- 923 I. Americans with Disabilities Act Parking Space – Signs not exceeding two square feet in area
924 reserving parking for handicapped individuals.
925
- 926 J. Private Drive Signs – On-premise private drive signs are limited to one per driveway entrance, not
927 exceeding two square feet in area.
928
- 929 K. Public Signs – Signs erected by government agencies or utilities, including traffic, utility, safety,
930 railroad crossing and identification signs for public facilities and any signs erected by the City of
931 Milford.
932
- 933 L. Security and Warning Signs – On-premise regulating the use of the premises, such as “no
934 trespassing”, “no hunting” and “no soliciting” signs that do not exceed one sign consisting of two
935 square feet in area per side in residential areas and one sign consisting of five square feet in area
936 per side in commercial and industrial zones. These limitations shall not apply to the posting of
937 conventional “no trespassing” signs in accordance with state law.
938
- 939 M. Vehicles - The use of business logos, identification, or advertising on vehicles primarily and
940 actively used for business or personal transportation shall be permitted.
941

942 § 230-24.9. Permit.
943

- 944 A. Except as otherwise provided in this Article, no on-premise or off-premise sign or structure shall
945 be erected, moved, enlarged, replaced, refaced, or reconstructed except by permit from the City
946 and in accordance with this chapter. See Chapter 88, Building Construction.
947
- 948 B. Except for Special Event Signs, temporary signs shall not require a permit.
949

950 § 230-24.10. Prohibitions.
951

952 The following signs are prohibited:
953

- 954 A. Signs containing strobe lights.
955
- 956 B. Abandoned sign structures.
957
- 958 C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of
959 providing signage not otherwise allowed under this Article. Except as otherwise provided in this
960 Article, any sign displayed on a parked trailer or truck or other vehicle where the primary purpose
961 of the vehicle is to advertise a product, service, business, or other activity, whether on-premise or
962 off-premise shall be prohibited. This regulation shall not prohibit the use of business logos,
963 identification, or advertising on vehicles primarily and actively used for business or personal
964 transportation.
965

- 966 D. Mechanically Moving Signs – An environmentally activated sign or other display with actual
967 mechanical motion powered by natural, manual, mechanical, electrical or other means, including
968 but not limited to pennant strings, streamers, spinners, propellers, and search lights.
969
970 E. Flashing Signs.
971
972 F. Inflatable Signs and Other Permanent Objects – Signs and other objects which are inflated,
973 including but not limited to, balloons except that balloons may be permitted in temporary non-
974 commercial situations such as for special occasions at a residence, which are permitted.
975
976 G. Posters and Handbills – Signs affixed to any structure, utility or sign pole, trees, or other natural
977 vegetation, rocks or poles.
978
979 H. Roof Signs.
980
981 I. Simulated Traffic Signs and Obstructions – Any sign which may be confused with, or obstruct the
982 view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road
983 intersection or extend into the public right-of-way.
984
985 J. A-frame/Wheeled Signs – Any portable “A” frame or similar portable sign is prohibited except as
986 described under Temporary Signs.
987
988 K. Signs Adversely Affecting Safety – Signs which prevent free ingress or egress from any door,
989 window, fire escape, or that prevent free access from one part of a roof to any other part. No sign
990 other than a safety sign shall be attached to a stand-pipe or fire escape.
991
992 L. Sign Emissions – No sign which emits smoke, visible vapors, particles, sound or odor shall be
993 permitted. Open flames used to attract public attention to a place of business or to an advertising
994 sign shall not be permitted.
995
996 M. Mirrors – No mirror device shall be used as part of a sign.
997
998 N. Animated Signs.
999
1000 O. Any sign located or projecting into the public right-of-way except as otherwise expressly permitted
1001 in this Article.
1002
1003 P. Permanent Banners – Banners used as permanent signs.
1004
1005 Q. Temporary Signs placed within any right-of-way.
1006

1007 § 230-24.11. Standards in Residential Zones.
1008

- 1009 A. General standards and sign features: Permanent on-premise signs in Residential Zones, as
1010 identified herein, shall be subject to the standards set forth in this section.
1011 (1) R-1 Single-Family Residential District
1012 (2) R-2 Residential District
1013 (3) R-3 Garden Apartment and Townhouse District
1014 (4) R-8 Garden Apartment and Townhouse District
1015

- 1016 B. Subdivisions, apartments, multi-family dwellings, and condominium complexes are permitted the
1017 following:
1018 (1) One freestanding sign not to exceed 64 square feet of sign area per side and four feet in height
1019 and further provided that one such sign shall be permitted for each separate entrance.
1020 (2) Other directional, incidental, or accessory signs located within the subdivision, complex, or
1021 multi-family residential development provided that such signs shall not exceed 6 square feet
1022 of sign area per side and four feet in height, if freestanding.
1023
1024 C. For properties located in a Residential Zone as described in subsection B above, other directional,
1025 incidental or accessory signs are also permitted, to be located within the subdivision, complex or
1026 multi-family residential development. Such directional, incidental and/or accessory signs shall not
1027 exceed six square feet in sign area per side and four feet in height, if freestanding.
1028
1029 D. Home Occupation – One non-illuminated on-premise sign not to exceed six square feet of sign
1030 area per side, identifying a permitted home occupation on the premises. A sign shall contain no
1031 more than two sides or facings, back-to-back, and shall have a minimum setback five feet from the
1032 front lot line, and a minimum setback of 15 feet from all adjacent property lines, and shall not
1033 exceed four feet in height.
1034
1035 E. Properties in a Residential Zone which are used for permitted non-residential uses are permitted a
1036 freestanding sign not to exceed 48 square feet of sign area and 10 feet in height, and further
1037 provided that one such sign shall be permitted for each separate street frontage occupied by the
1038 permitted use. A sign shall contain no more than two sides or facings, back-to-back, and shall
1039 have a minimum setback of 10 feet from the front lot line, and a minimum setback of 15 feet from
1040 all adjacent property lines.
1041
1042 F. Electronic Message Centers are prohibited except as may be permitted by conditional use approval
1043 from City Council on properties used for any of the following uses:
1044 (1) Public and private schools
1045 (2) Churches and other places of worship
1046 (3) Social clubs or fraternal, social service, union, or civic organizations
1047

1048 § 230-24.12. Standards in Downtown Commercial Zones.
1049

- 1050 A. General standards and sign features: Permanent on-premise signs in the Downtown Commercial
1051 Zones, as identified herein, shall be subject to the standards set forth in this section.
1052 (1) C-2 Central Business District
1053 (2) C-2A Riverfront Development District
1054
1055 B. Subject to the regulations in this section, Downtown Commercial Zone properties are limited to a
1056 combination of two signs per street or road frontage. No more than one sign per street or road
1057 frontage shall be either a freestanding sign or a projecting sign. No more than one sign per street
1058 or road frontage shall be either a building sign, a canopy sign, or an awning sign.
1059 (1) Freestanding Signs
1060 (a) Freestanding signs shall be limited to one per street frontage.
1061 (b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet
1062 of sign area per side.
1063 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a
1064 minimum setback of 15 feet from adjacent property lines.
1065 (2) Projecting Signs

- 1066 (a) Except as otherwise stated herein, projecting signs shall not be permitted in addition to any
1067 permitted freestanding sign. Projecting signs shall be limited to one per building façade
1068 on which any such sign is mounted except for a use that fronts on more than one street, in
1069 which case, one such sign shall be permitted per façade for each separate street frontage.
1070 (b) A projecting sign shall have a sign area of no greater than 20 square feet per side.
1071 (c) No projecting sign shall extend in a vertical dimension above the highest architectural point
1072 of the façade to which it is mounted in excess of 25% of the vertical dimension of the
1073 façade itself.
1074 (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance
1075 not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of
1076 clearance between the projecting sign and the sidewalk.
1077 (e) A property may have a projecting sign and a freestanding sign provided that the property
1078 has more than one street or road frontage provided that all other requirements governing
1079 projecting signs are met.
1080 (f) Projecting signs should be located above the storefront windows and below the sills under
1081 the second-floor windows.

1082 (3) Building Signs

- 1083 (a) Building signs include wall or fascia signs, and signs otherwise permanently applied to
1084 walls or other building surfaces. Building signs should be placed directly over the
1085 storefront.
1086 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed
1087 10% of the building façade in elevation view, including window and door areas and
1088 cornices to which they are affixed or applied.
1089 (c) Window Coverings - A maximum of 20% of storefront windows may be covered with
1090 signage or decals.

1091 (4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)

- 1092 (a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are
1093 mounted to structures that project off the face of the building more than 18 inches.
1094 (b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding
1095 canopy, marquee, or architectural projection provided that the copy area of any such sign,
1096 as defined herein, does not exceed an area equal to 40% of the product of the height and
1097 length of the face area of the canopy, marquee, or architectural projection to which such
1098 sign is affixed or applied, or 10% of the building façade to which it is attached, whichever
1099 is greater.
1100 (c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any
1101 building or freestanding canopy, marquee, or architectural projection provided that the
1102 striping or patterns are not typically associated with the brand or company occupying the
1103 building, site or suite, and the area of any such graphic allowed treatment shall not be
1104 calculated as a component of permitted copy area.

1105 (5) Awning Signs

- 1106 (a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are
1107 permitted provided that the copy area does not exceed an area equal to 40% of the product
1108 of the height and length of the face area of the awning to which the sign is affixed or
1109 applied, or 10% of the building façade to which it is attached, whichever is greater.
1110 (b) Graphic treatment and embellishment in the form of striping, patterns, or valances shall be
1111 permitted on the face or side surfaces of any awning or backlit awning provided that the
1112 striping or patterns are not typically associated with the brand or company occupying the
1113 building, site or suite, and the area of any allowed such graphic treatment and
1114 embellishment shall not be calculated as a component of permitted copy area.
1115 (c) Awning signs should add variety and color to the streetscape.

- 1116 (6) Electronic Message Centers: Prohibited.
1117 (7) Signs within the Downtown Commercial Zone are subject to the following standards and
1118 guidelines.
1119 (a) Overall Design
1120 [1] Historically significant signs shall be retained, repaired, and reused.
1121 [2] Signs shall reflect simplicity, using graphics and minimum information.
1122 [3] Signs should employ a style consistent with the age of the building and should fit into
1123 the size and proportions of the building.
1124 [4] When multiple signs are used on one property, the signs should be compatible with one
1125 another and part of an overall sign plan for the building.
1126 (b) Size and Shape
1127 [1] Signs should be scaled and oriented to relate to pedestrians and passing motorists.
1128 [2] Buildings signs should be typically horizontal.
1129 [3] Projecting signs should be typically vertical.
1130 [4] Nonrectangular shapes add variety and interest and can be appropriate, but the use of
1131 strange or highly irregular shapes, where not rationalized by the nature of the business,
1132 should be avoided.
1133 (c) Colors
1134 [1] Sign colors should be chosen to complement the color of the building.
1135 [2] It is preferred to use no more than 3 colors on a sign. A fourth color might be used for
1136 illustrations if applicable.
1137 [3] It is preferred that dark or medium colors be used for the main background of the sign
1138 and that light colors be used for the lettering. The use of the following color types is
1139 encouraged for signage; nature blending, earth tone colors, neutral colors, pastel colors.
1140 Bright colors, primary colors, and metallic colors are generally best limited to accent
1141 areas. Background colors should be burgundy red, forest green, chocolate brown,
1142 black, charcoal, or navy blue. Suggested letter colors should be ivory, white, or gold.
1143 (d) Sign Illumination
1144 [1] Illuminated signs shall use an indirect lighting method, such as overhead or gooseneck
1145 lights.
1146 [2] Signs may be externally illuminated by one or more shielded, stationery bulbs
1147 projecting onto the sign.
1148 [3] Neon signs, exposed tubes filled with a gas that glows when electrified, are permitted
1149 if located behind the storefront glass.
1150 [4] Internally lit signs, fluorescent lighting, or spotlights are prohibited for signs on the
1151 exterior of buildings.
1152 (e) Materials
1153 [1] Metal and wood are traditional materials that are preferred and appropriate for historic
1154 buildings.
1155 (f) Typefaces.
1156 [1] Typefaces should be harmonious with the building and the nature of the building and
1157 should be easily legible.
1158

1159 § 230-24.13. Standards in Neighborhood Commercial Zones.
1160

1161 A. General standards and sign features: Permanent on-premise signs in the Neighborhood
1162 Commercial Zones, as identified herein, shall be subject to the standards set forth in this section.

1163 (1) OB-1 Office Building District

1164 (2) C-1 Community (Neighborhood) Commercial District
1165

- 1166 B. Subject to the regulations in this section, Neighborhood Commercial Zone properties are limited
1167 to a combination of two signs per street or road frontage. No more than one sign per street or road
1168 frontage shall be either a freestanding sign or a projecting sign. No more than one sign per street
1169 or road frontage shall be either a building sign, a canopy sign, or an awning sign.
1170 (1) Freestanding Signs
1171 (a) Freestanding signs shall be limited to one per street frontage.
1172 (b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet
1173 of sign area per side.
1174 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a
1175 minimum setback of 15 feet from adjacent property lines.
1176 (2) Projecting Signs
1177 (a) Projecting signs shall be limited to one per building façade on which any such sign is
1178 mounted except for a use that fronts on more than one street, in which case, one such sign
1179 shall be permitted per façade for each separate street frontage.
1180 (b) The sign area of any projecting sign shall be no greater than 20 square feet per side.
1181 (c) No projecting sign shall extend in a vertical dimension above the highest architectural point
1182 of the façade to which it is mounted in excess of 25% of the vertical dimension of the
1183 façade itself.
1184 (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance
1185 not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of
1186 clearance between the projecting sign and the sidewalk.
1187 (e) A property may have a projecting sign and a freestanding sign provided that the property
1188 has more than one street or road frontage provided that all other requirements governing
1189 projecting signs are met.
1190 (3) Building Signs
1191 (a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently
1192 applied to walls or other building surfaces.
1193 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed
1194 10% of the building façade in elevation view, including window and door areas and
1195 cornices to which they are affixed or applied.
1196 (4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)
1197 (a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are
1198 mounted to structures that project off the face of the building more than 18 inches.
1199 (b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding
1200 canopy, marquee, or architectural projection provided that the copy area of any such sign,
1201 as defined herein, does not exceed an area equal to 40% of the product of the height and
1202 length of the face area of the canopy, marquee, or architectural projection to which such
1203 sign is affixed or applied, or 10% of the building façade to which it is attached, whichever
1204 is greater.
1205 (c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any
1206 building or freestanding canopy, marquee, or architectural projection provided that the
1207 striping or patterns are not typically associated with the brand or company occupying the
1208 building, site or suite, and the area of any such graphic allowed treatment shall not be
1209 calculated as a component of permitted copy area.
1210 (5) Awning Signs
1211 (a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are
1212 permitted provided that the copy area does not exceed an area equal to 40% of the product
1213 of the height and length of the face area of the awning to which the sign is affixed or
1214 applied, or 10% of the building façade to which it is attached, whichever is greater.
1215 (b) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be

1216 permitted on the face or side surfaces of any awning or backlit awning provided that the
1217 striping or patterns are not typically associated with the brand or company occupying the
1218 building, site or suite, and the area of any allowed such graphic treatment or embellishment
1219 shall not be calculated as a component of permitted copy area.

1220 (6) Electronic Message Centers are prohibited except as may be permitted by conditional use
1221 approval from City Council on properties used for any of the following uses

1222 (a) Public and private schools

1223 (b) Churches and other places of worship

1224 (c) Social clubs or fraternal, social service, union, or civic organizations

1225

1226 § 230-24.14. Standards in Business Park and Office Zones.

1227

1228 A. General standards and sign features: Permanent on-premise signs in the Business Park and Office
1229 Zones, as identified herein, shall be subject to the standards set forth in this section.

1230 (1) BP Business Park District

1231 (2) OC-1 Office Complex District

1232

1233 B. Subject to the regulations in this section, Business Park and Office Zone properties are limited to
1234 a combination of two signs per street frontage.

1235 (1) Freestanding Signs

1236 (a) Freestanding signs shall be limited to one per street frontage.

1237 (b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 48 square feet of
1238 sign area per side.

1239 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a
1240 minimum setback of 15 feet from adjacent property lines.

1241 (2) Projecting Signs: Prohibited

1242 (3) Building Signs

1243 (a) Building signs include wall or fascia signs, and signs otherwise permanently applied to
1244 walls or other building surfaces.

1245 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed
1246 10% of the building façade in elevation view, including window and door areas and
1247 cornices to which they are affixed or applied.

1248 (4) Canopy Signs: Prohibited.

1249 (5) Awning Signs: Prohibited.

1250 (6) Electronic Message Centers are prohibited except that electronic message centers may be
1251 permitted by conditional use approval from City Council on properties used for any of the
1252 following uses

1253 (a) Public and private schools

1254 (b) Churches and other places of worship

1255 (c) Social clubs or fraternal, social service, union, or civic organizations

1256

1257 § 230-24.15. Standards in Institutional Zones.

1258

1259 A. General standards and sign features: Permanent on-premise signs in the Institutional Zones, as
1260 identified herein, shall be subject to the standards set forth in this section.

1261 (1) H-1 Institutional Development District

1262 (2) IM Institutional Medical District

1263 (3) IS Institutional Service District

1264

1265 B. Subject to the regulations in this section, Institutional Zone properties as regulated by reference to

- 1266 types noted below are limited to a combination of two signs per street frontage.
 1267 (1) Freestanding Signs
 1268 (a) Freestanding signs shall be limited to one per street frontage.
 1269 (b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 120 square feet
 1270 of sign area per side.
 1271 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a
 1272 minimum setback of 25 feet from adjacent property lines.
 1273 (2) Projecting Signs: Prohibited.
 1274 (3) Building Signs
 1275 (a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently
 1276 applied to walls or other building surfaces.
 1277 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed
 1278 5% of the building façade in elevation view, including window and door areas and cornices
 1279 to which they are affixed or applied.
 1280 (4) Canopy Signs: Prohibited.
 1281 (5) Awning Signs: Prohibited.
 1282 (6) Electronic Message Centers are prohibited except as may be permitted by conditional use
 1283 approval from City Council on properties used for any of the following uses
 1284 (a) Public and private schools
 1285 (b) Churches and other places of worship
 1286 (c) Social clubs or fraternal, social service, union, or civic organizations

1287
 1288 § 230-24.16. Standards in Commercial and Industrial Zones.
 1289

- 1290 A. General standards and sign features: Permanent on-premise signs in the Commercial and Industrial
 1291 Zones, as identified herein, shall be subject to the standards set forth in this section.
 1292 (1) C-3 Highway Commercial District
 1293 (2) I-1 Limited Industrial District
 1294 (3) I-2 General Industrial District
 1295

- 1296 B. Subject to the regulations in this section, Commercial and Industrial Zone properties are limited to
 1297 a combination of two signs per street or road frontage. No more than one sign per street or road
 1298 frontage shall be either a freestanding or a projecting sign. No more than one sign per street or
 1299 road frontage shall be either a building sign, a canopy sign, or an awning sign.

- 1300 (1) Freestanding Signs
 1301 (a) Freestanding signs shall be limited to one per street frontage. In the case of shopping
 1302 centers with separate buildings or pad sites, one additional freestanding sign will be
 1303 permitted for each separate building or pad site.
 1304 (b) Freestanding signs shall not exceed 28 feet in height and shall not exceed 225 square feet
 1305 of sign area per side.
 1306 (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a
 1307 minimum setback of 25 feet from adjacent property lines.
 1308 (d) Shared Freestanding Signs
 1309 [1] For adjoining nonresidential properties, a freestanding sign structure may be shared
 1310 among adjoining property owners or tenants solely for the purpose of identification of
 1311 the adjoining property or business located thereon.
 1312 [2] The permit application for a shared freestanding sign shall be accompanied by an
 1313 agreement regarding ownership and maintenance obligations for the shared sign
 1314 executed by the adjacent property owners or tenants, as the case may be.

- 1315 (2) Projecting Signs

- 1316 (a) Projecting signs shall be limited to one per building façade on which any such sign is
1317 mounted per each separate street frontage.
- 1318 (b) The area of any projecting sign shall be no larger in area than 20 square feet per side.
- 1319 (c) No projecting sign shall extend in a vertical dimension above the highest architectural point
1320 of the façade to which it is mounted in excess of 25% of the vertical dimension of the
1321 façade itself.
- 1322 (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance
1323 not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of
1324 clearance between the projecting sign and the sidewalk.
- 1325 (e) A property may have a projecting sign and a freestanding sign provided that the property
1326 has more than one street or road frontage provided that all other requirements governing
1327 projecting signs are met.
- 1328 (3) Building Signs
- 1329 (a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently
1330 applied to walls or other building surfaces.
- 1331 (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed
1332 15% of the building façade in elevation view, including window and door areas and
1333 cornices to which they are affixed or applied.
- 1334 (c) In the case of a shopping center or a group of stores or other business uses on a lot held in
1335 single and separate ownership, the provisions of this section relating to the total area of
1336 signs permitted on a premise shall apply with respect to each building, separate store,
1337 separate storefront, or separate use.
- 1338 (4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)
- 1339 (a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are
1340 mounted to structures that project off the face of the building more than 18 inches.
- 1341 (b) Signs affixed or applied in an essentially flat plan to the face of a building or freestanding
1342 canopy, marquee, or architectural projection provided that the copy area of any such sign,
1343 as defined herein, does not exceed an area equal to 40% of the product of the height and
1344 length of the face area of the canopy, marquee, or architectural projection to which such
1345 sign is affixed or applied, or 10% of the building façade to which it is attached, whichever
1346 is greater.
- 1347 (c) In the case of a shopping center or a group of stores or other business uses on a lot held in
1348 single and separate ownership, the provisions of this section relating to the total area of
1349 signs permitted on a premise shall apply with respect to each building, separate store,
1350 separate storefront, or separate use.
- 1351 (d) Graphic treatment in the form of striping or patterns shall be permitted on the face of any
1352 building or freestanding canopy, marquee, or architectural projection provided that the
1353 striping or patterns are not typically associated with the brand or company occupying the
1354 building, site or suite, and the area of any such graphic allowed treatment shall not be
1355 calculated as a component of permitted copy area.
- 1356 (5) Awning Signs
- 1357 (a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are
1358 permitted provided that the copy area does not exceed an area equal to 40% of the product
1359 of the height and length of the face area of the awning to which the sign is affixed or
1360 applied, or 10% of the building façade to which it is attached, whichever is greater.
- 1361 (b) In the case of a shopping center or a group of stores or other business uses on a lot held in
1362 single and separate ownership, the provisions of this section relating to the total area of
1363 signs permitted on a premise shall apply with respect to each building, separate store,
1364 separate storefront, or separate use.
- 1365 (c) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be

1366 permitted on the face or side surfaces of any awning or backlit awning provided that the
1367 striping or patterns are not typically associated with the brand or company occupying the
1368 building, site or suite, and the area of any allowed such graphic treatment or embellishment
1369 shall not be calculated as a component of permitted copy area.

1370 (6) Electronic message centers are permitted on properties used for non-residential purposes as
1371 part of a freestanding sign or building sign subject to the regulations of this Article.

1372
1373 § 230-24.17. Additional Standards.
1374

1375 A. Applicability. These regulations apply to all signs regulated by this Code.
1376

1377 B. Sign placement. All signs and sign structures must be erected and attached totally on or within the
1378 site or property to which they refer, behind any applicable legal right of way.
1379

1380 C. Signs extending into the right-of-way. Except as otherwise provided herein, no sign may be
1381 erected, placed, project, or extend over or into a right-of-way.

1382 (1) Projecting, awning, and marquee signs in the Downtown Commercial Zone, projecting over a
1383 public sidewalk are permitted provided that no sign shall project farther than 2/3 of the width
1384 of the sidewalk.

1385 (2) A-frame signs. A-frame signs may be used in the Downtown Commercial Zones and in the
1386 Commercial and Industrial Zones if said signs meet the following standards:

1387 (a) The sign is entirely outside the street or roadway.

1388 (b) The sign is no larger than 10 square feet of sign area per side.

1389 (c) The sign does not obstruct a continuous path through pedestrian zone of at least four feet
1390 in width.

1391 (d) The sign is placed no further than 10 feet from the primary entrance to the associated
1392 business.

1393 (e) The sign does not constitute an off-premise sign.

1394 (f) The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of
1395 the following:

1396 [1] Transit stop areas;

1397 [2] Designated parking spaces to comply with the Americans with Disabilities Act;

1398 [3] Access ramps to comply with the Americans with Disabilities Act; or

1399 [4] Building exits including fire escapes.
1400

1401 D. Removal of signs. The City may require signs extending into the right-of-way to be modified or
1402 moved if streets are widened, or other improvements made in the right-of-way, which result in the
1403 creation of unsafe conditions. The modifications or moving will be at the owner's expense. If a
1404 nonconforming sign is moved under this requirement, it may be re-erected on the site without
1405 being brought into conformance.
1406

1407 E. Freestanding Signs may not extend into the right-of-way.
1408

1409 F. Fascia or Wall Signs.

1410 (1) Vertical extensions: Fascia or wall signs may not extend above the top of the building wall
1411 upon which they are mounted.

1412 (2) Horizontal extensions: Fascia or wall signs may not extend more than 18 inches out from the
1413 wall or structure to which they are attached.
1414

1415 G. Projecting Signs

- 1416 (1) Placement: Projecting signs are not allowed on rooftops or on pitched roofs.
1417 (2) Projecting signs may not extend over a right-of-way unless they are located in the Downtown
1418 Commercial Zone. There shall be at least eight feet of clearance between the projecting sign
1419 and the sidewalk.

1420
1421 H. Directional Signs

- 1422 (1) General standards: Directional signs that meet the standards of this subsection are allowed in
1423 all zones and are not counted in the total square footage of permanent sign allowed on any
1424 property or site.
1425 (2) Size: Freestanding directional signs may consist of up to six square feet in area per side and
1426 eight feet in height. Fascia directional signs may consist of up to 16 square feet in area per
1427 side.
1428 (3) Directional signs in any zone may have internal or external illumination.

- 1429
1430 I. Temporary Signs are prohibited in the right-of-way unless approved as part of a Special Event
1431 Permit.

1432
1433 § 230-24.18. Temporary Signage.

- 1434
1435 A. Signs that meet the standards of this section are exempt from the standards for permanent signs
1436 and are not counted in the total square footage of signage allowed on any particular property or
1437 site. Signs that do not meet the standards of this section are subject to the standards for permanent
1438 signs.

- 1439
1440 B. Temporary signs may have external or internal illumination.

- 1441
1442 C. Temporary signs and banners shall be anchored or have adequate base weight to prevent blowing
1443 away or blowing over.

- 1444
1445 D. Temporary banners: Temporary banners are subject to the following regulations:

- 1446 (1) In all Residential Zones, temporary banners are prohibited on properties used for residential
1447 purposes except that the following temporary banners are permitted for the following:
1448 (a) Holidays
1449 (b) Religious commemoration
1450 (c) Special family events
1451 (d) New development home sales and model homes
1452 (2) In all other zones and for non-residential uses in Residential Zones, temporary banners may be
1453 permitted by the Code Official after obtaining a Special Event Sign Permit and meeting the
1454 following standards:
1455 (a) Permits may be issued for Special Events, including but not limited to Festivals, Grand
1456 Openings, Closing Sales, and Holiday Sales.
1457 (b) Three Special Event Sign Permits may be issued in a calendar year for each property or,
1458 on a multi-use property, each storefront. Each Special Event Sign Permit is limited to 30
1459 days for each permit period.
1460 (c) Only two temporary banners shall be permitted for each property and shall be limited to a
1461 maximum of 32 square feet each.
1462 (d) Temporary banners shall have a minimum setback of 10 feet from the front lot line, a
1463 minimum setback of 25 feet from the right of way line of an intersection with another street
1464 or road, and a minimum setback of 15 feet from all adjacent property lines.
1465 (e) Exceptions:

1466 [1] Temporary banners are permitted on motor vehicle sales lots with a permit. Such
1467 temporary banners may be permitted at a rate not to exceed one temporary banner for
1468 each 10 motor vehicle parking/storage spaces on the premises, and any such temporary
1469 banner shall not be situated closer than 50 feet of any other temporary banner on the
1470 premises. Parking spaces required for employees, customers and service department
1471 uses shall not be counted to calculate the number of temporary banners. For purposes
1472 of this exception, the term “banner” does not include pennants, streamers, balloons or
1473 other temporary or permanent signs.

1474 (3) Any temporary banner that is faded, frayed, ripped, or otherwise damaged by weather, neglect,
1475 or other circumstances, must be removed immediately.

1476
1477 E. Temporary Wall or Fascia Signs.

1478 (1) Business Park and Office, Institutional, Commercial and Industrial Zones.

1479 (a) One temporary wall sign is allowed per property or, on a multi-use property, per storefront
1480 in these Zones and is not counted in the total square footage of permanent signage allowed
1481 on the site.

1482 (b) Temporary wall signs may be up to 20 square feet in area.

1483 (c) Temporary wall signs may not extend above roof lines.

1484 (d) Extensions into the right-of-way are prohibited.

1485 (e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

1486 (2) Residential, Downtown Commercial and Neighborhood Commercial Zones.

1487 (a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per
1488 road frontage.

1489 (c) Temporary wall signs may not extend above roof lines.

1490 (d) Extensions into the right-of-way are prohibited.

1491 (e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

1492
1493 F. Temporary Freestanding or Portable Signs.

1494 (1) Business Park and Office, Institutional, Commercial, and Industrial Zones.

1495 (a) One temporary freestanding sign is allowed per property or, on a multi-use property, per
1496 storefront in these Zones and is not counted in the total square footage of permanent
1497 signage allowed on the site.

1498 (b) Temporary freestanding signs may be up to 20 square feet in area.

1499 (c) A sign shall not contain more than two sides or facings, back to back, and shall have a
1500 minimum setback of 10 feet from the front lot line, a minimum setback of 25 feet from the
1501 right of way line of an intersection with another street or road, and a minimum setback of
1502 15 feet from all adjacent property lines. Extensions into the right-of-way are prohibited.

1503 (d) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

1504 (2) Residential, Downtown Commercial, Neighborhood Commercial Zones.

1505 (a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per
1506 road frontage.

1507 (b) A sign shall contain no more than two sides or facings, back to back, and shall have a
1508 minimum setback of five feet from the front lot line, a minimum setback of 25 feet from
1509 the right-of-way line of an intersection with another street or road, and a minimum setback
1510 of 15 feet from all adjacent property lines.

1511 (c) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

1512
1513 § 230-24.19. Off-Premise Signs.

1514
1515 Off premises signs are prohibited.

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§ 230-24.20. Electronic Message Centers.

A. General Electronic Message Center regulations

- (1) An Electronic Message Center may consist of a portion of a building sign or freestanding sign, subject to the following limitations:
 - (a) For a sign with a sign area of 32 square feet or less, all of the sign can be comprised of an Electronic Message Center.
 - (b) For a sign with a sign area of greater than 32 square feet, the electronic message center portion of the sign cannot exceed 70% of the sign area or 100 square feet per sign, whichever is less.
- (2) All Electronic Message Centers shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the Electronic Message Center lighting level at night into compliance with Chapter § 230-24.21, Sign Illumination Standards. The owner of the Electronic Message Center shall provide a certification by an independent contractor of the lumens showing compliance with the Illumination Standards at the time of building permit issuance.
- (3) The owner of the Electronic Message Center shall provide the City with contact information for a person who is available at any time to turn off the Electronic Message Center promptly if a malfunction occurs.
- (4) All Electronic Message Center display features and functions are permitted, except that the following features and functions are prohibited:
 - (a) Flashing.
 - (b) Full motion video or film display via an electronic file imported into the Electronic Message Center software or streamed in real time into the Electronic Message Center.

§ 230-24.21. Sign Illumination Standards.

Signs may be illuminated consistent with the following standards:

- A. A sign in any Zone may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m² or Nits, regardless of the method of illumination.
- B. The following signs are prohibited:
 - (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of any roadway or residential area.
 - (2) Signs which are of such intensity or brilliance as to cause glare or to impair the vision of any resident or the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle.
 - (3) Signs which are so illuminated that they interfere with the effectiveness of or obscures an official traffic sign, device or signal.
- C. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded to focus light only on the sign.
- D. All illuminated signs must comply with the maximum luminance level of 750 cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level

1566 throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA,
1567 at which time the sign may resume luminance levels appropriate for daylight conditions, when
1568 required or appropriate.

1570 E. No illuminated sign, including Electronic Message Centers, shall have a maximum illuminance
1571 level greater than 0.30 foot candle above ambient light, as measured using a foot candle meter, or
1572 similar technology, at a preset distance. Preset distances to measure the foot candle impact vary
1573 with expected viewing distances of each sign size. Measurement shall be based upon the sign area
1574 using the following formula:

<u>Sign Area (in square feet)</u>	<u>Measurement Distance (in feet)</u>
<u>10</u>	<u>32</u>
<u>50</u>	<u>71</u>
<u>100</u>	<u>100</u>
<u>200</u>	<u>141</u>
<u>300</u>	<u>173</u>

1576 Notes: For signs with a sign area in square feet other than those measurements specifically listed
1577 in the table above, the measurement distance shall be calculated with the following formula:
1578 Measurement Distance = Sign Area in Square Feet x 100

1581 F. On-premise signs shall not be used as a form of outdoor lighting at night for security purposes or
1582 egress illumination.

1584 § 230-24.22. Nonconforming Signs.

1586 A. Except as otherwise provided in this Article, nonconforming signs may remain on the property
1587 where located.

1589 B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must
1590 be brought into conformance with the sign regulations except that nonconforming signs required
1591 to be moved because of public right-of-way improvements may be re-established. Removable
1592 faces or sign panel inserts in a cabinet style may also be changed by right and such change does
1593 not constitute a structural alteration nor trigger a loss of nonconforming status.

1595 C. Ownership. The status of a nonconforming sign is not affected by changes in ownership of the
1596 sign or of the property where the sign is located.

1598 D. Except as otherwise provided in this Article, once a sign is altered to conform or is replaced with
1599 a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may
1600 not be re-established.

1602 E. If an on-premises sign or an off-premises sign is abandoned, as defined by this Article, the sign
1603 shall no longer be considered a nonconforming sign and shall be removed from the property or
1604 otherwise brought into compliance with this Article.

1606 F. Nothing in this subsection shall require any change in the plans, construction, or designated use of
1607 any sign or part thereof, the construction of which shall be lawfully in progress at the time of
1608 passage of this Article or for which a permit shall have been issued pursuant to law, provided that
1609 construction shall be promptly and diligently pursued.

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G. In any case where a district boundary line crosses a sign which existed at the time such boundary was established, a sign permitted in the less restricted of the two districts may be extended as a nonconforming sign during the life of said sign into that part of the sign situated within the more restricted district.

H. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards.

(1) Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.

(2) Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials as long as the work is completed within 12 months of the destruction.

§ 230-24.23. Construction and Structural Requirements.

A. Structural Standards.

(1) Signs, sign structures, sign foundations, and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of Chapter 88 Building Construction. All signs and their foundations and attachments must be designed for the appropriate dead, wind, and snow loads for the geographic area in question.

(2) The supports and foundations used for construction for all signs and sign structures must be located outside of any right-of-way.

(3) Welds of sign structures and sections of sign structures must be welded in accordance with Chapter 88 Building Construction.

B. Engineering Standards.

(1) Signs, sign structures, sign foundations, and anchorages to a building must be individually designed in accordance with Chapter 88 Building Construction and the provisions of this Article.

(2) The Building Code Official may waive the requirement for a signed, sealed design construction plan as set forth in Chapter 88 for an on-premises sign if the permit application contains sufficient information to satisfy the Building Code Official that the sign will be constructed to meet the structural standards of this Article.

C. Clearances.

(1) Vision clearance areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of right-of-ways, alleys, or driveways. The sides of the triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in either/each direction. No sign may be installed within this clear site triangle.

(2) Vehicle area clearances. In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

(3) Pedestrian area clearances. When a sign or awning extends more than one foot over a sidewalk, walkway or other space used by pedestrians, the bottom of the structure must be at least 8 feet above the ground.

(4) Clearances from fire escapes, means of egress, or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the

- 1660 free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or
1661 awnings to a fire escape are prohibited.
1662 (5) Obstruction of windows and ventilation. Signs, sign structures, and awnings are prohibited
1663 from being installed in any way that obstructs any building openings to such an extent that
1664 light, ventilation, or exhaust are reduced to a level below that required by either Chapter 88
1665 Building Construction or Chapter 174 Property Maintenance.
1666
1667 D. Signs, sign structures, supports, foundations, panels, and methods to attach the sign to the structure
1668 shall be removed when the principal structure on the lot is demolished.
1669

1670 § 230-24.24. Maintenance Requirements
1671

- 1672 A. Signs, sign structures, and awnings, together with their supports, braces, guys, anchors, and
1673 electrical components must be maintained in a proper state of repair. The City Manager may order
1674 the removal of any sign, sign structure, or awning that is not maintained in accordance with this
1675 Code.
1676

1677 B. Dangerous Structures and Equipment

- 1678 (1) Signs, sign structures, or awnings that are dangerous must be taken down and removed or made
1679 safe as the City Manager deems necessary. Signs may be deemed dangerous for one or more
1680 of the following reasons:

1681 (a) Whenever a sign structure or its foundation, a sign's attachments to a building, or a building
1682 to which a sign is attached is damaged by fire, earthquake, wind, flood, or by any other
1683 cause, to such an extent that the structure's strength or stability is materially less than it
1684 was before the catastrophe and is less than the minimum requirements of the Building
1685 Code;

1686 (b) Whenever any portion or member of a sign, sign structure, or awning is likely to fail, or
1687 become detached or dislodged, or to collapse;

1688 (c) Whenever any portion or member of a sign, sign structure, or awning is likely to partially
1689 or completely collapse as a result of any cause, including, dilapidation, deterioration, or
1690 decay, faulty construction or wiring, or removal, movement or instability of any portion of
1691 the ground or building necessary for supporting such structure;

1692 (d) Whenever a sign, sign structure, or awning is structurally or electrically unsafe or otherwise
1693 hazardous to human life or safety by reason of inadequate maintenance, dilapidation,
1694 obsolescence, fire hazard, disaster, damage, or abandonment;

- 1695 (2) All signs, sign structures and awnings determined after inspection by the City Manager to be
1696 dangerous must be abated by repair, rehabilitation, demolition, or removal.
1697

1698 § 230-24.25. Comprehensive Signage for Major Subdivisions and Complexes
1699

- 1700 A. Purpose. In recognition that large developments and complexes have signage needs that may not
1701 be adequately addressed by the standard sign regulations of Chapter 230, this section is specifically
1702 intended to establish an optional procedure for approval of comprehensive signage plans for such
1703 projects.
1704

- 1705 B. Qualifications. Comprehensive signage plans may only be submitted in conjunction with the
1706 following types of development projects:

1707 (1) Major subdivisions and residential developments involving more than one entrance or
1708 involving 200 or more dwelling units;

1709 (2) Planned unit developments;

- 1710 (3) Shopping centers;
1711 (4) Groups of three or more nonresidential principal structures under common management and
1712 located on one or more contiguous properties; or
1713 (5) Any institutional complex, professional office, medical or educational campus, or business
1714 park.
1715
1716 C. Standards. Comprehensive signage plans shall comply with the following standards:
1717 (1) If approved, comprehensive signage plans may not be held to the size, height, numbers, and
1718 area regulations for signs found in other sections of this Article provided that the number, type,
1719 and size of signs proposed shall not be excessive and must be in proportion to the scale of the
1720 buildings and the uses planned for the site.
1721 (2) All proposed signage shall be designed and coordinated with the overall architectural concept
1722 for the buildings on the site. Sign type, color scheme, size, and illumination shall be
1723 coordinated and compatible with the architecture of the development so as to formulate a
1724 thematic sign plan for the site.
1725 (3) Wall-mounted signs shall be coordinated with the overall design theme of the site and designed
1726 as an integral component of the facades of buildings.
1727 (4) Site landscaping shall be designed to complement and not conflict with sign placements.
1728 (5) No off-premises signage will be permitted as part of an application for a comprehensive
1729 signage plan.
1730
1731 D. Approval process.
1732 (1) Comprehensive signage plans shall be submitted for review by the Planning Commission for
1733 the purpose of providing commentary and recommendation to the City Council, if applicable.
1734 The City Council shall have authority to approve or deny the comprehensive signage plans,
1735 except for applications that are not required to be reviewed by City Council, in which case the
1736 Planning Commission shall have the authority to approve or deny the comprehensive signage
1737 plans.
1738 (2) Applicants may submit a comprehensive signage plan in conjunction with, and as a component
1739 of, any Preliminary Site Plan or Preliminary Major Subdivision application, for review and
1740 consideration by the Planning Commission and City Council, if applicable.
1741 (3) Owners of existing developments or previously approved but not completed developments, or
1742 successors in interest thereto, including but not limited to legally created homeowners
1743 associations, that own and control subdivision identification signage in subdivision that meet
1744 the qualifications of Chapter 230-24.25(B) may submit a comprehensive signage plan for
1745 consideration as a conditional use site plan in accordance with the procedures set forth in
1746 Chapter 230 of this Code.
1747 (4) Sign permits shall be obtained for each sign approved for installation as part of a
1748 comprehensive signage plan prior to the installation or placement of the sign.
1749
1750 E. Submission requirements. The following minimum submission materials shall accompany any
1751 request for consideration of a comprehensive signage plan.
1752 (1) A site plan which details the signage proposed to include the physical location of all existing
1753 and proposed signs on the property and their relationship to all existing and proposed buildings,
1754 structures, streets, parking areas, stormwater management ponds, and all other physical
1755 features of the site.
1756 (2) Fully dimensioned elevation drawings of each proposed sign. Proposed wall-mounted signs
1757 shall be illustrated as a component of the architectural elevation drawing of the building façade.
1758 (3) Colored renderings of each proposed sign.
1759 (4) Miscellaneous specifications to include proposed illumination type, mounting details, and

1760 materials proposed.

1761

1762 F. Planning Commission and City Council considerations. In considering approval of comprehensive
1763 signage plans, the Planning Commission and City Council shall take into consideration the public
1764 health, safety, and welfare, the comfort and convenience of the public in general, and the residents,
1765 businesses, and property owners in the immediate vicinity in particular, and shall ensure that
1766 qualifying developments are afforded adequate, but not excessive, signage.

1767

1768 § 230-24.26. Severability.

1769

1770 If any portion of this Ordinance, Article, Section, or subdivision thereof shall be declared unconstitutional
1771 or in violation of the general laws of this state, such declaration shall not affect the remainder of this
1772 Ordinance and Article which shall remain in full force and effect.

1773

1774 § 230-24.27. Substitution.

1775

1776 The owner of any sign that is otherwise allowed under this Article may substitute non-commercial copy
1777 in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without
1778 any additional approval or permitting. The purpose of this section is to prevent inadvertent favoring of
1779 commercial message over any other non-commercial messages. This provision prevails over any more
1780 specific provision to the contrary. This provision does not create a right to increase the total amount of
1781 signage on a parcel or to allow the substitution of an off-premises commercial message in place of an on-
1782 premises commercial message.

1783

1784 § 230-25. Reserved.

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1786 § 230-26. Reserved.

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City of Milford
Sign Types and Allowable Dimensions and Restrictions

1789

ZONING

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City of Milford

Sign Types and Allowable Dimensions and Restrictions

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Zoning District	Types of Signs												
	Wall or Mailbox (residence/occupant ID)		Freestanding [mounted on post(s)]		Fascia: Commercial (wall, roof edge, etc.) (of wall square feet)	Hanging/Projecting (extended from wall) (square-feet)	Marquee (movable letters)		Illuminated (nonflashing)		EMB	Mobile (mounted, trailer, etc.)	Billboard
	Height (inches)	Square feet	Height	Square feet			Height	Square feet	Height	Square feet			
R-1	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohib	N/A	Prohibi

												ited		ted
R-2	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
R-3	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
C-1	42 in	2	48 in	4	10%	15	48 in	9	48 in	4	4	Prohibited	N/A	Prohibited
C-2	N/A	N/A	48 in	4	10%	20	48 in	9	48 in	4	4	Prohibited	N/A	Prohibited
C-3	N/A	N/A	28 ft	225	10%	20	10 ft	48	28 ft	225	225	Height ÷ greater than 2', max 5' Width ÷ max 12' Max 32-sq ft total	N/A	Condi tional use per DeIDOT standar ds
H-1	N/A	N/A	25 ft	70	5%	N/A	N/A	N/A	25 ft	70	70	Prohibited	N/A	Prohibited
OC-1	N/A	N/A	28 ft	225	5%	N/A	10 ft	48	28 ft	225	225	Prohibited	N/A	Prohibited
I-1	N/A	N/A	28 ft	200	5%	N/A	10 ft	48	28 ft	200	200	Prohibited	N/A	Prohibited
I-2	N/A	N/A	28 ft	200	5%	N/A	10 ft	48	28 ft	200	200	Prohibited	N/A	Prohibited

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Section 18: Dates.

Planning Commission Review and Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Review and Public Hearing: November 25, 2019

Effective: December 5, 2019

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 10/30/19



TO: City Council & Planning Commission Members
FROM: Rob Pierce, Planning & Economic Development Director
DATE: November 19, 2019
RE: Sign Code Update – Executive Summary
Ordinance 2019-38

BACKGROUND

In May 2018, the Community & Economic Development Committee discussed the need for updating Milford’s sign ordinance. It was determined that the Chamber of Commerce, Downtown Milford, Inc. and sign company representatives would work with the Planning Commission to review the current ordinance and prepare a draft code amendment. Staff attempted to schedule a Planning Commission workshop in the fall of 2018, but found it difficult to get a commitment from other stakeholders for the evening meetings. Due to the scheduling conflicts, staff organized a working group comprised of one City Council member, one Planning Commissioner and the organizations listed above. The “Sign Code Working Group” included the following members;

Michael Boyle, Ward 1 Councilmember
Raymond Lynch, Planning Commissioner
James Sharp, Esquire, Moore & Rutt
Jo Schmeiser, Chamber of Commerce
Murrie Zlotziver, Downtown Milford, Inc.
Lynn Rogers, Rogers Sign Company

David Mosley, East Coast Signs
Wendy Longstreet, Phillips Signs
Eric Norenberg, City of Milford
Rob Pierce, City of Milford
Evan Miller, City of Milford

The working group met five (5) times between November 2018 and February 2019 to review the current code and discuss recommendations on improvements to the ordinance. The major items of discussion included the following:

1. The existing sign regulations are located throughout Chapter 230 Zoning and are not in one location.
2. The definitions section needed to be updated and modernized.
3. Portions of the sign code are ambiguous and contain conflicting language.
4. There is very little guidance on how to address legal non-conforming signs and maintenance of existing signs.
5. The group felt signs should be constructed with durable, high-quality materials, and some guidance should be provided within the code related to construction materials.
6. The Electronic Message Center (EMC) sign regulations needed to be updated based on advances in technology and should include more detailed illumination standards.

7. The City should consider allowing EMC Signs in other zoning districts besides C-3 Highway Commercial, and should consider allowing larger EMCs.
8. There are no regulations for signage for non-residential uses in residential zones (schools, churches, etc.) in the current code.
9. Temporary sign regulations in existing code are not “content neutral.”
10. There are no specific regulations for off-premise Signs (Billboards).

Generally speaking, the working group found the current sign code disjointed, difficult to interpret and fairly restrictive.

The Planning Commission held three workshops prior to their regularly scheduled monthly meetings for June, July and August 2019 to discuss the findings of the working group, review draft code changes presented by staff and provide recommendations on additional code revision items. Enclosed is the final copy reviewed and prepared by the Planning Department and Solicitor Sharp with input from the working group and the Planning Commission. Below is a summary of the major items that have been updated. Each section provides a comparison between the current sign code and the proposed sign code related to the particular subject.

OVERVIEW OF CODE CHANGES

Utilize the United States Sign Council (USSC) Foundation On-Premise Sign Code Template and consolidate regulations into one single article.

Current Code: The current sign regulations can be found in Chapter 230 Article VI and within each zoning district’s use and area regulations section. There appears to be no consistency in format. Definitions for signs are provided amongst all other definitions for Chapter 230 Zoning and include outdated terminology.

Proposed Code: The draft code amendment utilizes an on-premise sign code template prepared by the United States Sign Council Foundation. The USSC template was prepared by sign industry experts and serves as a starting point, by providing updated definitions, more appropriate terminology, clear sign area calculations, sign type illustrations, maintenance and construction standards, and a general format for a content neutral sign code. One of the goals of the update was to consolidate the sign regulations into a single article for ease of use for business owners, sign companies and staff.

The draft ordinance has removed the old language from Chapter 230 within the definitions section, each zoning category and the former Article VI in its entirety and replaces it with the updated language.

Sign Heights, Areas and Setbacks

Current Code: There appears to be no consistency for some of the size regulations in relationship to one another and the uses within the zoning districts. Staff found through field measurements, that several signs in the residential zoning categories and signs in the BP, OC-1, C-1 and OB-1 zoning districts do not comply with the current standards and are considered non-conforming. Table 1 provides the current sign regulations.

Table 1 – Current Sign Regulations

Zones	Freestanding		Building	Canopy	Awning	Projecting	EMC
	Height	SF	%	%	%	SF	
R-1	?	20 (subdivision only)	2 sf (home occupation)	n/a	n/a	n/a	Prohibited
R-2	?	20 (subdivision only)	2 sf (home occupation)	n/a	n/a	n/a	Prohibited
R-3	?	20 (subdivision only)	2 sf (home occupation)	n/a	n/a	n/a	Prohibited
R-8	?	20 (subdivision only)	2 sf (home occupation)	n/a	n/a	n/a	Prohibited
C-2	4	4	10	10?	10?	20	Prohibited
C-2A	4	4	10	10?	10?	20	Prohibited
C-1	4	4	10	10?	10?	15	Prohibited
OB-1	n/a	n/a	20 sf	n/a	n/a	n/a	Prohibited
BP	6	48	10	10?	10?	n/a	Prohibited
OC-1	28	225	5	5?	5?	n/a	Prohibited
H-1	25	70	5	5?	5?	n/a	Prohibited
IM	n/a	18/36	n/a	n/a	n/a	n/a	Prohibited
IS	n/a	100	5%/100 sf	n/a	n/a	n/a	Prohibited
I-1	28	200	5	5?	5?	n/a	Prohibited
I-2	28	200	5	5?	5?	n/a	Prohibited
C-3	28	225	10	10?	10?	20	Permitted max 32 sf

*EMCs are permitted within the C-3 zoning category but are limited to 32 square feet in area.

Proposed Code: The proposed code would adjust the sign height, size, area and setback regulations better reflect what has been constructed in the field. The zoning categories have been grouped into zones based on the types of uses and intensity of uses. Area regulations were derived using the former code as a starting point, comparing the old code to what was constructed in the field, and coming up with more reasonable height, area and setback requirements for each type of zone based on the character of these areas along with the general traffic types (high speed vehicles, low speed vehicles, pedestrian traffic).

The proposed code would allow shared freestanding signs for adjoining non-residential properties to reduce sign clutter and allow those commercial properties with limited highway frontage the ability to advertise their business. Shared freestanding signs would require verification of an easement between property owners along with an executed agreement for long-term maintenance.

See proposed Chapter 230-24.11 through 24.16 for specific language pertaining to each zone.

Table 2 shows the proposed sign regulations.

Table 2 – Proposed Sign Regulations

Zones	Freestanding				Building	Canopy	Awning	Projecting	EMC
	Height	SF	Front Setback	Side Setback	%	%	%	SF	
Residential Zones (R-1, R-2, R-3, R-8)	Prohibited	Prohibited		Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Subdivision	4	64		64	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Home Occupation	4	6	15	5	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Non-residential Uses	10	48	5	15	Prohibited	Prohibited	Prohibited	Prohibited	Permitted by Conditional Use for Specific Uses Only
Downtown Commercial Zones (C-2, C-2A)	6	24	10	15	10	40	40	20	Prohibited
Neighborhood Commercial Zones (C-1, OB-1)	6	24	10	15	10	40	40	20	Permitted by Conditional Use for Specific Uses Only
Business Park and Office Zones (BP, OC-1)	10	48	10	15	10	Prohibited	Prohibited	Prohibited	Permitted by Conditional Use for Specific Uses Only
Institutional Zones (H-1, IM, IS)	10	120	10	25	5	Prohibited	Prohibited	Prohibited	Permitted by Conditional Use for Specific Uses Only
Commercial and Industrial Zones (I-1, I-2, C-3)	28	225	10	25	15	40	40	20	Permitted by-right

*EMCs would be permitted within the C-3, I-1 & I-2 zoning categories by-right and would be permitted within the R-1, R-2, R-3, R-8, C-1, OB-1, BP, OC-1, H-1, IM & IS zoning categories by conditional use approval for uses such as schools, churches, social clubs, fraternal, civic, union or social organizations. For signs 32 square feet or less, the EMC portion of the sign could make up 100% of the sign. For signs larger than 32 square feet, the EMC portion of the sign would be limited to 70% of the sign area or 100 square feet, whichever is less. Each zone governs the overall size limitation for EMCs.

Non-residential uses in Residential Zoning Districts

Current Code: The current sign code does not provide specific guidance on the allowable height, area and placement of signs for non-residential uses in residential zones. These uses include places like schools, churches, day-cares which are generally found residential areas.

Proposed Code: The proposed code amendment addresses these issues and provides guidance on sign characteristics for uses like churches, schools, daycares and similar uses that are generally found in residential zoning categories as shown in Table 2 above. See proposed Chapter 230-11 (E) for specific language.

Incorporate a Comprehensive Signage Plan review process

Current Code: Deviations from the current sign code can only be approved by the Board of Adjustment through the variance review process.

Proposed Code: The draft code amendment would allow the Planning Commission and/or City Council the ability to review and approve deviations from the proposed sign code for site plans and subdivisions as part of a comprehensive signage submission. This would allow the City to review the sign plan for these types of projects in a holistic manner and make a determination if deviations from the sign code should be permitted. See proposed Chapter 230-24.25 for specific language.

Review the current Electronic Message Center regulations

Current Code: The current code only permits EMCs within the C-3 Highway Commercial zoning category with a maximum size of 32 square feet in sign area.

Proposed Code: The draft code amendment proposes to allow EMC's in C-3, I-1 and I-2 zoning categories by-right and would allow EMCs within residential zones, neighborhood commercial and office zones and business park zones by conditional use approval from City Council. EMC's would remain prohibited in the Central Business District. For EMC signs 32 square feet or less, the EMC portion of the sign can make up 100% of the sign. For signs larger than 32 square feet, the EMC portion of the sign is limited to 70% of the sign area or 100 square feet, whichever is less.

The draft amendment utilizes illumination standards from the Sussex County sign code and provides enforcement measures for the City to ensure electronic signs meet ambient light standards, with the intention of minimizing adverse effects on neighboring property owners and vehicle operators. See proposed Chapter 230-24.20 & 230-24.21 for specific language.

No regulations for Off-Premise Signs (Billboards)

Current Code: The current code permits billboards by conditional use approval within the C-3 zoning district only. There are no specific regulations as to the height, size and spacing of such signs in the City Code and simply references receiving DelDOT approval.

Proposed Code: The draft code would prohibit any new off-premise signs within the City. See proposed Chapter 230-14.19 for specific language.

The Temporary Sign language conflicts with recent court decisions

Current: The City's temporary sign regulations are not "content neutral" and potentially violate freedom of speech laws. The current sign code regulates business, real estate and political signs differently, which conflicts with recent Supreme Court decisions. The current sign code contains language conflicts, particularly under the prohibited sign section where it lists several types of signs that are not allowed within City limits, but ends the statement with "allowance shall be determined by the Code Official." There needs to be more definitive criteria as to what is allowed and not allowed when it comes to temporary signs.

Proposed: Each property or storefront would be permitted one temporary wall sign and one temporary freestanding sign in the Business Park and Office, Institutional or Commercial and Industrial Zones. These signs would be limited to 20 square feet in area and would need to be setback 10 feet from the property line and 15 feet from side property lines.

Each property would be permitted up to 12 square feet in total sign area per road frontage within the Residential Zones for both wall signs and freestanding signs. These signs would need to be setback 5 feet from the front property line and 15 feet from adjacent property lines.

Temporary freestanding or wall signs may be displayed no longer than 90 days.

Temporary banners would be permitted under a Special Event Sign Permit for events like grand openings, closing sales, sale events, festivals and special events. Temporary banners would be limited to 2 per property or storefront and would be limited to a maximum size of 32 square feet. Three Special Event Sign Permits may be issued in a calendar year for each property or storefront, with a period of 30 days for each.

Temporary signs and banners would not be permitted within the public right-of-way, with the exception of A-Frame signs in the Downtown and Commercial Zones. All other temporary signs in the right-of-way will be removed by the Code Enforcement Official.

See proposed Chapter 230-24.18 for specific language regarding Temporary Signage.

Downtown Design Criteria

Current Code: The current sign code provides specific design criteria for signs located in the Central Business District related to design, themes, color, material and placement.

Proposed Code: The draft code amendment incorporates the signage recommendations from the Downtown Milford, Inc. (DMI) design standards into the City Code, providing regulations on size, color, placement and aesthetics. Similar to the current code, there some criteria that are mandatory while others are recommendations. City Council should note the differences between “shall” statements and “should” statements. See proposed Chapter 230-24.12(B)(7) for specific guidelines.

To: Eric Norenberg, City Manager
From: Mark A. Whitfield, Public Works Director
Subject: Policy on the Trimming and Removal of Trees from Private Property & Private Alleys
Date: November 22, 2019

The City of Milford recognizes the existence of unordained/unopened/unimproved alleys and rights-of-way with the City. These alleys existed as “paper” rights-of-way as noted on subdivision plots, and the alleys were referenced in property deeds. Because most, if not all of the alleys noted as such, are more than 20 years old, the City no longer has rights to ownership or use of the rights-of-way. While not formally vacated, staff recommends an amendment to the City Code for the vacation and abandonment of rights-of-way in order to make the ownership and responsibility of maintenance clear. In such vacation or abandonment, ½ of the of right-of-way could revert back to the abutting properties, if all the abutters agree. The vacation or abandonment of a right-of-way would not preclude the private use of the right-of-way by property owners within the subdivision. Even if the City vacates the municipalities interest, if all property owner do not agree, the alley remains “private” and must remain open for the enjoyment of the property owners within the subdivision

The City does have the right for certain tree trimming and/or tree removal on private property as outlined in the City’s Tree Ordinance and Electric Tariff. The Tree Ordinance does state that the maintenance of trees between the sidewalk and curb, within the public right-of-way, is the responsibility of the abutting property owner.

Staff recommends City Council confirm the policy of trimming or removing trees on private property and in private alleys/rights-of-way.

Confirmation of Policy: Since July 2016, the City has not completed tree removal or tree trimming on private property and in private alleys/rights-of-way unless such trimming or removal was completed in compliance with the City Code. City Council concurs and affirms the policy that the City will not remove or trim such trees on private property or in private alleys/rights-of-way unless authorized by the City Code.

Recommendation: Staff recommend Council consider authorizing the drafting of an ordinance for the abandonment and vacation of rights-of-way. The proposed ordinance should be reviewed and recommended by the Planning Commission and the Finance & Public Works Committee of Council.

Chapter 211 - TREES

[HISTORY: Adopted by the City Council of the City of Milford 5-10-2004 by Ord. No. 2003-3. Amendments noted where applicable.]

GENERAL REFERENCES

Outdoor burning - See <u>Ch. 96</u> .	Property maintenance - See <u>Ch. 174</u> .
Contractors - See <u>Ch. 107</u> .	Subdivision of land - See <u>Ch. 200</u> .
Grass, weeds and vegetation - See <u>Ch. 138</u> .	Zoning - See <u>Ch. 230</u> .

§ 211-1. - Definitions.

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

CANOPY TREE PROTECTION ZONE — All lands, whether public or private, within 25 feet of the curbline or street right-of-way.

CLEARING — Any cutting of more than five trees in a quarter-acre area.

COMMERCIAL TIMBER HARVESTING — An operation in which a landowner or representative of the landowner is compensated in any manner for the removal of trees.

CROWN — All portions of a tree excluding the trunk and roots, such as branches, leaves, flowers and other foliage.

DIAMETER AT BREAST HEIGHT (DBH) — A standard measurement of trees made at 4 1/2 feet above ground level.

FORESTRY PERMIT — A permit granted under this chapter, which allows the removal of trees for commercial timber harvesting.

because trees impede soil erosion, aid water absorption and retention, inhibit excess runoff and flooding, enhance air quality, offer a natural barrier to noise, provide a natural habitat for wildlife, provide screening and shade, enhance property values and add to the aesthetic quality of the community. Therefore, the following regulations shall address the planting, maintenance and removal of trees on both public and private property.

§ 211-3. - Preservation and Advisory Council.

There is hereby created and established a Preservation and Advisory Council which shall consist of five members. These five members will include volunteer citizens, residents and/or local business owners, and will be appointed by the Mayor with the approval of Council. The term of the five members appointed by the Mayor and approved by Council shall be three years, except the term of two of the members appointed to the first Board shall be for only one year and the term of two of the members appointed to the first Board shall be for two years. If a member leaves the Board during his or her term, his or her successor shall serve for the unexpired portion of the term.

- A. The members of the Board shall serve without compensation.
- B. The members of the Board shall have public meetings at least semi-annually .
- C. The Board shall deliver the agenda for each meeting to the City Clerk 10 days prior to the meeting date. The City Clerk shall post the agenda seven business days prior to the meeting.
- D. Any action taken by the Board at a regularly scheduled meeting shall require a majority vote of members in attendance. Attendance by three or more members shall constitute a quorum for the conduct of business by the Board. Should nature create a hazard that needs immediate attention to protect the public's safety, the City Manager shall use his/her discretion to rectify the problem in a timely manner within the bounds of this chapter.

§ 211-4. - Preservation and Advisory Council authority and responsibilities.

- A. The goal of the Preservation and Advisory Council is to ensure that the City will realize the benefits of trees by proposed policies, regulations and standards necessary to:

vistas and similar irreplaceable assets. No tree on City lands with a diameter of eight inches or more as measured 4 1/2 feet above the base of the trunk shall be removed without prior consultation with the Preservation and Advisory Council.

§ 211-5. - Standards for City-owned trees.

A. Activities created by right. The following are permitted by right:

- (1) Removal of any tree not regulated by this chapter.
- (2) Removal of any tree under an actual or on-going emergency condition when such tree removal is necessary for the protection and preservation of life or property.
- (3) Forest management activities.
- (4) Removal of two or fewer trees in the regulated setback zone within a one-quarter-acre area, provided that such trees are not significant or specimen trees.
- (5) Removal of any tree by a Cemetery Association regulated by the Delaware Division of Cemeteries.
- (6) All trees planted on City-owned land shall conform to the American Association of Nurserymen Standards and be at least 1 1/4 to 1 1/2 inches in diameter at breast height and at least eight feet tall when planted unless special conditions exist and the Board approves a deviation.
- (7) Delaware Department of Agriculture Forest Service Urban and Community Forestry recommended planting techniques for the type of tree to be planted (balled and burlap, containerized, bare root) shall be followed. Such specifications are to be given to contractors each time a contract for tree planting is awarded.

B. It shall be unlawful to conduct, directly or indirectly, any of the following:

- (1) Clearing.
- (2) Tree removal within a property's landscape buffer zone or regulated setback area.
- (3) Removal of a specimen tree.
- (4) Removal of a tree on the City's list of significant trees.
- (5)

- D. Every property owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection. Trees shall be pruned to provide a clear space above the surface of sidewalks and streets to allow for unobstructed passage of pedestrians and vehicles. Said owners shall remove all dead, diseased or hazardous trees, or broken or decayed limbs that constitute a hazard to the safety of the public.
- E. Upon finding any of the above conditions, the City shall cause the property owner to be notified of the problem and encourage the property owner to correct the problem in a timely manner. The property owner shall have 30 days from the date of the notice to comply and have the tree(s)/shrub(s) pruned. After that time period, the City and its contractor agent shall have the right to enter onto private property to prune any tree or shrub when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign or interferes with the safe passage of pedestrians and vehicles. The property owner shall assume the cost of the maintenance, and such charges shall constitute a lien on the property until paid.
- F. The City shall have the right to cause the removal of any hazardous trees or parts thereof on City-owned or private property when such trees constitute a hazard to life or property.
- G. The City shall have the right to notify private property owners to have trees on their property treated by a certified arborist when said trees are in such close proximity to City trees as to pose a threat to the health of City-owned trees. Should the property owner not comply with such request within 15 days to 60 days, the City shall have the right to have such tree(s) treated or removed, if warranted, at the property owner's expense, and such charges shall constitute a lien on the property until paid.
- H. All stumps of street and park trees shall be removed at least six inches below grade so that the top of the stump shall not project above the surface of the ground, including private street trees.

§ 211-7. - Violations and penalties.

Judy K. Carter
11 Delaware Avenue
Milford, DE 19963

September 17, 2019

The City of Milford Delaware
180 Vickers Drive
Milford, DE 19963

Att: Howard Willis, Lisa Peel, Mark Whitfield, Rob ~~Pierson~~, Eric ~~Nordberg~~

Pierce Norenberg

To Whom It May Concern:

This letter serves as notification that a tree located in the alley behind my property at 11 Delaware Avenue is damaged. This tree poses a potential danger to life and property.

Attached is a copy of a City of Milford work report from November 2015 referencing city-owned trees removed in the alley behind Delaware Avenue. As this alley and the tree are owned by the City of Milford, I am requesting that the removal and cost of removal be assumed by the City.

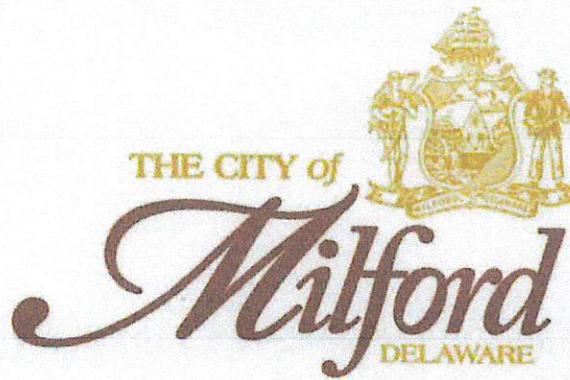
Please respond within 15 days of this letter as to the date of removal.

I can be contacted at 302-381-5573.

Sincerely,


Judy K. Carter

Attachment



ELECTRIC DEPARTMENT
(302) 422-1110 FAX (302) 422-1117

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

To: Jeff Portmann, Finance Director
Rick Carmean, Electric Superintendent

From: Jennifer Anderson, Electric Operations Manager

Date: 12/11/2015

Re: November 2015 Work Report

- The Electric Department completed (17) Work Orders/ Trouble Service Calls in October, and has in progress (12) Work Orders still open at the end of the month.

Electric

- 11/2/15 & 11/3/15 Electric Crew removed 2 big trees on Delaware Ave due to being split to the base and dead. (part of Cole Alley.-City Owned)
- 11/4/15 9 a.m. Bayhealth Meeting
- 11/4/15 Installed new street lighting at Lighthouse Estates.
- 11/5/15 Electric Crew trimmed trees along distribution lines in preparation for winter.
- 11/6/15 Electric Crew moved cubicles back to City Hall, worked on fire siren.
- 11/9/15 Electric Crew installed electric service on Church Hill Rd. and cut a tree on Charles St. that was dead.
- 11/10/15 Electric Crew repaired wire on ground at Church Hill Rd. that was torn down by truck, repaired bad underground at 515 S. DuPont.
- 11/12/15 9 a.m.-3 p.m. Chainsaw Safety Seminar at Brecknock Park in Camden. Jeremiah Curry, Rob Palladino, Brad Dean, and Dale Breeding attended.
- 11/12/15 Electric Dept. Staff Meeting.
- 11/12/15 Electric Crew trimmed trees along distribution lines in preparation for winter.
- 11/13/15 Electric Crews installed new service at Lighthouse Estates.
- 11/16/15-11/20/15 Electric Crews installed Christmas Lights downtown.
- 11/19/15 9 a.m. Bayhealth Meeting.

October 24, 2019

The City Of Milford Delaware
180 Vickers Drive
Milford, DE 19963

cc: Rob Pierce, Eric Norenberg, Howard Willis, Mark Whitfield

RE: Damaged tree in alley between 11 Delaware Avenue and 10 E. Clark Avenue (see photo)

To Whom It May Concern:

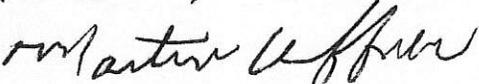
We are concerned about the danger this tree and others like it pose to life and property in our neighborhood.

We have not received an official reply to prior verbal and written requests. We urgently request that the City of Milford remove this city-owned tree immediately before injury/damage occurs.

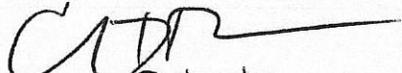
Sincerely,


Judy Carter, 11 Delaware Ave

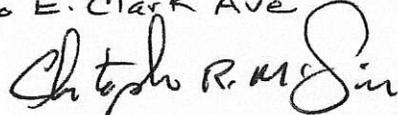

Kim C. Carter, 13 Delaware Ave


Martin Uffner, 8 E. Clark Ave


Dion Brooks, 7 Delaware Ave.


Craig Roberts
10 E Clark Ave

Sandra Walls-Culotta
6 E. Clark Ave


Christopher McGill, 9 Delaware Ave.


Bill Bullock, 6 Delaware Ave.
(owner 7 Delaware Ave)



City of Denver Ordinance

Sec. 27. - Power of council to lay out, locate, abandon, etc., streets, sidewalks, etc.

The council shall have power and authority to lay out, locate, accept, and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the city.

Whenever, the land comprehended or included in any street, or part thereof, vacated or abandoned under this section is owned by the city, the council may, in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto.

The word 'street' shall be deemed and held to comprehend and include sidewalks, lanes and alleys.

(Amd. of 7-12-2005 (S.B. 126))

ABANDONMENT OF STREETS OR ALLEYS - UNIMPROVED - Policy for City Clerk's Office

(Article II - Mayor and Council, Section 27 - Power of Council to layout, locate, abandon, etc., streets, sidewalks, etc of the Charter).

The council shall have power and authority to lay out, locate, accept, and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the city.

Whenever, the land comprehended or included in any street, or part thereof, vacated or abandoned under this section is owned by the city, the council may, in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper; and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto.

The word "street" shall be deemed and held to comprehend and include sidewalks, lanes and alleys.

Request for Alley/Street Abandonment for _____

Utility: _____

Council: _____

Council Public Hearing: _____

IMMEDIATELY UPON RECEIPT OF A REQUEST FOR ABANDONMENT OF STREETS OR ALLEYS	DATE DONE
1. Upon receipt of the request for abandonment of streets or alleys, an email should be sent to the Public Services Director (<u>1 - Email to Public Services Director</u>) to determine if the request for abandonment is for an improved or unimproved street or alley. If it is determined that the request is for an unimproved alley or street, please follow the procedure below. If the request is for an improved alley, please follow the improved Alley/Street Abandonment procedure on S:\CLERK'S OFFICE POLICIES AND	
2. The request shall be referred to the City Manager and the Utility Committee. The City Clerk's Office will send an e-mail to the City	
3. Check dates suggested by the City Manager against calendar to ensure they are not holidays.	
4. Inform the City Clerk of the meeting dates so that they may be placed on the appropriate agendas (Utility, Council, and Council Public Hearing.)	
5. Prepare a file folder (letter size). Write the dates for Utility, Council, and Council Public Hearing on the front of the folder in pencil. Place the abandonment policy	
6. Prepare a file folder label (<u>2 - File Folder Label</u>)	

<p>7. Open S:\Abandonments\current year) folder and create a new subdirectory using the property address to name the subdirectory (e.g., Galaxy Drive).</p>	
<p>8. An email, along with the request, should be sent to the City Planner's Office (3 - Request for Adjacent Property Owners) requesting a list of all affected adjacent</p>	
<p>9. All requests should include a map showing the alley/street. An email, along with the request, should be sent to the GIS Manager (Mark Nowak) (4 - Email to GIS Requesting Aerial Map) requesting him to provide an aerial map of the property (the map should also include adjacent property owners, and utilities, such as electric lines, sewer lines, and man holes. The alley/street being requested for</p>	
<p>10. An email (with the aerial map attached) should be sent to the Public Services Manager/Director of Public Works (6 - Request for Legal Description) requesting him to prepare a written description of the alley/street.</p>	
<p>11. If the requestor has provided other contacts, create a contact list in Wordperfect (7 - Contact List). Save in property subdirectory.</p>	
<p>12. A letter should be sent to the applicant advising them of the Utility, Council, and Council Public Hearing meeting dates and times (8 - Applicant Meeting Notification Letter). Make sure cc's are sent to all appropriate parties (paper for contact list, electronically for Staff and Council). Include a copy of the map with all cc's. Make a copy for the file.</p>	
<p>13. A tickler shall be set to verify that the abandonment is included on the appropriate Utility, Council, and Council Public Hearing agendas three (3) weeks prior to the meeting dates.</p>	
<p>14. Ensure that the abandonment is listed on the appropriate Utility agenda if draft agenda is available.</p>	
<p>15. A tickler notice shall be set to send the applicant a copy of the Utility Committee meeting agenda. The agenda shall be sent when it is finalized.</p>	
<p>16. Once the Utility agenda is finalized, print the agenda and highlight the abandonment. Place in abandonment file. Print relevant material from the Utility Packet and place in file as well.</p>	
<p>IMMEDIATELY FOLLOWING THE UTILITY COMMITTEE MEETING OF _____</p>	
<p>1. If the Utility Committee recommends abandonment, City Clerk's Office will use the legal description provided by the Public Services Manager/Director of Public Works (Scott Koenig) to prepare a Resolution setting the date of the public hearing. Open S:\RESOLUTION & PROCLAMATION\Resolution Listing (Current Year) to determine the number for the resolution. Add the resolution to the Resolution Listing.</p>	

<p>2. The Resolution setting the date of the public hearing should be prepared using <u>(9 - Resolution Setting the Public Hearing)</u> The description provided by Public Services should be incorporated into the Resolution and the Resolution should be saved in the subdirectory as "Resolution-Setting Public Hearing-Alley Abandonment-Address" (<i>Example: Res. No. 2010-07 - Setting Public Hearing - Alley Abandonment - Girl Scout Lane</i>). The resolution should also be saved in the property subdirectory.</p>	
<p>3. Place one (1) copy of the resolution in the abandonment file folder. Make 10 additional copies of the resolution, with the map attached, for the council packet. The Resolution and Map should be an attachment to the Utility Committee Minutes to be presented to Council for adoption during their meeting of _____. (<i>If adopted, the resolution will be incorporated into the Council minutes</i>). Copies should be provided to the Administrative Assistant along with electronic versions in original and PDF format for packet.</p>	
<p>4. Post the Resolution to the City of Dover website as a "draft" resolution and update the status of the resolution on the resolution listing.</p>	
<p>5. Prepare a "clean" copy of the resolution by removing line numbers, "draft" watermark, and " proposed" from the resolution title and actions history. Insert the adopted date. Save the "clean" resolution in S:\RESOLUTIONS & PROCLAMATIONS\Year\ADOPTED (<i>Example: Res. No. 2010-07 - Setting Public Hearing - Alley Abandonment - Adopted 08-09-2010</i>). The resolution should also be saved in the property subdirectory.</p>	
<p>6. Print a copy of the "clean" resolution and give to the City Clerk to obtain Mayor and Council President signatures.</p>	
<p>7. Ensure that the abandonment is listed on the appropriate Council agenda if a draft agenda is available.</p>	
<p>8. Once the Council agenda is finalized, print the agenda and highlight the abandonment. Place in abandonment file. Print relevant material from the Council Packet and place in file as well.</p>	
<p>IMMEDIATELY FOLLOWING THE COUNCIL MEETING OF _____</p>	
<p>1. Upon Council's adoption, copies of the above Resolution (with the adopted date and Mayor and Council President signatures) must be posted by the City Clerk in five (5) public places at least five (5) days prior to the public hearing. Post one (1) copy at City Hall and send a memo <u>(10 - Requesting Posting of Resolution)</u>, along with four (4) copies of the resolution, to the Tax Assessor requesting them to</p>	

<p>distribute/post the resolutions at Reed Street, the Library, the Pitts Center, and the Kent County Administration Building.</p>	
<p>2. The City Clerk ' s Office shall prepare a notice of Council ' s Public Hearing <u>(11 - Ad - City Council Public Hearing)</u> to be published in a local newspaper (<i>not officially required</i>) at least ten (10) days prior to the date of the Public Hearing.</p>	
<p>3. The notice shall be submitted via email to legalads@newszap.com at the Delaware State News in Word format and posted to the City ' s website as a news release. Print the email with the attachments (ad) for file.</p>	
<p>4. A tickler notice shall be set to verify that the ad was placed in the Delaware State News (DSN) on the requested date (<i>Example: If the ad was to appear in the DSN on 04/07/2010, set a reminder in Outlook for 04/07/2010 to check the DSN for the ad</i>). Be sure to make a copy of the ad in the newspaper for the file.</p>	
<p>5. Prior to the Public Hearing, the City Clerk will send a letter to all adjacent property owners <u>(12 - Letter to Adjacent Property Owners)</u> informing them of the public hearing and giving an approximate cost of conveyance fees. Make sure cc ' s are sent to all appropriate parties (paper for contact list, electronically for Staff). Make a copy for the file.</p>	
<p>6. The City Clerk ' s Office will prepare a Resolution to abandon said alley/street to be presented to Council during the Public Hearing scheduled for _____ Open S:\RESOLUTION & PROCLAMATION\Resolution Listing (Current Year) to determine the number for the resolution. Add the resolution to the Resolution Listing.</p>	
<p>7. The Resolution abandoning the said alley/street should be prepared using <u>(13 -Resolution Abandoning Alley)</u> The description provided by Public Services Manager/Director of Public Works (Scott Koenig) should be incorporated into the Resolution and the Resolution should be saved in the subdirectory as "Resolution-Abandonment of Alley/Street - Address" (<i>Example: Res. No. 2010-07 - Abandonment of Alley - Girl Scout Lane</i>).</p>	
<p>8. Place one (1) copy of the resolution in the abandonment folder. Make 10 additional copies of the resolution, with the map attached, for the council packet. The Resolution and Map should be an attachment to the Utility Committee Minutes to be presented to Council for adoption during their meeting of _____. (<i>If adopted, the resolution will be incorporated into the Council minutes.</i>) Copies should be provided to the Administrative Assistant (Amber Clendaniel) along with electronic versions in original and PDF format for packet.</p>	
<p>9. Request the Administrative Assistant (Jody Stein) to post the Resolution to the City of Dover website as a draft resolution and update the resolution listing.</p>	
<p>10. Prepare a "clean" copy of the resolution by removing line numbers, "draft"</p>	

<p>watermark, and "proposed" from the resolution title and actions history. Insert the adopted date. Save the "clean" resolution in S:\RESOLUTIONS & PROCLAMATIONS\Year\Adopted (<i>Example: Res. No. 2010-01 - Abandonment of Alley - Adopted 08-09-2010</i>). The resolution should also be saved in the property subdirectory.</p>	
<p>11. Print a copy of the "clean" resolution and give to the City Clerk to obtain Mayor and Council President signatures.</p>	
<p>12. Once the Mayor and Council signatures have been obtained, the resolution should be placed in the abandonment folder</p>	
<p>13. Ensure that the abandonment is listed on the appropriate Council agenda, if a draft agenda is available.</p>	
<p>14. Once the Council agenda is finalized, print the agenda and highlight the abandonment. Place in abandonment file. Print relevant material from the Utility Packet and place in file as well.</p>	
<p>IMMEDIATELY FOLLOWING THE CITY COUNCIL PUBLIC HEARING OF _____</p>	
<p>1. If the Abandonment was approved:</p>	
<p>A. Request the Administrative Assistant (Jody Stein) to post the "clean"</p>	
<p>B. Send a letter with a copy of the signed resolution attached to applicant and all <u>affected</u> adjacent property owners (<u>14 - Approval Letter</u>) advising them of the abandonment.</p>	
<p>C. Send a letter to the City Solicitor (<u>15 - Request for Preparation of Deeds</u>), along with the Resolution and copies of the notification letter (s) that were sent to property owners.</p>	
<p>D. After new deeds are prepared by the Solicitor, they will be forwarded to the Mayor and City Clerk for signatures. The Solicitor will then have the signed deeds recorded with the Kent County Recorder of Deeds. The fully executed deed, and a bill for conveyance costs, will be sent to those involved in the property transfer by the Solicitor.</p>	
<p>E. Update the Recorder of Deeds Summary (S:Clerk's Office/Recorder of Deeds/Summary of Deeds/Recorder of Deeds Log) to include the deeds as pending recording.</p>	
<p>F. The original recorded deed will be retained by the property owner. A copy of the recorded deed will be requested from the City Solicitor. Upon receipt, the deed will be emailed to the Tax Assessor (Cheryl Russell) and the GIS Manager</p>	

(Mark Nowak).	
G. All documents in the abandonment file folder should be scanned and indexed into the City Council and City Clerk Database in Fortis (<i>Property Files, Document Type - Abandonments</i>). Once final, the file folder shall be transferred and filed in the filing cabinet in the safe.	
2. If the Abandonment was denied:	
A. Request the Administrative Assistant (Jody Stein) to update the status of the Resolution on the city's website as "denied" and updated the status on the Resolution Listing.	
B. Send a letter to the applicant and all adjacent property owners (<u>16 - Denial Letter</u>) advising the them of the denial.	
C. All documents in the abandonment file folder should be scanned and indexed into the City Council and City Clerk Database in Fortis (<i>Property Files, Document Type - Abandonments</i>). After all files have been scanned, the file folder shall be transferred and filed in the filing cabinet in the safe.	

Forms kept in S:\CLERK'S OFFICE POLICIES AND PROCEDURES\ABANDONMENTS\BLOCKS\IMPROVED as follows:

- | | | | |
|---|----|---|------------------------------------|
| 1 - Email to Public Services Director | 8 | - | Resolution Setting Public Hearing |
| 2 - File Folder Label | 9 | - | Requesting Posting of Resolution |
| 3 - Email Requesting Adjacent Property Owners | 10 | - | Ad - City Council Public Hearing |
| 4 - Email Requesting Aerial Map | 11 | - | Letter to Adjacent Property Owners |
| 5 - Email to City Manager | 12 | - | Resolution Abandoning Alley |
| 6 - Request fo Legal Description | 13 | - | Approval Letter |
| 7 - Contact List | 15 | - | Request for Preparation of Deeds |
| 8 - Applicant Meeting Notification Letter | 16 | - | Denial Letter |

Unimproved/Paper Alley - is normally abandoned to adjacent property owners at cost of conveyance.
 Improved - is normally disposed of by abandonment through legal bidding process.



Right-of-Way

Planning Department

October 30, 2019



- ▶ Right-of-ways are dedicated to public use upon recordation but are not taken over by the City of Milford until they are improved and meet City specifications.
- ▶ To the right is a new subdivision street in a neighborhood that has not begun construction.



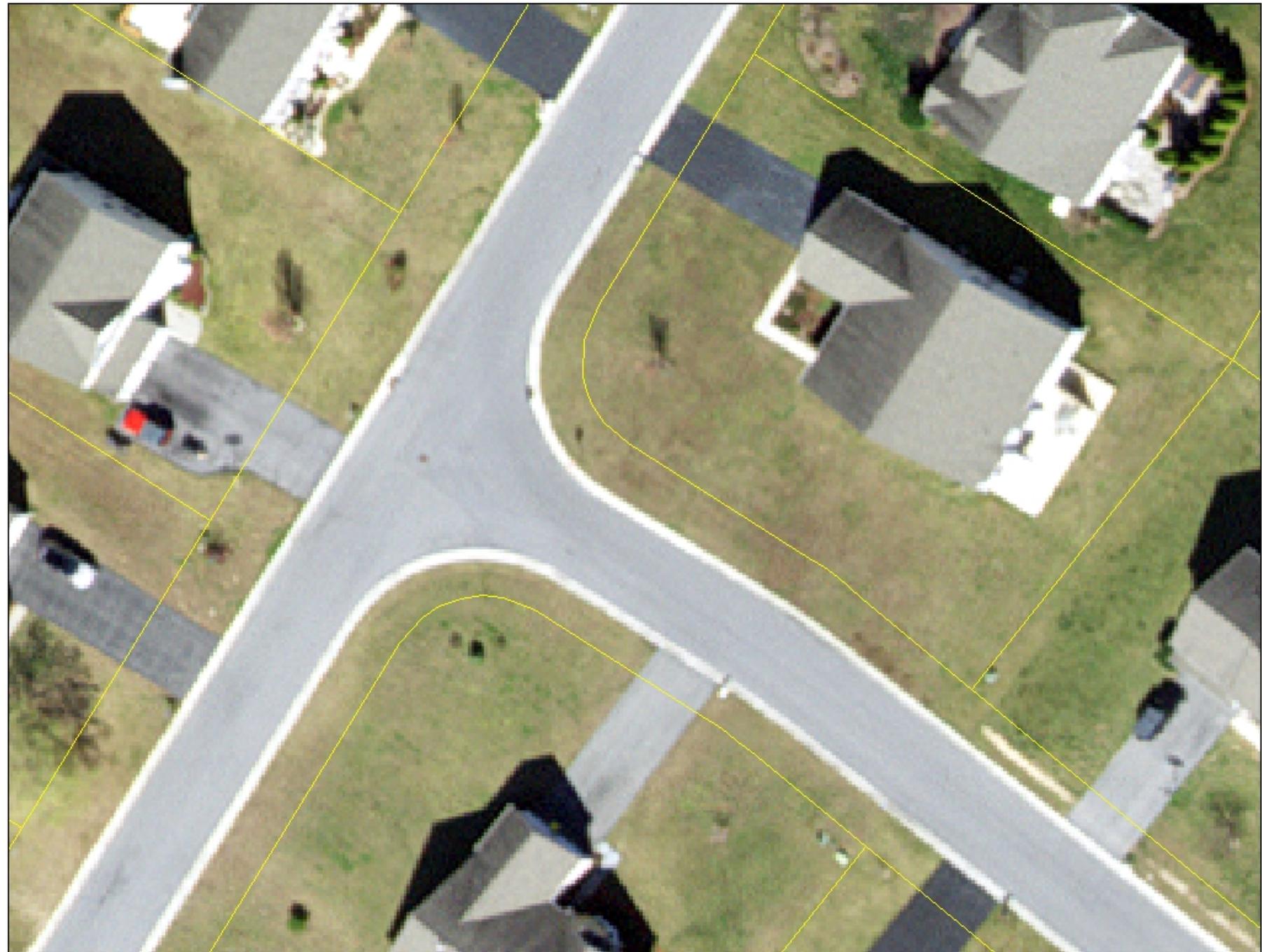


- ▶ As construction progresses, utilities are constructed by the developer within the right-of-way, along with curbing and road base. Again, maintenance responsibility is not assumed by the City until the improvements have been dedicated to the City.

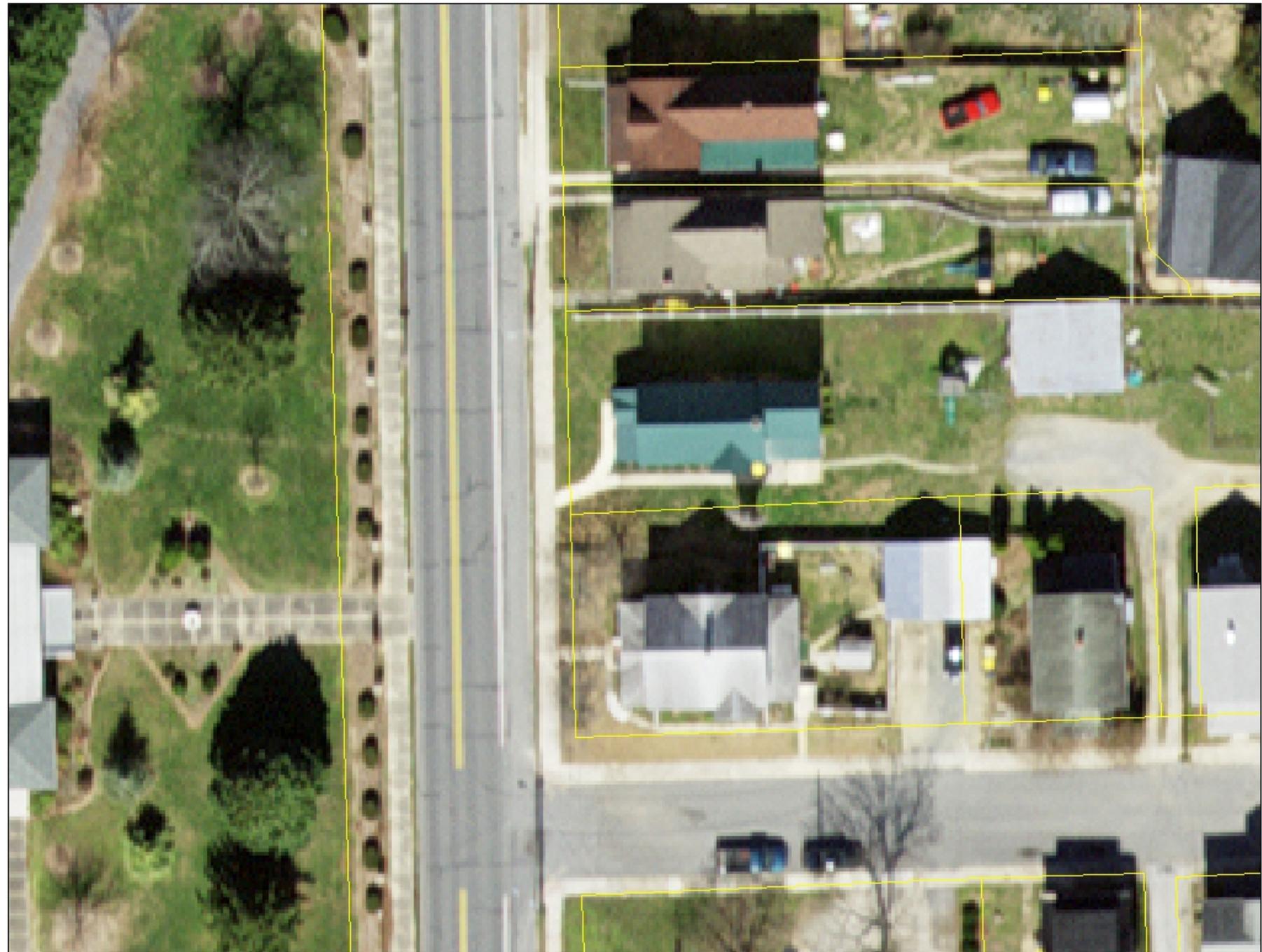




- ▶ The right-of-way is often wider than the area needed for the public improvements.
- ▶ To the right, there is approximately 12 feet between the property line and the back of curb.
- ▶ The City only maintains the curb, pavement and utilities within the right of way, and it is the property owners responsibility to maintain the grass and any vegetation between the property line and back of curb.



- ▶ This picture is along N. Walnut Street, showing trees and plantings within the public right-of-way. The City is not maintaining the vegetation and it is the property owners responsibility to make sure the vegetation does not interfere with pedestrian and vehicular traffic.





- ▶ To the right is an improved alleyway within the City.
- ▶ The City maintains the improved surface, but does not cut the excess grass outside the improved surface. This is the responsibility of the property owner.





- ▶ Here is one of many unimproved paper alleys within the City that is not maintained by the City. The yards, vegetation and trees are being maintained by the adjacent property owners to the centerline of the alley.



- ▶ The City only maintains the public improvements within public right of ways and does not cut grass, trim trees or repair sidewalks adjacent to private land. This is the responsibility of the property owner.



Questions?

From: Patricia Baker <ronrbaker@msn.com>

Date: November 11, 2019 at 10:08:54 AM EST

To: Mayor Shupe <Mayor@milford-de.gov>

Cc: "Pierce, Rob" <rpierce@milford-de.gov>, "Crouch, Christine" <CCrouch@milford-de.gov>

Subject: Resignation

Date: November 11, 2019

To: Mayor Archie Campbell

CC: Rob Pierce, City Planner and Christine Crouch, City Clerk

Subject: Resignation from Board of Adjustment (BOA)

Dear Mr. Campbell,

It has been a pleasure to serve on the BOA these past few years and my tenure has been a wonderful experience. Mostly, my service has felt like an extension of my career as an Appeals Hearing Officer, absence the stress. Recently, I have taken time for reflection and determined it's time to move on. Therefore, I resign from the BOA, effective January 31, 2020. I believe this resignation date will allow sufficient time to locate a suitable replacement. I truly thank you, the City of Milford, and those who supported me through this exceptional opportunity. I intend to look for other opportunities to serve our community.

Sincerely,
Ron Baker

**RESOLUTION XX
EXHIBIT A**

**City of Milford
City Council
Rules of Procedure and Order of Business**

FYI: Charter-Article IV. CITY COUNCIL GOVERNMENT—COMPOSITION, QUALIFICATIONS, VACANCIES AND PROCEDURE

4.08 - Procedure.

- (a) Meetings. The City Council shall meet regularly at least once in every month at such times and places as the City Council may prescribe by rule. Special meetings may be held in compliance with State law and may be on the call of the Mayor or of 4 or more members. All meetings shall be public; however, the City Council may recess for the purpose of discussing in a closed or executive session as permitted by State Law.*
- (b) Rules and Journal. The City Council shall determine its own **rules and order of business** and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Unless or until other rules are adopted, the City Council shall follow Roberts Rules of Order and parliamentary procedure.*

DEFINITIONS

Regular Meeting - Meetings where Council may deliberate toward a final decision on an agenda item including consideration of ordinances, resolutions, and the conduction of public hearings. Regular meetings are open to the public and Regular meetings of City Council shall be held on the second and fourth Monday of each month at Milford City Hall and commencing at 7:00 p.m. In the case of a City holiday on said Monday, the meeting shall be held the following business day. There shall be only one regular City Council meeting held on the second Monday of the month of December.

City Hall – The administrative offices and official address of the City of Milford is 201 South Walnut Street, Milford, Delaware 19963

Special Meeting - ~~Additional Meetings other than Regular Meetings which include workshop meetings, and/or committee meetings. Special Meetings may shall be held on alternate Mondays, prior to Regular Meetings, or alternate days of the week with start and end times to be set at the discretion of the Mayor or committee chair. and shall commence at 6:00 p.m.~~

Workshop Meeting – Meetings where Council reviews and discusses agenda topics but does not make final decisions or votes during the meeting. Workshop meetings are open to the public however public comment shall not be permitted during workshop meetings. Workshop agenda items are generally topics which Council is receiving preliminary information for the purpose of providing direction for further staff analysis and information gathering to be added to a future regular meeting. Workshop topics may also include discussions with standing boards, committees, City Staff, as well as other governmental entities.

o Appropriate topics for Workshop meetings include:

~ Introduce a Topic: Staff will bring up new items to determine whether Council wants to entertain further discussion and whether to schedule the topic as an item on a future agenda.

~ Educational Meetings: Council will review research information presented by staff, consultants, or task forces - usually as a process check; i.e. Is the issue on the right "track"?

~ Meet with individuals from City boards and committees or other jurisdictions to discuss items of common interest; i.e. City Boards and Commissions, other Councils, the School District, and other officials.

Packets - supporting materials, presentations, correspondence, reports, etc. for review by the public body.

Executive Session – Meetings, conducted by the Council with appropriate staff or advisors, for deliberation on certain matters in a setting closed to the public. Executive Sessions may be held during a regular, special or emergency meeting, in accordance with state Freedom of Information Act regulations.

Public Comment – A period of time during all Regular Meetings, subject to state Freedom of Information Act open meeting requirements, whereby citizens have a chance to offer their opinion to City Council. Public comments are limited to three minutes in length, per speaker, and must align with topics associated with Agenda on the same date and whereby a public comment period has not been previously offered.

Public Hearing –

Consent Agenda: A Consent Agenda may be used to approve a group of matters with one motion and vote at the beginning of the meeting. This is used for routine matters and/or items that have been vetted through committees or prior City Council discussion. Prior to approving the Consent Agenda, the items are to be read aloud by the City Clerk so that everyone in the room is aware of the items that will be approved together, with one vote. Prior to the vote, any Councilmember may request an item be removed from the Consent Agenda to allow more detailed discussion.

Council Business – Shall include items which do not require Council action and are for informational purposes, such as Recognition of City Staff, Proclamations, Correspondence, Staff Reports, and Committee, Ward, and Advisory Reports.

Unfinished Business –

New Business -

RULES

~~Public Posting~~ Notice of Meetings Compliance: In accordance with State of Delaware ~~FOIA Freedom of Information Act~~ regulations and the City of Milford Charter, the final agenda for all ~~City Council public body~~ meetings will be prepared and posted by the City Clerk's Office at least seven days prior to the meeting. ~~The final agenda will be posted on the City website and at City Hall, and the link will be emailed to the Mayor, City Council members, the City Manager and department heads no later than seven days prior to the meeting.~~

Agendas: Items ~~added or removed from agendas~~ will be ~~established~~ determined by the Mayor, City Manager, and City Clerk. For committee meeting agendas, items added or removed will be determined by the committee chair, City Manager, and City Clerk. The City Clerk will post the final agenda and email the link to the Mayor, City Council members, City Manager, Chief of Police, and City Solicitor.

~~Packets: Staff reports, supporting materials, presentations, memos, etc. for the packet~~ Items to be included in the packet shall be emailed to the City Clerk Office no later than the noon on the Wednesday prior to the meeting. Items not received or received afterward will result in the agenda item being removed from the agenda and added to the next available agenda. The City Clerk ~~The packet will be post~~ the final packet on the City website and the link emailed to the Mayor, City Council members, the City Manager email the link to the Mayor, City Council members, City Manager, Chief of Police, City Solicitor, and department heads no later than the Friday morning the Thursday morning prior to the meeting. Councilmembers are encouraged to review the agenda and packet prior to the meeting and are requested to contact the City Manager, or Chief of Police Chief, or City Clerk in the case of items originating from the Police Department, with questions that may require additional information or research by noon on the day of the meeting.

Cancellation of Meetings: Cancellation of ~~any~~ meeting shall be at the discretion of the Mayor as circumstances may require. In any case, as much notice of said cancellation as is practical, shall be given through the City Clerk's Office to City Council members, ~~the City Manager,~~ Chief of Police, City Solicitor, and department heads and ~~shall be~~ posted on the City's website.

Minutes: Minutes shall be kept of all ~~City Council~~ meetings in accordance with state Freedom of Information Action requirements, including the language of and votes upon all motions. The City Clerk's Office will strive to have minutes of the prior meeting prepared and included in the appropriate monthly packet. Audio recordings shall record the business transacted at all ~~City Council~~ meetings and shall be stored for future reference according to the approved Local Government Record Retention Schedule for the State of Delaware. Minutes shall be prepared of all executive session meetings by the City Clerk and shall be maintained under the custody, control, and supervision of the City Clerk.

Parliamentary Procedure: ~~The Mayor or Committee Chair shall have authority to manage meetings in accordance with the Charter and these procedures, with the City Solicitor serving as Parliamentarian when in attendance.~~ In those matters not covered by these Rules, and where not in conflict with the Laws of Delaware, ~~the City Charter,~~ or the Ordinances of the City of Milford, Robert's Rules of Order (most current published edition) shall be the parliamentary authority.

**City Council Regular Meetings
Order of Business**

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Approval of Previous Minutes (On second Monday only.)
4. Public Hearing (On fourth Monday only, if needed. See below for procedures.)
5. Approval of Consent Agenda
6. Council Business
 - a. Recognition (If needed, this item is for recognition of City staff (new or special achievements) or Proclamations for community members who have made special contributions to improve the quality of life of our community.)
 - b. Special Informational Presentations
 - c. Communications and Correspondence (On second Monday only.)
 1. Committee and Ward Reports
 2. City Manager's Report
 3. Police Chief's Report
 4. Finance Report
 - d. Appointments to Boards, Committees and Commissions (if needed)
7. Unfinished Business (Items included in this section are ordinances introduced at a prior meeting, or items postponed from previous City Council meetings. The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. Public Comment as applicable, see below
 - d. City Council Deliberation
 - e. Council Action (Approve, Deny or Postpone)
8. New Business (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. Public Comment as applicable, see below
 - d. City Council Deliberation
 - e. Council Action (Approve, Deny or Postpone)
9. Executive Session (If needed and only if included on agenda.)
10. Adjourn

**City Council Workshop Meetings
Order of Business**

1. Call to Order
2. Unfinished Business
3. New Business (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions

- c. Public Comment as applicable, see below
- d. City Council Deliberation
- 4. Adjourn

**City Council Committee Meetings
Order of Business**

- 1. Call to Order
- 2. Unfinished Business
- 3. New Business (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. Public Comment as applicable, see below
 - d. City Council Deliberation
- 4. Adjourn

**City Council Executive Session
Order of Business**

- 1. Call to Order (In Open Meeting)
- 2. Motion to Enter Executive Session
- 3. Call to Order
- 4. Unfinished Business
- 5. New Business (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. City Council Deliberation
- 6. Return to Open Meeting
- 7. Council Action (if any, to Approve, Deny or Postpone)
- 8. Adjourn

City Council Public Hearing Procedures

Effective: September 1, 2017

The Mayor shall preside over Public Hearings and follow these steps:

1. Call the Public Hearing to order.
2. Mayor or City Solicitor will explain the procedure.
3. Mayor will identify the application or subject by name and number.
4. In the case of land use or similar matters, the Mayor will call on the City Planner or other appropriate staff to establish advertising was done as required by law and to review the application or subject.
5. Mayor will then call on the applicant or representative to concisely present their application. The applicant is asked to limit their presentation to 15 minutes. If the application is sufficiently complex that more time is necessary, the applicant should notify the City Clerk prior to the meeting and the Mayor will determine and announce if additional time is granted.

Questions may be asked by the City Council or the Mayor during the testimony to clarify comments or statements made during the remarks. The Mayor must recognize speakers first. However, City Councilmembers should reserve discussion or expression of opinions until the deliberation portion of the Public Hearing.

6. The Mayor will then invite testimony from all who favor the application (up to three minutes per person).
7. The Mayor will then invite testimony from all opposed to the application (up to three minutes per person).
8. The Mayor will then invite testimony from those not opposed or in support of the application (up to three minutes per person).
9. After everyone has spoken, the Mayor declares the public hearing closed.
10. The City Council discusses the application based on the merits presented, after which the Mayor will call for a motion.
11. A roll call vote will be conducted on the motion with each Councilmember voicing her/his vote (aye or nay) followed by a brief reason for supporting or opposing the motion based information presented on the record. The order of the roll call vote will change with each such vote and will be tracked by the City Clerk.

City Council Public Comment Procedures

Public Comment (non-Public Hearings) is an opportunity for individuals to speak before City Council at designated times during meetings.

1. Public Comment is limited to items noted for Public Comment on the published agenda.
2. Individuals wishing to speak during said times shall complete a colored Public Comment card provided at the entrance of the Council Chamber and place the completed card in the box at the end of the Council desk prior to the start of the meeting.
3. Public Comment will follow any staff report and any discussion by the City Council.

4. At the appropriate time, individuals who have signed up for public comment will be called forward to the podium by the Mayor or Committee Chair to speak. When recognized by the Mayor or Committee Chair, a speaker should approach and speak from the podium, if they are able, state their name and address and commence with their comments. Speakers are asked to please be sure to speak into the microphone so comments are recorded. Speakers are limited to three minutes each. These time limits may be extended by the Mayor or Committee Chair, if in his/her opinion, the speaker is representing a contingent of individuals present at the meeting and the speaker is acting as spokesperson so that every individual will not need to speak.
5. If the speaker has items to be distributed to the City Council or to staff, they are asked to please provide them to the City Clerk's Office by noon on the Wednesday prior to the meeting. No items will be distributed during the meeting.
6. Speakers shall remain polite, civil and respect the decorum of the City Council meeting. Comments are to be addressed to the Mayor and City Council as a whole, and should not include insults, personal attacks, etc. Certain topics are not appropriate for public discussion or to be addressed to City Council per the City Charter and the Delaware Code. Accordingly, speakers are asked to refrain from addressing personnel matters, topics that should only be discussed in Executive Session, or subjects that are not otherwise within the authority or responsibility of the City of Milford or the City Council. Speakers who, in the opinion of the Mayor or Committee Chair, are not following these expectations may be cut off and asked to leave the podium. Once the comments are completed, the speaker should be seated or may leave the Council Chambers.
7. Audience members are asked to please be courteous to those who are speaking during public comment by refraining from applause, cheers or commenting from while others are speaking.
8. A public body is permitted to remove, and therefore bar the speech of, any person "who is willfully and seriously disruptive of the conduct of such meeting." [11] The profanity used at the September 5, 2019 meeting did not rise to the level that City deemed it necessary to remove you from chambers at that time. Instead, the City

~~Additional Procedures~~