

City of Milford



CITY COUNCIL AGENDA Monday, June 22, 2020

In accordance with the State of Emergency Declaration issued by Governor John Carney that became effective on March 13, 2020, all meetings of Milford City Council shall be conducted electronically to prevent unnecessary public gatherings. In response, City Council will meet remotely through Zoom.com until further notice.

**This meeting is available for viewing by the public by accessing the following link:

<https://global.gotomeeting.com/join/691475709/>

Members of the public may also dial in by phone using the following number:

1 (224) 501-3412 Access Code: 691-475-709

Public Comments may be submitted on items on the agenda referenced with a ® via email to cityclerk@milford-de.gov by 6:30 p.m. All public comments received will be read into the record at the meeting.

7:00 P.M.

WORKSHOP

Quarterly Update/Downtown Milford, Inc.

Quarterly Update/Milford Museum

Quarterly Update/Milford Public Library

Quarterly Update/Carlisle Fire Company

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Public Hearings ®

ORDINANCE 2020-05

Dunn Development LLC on behalf of Walter Thomas II for a Final Major Subdivision of 71.92 +/- acres into a 399-unit subdivision consisting of 159 townhouse units and 240 multifamily units in an R8 Zoning District.

Property is located along the south side of Milford-Harrington Highway approximately 385 feet west of the Canterbury Road intersection addressed as 1335 Milford-Harrington Highway, Milford, Delaware. Present Use: Single Family Dwelling and Vacant Land; Proposed Use: Subdivision to be known as Hickory Glen. Tax

Map: MD-16-173.00-01-21.00 & -22.00

ORDINANCE 2020-06

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for an amended Conditional Use for a Planned Unit Development of 178.03 +/- acres into a 768-unit subdivision consisting of 504 single family units and 264 apartment units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

ORDINANCE 2020-10

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for a Revised Preliminary Major Subdivision (Phase II Only) of 28.06 +/- acres into 89 single family units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

ORDINANCE 2020-11

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for a Preliminary Major Subdivision (Phase III Only) of 12.15 +/- acres into 52 single family units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

ORDINANCE 2020-07

Mispiration Realty LLC for a Change of Zone of 0.30 +/- acres from R2 Zoning District to C1 Zoning District. Property is located along the South side of NW Front Street, approximately 1,700 feet east of the US Route 113 intersection addressed as 522 NW Front Street, Milford, Delaware. Present Use: Office Building; Proposed Use: Same. Tax Map: MD-16-183.09-01-62.00

RESOLUTION 2020-12@

Sidewalk Waiver/Mispiration Realty LLC/522 NW Front St

ORDINANCE 2020-08

First Baptist Church of Milford for a Change of Zone of Annexed Land of 1.14 +/- acres from MR Zoning to R1 Zoning District. Property is located along the north side of Old Shawnee Road, approximately 1,900 feet west of the S Dupont Boulevard intersection addressed as 6044 Old Shawnee Road, Milford Delaware. Present Use: Single Family Dwelling; Proposed Use: Same. Tax Map 1-30-3.06-125.00

ORDINANCE 2020-15

Code of the City of Milford
Part I-Administrative Legislation
Chapter 55-Personnel
Miscellaneous Items

ORDINANCE 2020-16

Wright Mortuary on behalf of Congregation of the Most High Yahvey Inc
Conditional Use to allow an Undertaker on 0.94 +/- acres in a C2 Zoning District.
Property is located at 9 SE Second Street, Milford, Delaware.
Present Use: Church; Proposed Use: Undertaker.
Tax Map: 3-30-6.20-041.00

ORDINANCE 2020-04
Code of the City of Milford
Part II-General Legislation
Chapter 230-Zoning
Sign Regulations

RESOLUTION 2020-20®

Acceptance of Milford Ponds Subdivision, Phases 1.1, 1.2, and 1.3/Water System and Sewer System

Communication & Correspondence

New Business

Authorization/Alcohol Waiver/Chamber of Commerce Mixer

Executive Session

*Motion to Recess into Executive Session

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

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, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body.*

Return to Open Session

Potential Vote/Personnel Evaluations

Potential Vote/IBEW Negotiations

Adjournment

All items on the Council Meeting 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 accepted.

042920 052720 061020 061320 *061620 Added per Mayor **061820 Electronic Platform Changed

DOWNTOWN MILFORD, INC.
QUARTERLY UPDATE
JUNE 2020

OPERATIONS/PROGRAMS/SERVICES

Board Updates:

- DMI has called for Nominations for Board members. 4 current board members up for re-election and 2 filling in positions with terms ending (eligible for election). The Board will vote on July 7th.

Organization Committee (Peg Reilly):

- Beginning early stage planning for a big fundraiser for 2021
- Pub Crawl, Irish Weekend, and Bug and Bud (DMI fundraisers) were cancelled due to COVID-19, Committee is trying to get creative in how to fundraise and solicit volunteers.

Promotions Committee (Nina Pletcher):

- All events in this quarter were cancelled due to COVID-19
- DE Turf Button Promotion continues (turf is open for clinics/camps)
- Riverwalk Farmer's Market opened May 16th under strict guidelines put out by the DDA. The number of vendors were limited to "essential" goods (no crafts/artisans/etc) until further notice.
- Discussing future events and feasibility for this year (i.e. Santa House)

Economic Development Committee (Sher Valenzuela):

- Building Inventory conducted monthly
- Connecting with Rick Farrell to help support DDD development and recruiting new businesses
- Focus on creating a public/private partnership with DNS to create outdoor recreational activities to increase foot traffic to downtown
- Vinyard Shipyard:
 - o Build partnership with Delaware Nature Society (DNS)
 - o Trying to get Bond Bill funding to help with purchase costs

Design Committee (Joey Phillips):

- Awarded grant for 12 trees downtown from Dept. of Agriculture
- Installed flowers in hay baskets throughout town
- Fundraiser for Milford in Bloom (flowers in town) - We Are Milford signs (we still have signs available for \$5, if anyone wants to purchase)
- Joey continues to help watering the flowers as he can. Water reservoirs were installed last year to help with maintenance. Thank you to the Parks and Rec team for helping keep the flowers watered.
- Notified public that damaged memorial stones from a previous DMI fundraiser along sidewalks in town would be removed.

PERFORMANCE INDICATORS

- Community Clean up: Cancelled
- Bug and Bud Festival: Cancelled
- Shakespeare Day: Cancelled
- April 4th Thursday: Cancelled
- May 3rd Thursday: Cancelled
- Farmer's Market Attendance:
 - o May 16 – 249
 - o May 23 - 399
 - o May 30 - 435

VOLUNTEERS

- Continuing use of signup.com to recruit and retain volunteers

CITY FUNDING

CURRENT QUARTER		YEAR-TO-DATE	
ITEM	AMOUNT	ITEM	AMOUNT
Salary Director	\$16,768.59	Salary Director	\$26,084.46
Salary Assistant	\$0	Salary Assistant	\$0
Phone/Internet	\$612.54	Phone/Internet	\$1239.22
PO Box Rental	\$0	PO Box Rental	\$0
Utilities	\$142.76	Utilities	\$326.90

UPCOMING EVENTS

- Farmers Market – every Saturday 9-1

**MILFORD MUSEUM
QUARTERLY UPDATE
JUNE 2020**

OPERATIONS/PROGRAMS/SERVICES

- 1) Extra cleaning of Museum building including carpet shampoo.
- 2) Many hours spent on re-writing 2010 Mispillion Greenway Walking Tour Booklet. Almost ready to go to printer.
- 3) Time spent editing Kenton reports on Milford people & houses to compile booklet to sell.
- 4) Met with HCA Deputy Director to request shelving and re-arranging of basement storage.
- 5) Received (from Auburn Heights) & painted new display case for Military Room.
- 6) Wrote CARES Recover Grant through DE Humanities Forum and received \$8,000 for operational expenses.
- 7) Received \$4,000 Lions Club Grant for electrical work and new lighting fixtures.
- 8) Held June Board Meeting and planned for 2020 Events.
- 9) Museum re-opened on June 2 with regular open hours Tues- Sat. 10-3:30

PERFORMANCE INDICATORS

Museum closed to the public from March 23 to June 2

VOLUNTEERS

CITY FUNDING

CURRENT QUARTER		CALENDAR YEAR-TO-DATE	
ITEM	AMOUNT	ITEM	AMOUNT
Payroll	\$5,538.81	Payroll	\$14,626.05
Utilities	\$1,007.05	Utilities	\$4,471.88
TOTAL:	\$6,545.86	TOTAL:	\$19,092.93

UPCOMING EVENTS

The following Fundraising events are being planned for 2020: Saturday August 22 HIPPIEFEST at Causey Mansion, Saturday Sept. 12 South Milford Walking Tour, Saturday September 26 North Milford Walking Tour, and October 24 Halloween Walking Tour.

**MILFORD PUBLIC LIBRARY
QUARTERLY UPDATE
JUNE 2020**

OPERATIONS/PROGRAMS/SERVICES

- Beginning March 13, 2020, the Library closed due to Covid19
 - Drop boxes were closed
 - Virtual Programming began in all areas
 - Website, Facebook, Instagram, Adults, Young Adults, Children
 - Staff
 - Working from home; All staff were paid through this time; Required to do Personal Development Webinars
- June 1, 2020
 - Curbside Pick-up
- June 15, 2020
 - All going very well; Safety Personnel will be on duty all hours of Curbside Pick-up
- June 15, 2020
 - 60 patrons utilized Curbside Pick-up
- July 15, 2020
 - Possible official opening of Library if all regulations required are met
 - Parking lots (Washington Street and Walnut Street) re-stripped
 - Washington Street lot designated for Curbside
 - Informational signage to designate
 - Book Sterilization system purchased; All items returned to Library will be sterilized before checked in and placed on shelves
 - PPE purchased to protect Staff
 - Sneeze Guards to be placed around all check out desks
 - Plexiglas on order
 - Gates at Circulation Desks to prevent patrons from contact with staff
- CANCELLED: Music in the Park, All live programming
- Although the Library is not able to open the doors to the public we are still able to serve the citizens of our community
- Restrooms have been open to Public during outside events until Covid19 and will resume as soon as restrictions allow.

CITY FUNDING

CURRENT QUARTER		CALENDAR YEAR TO DATE	
ITEM	AMOUNT	ITEM	AMOUNT
1 ST Quarter	\$4,465		
2 ND Quarter	\$10,422		
Used to purchase items need to comply with regulations due to Covid19	\$10,113		
TOTAL:	\$25,000	TOTAL:	

Additional Facts:

These stats are for the Month of May:

- Communication with our patrons and the public has only been through social media.
- 945 people used the website (www.milford.lib.de.us)
- 4,969 viewed Facebook
- 60% of subscribers read newsletter

**CARLISLE FIRE COMPANY
QUARTERLY UPDATE
JUNE 2020**



DATA SHEET FOR HICKORY GLEN

Planning Commission Meeting: ~~March 17, 2020~~ **June 16, 2020**

Application Number / Name	:	13-196 / Hickory Glen
Applicant	:	Dunn Development, LLC c/o Eric Dunn 160 Seneca Shore Road Perryville, MD 21903
Owner	:	Walter Thomas II 1335 Milford-Harrington Highway Milford, DE 19963
Application Type	:	Final Major Subdivision & Final Site Plan
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-8 (Garden Apartment and Townhouse District)
Present Use	:	Single-family Dwelling and Vacant Land
Proposed Use	:	Townhouse and Multi-family Subdivision
Area and Location	:	71.918 +/- acres of land located along the south side of Milford-Harrington Highway approximately 385 feet west of the Canterbury Road intersection.
Property Identification Numbers	:	MD-16-173.00-01-21.00 & 22.00

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Final Major Subdivision Plans
Final Site Plans



**STAFF ANALYSIS REPORT
December 5, 2019**

Application Number / Name	:	13-196 / Hickory Glen
Application Type	:	Final Major Subdivision & Final Site Plan
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-8 (Garden Apartment and Townhouse District)
Present Use	:	Single-family Dwelling and Vacant Land
Proposed Use	:	Townhouse and Multi-family Subdivision
Property Identification Numbers	:	MD-16-173.00-01-21.00 & 22.00
Area and Location	:	71.98 +/- acres of land located along the south side of Milford-Harrington Highway approximately 385 feet west of the Canterbury Road intersection.

I. BACKGROUND INFORMATION:

- The Hickory Glen subdivision received Preliminary Site Plan approval from the Planning Commission on February 18, 2014 and Preliminary Major Subdivision approval from City Council on February 24, 2014. Subsequent extensions were approved in February 2015, February 2016, January 2017, January 2018 and February 2019.
- The final major subdivision and site plan includes 159 townhouse units and 240 multi-family units for a total of 399 dwelling units.

II. STAFF ANALYSIS:

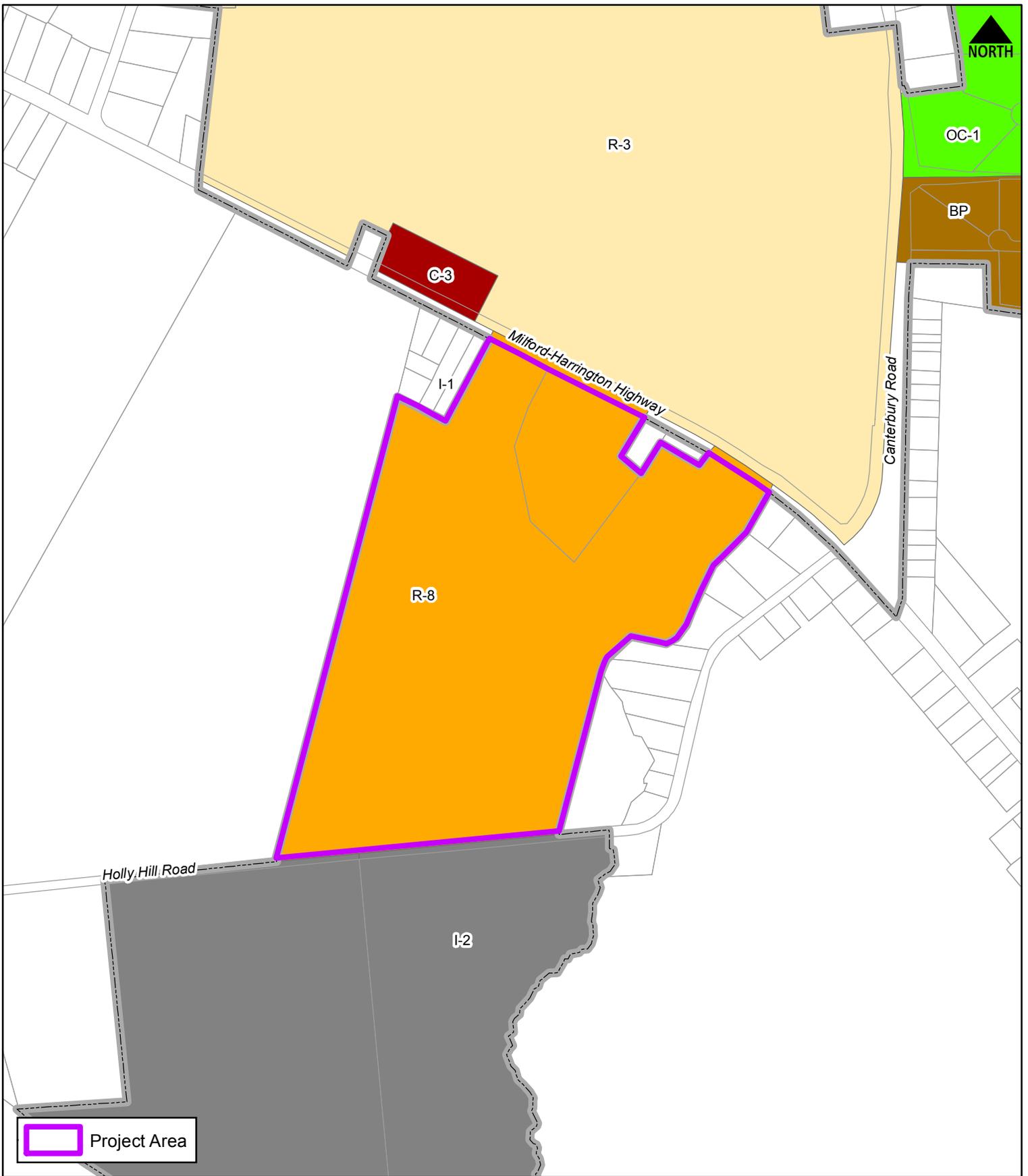
Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a revised Final Major Subdivision approval:

- The Final Major Subdivision and Final Site Plans are consistent with Chapter 230 Zoning and Chapter 200 Subdivision of Land of the City Code.
- The Final Site Plan approval should be contingent upon Final Major Subdivision approval from City Council.

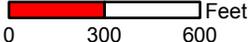
- The construction plans have been reviewed and approved by the City Engineer for compliance with the City’s Construction Standards and Specifications. The pump station and force main have been reviewed by Kent County Public Works Department since the proposed force main will connect to the Kent County transmission line along Route 14.
- The applicant has obtained approvals or letters of no-objection from DelDOT, State Fire Marshal’s Office, State Office of Drinking Water and Kent Conservation District.
- A copy of the subdivision agreement and HOA documents are included in the packet for review.

III. AGENCY & DEPARTMENT COMMENTS:

- **DelDOT Planning, Development Coordination**
See attached for “Letter of No Objection to Recordation” dated January 25, 2019.
- **Delaware Health and Social Services – Division of Public Health**
See attached “Approval to Construct” dated December 10, 2019.
- **Kent Conservation District**
See attached for “Sediment & Stormwater Plan Approval” dated April 27, 2018.
- **Delaware State Fire Marshal’s Office**
See attached for “Fire Protection Plan Review Report” dated December 26, 2018.
- **City of Milford City Engineer**
See attached construction plan approval letter from KCI Technologies dated December 3, 2019.



 Project Area

	Scale:  Feet 0 300 600	Title: Final Major Subdivision & Final Site Plan Hickory Glen Location & Zoning Map
	Drawn by: WRP Date: 01/21/2020	
Filepath: Final_HickoryGlen.mxd		

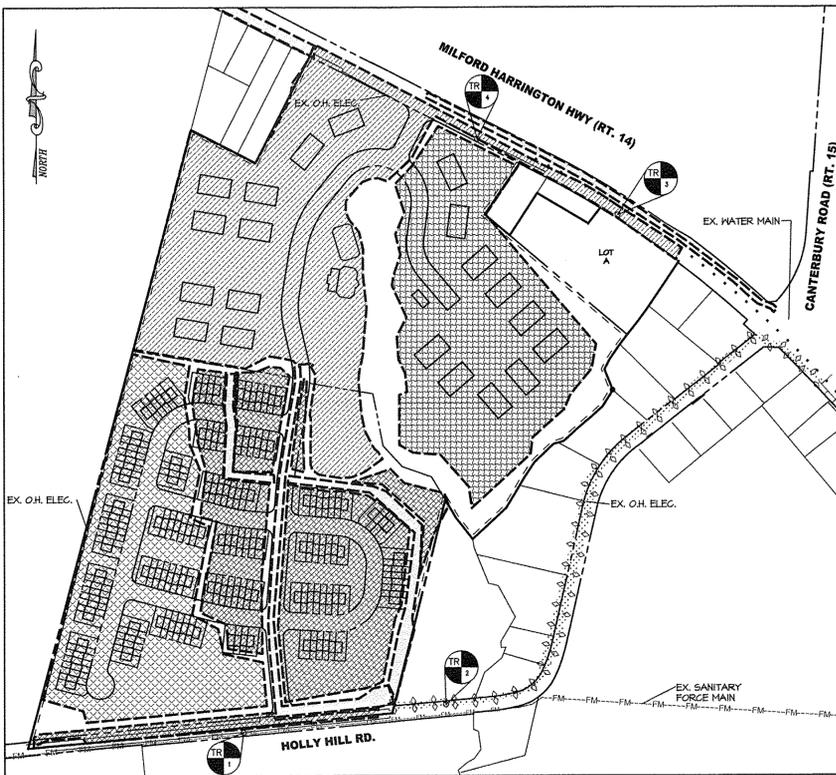
GENERAL NOTES

- NO CERTIFICATES OF OCCUPANCY WILL BE ISSUED FOR ANY LOT UNTIL ALL STREET SIGNS ARE IN PLACE FOR THE STREETS LEADING FROM THE ENTRANCE TO THE DEVELOPMENT TO THE LOT FOR WHICH THE PERMIT IS TO BE ISSUED.
- ALL RESIDENTIAL LOTS WITHIN THIS DEVELOPMENT SHALL HAVE ACCESS FROM INTERNAL SUBDIVISION STREETS ONLY. DIRECT ACCESS TO COUNTY ROADS FROM INDIVIDUAL LOTS IS PROHIBITED.
- ALL PUBLIC UTILITIES NOT LOCATED WITHIN CITY ROAD RIGHT-OF-WAY SHALL BE CONTAINED WITHIN A PUBLIC DRAINAGE AND UTILITY EASEMENT.
- ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS AND WILL BE SUBJECT TO ITS APPROVAL.
- A HOMEOWNERS ASSOCIATION SHALL BE ESTABLISHED FOR, BUT NOT LIMITED TO, ALL FUTURE MAINTENANCE AND REPAIRS OF ALL STORMWATER MANAGEMENT FACILITIES, SUBDIVISION ENTRANCE SIGNS, ALLEYS, AND ALL OPEN SPACE AREAS. THE DEVELOPER IS RESPONSIBLE FOR THE MAINTENANCE OF THESE AREAS UNTIL SUCH TIME THAT THE MAINTENANCE IS TURNED OVER TO THE HOMEOWNERS ASSOCIATION. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE MEDIAN STRIP BEHIND THE CURB ALONG THE BOULEVARD STREET SECTION UNTIL THE HOMEOWNERS ASSOCIATION HAS TAKEN OVER THE SITE. AT THAT TIME, THE HOMEOWNERS ASSOCIATION SHALL TAKE OVER THE RESPONSIBILITY.
- THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS IT DEEMS NECESSARY.
- THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
- ALL FIRE LANES, FIRE HYDRANTS, & FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS, LATEST DATED AUGUST 11, 2006.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL CONFORM TO THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, DATED 1989.
- ALL ROADWAYS SHALL BE CONSTRUCTED TO THE CITY OF MILFORD, DEPARTMENT OF PUBLIC WORKS STANDARDS AND SPECIFICATIONS AND SHALL BE DEDICATED TO THE CITY OF MILFORD FOR PUBLIC USE. ALL RIGHTS-OF-WAY SHOWN ON THE PLAT DRAWINGS SHALL BE DEDICATED TO PUBLIC USE AT THE TIME OF RECORDATION OF THE PLAT DRAWINGS.
- ALL ELECTRICAL, TELEPHONE, TV CABLE, COMMUNICATIONS, ETC. LINES AND CABLES SHALL BE PLACED UNDERGROUND.
- DECLARANT HEREBY GRANTS TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF SOIL AND WATER CONSERVATION AND STORMWATER PROGRAM OR ITS DELEGATED AGENCY, THE RIGHT, PRIVILEGE, AND AUTHORITY TO ENTER UPON SAID PREMISES AND INSPECT STORMWATER MANAGEMENT AREAS WITHIN STORMWATER MANAGEMENT EASEMENTS. IN EVENT THAT DELEGATED AGENCY DETERMINES THAT MAINTENANCE IS REQUIRED WITHIN SAID STORMWATER MANAGEMENT AREAS, ALL EXPENSES SHALL BE THE RESPONSIBILITY OF THE MAINTENANCE CORPORATION.
- MAINTENANCE OF ALL STORMWATER FACILITIES ON SITE INCLUDING BUT NOT LIMITED TO STORMWATER PONDS, BIO-FILTRATION AREAS AND ROCK OUTLET PROTECTION, SHALL BE THE RESPONSIBILITY OF THE DEVELOPER UNTIL SUCH TIME AS ALL MAINTENANCE IS TURNED OVER TO THE HOMEOWNERS ASSOCIATION FOR LONG TERM MAINTENANCE.
- IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DETERMINED NECESSARY BY THE KENT CONSERVATION DISTRICT.
- ALL PROPOSED TOWNHOUSES IN THIS SUBDIVISION WILL BE OF WOOD FRAME CONSTRUCTION, LESS THAN 35 FEET (3 STORIES) IN HEIGHT SHALL NOT EXCEED 10,000 SQUARE FEET IN GROSS FLOOR AREA, AND SHALL BE TYPE C CONSTRUCTION PER NFPA 220.
- BENCHMARKS**
TR-1 NORTH 338492.84 EAST 642333.78 ELEV. 38.61 PIN W/CAP
TR-2 NORTH 338591.20 EAST 643050.10 ELEV. 37.88 PIN W/CAP
TR-3 NORTH 338517.46 EAST 643660.56 ELEV. 45.70 PIN W/CAP
TR-4 NORTH 338586.84 EAST 643165.98 ELEV. 45.84 PIN W/CAP
- DETAIL:**
HORIZONTAL: DELAWARE COORDINATE SYSTEM '83/86
VERTICAL: N.A.V.D. '88
- A BOUNDARY SURVEY WAS PERFORMED BY MORRIS & RITCHIE ASSOCIATES, INC. MAY 2010.
- ALL FIRE BARRIER WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF NFPA 221, STANDARD FOR FIRE WALLS AND FIRE BARRIER WALLS. THE FIRE BARRIER WALLS SHALL BE A MINIMUM 4 HOUR FIRE RESISTANCE RATING, AND SHALL EXTEND FROM THE FOUNDATIONS TO THE UNDERSIDE OF THE ROOF OR FLOOR DECK ABOVE. PRIOR TO THE ISSUANCE OF BUILDING PERMITS, THE FIRE WALL DETAIL SHALL BE APPROVED BY THE FIRE MARSHAL. THE FIRE MARSHAL SHALL REVIEW THE DETAIL DRAWING FOR APPROVED OR APPROVED EQUAL SUBSTITUTED UPON FIRE MARSHAL APPROVAL.
- AUTOMATIC SPRINKLER SYSTEMS WILL NOT BE USED FOR TOWNHOUSES.
- AUTOMATIC SPRINKLER SYSTEMS WILL BE USED FOR APARTMENTS.
- PER CHAPTER 230-18.43(c) OF THE CITY OF MILFORD ZONING CODE, THERE SHALL BE WITHIN ANY CONTIGUOUS GROUP OF TOWNHOUSES AT LEAST THREE DIFFERENT ARCHITECTURAL PLANS HAVING SUBSTANTIALLY DIFFERENT DESIGNS AND BUILDING MATERIALS. IN ADDITION, NO MORE THAN THREE CONTIGUOUS TOWNHOUSES SHALL HAVE THE SAME FRONT SETBACK, AND THE VARIATIONS IN FRONT SETBACK SHALL BE AT LEAST FOUR FEET.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKERS (OR MONUMENTS) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT FOR VERIFICATION.
- HYDRIC SOILS ARE (ARE) INDICATED AS BEING PRESENT ACCORDING TO THE KENT COUNTY SOIL SURVEY. SOILS HAVE BEEN INSPECTED BY ANDY STANSFIELD, A LICENSED WETLANDS SCIENTIST.
- THE APPLICANT IS RESPONSIBLE FOR ENSURING THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION OF THE PROJECT. 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 SHALL 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 150% 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 AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTEE SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. 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 SUBMITTED TO THE CITY BY THE OWNER PRIOR TO FINAL ACCEPTANCE OF THE IMPROVEMENTS AND RELEASE OF THE COMPLETION GUARANTEE. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY SOLICITOR SHALL ACCOMPANY THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.
- UPON COMPLETION AND PRIOR TO THE RELEASE OF THE DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF ALL PROPERTY MONUMENTS/MARKERS, SEWER MANHOLE RIMS, PIPES SIZES & INVERTS, PUMP STATIONS' FORCE MAINS (INVERTS EVERY 50 FEET), CLEANOUTS, AIR RELEASE VALVES, AND DRAINAGE TRAPS; ALL WATER VALVES, HYDRANTS, VALVES, WATER FITS, AND CURB BENCHES; ALL STORM SEWER CATCH BASINS, MANHOLES, VALVES, WATER FITS, AND CURB BENCHES WHICH WILL BE TAKEN OVER BY THE CITY. RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAINAGE ELEVATION AND DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED AND SEALED BY THE OWNER'S ENGINEER. A CD SHALL ALSO BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2010 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL, AND NAVD83 VERTICAL CONTROL.
- THE CONTRACTOR SHALL NOTIFY THE CITY A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE. CITY OF MILFORD CITY ENGINEER, ERIC RETZLAFF - (302) 422-1110.
- THE CITY OF MILFORD SHALL EVENTUALLY TAKE OVER OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF STORM SEWER RELATED INFRASTRUCTURE THAT LIES WHOLLY WITHIN THE CITY RIGHT-OF-WAY. HOWEVER, THIS SHALL NOT OCCUR UNTIL THE WORK HAS PASSED ALL INSPECTIONS, AS-BUILT (RECORD) DRAWINGS AND A CORRESPONDING AUTO CAD FILE HAVE BEEN SUBMITTED AND APPROVED. THE RIGHT-OF-WAY HAS BEEN DEEDED TO THE CITY, AND THE OWNERSHIP OF THE INFRASTRUCTURE HAS BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.
- ALL AREA SHOWN ON THESE PLANS WITHIN THE APARTMENT PARCELS WHICH ARE NOT BUILDINGS ARE HEREBY DEDICATED AS A DRAINAGE AND UTILITY EASEMENT.
- PORTIONS OF THE SUBJECT SITE ARE LOCATED WITHIN WETLANDS DELINEATED BY GEO-TECHNOLOGY ASSOCIATES.
- PORTIONS OF THE SUBJECT SITE ARE LOCATED WITHIN A WATER RESOURCE PROTECTION AREA (EXCELLENT RECHARGE AREA) AS DETERMINED BY DELAWARE GEOLOGIC SURVEY. DELINEATION OF THE EXCELLENT RECHARGE AREA IS BASED UPON GIS DATA OBTAINED THROUGH THE STATE OF DELAWARE, LAST REVISED JULY 7, 2017.

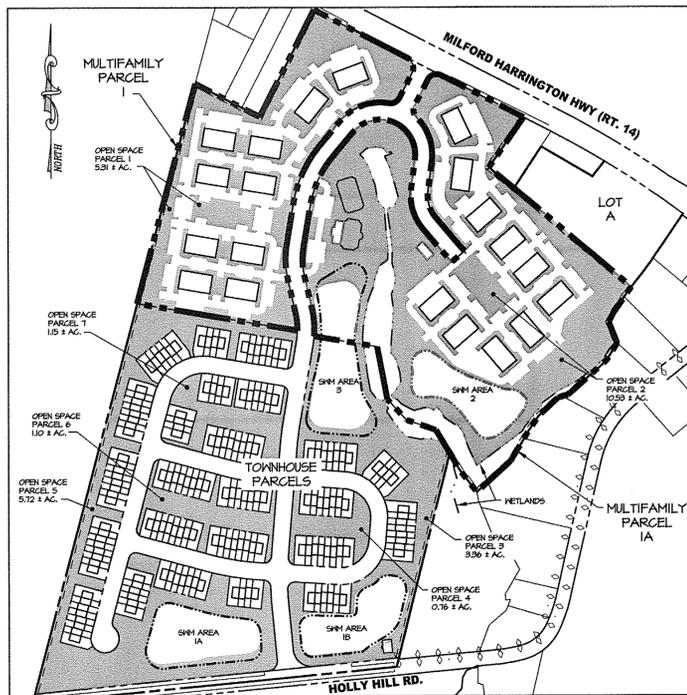
DELDOT RECORD GENERAL NOTES

- (LAST REVISED DECEMBER 8, 2017)
- AS PER THE TRAFFIC IMPACT STUDY RECOMMENDATIONS, THE DEVELOPER SHOULD CONTRIBUTE AN AMOUNT OF \$119,923.13 TO THE IMPROVEMENTS AT THE INTERSECTION OF US ROUTE 113 AND DELAWARE ROUTE 14.
 - NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W 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 SIGN 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 THE PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, 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 PUBLIC RIGHT-OF-WAY AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE CITY OF MILFORD. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
 - THE SHARED-USE PATH 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 OF THE SHARED-USE PATH.
 - ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
 - DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

HICKORY GLEN FINAL RECORD PLATS



VICINITY MAP



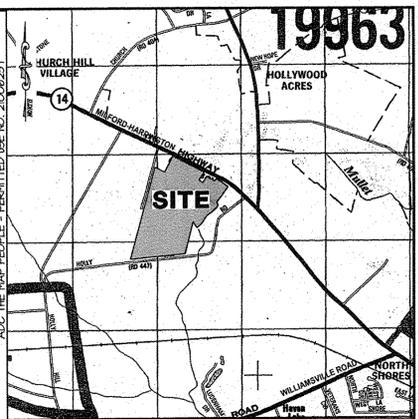
OPEN SPACE & PARCEL MAP

INDEX OF DRAWINGS

PLAT SHEET 1	FINAL RECORD PLATS TITLE SHEET
SHEET 2	FINAL RECORD PLATS
SHEET 3	FINAL RECORD PLATS
SHEET 4	FINAL RECORD PLATS
SHEET 5	FINAL RECORD PLATS
SHEET 6	FINAL RECORD PLATS TABLES AND DETAILS
SHEET 7	SITE PLAN
SHEET 8	SITE PLAN
SHEET 9	SITE DETAILS

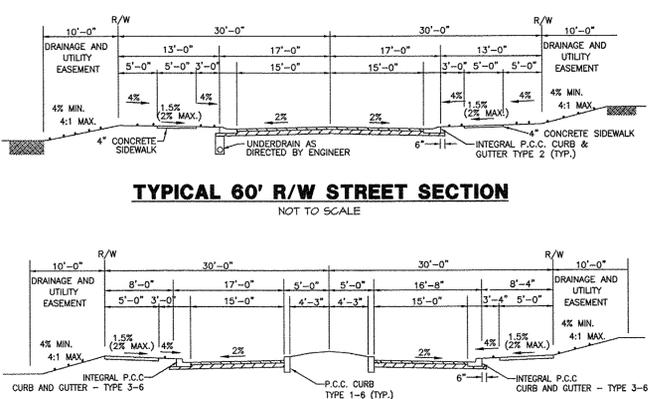
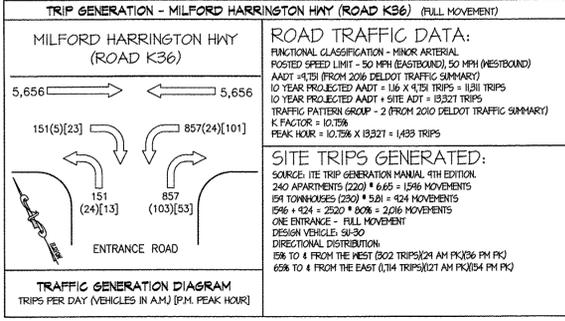
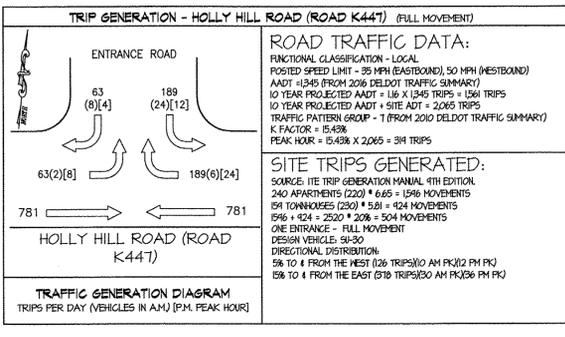
SITE DATA

TAX MAP PARCELS:	5-16-173.00-01-21.00 5-16-173.00-01-22.00
DEED B.V.P. OWNER:	D-2521-H WALTER N. THOMAS, II 1335 MILFORD-HARRINGTON HIGHWAY MILFORD, DE 19663
SITE ADDRESS:	1335 MILFORD-HARRINGTON HIGHWAY MILFORD, DE 19663
DEVELOPER/APPLICANT:	DANN DEVELOPMENT, LLC 160 SENECA SHORE ROAD FERRISVILLE, MD 21035 ATTN: MR. ERIC DANN R-8 (CITY OF MILFORD) RESIDENTIAL
EXISTING ZONING:	R-8 (CITY OF MILFORD)
PROPOSED ZONING:	R-8 (CITY OF MILFORD)
PROPOSED USE:	RESIDENTIAL
TOTAL SITE AREA:	71,814 AC (SURVEY)
AREA OF LOT A (OTHER LANDS OF DANN DEVELOPMENT LLC):	3,268 ± AC
REMAINING SITE AREA:	68,546 AC
ALLOWABLE DENSITY:	68,546 AC ÷ 2.64 AC WETLANDS = 66.01 AC X 8 UNITS/ACRE = 528 UNITS
PROPOSED DENSITY:	3,941 UNITS TOTAL 20 APARTMENT BUILDINGS, 12 UNITS PER BUILDING = 240 UNITS 24 TOWNHOME GROUPS (4-8 UNITS PER GROUP) = 194 TOWNHOMES
AREA CALCULATIONS:	
W/IN PROPOSED STREETS R.O.P.M.:	9.44 ± AC (TOTAL SITE)
W/IN EXISTING WOODLAND:	4.24 ± AC
W/IN WOODLAND PRESERVATION:	3.84 ± AC
W/IN WETLANDS:	2.64 ± AC
W/IN ZONE 3 SH PROTECTION AREA:	14.64 ± AC
AREA OF APARTMENT SECTION:	34.88 ± AC (INCLUDING R/W), 32.46 ± AC (NOT INCLUDING R/W), 2.42 ± AC R/W WITHIN APARTMENT AREA
MINIMUM LOT AREA REQUIRED:	2,500 SF / APARTMENT = 2,500 X 12 X 20 = 600,000 SF. = 13.71 ± AC
OPEN SPACE REQUIRED:	4.0% = 12.48 ± AC
TOTAL OPEN SPACE PROVIDED:	15.84 ± AC (NOT INCLUDING WETLANDS AND SHM AREAS)
RECREATIONAL OPEN SPACE PROPOSED:	2.62 ± AC
MAXIMUM LOT COVERAGE:	20% (REQUIRED) 10% (PROVIDED)
AREA OF TOWNHOME SECTION:	33.71 ± AC (INCLUDING R/W), 26.10 ± AC (NOT INCLUDING R/W), 7.61 ± AC R/W WITHIN TOWNHOME AREA
MINIMUM T.H. LOT SIZE REQUIRED:	10,000 SF
MINIMUM T.H. LOT SIZE PROPOSED:	2,000 SF
AVERAGE T.H. LOT SIZE:	2,736 SF
AVERAGE LOT COVERAGE:	40%
OPEN SPACE REQUIRED:	6.0% 4.0% = 10.68 ± AC
TOTAL OPEN SPACE PROVIDED:	12.04 ± AC (NOT INCLUDING WETLANDS AND SHM AREAS)
RECREATIONAL OPEN SPACE PROPOSED:	3.16 ± AC
MAX. IMPERVIOUS W/IN ZONE 3 SHPA:	35% ALLOWED, 30% PROVIDED (4.31 ± AC)
PARKING SPACES:	
APARTMENTS (25 SPACES PER UNIT):	600 REQUIRED, 120 PROVIDED
TOWNHOMES (2.5 SPACES PER UNIT):	348 REQUIRED, 348 PROVIDED
CLUBHOUSE (1 SPACE PER 150 SF G.F.A.):	21 REQUIRED, 31 PROVIDED (INCLUDES 2 FOR TOT LOT)
BUILDING SETBACKS:	
FRONT YARD:	30' / 30'
SIDE YARD:	15' / 15'
REAR YARD:	15' / 15'
BETWEEN UNITS (END/END):	50' / 25'
BETWEEN UNITS (FACE/FACE):	60' / 25'
PROPERTY BOUNDARY:	N/A
MINIMUM LOT WIDTH:	
APARTMENTS:	REQUIRED: 50', PROVIDED: 28.41'
WATER:	CITY OF MILFORD PUBLIC WATER
SEWER:	CITY OF MILFORD PUBLIC SEWER
TOPOGRAPHIC REFERENCE:	HORIZONTAL - DELAWARE COORDINATE SYSTEM NAD 83/86 VERTICAL - NAVD 88
FLOODPLAIN REFERENCE:	FEMA MAP #10010C062J, EFFECTIVE JULY 1, 2014
WETLAND REFERENCE:	DELINEATED BY GEO-TECHNOLOGY ASSOC., INC. ON JUNE 3, 2010
BUILDING HEIGHTS:	TOWNHOMES: 3 STORIES OR 35' APARTMENTS: 3 STORIES (35') / 3 STORIES
R.O.W. AREA DEDICATED TO DELDOT:	0.84 ± ACRES
DELDOT INVESTMENT LEVEL:	2
RECREATIONAL AMENITIES:	2,000 SF CLUBHOUSE, (2) TOT LOTS, POOL, & BASKETBALL COURT
SHM AREAS:	1A = 1.43 ± AC 1B = 1.45 ± AC 2 = 1.36 ± AC 3 = 1.06 ± AC



LOCATION MAP

SCALE: 1" = 2,000'



TYPICAL 60' R/W BOULEVARD SECTION

WETLAND STATEMENT

GEO-TECHNOLOGY ASSOCIATES, INC. (GTA) PERFORMED A FIELD REVIEW WITHIN THE BOUNDARIES OF THIS PLAN IN MARCH 2010 AND JULY 2011 TO EVALUATE THE PRESENCE OR ABSENCE OF POTENTIAL STATE AND FEDERAL JURISDICTIONAL WETLANDS FOR THE PURPOSES OF DELAWARE WETLAND AND SUBAQUOUS LAND REGULATIONS AND SECTION 404 OF THE CLEAN WATER ACT. GTA'S REVIEW WAS CONDUCTED IN GENERAL ACCORDANCE WITH TECHNICAL AND CRITERIA PROVIDED IN THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, ATLANTIC AND GULF COASTAL PLAIN REGION (VERSION 2.0), DATED NOVEMBER 2010. A UNITED STATES ARMY CORPS OF ENGINEERS PRELIMINARY JURISDICTIONAL DETERMINATION, DATED FEBRUARY 1, 2018, WAS OBTAINED FOR THIS SITE.

ENGINEER'S CERTIFICATION

I, PHILLIP L. TOLLIVER, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

PHILLIP L. TOLLIVER, P.E. DATE: 6/16/19

OWNER CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT THE STREETS IDENTIFIED AS PUBLIC SHOWN HEREON AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC USE AND THAT ALL PROPOSED MONUMENTS AND MARKERS SHOWN HEREON HAVE BEEN SET AT THE LOCATION INDICATED, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

CITY ENGINEER APPROVAL

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

SIGNATURE: _____ DATE: _____

CITY OF MILFORD APPROVAL

CITY MANAGER: ERIC NORENBERS DATE: _____



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDER CIRCLE, SUITE 36
NEW CASTLE, DELAWARE 19720
(302) 326-2200
FAX: (302) 326-2399
WWW.MRAGTA.COM



FINAL RECORD PLATS TITLE SHEET FOR HICKORY GLEN

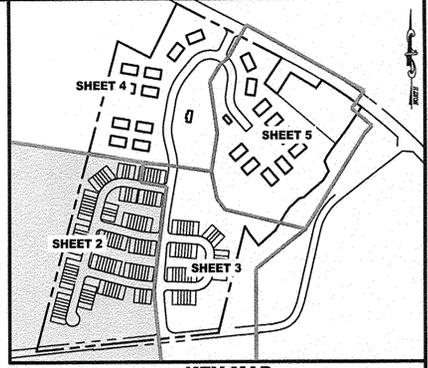
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11/9/18	PER MILFORD 4/26/18 COMMENTS	SCALE: AS SHOWN
11/9/18	PER DELDOT 2/19/18 COMMENTS	DATE: 12/15/2017
1/15/19	PER MILFORD 1/8/19 COMMENTS	DRAWN BY: RDG
1/23/19	PER DELDOT 12/20/18 COMMENTS	DESIGN BY: RDG
7/18/19	PER MILFORD COMMENTS	REVIEW BY: PLT
9/4/19	PER MILFORD COMMENTS	SHEET: 1 OF 9

ANDY STANSFIELD DATE: _____

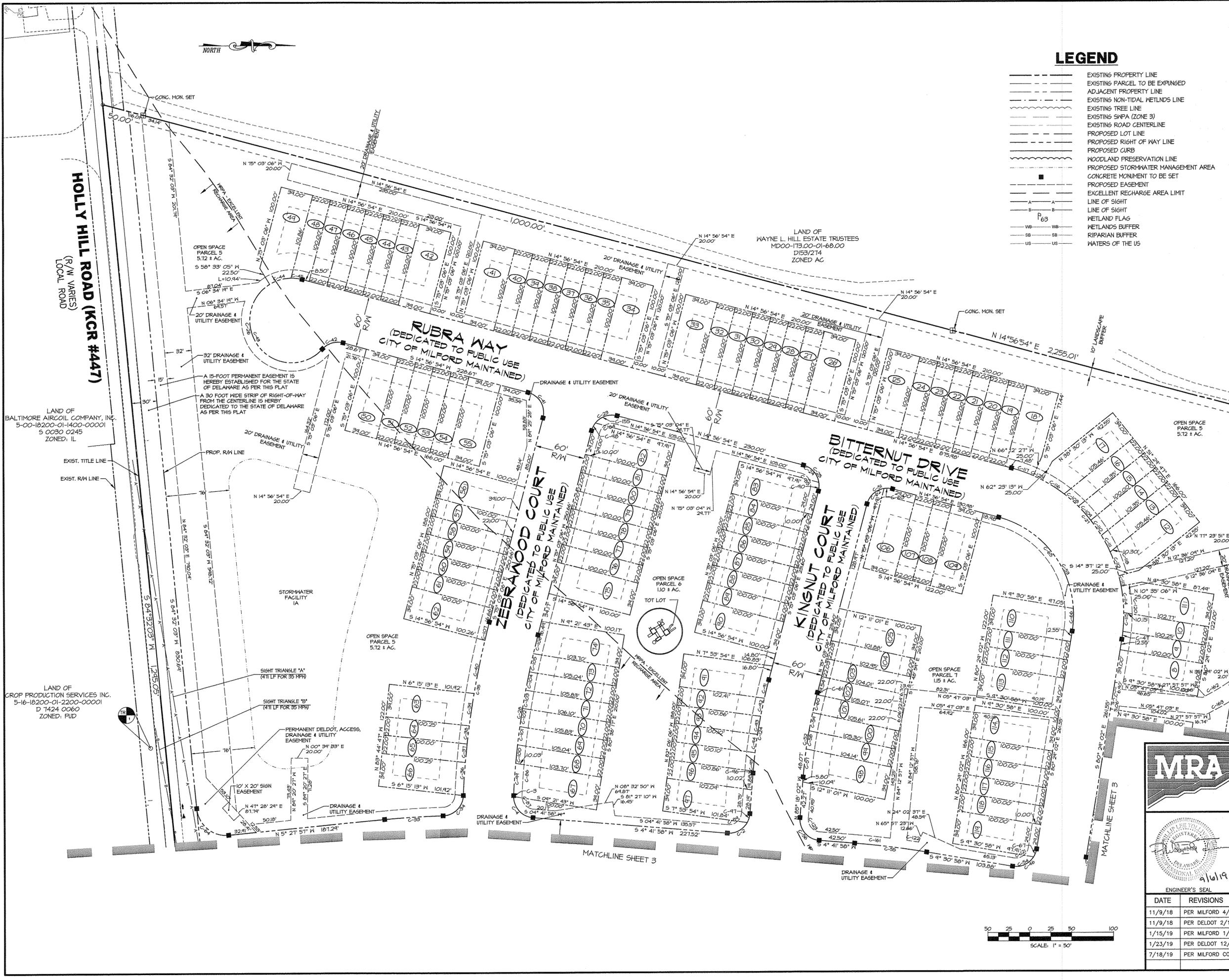


LEGEND

- EXISTING PROPERTY LINE
- EXISTING PARCEL TO BE EXPANDED
- ADJACENT PROPERTY LINE
- EXISTING NON-TIDAL WETLANDS LINE
- EXISTING SNPA (ZONE 3)
- EXISTING ROAD CENTERLINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED CURB
- WOODLAND PRESERVATION LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- CONCRETE MONUMENT TO BE SET
- PROPOSED EASEMENT
- EXCELLENT RECHARGE AREA LIMIT
- LINE OF SIGHT
- LINE OF SIGHT
- WETLAND FLAG
- WETLANDS BUFFER
- RIPARIAN BUFFER
- WATERS OF THE US



KEY MAP



PLAT

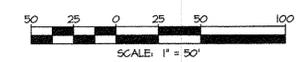


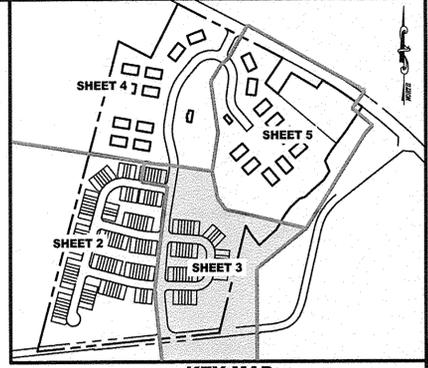
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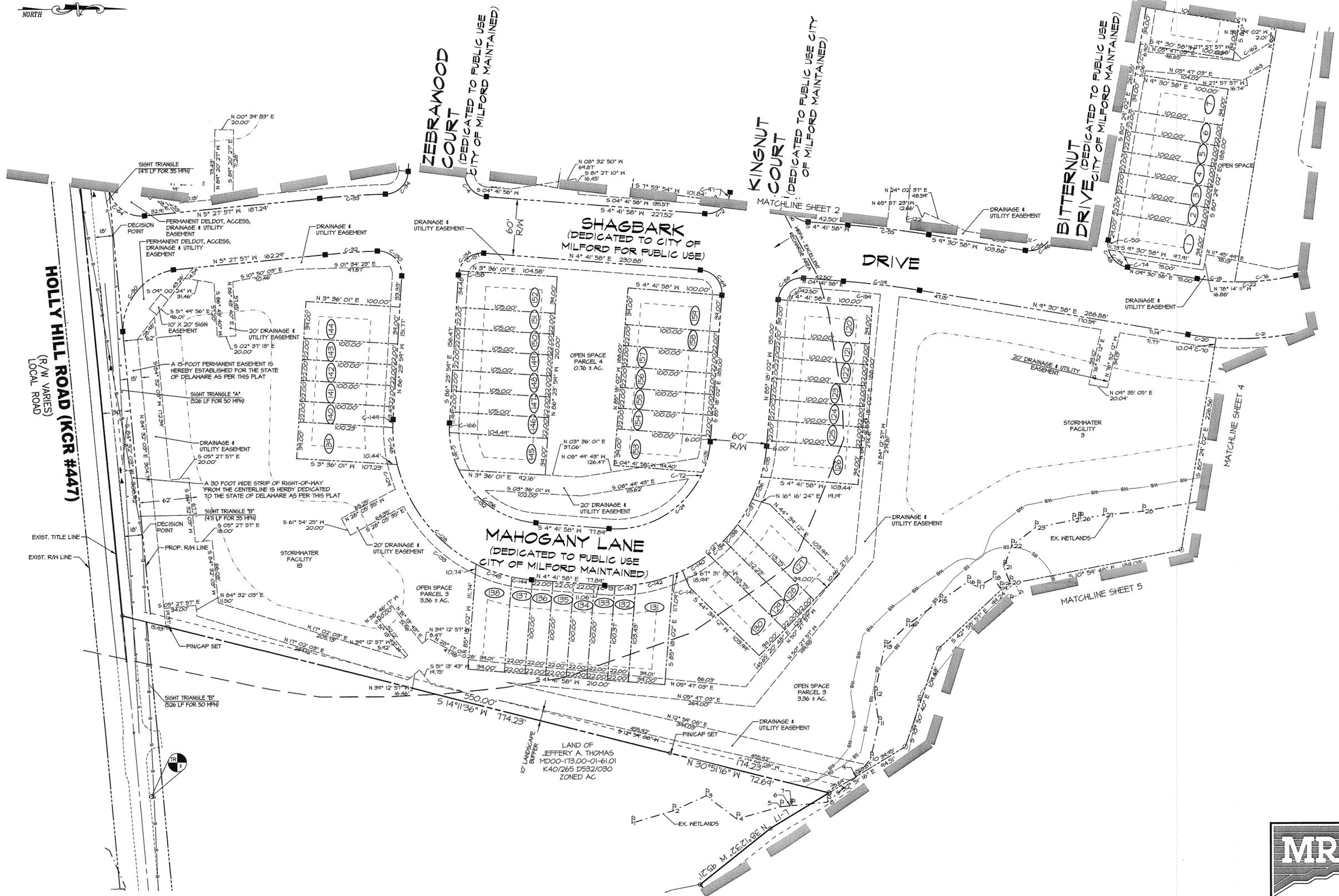
FINAL RECORD PLATS
 FOR
HICKORY GLEN

DATE	REVISIONS	JOB NO.:
11/9/18	PER MILFORD 4/26/18 COMMENTS	16302
11/9/18	PER DELDOT 2/19/18 COMMENTS	SCALE: 1"=50'
1/15/19	PER MILFORD 1/8/19 COMMENTS	DATE: 12/15/2017
1/23/19	PER DELDOT 12/20/18 COMMENTS	DRAWN BY: RDG
7/18/19	PER MILFORD COMMENTS	DESIGN BY: RDG
		REVIEW BY: PLT
		SHEET: 2 OF 9





KEY MAP



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PLAT

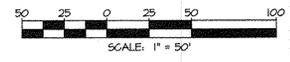


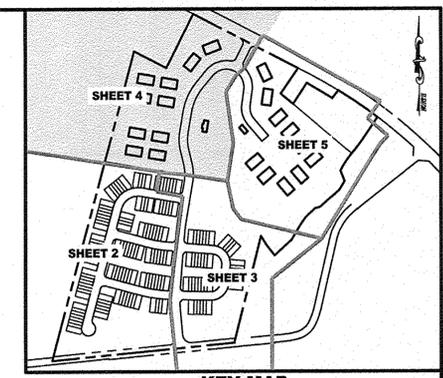
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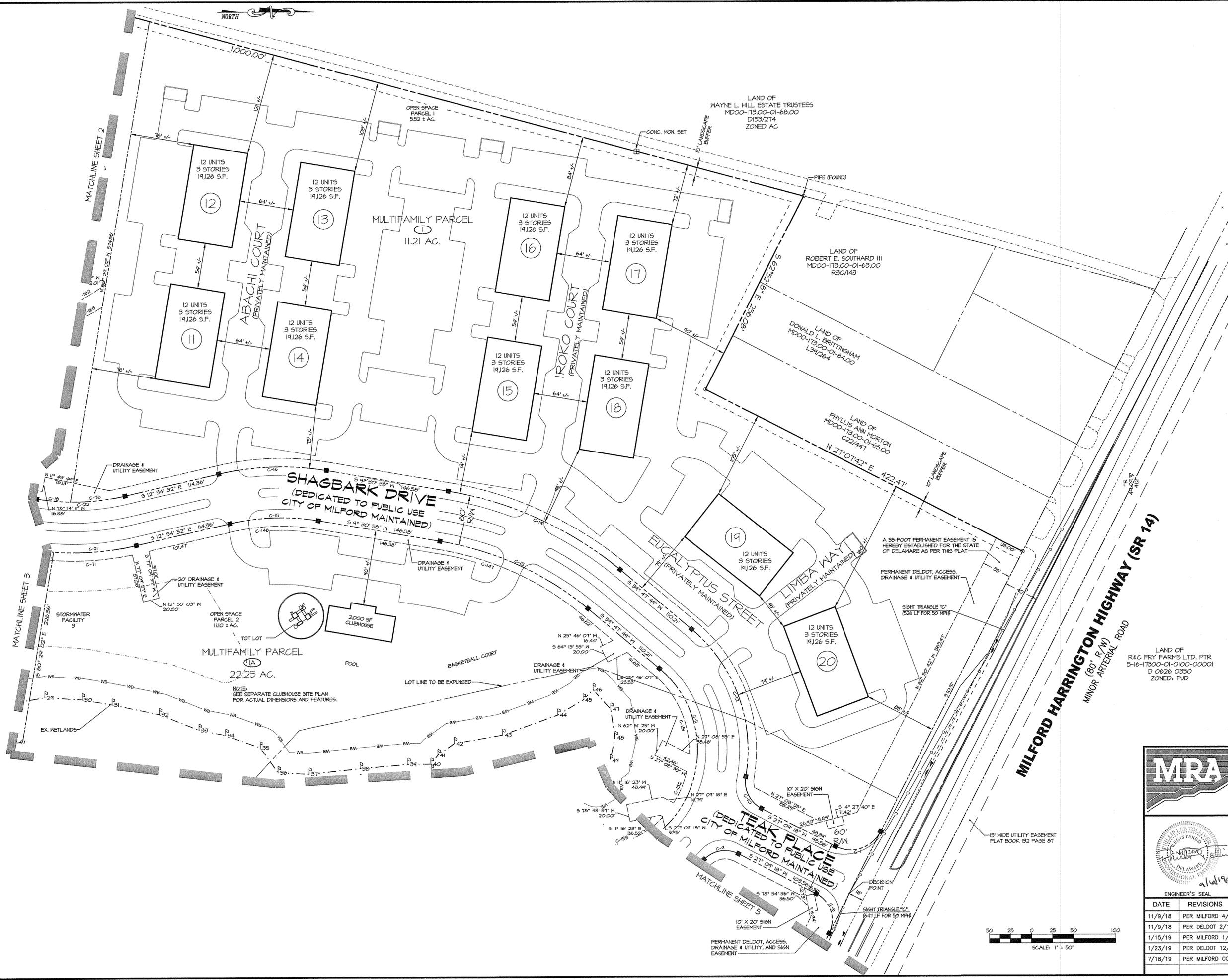
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		SHEET: 3 OF 9





KEY MAP



LEGEND

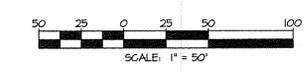
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		SHEET: 4 OF 9



LAND OF
 R4C FRY FARMS LTD. PTR.
 5-16-17300-01-0100-00001
 D 0626 0350
 ZONED: PUD

LAND OF
 WAYNE L. HILL ESTATE TRUSTEES
 MD00-173.00-01-609.00
 D153/274
 ZONED AC

LAND OF
 ROBERT E. SOUTHARD III
 MD00-173.00-01-63.00
 R30/143

LAND OF
 DONALD L. BRITTINGHAM
 MD00-173.00-01-64.00
 L34264

LAND OF
 PHYLLIS ANN MORTON
 MD00-173.00-01-65.00
 C221447

MULTIFAMILY PARCEL
 (1A)
 22.25 AC.

MULTIFAMILY PARCEL
 (1)
 11.21 AC.

TEAK PLACE
 DEDICATED TO PUBLIC USE
 CITY OF MILFORD MAINTAINED

SHAGBARK DRIVE
 DEDICATED TO PUBLIC USE
 CITY OF MILFORD MAINTAINED

EUCALYPTUS STREET
 (PRIVATELY MAINTAINED)

LIMBA WAY
 (PRIVATELY MAINTAINED)

ABACHI COURT
 (PRIVATELY MAINTAINED)

IROKO COURT
 (PRIVATELY MAINTAINED)

MILFORD HARRINGTON HIGHWAY (SR 14)
 (80' R/W)
 MINOR ARTERIAL ROAD

MATCHLINE SHEET 2

MATCHLINE SHEET 3

MATCHLINE SHEET 5

DRAINAGE & UTILITY EASEMENT

20' DRAINAGE & UTILITY EASEMENT

STORMWATER FACILITY 3

OPEN SPACE PARCEL 2 11.00 AC.

TOT LOT

2000 SF CLUBHOUSE

POOL

BASKETBALL COURT

LOT LINE TO BE EXPUNGED

CONC. MON. SET

LANDSCAPE BUFFER

PIPE (FOUND)

PERMANENT DELDOT, ACCESS, DRAINAGE & UTILITY EASEMENT

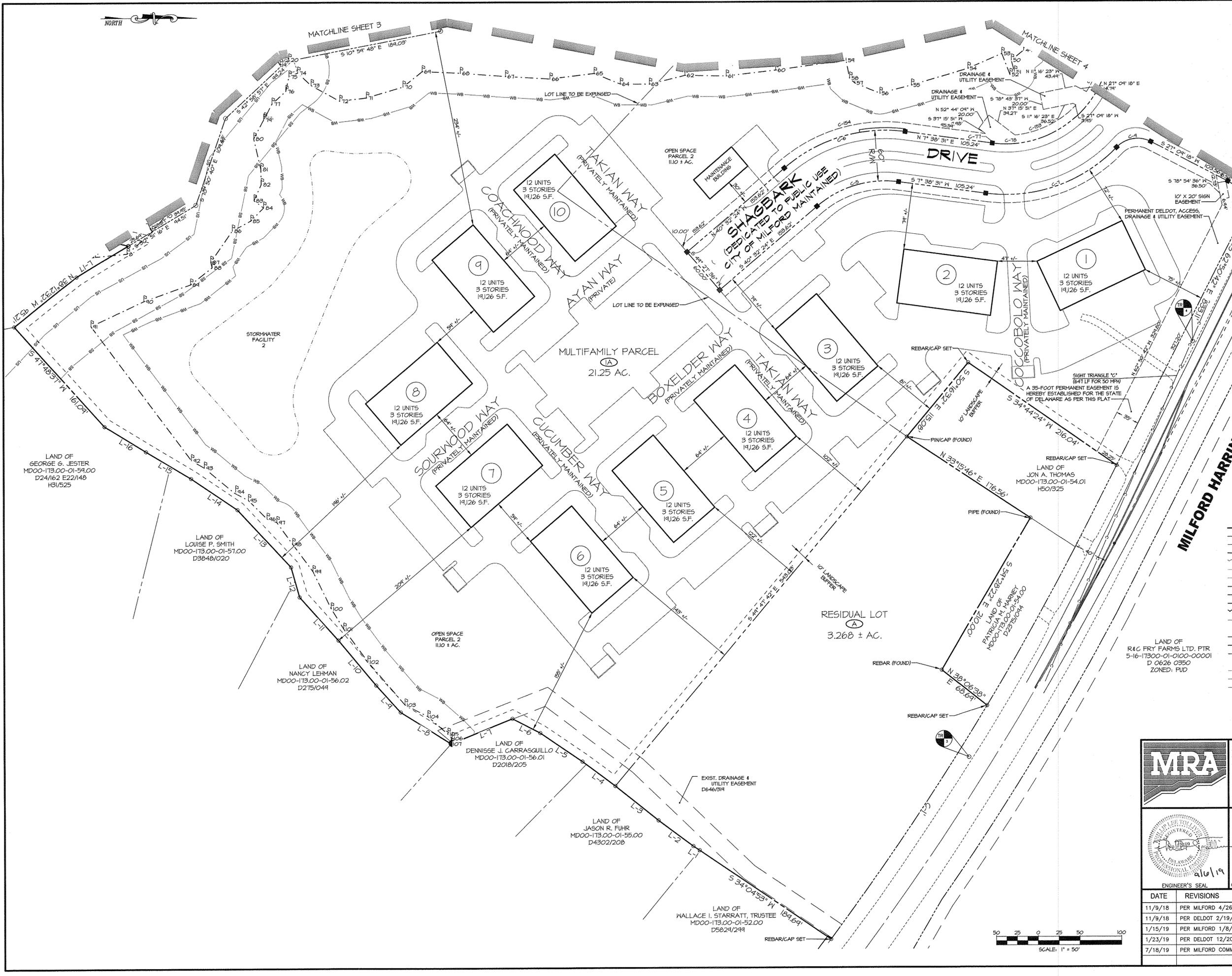
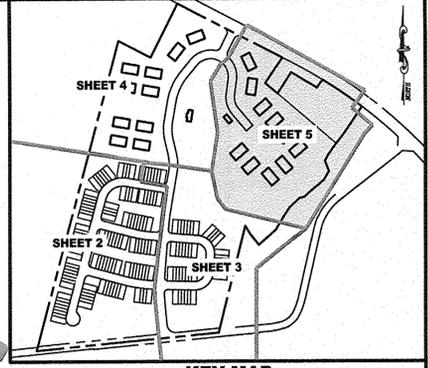
SIGHT TRIANGLE 10' (526 LF FOR 50 MPH)

SIGHT TRIANGLE 10' (641 LF FOR 50 MPH)

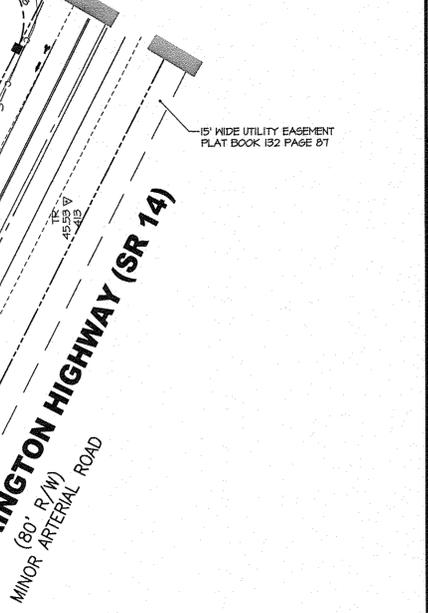
15' WIDE UTILITY EASEMENT PLAT BOOK 132 PAGE 01

10' X 20' SIGN EASEMENT

EX. WETLANDS



KEY MAP

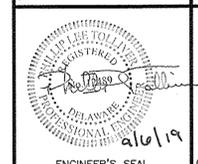


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WB WB WETLANDS BUFFER
SB SB RIPARIAN BUFFER
US US WATERS OF THE US

PLAT

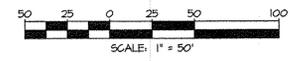


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FINAL RECORD PLATS
FOR
HICKORY GLEN
ENGINEER'S SEAL CITY OF MILFORD KENT COUNTY, DELAWARE

Table with columns: DATE, REVISIONS, JOB NO., SCALE, DATE, DRAWN BY, DESIGN BY, REVIEW BY, SHEET. Includes revision history and sheet information.



LAND OF GEORGE G. JESTER
MDOO-173.00-01-54.00
D24/162 E22/148
H31/525

LAND OF LOUISE P. SMITH
MDOO-173.00-01-51.00
D36/48/020

LAND OF NANCY LEHMAN
MDOO-173.00-01-56.02
D275/049

LAND OF DENNISSE J. CARRASQUILLO
MDOO-173.00-01-56.01
D2018/205

LAND OF JASON R. FUHR
MDOO-173.00-01-55.00
D4302/208

LAND OF WALLACE I. STARRATT, TRUSTEE
MDOO-173.00-01-52.00
D5824/249

RESIDUAL LOT
3.268 ± AC.

MULTIFAMILY PARCEL
21.25 AC.

OPEN SPACE
PARCEL 2
11.10 ± AC.

EXIST. DRAINAGE &
UTILITY EASEMENT
D646/314

LAND OF
R4C FRY FARMS LTD. PTR
5-16-17300-01-0100-00001
D 0626 0350
ZONED: FUD

LAND OF
JON A. THOMAS
MDOO-173.00-01-54.01
H50/325

LAND OF
PATRICIA M. MANNEY
MDOO-173.00-01-54.00
D2378/044

15' WIDE UTILITY EASEMENT
PLAT BOOK 132 PAGE 87

MILFORD HARRINGTON HIGHWAY (SR 14)
MINOR ARTERIAL ROAD

SHAGBARK
CITY OF MILFORD MAINTAINED
DEDICATED TO PUBLIC USE

DRIVE

TAKIAN WAY
(PRIVATELY MAINTAINED)

COUCHWOOD WAY
(PRIVATELY MAINTAINED)

AYAN WAY
(PRIVATE)

SOURWOOD WAY
(PRIVATELY MAINTAINED)

CUCUMBER WAY
(PRIVATELY MAINTAINED)

BOXELDER WAY
(PRIVATELY MAINTAINED)

TAKIAN WAY
(PRIVATELY MAINTAINED)

DOCCOBOLO WAY
(PRIVATELY MAINTAINED)

STORMWATER FACILITY 2

MAINTENANCE BUILDING

REBAR/CAP SET

PINCAP (FOUND)

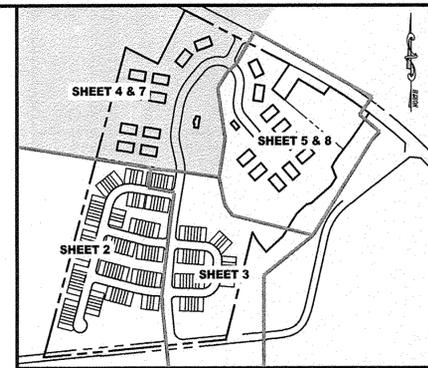
PIPE (FOUND)

REBAR (FOUND)

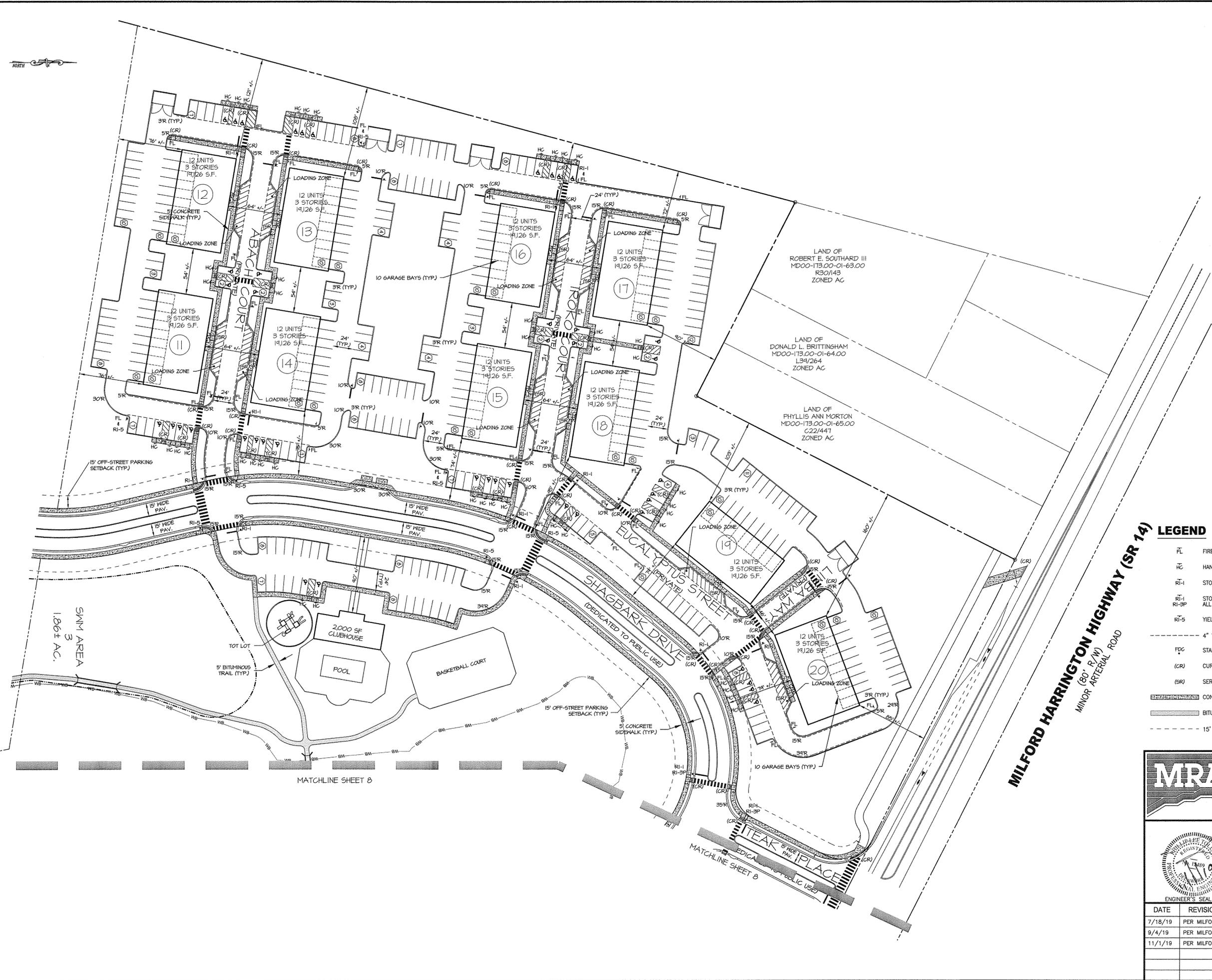
REBAR/CAP SET

REBAR/CAP SET

ENGINEER'S SEAL CITY OF MILFORD KENT COUNTY, DELAWARE



KEY MAP



LAND OF ROBERT E. SOUTHARD III
MDOO-173.00-01-63.00
R30/143
ZONED AC

LAND OF DONALD L. BRITTINGHAM
MDOO-173.00-01-64.00
L34/264
ZONED AC

LAND OF PHYLLIS ANN MORTON
MDOO-173.00-01-65.00
C22/447
ZONED AC

SMM AREA
3
1.86 ± AC.

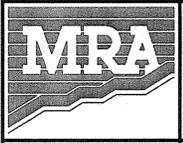
MATCHLINE SHEET 8

MATCHLINE SHEET 8

LEGEND

- FL FIRE LANE SIGN
- HC HANDICAP PARKING SIGN
- RI-1 STOP SIGN
- RI-1 STOP SIGN ALL WAY
- RI-5 YIELD TO PEDESTRIAN SIGN
- 4" YELLOW DEMARCATION
- FDC STANDPIPE WITH SIAMESE CONNECTION
- (CR) CURB RAMP
- (SR) SERVICE RAMP
- CONCRETE SIDEWALK
- BITUMINOUS TRAIL
- 15' OFF-STREET PARKING SETBACK
- PARKING COUNT
- BUILDING NUMBER
- CROSS WALK
- STOP BAR
- DUMPSTER PAD W/ENCLOSURE
- WB METLANDS BUFFER
- SB RIPARIAN BUFFER
- US MATERS OF THE US

PLAT



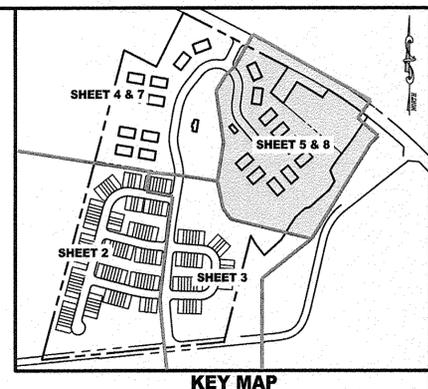
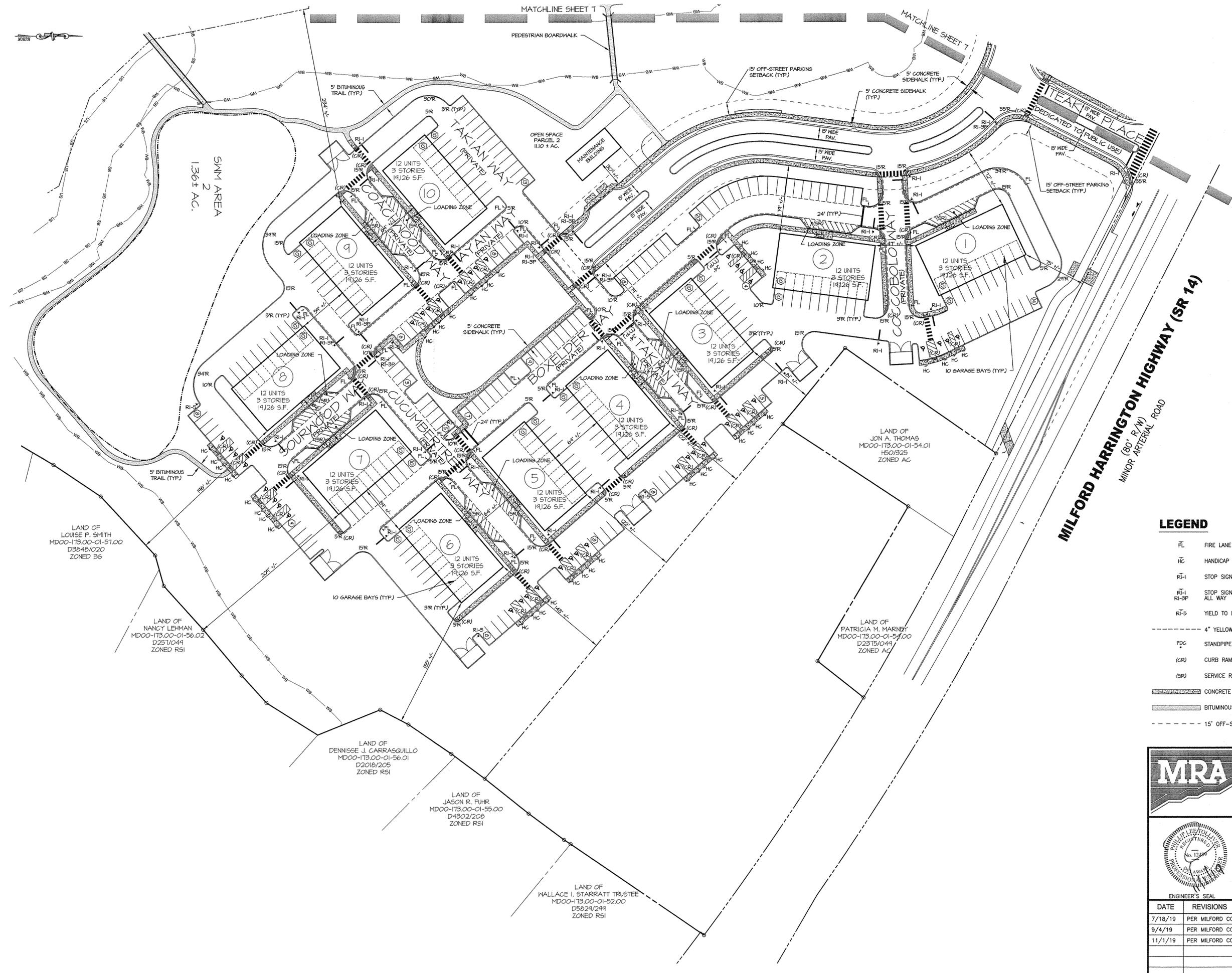
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDER CIRCLE, SUITE 36
NEW CASTLE, DELAWARE 19720
(302) 326-2200
FAX: (302) 326-2399
WWW.MRAGTA.COM



SITE PLAN
FOR
HICKORY GLEN
ENGINEER'S SEAL CITY OF MILFORD KENT COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.: 16302
7/18/19	PER MILFORD COMMENTS	SCALE: 1" = 50'
9/4/19	PER MILFORD COMMENTS	DATE: 1/15/2019
11/1/19	PER MILFORD COMMENTS	DRAWN BY: RDG
		DESIGN BY: RDG
		REVIEW BY: PLT
		SHEET: 7 OF 9

G:\16302_01 - Hickory Glen\LDG\PLAT\PLAT\16302_01_plat_Apartment_Site_Plans.dwg, 10/31/2019 9:59:21 AM, R:Ramon, 1:1, Copyright © 2019 Morris & Ritchie Associates, Inc.



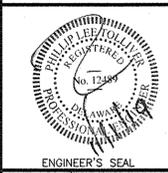
LEGEND

- FL FIRE LANE SIGN
- HC HANDICAP PARKING SIGN
- RI-1 STOP SIGN
- RI-1 RI-3P STOP SIGN ALL WAY
- RI-5 YIELD TO PEDESTRIAN SIGN
- 4" YELLOW DEMARCATION
- FDC STANDPIPE WITH SIAMESE CONNECTION
- (CR) CURB RAMP
- (SR) SERVICE RAMP
- CONCRETE SIDEWALK
- BITUMINOUS TRAIL
- 15' OFF-STREET PARKING SETBACK
- PARKING COUNT
- BUILDING NUMBER
- CROSS WALK
- STOP BAR
- DUMPSTER PAD W/ENCLOSURE
- WETLANDS BUFFER
- RIPARIAN BUFFER
- MATERS OF THE US

PLAT



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SITE PLAN
 FOR
HICKORY GLEN
 CITY OF MILFORD KENT COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.: 16302
7/18/19	PER MILFORD COMMENTS	SCALE: 1" = 50'
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		DESIGN BY: RDG
		REVIEW BY: PLT
		SHEET: 8 OF 9

G:\16302\01 - Hickory Glen\01\PLAT\16302_01_plat_Apartment_Site_Plan.dwg, 10/31/2019 9:08:38 AM, R.Roman,
 1:1, Copyright 2019 Morris & Ritchie Associates, Inc.

LOTS AND RIGHTS OF WAY CURVE TABLES

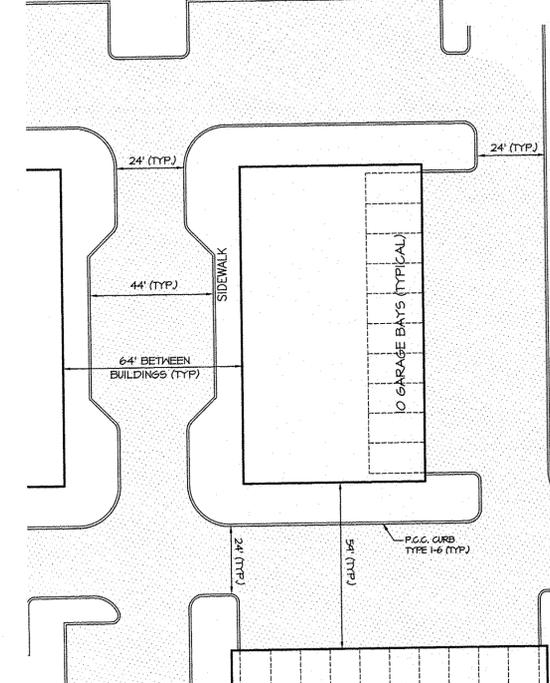
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C-1	62.83'	40.00'	N 17° 50' 42" W	56.51'
C-2	39.27'	25.00'	N 40° 18' 02" W	35.36'
C-3	1.03'	25.00'	S 88° 22' 44" E	1.03'
C-4	38.57'	25.00'	N 48° 36' 15" E	34.86'
C-5	105.12'	125.00'	S 16° 26' 56" E	102.05'
C-6	155.57'	185.00'	S 16° 26' 56" E	151.03'
C-7	172.11'	185.00'	N 14° 00' 33" W	165.97'
C-8	54.48'	35.00'	S 72° 04' 18" W	44.50'
C-9	44.48'	35.00'	S 04° 15' 04" E	41.55'
C-10	44.48'	35.00'	N 63° 33' 46" E	41.55'
C-11	322.55'	125.00'	N 66° 16' 50" W	240.22'
C-12	144.24'	185.00'	S 64° 53' 01" W	185.48'
C-13	145.54'	370.00'	S 24° 34' 23" W	143.28'
C-14	221.25'	430.00'	S 24° 34' 23" W	224.62'
C-15	105.68'	270.00'	S 01° 41' 41" E	105.00'
C-16	124.16'	330.00'	S 01° 41' 41" E	128.34'
C-18	40.15'	270.00'	N 05° 15' 23" E	40.11'
C-20	30.04'	330.00'	N 06° 54' 30" E	30.03'
C-21	124.16'	330.00'	N 01° 41' 41" W	128.34'
C-22	105.68'	270.00'	N 01° 41' 41" W	105.00'
C-23	39.27'	25.00'	S 30° 03' 06" E	35.36'
C-24	28.48'	25.00'	S 48° 04' 34" W	27.34'
C-25	39.27'	25.00'	S 54° 56' 54" W	35.36'
C-26	170.85'	50.00'	N 50° 34' 32" E	94.05'
C-27	265.68'	180.00'	S 51° 13' 56" W	242.21'
C-28	142.43'	910.00'	S 81° 07' 31" E	142.57'
C-29	157.08'	100.00'	S 40° 18' 02" E	141.42'
C-30	102.10'	65.00'	S 50° 21' 57" E	41.42'
C-32	55.62'	90.12'	S 03° 44' 31" E	55.61'
C-33	70.02'	1030.00'	S 03° 31' 07" E	70.00'
C-34	31.43'	25.00'	N 44° 21' 41" W	34.03'
C-35	208.24'	970.00'	N 81° 12' 06" W	207.84'
C-36	39.04'	970.00'	S 86° 11' 56" E	39.04'
C-37	22.00'	970.00'	S 84° 23' 46" E	22.00'
C-38	22.00'	970.00'	S 83° 05' 48" E	22.00'
C-39	39.04'	970.00'	S 81° 17' 38" E	39.04'
C-40	63.82'	970.00'	S 78° 15' 21" E	63.81'
C-41	39.27'	25.00'	S 54° 56' 54" W	35.36'
C-42	27.13'	25.00'	S 16° 08' 33" E	25.82'
C-43	211.34'	50.00'	N 73° 51' 21" W	85.63'
C-44	26.82'	50.00'	S 16° 04' 55" E	26.50'
C-45	13.67'	50.00'	S 07° 06' 54" W	13.63'
C-46	39.27'	25.00'	N 35° 24' 02" W	35.36'
C-47	4.46'	180.00'	N 81° 54' 21" W	4.46'
C-48	39.27'	25.00'	N 54° 30' 58" E	35.36'
C-49	28.48'	25.00'	N 42° 43' 38" E	27.34'
C-50	10.24'	25.00'	N 87° 43' 38" E	10.22'
C-51	39.27'	25.00'	S 30° 03' 06" E	35.36'
C-52	101.96'	570.00'	S 60° 10' 34" E	101.82'
C-53	177.12'	120.00'	S 57° 13' 56" W	161.47'
C-54	28.48'	25.00'	N 23° 41' 41" W	27.34'
C-55	86.54'	1030.00'	S 07° 06' 54" W	86.56'
C-56	39.27'	25.00'	N 44° 41' 58" E	35.36'
C-57	33.43'	570.00'	S 83° 37' 14" E	33.42'
C-58	22.03'	570.00'	S 80° 44' 54" E	22.03'
C-59	22.00'	570.00'	S 78° 37' 12" E	22.00'
C-60	22.01'	570.00'	S 76° 24' 24" E	22.01'
C-61	2.44'	570.00'	S 75° 10' 36" E	2.44'
C-62	28.48'	25.00'	S 41° 50' 26" E	27.34'
C-63	10.24'	25.00'	S 03° 04' 34" W	10.22'
C-64	54.48'	35.00'	N 34° 32' 03" E	44.50'
C-65	150.45'	120.00'	S 50° 51' 52" W	140.78'
C-66	26.67'	120.00'	N 66° 51' 06" W	26.62'
C-67	10.24'	25.00'	N 68° 41' 41" W	10.22'
C-68	39.27'	25.00'	S 44° 41' 58" W	35.36'
C-69	30.04'	340.00'	N 06° 54' 07" E	30.03'
C-70	31.07'	125.00'	N 02° 56' 04" W	30.94'
C-71	95.42'	340.00'	N 03° 37' 42" W	95.61'
C-72	5.44'	100.00'	N 64° 27' 36" W	5.44'
C-73	10.45'	160.00'	S 02° 44' 19" W	10.45'
C-74	12.62'	15.00'	N 33° 36' 40" E	12.25'
C-76	54.65'	270.00'	N 07° 56' 20" W	54.55'
C-77	7.54'	125.00'	N 05° 54' 50" E	7.54'
C-78	31.07'	125.00'	N 02° 56' 04" W	30.94'
C-84	23.56'	15.00'	S 30° 03' 06" E	21.21'
C-85	23.56'	15.00'	S 54° 56' 54" W	21.21'
C-86	37.00'	900.00'	S 86° 01' 16" E	37.00'
C-87	23.14'	15.00'	N 48° 36' 15" E	20.91'

TOWNHOME LOT AREA TABLE

LOT #	AREA (S.F.)						
1	3,843	41	3,900	81	2,200	121	2,200
2	2,200	42	3,900	82	3,843	122	2,200
3	2,200	43	2,200	83	3,843	123	2,200
4	2,200	44	2,200	84	2,200	124	2,200
5	2,200	45	2,200	85	2,200	125	2,200
6	2,200	46	2,200	86	2,200	126	3,438
7	3,900	47	2,200	87	2,200	127	4,516
8	3,900	48	2,208	88	2,200	128	2,480
9	2,201	49	4,192	89	2,200	129	2,480
10	2,228	50	3,900	90	3,900	130	4,533
11	4,088	51	2,200	91	4,075	131	4,263
12	4,228	52	2,200	92	2,235	132	2,236
13	2,270	53	2,200	93	2,204	133	2,201
14	2,210	54	2,200	94	2,201	134	2,200
15	2,210	55	3,900	95	2,204	135	2,200
16	2,270	56	3,900	96	2,232	136	2,200
17	4,228	57	2,200	97	4,015	137	2,210
18	3,888	58	2,200	98	3,484	138	4,122
19	2,200	59	2,200	99	2,305	139	4,013
20	2,200	60	2,200	100	2,322	140	2,201
21	2,200	61	2,200	101	2,314	141	2,200
22	2,200	62	3,902	102	2,300	142	2,200
23	2,200	63	3,437	103	2,276	143	2,200
24	2,200	64	2,202	104	2,253	144	3,900
25	3,900	65	2,202	105	3,437	145	3,842
26	3,900	66	3,437	106	3,433	146	2,308
27	2,200	67	3,478	107	2,200	147	2,310
28	2,200	68	2,247	108	2,200	148	2,310
29	2,200	69	2,321	109	3,900	149	2,310
30	2,200	70	2,332	110	3,874	150	2,310
31	2,200	71	2,332	111	2,200	151	2,310
32	2,200	72	2,321	112	2,200	152	4,044
33	3,900	73	2,247	113	3,900	153	3,834
34	3,900	74	3,174	114	3,900	154	2,200
35	2,200	75	3,900	115	2,200	155	2,200
36	2,200	76	2,200	116	2,200	156	2,200
37	2,200	77	2,200	117	2,200	157	2,200
38	2,200	78	2,200	118	2,200	158	2,200
39	2,200	79	2,200	119	3,843	159	3,900
40	2,200	80	2,200	120	3,900		

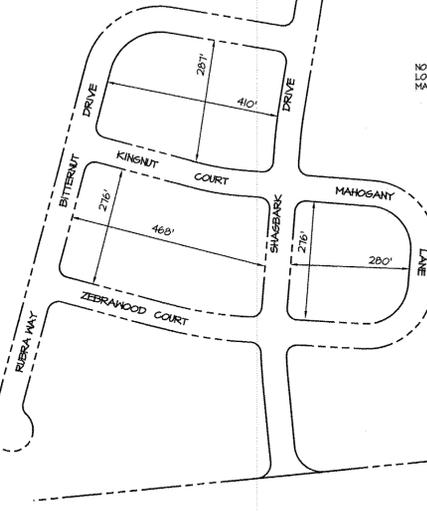
WETLANDS DELINEATION TABLE

WETLANDS TABLE			WETLANDS TABLE			WETLANDS TABLE		
POINT #	NORTHING	EASTING	POINT #	NORTHING	EASTING	POINT #	NORTHING	EASTING
1	337102.13	643080.07	73	337531.28	642858.18	101	337568.75	643506.15
2	337145.75	643067.40	74	337515.17	642848.27	102	337541.58	643545.09
3	337181.04	643091.61	75	337504.73	642841.72	103	337541.84	643546.31
4	337213.61	643076.35	76	337500.84	642836.15	104	337569.13	643610.22
5	337260.15	643063.51	77	337484.41	642830.14	105	337643.21	643631.16
6	337320.22	643062.56	78	337475.14	642824.66	106	337649.16	643636.27
7	337372.14	643062.38	79	337474.24	642819.37	107	337647.08	643642.81
8	337390.01	643058.78	80	337462.35	642812.84			
9	337340.11	643032.42	81	337470.78	642815.98			
10	337355.73	643013.18	82	337471.14	642815.98			
11	337364.55	642975.76	83	337462.44	642815.20			
12	337360.30	642944.43	84	337473.44	643003.88			
13	337371.11	642845.24	85	337458.53	643014.62			
14	337394.78	642812.65	86	337436.34	643031.31			
15	337430.11	642846.78	87	337410.38	643068.82			
16	337459.62	642826.87	88	337412.07	643075.50			
17	337470.14	642831.94	89	337386.05	643045.80			
18	337486.74	642822.35	90	337330.03	643151.63			
19	337444.28	642833.73	91	337266.45	643144.82			
20	337504.52	642827.57	92	337288.64	643305.15			
21	337448.02	642811.01	93	337402.10	643313.47			
22	337506.28	642808.43	94	337439.52	643342.12			
23	337531.55	642764.80	95	337454.74	643352.44			
24	337571.60	642762.07	96	337471.16	643374.67			
25	337577.55	642761.10	97	337488.40	643378.82			
26	337574.46	642760.80	98	337507.78	643404.98			
27	337604.11	642766.81	99	337532.05	643437.69			
28	337645.72	642752.45	100	337553.81	643482.05			
29	337713.27	642741.64	101	337568.75	643506.15			
30	337758.05	642744.41	102	337541.58	643545.09			
31	337743.35	642750.63	103	337541.84	643546.31			
32	337844.87	642762.22	104	337669.13	643610.22			
33	337846.62	642781.01	105	337643.21	643631.16			
34	337828.22	642787.14	106	337649.16	643636.27			
35	337964.48	642801.94	107	337647.08	643642.81			
36	337990.48	642831.65						



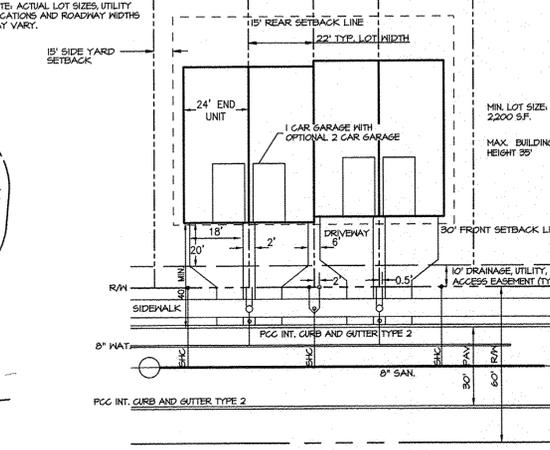
TYPICAL APARTMENT DETAIL

SCALE: 1" = 30'



BLOCK LENGTH EXHIBIT

NOT TO SCALE



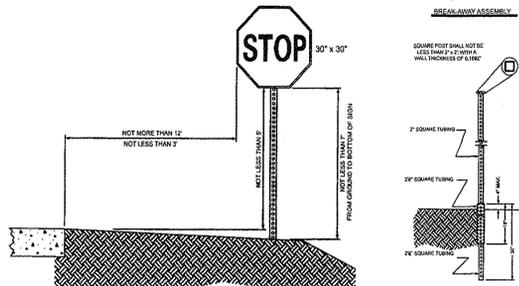
TYPICAL TOWNHOUSE LOT LAYOUT

NOT TO SCALE

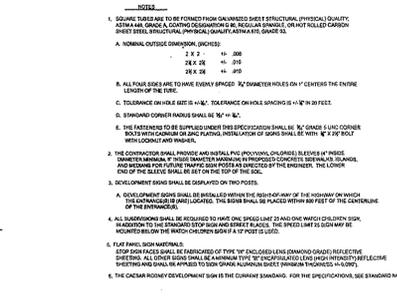
BOUNDARY LINE AND CURVE TABLES

BOUNDARY LINE TABLE

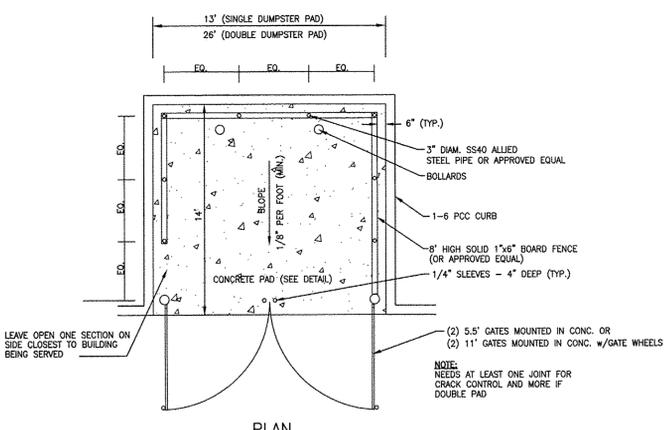
LINE	BEARING	DISTANCE
L-1	S3256.947N	91.00'
L-2	S3627.167N	51.71'
L-3	S3824.	



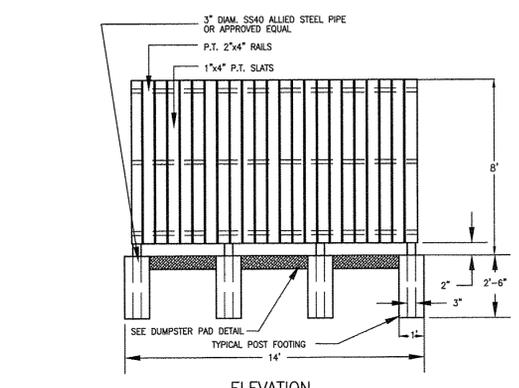
ROADSIDE SIGN PLACEMENT DETAIL
NOT TO SCALE



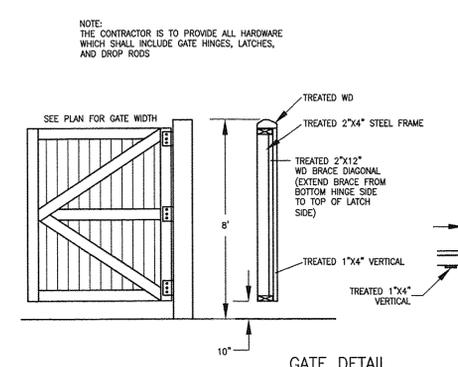
SIGNPOST SPECIFICATIONS
NOT TO SCALE



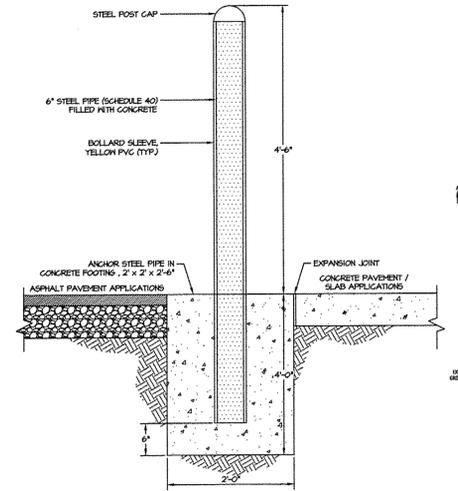
DUMPSTER PAD CONCRETE SLAB DETAIL
NOT TO SCALE



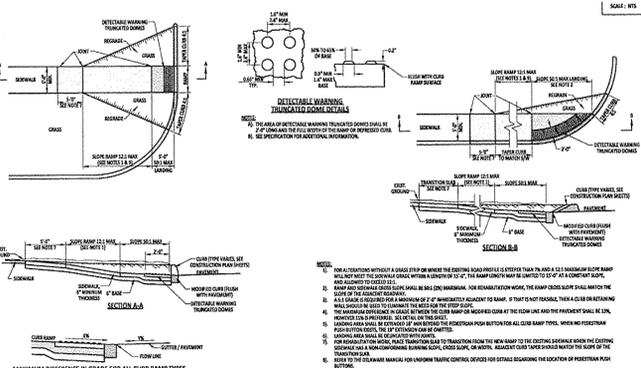
DUMPSTER PAD w/ ENCLOSURE
NOT TO SCALE



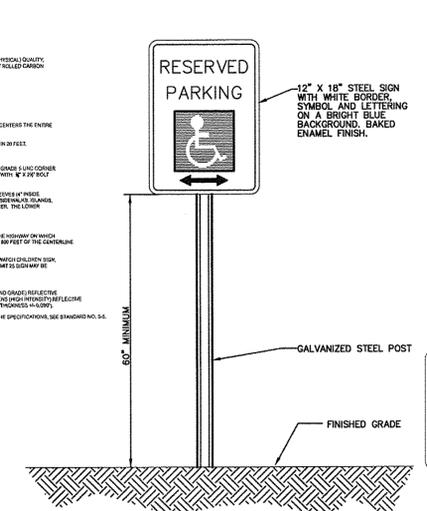
GATE DETAIL



BOLLARD DETAIL
NOT TO SCALE



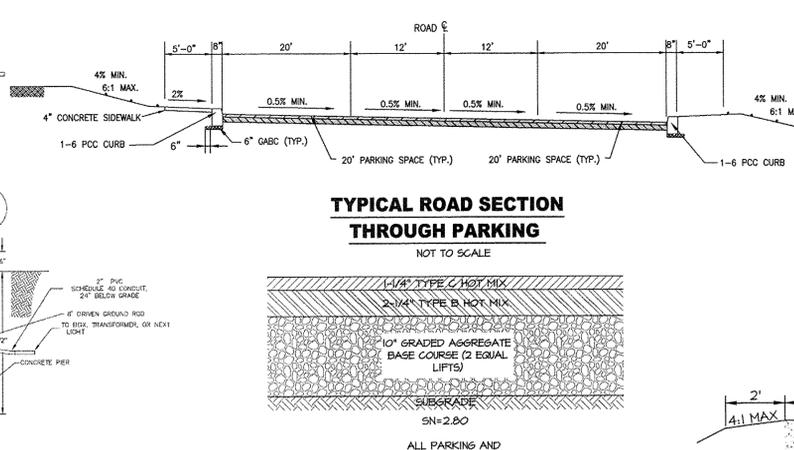
CURB RAMP DETAIL (CR)
NOT TO SCALE



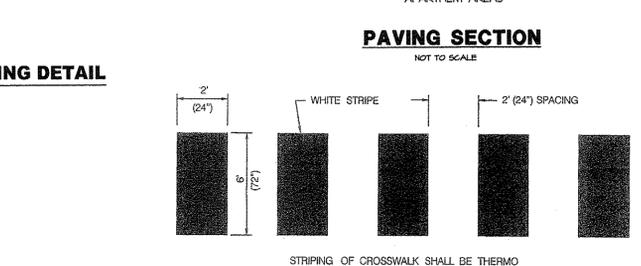
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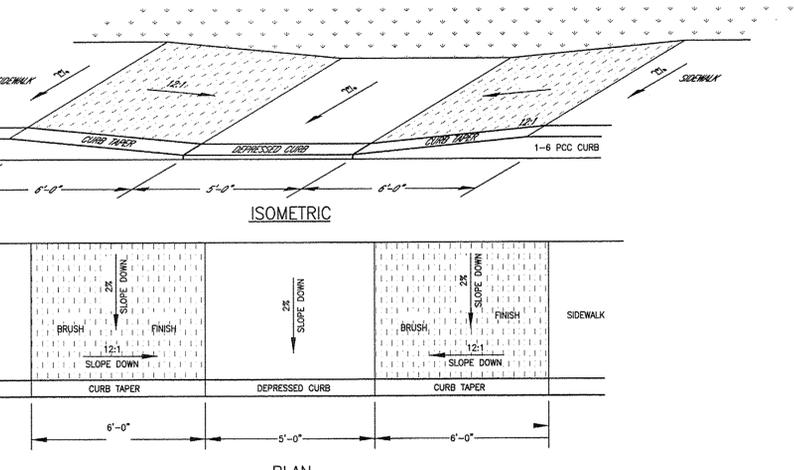
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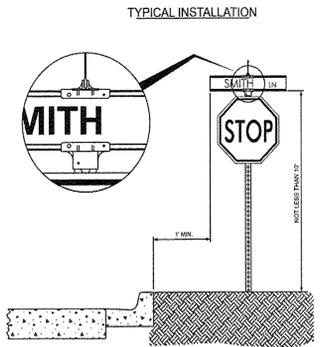
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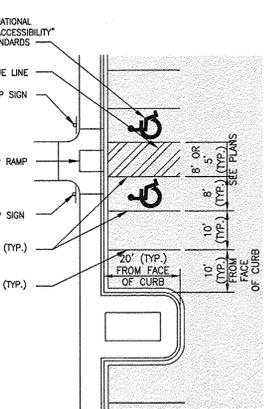
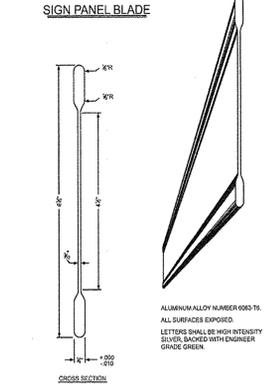
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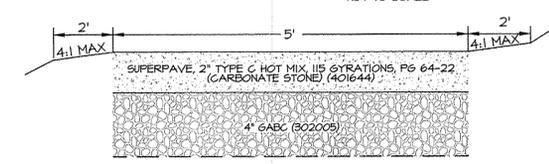
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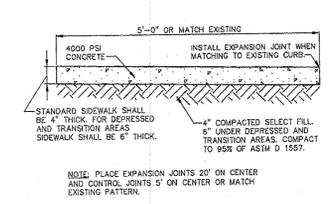
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NOT TO SCALE



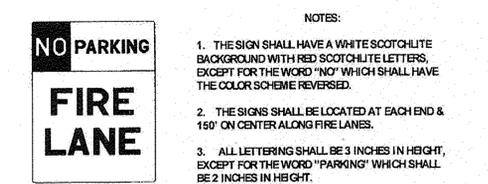
PARKING LOT STRIPING DETAIL
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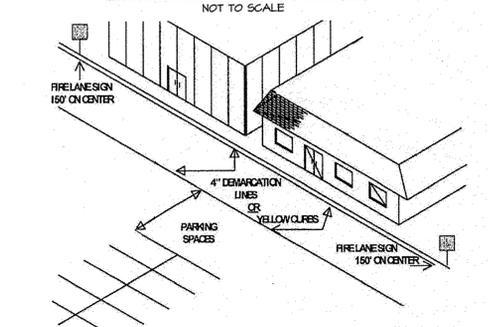
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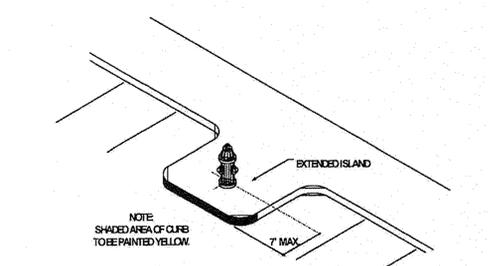
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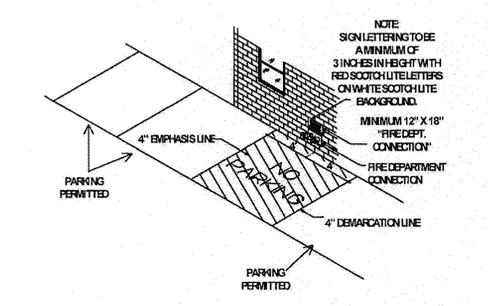
FIRE LANE SIGN DETAIL
NOT TO SCALE



PRIMARY FIRE LANE STRIPING DETAIL
NOT TO SCALE



FIRE HYDRANT MARKING DETAIL
NOT TO SCALE



STANDPIPE BUILDING CONNECTION DETAIL
NOT TO SCALE

PLAT

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDEN CIRCLE, SUITE 36
NEW CASTLE, DELAWARE 19720
(302) 326-2200
FAX: (302) 326-2399
WWW.MRAGTA.COM

ENGINEER'S SEAL		CITY OF MILFORD	
DATE	REVISIONS	JOB NO.:	16302
		SCALE:	AS NOTED
		DATE:	1/15/2019
		DRAWN BY:	RDG
		DESIGN BY:	RDG
		REVIEW BY:	PLT
		SHEET:	9 OF 9

- NOTES:
1. THE SIGN SHALL HAVE A WHITE SCOTCH-LITE BACKGROUND WITH RED SCOTCH-LITE LETTERS, EXCEPT FOR THE WORD "NO" WHICH SHALL HAVE THE COLOR SCHEME REVERSED.
 2. THE SIGNS SHALL BE LOCATED AT EACH END & 150' ON CENTER ALONG FIRE LANES.
 3. ALL LETTERING SHALL BE 3 INCHES IN HEIGHT, EXCEPT FOR THE WORD "PARKING" WHICH SHALL BE 2 INCHES IN HEIGHT.

**HICKORY GLEN
DEVELOPMENT AGREEMENT
CITY OF MILFORD, DELAWARE**

This Agreement, hereinafter the **AGREEMENT**, dated this _____ day of _____, 20____, by and between the equitable property owner **HICKORY GLEN LLC**, a Delaware Corporation, hereinafter the "**OWNER**".

AND

The **City of Milford**, a municipal corporation of the State of Delaware, hereinafter the "**CITY**".

WHEREAS, the **OWNER** is proposing a 399-unit Townhome and Multi-Family residential development on an approximately 75-acre parcel located on Milford Harrington Highway and Holly Hill Road, hereinafter the "**PROJECT**,

WHEREAS, the **OWNER**, intends to develop the parcel in accordance with the project plans presently under review by the City, hereinafter "**THE PLANS**,

WHEREAS, it is a requirement of the **CITY**'s Ordinance that properties within the **CITY** are connected to the municipalities' electrical, water and sewer systems;

WHEREAS, the **OWNER**, shall complete all improvements of the **PROJECT** as shown on **THE PLANS**.

NOW THEREFORE, in consideration of the requirements of the **CITY** and the services required by the **OWNER**, the parties hereto agree, under seal, as follows:

ARTICLE ONE

DEFINITIONS

- 1.1 **AS-BUILTS** include a set of detailed record plans prepared by the **OWNER** that include surveyed elevations and horizontal locations of all property monuments/markers; sewer manhole rims, pipe sizes and inverts, pump station force main inverts every 50 feet, cleanouts, air release valves, grease traps; all water valves, hydrants, vaults, meter pits and curb stops; all storm sewer catch basins, manhole rims, pipe sizes and inverts, and any other item which will be taken over by the **CITY**.
- 1.2 **BENEFICIAL OCCUPANCY** means satisfactory completion and inspection of the storm water, sanitary sewer, water and electrical systems; a "Notice to Operate" from the Delaware Division of Public Health; base coat of hot mix to the roads in the **SUBDIVISION**; and **AS-BUILT** plans provided by the **OWNERS** engineer. The **CITY** will operate the utilities during **BENEFICIAL OCCUPANCY** at the expense of the **OWNER**.
- 1.3 **CITY** means "the City of Milford."

- 1.4 **CONDITIONAL ACCEPTANCE** means completion of the improvements required by the PLANS following an inspection by the CITY of such improvements and completion of any unresolved issues identified during the inspection by the OWNER. The OWNER shall provide, prior to CONDITIONAL ACCEPTANCE, a collateral bond in the amount of ten percent (10%) of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon completion of each phase. CONDITIONAL ACCEPTANCE begins the one (1) year warranty period.
- 1.5 **CONTRACTOR** means a licensed contractor, which is contracted, or to be contracted, by the OWNER to construct and complete the improvements required by the PLANS.
- 1.6 **DEPARTMENT** means the CITY Public Works Department or Designee authorized by the City to represent the CITY and the DEPARTMENT.
- 1.7 **ENGINEER** means the engineer, which is contracted, or to be contracted, by the OWNER to provide professional consultant services for the PROJECT.
- 1.8 **FINAL ACCEPTANCE** means the improvements required by the PLANS have been satisfactorily installed and inspected by the CITY and the OWNER has been released from any and all obligations associated with the PROJECT or that portion of the project.
- 1.9 **PROJECT** means the improvements to the ENTIRE SUBDIVISION or portion of the ENTIRE SUBDIVISION required by the PLANS and any and all accessories, equipment and other incidentals required to provide satisfactory and complete use of such project.
- 1.10 **SPECIFICATIONS** mean the CITY of Milford Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, as revised.
- 1.11 **WORKING DAY** means any calendar day in which the CONTRACTOR performs construction operations.

ARTICLE TWO

SCOPE OF SERVICES

2.1 OWNER

2.1.A All design and construction work required for the satisfactory completion of the PROJECT shall be the responsibility of the OWNER, subject to the approval of the CITY and the DEPARTMENT.

2.1.B All design and construction shall be subject to the approval of all Federal, Regional, State, County, CITY, and other public governmental agencies, hereinafter the "AGENCIES", insofar as the interest of each is concerned. All design and construction shall be subject to the approval of the AGENCIES, insofar as the interest of each is concerned.

2.1.C Close cooperation between the AGENCIES and the OWNER is intended in order that the interest of the AGENCIES may best be served. The OWNER shall confer when

and where requested by the CITY with the CITY and with representatives of the AGENCIES. The OWNER shall maintain a continuing and close liaison with the DEPARTMENT in order to resolve questions and obtain needed approvals from the AGENCIES so as to permit the work effort for the PROJECT to be uninterrupted.

2.1.D At all times, the OWNER will have the right to cause the ENGINEER or the OWNER'S agents to participate in the planning and meetings and determination of the course of construction of the work to be performed, as it affects the PROJECT.

2.1.E The OWNER shall provide administration of the construction contract documents.

2.1.F The OWNER shall be allowed to construct the project in phases provided the PROJECT phasing plan is approved by the CITY prior to start of construction and that all infrastructure necessary to support each phase is installed and completed to the satisfaction of the CITY prior to proceeding to the next Phase.

2.2 CITY

2.2.A The CITY shall promptly review and approve all plans and submittals relating to the PROJECT. Any changes to the approved PLANS may result in a resubmission by the OWNER to the CITY for re-approval. Said changes must be submitted in writing with appropriate backup information by the OWNER to the CITY for determination of the process necessary to approve or disapprove such a change.

2.2.B The CITY shall promptly conduct construction inspection on improvements to the entire PROJECT within the public right-of-way and/or improvements to be dedicated to the CITY.

2.2.C The CITY shall promptly review and approve plans for building construction of the PROJECT and promptly conduct inspections thereof.

2.2.D The CITY shall set all water meters. OWNER will set meter pit and sewer cleanout frame and cover in and flush with the proposed sidewalk. Where no sidewalk is proposed meter and cleanout shall be set in a square concrete pad extending a minimum of 6 inches beyond the meter lid or cleanout cover in all directions.

ARTICLE THREE

FEE STRUCTURE

3.1 The OWNER shall be subject to the following fees:

3.1.A The following fees shall be paid in accordance with the fee schedule of the CITY that is in effect at the time a notice to proceed is issued for each phase of the project:

3.1.A.1 Subdivision/Utility Agreement Fee in the amount of \$2,500.00.

3.1.A.2 Engineering Plan Review Fees: OWNER shall be responsible for any and all professional service costs associated with their project plus an additional 10% to cover CITY administration costs. These costs will be billed as encumbered.

3.1.A.3 Project Management and Infrastructure Inspection Fees: OWNER shall be responsible for any and all direct costs for construction phase services, plus an additional 10% to cover CITY administration costs related to construction of any infrastructure improvements including but not limited to storm water management, drainage, sanitary sewer and water systems, roads, curb, gutter, and sidewalks, and other systems that are to be dedicated to the CITY and/or impact the CITY's infrastructure. The OWNER shall provide 4% of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon project completion prior to construction commencement. If CITY expenses exceed the amount provided, the OWNER shall cover additional expenses.

3.1.B The following fees shall be paid in accordance with the fee schedule of the CITY that is in effect at the time a building permit is issued, which includes but is not limited to the following:

- 3.1.B.1 Water Meter Fee;
- 3.1.B.2 Water Connection Fee;
- 3.1.B.3 Water Impact Fee;
- 3.1.B.4 Fire Connection Fee;
- 3.1.B.5 Sewer Connection Fee;
- 3.1.B.6 Sewer Impact Fee (City);
- 3.1.B.7 Sewer Impact Fee (County);
- 3.2.B.8 Electric Connection Fee;
- 3.1.B.9 Electric Impact Fee;
- 3.1.B.10 Building Permit Fee;
- 3.1.B.11 Certificate of Occupancy Fee;
- 3.1.B.12 Municipal Enhancement Fee; and
- 3.1.B.13 Carlisle Enhancement Fee.

3.2 The OWNER shall provide, prior to the Notice to Proceed for the utility work, a collateral bond or letter of credit in the amount of one hundred twenty-five percent (125%) of the construction contract costs for the surface course of the roadway. The construction contract cost shall be submitted by the OWNER to the CITY for review and approval

based on the work associated with the approved PROJECT PLANS. The collateral bond or letter of credit may be submitted for each phase as shown on the approved PROJECT PLANS.

- 3.3 If this AGREEMENT is terminated prior to the completion of the scope of work, the payment made in accordance with Section 3.1 of this AGREEMENT, shall not be refunded.
- 3.4 If this AGREEMENT is terminated prior to the completion of the scope of work as detailed in Article II of this AGREEMENT, the bond or letter of credit provided in accordance with Section 3.2 of this AGREEMENT shall be forfeited to the CITY. In the event the amount of the bond retained by the CITY is insufficient to complete the work in accordance with the approved plans and specifications due to Developer's negligence, untimely performance or faulty workmanship, Developer shall be obligated to reimburse the CITY for the amount of the excess costs of completion upon demand.

ARTICLE FOUR

BUILDING PERMITS / CERTIFICATES OF OCCUPANCY

- 4.1 A building permit shall be issued for the project upon approval of the building plans by the CITY Building Inspectors office. As previously stated, utility work shall not proceed until the PROJECT PLANS are approved by the CITY.
- 4.2 Street addresses for the lots within the PROJECT shall be obtained from the County 911 address system prior to the issuance of any building permits.
- 4.3 A Certificate of Occupancy shall not be issued until all approvals are obtained from the various inspection agencies for safe occupation of the building and for access to the site. Additionally, all water, sewer, storm drainage, streets (except for surface course of roadway which may be installed later but prior to bond release) and electric utilities must be complete, tested and accepted and the CITY must have beneficially occupied the water, sewer and electric utilities prior to issuance of a Certificates of Occupancy.

ARTICLE FIVE

OWNER'S RESPONSIBILITIES

- 5.1 The OWNER shall employ only Registered Architects licensed in the State of Delaware to perform any architectural work required for the scope of services specified in Article 2 of this AGREEMENT. All plans and specifications containing architectural work shall be stamped with the seal of a Registered Architect, registered in the State of Delaware.
- 5.2 The OWNER shall employ only Registered Professional Engineers licensed in the State of Delaware to perform any engineering work required for the scope of services specified in Article 2 of this AGREEMENT. All plans and specifications containing engineering work shall be stamped with the seal of a Professional Engineer registered in the State of Delaware.

- 5.3 The OWNER shall employ only Registered Professional Land Surveyors licensed in the State of Delaware to perform any survey work required for the scope of services stages specified in Article 2 of this AGREEMENT. All plans and specifications containing survey work shall be stamped with the seal of a Professional Land Surveyor registered in the State of Delaware.
- 5.4 The OWNER in the performance of its work for the PROJECT shall hold harmless, indemnify and defend the CITY from any claims or liability due to the negligence of the OWNER and the OWNER'S agents or employees.
- 5.5 The OWNER warrants that in the event errors or omissions are found in the final design documents after the construction contract has been awarded, and these errors or omissions result in increased cost, whether design, construction or otherwise, the OWNER shall be liable for all additional cost incurred as a result of such error or omission by the OWNER and the OWNER'S agents or employees; provided, however, this Section 6.5 shall not be construed to prohibit OWNER from recovering such costs from any person liable or found liable for such errors or omissions.
- 5.6 The OWNER warrants that he has not employed or retained any company or person, other than OWNER's agent or a bona fide employee working solely for it to solicit or secure this AGREEMENT, and that OWNER has not paid or agreed to pay any company or person, other than OWNER's agent or a bona fide employee working solely for it, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the making of this AGREEMENT. For breach or violation of this warranty the CITY shall have the right to terminate this AGREEMENT without liability, at its discretion and retain the fees paid pursuant to Section 4.2 and 4.3 of this AGREEMENT.
- 5.7 The CONTRACTOR shall protect itself from claims under the Workmen's Compensation Act by having insurance as required by law from an insurance company authorized to do business in the State of Delaware at the following minimums:
- 5.7.1 Bodily injury liability insurance in an amount not less than \$250,000.00 for injuries including accidental death, to any one person, and subject to the same limits for each person, in an amount not less than \$500,000.00 for any one accident in an insurance company authorized to do business in the State of Delaware.
- 5.7.2 Comprehensive property damage insurance for the PROJECT.
- 5.7.3 Automobile bodily injury liability insurance in an amount not less than \$250,000.00 for injuries including death, to any one person, and, subject to the same limits for each person, in an amount not less than \$500,000.00 on account of any one accident in an insurance company authorized to do business in the State of Delaware.
- 5.7.4 Automobile property damage liability insurance in an amount not less than \$100,000.00 for any one accident in an insurance company authorized to do business in the State of Delaware.

- 5.7.5 Certificate of Liability Insurance naming the CITY as an additional insured.
- 5.7.6 The procuring of all insurance as set forth in this Article or elsewhere in this Agreement shall be in addition to and not in any way in substitution for all the other protection provided under this AGREEMENT.
- 5.8 The CONTRACTOR shall secure, maintain and furnish the DEPARTMENT copies of its CITY and State of Delaware business licenses. The OWNER shall also furnish the DEPARTMENT with such copies of licenses and authorizations for its agents and subcontractors.
- 5.9 The OWNER shall comply with all Federal, Regional, State, County, City, and all other laws applicable to the work to be done under this AGREEMENT.
- 5.10 The OWNER shall notify the DEPARTMENT in writing if it is of the opinion that any work exceeds the scope of services specified in Article 2 of this AGREEMENT. The DEPARTMENT shall render the final decision after reviewing the OWNER'S written opinion.
- 5.11 The OWNER shall meet with the DEPARTMENT in the event that any matter cannot be resolved in a mutually satisfactory manner. All interested parties shall be present with the DEPARTMENT hearing all arguments and rendering a decision.
- 5.12 The OWNER shall provide all labor, all services, all materials and the like necessary to satisfactorily complete the scope of services contained in Article 2 of this AGREEMENT for the PROJECT.
- 5.13 The OWNER shall be responsible for all costs due to testing and inspection of materials and equipment to ascertain that all such materials and equipment are in accordance and in compliance with the SPECIFICATIONS.
- 5.14 The OWNER shall be liable for any damage to the PROJECT, including off-site and/or third party damages that are a result of activities related to the development of the PROJECT, until the PROJECT is completed and passed FINAL ACCEPTANCE.
- 5.15 The OWNER is required to maintain the PROJECT until CONDITIONAL ACCEPTANCE. Maintenance includes but is not limited to: snow removal, debris removal, patching roads, street signage repairs, etc.
- 5.16 Project, plans, maps, descriptions, specifications, records and documents made by the ENGINEER shall be delivered to the DEPARTMENT and become the property of the CITY after BENEFICIAL OCCUPANCY of the PROJECT by the DEPARTMENT.
- 5.17 The OWNER shall confer with the DEPARTMENT during the PROJECT as to the interpretation of the PLANS and for the correction of errors and omissions and shall prepare any necessary design plans therefore.

- 5.18 The ENGINEER shall make all revisions, modifications, additions, and changes in the PLANS, as lawfully required by the DEPARTMENT.
- 5.19 Any required easements are to be in effect at time of recordation of the PLANS.
- 5.20 Prior to BENEFICIAL OCCUPANCY, the CITY shall be paid all additional costs incurred as calculated in Article 3 of this AGREEMENT.
- 5.21 Prior to BENEFICIAL OCCUPANCY, the ENGINEER shall provide two sets of prints and a CD in AutoCAD Format to the DEPARTMENT depicting the "AS-BUILT" conditions of the satisfactorily completed PROJECT. The information for the preparation of such prints shall be based on the information furnished by the CONTRACTOR from its own participation and control of the PROJECT as specified in the scope of services in Article 2 of this AGREEMENT. All prints shall bear the ENGINEER'S seal and signature.
- 5.22 Prior to FINAL ACCEPTANCE, the OWNER shall obtain from the CONTRACTOR, its subcontractors, and other persons and organizations executing portions of the work for the PROJECT a standard release of liens from all applicable parties, excepting the DEPARTMENT, stating that the PROJECT has been satisfactorily completed within the terms and conditions of its contract and is free and clear of any and all liens, claims, security interests and/or encumbrance and provide a copy to the DEPARTMENT.
- 5.23 The OWNER shall prepare change orders as required.
- 5.24 The OWNER shall pay for all costs for the design and construction of the water system improvements as shown on the approved PROJECT PLANS and in accordance with all Federal, State and City standards, specifications and requirements.
- 5.24.1 *By signature of this agreement the developer and/or land owner of the Hickory Glen project acknowledge that it is their responsibility to meet the prevailing building code requirements related to fire protection for the various structures proposed within Hickory Glen.*
- 5.25 The OWNER shall pay all costs for the design and construction of the following sewer system improvements in accordance with all Federal, State and City standards, specifications and requirements.
- 5.25.1 Design and install a new regional pump station to serve the PROJECT, NUTRIEN AG and the existing BALTIMORE AIR COIL (BAC) facility. Said regional pump station shall be located on the PROJECT property, adjacent to Holly Hill Road as shown on the approved PROJECT PLANS. This pump station shall be designed to accommodate gravity flow from the PROJECT and BAC. Cost of the new pump station shall be borne by the OWNER.
- 5.25.2 Design and install all on-site sewer improvements meeting City and DNREC requirements, including gravity mains, manholes, service lines and cleanouts, as

necessary to convey sewage from the PROJECT to the new Regional Holly Hill Pump Station.

ARTICLE SIX

CITY'S RESPONSIBILITIES

- 6.1 With the construction contracts being awarded by the OWNER, the ENGINEER, as the representative of the OWNER shall advise and consult with the DEPARTMENT. The DEPARTMENT shall have authority to act on behalf of the CITY to the extent provided in the SPECIFICATIONS unless otherwise modified in writing by the CITY. The DEPARTMENT shall schedule, administer and coordinate a pre-construction meeting of all applicable parties prior to the issuance of a written notice to proceed to the OWNER to begin the construction work.
- 6.2 The DEPARTMENT shall make periodic visits at least once each calendar week and more often if required to the construction site of the PROJECT to determine in general if the work being executed by the contractors is proceeding in sequence and accordance with the SPECIFICATIONS. The DEPARTMENT shall determine the quality of the executed work by the CONTRACTOR during its periodic visits. The DEPARTMENT shall endeavor to guard the CITY against defects and deficiencies in the work executed by the OWNER'S contractors. The DEPARTMENT shall disapprove or reject any work executed by the CONTRACTOR that fails to conform to the SPECIFICATIONS.
- 6.3 The DEPARTMENT shall review and approve or disapprove all shop drawings, samples, the results of tests and inspections and other data which any contractor is required to submit for conformance with the design concept of the PROJECT and compliance with the SPECIFICATIONS. The DEPARTMENT shall receive and review maintenance and operating instructions, schedules, guarantees, bonds and certificates of inspection, which are to be assembled by the OWNER'S contractors in accordance with the submittal requirements of the DEPARTMENT.
- 6.4 The DEPARTMENT shall receive three (3) copies of the herein before stated information given by the CONTRACTOR for the records and the use of the CITY.
- 6.5 The DEPARTMENT shall have the authority to reject all work executed by the CONTRACTOR which does not conform to the SPECIFICATIONS. Whenever in its reasonable opinion the DEPARTMENT considers it necessary or advisable to insure the proper implementation of the intent of the SPECIFICATIONS, the DEPARTMENT shall have the authority to require special inspection or testing of all work executed by the OWNER'S contractors in accordance with the SPECIFICATIONS whether or not such work be then fabricated, installed and/or completed.

6.6 PROCEDURES FOR PROJECT CLOSEOUT

6.6.A BENEFICIAL OCCUPANCY

- 6.6.A.1 Prior to the completion of each phase of the PROJECT, a BENEFICIAL OCCUPANCY inspection will be performed by the CITY. The CONTRACTOR and the DEPARTMENT will determine when the PROJECT is ready for an inspection in accordance with the terms discussed during the preconstruction meeting.
- 6.6.A.2 The DEPARTMENT, after receipt of "Notice to Operate" from the State of Delaware Department of Health, will schedule the BENEFICIAL OCCUPANCY inspection and notify the OWNER, the ENGINEER and the CONTRACTOR.
- 6.6.A.3 If construction is found satisfactory at the inspection, and upon receipt of the "Notice to Operate" from the Delaware Division of Public Health, the DEPARTMENT will grant BENEFICIAL OCCUPANCY thus, enabling the OWNER to allow connections to the sanitary sewer and water system(s) by the OWNER.
- 6.6.A.4 No sewer or water connections will be permitted at the water meter vault or sewer cleanout until after BENEFICIAL OCCUPANCY is granted by the CITY.
- 6.6.A.5 The CITY shall not be responsible for maintenance of streets including snow removal until such time as FINAL ACCEPTANCE is established.

6.6.B CONDITIONAL ACCEPTANCE

- 6.6.B.1 The OWNER and the DEPARTMENT will determine when the PROJECT is ready for the CONDITIONAL ACCEPTANCE inspection in accordance with the terms discussed during the preconstruction meeting.
- 6.6.B.2 All roadway pavement will be in place and all concrete installation and grading around the sewer clean outs, water meter pits and electrical transformers shall be completed prior to the CONDITIONAL ACCEPTANCE inspection.
- 6.6.B.3 The DEPARTMENT will schedule the CONDITIONAL ACCEPTANCE inspection and notify the OWNER and the CONTRACTOR.
- 6.6.B.4 If all construction is found satisfactory at the inspection, the DEPARTMENT will recommend CONDITIONAL ACCEPTANCE of the PROJECT to the CITY Council.

6.6.B.5 The OWNER shall provide, prior to CONDITIONAL ACCEPTANCE, a collateral bond in the amount of ten percent (10%) of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon completion of each phase. CONDITIONAL ACCEPTANCE begins the one (1) year warranty period.

6.6.C FINAL INSPECTION

6.6.C.1 Prior to the end of the one-year guarantee period, a FINAL ACCEPTANCE inspection may be scheduled by the DEPARTMENT.

6.6.C.2 If all construction is satisfactory, then FINAL ACCEPTANCE has been achieved.

6.6.C.3 If corrections are needed, a punch list will be compiled by the DEPARTMENT and sent to the OWNER and the CONTRACTOR.

6.6.C.4 Upon completion of the corrections, the DEPARTMENT will verify the acceptance of the corrections. If all corrections are found to be satisfactory, then FINAL ACCEPTANCE will have been achieved and the CITY will release the balance of the maintenance bond upon FINAL ACCEPTANCE.

ARTICLE SEVEN

INDEPENDENT CONTRACTOR

7.1 The CONTRACTOR shall be responsible for its own acts and those of its subordinates, employees and subcontractors during the term of this AGREEMENT. OWNER shall indemnify, hold harmless and defend the CITY, its members, officers, agents and employees of, from and against all claims, suits, judgments, expense, actions, damages, and cost of every name and description, arising out of and or resulting from negligence of the CONTRACTOR under this AGREEMENT; provided, however, such indemnification shall not affect the right of OWNER to reimbursement from the CONTRACTOR.

ARTICLE EIGHT

ELECTRIC INSTALLATION

8.1 The OWNER will be responsible to pay for all, or a portion of, electric distribution upgrades or primary line extensions that are required to service the PROJECT, at the sole discretion of the CITY. The CITY shall design and install the Primary Electric Infrastructure inside the PROJECT. Primary Electric Infrastructure cost for professional services, material costs (including 10% for ancillary materials) and labor and equipment costs plus 10% for Administration and Overhead shall be paid by OWNER. Any changes to the SUBDIVISION which result in the redesign of the electrical system shall also be paid for by the OWNER.

- 8.2 The OWNER will install all meter pans, disconnects, and secondary electric services (excluding city-owned street lights) at the locations determined by the CITY.
- 8.3 The OWNER will install all conduits per CITY specifications for road crossings, including under blacktop and anywhere soil completion is necessary.
- 8.4 OWNER shall be responsible for any damaged equipment or material until final acceptance.
- 8.5 If applicable the OWNER shall be responsible for identification of lots by lot numbers within a minimum of 10 working days of the installation of the electric infrastructure, with a sign clearly legible from the roadway.
- 8.6 OWNER shall be responsible for establishing site grades to within six (6) inches of proposed elevation prior to the electrical service being installed, Should changes to electrical service be required based on the proposed grade not being properly established all cost associated with said changes shall be the responsibility of the OWNER.
- 8.7 The CITY reserves the right to obtain easements as necessary to provide electric service. These easements shall be incorporated into a final record plan at no cost to the CITY.
- 8.8 The CITY also reserves the right to periodically adjust any and all costs, detailed herein, due to escalating material and labor costs.

ARTICLE NINE

AMENDMENT OF AGREEMENT

- 9.1 This AGREEMENT may only be amended or modified by a written agreement of the parties.

ARTICLE TEN

SUCCESSORS AND ASSIGNMENTS

- 10.1 This AGREEMENT is binding on the parties and their successors and assigns. To the extent permitted by law, this AGREEMENT shall be a covenant running with the land.
- 10.2 All escrow accounts are automatically transferable to the OWNER'S successors and assigns in accordance with Delaware law.

ARTICLE ELEVEN

TERMINATION

- 11.1 If, for any reason or cause, conditions are encountered by the OWNER or the CITY, which require termination of this AGREEMENT and/or any modification hereof, the parties shall work in good faith to resolve such issues or amicably terminate this AGREEMENT.

- 11.2 In the event of termination of this AGREEMENT, the OWNER and the CITY shall take all reasonable steps to minimize the further incurrence of fees under this AGREEMENT.

ARTICLE TWELVE

INCORPORATED DOCUMENTS

- 12.1 This AGREEMENT incorporates by reference as fully set forth herein the following documents. All other terms and conditions of these referenced documents shall remain the same and unchanged.

12.1.1 “City of Milford Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design”, as revised.

12.1.2 Additional Conditions of Final Site/Subdivision/Record Plan Approval

12.1.3 Water Utility Agreement

ARTICLE THIRTEEN

GOVERNING LAW

- 13.1 This AGREEMENT shall be governed by the laws of the State of Delaware.

[Signatures appear on the next page]

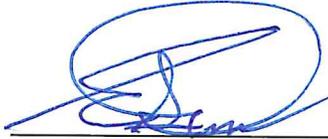
IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their officers and their seals to be herewith affixed, this day and year first above written.

Signed, sealed and delivered in the presence of:

Hickory Glen, LLC



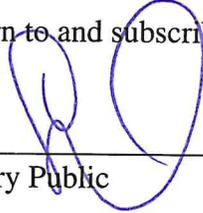
Attest



(SEAL)

By: ERIC DUNN MGR. MEMBER

Sworn to and subscribed before me this 19 day of December 2019.



Notary Public

Angela Marie Dove
Notary Public
State of Delaware
My Commission Expires November 14, 2021

11/14/2021

Date Commission Expires

CITY OF MILFORD

Attest/City Clerk

By: Mayor Arthur J. Campbell (SEAL)

Sworn to and subscribed before me this ____ day of _____, 20____.

Notary Public

Date Commission Expires



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

January 25, 2019

Mr. Rob Pierce, Planning and Economic Development Director
City of Milford
201 South Walnut Street
Milford, DE 19963

**SUBJECT: Letter of No Objection to Recordation
Hickory Glen**

Tax Parcel # 5-16-17300-01-2100-00001, 5-16-17300-01-2200-00001
KCR036-MILFORD HARRINGTON HIGHWAY
KCR447-HOLLY HILL ROAD
Milford, Milford Hundred, Kent County

Dear Mr. Pierce:

The Department of Transportation has reviewed the Site Plan, dated December 15, 2017 (last revised January 23, 2019), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Site Plan is not recorded prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's [Development Coordination Manual](#) and submitted to the Development Coordination Section for review and approval.

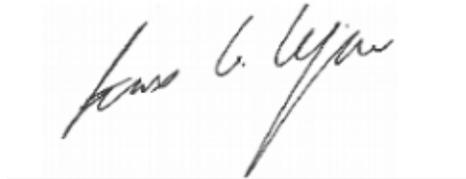
This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel

Hickory Glen
Mr. Kristopher Connelly
Page 2
January 25, 2019

that jurisdiction to modify or reject this proposed plan even though DeIDOT has established that these enumerated transportation improvements are acceptable.

If I can be of any further assistance, please call me at (302) 760-2266.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Wright", is enclosed in a thin black rectangular border.

Stephen Wright
Kent County Review Coordinator,
Development Coordination

Enclosure

cc: Eric Dunn, Strahly Holding, LLC
Phillip Tolliver, Morris & Ritchie Assoc., Inc.
Jared Adkins, Kent Conservation District
R. Stephen McCabe, Central District Public Works Engineer
Jennifer Pinkerton, Chief Materials & Research Engineer
Peter Haag, Traffic Studies Manager
Linda Osiecki, Consistency Control Engineer
John Fiori, Bicycle Coordinator
Maria Andaya, Pedestrian Coordinator
Warren Ziegler, Safety Officer Central District
Mark Galipo, Traffic Development Coordination Engineer
Joseph Ellis, Contech Manager
Tremica Cherry, DTC Planner
James Kelley, JMT
Todd Sammons, Subdivision Engineer
Derek Sapp, Kent County Reviewer



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

May 29, 2019

Mr. Phillip Tolliver
Morris & Ritchie Assoc., Inc.
18 Boulden Circle Suite 36
New Castle, Delaware 19720

**SUBJECT: Entrance Approval Letter
Hickory Glen
Tax Parcel # 5-16-17300-01-2100-00001, 5-16-17300-01-2200-00001
KCR036-MILFORD HARRINGTON HIGHWAY
KCR447-HOLLY HILL ROAD
Milford, Milford Hundred, Kent County**

Dear Mr. Tolliver:

The Department of Transportation has reviewed the Final Construction Plans dated December 15, 2017 (last revised January 23, 2019) for the referenced subdivision and determined that they are in general conformance with the Department's current regulations, specifications and standard details. By signing and sealing the plan set, the developer's engineer is responsible for accuracy of content. Any errors, omissions or required field changes will be the responsibility of the developer. This plan approval shall be valid for a period of **three (3) years**. If Notice To Proceed has not been issued by the Central District Public Works office, then the plans must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of construction. The following items will be required prior to the pre-construction meeting. A pre-construction meeting may be required as determined by the Central District Public Works office.

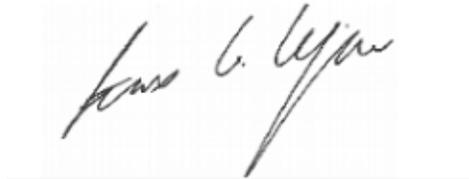
1. A copy of the recorded Site Plan which is consistent with the DeIDOT "No Objection to Recordation" stamped plan and all appropriate signatures, seals, plot book and page number.
2. Three (3) copies of approved construction plans.
3. Executed agreements (i.e. construction, signal, letter).
4. An itemized construction cost estimate (only for entrance improvements).
5. Security in the approved amount for street construction, a 150% security for the entrance improvements based upon an approved itemized construction cost estimate and W-9 form (if providing escrow).

Hickory Glen
Mr. Tolliver
Page 2
May 29, 2019

6. A letter of source of materials, work schedule, list of subcontractors, emergency telephone numbers and names of contact persons.

Please contact the Central District Public Works office (302) 760-2433 concerning any questions you may have relative to the aforementioned required items.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Wright", is enclosed in a rectangular box.

Stephen Wright
Kent County Review Coordinator,
Development Coordination

cc: Eric Dunn, Strahly Holding, LLC
Kristopher Connelly, Kent County Planning & Zoning
Jared Adkins, Kent Conservation District
R. Stephen McCabe, Central District Public Works Engineer
Jerry Nagyiski, Safety Officer Supervisor
Peter Haag, Traffic Studies Manager
Jennifer Pinkerton, Chief Materials & Research Engineer
Linda Osiecki, Consistency Control Engineer
John Fiori, Bicycle Coordinator
Maria Andaya, Pedestrian Coordinator
Warren Ziegler, Safety Officer Central District
Mark Galipo, Traffic Development Coordination Engineer
Joseph Ellis, Contech Manager
Tremica Cherry, DTC Planner
James Kelley, JMT
Todd Sammons, Subdivision Engineer
Joshua Schwartz, Kent County Reviewer



DELAWARE STATE FIRE MARSHAL'S OFFICE
TECHNICAL SERVICES



SFMO APPROVAL SHEET

DATE: 12/26/2018

PROJECT NAME: Hickory Glen PROJECT TYPE: MJS

PROJECT ADDRESS: 1335 Milford Harrington Highway PLAN DATE:

CITY: Milford TAX ID# 5-16-173.00-01-21.00-000

PROJECT DESCRIPTION : Plan review 2018-198767-03-MJS-01 is for a new residential subdivision.

The accompanying application has been accepted for Contingency Construction Start and is authorized only for the work as indicated below with the following restrictions. The owner assumes personal risk and responsibility to correct any deficiencies noted in the Fire Marshal's Plan Review or Inspection Process.

Preliminary Approval

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

FP Specialists FM# and Signature: Date:

Plan Review Approval

The owner understands that plan submittals for this project are approved. If annotated below, a Progress Review will be required. No close in or concealment of any kind shall be permitted until a progress inspection is performed by the State Fire Marshal's Office. (A minimum of five days notice is needed when scheduling for a progress visit or final inspection by the State Fire Marshal's Office)

FP Specialists FM# and Signature: [Signature] FM 40 Date: 12/26/2018

Comments:

- Progress Review Required / Progress Review Not Required checkboxes

Final Approval

The Office of the State Fire Marshal recognizes that this project meets the minimum requirements of the Delaware State Fire Prevention Regulation. This recognition does not relieve the owner, designer, contractor, or designated representative from their responsibility to comply with the applicable provisions of the Delaware State Fire Prevention Regulation.

FP Specialists FM# and Signature: Date:

Comments:



OFFICE OF THE STATE FIRE MARSHAL

Technical Services

1537 Chestnut Grove Road
Dover, DE 19904-1544



FIRE PROTECTION PLAN REVIEW REPORT

Plan Review Number: 2018-198767-03-MJS-01 **Tax Parcel Number:** 5-16-173.00-01-21.00-000
Review Date: 12/26/2018

Project

Hickory Glen

1335 Milford Harrington Hwy
Milford DE 19963

Scope of Project

Project Type: Site

Number of Stories:

Square Footage:

Construction Class:

Fire District: 52 - Houston Volunteer Fire Co

Occupancy Load Inside:

Occupancy Code:

Applicant

Morris & Ritchie Assoc. Inc
18 Boulden Circle
New Castle, DE 19720

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:



FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2018-198767-03-MJS-01 **Tax Parcel Number:** 5-16-173.00-01-21.00-000
Review Date: 12/26/2018

PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1040 A** This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1190 A** Separate plan submittal is required for the building(s) proposed for this project.
BUILDING PLANS REQUIRED FOR APARTMENTS ONLY.
- 2500 A** A final inspection is required for this project prior to occupancy (DSFPR Part I, Section 4-7). Contact this Agency to schedule this inspection. Please have the plan review number available. A MINIMUM OF FIVE (5) WORKING DAYS NOTICE IS REQUIRED.
- 2710 A** The following items will be field verified by this Agency at the time of final inspection:
- 1130 A** Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service (DSFPR Part I, Section 4 4.2 and Part III, Chapter 3). Results are to be forwarded to this Agency for review.
- 1132 A** Fire hydrants shall be color coded in accordance with the DSFPR, Part III,



Section 3 4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.

- 1232 A All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III,Section 1.1.5.1.**
- 1332 A The distance between a fire hydrant and the fire lane shall not be greater than seven feet (DSFPR Part V, Chapter 5, Section 5 10.4).**
- 1432 A The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above finalgrade (NFPA 24, Section 7.3.3).**
- 1100 A Hydrants shall be provided in such a manner that all fire department connections and/or standpipe connections shall be within 300' of a hydrant and shall meet the provisions of the applicable NFPA Regulations as adoptedand/or modified by these Regulations.**
- 1102 A Fire department connections shall be made on the street side of buildings and shall be located and arranged so that the hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects includingbuildings, fences, posts, or other fire department connections. (NFPA 13, Section 8.17.2.4.6). NOTE: The proposed location does not meet this requirement.**
- 1098 A All standpipe and sprinkler connections shall be marked and identified in accordance with (DSFPR Regulation 705, Chapter 6, Section 3.0). Provide detail and layout on plans.NOTE: No objects, stands, displays, or other impediments (such as parking) shall be located within the demarcation area.**
- 1150 A A lock box containing keys for fire department access shall be provided for any occupancy which contains a fire alarm signaling system that is monitored off site ?or- for any occupancy that contains an automatic sprinkler system.(DSFPR Regulation 705, Chapter 5, Section 2.4).**
- 1408 A All premises where emergency personnel may be called upon to provide emergency services, which are not readily accessible from streets, shall be**

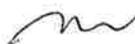
provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to emergency apparatus. (DSFPR Regulation 705, Chapter 5, Section 2).

1405 A Where emergency services have to utilize access roadways to reach designated fire lanes, such access roadways shall be constructed to meet the minimum engineering specifications and/or requirements pursuant to the Delaware Department of Transportation or local jurisdictions for paved roadways. All access roadways shall be paved and be a minimum of 20 feet clear width for two-way traffic and 14 feet clear width for one-way traffic. The paved width of access roadway shall be measured from the edge of parking spaces, or face of curb for vertical curb and back of curb for mountable curb, or edge of pavement if there is no curbing. (DSFPR Regulation 705, Chapter 5, Section 5).

1092 A Perimeter Access is that portion of the building that is accessible by emergency services personnel and is within 100 feet of a street and capable of supporting fire ground operations. (DSFPR Regulation 705, Chapter 5, Section 1.4.1). Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, provided they do not interfere with the emergency services fire ground operations. (DSFPR Regulation 705, Chapter 5, Sections 3.5 and 4.5). If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access. (DSFPR Regulation 705, Chapter 5, Sections 3.5.1 and 4.5.1).

1299 A The required Fire Lane Access and Perimeter Access and all fire lane markings shall be in accordance with the site plan as approved by this Agency. This will be field verified at the final inspection. Noncompliance may cause a delay in approval for Certificate of Occupancy.

1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.



Please Print

OFFICE OF STATE FIRE MARSHAL
APPLICATION FOR FIRE PROTECTION PLAN REVIEW - SITE

Please Print

Sussex County
Delaware Fire Service Center
22705 Park Avenue
Georgetown, DE 19947-6303
302-856-5298/Fax 302-856-5800

Kent County
Delaware Fire Service Center
1537 Chestnut Grove Road
Dover, DE 19904-1544
302-739-4394/Fax 302-739-3696

New Castle County
Delaware Fire Service Center
2307 MacArthur Road
New Castle, DE 19720-2426
302-323-5365/Fax 302-323-5366

1. Project Name: Hickory Glen Phase _____
Subdivision/Complex / Address: 1335 Milford Harrington Highway
City: Milford Zip Code: 19963 County (NC, K, S): K
Complete Tax Parcel Number: 5-16-173.00-01-21.00 / 5-16-173.00-01.22.00

2. Project Description: Residential Subdivision Commercial Other _____

3. Fee Calculation: Site Plan Review Fee: \$150 Check # 1500 Deposit/Return Date: 12/13/18
Exempt Status: State County Federal DSHA Fire Company/Amb Municipality No Impact
(Check or Money Order made payable to the "State of Delaware") **NO CASH ACCEPTED**

4. Applicant/Engineer Phone: 302-326-2200
Cell Phone: _____
*Signature required in Item #6 Fax: 302-326-2399
Applicant's Name: Robert Grenon
Company Name: Morris & Ritchie Assoc., Inc.
Address: 18 Boulden Circle, Suite 36
City: New Castle State: DE ZipCode: 19720
Email: rgrenon@mragta.com

5. Property Owner Phone: _____
Cell Phone: _____
Fax: _____
Name: Walter N. Thomas
Address: 1335 Milford Harrington Highway
City: Milford State: DE ZipCode: 19963
Email: _____

Any approval of the submitted project documents does not relieve the owner, designer, contractor, or designated representative from their responsibility to comply with applicable provisions of the Delaware State Fire Prevention Regulation.

6. Applicant Signature: [Signature] Date: 12/10/18

FOR OFFICE USE ONLY:

[Signature]
FIRE PROTECTION SPECIALIST

12-12-18
DATE

I.D. # 198766 Plan Review # 2018-198767-03-MJS-01 Rolled plans





KENT CONSERVATION DISTRICT

800 BAY ROAD, SUITE 2 • DOVER, DELAWARE 19901 • (302) 741-2600 EXT. 3 • FAX (302) 741-0347

April 27, 2018

Eric Dunn
Dunn Development, LLC
160 Seneca Shore Road
Perryville, MD 21903

RE: Hickory Glen
Sediment & Stormwater Plan Re-approval

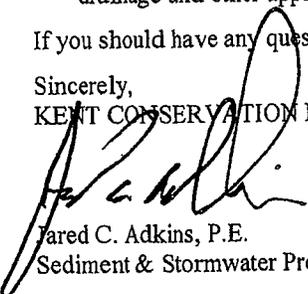
Dear Mr. Dunn:

The Kent Conservation District has reviewed and re-approved the sediment and stormwater management plans for the above referenced project. Conditions of this approval are as follows:

1. The Kent Conservation District reserves the right to add, modify, or delete any sediment control and stormwater management measures as deemed necessary.
2. The estimated remaining inspection fees for this project are \$16,060.00. The fee is based on 71.9 acres of disturbance (\$13,200.00) and 44 lots at \$65.00 per lot (\$2,860.00). The construction inspection fee of \$3,300.00 must be submitted to our office prior to any land disturbing activity (clearing, filling, grubbing, grading, etc.) taking place. The remainder of the inspection fees must be submitted prior to the beginning of future phases. The \$65.00 per lot inspection fee must be paid at the time of lot construction. The construction inspection fee is valid for the five year life of the plan approval.
3. The conditional re-approval for this site is now valid for eight (8) years from the original approval date stamped on the plan by Kent Conservation District and will expire on June 30, 2023 or January 1, 2020 if construction has not commenced by that date.
4. A Certified Construction Reviewer (CCR) is required for this project unless waived. The CCR will be responsible for attending the pre-construction meeting and submitting weekly inspection reports to the Kent Conservation District.
5. A pre-construction meeting must take place before any earth disturbing activity begins. The meeting must be attended by an owner's representative, contractor, CCR, and The Kent Conservation District inspector. Please contact our office to schedule a pre construction meeting.
6. A post verification document for the Stormwater management facilities must be completed and submitted to our office prior to gaining final Certificate of Occupancy approval for the first building on site or plan renewal.
7. Approval of a Sediment and Storm Water Plan does not grant or imply a right to discharge storm water runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

If you should have any questions regarding this matter, please do not hesitate to contact our office.

Sincerely,
KENT CONSERVATION DISTRICT


Jared C. Adkins, P.E.
Sediment & Stormwater Program Manager

cc: ~~Mr. Phil Tolliver, P.E., Morris and Ritchie Associates~~
Mr. Rob Pierce, AICP, Kent County Planning and Zoning



December 10, 2019

CITY OF MILFORD

APPROVAL TO CONSTRUCT

Hickory Glen Connection
PWS #DE0000616
Approval #19W203

Mr. Eric Dunn
Dunn Development, LLC.
160 Seneca Shore Road
Perryville, MD 21903

Dear Mr. Dunn:

As provided by Section 2.11 of the *State of Delaware Regulations Governing Public Drinking Water Systems*, you are granted approval to connect Hickory Glen to the existing main in accordance with the plans submitted by Morris & Ritchie Associates, Inc. The plans consist of:

1. Transmittal letter dated December 4, 2019.
2. Application for Construction of New or Existing Public Water System dated December 5, 2019.
3. Two copies of the plans entitled "Hickory Glen" dated December 15, 2017 and revised July 18, 2019.

These plans, as noted, are made a part of this approval. This approval is granted subject to the enclosed list of conditions. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to receiving an Approval to Operate, the Office of Engineering requires one set of as-built drawings, including profile markups.

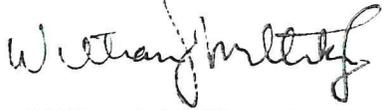
The Office of Engineering recommends detectable tracer tape that is three inches wide and blue in color to be installed directly above all water mains larger than two inches in diameter.

I am sending one set of plans with a copy of this approval to Morris & Ritchie Associates, Inc. that is signed and dated by the Office of Engineering.

Mr. Eric Dunn
Dunn Development, LLC.
December 10, 2019
Page 2

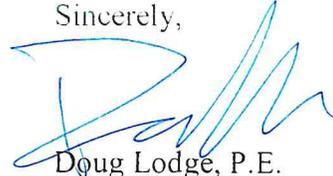
Should you have any questions regarding this matter, please feel free to contact Bill Milliken at (302) 741-8646.

Plans reviewed by:



William J. Milliken, Jr.
Engineer III
Office of Engineering

Sincerely,



Doug Lodge, P.E.
Supervisor of Engineering
Office of Engineering

cc: Rob Pierce, City of Milford
Robert Grenon, Morris & Ritchie Associates, Inc.
Ashley Kunder, Office of Drinking Water

1. The approval is void if construction has not started by December 10, 2020.
2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.
3. Representatives of the Division of Public Health may inspect this project at any time during the construction.
4. This approval does not cover the structural stability of any units or parts of this project.
5. The water system shall be operated in conformance with the *State of Delaware Regulations Governing Public Drinking Water Systems*.
6. All wells, pipes, tanks, and equipment which can convey or store potable water shall be disinfected in accordance with the current AWWA procedures. Plans or specifications shall outline the procedure and include the disinfectant dosage, contact time, and method of testing the results of the procedure. (Recommended Standards for Water Works 2018 Edition 2.15)
7. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
8. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
9. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.
10. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.

11. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.
12. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.
13. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.
14. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.
15. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).
16. All water lines should be buried to a depth of at least 3 feet.
17. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.
18. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.
19. The approval is subject to immediate revocation upon violation of any of the preceding conditions.
20. All other local (county/city/town) approvals or permits needed must be obtained prior to beginning construction.
21. Upon completion of construction and before the system is placed into operation, a "Notice of Completion" must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
 - a. Submit a set of as-built plans with profile markups to the Office of Engineering.
 - b. Obtain an Approval to Operate from the Office of Engineering.



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

Surface Water Discharges Section
Construction Permits Branch

Telephone: (302) 739-9946
Facsimile: (302) 739-8369

January 16, 2020

Mr. Eric Dunn
Dunn Development, LLC
160 Seneca Shore Road
Perryville, MD 21903

Ref: Hickory Glen Subdivision
State Wastewater Construction Permit No. WPCC 3112/19

Dear Mr. Dunn:

Please find enclosed a copy of the construction permit that was issued for the referenced project.

We expect the permitted construction to be completed within the permit term. If the construction cannot be completed by the permit expiration date, a one-time, no-cost two-year permit extension is available, as long as the request is received in writing prior to the expiration date and as long as the scope of the project has not changed significantly, as determined by the Department.

Per Part II.A.2.a of the enclosed permit, notify the Department of any changes to the construction authorized therein. Per Part II.B.1, submit a set of "as-built" plans of the constructed wastewater facilities within ninety (90) days of construction completion. The as-built plans must be signed and sealed by a Professional Engineer licensed in Delaware.

If you have any questions, please contact me at (302) 739-9941 or via email at Keith.Kooker@delaware.gov.

Sincerely,

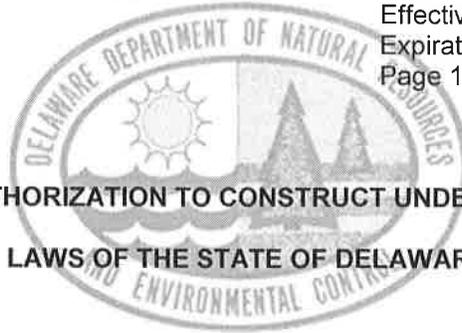
A handwritten signature in blue ink that reads "Keith Kooker".

Keith Kooker, P.E.
Environmental Finance

Email Enclosure:

1. Robert Grenon – Morris & Ritchie Associates (RGrenon@mragta.com)
2. Rob Pierce – Milford Planning Dept. (RPierce@milford-de.gov)
3. Mark Whitfield – Milford Public Works Director (MWhitfield@milford-de.gov)
4. Eric Gibson – KCI Technologies (Eric.Gibson@kci.com)
5. Brian Hall – Kent County Public Works Dept. (Brian.Hall@co.kent.de.us)

Delaware's good nature depends on you!



**AUTHORIZATION TO CONSTRUCT UNDER THE
LAWS OF THE STATE OF DELAWARE**

PART I

1. **In compliance with the provisions of 7 Del. C., §6003,**

**City of Milford
201 S. Walnut Street
Milford, DE 19963**

and

**Dunn Development, LLC
160 Seneca Shore Road
Perryville, MD 21903**

are authorized, jointly and individually, to construct facilities consisting of the following:

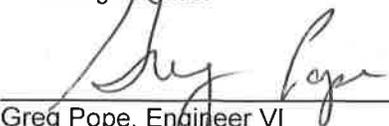
Approximately nine thousand one hundred and forty-seven linear feet (9,147 LF) of eight (8) inch diameter gravity sewer main, three hundred and fifty-two linear feet (352 LF) of ten (10) inch diameter gravity sewer main, sixty-eight (68) gravity manholes, a sanitary sewer pump station, five thousand and fifty-five linear feet (5,055 LF) of six (6) inch diameter force main, cleanouts and related appurtenances to serve two hundred and forty (240) apartment units, one hundred and fifty-nine (159) townhouses and a clubhouse located in the proposed Hickory Glen Subdivision located at 1335 Milford Harrington Highway (Rt. 14) in Milford, Delaware. The proposed sanitary sewer force main will exit the proposed subdivision and run west on Rt. 14 approximately two thousand one hundred (2,100) ft. to an existing fourteen (14) inch force main at the Church Hill Road intersection.

in accordance with plans and specifications as described below and limitations, requirements and other conditions set forth in Parts I, II and III hereof.

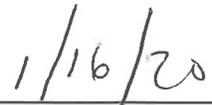
2. The plans, specifications, municipality standards and other documents submitted with the permit application consist of the following, which are incorporated by reference and made part of this authorization:

Twenty-four (24) drawings** prepared by Morris & Ritchie Associates titled "Hickory Glen Construction Plans for Water & Sewer", and the current City of Milford Standard Specifications for the Installation of Utility Construction Projects and Subdivision Pavement Design.

**Drawings include:



Greg Pope, Engineer VI
By Agreement with Surface Water Discharges Section
Division of Water
State of Delaware Department of Natural Resources
and Environmental Control



Date Signed

Sheet 1 – Title Sheet, dated 12-15-17, latest revision 1-8-20
Sheets 2-6 – Water & Sewer Plan Sheet, dated 12-15-17, latest revision 1-8-20
Sheets 7-11 – Sanitary Sewer Profiles, dated 12-15-17, latest rev. 7-18-19 (sht. 7), 1-8-20 (shts. 8-10), 9-4-19 (sht. 11)
Sheet 12 – Water Service Charts, dated 12-15-17, latest revision 7-18-19
Sheet 13 – Sanitary Sewer Service Charts and Structure & Pipe Schedules, dated 12-15-17 lat. rev. 1-8-20
Sheet 14 – Water & Sewer Details, dated 12-15-17, latest revision 12-20-18
Sheet 15 – Sewage Pump Station Site Plan, dated 10-21-19, no revision date
Sheet 16 – Sewage Pump Station Mechanical Plan and Sections, dated 10-21-19, no revision date
Sheet 17 – Sewage Pump Station Mechanical Details, dated 6-7-19, no revision date
Sheet 18 – Sewage Pump Station Structural Details, dated 6-7-19, no revision date
Sheet 19 – Sewage Pump Station Electrical Details, dated 10-21-19, no revision date
Sheet 20 – Sewage Pump Station Power Riser Diagram, dated 10-21-19, no revision date
Sheets 21-24 – Force Main Plan & Profile, dated 7-18-19, no rev. date (shts. 21-22), latest rev. 1-8-20 (sht. 23-24)

3. The liquid waste will be discharged through an existing wastewater collection and transmission system to the Kent County Wastewater Treatment Facility, which discharges treated wastewater to the Murderkill River, in accordance with NPDES Permit No. DE 0020338.

A. Effluent Limitations on Pollutants Attributable to Industrial Users

The use of the constructed facility is conditioned on meeting all applicable pretreatment standards under 40 CFR, Part 403, or toxic pollutant discharge limitations under Section 307(a) of the Clean Water Act of 1977, PL 95-217.

B. Flow and Usage Limitations

This permit authorizes a daily average discharge of N/A gallons*. The flow in the system shall be measured at least every N/A.

The estimated average daily discharge for the subject project is 111,000 GPD, which is based on 240 apartment units and 149 townhouses at 275 GPD/EDU and a 5 EDU clubhouse at 250 GPD/EDU.

* This permit authorizes only the construction of the wastewater collection and conveyance facilities referenced herein.

C. Monitoring and Reporting (When Required)

1. Representative sampling of the volume and nature of the monitored discharge shall be conducted at the request of the Division of Water.

2. Reporting

Monitoring results shall be reported to the:
Delaware Department of Natural Resources and Environmental Control
Division of Water, Surface Water Discharges Section
89 Kings Highway
Dover, DE 19901
302-739-9946

3. Definitions

- a. "Daily average flow" means the total flow during a calendar month divided by the number of days in the month that the facility was operating.

- b. "Daily maximum flow" means the highest total flow during any calendar day.
- c. "Daily Peak Flow" means the flow which can be safely transported within the sewage system without causing an overflow or a backup into the building(s) or residence(s).
- d. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
- e. "Measured flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- f. "Estimate" means a value to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The date, exact place and time of sampling or measurement;
- b. The person(s) who performed the sampling and/or measurement;
- c. The date(s) and time(s) analysis was performed;
- d. The individual(s) who performed each analysis;
- e. The analytical technique(s) or method(s) used;
- f. The results of each analysis; and
- g. Appropriate quality assurance information.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, all records of instrument calibration and maintenance and all charts from continuous monitoring instruments, shall be retained for three (3) years. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Department.

6. Test Procedures

Test procedures for the analysis of pollutants shall conform to the applicable test procedures identified in 40 CFR, Part 136, unless otherwise specified in this permit.

END OF PART I

PART II

A. Management Requirements

1. Duty to Comply

The permittee must comply with the terms and conditions of this permit. Failure to do so constitutes a violation of this permit, which is grounds for enforcement and the imposition of penalties as provided in 7 Del.C., Chapter 60, grounds for permit termination or loss of authorization to discharge or operate pursuant to this permit, grounds for permit revocation and reissuance or permit modification, or denial of a permit renewal application.

2. Notification

a. Changes in Authorized Activities

The permittee shall notify the Department of any proposed change in the activity authorized herein, of any proposed substantive change in the operation of the facility or facilities authorized herein, or of any anticipated facility expansions, production increases, or process modifications. Notification is required only when such alteration, addition or change may justify the inclusion of conditions that are absent or different from those specified in this permit. This includes, for example, the construction of additional wastewater collection, transmission or treatment facilities and changes which will result in new, different, or increased discharges of pollutants. Following such notice, the Department may require the submission of a new permit application and this permit may be reopened and modified to address the proposed changes.

b. Noncompliance

If, for any reason, the permittee does not comply with or will be unable to comply with any limitation specified in this permit, the permittee shall provide the Department with the following information, in writing, within five (5) days of becoming aware of such condition:

A description of the discharge and cause of noncompliance; and

The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible all collection and treatment facilities and systems (and related appurtenances) installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective management, adequate operator staffing and training and adequate laboratory process controls, including appropriate quality assurance procedures.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and extent of the noncomplying discharge.

5. Bypassing

Any bypass or intentional diversion of waste streams from the facilities authorized by this permit, or any portion thereof, is prohibited, except (i) where unavoidable to prevent loss of human life, personal injury or severe property damage, or (ii) where excessive storm drainage or run-off would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Department, in writing, of each such diversion or bypass.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the surface water or groundwater.

B. Responsibilities

1. Within 90 days following the completion of construction, the permittee shall submit to the Department an "as-built" set of plans of the facility or facilities constructed, bearing the seal and signature of a licensed Professional Engineer registered in the State of Delaware.

2. Right of Entry

The permittee shall allow the Secretary of the Department of Natural Resources and Environmental Control, or his authorized representative(s), upon the presentation of credentials:

- a. To enter upon the permittee's premises for inspection of any records, flow measurements, construction or other activity authorized by this permit or any condition required under the terms of this permit; and
- b. At reasonable times, to have access to and to copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and
- c. To sample any discharge.

3. Transferability

This permit is transferable with the Department's consent, provided that an intention to transfer accompanied by a copy of the permit is provided to the Department, signed by both the transferor and the transferee at least ten (10) days prior to the actual transfer.

4. Availability of Reports

All reports submitted with the application and those reports required under the terms of this permit shall be available for public inspection at the offices of the Department of Natural Resources and Environmental Control. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in 7 Del. C., §6013. Any person who causes or contributes to the discharge of a pollutant

into State waters either in excess of any conditions specified in this permit or in absence of a specific permit condition shall report such an incident to the Department required under 7 Del. C. §6028.

5. Permit Modification

This permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity; or
- d. Information that the permitted activity poses a threat to human health or welfare, or to the environment.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under 7 Del. C., Chapter 60.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

8. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. Severability

The provisions of this permit are severable. If any provision of this permit is held invalid, or if the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

END OF PART II

PART III

A. Special Conditions

1. This permit authorizes only the construction of the wastewater facilities and related work referenced herein.
2. If wellpointing is required during construction, the wells must be installed by a licensed well driller, and a permit to construct such wells must first be obtained from the Well Permits Branch of the Water Supply Section.
3. All construction shall be in agreement with plans and specifications submitted under this project and approved by the Department of Natural Resources and Environmental Control.
4. All construction shall be in accordance with Ten States Standards and other applicable local utility construction specifications and standards.
5. Connections or additions to the proposed system, other than those proposed on the plans, will not be allowed without prior approval from the Department.

END OF PART III



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

December 3, 2019

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: Hickory Glen – Plan Review Summary
KCI Job No. 131803632 – Task 02

Dear Mr. Pierce,

As requested, KCI Technologies performed a review of the Hickory Glen plans against the MRA response letters dated November 1, 2019, the City's Code and Standard Specifications, and general engineering best practices.

We find the plans generally acceptable as submitted. KCI recommends approving the plans contingent upon signing a development agreement with the City of Milford.

If you have any questions or comments regarding this letter, please do not hesitate to contact Jason McClafferty any time at (302) 318-1069

Sincerely,

Eric T. Gibson,
Engineer in Training

Jason McClafferty, P.E.
Project Manager

Tax Parcel Nos.: 5-16-173.00-01-_____

Prepared by & Return to:
Roger Truemper, Esquire
Baird Mandalas Brockstedt LLC
2711 Centerville Road, Suite 401
Wilmington, DE 19808

**BYLAWS
FOR
HICKORY GLEN TOWNHOMES HOMEOWNERS ASSOCIATION, INC.**

**ARTICLE I
Organization**

The name of the organization is **HICKORY GLEN TOWNHOMES HOMEOWNERS ASSOCIATION, INC.**, a Delaware corporation (the “Association”). The Association shall have a seal.

The Association may change its name at its pleasure by a majority vote of the membership of the Association.

**ARTICLE II
Purpose**

Section 2.1. Purpose. The purpose of this organization shall be to fulfill the obligations of the Association as established by and to enforce the various restrictions set forth in the Master Declaration of Covenants, Conditions, Easements and Restrictions for HICKORY GLEN TOWNHOMES. The Association shall have the responsibility of administering the Project infrastructure of the residential subdivision known as “HICKORY GLEN TOWNHOMES” establishing the means and methods of collecting the contributions to the common expenses of the Association, arranging for the management of the roads and common areas (except for the Recreational Association Property as defined in the Declaration), and performing all of the other acts that may be required to be performed by the Association pursuant to the provisions of Title 8 of the General Corporation Law of Delaware, the Delaware Uniform Common Interest Ownership Act, 25 Del.C. § 81-101, et seq., and by the Homeowners Association as established in the Master Declaration of Covenants, Conditions, Easements and Restrictions for HICKORY GLEN TOWNHOMES dated _____, 2020 and recorded in the Office of the Recorder of Deeds, in and for Kent County, Delaware, in Deed Book _____, Page ____, et seq., as it may be amended from time to time (the “Declaration”).

**ARTICLE III
Membership**

Section 3.1. Membership. Every person or entity who is an Owner of a Lot in HICKORY GLEN TOWNHOMES shall be a member of the Association and shall enjoy all of the benefits of such membership. Membership shall be appurtenant to, and may not be separated from, ownership

of a Lot. Conveyance of a Lot shall, without the need specifically to provide therein, terminate membership of the grantor in the Association with respect to the Lot conveyed; and, by accepting the conveyance, the grantee shall be deemed to accept membership in the Association.

ARTICLE IV **Meetings**

Section 4.1. Annual Meetings. The first annual meeting of the Association shall be held within one (1) year of the formation of the Association and notice of the same shall be given at least ten (10) but not more than sixty (60) days in advance of such meeting. The notice of the meeting shall state the date, time, and place of the meeting and the items on the agenda for the meeting, all in accordance with § 81-308 of the Delaware Uniform Common Interest Ownership Act (“DUCIOA”), as amended. Thereafter, the annual meetings of the Association shall be held as determined by the Board of Directors (“Board”) in accordance with the same notice requirements. Except as provided otherwise in these Bylaws, at such annual meetings the Board shall be elected by ballot of the Owners in accordance with the requirements set forth in Article VI of these Bylaws and the annual budget shall be presented in accordance with § 81-324 of DUCIOA, as amended. The Association Owners may transact such other business at such meetings as may properly come before them. Additional regular or special meetings of the total membership, in addition to the annual meeting, may be held as deemed necessary by the President and Board of Directors of the Association.

Section 4.2. Place of Meetings. Meetings of the Association shall be held at the principal office of the Association or at such other suitable place convenient to the Owners as may be designated by the Board.

Section 4.3 Special Meetings. It shall be the duty of the President to call a special meeting of the Association if so directed by resolution of a majority of the Board or upon a petition signed and presented to the Secretary by Owners owning not less than twenty-five percent (25%) of the then existing Lots in the Development; provided, however, that no special meeting shall be called prior to the first annual meeting following the incorporation of the Association except by resolution of the Board. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice.

Section 4.4. Notice of Meetings and Waiver. It shall be the duty of the Secretary to mail or email a notice with the agenda of each annual or special meeting of the Owners, at least ten (10) but not more than sixty (60) days prior to such meeting, to each Owner of record, by any means described in §81-127 of DUCIOA or sent prepaid by United States mail to any mailing address designated in writing by such Owner. The notice of any meeting must state the time and place of the meeting and the items on the agenda, or must state the website address where the agenda is located, including: (a) a statement of the general nature of any proposed amendment to the Declaration or Bylaws; (b) a statement that in the absence of objection from any Owner present at the meeting, the President may add items to the agenda; (c) any budget changes; and (d) any proposal to remove an officer or member of the Board. The agenda may be posted on the website of the Association, in lieu of being included in the notice, provided that the Association shall, by any means described in § 81-127 of DUCIOA, furnish to any Owner who so requests a copy of

the agenda prior to the meeting. Regardless of the agenda, Owners shall be given a reasonable opportunity at any meeting to offer comments to the Board regarding any matter affecting the Association. If the Association does not notify Owners of a special meeting within thirty (30) days after the requisite number or percentage of the Board or Owners, as applicable, requested the Secretary to do so, the requesting Board members or Owners, as applicable, may directly notify all the Owners of that meeting. Only matters described in the meeting notice required by this Section may be considered at a special meeting.

Any Owner may, at any time, waive notice of any meeting of the Owners, in writing, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by an Owner at any meeting of the Association shall constitute a waiver of notice by him/her of the time and place of, and agenda items for such meeting.

Section 4.5. Adjournment of Meetings. If any meeting of the Association cannot be held because a quorum is not present, a majority of the Owners who are present at such meeting, either in person or by proxy, may adjourn the meeting to a time not less than forty-eight (48) hours from the time the original meeting was called and no additional notice shall be required. If the meeting must be adjourned to a time more than forty-eight (48) hours from the time the original meeting was called, an additional notice shall be required in accordance with these Bylaws.

Section 4.6. Order of Business. The order of business at all annual or special meetings of the Association shall be as designated in the agenda for the meeting.

Section 4.7. Quorum. Except as otherwise provided in these Bylaws, the presence in person or by proxy of twenty percent (20%) of the Owners shall constitute a quorum at all meetings of the Association. The votes of a majority of the Owners present at a meeting at which a quorum is present shall constitute the decision of the Association.

Section 4.8. Conduct of Meetings. The President shall preside over all meetings of the Association and the Secretary shall keep or cause to be kept the minutes of the meeting and record or cause to be recorded in a minute book all resolutions adopted at the meeting as well as a record of all transactions occurring thereat. Unless modified by the Board by resolution, *Roberts Rules of Order* (current edition) shall govern the conduct of all meetings of the Association when not in conflict with the Declaration or these Bylaws.

Section 4.9. Availability of Records. The Association shall maintain current copies of the Declaration, the Certificate of Incorporation of the Association and any amendments thereto and restatements thereof (the "Certificate of Incorporation"), these Bylaws, the minutes of all members' and Board of Director's meetings and records of all action taken by members on the Board of Directors without a meeting for at least the past 3 years, a record of all actions taken by a committee of the Board of Directors, any financial statements and tax returns of the Association prepared for the past 3 years, a list of the names and business addresses of the Association's current members of the Board of Directors and officers, its most recent annual report delivered to the Delaware Secretary of State, such records needed to enable the Association to comply with 25 Del. C. §81-409, recorded of receipts and expenditures affecting the operation and administration of the Association and other appropriate accounting records (including those for any repair and replacement reserve), and a list of the names and addresses of all Association members in

alphabetical order by class showing the number of votes each member is entitled to cast and their class of membership if any. The Association shall hold all such documents available for inspection by Owners or by holders, insurers and guarantors of first mortgages that are secured by properties; provided that documents may be withheld from inspection and copying in accordance with 25 Del. C. §81-318(c). Documents shall be available for inspection during the normal business hours of and upon proper written request to the Association in accordance with the general corporate law of the State of Delaware. A reasonable fee for copying any documents or records made available to and inspected in accordance with this paragraph, not to exceed the actual cost of materials and labor incurred by the Association, may be imposed by the Board, in such amount as it deems appropriate from time to time. Any fee schedule imposed by the Board in accordance with this paragraph shall become effective upon publication to the Owners in accordance with the notice requirements contained in these Bylaws.

Section 4.10. Voting Rights. Voting rights shall be those established in the Certificate of Incorporation, paragraph Fifteenth.

ARTICLE V

Voting

Section 5.1. Voting. Voting at all meetings of the Association shall be on the basis of one (1) Lot, one (1) vote. If only one (1) of several Owners of a Lot is present at a meeting of the Association, that Owner is entitled to cast all the votes allocated to that Lot. If more than one (1) of the Owners of a Lot is present at a meeting of the Association, then the person who shall be entitled to enter the vote of such Lot shall be the person named in a certificate signed by all of the Owners of the Lot and filed with the Secretary. Such certificate shall be valid until revoked by a subsequent certificate. The vote of each Lot shall be exercised as the Owners of the Lot, among themselves determine, but in no event shall more than one (1) vote be cast with respect to any such Lot. In the event of multiple or disputed votes by and between the applicable Owners of a Lot, then such votes shall be ruled invalid and the Executive Board shall disregard any such multiple or disputed votes cast by the Owners of the Lot. Any such invalidated votes shall not, however, invalidate or otherwise alter the effectiveness of such Owners attendance at the meeting by proxy or otherwise for quorum purposes. Whenever the approval or disapproval of a Owner is required by DUCIOA, the Declaration or these Bylaws, such approval or disapproval shall only be made by the person who would be entitled to cast the vote for the Lot at any meeting of the Association. Except where a greater number is required by DUCIOA, the Declaration or these Bylaws, a majority of the votes cast in person, by proxy or by ballot at a meeting of Owners where a quorum is present shall determine the outcome of any action of the Association where a vote is taken so long as the number of votes cast in favor comprise at least a majority of the number of votes required for a quorum for that meeting. Votes allocated to a Lot owned by the Association may not be cast and shall not be calculated either in a quorum or in any percentage of votes needed for any action by the Owners.

Section 5.2. Proxies. A vote may be cast in person or by proxy. Proxies shall be valid only for the particular meeting designated therein and must be filed with the Secretary or the professional managing agent, if any, before the appointed time of the meeting.

Section 5.3. Majority of Owners. As used in these Bylaws, the term “majority” shall mean the vote of more than fifty percent (50%) of the Lots then existing.

ARTICLE VI
Board of Directors

Section 6.1. Number and Qualification. The affairs of the Association shall be governed by a Board of Directors (referred to as the “Executive Board” in DUCIOA). The Board shall be comprised of no fewer than three (3) and no more than five (5) members.

The Board shall initially be comprised of three (3) members, all appointed by the Developer, as follows: (1) _____, (2) _____, and (3) _____. Such Developer appointees shall not be required to be Owners and may be, but shall not be required to be, residents of the State of Delaware.

As required by § 81-303 of DUCIOA, not later than sixty (60) days after conveyance of twenty-five percent (25%) of the total number of Lots that may be created in HICKORY GLEN TOWNHOMES to Owners other than the Developer or a Participating Builder (as defined in the Declaration), at least one (1) member and not less than twenty-five percent (25%) of the Board shall be elected by Owners other than the Developer or a Participating Builder and, unless such timing coincides with an annual meeting, the President shall call a special meeting for such election as provided in Article IV of these Bylaws. By way of example, after twenty-five percent (25%) of the total number of Lots that may be created in HICKORY GLEN TOWNHOMES have been conveyed to Owners, the Board shall be expanded by the Developer to four (4) members, at least one (1) of whom shall be elected by Owners, in order to comply with the Act. Also as required by § 81-303 of DUCIOA, not later than sixty (60) days after conveyance of fifty percent (50%) of the total Lots that may be created in HICKORY GLEN TOWNHOMES to Owners other than the Developer or a Participating Builder, not less than thirty-three and one-third percent (33-1/3%) of the Board shall be elected by Owners other than the Developer or a Participating Builder and, unless such timing coincides with an annual meeting, the President shall call a special meeting for such election as provided in Article IV of these Bylaws. By way of example, after fifty percent (50%) of the total number of Lots that may be created in HICKORY GLEN TOWNHOMES have been conveyed to Owners, the Board shall be expanded by the Developer to five (5) members, at least two (2) of whom shall be elected by Owners, in order to comply with the Act. Upon the termination of the Developer Control Period, as defined and provided in the Declaration, the Owners shall elect the Board and the Board, by majority vote and provided the Developer did not already expand the Board as described above, may expand the Board to no more than five (5) members. The members of the Board elected by the Owners shall be Owners or spouses of Owners or, if the Owner is a corporation, limited liability company, partnership, trust or other entity, an officer, director, managing member or other authorized representative designated in writing by such entity.

Section 6.2. Powers and Duties. The Board shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are established by the Declaration, Certificate of Incorporation and these Bylaws directed to be exercised and done by the Association except as otherwise provided herein. The Board shall

have the power from time to time to adopt any rules and regulations deemed necessary for the enjoyment of HICKORY GLEN TOWNHOMES, provided such rules and regulations shall not be in conflict with the Declaration, Certificate of Incorporation or these Bylaws. The Board may delegate to one (1) of its members the authority to act on behalf of the Board on all matters relating to the duties of the professional managing agent, if any, which might arise between meetings of the Board. In addition to the duties imposed by the Declaration, Certificate of Incorporation or these Bylaws or by any resolution of the Association that may hereafter be adopted, the Board shall have the power to, and be responsible for, the following:

(a) Preparation of an annual budget, in which there shall be established the contribution of each Owner to the common expenses, to be approved in accordance with § 81-324 of DUCIOA.

(b) Making assessments against Owners to defray the costs and expenses of the Association, establishing the means and methods of collecting assessments as established in the Declaration from the Owners, and establishing the period of the installment payment of the annual assessment for common expenses. Unless otherwise determined by the Board, the annual assessment against each Owner for his proportionate share of the common expenses shall be payable in equal monthly, quarterly or annual installments, as determined by the Board, each such installment to be due and payable in advance on the date(s) established by the Board.

(c) Providing for the operation, care, upkeep, replacement, maintenance and surveillance of all of Lots, roads, and common areas; and services of the Association except as may otherwise be provided herein.

(d) Designating, hiring and dismissing the personnel or contractors necessary for the maintenance, operation, repair and replacement of the common area and Lots, and providing services for the property, and, where appropriate, providing for the compensation of such personnel and for the purchase of equipment, supplies and material to be used by such personnel in the performance of their duties, which supplies and equipment shall be deemed the common property of the Owners; and, moreover, contracting the professional managing agent, if deemed necessary by the Board. No contractual agreement may bind the Association unless such contractual agreement provides for the right of the Association to terminate the same without cause or penalty at any time after transfer of control of the Association from the Developer to the Owners, upon not less than ninety (90) days' notice. In addition, if entered into before a majority of the Board elected by the Owners (as opposed to appointed by the Developer) in accordance with these bylaws takes office: (1) any management contract, employment contract, (2) any other contract or lease between the Association and Developer or an affiliate of Developer, or (3) any contract or lease that is not bona fide or was unconscionable to the Owners at the time entered into under the circumstances then prevailing, may be terminated without penalty by the Association at any time after the Board elected by the Owners (as opposed to appointed by Declarant) in accordance with these Bylaws takes office upon not less than ninety (90) days notice to the other party.

(e) Collecting the assessments against the Owners, depositing the proceeds thereof in a bank depository which it shall approve, and using the proceeds to carry out the administration of the property.

(f) Making and amending rules and regulations respecting the use of the property so that such do not unduly restrict the use and enjoyment by the Owners, their tenants and guests.

(g) Opening of bank accounts on behalf of the Board and designating the signatories required therefor.

(h) Making, or contracting for the making of, repairs, additions, and improvements to, or alterations of, the property and repairs to, and restoration of, the property, in accordance with the other provisions of these Bylaws, after damage or destruction by fire or other casualty.

(i) Enforcing by legal means, when deemed necessary and appropriate in the opinion of the Board, the provisions of the Declaration, Certificate of Incorporation, these Bylaws and the rules and regulations for the use of the property adopted by it and bringing any proceedings which may be instituted on behalf of the Owners.

(j) Obtaining and carrying insurance against casualties and liabilities, and paying the premium cost thereof.

(k) Paying the cost of all services rendered to the Association, and not billed to Owners.

(l) Keeping books with detailed accounts in chronological order of the receipts and expenditures affecting the property and Association, and the administration of the property, specifying the maintenance and repair expenses of the roads and common areas, and any other expenses incurred. The said books shall be available for examination by the Owners, their duly authorized agents or attorneys, in accordance with and pursuant to the processes set forth in § 81-318 of DUCIOA. All books and records shall be kept in accordance with good and accepted accounting practices, and if so directed by the Board, the same may be audited by an outside auditor employed by the Board who shall not be a resident of HICKORY GLEN TOWNHOMES, or an Owner of a Lot therein. The cost of such audit shall be a common expense. An audited financial statement, if prepared, shall be available within one hundred twenty (120) days of the end of the fiscal year.

(m) Notifying the Mortgagee of any property of any default by the Owner whenever requested in writing by such Mortgagee to send such notice.

(n) Maintaining written minutes of all meetings.

(o) Resolving disputes between and among Owners and the Board and making decisions regarding disputes related to the interpretation and application of the Declaration, Certificate of Incorporation, these Bylaws and rules and regulations promulgated pursuant thereto.

(p) Borrowing in an amount not to exceed twenty-five percent (25%) of the value of the Common Areas for any proper Association purpose by the execution of notes and mortgages or as security for the repayment thereof or such other security or securities as the

Association shall designate for the payment of principal thereof and interest due thereon, subject to any restrictions or limitations which may be contained in the Declaration or DUCIOA.

(q) To do such other things and acts not inconsistent with the Declaration or Certificate of Incorporation which it may be authorized to do by a resolution of the Association.

Section 6.3. Election and Term of Office. During the Developer Control Period, all Board members shall serve for one (1) year terms. Meetings shall be privately held during the Developer Control Period. At the first meeting of the Association after the termination of the Developer Control Period during which an election is held, the terms of office of the members elected by the Lot Owners to serve on the Board shall be staggered. If three (3) members are elected, two (2) members shall serve two (2) year terms, and (1) member shall serve a one (1) year term. If four (4) members are elected, two (2) members shall serve two (2) years terms, and two (2) members shall serve one (1) year terms. If five (5) members are elected, three (3) members shall serve two (2) year terms and two (2) members shall serve one (1) year terms. At the expiration of the initial terms of office of the members of the Board elected at the first meeting of the Association after the termination of the Developer Control Period, their successors shall be elected to serve for two (2) year terms. The members of the Board shall hold office until their respective successors shall have been elected and the newly elected member=s willingness to serve confirmed.

Section 6.4. Removal of Members of the Board. At any regular or special meeting of the Board duly called, any one (1) or more of the members of the Board may be removed with or without cause by a majority of the Board members, and a successor may then and there be appointed by a majority of the remaining Board members to fill the vacancy thus created. Any member of the Board whose removal, with or without cause, has been proposed by the Owners shall be given at least ten (10) days' notice of the calling of an Association meeting in response to said proposal and the purpose thereof and shall be given an opportunity to be heard at the meeting. In such a situation where the removal of a Board member, with or without cause, has been proposed by the Owners, a majority of the Owners present, in person or by proxy, at the meeting called for this purpose may remove the Board member in question and a successor may then and there be appointed by a majority of the Owners present to fill the vacancy thus created.

Section 6.5. Vacancies. Vacancies in the Board caused by any reason other than the removal of a member by a vote of the Owners shall be filled by a vote of a majority of the remaining members of the Board at a special meeting of the Board held for that purpose promptly after the occurrence of any such vacancy, even though the Board members present at such meeting may constitute less than a quorum, and each person so elected shall be a member of the Board for the remainder of the term of the member so removed and until a successor shall be elected at the next annual meeting of the Association.

Section 6.6. Organizational Meeting. The first meeting of the members of the Board following an annual meeting of the Association shall be held within ten (10) days thereafter at such time and place as shall be fixed by the Board so elected, and no notice shall be necessary to the newly elected members of the Board in order legally to constitute such meeting, providing a majority of the whole Board shall be present thereat.

Section 6.7. Regular Meetings. Regular meetings of the Board (except for executive sessions held for a permitted purpose set forth in § 81-308A of DUCIOA) shall be open to all Owners after the Developer Control Period ends and shall be held at least quarterly at such time and place as shall be determined from time to time by a majority of the Board members. Notice, including the agenda, of regular meetings of the Board shall be given to each Board member, by mail, email, telegraph, telefacsimile or telephone with mail confirmation, at least ten (10) but not more than sixty (60) days prior to the day named for such meeting. Except when a schedule of meetings has been distributed to the Owners that identifies the meeting in question or in cases of emergency meetings that may be held without prior notice, the Secretary shall cause notice of any regular meeting to be delivered to each Owner by any means described in Section 9.1. of these Bylaws at least ten (10) but not more than sixty (60) days prior to the meeting (but not later than the time notice of the meeting is sent to members of the Board).

Section 6.8. Special Meetings. Special meetings of the Board (except for executive sessions held for a permitted purpose set forth in § 81-308A of DUCIOA) shall be open to all Owners after the Developer Control Period ends and may be called by the President on at least ten (10) but not more than sixty (60) days' notice to each Board member, given by mail, email, telegraph, telefacsimile or telephone with mail confirmation, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board shall be called by the President or Secretary in like manner and on like notice on the written request of at least two (2) Board members. The Secretary shall cause notice of any special meeting to be delivered to each Owner by any means described in Section 9.1. of these Bylaws at least ten (10) but not more than sixty (60) days prior to the meeting (but not later than the time notice of the meeting is sent to members of the Board).

Section 6.9. Waiver of Notice. Notwithstanding any provision to the contrary contained herein, any Board member may, at any time, in writing, waive notice of any meeting of the Board, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Board member at any meeting of the Board shall constitute a waiver of notice by him of the time and place of such meeting. If all Board members are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting, including meetings conducted by telephone conference.

Section 6.10. Quorum of Board. At all meetings of the Board, a majority of the Board members shall constitute a quorum for the transaction of business, and the votes of a majority of the members present at a meeting at which a quorum is present shall constitute the decision of the Board.

Section 6.11. Fidelity Bonds. The Board shall obtain adequate fidelity bonds for all officers, directors and employees of the Association handling or responsible for Association funds. The premiums on such bonds shall constitute a valid expense payable by the Association.

Section 6.12. Compensation. No Board member shall receive any compensation from the Association for acting as such, but may be reimbursed for necessary expenses incurred in regard to service as a Board member, as approved by the Board from time to time.

Section 6.13. Conduct of Meetings. The President shall preside over all meetings of the Board and the Secretary shall keep or cause to be kept a minute book of the Board recording therein all resolutions adopted by the Board and a record of all transactions and proceedings occurring at such meetings. Unless modified by the Board by resolution, *Roberts Rules of Order* (current edition) shall govern the conduct of all meetings of the Association when not in conflict with the Declaration or these Bylaws.

Section 6.14. Liability of the Members of the Board. The members of the Board shall not be liable to the Owners for any mistake of judgment, negligence, or otherwise except for their own individual willful misconduct or bad faith. The Owners shall indemnify and hold harmless each of the Board members from and against all contractual liability to others arising out of contracts made or action taken by the Board on behalf of the Owners unless any such contract or action shall have been made in bad faith or contrary to the provisions of the Declaration, Certificate of Incorporation or of these Bylaws. It is intended that the members of the Board shall have no personal liability with respect to any contract made or action taken by them on behalf of the Owners. Every agreement made or action taken by the Board on behalf of the Owners shall, if obtainable, provide that the members of the Board, as the case may be, are acting only as agents for the Owners and shall have no personal liability thereunder, and that each Owners= liability thereunder shall be limited to such proportion of the total liability thereunder as his percentage interest bears to the total Lots in HICKORY GLEN TOWNHOMES. The Owners shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding by reason of the fact that he is or was a member of the Board, against expenses (including reasonable attorneys= fees), judgments, fines and amounts paid in settlement incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Owners.

ARTICLE VII **Officers**

Section 7.1. Designation. The principal officers of the Association shall be the President, the Vice President, the Secretary and the Treasurer, all of whom shall be elected by the Board. The Board may appoint an Assistant Treasurer, an Assistant Secretary, and such other officers as in its judgment may be necessary. The President shall be a member of the Board. Any other officers may be, but shall not be required to be, members of the Board. Any Board member who serves as an officer shall be permitted to hold more than one office if such is necessary to fill the principal positions of President, Vice President, Secretary and Treasurer.

Section 7.2. Election of Officers. The officers of the Association shall be elected annually by the Board at the organizational meeting of each new Board and shall hold office at the pleasure of the Board. Any vacancy in an office shall be filled by the Board at a regular meeting or special meeting called for such purposes.

Section 7.3. Removal of Officers. Upon the affirmative vote of a majority of the members of the Board, any officer may be removed, either with or without cause, and his successor may be elected at any regular meeting of the Board, or at any special meeting of the Board called for such purpose.

Section 7.4. President. The President shall be the chief executive of the Association. He shall preside at all meetings of the Association and of the Board. He shall have all of the general powers and duties which are incident to the office of the president of a stock corporation organized under the General Corporation Law of the State of Delaware, including, but not limited to, the power to appoint committees from among the Owners from time to time as he may in his discretion decide is appropriate to assist in the conduct of the affairs of the Association. The President shall also be responsible for the preparation, execution, certification and recordation of any amendments to the Declaration, Certificate of Incorporation, these Bylaws or any other governing document for the Association.

Section 7.5. Vice President. The Vice President shall take the place of the President and perform his duties whenever the President shall be absent or unable to act. If neither the President nor the Vice President is able to act, the Board shall appoint some other member of the Board to act in the place of the President, on an interim basis. The Vice President shall also perform such other duties as shall from time to time be imposed upon him by the Board or by the President.

Section 7.6. Secretary. The Secretary shall keep or cause to be kept the minutes of all meetings of the Association and of the Board; he shall have charge of such books and papers as the Board may direct; he shall provide or cause to be provided notice of all scheduled Association meetings to each Owner at such address as each Owner shall have designated by notice in writing to the Secretary; and he shall, in general, perform all the duties incident to the office of Secretary of a stock corporation organized under the General Corporation Law of the State of Delaware.

Section 7.7. Treasurer. The Treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of all required financial data; he shall be responsible for the deposit of all monies and other valuable effects in the name of the Board, or the managing agent, in such depositories as may from time to time be designated by the Board, and he shall, in general, perform all the duties incident to the office of Treasurer of a stock corporation organized under the General Corporation Law of the State of Delaware.

Section 7.8. Agreements, Contracts, Deeds, Checks, etc. All agreements, contracts, deeds, leases, checks and other instruments of the Association for expenditures or obligations of over \$1,000.00 shall be executed by any two (2) officers or by an officer and such other person or persons as may be designated by the Board. All such instruments for expenditures or obligations of less than \$1,000.00 may be executed by any one (1) officer or by such other person as may be designated by the Board.

Section 7.9. Compensation of Officers. No officer shall receive any compensation from the Association for acting as such, but may be reimbursed for expenses incurred in regard to services rendered to the Association, as approved by the Board from time to time.

ARTICLE VIII
Amendments to Bylaws

Section 8.1. Amendments. Except as otherwise provided in these Bylaws, these Bylaws may be modified or amended either (i) by a vote of at least fifty-one percent (51%) of the membership present, in person or by proxy, at any regular or special meeting, provided that notice of the proposed amendment shall have been given to each Owner at least ten (10) days in advance of such meeting or (ii) pursuant to a written instrument duly executed by a majority of all of the Owners.

ARTICLE IX
Miscellaneous

Section 9.1. Notices. All notices, demands, bills, statements or other communications under the Declaration or the corporate governing documents for the Association, including these Bylaws, shall be in writing and shall be deemed to have been duly given if: (a) delivered personally; (b) if to an Owner, if sent by email, facsimile or other method of electronic transmission to the Owner at the email/electronic address or facsimile number which the Owner shall designate in writing and file with the Secretary; (c) if to an Owner, if sent by first-class mail, postage prepaid, to an Owner at the address which the Owner shall designate in writing and file with the Secretary or, if no such address is designated, at the address of the Owner as provided in the tax assessment records for Kent County; (d) if to the Association, if sent by email, facsimile or other method of electronic transmission to the Association at the email/electronic address or facsimile number which the Association shall designate in writing to the Owners as the principal email/electronic address or facsimile number of the Association; or (e) if to the Association, if sent by first-class mail, postage prepaid to the Association, the Board or the professional managing agent, if any, at the principal office of the Association or at such other address as shall be designated by notice in writing to the Owners pursuant to this section.

Section 9.2. Gender, Number. The use of the masculine gender in these Bylaws shall be deemed to include the feminine gender and the use of the singular shall be deemed to include the plural, whenever the context so requires.

Section 9.3. Definitions. Words and phrases which are used herein and which are defined and/or discussed in the Declaration and Certificate of Incorporation shall have the meaning as set forth in the Declaration and Certificate of Incorporation.

Section 9.4. Conflicts. In the event of any conflicts between the Declaration and these Bylaws, the Declaration shall be controlling.

[THIS SPACE INTENTIONALLY LEFT BLANK]

Tax Parcel Nos: 5-16-173.00-01- _____

Prepared by and Return to:
Roger Truemper, Esquire
Baird Mandalas Brockstedt LLC
2711 Centerville Road, Suite 401
Wilmington, DE 19808

**DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS FOR
“HICKORY GLEN TOWNHOMES”
located in
KENT COUNTY, DELAWARE**

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**MASTER DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR HICKOREY GLEN TOWNHOMES**

THIS MASTER DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS (this "Declaration") is made effective as of the ___ day of _____, 2020 (the "Effective Date"), by DUNN DEVELOPMENT, LLC, a Delaware Limited Liability Company, (the "Declarant")

WHEREAS, pursuant to the Deed recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware (the "Recorder's Office") at Deed Book _____, Pages _____, Declarant is the legal and equitable owner of those certain lots, pieces or parcels of land bounded and described on **Exhibit "A"**, attached hereto and made a part hereof (the "Property"), being 159 Townhouse lots to be built upon the real property in phases, as shown and identified on the Final Subdivision Plat for HICKORY GLEN, prepared by Morris & Ritchie Associates, dated January ___ 2020, said plan being recorded in the Recorder's Office at Plot Book____, Page ____, as such Plat may be subsequently supplemented or amended from time to time (collectively, as supplemented and amended, the "Master Plan") which Property is currently designated for the construction of a residential community to be known as "HICKORY GLEN" on the Lots shown on the Subdivision Plat including the open spaces, streets, storm water management areas, amenity/recreational facilities, and improvements and other amenities (collectively, with all the Lots, the "Project"); and

WHEREAS, Declarant does desire to subject the Project to these Restrictions; and

WHEREAS, Declarant desires to control and restrict the construction of structures and improvements on the Property as generally depicted on Master Plan, that shall be built in accordance with and subject to the terms and conditions of those certain design guidelines and procedures, as the same may be established and amended from time to time by the ARC (defined in Section 6.1 below) (the "Design Guidelines"), together with the use to which all dwellings, structures, and improvements in the Project, as more fully described below, are put so as to promote and facilitate the development of a healthful, safe, harmonious, attractive and valuable residential community and for the preservation of the values and amenities in the Project. Towards this end, Declarant desires to subject the Property and Project to certain covenants, restrictions and agreements as hereinafter more particularly set forth, all of which Declarant deems to be for the benefit of the Declarant, and each Owner and their respective heirs, personal representatives, successors, assigns, and transferees.

WITNESSETH:

NOW, THEREFORE, Declarant hereby declares that the Property and Project shall be held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to the covenants, conditions, restrictions and easements set forth in this

Declaration, which are for the purpose of protecting the value and desirability of, and which shall run with the Property and Project and be binding on all parties having any right, title or interest in all or any portion of the Property and Project, as the Project may be modified from time to time in accordance with Article II hereof, their heirs, personal representatives, successors, transferees and assigns, and which shall inure to the benefit of the Declarant, Association (as defined below) and each Owner and their respective heirs, personal representatives, successors, transferees and assigns.

ARTICLE I DEFINITIONS

1.1. “Association” shall mean and refer to HICKORY GLEN TOWNHOMES HOMEOWNERS ASSOCIATION, INC., a Delaware non-stock corporation, its successors and/or assigns (the “Association”), which shall manage the Project infrastructure including, but not limited to the streets, storm water management areas, and common open space areas (the Association Property”).

1.2. “Association Documents” shall mean the Certificate of Incorporation and By-Laws of the Association.

1.3. “Association Member” shall mean every person, group of persons, limited liability company, corporation, partnership, trust or other legal entity, or any combination thereof, who is an Owner of any Lot that is part of the Property, as a member of the Association.

1.4. “Association Property” shall mean all areas of the Property and Project being divided into the Association Property as more particularly bounded and described on Exhibit “A” attached hereto and made a part hereof, together with any and all improvements and Facilities located thereon.

1.5. “Property Rules and Regulations” shall mean and refer to the rules and regulations promulgated from time to time by The Association pursuant to Section 7.6 of this Declaration and any amendments or supplements thereto.

1.6. “Common Expenses” shall mean and refer to the actual and estimated expenses of operating the Association, including, without limitation, a reasonable reserve and expenses for the maintenance, repair and/or replacement of the Association Property, as applicable, in accordance with Article IX hereof and all annual and special assessments found to be necessary or appropriate by The Board in accordance with Article V hereof, and such other costs and expenses as may be found to be necessary or appropriate by The Board of Directors of the Association as applicable (the “Board”) pursuant to this Declaration and the Bylaws and Certificate of Incorporation of the Association.

1.7. “Community-Wide Standard” shall mean the standard of conduct, maintenance or other activity generally prevailing in connection with the Association Property. Such standard may be more specifically determined and set forth by the Board of the Association.

1.8. “Declarant” shall be Dunn Development, LLC, a Delaware Limited Liability Company, its successors and assigns, but only to the extent that any of the rights,

reservations, easements, interests, exemptions, privileges or powers of the Declarant are specifically assigned or transferred to any such successors or assigns by an instrument in writing.

1.9. "Declarant Control Period" shall mean the period beginning on the date of this Declaration and ending on the earliest of (a) sixty (60) days after conveyance of seventy five percent (75%) of the Lots that may be created on the Property to Owners other than the Declarant or a Participating Builder, or (b) two (2) years after Declarant and all Participating Builders have ceased to offer Lots for residential purposes for sale in the ordinary course of business, or (c) two (2) years after the Declarant's right to add more Lots for residential purposes on the Property was last exercised, or (d) by December 31, 2049.

1.10. "Development Plans" shall mean and refer collectively to the approved site plan and plats for the Property and Project, including the Master Plan, as well as any and all amendments, modifications and extensions thereof as may be made from time to time.

1.11. "Director" shall mean each individual who is a member of the Board of Directors of the Association.

1.12. "DUCIOA" shall mean the Delaware Uniform Common Interest Ownership Act, 25 Del. C. § 81-101 et seq., as amended from time to time.

1.13. "Eligible Mortgage Holder" shall mean a holder, insurer or guarantor of a First Mortgage on a Lot or the Association Property, as applicable, who has submitted a written request for notice from The Association of amendments to this Declaration or the Association Documents, or other significant matters which would affect the interests of the Mortgagee.

1.14. "Emergency" and its various derivations shall mean any event, circumstance or condition created or arising out of the use, operation, or occupancy of any portion of the Property or Project, including, but not limited to, any Lot or the Association Property, which may, in the absence of immediate action by the Declarant, an Owner, or The Association, as applicable, and as otherwise provided under this Declaration (i) pose an immediate threat or irreparable harm to the Declarant, The Association, or any Owner or Association Member, or their respective successors, assigns, tenants, subtenants, agents, officers, directors, employees, agents, contractors, customers, visitors, licensees, invitees, guests, members and concessionaires or other third party or (ii) pose an immediate threat or irreparable harm or significant property damage to any portion of the Property or Project (including, but not limited to, any Lot, the Association Property) or to any property adjacent to the Property or Project or (iii) violate or result in the revocation of any or all authorizations, approvals, certificates or permits or other instruments or documents that are issued by and from any local, county, state or federal agency or body which govern the occupancy, use and operation of the Property or Project (including, but not limited to, any Lot, or Association Property) or (iv) invoke, create or impose civil or criminal liability upon the Declarant, The Association, or any Owner or Association Member by any governmental authority or third parties as a result of the acts or omissions of the Declarant, The Association, or any Owner or Association Member or (v) as reasonably determined by Declarant.

1.15. "Facilities" shall mean any and all improvements, structures and facilities

or other betterments, including, by way of illustration and not limitation, (i) public streets, parking areas, sidewalks, active and passive recreational facilities (including, but not limited to, to the extent included in the Development Plans, one (1) totlot, walking trails, open recreational space, entrance features or improvements, irrigation systems and street lighting, (ii) any and all storm water management facilities and utility services to the extent that the Kent County, Delaware, or any other governmental agency or third party does not assume responsibility for the maintenance, repair and replacement of the storm water management facilities, including, without limitation, drainage pipes, infiltration trenches, ponds, basins, swales, berms, out-flow control devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any, whether such storm water management facilities are located within the Property or not, (iii) any rights-of-way, swales, culvert pipes, entry strips, gate at entrance, signage, and entrance features or improvements that are situated within or that are appurtenant to and serve the Property, including, without limitation, any landscaping and other flora and improvements situated thereon, and (iv) any other real and personal property, facilities and equipment.

1.16 Omitted

1.17 “Lawn Area” shall mean and refer to any portion of the front, side or rear (if applicable) yard areas of any Lot that contains grass, shrubs, bushes, trees or other planted materials.

1.18. “Laws” shall mean all statues, laws, rules, regulations, ordinances and similar enactments or promulgations, by and from any local, county, state or federal agency or body, including, but not limited to, environmental laws and regulations and applicable zoning, subdivision, health and building codes and any and all authorizations, approvals, certificates or permits or other instruments or documents that are issued by and from any local, county, state or federal agency or body which govern the ownership, occupancy, use, or operation (including, but not limited to, any maintenance, repair and or replacement) of all or any portion of the Property or Project, including, but not limited to, the Lots or Association Property.

1.19. “Lot” shall mean any one of, and “Lots” shall mean more than one of, the residential dwelling Lots in the Project containing One Fifty Nine (159) residential dwelling lots; and shall not include the Association Property, any property dedicated for public use, or other areas of the Property or Project.

1.20. “Mortgagee” shall mean the holder of any recorded mortgage encumbering one or more of the Lots or all or any portion of the Association Property. “Mortgage,” as used herein, shall mean any mortgage held by a Mortgagee. “First Mortgage,” as used herein, shall mean a Mortgage with priority over all other Mortgages. As used in this Declaration, the term “Mortgagee” shall mean any Mortgagee and shall not be limited to institutional mortgagees. As used in this Declaration, the term “institutional mortgagee” or “institutional holder” shall include banks, trust companies, insurance companies, mortgage insurance companies, savings and loan associations, trusts, mutual savings banks, credit unions, pension funds, mortgage companies, Federal National Mortgage Association (“FNMA”), Government National Mortgage Association

("GNMA"), Federal Home Loan Mortgage Corporation ("FHLMC"), all corporations and any agency or department of the United States Government or of any state or municipal government, or any other organization or entity which has a security interest in any Lot or all or any portion of the Association Property. In the event any Mortgage is insured by the Federal Housing Administration ("FHA") or guaranteed by the Department of Veterans Affairs ("VA"), then as to such mortgage the expressions "Mortgagee" and "institutional mortgagee" include the FHA or the VA as the circumstances may require, acting, respectively, through the Federal Housing Commission and the Secretary of Veterans Affairs or through other duly authorized agents.

1.21. "Owner" shall mean and refer to the record owner, whether one or more persons, group of persons, association, corporation, limited liability company, partnership, trust or other legal entity, or any combination thereof, of fee simple title to any Lot, including the Declarant, but specifically excluding those having such interest merely as security for the performance of an obligation.

1.22. "Participating Builder" refers to a person or entity other than the Declarant that, in the ordinary course of such person's or entity's business, constructs residential structures on any portion of the Property or Project, including, but not limited to, the Lots, for sale or lease to others.

1.23. "Project" as used in this Declaration shall mean and refer to the residential community, together with the improvements erected and maintained thereon, to be known as "HICKORY GLEN TOWNHOMES", consisting of the Lots and Association Property and all Facilities located on any of the foregoing referenced plats, all to be built on the Property.

1.24. "Property" shall mean and refer to that certain real property described on Exhibit "A" attached hereto and made a part hereof.

1.25. "Recorder's Office" shall mean and refer to the Office of the Recorder of Deeds in and for Kent County, Delaware.

1.26. "Utilities" shall mean City of Milford for water service, and City of Milford for the sewer service, their successors in interest, or such other entities that are or may become responsible for collecting, treating and disposing of sanitary sewer wastewater from, or delivering water to, Lots or Association Property and improved areas within the Property.

1.27. "Wastewater Service Line" shall mean the pipe, clean-outs, and fittings that lie between the structure foundation or exterior wall on any Lot and the wastewater collection system owned by the applicable Utilities.

ARTICLE II DECLARANT'S RIGHT TO SUBJECT PROPERTY TO DECLARATION

2.1. Property Subject to this Declaration. The Property shall be the townhouse community (RPC) with the name of "HICKORY GLEN TOWNHOMES" that is held, conveyed,

hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to all of the covenants, conditions and restrictions of this Declaration and referenced in Exhibit A hereto.

2.2. Special Declarant Rights.

(a) The Declarant reserves the following rights for the period from the date of this Declaration through the date thirty (30) years thereafter, which rights Declarant hereby assigns to the Participating Builder (the “Special Declarant Rights”):

- (1) The right to complete or make improvements indicated on the Development Plans;
- (2) the right to maintain sales offices, management offices, storage sheds/trailers, and models on Lots or on the Association Property, to the extent described in the following table:

	NUMBER	SIZE	LOCATION
Model Homes	Four (4) per Participating Builder	Per home plan prepared by applicable Participating Builder	On Lot designated by Declarant
Construction Management Offices	One per Participating Builder	Trailer of a size determined by Participating Builder	On Lot or on the portions of the Association Property designated by Declarant
Storage Shed/Trailer	Up to Four (4) per Participating Builder	Trailer/shed of a size determined by Participating Builder	On Lot or on the portions of the Association Property designated by Declarant
Sales Offices	Up to Four (4) per Participating Builder	Determined by Participating Builder	Within Model Home, or if no Model Home has been constructed by a Participating Builder, then in a trailer of a size determined by Participating Builder at a location designated by Declarant

provided that Declarant may relocate any such facility located on a Lot to any other Lot on the Property acceptable to the applicable Participating Builder from time-to-time;

- (3) the right to conduct sales business and construction activities on the Property; and
- (4) the right to use and permit others to use, easements through the Common Areas as may reasonably necessary for the purpose of discharging the Declarant’s and Participating Builders’ obligations under DUCIOA and this Declaration.

2.3. Limitations on Special Declarant Rights. Unless sooner terminated by a

recorded instrument signed by Declarant, any Special Declarant Rights may be exercised by the Declarant or any Participating Builder as assignee thereof for the period of time specified in DUCIOA.

ARTICLE III ASSOCIATION PROPERTY RIGHTS

3.1. Owners' Easements of Enjoyment. Every Owner shall have a non-exclusive right and easement (in common with others entitled thereto) of enjoyment in and to the use of the Association Property which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) The right of The Association to charge reasonable and uniform admission and other fees and assessments for the use of the Association Property.

(b) The right of The Association to suspend an Owner's privileges and rights to use the Association Property and/or services provided to Owners (other than the right of an Owner to vote on any matter submitted to a vote of Owners) (i) for any period during which any assessment against such Owner's Lot remains unpaid and (ii), after notice and an opportunity for a hearing, for a period not to exceed sixty (60) days for any infraction of its published rules and regulations; provided, however, that the obligation of such Owner to pay assessments shall continue unabated during such period of suspension of voting rights or right to utilize the Association Property.

(c) The right of The Association to dedicate, sell or transfer all or any part of the Association Property to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by The Association Members. No such dedication, sale or transfer shall be effective without the consent of eighty percent (80%) of the total votes of the Association Members of The Association and eighty percent (80%) of the votes allocated to Owners other than the Declarant of The Association. Notwithstanding anything contained herein to the contrary, the Declarant shall retain control of all Association Property until such time as the Declarant or a Participating Builder has completed all improvements thereon, or until the end of the Declarant Control Period, whichever occurs later. Such transfer shall be evidenced by a deed to be recorded in the Recorder's Office and The Association shall not refuse to accept the conveyance of any such Association Property, provided the Association Property complies with all applicable Laws. Declarant shall have a limited irrevocable power of attorney coupled with an interest to consummate any such transfer to the extent necessary pursuant to Article II, Section 12.13 below.

(d) The right of The Association to establish uniform rules and regulations pertaining to the use of the Association Property.

(e) The right of The Association to provide for the exclusive use by specified Owners of certain designated parking spaces within the Association Property.

(f) The right of The Association, in accordance with its Certificate of Incorporation and Bylaws, and with the consent of the Declarant (for so long as the Declarant shall own any portion of the Property) and two-thirds (2/3) of the total votes of The Association Members, to borrow money for the purpose of improving the Association Property in a manner

designed to promote the enjoyment and welfare of the Association Members and in aid thereof to mortgage any portion of the Association Property.

(g) The right of The Association to take such steps as are reasonably necessary to protect the Association Property against mortgage default and foreclosures; provided, however, that such steps are in conformity with the other provisions of this Declaration.

(h) The right of The Association, acting by and through the Board, to grant easements, licenses or other rights of use of the Association Property to persons or entities that are not Association Members for such consideration and on such terms and conditions as The Board may from time to time consider appropriate or in the best interest of The Association.

(i) The right of The Association to be the lessee of any portion or all of the Association Property and the right of The Association to enforce the terms of the lease with respect to the Association Property against such property and the Owners and their guests, visitors, licensees, invitees, or lessees.

(j) The right of The Association, acting by and through The Board, to transfer or convey portions of the Association Property for purposes of adjusting the boundary lines of one or more Lots or the Association Property; provided, however, that such transfer or conveyance has been approved, as necessary, by applicable local governmental authorities or agencies, or is otherwise in conformance with applicable Laws.

(k) Kent County and/or the City of Milford shall have the authority to require the Association to perform routine maintenance and minor/major repairs as necessary to keep the property in good condition, and eliminate any health or safety concerns. If the Association does not respond to Kent County and/or the City of Milford citation within fourteen (14) calendar days, Kent County and/or the City of Milford shall have the right to perform the work itself and assess each property owner of the homeowner's Association or the Association itself with a fee to recover Kent County and/or the City of Milford costs. These fees would be recovered by Kent County and/or the City of Milford during the normal real estate tax process as a special assessment to the lot owner or the Association.

3.2. *Limitations.* Notwithstanding any other provision of this Declaration to the contrary, The Association shall have no right to suspend the right of any Association Member to use the Association Property for necessary, ordinary and reasonable vehicular and pedestrian ingress and egress to and from such Owner's Lot, or to suspend any easement, license or other property interest over the Association Property for storm water drainage, electrical energy, water, sanitary sewer, natural gas, telephones, or similar services or utilities to the Lots. The Association Property will be available for the type of active and passive recreational and open space uses contemplated under the Development Plans and the Laws. All Owners shall have the non-exclusive right (in common with others entitled thereto) to access and make reasonable use of the Association Property as described in the approved Development Plans and the Laws both before and after they are conveyed to The Association, with the exception of those areas as may be reasonably and necessarily restricted for access because of temporary safety reasons in connection with the development of the Property or Project, subject to the terms and provisions of this Declaration. In addition, the rights of The Association, as provided above, are subject to the right of the Declarant, as more fully set forth in Section 8.1 of this Declaration, to grant easements, to

utilize reserved rights and easements, and to otherwise utilize the Association Property as it deems appropriate in connection with the development of the Property and Project.

3.3. Delegation of Use. Any Owner may delegate, in accordance with the Bylaws and rules and regulations of The Association, such Owner's right of enjoyment to the Association Property to such Owner's family members, guests, visitors, licensees, invitees, or lessees.

ARTICLE IV ASSOCIATION MEMBERSHIP, VOTING RIGHTS AND REPORTING

4.1. Association Membership. Every Owner of a Lot shall be a member of The Association provided, however, that any such person or group of persons, association, corporation, limited liability company, partnership, trust or other legal entity, or any combination thereof, who holds such interest solely as security for the performance of an obligation shall not be a Member solely on account of such interest. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

4.2. Association Voting Rights. (a) At all meetings of The Association the Owners of each Lot shall be entitled collectively to cast such vote or votes as provided for by the Certificate of Incorporation for The Association and the Bylaws of The Association, which vote or votes may be cast in person or proxy. (1) Unless prohibited or limited by the declaration or bylaws, pursuant to 81-310(f) of DUCIOA, any action that the association may take at any meeting of members may be taken without a meeting if the association delivers a written or electronic ballot to every member entitled to vote on the matter. A ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action. Owners shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership.

(b) When more than one (1) person or entity are Owners of any Lot, all such persons and entities shall be Association members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot. If only one (1) of several Owners of a Lot is present at a meeting of The Association, that Owner is entitled to cast all the votes allocated to that Lot. If more than one (1) of the Owners of a Lot is present at a meeting of The Association, and any one of multiple Owners of a Lot casts a vote allocated to such Lot without protest being made promptly to the person presiding over the meeting, then there shall be deemed to be majority agreement of the Owners. Additionally, with respect to Lots that have multiple Owners, the vote of a person named in a certificate signed by all of the Owners of the Lot and filed with the Secretary of The Association as entitled to enter the vote of such Lot shall be deemed to be a vote by majority Agreement of the Owners. Such certificate shall be valid until revoked by a subsequent certificate.

(c) Whenever the approval or disapproval of an Owner is required by DUCIOA, this Declaration or the Bylaws, such approval or disapproval shall only be made by the person who would be entitled to cast the vote for the Lot at any meeting of The Association.

(d) Except where a greater number is required by DUCIOA or the Bylaws, a majority of the votes cast in person, by proxy or by ballot at a meeting of Owners where a quorum is present shall determine the outcome of any action of The Association where a vote is

taken so long as the number of votes cast in favor comprise at least the number of votes required for a quorum for that meeting. Votes allocated to a parcel or Lot owned by The Association may not be cast and shall not be calculated either in a quorum or in any percentage of votes needed for any actions by the Owners.

4.3. Proxies. The Association Member entitled to vote shall, at every meeting of the members of The Association, be entitled to vote in person or by proxy, in writing and signed by such member, but no proxy shall be voted after one (1) year from its date, unless it specifically provides for a longer period. Every proxy shall be revocable, at any time, and shall automatically cease upon conveyance of the Lot. Such right to vote shall be subject to the right of the Board to close the transfer books or to fix a record date for voting members as hereinafter provided and if the Board shall not have exercised such right, no vote shall be cast at any election for members of the Board by anyone who shall have accepted membership in The Association within ten (10) days of such election. Only one (1) Association Member vote shall be cast with respect to each Lot. In the event that members who hold title to any Lot either by the entirety, or as joint tenants, or as tenants in common, attempt to cast the vote for such Lot in conflicting ways, such vote shall be recorded as a fractional vote.

ARTICLE V COVENANT FOR MAINTENANCE ASSESSMENTS

5.1. Creation of the Lien and Personal Obligation for Assessments. There are hereby created assessments for Common Expenses as may be from time to time specifically authorized by the Board of The Association to be commenced at the time and in the manner set forth in this Article V. Subject to Section 5.6 hereof, each third party purchaser of any Lot, not including any Participating Builder approved by Declarant, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to The Association: (i) annual assessments and (ii) special assessments. The annual and special assessments, together with interest, costs, late fees and reasonable attorneys' fees, shall be a charge on the Lot (including all improvements thereon), and shall be a continuing lien pursuant to DUCIOA § 81-316 upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs, late fees and reasonable attorneys' fees, shall also be the personal obligation of the person who was the Owner of the Lot at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to a prior Owner's successors in title unless expressly assumed by such successors.

5.2. Purpose of Assessments.

(a) The assessments levied by the Association shall be used exclusively to (i) promote the recreation, health, safety, and welfare of the residents in the Project; (ii) for the improvement, maintenance, repair, and replacement of the Association Property; (iii) for the payment of real estate taxes, assessments and utility services for the Association Property; and (iv) for management fees, administration expenses, insurance and all other costs and expenses incurred by the Association in the proper conduct of its activities, including, without limitation, reserves for replacements or contingencies and charges accruing under any cross-easement or other agreement (including, without limitation, any such agreement for the maintenance of any

Association Property). The assessments may also be used for the operating expenses of the Association including but not limited to maintenance, repair and replacement of any property or facilities serving or appurtenant to the Project which the Association is obligated or elects to maintain whether or not such property or facilities are owned by the Association or are located within the Project.

(b) Without limiting Section 5.2(a) above, the assessments levied by the Association with respect to the Association Property shall also be used for maintenance, repair and replacement (including reserves) of any and all storm water management facilities to the extent that they are part of the Association Property, and Kent County and/or the City of Milford does not assume responsibility for the maintenance, repair and replacement of the storm water management facilities, including, without limitation, drainage pipes, infiltration trenches, ponds, basins, swales, berms, out-flow control devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any, whether such storm water management facilities are located within the Project or not, as long as such storm water management facilities are designed to benefit or serve any portion of the Project, or are required or intended to be maintained by the Association pursuant to any easement, agreement or the direction of any governmental authority or agency. The Association shall not refuse to accept the conveyance of any such facilities from the Declarant. Such storm water management facilities may also benefit property not within the jurisdiction of the Association and the maintenance of such facilities may be set forth in a cross easement or other agreement, in which event the Association shall maintain the facilities pursuant to such agreement.

5.3. Annual Assessments; Budgets.

(a) After the first assessment has been made by The Association, assessments must be made annually at an amount sufficient to meet the Common Expenses of The Association. Without limiting the generality of the foregoing, The Association shall, at all times, levy and collect annual assessments in sufficient amounts to (i) maintain the Association Property in accordance with sound property and facility management standards, and (ii) establish necessary reserves for the future repair and replacement of any capital improvements compromising the Association Property. Such annual assessments shall be based on the budget adopted and ratified annually by The Association as provided in Section 5.3(b) of this Declaration. Upon resolution of the Board, installments of annual assessments may be levied and collected on a monthly, quarterly, semi-annual or annual basis. Any Owner may prepay one or more installments of any annual assessment levied by The Association without premium or penalty.

(b) The Board shall prepare a proposed budget of The Association at least sixty (60) days before the beginning of each fiscal year and set a date for a meeting of the Association. After the termination of the Declarant Control Period, the Board shall cause a summary of the proposed budget, and the amount of the assessments to be levied against each Lot for the following year, along with notice of the meeting of the Association Members to consider ratification of the budget not less than fourteen (14) or more than sixty (60) days after providing such summary, to be delivered to each Owner within thirty (30) days after adoption of the proposed budget. Unless at such meeting a majority of all Owners reject the proposed budget for the Association, such proposed budget is ratified as the budget for such fiscal year, whether or not a

quorum is present at such meeting of the Association. Notwithstanding the foregoing, however, in the event that the membership disapproves the budget or the Board fails for any reason to determine the budget for any fiscal year of the Association, then and until such time as a budget shall have been determined as provided herein, the budget in effect for the immediately preceding fiscal year shall continue for the succeeding fiscal year.

5.4. Working Capital Contributions; Assessments Upon Conveyances. The Declarant shall establish a working capital fund for the initial and ongoing operation of the Association. Such working capital fund shall be funded by a one-time assessment of FIVE HUNDRED Dollars (\$500.00) and shall be paid to the Association and shall be payable by the initial purchaser of each Lot from the Participating Builder at the earlier of settlement or occupancy of such Lot, and thereafter by subsequent purchasers of the Lot for value upon settlement of each sale and conveyance of the Lot. All such working capital funds arising from the foregoing assessments upon each conveyance of a Lot may be used by the Association towards the Common Expenses and to make up any budget deficits. If any annual budget deficit (defined as actual annual Association expenses for the Association exceeding the Association's income adjusted upwards by the amount of any annual assessments that are due and payable from Owners but remain delinquent and unpaid at the end of the applicable fiscal year) remains at the end of the Association's fiscal year for which a budget was approved by the Board during the Declarant Control Period only, after the application of all such working capital funds towards such deficit as provided above, then the Declarant shall make a nonrefundable capital contribution to the working capital fund of the Association in the amount of such remaining budget deficit.

5.5. Special Assessments, Budget Amendments.

(a) In addition to the annual assessments authorized by this Article, the Association may levy, in any assessment year, a special assessment or special assessments applicable to that year only for such purposes as the Board for the Association may deem appropriate, including, without limitation, for purposes of funding, in whole or in part, the cost of any construction, reconstruction, repair or replacement of any capital improvement located upon the Association Property and all fixtures and personal property related thereto, and to meet unforeseen or special expenditures as well as any budget deficit. Any such assessment shall require ratification by the Association Members under the procedures described in Section 5.3(b) of this Declaration, except that if the Board by unanimous vote determines that any special assessment is required because of conditions which, if not corrected, could constitute an Emergency or reasonably result in a threat to the health or safety of the Association Members or a significant risk of damage to the Association Property, then such special assessment may be approved by the Board without the foregoing vote of the Association Members and may be effective immediately if (i) notice of the emergency assessment is promptly provide to all Owners and (ii) the Board spends the funds paid on account of the emergency assessment solely for the purposes described in the Board vote.

(b) The Association may also levy a special assessment against any Owner to reimburse such Association for costs incurred in bringing the Owner and/or such Owner's Lot into compliance with the provisions of this Declaration, or the Association Documents and rules and regulations of the Association, or any applicable Laws; provided, that

such special assessment may only be levied upon the affirmative vote of a majority of the Association's Board, after notice and an opportunity for a hearing has been provided to the Owner.

(c) With respect to The Association, any amendment to a previously approved budget may be approved under the procedures described in Section 5.3(b) of this Declaration; provided, however, that after termination of the Declarant Control Period any amendment to a budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof that (i) would result in an increase in the Common Expenses of the Association in excess of fifteen percent (15%) of the budgeted amount for Common Expenses set forth in the budget for the immediately preceding fiscal year (including any increase in Common Expenses adopted in the budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof), excluding however, any increases attributable to snow removal and other seasonal related expenses which are dictated by weather related factors, cost of utilities, and insurance, or (ii) would result in an increase in the annual assessments payable by the Association Members in excess of thirty percent (30%) of the budgeted amount for annual assessments set forth in the budget for the immediately preceding fiscal year (including any increase in assessments adopted in the budget for the then current fiscal year previously approved in accordance with Section 5.3 hereof), shall be approved by the affirmative vote of Association Members entitled to cast not less than sixty-seven percent (67%) of the votes of Association Members present, in person or by proxy, and voting at any meeting of the Association duly called for this purpose.

5.6 *Omitted.*

5.7 Notice and Quorum. Written notice of any meeting called for the purpose of establishing a special assessment or budget amendment in accordance with Section 5.5 hereof or to approve a budget increase or Special Action in accordance with Section 5.3 or Section 5.13 hereof, shall be sent to all Association Members of The Association not less than ten (10) days nor more than sixty (60) days in advance of such meeting in accordance with the Bylaws of The Association. At the first such meeting called, the presence of Association Members of The Association or of proxies entitled to cast twenty percent (20%) of the votes of the Association Members shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than ninety (90) days following the preceding meeting. Notwithstanding any contrary provision in this Declaration, quorum requirements for nomination and election of the first Board of The Association consisting of Owners shall be duly satisfied if the meeting is properly noticed in conformance with the provisions of the Bylaws and the Certificate of Incorporation of The Association.

5.8 Uniform Rate of Assessment.

(a) Except as otherwise provided in this Declaration, annual and special assessments must be fixed at a uniform rate for all Lots, and may be collected in advance on a monthly, quarterly, semi-annual, or annual basis in the case of annual assessments, and on a

monthly, quarterly, semi-annual, or annual basis, as to other assessments as may be determined by The Board.

(b) In the event that the actions or activities of any Owner causes or results in increased expenses for the Association, the Board of the Association may assess such increase in expenses against the Owner and such Owner's Lot, after notice to such Owner and an opportunity for a hearing. For example, and for purposes of illustration only, the Board may assess the amount of any insurance deductible paid by the Association against any Owner and such Owner's Lot if the Association is required to pay such deductible as a result of the misuse or neglect of the Owner. Such assessment shall be a lien against the Owner's Lot and shall be payable and collectible in the same manner as any other assessments required to be paid to the Association; provided, however, that the Declarant shall not be subject to any assessment based on this Section 5.8(b).

5.9. *Date of Commencement of Annual Assessments; Due Dates; Lien Docket.* The initial annual assessment shall be \$600.00 per year to be paid on a monthly basis at \$50 per month. Subject to Section 5.6 hereof, the annual assessments provided for herein with respect to the Association shall commence and be payable as to each Lot sixty (60) days after the date a Certificate of Occupancy has been issued for a home on the Lot. With respect to the Association, the first annual assessment for each Lot shall be adjusted according to the number of months remaining in the calendar year. The Board shall make reasonable efforts to fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. Annual assessments shall be payable in equal monthly installments on due dates that are established by the Board. The Association shall keep an assessment lien docket (the "Docket") at the registered office of the Association, which, at the date of recording hereof, is at [REDACTED] or such other location as the Association may determine from time to time. Immediately upon an assessment becoming delinquent as herein above provided, the Treasurer of The Association or the Treasurer's designee shall cause an entry thereof to be made in the Docket, which entry shall disclose the date the entry is made, the names of the Owners of the Lot as shown in The Association's records, the number of the Lot, the amount of the delinquent assessment, and the due date and the assessment period of the delinquent assessment. The Association may also record in the Recorder's Office a statement of lien that contains the information entered into the Docket with respect to such assessment, along with the amount paid for recording the statement and required to be paid for a termination thereof and the signature and notarized statement of an officer of the Association that the amount described in the statement of lien is correct and due and owing. Upon written request of any Owner or any attorney-at-law who certifies to The Association that such person represents an Owner of a Lot, or a prospective purchaser of a Lot or a mortgagee thereof, the Treasurer or the Treasurer's designee shall certify within ten (10) business days after receipt of such request to the inquiring Owner, attorney-at-law, prospective purchaser, or mortgagee as to the assessment status of the Lot that is the subject of the inquiry, in a written statement in form recordable in the Recorder's Office stating:

- (a) Whether the current assessment(s) is paid; and/or
- (b) If there are any delinquent assessments or late fees, interest or

costs, all of the information entered in the Docket with respect to the Lot which is the subject of the inquiry, together with the per diem interest thereon, to be computed on each delinquent assessment from its respective due date to the date of receipt by The Association of payment thereof in full. Upon receipt by The Association of payment of any delinquent assessment, with late fees, interest and costs, if applicable, as herein above provided, the Treasurer of The Association or such Treasurer's designee shall enter in the Docket the date and amount of the payment received, together with the notation "Paid in Full" and, if a statement of lien was recorded in the Recorder's Office with respect to such assessment, provide a termination of such statement in recordable form. A properly executed certificate of The Association setting forth the status of assessments on a Lot shall be binding on such Association as of the date of its issuance.

5.10. Effect of Non-Payment of Assessments; Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date until paid at a rate determined by the Board, up to the lesser of eighteen percent (18%) per annum or the maximum rate of interest permitted under the laws of the State of Delaware. The Association may also charge a reasonable late fee, & interest penalty, against any Owner (and/or such Owner's Lot) who is more than fifteen (15) days delinquent in the payment of any assessment. Additionally, the entire balance of the unpaid annual assessments for the remainder of the fiscal year may be accelerated at the option of the Board and be declared due, payable and collectible in the same manner as the delinquent portion of such annual assessment. By an Owner's acceptance of title to any Lot, each Owner shall be held to vest in the Association the right and power in its own name, to take and prosecute all actions or suits, legal, equitable, or otherwise, which may be, in the opinion of The Association, necessary or advisable for the collection of such assessments. The Association may bring an action at law against the Owner personally obligated to pay the same, and/or foreclose the lien against the Lot (and all improvements thereon). No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Association Property or abandonment of such Owner's Lot. The Owner shall also be obligated to pay all attorneys' fees, court costs and administrative costs incurred in connection with the collection of assessments if not paid when due. This Section shall not be deemed to limit or waive, and shall be without prejudice to, any and all rights, remedies, or recourses as may be available to the Association pursuant to DUCIOA or otherwise for non-payment of assessments.

5.11. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any Mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to a mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer, except for liens or claims for a pro-rata share of such assessments resulting from a pro-rata reallocation of such assessments to all Lots, including the mortgaged Lot. However, the Lien for Assessments provided for by DUCIOA section 81-316 as amended from time to time shall continue. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof. No amendment to this Section shall affect the rights of the holder of any Mortgage on any Lot (or the indebtedness secured thereby) recorded prior to recordation of such amendment unless the holder thereof (or the indebtedness secured thereby) shall join in the execution of such amendment. Except where an Emergency requires an expenditure to prevent or minimize loss from further

damage to, or deterioration of, the Association Property, reserves accumulated for one purpose may not be expended for any other purpose unless approved by the Board and by the affirmative vote of Association Members entitled to cast not less than sixty-seven percent (67%) of the votes of all Association Members present, in person or by proxy, and voting at a meeting of the Association duly called for this purpose.

5.12. Reserve Fund Budget and Contribution. The Board of the Association shall annually prepare a reserve fund budget which shall take into account the number and nature of the replaceable assets of the Association, the expected life of each asset, and the expected repair or replacement cost of each asset. The Board shall set the required reserve fund contribution in an amount sufficient to meet the projected reserve needs of the Association, as shown on the reserve fund budget, with respect both to amount and timing by the imposition of annual assessments over the period of the budget. The reserve fund contribution shall be fixed by the Board and included within the budget and assessment, as provided in Section 5.3. Such reserve fund contribution shall be payable as part of the general annual assessment, applicable to all Lots (except as otherwise provided in Section 5.6), to the extent such reserve fund will be utilized to replace assets which are determined by the Board to benefit substantially all Owners. Reserves may also be maintained for operating contingencies and insurance deductibles. A separate, interest-bearing reserve fund account shall be established and maintained by The Association. All reserve funds shall be expended only for the purposes collected. A copy of the reserve fund budget shall be distributed to each Owner in the same manner as the operating budget.

ARTICLE VI ARCHITECTURAL CONTROL

6.1. General Provisions. In order to encourage harmonious architectural design and to protect the visual integrity, architectural spirit and long-term property values of the Lots and Association Property, the Declarant has established the HICKORY GLEN Architectural Review and Design Committee (the "ARC"). Subject to Article XIII hereof, no dwelling, structure, improvement, landscaping or other man-made object, including, but not limited to, buildings, decks, patios, porches, pools, hotubs, ponds, gardens, driveways, paved areas, satellite dishes, radio antennas, communications equipment or facilities, fences, walls, together with all forms or types of landscaping located on any portion of the Lots or Association Property (collectively, the "Improvements") shall be designed, constructed, maintained, altered, extended, added to, removed or otherwise modified without the expressly written consent and approval of the ARC. In addition and subject to Article XIII hereof, no Improvements, once approved by the ARC shall be altered, extended, added to, removed or otherwise modified, nor shall any additional structures of any nature be erected, used or maintained nor shall any exterior change or alteration be made (including, but not limited to, exterior facade color changes or change in grade or drainage) to the Improvements except in accordance with any Design Guidelines adopted by the ARC from time to time and this Declaration, as applicable. Notwithstanding the foregoing and anything contained herein to the contrary, any Improvements marketed or sold by Declarant or by a Participating Builder or their respective assignees shall be deemed to have complied with any Design Guidelines adopted by the ARC and are presumed to have been pre-approved by the Declarant and the ARC,

without the need or obligation to obtain any approvals or authorizations from either the Declarant or the ARC (the "Pre-Approval").

6.2. Design Committee. The Declarant has established the ARC which shall consist of three (3) members. The Declarant shall appoint the initial three (3) members during the first three (3) years that the ARC is in existence. Thereafter, the Declarant shall appoint two (2) members (for so long as Declarant still owns a Lot) and the Association shall elect one (1) member (until such time as Declarant no longer owns any Lot, whereupon the Association shall elect all three (3) members). ARC members may be either individuals or any form of entity, including, but not limited to, a corporation, limited liability company, partnership or trust, provided all such members shall be either an Owner, a designee of the Declarant, or an architect licensed in the State of Delaware (individually an "ARC Member" and collectively the "ARC Members"). The regular term of office for each ARC Member shall be one (1) year, measured from the date of such ARC Member's appointment and/or election. Declarant may remove with or without cause any ARC Member appointed by the Declarant at any time by written notice to such appointee. A successor or successors appointed to fill such a vacancy shall serve the remainder of the term of the former ARC Member. Any ARC Member elected by the Association may be removed only in accordance with the Bylaws of the Association. The ARC shall select its own Chairman and such Chairman, or in his or her absence the Vice Chairman, shall be presiding officer at its meetings. The ARC shall meet at least once in each calendar month if there are matters to be reviewed or upon call of the Chairman whenever he deems necessary in order to discharge its obligations and responsibilities hereunder, including rendering any decisions specified in this Article VI or the Design Guidelines. All meetings shall be held at the offices of the Association or at such other reasonable place as may be designated by the Chairman. A majority of the ARC Members shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the ARC Members shall constitute the action of the ARC on any matter before it. The ARC shall operate in accordance with its own rules of procedure, and these rules shall be filed with the Association. The ARC shall be authorized (but not obligated) to retain the services of consulting architects, landscape architects, community planners and/or attorneys to advise and assist the ARC in performing the design review functions herein prescribed. Any such professional must be licensed to practice its profession in the State of Delaware. The ARC shall keep accurate records of its membership and actions and shall from time to time, as warranted, notify all Owners of any change in the membership of the ARC as a result of resignations and replacements of ARC Members. The ARC may establish its own rules for the conduct of its meetings and its decision making process which shall which shall be adopted, promulgated, applied and enforced in a uniform and non-discriminatory manner among the Owners.

6.3. Criteria For Submission, Review and Decisions or Plans.

(a) Any request from an Owner for any Improvements shall be in writing and shall be submitted to the ARC in accordance with and pursuant to the Design Guidelines.

(b) In passing upon any plans and specifications submitted by an Owner, the ARC, in accordance with the provisions of this Declaration and the Design Guidelines, shall consider the aesthetic suitability and harmony of the Improvements to be constructed, to and with

that portion of the Lot or Association Property, as applicable, on which it is proposed to be located; the comparability of the height, profile and color scheme with neighboring residences whether existent, under construction, or approved for construction; the impact of the item to be constructed on the environment, including, but not limited to, the preservation of trees and open spaces, and surface water drainage; the effect of the proposed Improvement and its planned usage and purpose, on the outlook of neighboring Lots and Association Property; and the quality of the materials to be used in construction and the proposed method of construction including, but not limited to, the effect of lighting and signage upon neighboring Lots and Association Property. No exterior colors or materials installed or approved by the ARC shall be changed through replacement, repair, redecoration, repainting or otherwise, except upon prior submission to and approval by the ARC, which approval may be withheld in the ARC's reasonable discretion. With respect to Improvements such as, but not limited to, driveways and turnarounds, pools, fences, walls, recreational facilities, barbeques and patios, the ARC shall have the right in its absolute and sole but good faith discretion to prohibit such Improvements altogether if in the opinion of the ARC the construction and use of such Improvements will necessitate the removal of valuable trees, cause drainage problems, or have a detrimental effect on the outlook from or use of neighboring Lots or Association Property.

(c) In the event that repair, replacement or other work on Improvements becomes necessary, or the erection of any additional structures is necessary, then any such work shall, to the extent practicable, be performed so that the condition and appearance is equal to and identical to the condition and appearance of the dwelling, building, structure or improvement as originally constructed, or with respect to additional structures, the construction and appearance is in architectural harmony with the Improvements as originally built and developed under this Declaration.

(d) The ARC reserves the right to approve in advance proposed architects, builders and landscape designers.

6.4. Review Fee. Except for Improvements to be constructed by Declarant or any Participating Builder, any application to the ARC for review shall be accompanied by a reasonable application fee (as determined and published to the Owners from time to time by the ARC) to defray the cost of professional services that the ARC may reasonably incur to properly evaluate the plans and specifications (the "Plans and Specifications") provided by an Owner with respect to the Improvements which such Owner requests approval of pursuant to this Declaration and the Design Guidelines (the "Review Fee"). The ARC may waive the Review Fee on a case by case basis if the application for any such Improvements does not require the ARC to incur any professional fees or services in connection with its review and evaluation of the Plans and Specifications. The Review Fee shall be non-refundable unless the applicant withdraws its application prior to the ARC incurring any professional fees or expenses in connection with its review and evaluation of the application. All Plans and Specifications submitted to the ARC shall be retained by the ARC and shall not be returned to the applicant, unless the ARC elects to do so.

6.5. Review and Decision Process. Within thirty (30) days after the Owner has

submitted all the required Plans and Specifications to the ARC, the ARC shall notify the Owner in writing whether such Plans and Specifications are either approved or disapproved. Any disapproval or objections shall be in writing and shall be detailed and shall include an explanation for the basis or reason for such disapproval or objections, together with such reasonable changes, modification or other alterations and recommendations as appropriate or practicable that would render the Plans and Specifications acceptable to the ARC and in compliance with the review and approval criteria established under this Declaration. In the event Declarant fails to approve or disapprove an Owner's submission of the Plans and Specifications in writing within the aforementioned thirty (30) day period, then the ARC's approval shall be conclusively presumed to have been granted, provided, however that the aforesaid presumption shall not be deemed a waiver of the applicable provisions of this Declaration or be deemed to be the prior written approval of the ARC under any specific provision herein. No construction of the Improvements provided for in the submitted Plans and Specifications shall be commenced until the expiration of the aforementioned thirty (30) day period or the receipt of the ARC's written approval of the Plans and Specifications, whichever occurs first.

6.6. Time for Review of Revised Plans and Specifications. In the event the ARC shall disapprove any part of the Plans and Specifications as submitted in accordance with this Article, then the Owner shall have the opportunity to revise its Plans and Specifications to incorporate such changes, modifications, additions or deletions, as applicable, and shall resubmit the revised Plans and Specifications to the ARC, if the Owner so chooses, together with an additional Review Fee and the ARC shall have thirty (30) days within which to review such revised Plans and Specifications and to determine the Owner's compliance with the ARC's designated changes. In the event the ARC fails or neglects to advise the Owner in writing of whether or not such revised Plans and Specifications are in compliance (or non-compliance) within the aforementioned thirty (30) day period, then Declarant's approval shall be conclusively presumed to have been granted subject to the conditions provided for in paragraph (f) above applicable to such presumption. Any disapproval by the ARC of such revised and resubmitted Plans and Specification shall be communicated to the Owner in a written response in accordance with the details required for the ARC's approval as provided in paragraph (f) above.

6.7. Changes in Approved Plans and Specifications. Once the ARC has approved an Owner's Plans and Specifications and the Improvements, then the Owner shall not change, revise or otherwise modify the approved Plans and Specifications or the Improvements without first securing the ARC's written approval in the manner prescribed under this Article. Declarant shall endeavor to review such changes, revisions or other modifications within a shorter period of time than the aforementioned thirty (30) day period but shall not be required to do so.

6.8. Approval for Landscaping Plans. Landscaping shall be approved by the ARC in the same manner as set forth above. In addition to all applicable foregoing guidelines no excavation shall be made, or fill, sand, gravel, crushed stone, brick, asphalt, concrete or the like be placed, set or poured on any portion of the Lots or Association Property, so as to cause any blatant and material change in the appearance of such portion of the Lots or Association Property, as applicable, from the street or from any neighboring portion of the Lots or Association Property, as applicable, unless the ARC shall first have consented in writing. No fences, walls, hedges or other

barriers shall be erected on any portion of the Lots or Association Property, as applicable, without the approval of the ARC, and no existing fences, hedges or barriers shall be removed without the approval of the ARC.

6.9. Dispute Resolution Process. If any Owner or the Declarant believes that either the disapproval of any Plans and Specifications submitted by the Owner to the ARC or the ARC's proposed changes to such Plans and Specifications that may be required for the ARC's approval, or any of the Pre-Approvals are arbitrary and capricious, then any such Owner or the Declarant may, as its sole and exclusive remedy, submit such dispute to the Dispute Resolution Process set forth in Section 12.15 herein. The parties to any such dispute agree to reasonably cooperate; to obtain the cooperation of their employees, agents and contractors, as applicable; to use reasonable efforts to supply as witnesses such employees, agents and contractors, as applicable; and to produce any relevant documents that may be assessed or required. In no event shall the ombudsperson be authorized or empowered to award any damages or costs to the prevailing party except as expressly set forth above and in no event shall the ombudsman award any general, special, consequential or punitive damages whatsoever.

6.10. Approvals/Disapprovals. Neither the ARC, nor the ARC Members, its agents, employees, representatives, and its successors and assigns shall be liable or responsible for any damages to any Owner or to any other person submitting Plans and Specifications to the ARC for approval or to any third party by reason of a mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve any Plans and Specifications. Every person who submits Plans and Specifications to the ARC for approval, as provided herein, agrees, by submission of such Plans and Specifications, and every Owner or person claiming by or through the Owner agrees, by acquiring title to any Lot or any interest in any Lot, that it shall not initiate, commence or prosecute any action, claim or suit against the ARC, the ARC Members, its agents, employees or representatives to recover any such damages, including, but not limited to, special, consequential or punitive damages with respect to any approval, denial or failure to approve any Plans and Specifications and such Owner shall indemnify and hold the ARC and the ARC Members harmless from and against any and all such damages.

ARTICLE VII USE RESTRICTIONS

Subject to Article XIII hereof and in addition to all other covenants contained herein, the use of the Lots and Association Property, is subject to the following:

7.1. Permitted Uses. All buildings located or erected on any Lot shall be used for residential purposes exclusively, and no building shall be erected, altered, placed or permitted to remain on any Lot other than one used for residential purposes, except that a home-based business may be maintained within such a building, provided that (i) such maintenance and use is limited to the person actually residing in such building; (ii) no employees or staff other than a person actually residing in such building are utilized; (iii) no clients or customers of such business visit such building; (iv) the number of persons, other than clients or customers, that shall visit such business and the frequency of such visits shall be kept to a reasonable minimum, as determined in the sole discretion of the Association's Board; (v) such maintenance and use is in strict conformity

with the provisions of any applicable Laws; (vi) the person utilizing such business maintains a principal place of business at a location other than such building; (vii) such business uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors and does not cause an increase of Common Expenses that can be solely and directly attributable to the business; and (viii) such business does not involve the use, storage or disposal of any materials that the United States Secretary of Transportation or the State of Delaware, Kent County, City of Milford or any local governing body designates as hazardous material. Nothing contained in this Article, or elsewhere in this Declaration, shall be construed to prohibit the Declarant or a Participating Builder from using any portion of the Property or the Project, or any improvements thereon, for storage, promotional or display purposes, as “model homes,” as sales and/or construction offices, or the like.

7.2. Prohibited Uses and Nuisances. Except for the activities of the Declarant and any Participating Builder during the construction and development of the Property and Project, or except with the prior written approval of the Association’s Board and the Declarant, or as may be necessary in connection with reasonable and necessary repairs or maintenance to any building or the Association Property:

(a) No noxious or offensive trade or activity shall be carried out upon any portion of the Property or Project, nor shall anything be done therein or thereon which may be or become an annoyance or nuisance to the neighborhood or other Owners. Without limiting the generality of the foregoing, no speaker, horn, whistle, siren, bell, amplifier or other sound device, except such devices as may be used exclusively for security purposes as well as outdoor speakers and associated equipment installed by any Participating Builders (as approved by the Declarant) as part of the building and improvements constructed on a Lot, shall be located, installed, maintained or replaced upon the exterior of any building or other improvements constructed upon any portion of the Property or Project.

(b) The maintenance, keeping, boarding or raising of animals, livestock, or poultry of any kind, regardless of number, shall be and is hereby prohibited on any portion of the Property or Project or within any building or other improvement located thereon, except that this shall not prohibit the keeping of a reasonable number of dogs, cats, caged birds or other small domestic animals as pets not to exceed four (4) provided (i) they are not kept, bred or maintained for commercial purposes; (ii) such domestic pets are not a source of annoyance or nuisance to the neighborhood or other Owners; and (iii) such pets are maintained in strict conformance with all Laws. The Association’s Board shall have the authority, after a hearing, to determine whether a particular pet is a nuisance or a source of annoyance to other Owners, and such determination shall be conclusive. Pets shall be attended at all times and shall be registered, licensed and inoculated as may from time to time be required by all Laws. Pets shall not be permitted upon the Association Property unless accompanied by a responsible person and unless they are carried or leashed. Pets shall not be permitted upon the Property except as provided in the Property Rules and Regulations. The Board shall have the right to adopt such additional rules and regulations regarding pets as it may from time to time consider necessary or appropriate.

(c) No burning of any trash and no accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials, or trash of any

other kind shall be permitted on any portion of the Property or Project. Firewood shall be neatly stacked in the rear yard areas of the Lots. This subsection (c) shall not be applicable to the Declarant or any Participating Builder during the construction and development of the Property or Project.

(d) Except for parking within garages, and except as herein elsewhere provided, no junk vehicle, commercial van or commercial truck (except pick-up trucks or sport utility vehicles or jeeps), unlicensed or inoperable motor vehicle (which shall include, without limitation, any vehicle that would not pass applicable state inspection criteria), trailer, mobile home, camp truck, house trailer, recreational vehicle, boat or other similar vehicles, machinery or equipment of any kind or character (except for such equipment and machinery as may be reasonable, customary and usual in connection with the use and maintenance of any dwelling or grounds and except for such equipment and machinery as The Association may require in connection with the maintenance and operation of the Association Property) shall be kept upon the Property, including any Lot or upon the public or private streets within or adjacent to the Property, nor (except for bona fide Emergencies) shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon; provided, however, any trailer, mobile home, camp truck, house trailer, recreational vehicle, boat or other similar vehicles that are either owned, rented or leased by an Owner may be temporarily kept upon the Owner's Lot (but not any adjacent portions of the public or private streets) solely with respect to either cleaning, loading or unloading any of the foregoing described vehicles, or picking up or discharge passengers therefrom for a reasonable period of time not to exceed forty eight (48) hours or on a regular basis. Commercial van or truck is defined as a vehicle with advertising material displayed on the vehicle with words larger than two (2) inches in print and which is used for business purposes, including vehicles that have work gear installed on the vehicle with has the appearance for business use. This subsection (d) shall not be applicable to the Declarant or any Participating Builder during the construction and development of the Property or Project.

(e) Trash and garbage containers shall not be permitted to remain viewable from any surrounding property or street except on days of trash collection and the evening prior to such days of trash collection longer than 24 hours. No incinerator shall be kept or maintained upon any portion of the Property or Project. No garbage or trash containers shall be kept on the front yard of any Lot and garbage and trash containers kept or maintained in the side or rear yard of any Lot shall be screened from public view at all times. This subsection (e) shall not be applicable to the Declarant or any Participating Builder during the construction and development of the Property or Project.

(f) No Lot shall be further divided or subdivided and no portion of any Lot (other than the entire Lot) shall be transferred or conveyed for any purpose. The provisions of this subsection shall not apply to the Declarant and, further, the provisions hereof shall not be construed to (i) prohibit the granting of any easement or right-of-way to any municipality, political subdivision, public utility or other public body or authority, or to The Association, Declarant, or any other individual or entity for any purpose, or (ii) prohibit minor boundary line adjustments between adjoining Owners or between any Owner and the applicable owner of the Association Property, as applicable, if done in accordance with applicable Laws. Further, the provisions of this subsection shall not be deemed to preclude any Owner from granting an easement or right-of-way

to any municipality, political subdivision, public utility or other public body or authority, or to The Association, to serve necessary public purposes, or from dedicating or conveying a portion of such Owner's Lot for such purposes.

(g) No tree, hedge or other landscape feature shall be planted or maintained in a location which obstructs sight-lines for vehicular traffic on public streets or on private streets and roadways. Without limiting the generality of the foregoing, no wire or other lawn edging, fencing or other treatment shall be placed or maintained on any portion of the Property or Project which would impede The Association's ability to perform its obligations as set forth in this Declaration, or which would be inharmonious with the aesthetics of the Property and

(h) No decorative lawn ornament, no structure of a temporary character, and no tent, shack, storage shed, barn, pen, kennel, run, stable, or other similar structure or building shall be erected, used or maintained on any portion of the Property or Project at any time. This subsection (h) shall not be applicable to the Declarant or any Participating Builder during the construction and development of their respective Lots. Holiday lighting and decorations shall be permitted to be placed upon the exterior portions of the Lot owners dwelling and lot area in the manner permitted hereunder commencing on Thanksgiving and shall be removed not later than January 15th of the following year. As part of the Rules and Regulations, the Association may establish reasonable standards and guidelines for holiday lights, including the right to require the removal of any excessive lighting that creates a nuisance to adjacent or adjoining Lot Owners.

(i) Except for entrance signs, directional signs, signs for traffic control or safety, community "theme areas" and such sales and promotional sign or signs as may be maintained by or with the written consent of the Declarant or the Association, or except as may be expressly permitted pursuant to applicable law, no signs or advertising devices of any character shall be erected, posted or displayed upon, in or about any portion of the Property or Project; provided, however, that one temporary real estate sign not exceeding twelve inches by eighteen inches (12" x 18") in area may be placed and maintained in the window inside of the dwelling or on the exterior wall of the Unit or area appurtenant to the Unit, in the case of any dwelling placed upon the market for sale or rent. Any such temporary real estate sign shall be removed within five (5) days of the settlement of the sale or rental of such dwelling. The provisions and limitations of this subsection (i) shall not apply to any institutional first mortgagee of any Lot who comes into possession of the Lot by reason of any remedies provided by law or in such mortgage or as a result of a foreclosure sale or other judicial sale or as a result of any proceeding, arrangement, assignment or deed in lieu of foreclosure. This subsection (i) shall not be applicable to the Declarant or any Participating Builder during the construction and development of their respective Lots.

(j) No water pipe, sewer pipe, gas pipe, drainage pipe, cable or other similar transmission line shall be installed or maintained upon any portion of the Property or Project above the surface of the ground and no wire, cable or other similar transmission line may be attached to the exterior of any structure on any portion of the Property or Project; provided, however, that such pipes, transmission lines, wires or cables providing utility services to any portion of the Property or Project (including, but not limited to, electricity, telephone, gas, water, sewer and cable television) shall be permitted. Agricultural Wells servicing an individual lot or any part of the Project shall be permitted subject to the approvals of the state agencies regulating same.

(k) No structure, planting or other material shall be placed or permitted to remain upon any portion of the Property or Project which may damage or interfere with any easement for the installation or maintenance of utilities, or which may unreasonably change, obstruct or retard the direction or flow of any drainage channels.

(l) Vegetable gardens shall be maintained only within the rear yard of any Lot and shall be maintained in a neat and attractive manner.

(m) Lawn furniture shall be used and maintained on Lots in rear yards or decks only, unless otherwise determined by the Association's Board, and shall be maintained in a neat and attractive manner.

(n) No equipment or machinery (including, without limitation, equipment or machinery for use in connection with the maintenance of any dwelling) shall be stored in the front, rear or side yard of any Lot.

(o) No Association Member shall make any private, exclusive or proprietary use of any of the Association Property and no Association Member shall engage or direct any employee of The Association on any private business of the Association Member during the hours such employee is employed by The Association, nor shall any Association Member direct, supervise or in any manner attempt to assert control over any employee of The Association.

(p) Any fence constructed upon the Property or Project shall not extend forward of the rear building line of the dwelling on any Lot upon which any such fence is erected and shall not otherwise impede or interfere with the proper drainage of any drainage swales or other drainage or storm water related facilities. No fence shall be constructed or maintained upon a Lot until the plans for the same have been approved in writing in accordance with the provisions of Article VI herein. No fence shall be more than four six (6') in height or such other height as permitted under the applicable codes or ordinances of Kent County and/or the City of Milford. Such fences shall be constructed of either (1) anodized aluminum or vinyl and shall be either white in color for vinyl or black for aluminum and (2) shall be in one of two (2) available styles of fencing that are available to choose from and have otherwise been approved in writing pursuant to Article VI herein. All other types, materials and colors of fencing are specifically prohibited, including but not limited to chain link and split rail. Notwithstanding the foregoing, this subsection (p) shall not apply to fences installed by or on behalf of the Declarant or a Participating Builder during the construction and development of the Property or Project, which in the sole opinion of the Declarant or Participating Builder, as applicable, shall be required, convenient or incidental to the Declarant's or Participating Builder's, as applicable, construction, development, marketing, leasing and sales activities within the Property or Project. When possible, it is encouraged that fences along common boundary lot lines be shared by adjacent lot owners.

(q) Bed sheets, plastic sheets, newspapers, plastic storm windows or other similar window treatments shall not be hung or placed in or on any window on any dwelling located on any Lot.

(r) All on-Lot lighting shall be designed and mounted in accordance with the terms of the Design Guidelines and as otherwise provided under this Declaration. Any such lighting shall be generally directed in such a manner to enhance the immediate area around any dwelling on a Lot and shall not be directed toward other dwellings on adjacent Lots or properties surrounding the Property or Project, so as to be a nuisance to adjacent Owners or landowners outside of the Property or Project.

(s) No drying or airing of any clothing or bedding shall be permitted outdoors and within any Lot other than within rear yards, and clothes-hanging devices such as lines, reels, poles, frames, etc., shall be stored out of sight when not in use.

(t) No shed erected on a Lot shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation. No garage may be altered, modified or changed in any manner which would inhibit or in any way limit its function as a parking area for vehicles without obtaining prior written approval pursuant to this Declaration. Notwithstanding the foregoing, any Lot owned by the Declarant or a Participating Builder upon which is situated a dwelling in which the garage has been modified to serve as living area or marketing/sales area shall be exempt from this paragraph and any grantee of the Declarant, and such grantee's successors and assigns, shall also be exempt until such time as the garage is restored or a garage is constructed on such Lot. Except when being used as an entrance or exit, garage doors shall be maintained in a closed position at all times.

(u) No decorative flags and associated poles or other related supports shall be erected, displayed or maintained on any Lot or the Property except for flags permitted by Federal and State laws or those suspended on poles or supports no longer than five (5) feet in length which are attached to the front porch or garage of a dwelling unit on such Lot and as otherwise provided pursuant to Section 7.6.

(v) Mailboxes are installed cluster boxes approved only by the United States Postal Service.

7.3. *Satellite Dishes.* Installation of antennas, including satellite dishes, shall be governed by this Section and such other additional reasonable rules and regulations regarding the location and screening of any such items that the Board of the Association shall impose from time to time. The Federal Communications Commission (the "FCC") adopted a rule effective October 14, 1996 (the "FCC Rule"), preempting certain restrictions concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (collectively, "Antennas"). The requirements set forth in this Section are generally consistent with the FCC Rule; however, because the FCC Rule is subject to change or modification, the Board of the Association reserves the right to amend and modify any requirements governing installation, maintenance, and use of Antennas, which may be more restrictive than as set forth herein and which may, in the discretion of the Board of the Association, be applied retroactively. Antennas not covered by the FCC Rule, including satellite dishes in excess of one (1) meter in diameter, shall not be installed on the exterior portions of any Lot or dwelling without prior written approval as required by Article VI. Antennas situated entirely within a dwelling, and not visible from the exterior are permitted. Antennas covered by the FCC Rule, including satellite dishes of one (1) meter or less in diameter, are permitted within a Lot, provided such Antennas shall not be visible from the front elevation of the Lot; provided, however, that nothing herein requires installation of such an Antenna in a location from which an acceptable quality signal cannot be received, as certified in writing by a licensed installer or which causes an unreasonable delay or cost increase in such installation.

7.4. *Leasing and Transfers.* All leases of dwelling units on all Lots shall (i) be for a period of no less than thirty (30) days, (ii) contain provisions advising the tenant of his or her

obligation to comply with all provisions of this Declaration, the Association Documents and the rules and regulations of the Association, (iii) contain provisions prohibiting subleasing of all or part of the property, and (iv) provide that the Association shall have the right, in addition to all other rights provided by DUCIOA and any other applicable Laws, to terminate the lease upon default by the tenant in observing any of the provisions of this Declaration, the Association Documents or the rules and regulations of the Association, or of any other document, agreement or instrument governing the dwelling units Property or Project. The Owner(s) of a leased or rented dwelling unit on a Lot shall notify the Association in writing of the Owners' current address. The Owner(s) of a leased or rented dwelling unit on a Lot shall be jointly and severally liable with his tenant(s) to the Association to pay any claim for injury or damage to persons or property caused by any action or omission, including, without limitation, the negligence of the tenant(s). Every lease shall be subordinate to any lien filed by The Association, whether before or after such lease was entered into.

7.5. Parking. Parking within the Lots and Association Property shall be subject to the following restrictions:

(a) The Association shall be entitled to establish supplemental rules concerning parking and traffic control on any portion of the Lots and the Association Property owned by such Association, including, without limitation, providing for reserved parking which allows the exclusive use of one or more parking spaces located upon the Association Property by one or more Owners and/or the involuntary removal of any vehicle violating the provisions of this Declaration and/or such rules.

(b) Each Owner shall comply in all respects with such supplemental rules which are not inconsistent with the provisions of this Declaration that the Board may from time to time adopt and promulgate with respect to parking and traffic control within the Lots and Association Property, and the Board is hereby authorized to adopt such rules.

(c) Parking shall be prohibited in the turn-arounds, fire lanes and cul-de-sacs located on the Association Property as provided on the Development Plans.

7.6 Rules and Regulations. The Association shall have the right to adopt rules and regulations in accordance with § 81-320 of DUCOIA governing the use by the Owners of the Association Property and/or Lots, which rules and regulations shall not apply to any Participating Builder and which shall not be inconsistent with the provisions of this Declaration. Such rules and regulations may include the regulation of rentals in the Project and govern specific leasing standards, including, but not limited to, permitted signage or advertising, minimum lease terms and maximum number of occupants permitted to occupy a main dwelling, the display of American flags or other flags (consistent with federal law, § 81-320 of DUCIOA and Section 7.2(u) above, as applicable) and/or the display and placement of political signs (consistent with § 81-320 of DUCIOA). Any rules and regulations adopted by The Association shall be a governing document of the Association.

7.7 Exemptions. None of the restrictions and provisions set forth in Sections 7.2 through 7.7 above shall be applicable (i) to any portion of the Property or Project owned by the Declarant or a Participating Builder or to the activities of the Declarant or a Participating Builder, and their officers, employees, agents and assigns, in their development, marketing, leasing and sales activities within the Property and Project or (ii) to The Association, its officers, employees and agents, in connection with the proper maintenance, repair, replacement and improvement of the Association Property.

7.8. Notice of Special Provisions Regarding the Property and Project.

(a) The Property and Project are located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of the Property and Project is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

(b) The streets designated on the Development Plans are intended to be maintained by the Association in perpetuity.

(c) The Property may contain regulated wetlands. Activities within any such wetlands may require a permit from the U.S. Army Corps of Engineers and/or the State of Delaware.

ARTICLE VIII DECLARATION OF EASEMENTS AND RIGHTS

8.1. Declaration of Easements and Rights. Subject to Article XIII hereof, the following easements and rights are hereby declared or reserved:

(a) For so long as Declarant owns any Lot or any portion of the Property or Project, Declarant reserves the right to grant easements, both temporary and permanent, to all public authorities and utility companies over all or any portion of the Property or Project, including but not limited to the Utilities.

(b) Declarant declares that there is planned to be a commercial parcel at the entrance to the development. There shall be a shared maintenance responsibility for the development entrance required by the Homeowner's Association as well as for the signage constructed at said entrance. The Association is hereby subject to the non-exclusive, perpetual easement and right of passage, for the benefit of the Association Members, as well as the other parties to said Easement for ordinary and reasonable vehicle, pedestrian ingress and egress over, across and upon the access easement.

(c) Each Lot and the Association Property are hereby declared to have an easement, not exceeding one foot (1') in width, over all adjoining Lots and the Association Property for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of the building, roof overhangs, gutters, architectural

or other appendages, draining of rainwater from roofs, or any other similar cause, there shall be valid easements for the maintenance of said encroachments so long as they shall exist, and the rights and obligations of Owners shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of any Owner if said encroachment occurred due to the willful misconduct of said Owner. In the event a structure on any Lot or the Association Property is partially or totally destroyed and then repaired or rebuilt, the Owners of each Lot, and the Association agree that minor encroachments over adjoining Lots or Association Property shall be permitted and that there shall be easements for the maintenance of said encroachments so long as they shall exist.

(d) There is hereby reserved unto the Declarant and each Participating Builder (and their successors and assigns to whom such easement has been specifically assigned in writing), for the benefit of the real property shown on the Development Plans, and for the benefit of the Declarant and its agents, a non-exclusive, perpetual blanket easement upon, across, over and under the Property and Project (provided such easement does not encroach upon any building within the Property or Project or unreasonably interfere with the use and enjoyment of the Property or Project) for vehicular and pedestrian ingress and egress, curb cuts, slope, and grading easements, as well as for the installation, replacement, repair and maintenance of all utilities, including, but not limited to, water, sewer, drainage, storm water detention and/or siltation, gas, propane, cable television, telephones and electricity, and further including the right to connect to and use any such utilities which may exist or be located upon the Property or Project from time to time. By virtue of this easement, it shall be expressly permissible to erect and maintain the necessary poles, pipes, lines, service boxes, and other equipment on the Property or Project, to affix and maintain electrical or telephone wires and conduits, sewer and water drainage lines, and/or propane lines, on, above, or below any portion of the Property or Project, including any improvements constructed thereon, and to have construction vehicles, equipment and the like exercise the aforesaid right of ingress and egress over the Property or Project. There is further reserved unto the Declarant and Participating Builders the right to erect entry features, promotional and other similar items within the Property or Project provided they do not unreasonably interfere with the use, operation and enjoyment of the Property or Project. There is further reserved unto the Declarant the right to grant specific easements, both temporary and permanent, to any person or entity, including all public authorities and utility companies, over any part of the Property or Project in furtherance of the blanket easement created by this subsection. Further, without limiting the generality of the foregoing, the Declarant reserves the right to unilaterally execute and record such additional easements and agreements as may be necessary in order to give effect to the foregoing easements and other rights, which additional easements and other agreements need not be consented to or joined in by any party having an interest in the Property or Project; provided, however, that if requested by the Declarant, any party having an interest in the Property or Project shall promptly join in and execute such confirmatory easements and other agreements.

(e) The Association Property is hereby subject to a non-exclusive, perpetual easement and right of passage, for the benefit of the Association Members, for ordinary and reasonable pedestrian ingress and egress over, across and upon any sidewalk, trail or walkway (or the replacement thereof) constructed within the Association Property that may reasonably be deemed to have been constructed or intended for pedestrian use.

(f) An easement is hereby reserved to Declarant and each Participating Builder to enter the Lot and Association Property during the period of construction and sale of the Lots and Facilities located thereon, and to maintain the Property and perform such operations as in the sole opinion of Declarant or Participating Builder, as applicable, may be reasonably required, convenient or incidental to the construction of the Facilities and for the construction and sale of residences, including, without limitation, an easement for the following purposes: (i) ingress and egress to and from any and all portions of the Property and Project by trucks, construction equipment, construction personnel and the like; (ii) to construct, install, reconstruct, alter, modify, remove and replace the Facilities or any other improvements within the Property and Project; (iii) to excavate, fill and coordinate the height, grade, slope and contour of the Property and Project, and to add and remove soil from the Property; and (iv) for the conduct of all other development, construction, marketing, sales, leasing and related activities as may be deemed necessary or desirable by the Declarant and Participating Builders to implement the Development Plans, to comply with requirements imposed by Kent County and/or the City of Milford, or any governmental or quasi-governmental agency or authority having regulatory jurisdiction over the Property or Project, and/or to comply with applicable Laws.

(g) An easement is hereby reserved to Declarant and each Participating Builder to enter the Lot and Association Property for the purpose of carrying out any obligations it may have, or assume, with respect to the curing of any defects in workmanship or materials in the Property, Project, Lots, and Association Property or the improvements thereon. There is further reserved unto the Declarant and each Participating Builder and their agents a non-exclusive easement over, across and through all of the Property and Project for the purpose of access, the storage of building supplies and materials and equipment and, without any limitation, for any and all purposes reasonably related to the completion of the development, construction, rehabilitation and repair of the Property or Project.

(h) The Declarant reserves a perpetual blanket easement and right on, over and under the Property and Project to establish, maintain, change and correct drainage of surface water in order to maintain reasonable standards of health, safety and appearance. Any provision hereof to the contrary notwithstanding, the Declarant shall have no obligation whatsoever to perform any work or to take any action regarding drainage of surface water within the Property or Project. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any gradings of the soil, or to take any other similar action as may be reasonably necessary, following which the Declarant shall restore the affected property to its original condition as near as practicable. The Declarant shall give reasonable notice of intent to take such action to all affected Owners, unless in the opinion of the Declarant an Emergency exists which precludes such notice. There is further reserved unto the Declarant the right to grant specific easements, both temporary and permanent, to any person or entity, including all public authorities and utility companies, over any part of the Property or Project in furtherance of the blanket easement created by this subsection.

(i) The rights and duties of The Association and the Owners with respect to all public and/or private utilities serving and/or benefiting all or any portion of the Property or Project, including, without limitation, water, sewer, gas, propane, electricity, cable

television, telephones, storm drains, down spouts, yard drains, and all pipes, wires, cables, conduits, transmission lines and other related facilities and equipment (collectively, the “Utilities”) shall be governed by the following:

(1) Each Lot is hereby subject to a non-exclusive perpetual easement and right of passage upon, across and under such Lot, for the benefit of the Declarant, The Association and Owners of all other Lots for the installation, maintenance, repair, replacement, inspection, operation and use of all Utilities. The Owner of any Lot and the Declarant and The Association shall each have the right, and they are hereby granted an easement and right of passage to the extent necessary therefor, to enter upon or have a utility company enter upon any portion of the Property or Project in which the Utilities lie, to inspect, repair, replace and generally maintain such Utilities.

(2) The right granted in subsection (1) above shall be only to the extent necessary to entitle the owner of the property serviced by the Utilities (including the Declarant as the owner of any Lot, and The Association as the owner of the Association Property) to their full and reasonable use and enjoyment of such property, and provided further that anyone exercising such right shall be responsible for restoring the surface of the easement area so used to its condition prior to such use.

(j) Each Lot is hereby subject to an easement and right of passage upon, across and under such Lot for the drainage and discharge of water from any storm drain, down spout or yard drain situated on another Lot or Association Property and the Owner of such Lot may not alter or obstruct such drainage or flow of water to the detriment of any Lot or Association Property.

(k) The Association shall have an easement to enter any portion of the Property or Project for the performance of its duties hereunder, including, without limitation, fenced, or other similar areas of the Property or Project.

(l) With respect to any step, patio, deck, downspout or yard drain or other similar structure that may benefit any Lot and is constructed by the Declarant or any Participating Builder and that may encroach upon any portion of the Association Property, there is hereby reserved for the benefit of the Lot that such step, patio, deck, downspout, drain or other structure serves, a perpetual easement for the location, maintenance, repair and use of such structure or items within the Association Property, but only to the extent that the Declarant's or Participating Builder's original construction thereof encroaches within the Association Property. The Owner of the Lot benefiting from such easement agrees to maintain such structure or item and to indemnify and hold the Association harmless from any loss, liability or damage arising out of or resulting from the use, enjoyment and benefit of the easement granted hereby.

(m) There is hereby created for the benefit of each Lot that is enclosed, in whole or in part, by any wooden, brick, stone or other similar fence and/or wall constructed by the Declarant or any Participating Builder, a perpetual easement to use any portion of the Association Property that may be located between such fence and/or wall and the record platted

lot line for such benefited Lot. The obligation to maintain such portion of the Association Property shall be that of the Owner of the benefited Lot, and the obligation to maintain such portion of the wooden, brick, stone, or other similar fencing as is located within the Association Property, and that encloses the benefited Lot, in whole or in part, shall be that of the Association. The Owner of any Lot benefiting from the foregoing easement agrees to indemnify and hold The Association harmless from any loss, liability or damage arising out of or resulting from the use, enjoyment and benefit of the easement rights provided for herein.

(n) A mutual right and easement for utility services is hereby established for the benefit of all Owners, and the Association, such that no action which would in any way interfere with utility services being provided to any Owner or the Association within the Property or Project shall be taken by any Owner or such Association. If a Lot contains any utility pipes, ducts, conduits, wires or the like which are for the benefit, in whole or in part, of other Owners of Lots or the Association, then the Owner of such Lot shall promptly, at such Owner's expense, repair any damage to such utilities caused by the Owner, or such Owner's tenants, lessees, agents, guests, invitees, licensees or family members.

(o) The Association and its agents and employees, shall have an irrevocable right and an easement to enter the Lots and the Association Property for purposes of exercising the rights and fulfilling the obligations established by this Declaration.

(p) The Declarant reserves the right to modify or alter the size, number, type and location of the Association Property and the Lots and any other improvements thereon, as it deems necessary or desirable in conjunction with the development of the Property or Project. Without limiting the generality of the foregoing, the Declarant reserves the right to resubdivide all or a portion of the Property or Project, to convey the Association Property, to modify the site plans, to construct the Facilities on the Association Property, and to take whatever other action with respect to the Association Property, Facilities and Lots as the Declarant may deem necessary or desirable.

(q) The Association is hereby granted a non-exclusive easement and right of passage on, through, over, under and across the Lots and Association Property to maintain, repair and replace any Facilities situated within the Lots or Association Property.

(r) All Lot Owners shall be required to pay the prevailing service connection fees, rates and charges for sanitary sewage and water Utilities. A current schedule of rates and charges for waste water services for the Lots under the Wastewater Agreement will be maintained at the office of the Association, as applicable, and rates for the Lots may be inspected during normal business hours of the Association.

(s) Non-exclusive easements are hereby reserved unto the Declarant (and its successors and assigns to whom such easements have been specifically assigned in writing) and for the benefit of the Utilities who shall operate the central sewage disposal system, water system, and propane system, and shall include the construction, operation and maintenance, repair and replacement of the central sewage disposal system, water system and propane system for the Project and any additional adjacent properties as provided under this Declaration. The foregoing

easements shall be broadly construed and shall include any and all of the easement rights granted or reserved under this Declaration as may be reasonably necessary so as to enable the Declarant and the Utilities to undertake and perform all of the obligations and duties imposed under the applicable agreements or as otherwise provided in this Declaration.

(t) Notwithstanding anything contained in this Declaration to the contrary, for a period of thirty (30) years from the recordation of this Declaration, Declarant reserves the right to grant easements to allow adjacent properties to be serviced by the central sewage disposal system that shall service the Project subject to and in compliance with all applicable Laws (the “Additional Sewer Service Users”). Any such Additional Sewer Service Users shall be assessed for their pro rata share of the actual costs and expenses of the operation of the central sewage disposal system including, but not limited to, the maintenance, repair and replacement thereof as originally determined by the Declarant or applicable Utilities.

(u) Each Lot Owner is also subject to the rights, covenants and easements set forth on Exhibit C.

8.2. Utilities Lien. The Declarant, for itself and its successors and assigns, and for each Lot within the Property, hereby covenants, and each Owner of any Lot, by acceptance of a deed or other transfer document therefore, hereby covenants and agrees to pay the Utilities user fees periodically billed by the Utilities with respect to each Owner’s Lot. No Owner of a Lot may waive or otherwise escape any liability for wastewater, water or propane user fees.

8.3. Wastewater Agreement and Wastewater Service Line. Each Owner of any Lot, by acceptance of a deed or other transfer documents therefore, hereby covenants and agrees to maintain and repair the Wastewater Service Line servicing such Lot as applicable; to allow inspection by the applicable Utilities, to remove any blockage in said line, including without limitation blockage beyond clean-outs on the Lot and to remediate any environmental damage caused by breakage, blockage, or leakage thereof; and to pay or cause to be paid the service fees required under the terms of the Wastewater Agreement. No downspout, sump pump or other device collecting rainwater or groundwater shall be connected to the wastewater system; any violation of this prohibition shall authorize and entitle the applicable Utilities to arrange for shut-off of potable water service to the Lot.

8.4. Utilities Exemption for Assessments. As owner of the Wastewater Service Line, the applicable Utilities shall not be liable or responsible for any dues or assessments to Declarant or The Association under this Declaration.

8.5. Association Easements. The Board of the Association shall have the right to grant easements, rights-of-way, licenses and similar interests over any part of the Association Property owned by such Association for any lawful purpose which such Board determines, in its sole discretion, to be in the best interests of the Association.

ARTICLE IX MAINTENANCE

9.1. Owners' Maintenance. Except as otherwise specifically provided in this Declaration, the Owner of each Lot shall keep the Lot, driveway, adjacent sidewalks and all

improvements therein or thereon, in good order and repair and free of debris in a manner and with such frequency as is consistent with good property management and the Community-Wide Standard, including, without limitation, responsibility for snow removal, replanting of grass, cutting, trimming, pruning and/or otherwise maintaining all or any portion of the grass, shrubs, bushes, trees and other planted materials, and any replacements thereof, as may be located within the Lawn Area. Maintenance of the aforementioned items in the Lawn Area by the Owner shall be with such frequency and in conformity with such standards as may be established by the Board of the Association from time to time. In the event that the Owner of such Lot shall fail to maintain those items set forth in the Lawn Area within such Owner's Lot in a manner consistent with good property management and the Community-Wide Standard, then the Association or its agent shall each have the right to enter upon said Lot to repair, maintain and restore the Lawn Area therein. Whenever entry is not required in an Emergency situation, the Association shall afford the Owner reasonable notice and an opportunity to cure the problem prior to entry. All costs related to such repair, maintenance or restoration, including reasonable attorney's fees, shall be collectible from the Owner of such Lot in the same manner as assessments as provided in Article V hereof. The Owner of any Lot shall be responsible for the maintenance of any irrigation located on or under such Owner's Lot and shall be responsible for the payment of any utility bills associated with it on such Owner's Lot. In the event an Owner of any Lot shall fail to maintain such Lot and such improvements, the Association and its agent shall have the right to enter upon said Lot to repair, maintain and restore the Lot and such improvements. The Association shall also have the right to enter the Lots to correct drainage. Whenever entry is not required in an Emergency situation, the Association shall afford the Owner reasonable notice and opportunity to cure the problem prior to entry. All costs related to such correction, repair or restoration, including reasonable attorneys' fees, shall be collectible from the Owner of such Lot in the same manner as assessments as provided in Article V of this Declaration. Should a Lot Owner install a fence on the property, the responsibility for maintaining the Lawn Area, both inside and around the fence, shall become the responsibility of the Lot Owner.

9.2. Association Maintenance. (a) The Association shall maintain, repair and replace the Association Property of the Association and shall keep the Association Property in good order at all times and shall arrange for grass cutting and other maintenance approved by The Board from time to time, if any, to the lawns located in exterior areas of the Lots. This obligation shall include, without limitation (i) the maintenance, repair and, as necessary, replacement of any private streets and parking areas within the Association Property, (ii) the maintenance, repair and, as necessary, replacement of any landscaping, pathways, sidewalks, trails and walkways that are constructed or installed by, or on behalf of, the Declarant or Participating Builder within the Association Property, provided that the Association shall not be obligated to maintain, repair or replace any landscaping, pathway, sidewalk, trail or walkway leader, or portion thereof, within any Lot (the maintenance, repair and replacement of any such landscaping, pathway, sidewalk, trail or walkway leader shall be the obligation of the Lot Owner, as applicable), and (iii) the treatment of accumulated snow and ice from within all private streets and parking areas within the Association Property (there shall be no expectation for the Association to perform snow shoveling of sidewalks, Lawn Area, driveways, trails, walkways, pathways or portions thereof). Further, The Association shall maintain, repair and replace (i) any rights-of-way, swales, culvert pipes, entry strips, signage, and entrance features or improvements that are situated within or that are appurtenant to and serve

its Association Property, including, without limitation, any landscaping and other flora and improvements situated thereon, and (ii) any other real and personal property, facilities and equipment as the Association is obligated or elects to maintain pursuant to this Declaration, or any lease, easement or agreement, or the direction of any governmental authority or agency. The expenses of all such maintenance, repair and replacement of the Association Property and of the exterior of the Lots shall be a Common Expense of The Association, including, but not limited to, reserves for the maintenance, repair and replacement of any such property or improvements. The Association shall also maintain any portion of any Lot that it is obligated or elects to maintain pursuant to this Declaration, any easement or other agreement.

(b) The Association shall also have the right to enter any Lot without the consent of the Owner and/or occupant or other governing body thereof, to maintain the grass to include mowing, fertilizing, conduct any Emergency repairs as are necessary and for the maintenance and protection of the Association Property or any Lot that such Association is responsible for under this Declaration. The costs of such maintenance and repairs shall be collectible from the Owner of such Lot in the same manner as assessments as provided in Article V herein.

(c) The Association shall be responsible for the maintenance, repair and replacement of any of the Association Property which consist of storm water management area or facilities situated within the Association Property to the extent that Kent County, Delaware, and/or the City of Milford, or other third party does not assume the responsibility for the maintenance, repair and replacement of any storm water management area or facilities, including, without limitation, drainage pipes, culvert pipes, infiltration trenches, ponds, basins, swales, berms, outflow control devices, drainage areas, filters, inlets, oil/grit separators and underground facilities, if any, which serve and/or benefit the Property or Project whether or not located within the Association Property if the Association is responsible therefor pursuant to any easement, agreement or the direction of any governmental authority or agency. Such responsibility may be in the form of contributing the Association's share of the maintenance costs of any such storm water management area, facility or equipment pursuant to an easement or agreement which shall be a Common Expense of the Association. The Board of the Association may enter into any such easements and/or other agreements as the Board may deem necessary or desirable for purposes of allocating and/or sharing the costs associated with the maintenance of any storm water management areas, facilities and/or equipment which serve and/or benefit the Association Property and the Lots. The Association shall not refuse to accept the conveyance of any such storm water management area, facilities or equipment from the Declarant provided such conveyance is made in compliance with all applicable Laws. Declarant shall have right, title and authority to consummate any such conveyance pursuant to the authority granted and reserved in the irrevocable power of attorney coupled with an interest under Article XII.

(d) In the event that the Association fails to maintain the common area, common facilities, and open areas according to the standards of the Kent County, in accordance with the recorded plan, and in accordance with the requirements of the recorded restrictions, Kent County, following reasonable notice to the Association, may:

- (i) Demand that the deficiency of maintenance be corrected; or
- (ii) Enter the common area to maintain same. The cost of such maintenance shall be charged to the association or to each property owner of the association, pro rate; or
- (iii) Enforce collection of all assessments owing to the Association from the members thereof in accordance with the provisions of this Declaration, to the same extent as the Association.

9.3. *Additional Maintenance Responsibilities.* The Association may, in the discretion of its Board, provide additional services and/or assume additional maintenance responsibilities with respect to all or any portion of the Lots or Association Property not referenced in Section 9.2 of this Declaration. In such event, all costs of such services and/or maintenance shall be assessed only against those Owners residing within the portion of the Property or Project receiving the additional services. This assumption of responsibility may take place either by contract or because, in the opinion of The Board, the level and quality of service or maintenance then being provided is not consistent with the Community-Wide Standard.

ARTICLE X INSURANCE

10.1. *Required Coverage.* The Board of The Association, or its duly authorized agent, shall be required to obtain, maintain and pay the premiums, as a Common Expense, upon a policy of hazard insurance covering the Association Property owned or managed by such Association and any property required to be insured by such Association pursuant to any easement or lease agreement (except land, foundation, excavation and other items normally excluded from coverage) including fixtures and building service equipment, to the extent that they are a part of the Association Property or such other property which The Association may insure, as well as common personal property and supplies.

(a) The hazard insurance policy shall afford, as a minimum, protection against loss or damage by fire and all other perils normally covered by the standard extended coverage endorsement, as well as all other perils which are customarily covered with respect to projects similar in construction, location and use, including all perils normally covered by the standard "all risk" endorsement, where such is available, shall meet the requirements of DUICOA § 81-313, and shall name The Association as a named insured. The insurance should cover one hundred percent (100%) of the current replacement cost (less a reasonable deductible) of the insured property. Coverage need not include land, foundations, excavations or other items that are usually excluded from insurance coverage. Unless a higher maximum amount is required pursuant to the law of the State of Delaware, the maximum deductible amount for coverage of the Association Property is the lesser of Ten Thousand Dollars (\$10,000.00) or one percent (1%) of the policy face amount. The funds to cover this deductible amount should be included in The Association's operating reserve account.

(b) Each hazard insurance policy must be written by a hazard insurance carrier which has a current rating by the Best's Key Rating Guide of B/III or better (or its

equivalent). Each insurer must be specifically licensed or authorized by law to transact business within the State of Delaware. The policy contract shall provide that no assessment may be made against the Mortgagee, and that any assessment made against others may not become a lien on the mortgaged Lot superior to the First Mortgage.

(c) The hazard insurance policy must provide that the insurance carrier shall notify The Association and each Mortgagee named in the mortgagee clause in writing at least ten (10) days before it cancels or substantially changes the Association's coverage. In addition, each Eligible Mortgage Holder shall receive timely written notice of any lapse, material modification or cancellation of any insurance policy covering the Association Property.

(d) All policies of hazard insurance must contain or have attached the standard mortgagee clause commonly accepted by private institutions as mortgage investors in the area in which the mortgaged premises are located. The following endorsements are also required: (i) an Inflation Guard Endorsement (if reasonably available); (ii) a Construction Code Endorsement if the Association Property are subject to a construction code provision which would become operative and require changes to undamaged portions of any structures, even when only part of a structure is destroyed by an insured hazard or peril; and (iii) a Steam Boiler and Machinery Coverage Endorsement if any structure within the Association Property has central heating or cooling, which should provide for the insurer's minimum liability per accident per location to be at least equal to the lesser of Two Million Dollars (\$2,000,000.00) or the insurable value of the structure(s) housing the boiler or machinery.

(e) If the Association Property is located in a Special Flood Hazard Area designated as A, AE, AH, AO, A1-30, A-99, V, VE, or V1-30 on a Flood Insurance Rate Map, the Association that owns or manages such Association Property must maintain a "master" or "blanket" policy of flood insurance on the Association Property. The amount of flood insurance shall be at least equal to the lesser of one hundred percent (100%) of the insurable value of all structures and improvements situated in such Special Flood Hazard Area or the maximum coverage available under the applicable National Flood Insurance Administration program. Unless a higher deductible amount is required under the laws of the State of Delaware, the maximum deductible amount for flood insurance policies shall be the lesser of Five Thousand Dollars (\$5,000.00) or one percent (1%) of the policy's face amount. The funds to cover this deductible amount should be included in The Association's operating reserve account.

(f) The Association shall obtain and maintain a comprehensive general liability policy of insurance covering all of the Association Property owned or managed by such Association, public ways and any other areas that are under such Association's supervision that meets the requirements of DUCOIA § 81-313. The policy shall also cover any commercial space owned by such Association, even if such space is leased to others. The policy should provide coverage for bodily injury (including death) and property damage that results from the operation, maintenance or use of the Association Property and any legal liability that results from law suits related to employment contracts in which such Association is a party. Supplemental coverage to protect against additional risks should also be obtained, if required by a Mortgagee. Such insurance policy shall contain a "severability of interest" endorsement which shall preclude the insurer from

denying the claim of an Owner because of negligent acts of the Association or other Owners. Liability coverage shall be at least One Million Dollars (\$1,000,000.00) per occurrence, for bodily injury and property damage, unless higher amounts of coverage are required by a Mortgagee. The liability policy must provide that the insurance carrier shall notify such Association in writing at least ten (10) days before it cancels or substantially modifies such Association's coverage.

10.2. Fidelity Coverage. To the extent reasonably available, blanket fidelity insurance may be maintained by the Board of The Association for all officers, directors, managers, trustees, employees and volunteers of the Association and all other persons handling or responsible for funds held or administered by such Association, whether or not they receive compensation for their services. Where the Board has delegated some or all of the responsibility for the handling of funds to a management agent, such management agent shall be covered by its own fidelity insurance policy which must provide the same coverage as fidelity insurance maintained by the Board. Except for fidelity insurance that a management agent obtains for its personnel, all other fidelity insurance policies should name The Association as the insured and should have their premiums paid as a Common Expense by such Association. Fidelity insurance obtained by a management agent shall name The Association as an additional insured. The total amount of fidelity coverage required should be sufficient to cover the maximum funds (including reserve funds) that will be in the custody of The Association or management agent at any time while the fidelity insurance policy is in force, and should at least equal the sum of three (3) months aggregate assessments on all Lots within The Association, plus any reserves. Fidelity insurance policies should contain waivers by the insurers of all defenses based upon the exclusion of persons serving without compensation from the definition of "employees", or similar terms or expressions. The fidelity insurance policies should provide that they cannot be canceled or materially modified (including cancellation for non-payment of premium) without at least ten (10) days prior written notice to The Association.

10.3. Repair and Reconstruction of Association Property After Fire or Other Casualty. In the event of damage to or destruction of any portion of the Association Property covered by insurance payable to The Association as a result of fire or other casualty, the Board of The Association shall arrange for the prompt repair and restoration thereof; shall disburse the proceeds of all insurance policies to the contractors engaged in such repair and restoration, as appropriate; and shall otherwise comply with the requirements of DUICOA § 81-313(h). Promptly after a casualty causing damage or destruction of any portion of the Association Property for which The Association has the responsibility of maintenance, repair, and/or replacement, its Board shall obtain reliable and detailed estimates of the cost to place the damaged portions of the Association Property in as good a condition as existed prior to the casualty. Such costs may include, without limitation, professional fees and premiums for such bonds as the Board may desire.

ARTICLE XI MANAGEMENT

11.1. Management Agent. The Board may employ for the Association a management agent or manager (the "Management Agent") at a rate of compensation established

by the Board to perform such duties and services as the Board shall from time to time authorize in writing, including, but not limited to, the following:

(a) to establish (with the approval of the Board) and provide for the collection of the annual maintenance assessments and any other assessments provided for in this Declaration and to provide for the enforcement of liens therefor in a manner consistent with the law and the provisions of this Declaration; and

(b) to provide for the care, upkeep, maintenance and surveillance of the Association Property; and

(c) to designate, hire and dismiss such personnel as may be required for the good working order, maintenance and efficient operation of the Association Property; and

(d) to enforce such rules and regulations and such restrictions or requirements, "house rules" or the like as may be established by the Association regarding the use of the Association Property and the Lots; and

(e) to provide such other services (including legal and accounting services) for The Association as may be consistent with law and the provisions of this Declaration.

11.2. Duration of Management Agreement. Any management agreement entered into by The Association shall provide, among other things, that such agreement may be terminated for cause by either party upon thirty (30) days written notice thereof to the other party. The term of any such management agreement shall not exceed three (3) years; provided, however, that the term of any such management agreement may be renewable by mutual agreement of the parties for successive one (1) year periods.

Any management agreement entered into prior to expiration of the Declarant Control Period must be terminable, without cause, any time after transfer of control from the Declarant, on not less than thirty (30) nor more than ninety (90) days notice, and no charge or penalty may be associated with such termination.

ARTICLE XII GENERAL PROVISIONS

12.1. Association Property Responsibility. The Association, subject to the rights of the Owners as set forth in this Declaration, shall be responsible for the exclusive management and control of the Association Property and any property, real or personal, which such Association is delegated the responsibility for pursuant to any easement or lease agreement, and all improvements thereon (including, without limitation, furnishings and equipment related thereto, private drainage facilities and common landscaped areas), and shall keep the Association Property and such other property in good, clean, attractive, and sanitary condition, order, and repair, pursuant to the terms and conditions hereof. The Association shall be obligated to accept title to any real estate or personal property offered or conveyed to such Association by the Declarant. Any such conveyance shall be made in compliance with all applicable Laws and Declarant shall have the right, title and authority to consummate any such conveyance pursuant to the authority granted and reserved in the irrevocable power of attorney coupled with an interest under this Article XII.

12.2. Personal Property and Real Property for Common Use. The Association may acquire, lease, hold, and dispose of tangible and intangible personal property and real property, subject to the requirements of this Declaration. The Board of The Association, acting on behalf of the Association, will accept title to any real or personal property, leasehold, or other property interests within the Property or Project offered or conveyed to such Association by the Declarant.

12.3. Implied Rights. The Association may exercise any other right or privilege given to it expressly by this Declaration or the Association Documents or any lease, easement or other agreement or document affecting the Association, and every other right or privilege reasonably to be implied from the existence of any right or privilege given to it herein or reasonably necessary to effectuate any such right or privilege.

12.4. Limitation of Liability. The Association shall not be liable to any Association Member for any failure of any services to be obtained by the Association or paid for out of the Common Expense funds, or for injury or damage to persons or property caused by the elements or resulting from water which may leak or flow from any portion of the Association Property or other property within the control or supervision of the Association, or from any wire, pipe, drain, conduit or the like. The Association shall not be liable to any Association Member for loss or damage, by theft or otherwise, of articles which may be stored upon the Association Property or other property within the control or supervision of the Association. No diminution or abatement of assessments, as herein elsewhere provided for, shall be claimed or allowed for inconvenience or discomfort arising from the making of repairs or improvements to the Association Property or other property within the control or supervision of the Association, or from any action taken by the Association to comply with any of the provisions of this Declaration or with any Laws or with the order or directive of any municipal or other governmental authority.

12.5. Enforcement. Except as otherwise expressly provided in this Declaration to the contrary (or as provided under 10 Del. C. § 348 or 25 Del.C. §81-302, as amended or other applicable Laws), the Declarant, The Association, or any Owner, or any Mortgagee of any Lot shall have the right to enforce, by any proceeding at law and/or in equity, all restrictions, conditions, covenants, reservations, easements, liens, charges or other obligations or terms now or hereafter imposed by the provisions of this Declaration, or the Association Documents, or any rule or regulation promulgated by the Association pursuant to its respective authority as provided in this Declaration or the Association Documents including the right to suspend any privileges of unit owners, other than the right of a unit owner to vote on any matter submitted to a vote of unit owners, or services provided to unit owners by the association (other than those necessary for the habitability of the owner's unit) for non-payment of assessments; to impose charges for late payment of assessments; and, after notice and an opportunity to be heard, and to levy reasonable fines for violations of the declaration, bylaws and rules of the association. Failure by the Declarant, The Association or by any Owner or Mortgagee of any Lot to enforce any covenants or restrictions herein contained or any provision of the Association Documents or rules and regulations of the Association shall in no event be deemed a waiver of the right to do so thereafter. There shall be and there is hereby created and declared to be a conclusive presumption that any violation or breach or attempted violation or breach of any of the within covenants or restrictions or any provision of

the Association Documents cannot be adequately remedied by action at law or exclusively by recovery of damages. If the Declarant, The Association, or any Owner or Mortgagee of any Lot, successfully brings an action to extinguish a violation or otherwise enforce the provisions of this Declaration or the Association Documents, the costs of such action, including legal fees, shall become a binding, personal obligation of the Owner committing or responsible for such violation, and such costs shall also be a lien upon the Lot of such Owner.

Without limiting the generality of the foregoing, and in addition to any other remedies available, the Declarant or The Association after reasonable written notice, in writing, provided to the Owner, may enter any Lot or Association Property to remedy any violation of the provisions of this Declaration, or the Association Documents or rules and regulations of The Association; provided, however, that the Declarant or Association may not enter the interior of any dwelling unit on a Lot except in an Emergency. The costs of such action, including reasonable attorneys' fees, shall become a binding, personal obligation of the Owner otherwise responsible for such violation and shall also be a lien upon the Lot of such Owner.

12.6. *Fines*. In addition to the means for enforcement provided elsewhere in this Declaration, the Declarant and The Association shall each have the right to levy fines against an Owner or such Owner's guests, relatives, lessees or invitees, in the manner set forth herein, and such fines shall be collectible in the same manner as any other assessment such that the Declarant or Association, as applicable, shall have a lien against the Lot of such Owner as provided in this Declaration, and the Association Documents and such fine(s) shall also become the binding personal obligation of such Owner.

(a) Except with respect to matters pertaining to the Design Guidelines which shall be within the exclusive jurisdiction of the ARC, the Board of the Association shall be charged with determining whether there is probable cause that any of the provisions of this Declaration, the Association Documents or the rules and regulations of the Association, regarding the use of the Lots, Association Property, or other Association property, are being or have been violated. In the event that the Board of the Association or the ARC, with respect to the Design Guidelines, determines an instance of such probable cause, the Board of the Association (or the or the ARC, with respect to Design Guidelines) shall provide written notice to the person alleged to be in violation, and the Owner of the Lot which that person occupies or is visiting if such person is not the Owner, of the specific nature of the alleged violation and of the opportunity for a hearing before the ARC or Board of the Association, as applicable, upon a request made within seven (7) days of the sending of the notice. The notice shall also specify, and it is hereby provided, that each recurrence of the alleged violation or each day during which it continues shall be deemed a separate offense, subject to a separate fine not to exceed a reasonable amount established by the Board of the Association or the ARC, as applicable, for each offense. The amount of the fine shall be based upon the costs and inconvenience caused to the Board of the Association or the ARC and shall not be a penalty. The notice shall also specify, and it is hereby provided, that in lieu of requesting a hearing, the alleged violator or Owner may respond to the notice within seven (7) days of its sending, acknowledging in writing that the violation occurred as alleged and promising that the violation will thereafter cease and will not recur, and that such acknowledgment and promise, and

performance in accordance therewith, shall terminate the enforcement activity of the Board of the Association or ARC, as applicable, with regard to such violation.

(b) If a hearing is timely requested, the Board of the Association or the ARC, as applicable, shall hold the same, and shall hear any and all defenses to the charges, including any witnesses that the alleged violator, Owner, the Board of the Association or the ARC may produce. Any party at the hearing may be represented by counsel.

(c) Subsequent to any hearing, or if no hearing is timely requested and if no acknowledgment and promise is timely made, the Board of the Association or the ARC, as applicable, shall determine whether there is sufficient evidence of a violation or violations as provided herein. If the Board of the Association or the ARC, as applicable, determines that there is sufficient evidence, it may levy a fine for each violation in the amount provided herein.

(d) A fine pursuant to this Section shall be assessed against the Lot which the violator occupied or was visiting at the time of the violation, whether or not the violator is an Owner of that Lot, and shall be collectible in the same manner as any other assessment, including by the Association's lien rights as provided in this Declaration and the Association Documents. Nothing herein shall be construed to interfere with any right that an Owner may have to obtain from a violator occupying or visiting such Owner's Lot payment of the amount of any fine(s) assessed against that Lot.

(e) Nothing herein shall be construed as a prohibition of or limitation on the right of The Association to pursue any other means of enforcement of the provisions of this Declaration, or the Association Documents or rules and regulations of The Association, including, but not limited to, legal action for damages or any equitable action, including injunctive relief.

12.7. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

12.8. Duration and Amendment. All covenants, conditions and restrictions set forth in this Declaration shall run with and bind the land and shall be perpetual unless expressly stated otherwise in this Declaration. In addition to the provisions of Section 12.9, this Declaration may be amended by an instrument signed by, or the affirmative vote of, Association Members entitled to cast not less than sixty-seven (67%) of the total votes of all Association Members and shall require the prior written consent of the Declarant (for so long as the Declarant shall own any portion of the Property or Project); provided, however, that any amendment that will affect a Participating Builder's Lots shall require the prior written consent of the Participating Builder, its successors and/or assigns so long as the Participating Builder owns any Lot, which consent shall be in the Participating Builder's sole subjective and absolute discretion. Any amendment must be recorded in the Recorder's Office.

12.9. Changes and Modifications by Declarant. The Declarant shall have the right, for a period of thirty (30) years following the date of recordation of this Declaration, without the consent or joinder of the Association Members, any Mortgagee, any Beneficiary or The

Association, or any other party, to (i) modify, amend or change any of the provisions of this Declaration, as the Declarant may deem necessary or desirable, and (ii) or if such amendments are:

- (a) required by federal, state, county or local laws; or
- (b) required by any Mortgagee of all or any portion of the Property or Project; or
- (c) required by any title insurance company issuing title insurance to Owners and/or Mortgagees of same; or
- (d) required by the Federal Housing Administration, Department of Housing and Urban Development, Veterans Administration, Farmers Home Administration, Delaware State Housing Authority, Federal National Mortgage Association, Federal Home Loan Mortgage Service Corporation, GNMA or by any like public or private institution acquiring, guaranteeing or insuring mortgages or providing any type of financial assistance with respect to all or any portion of the Property or Project; or
- (e) required to correct errors or technical deficiencies or imperfections or to clarify ambiguities. Declarant also reserves the right to waive or modify any requirement as to any individual Lot or, the Association Property in general necessary to avoid any hardship resulting from unintentional noncompliance with this Declaration.

12.10. Casualty Losses. In the event of substantial damage or destruction to any of the Association Property, the Board of the Association that owns or manages such Association Property shall give prompt written notice of such damage or destruction to the Eligible Mortgage Holders who hold First Mortgages of record on the Lots. No provision of this Declaration or the Association Documents shall entitle any Association Member to any priority over the holder of any First Mortgage of record on his Lot with respect to the distribution to such Association Member of any insurance proceeds paid or payable on account of any damage or destruction of any of the Association Property.

12.11. Condemnation or Eminent Domain. In the event any part of the Association Property are made the subject matter of any condemnation or eminent domain proceeding, or is otherwise sought to be acquired by any condemning authority, then The Board shall give prompt written notice of any such proceeding or proposed acquisition to the Eligible Mortgage Holders who hold First Mortgages of record on the Lots. No provision of this Declaration or the Association Documents shall entitle any Association Member to any priority over the holder of any First Mortgage of record on his or her Lot with respect to the distribution to such Association Member of the proceeds of any condemnation or settlement relating to a taking of any portion of the Association Property.

12.12. Notice to Eligible Mortgage Holders; Deemed Consent.

- (a) The Association shall give prompt written notice to each Eligible Mortgage Holder of (and each Owner hereby consents to, and authorizes such notice):

(1) Any condemnation loss or any casualty loss which affects a material portion of the Association Property or any Lot subject to a First Mortgage or security interest held, insured, or guaranteed by such Eligible Mortgage Holder.

(2) Any delinquency in the payment of Common Expense assessments or charges owed by an Owner whose Lot is subject to a First Mortgage or security interest held, insured, or guaranteed, by such Eligible Mortgage Holder which remains uncured for a period of sixty (60) days.

(3) Any lapse, cancellation, or material modification of any insurance policy or fidelity coverage maintained by such Association.

(4) Any other matter with respect to which Eligible Mortgage Holders are entitled to notice or to give their consent as provided in this Declaration.

(b) To be entitled to receive notice of the matters set forth in this Section, the Eligible Mortgage Holder must send a written request to The Association, stating both its name and address and the Lot or address of the Lot on which it has (or insures or guarantees) the mortgage. Any Eligible Mortgage Holder or mortgagee who is notified of any matter for which it is entitled to notice as provided herein (such notice to be delivered by certified or registered mail, return receipt requested), and which fails to respond within sixty (60) days of receipt of such notice shall be deemed to have consented, if applicable, to the matter of which the Eligible Mortgage Holder or mortgagee was provided notice.

12.13. Declarant's Power of Attorney. Notwithstanding any provision to the contrary contained in this Declaration or the Association Documents, the Declarant hereby reserves for itself, its successors, transferees and assigns, for a period of twenty (20) years from the date the first Lot is conveyed an Owner that is not a Participating Builder or the Declarant, or until it conveys title to all of the Lots whichever occurs first, the right to execute on behalf of The Association and all contract purchasers, Owners, Association Members, Eligible Mortgage Holders, Mortgagees, and other lien holders or parties claiming a legal or equitable interest in any portion of the Property or Project, including without limitations, any Lot or the Association Property, any agreements, documents, amendments or supplements to this Declaration and the Association Documents which may be required by FNMA, FHA, VA, FHLMC, GNMA, Kent County and/or the City of Milford, any governmental or quasi-governmental agency or authority having regulatory jurisdiction over The Association, Association Property, Property, Project, any Lot, any public or private utility company designated by the Declarant, any institutional lender or title insurance company designated by the Declarant, or as may be required to comply with the federal Fair Housing Act, or to comply with other applicable Laws or to correct any typographical or clerical errors or correct any ambiguity in the text of this Declaration; together with any and all other documents, instruments or agreements, including by way of illustration and not limitation; deeds, transfer tax affidavits, agreements, closing statements, with respect to any of the rights, title and authorizations, and acts reserved by or provided to the Declarant under this Declaration; or as otherwise expressly reserved by or granted to Declarant hereunder.

(a) By acceptance of a deed to any Lot or by the acceptance of any other legal or equitable interest in any portion of the Property or Project, including without limitations,

the Lot or Association Property, each and every such contract purchaser, Owner, Association Member, Eligible Mortgage Holder, mortgagee or other lien holder or party having a legal or equitable interest in any portion of the Property or Project, including without limitations, any Lot or the Association Property does automatically and irrevocably name, constitute, appoint and confirm the Declarant, its successors, transferees and assigns, as attorney-in-fact for the purpose of executing any and all such agreement, document, amendment, supplement and other instrument(s) necessary to effect the foregoing rights, duties and obligations subject to the limitations set forth herein.

(b) No such agreement, document, amendment, supplement or other instrument which adversely affects the value of a Lot, or substantially increases the financial obligations of an Owner, or reserves any additional or special privileges for the Declarant not previously reserved, shall be made without the prior written consent of the affected Owner(s) and all Mortgagees of any Mortgage encumbering the Lots owned by the affected Owner(s). Any such agreement, document, amendment, supplement or instrument which adversely affects the priority or validity of any Mortgage that encumbers any Lot or the Association Property shall not be made without the prior written consent of all such Mortgagees.

(c) The power of attorney aforesaid is expressly declared and acknowledged to be coupled with an interest in the subject matter hereof and the same shall run with the title to the Property and Project, including, without limitations, each Lot and the Association Property, shall be binding upon the heirs, personal representatives, successors, transferees and assigns of any of the foregoing parties. Further, said power of attorney shall not be affected by the death or disability of any principal and is intended to deliver all right, title and interest of the principal in and to said power of attorney. Said power of attorney shall be vested in the Declarant, its successors, transferees and assigns for a period of twenty (20) years from the date the first Lot is conveyed to an Owner that is not a Participating Builder or Declarant, or until Declarant conveys title to the last Lot, whichever occurs first. Each Owner covenants and agrees to execute and deliver to Declarant an irrevocable power of attorney coupled with an interest in form and content consistent with this Section to be recorded in the Recorder's Office at the Owner's sole cost which shall run with and bind the Lot for a period of twenty (20) years as specified above.

(d) To accomplish the foregoing, each Owner covenants and agrees, by acceptance of a deed to its Lot from the Declarant, to execute, acknowledge and deliver an Irrevocable Power of Attorney Coupled with an Interest substantially in the form and content of Exhibit "B" attached hereto and made a part hereof.

12.14. Successors of Declarant.

(a) Any and all rights, reservations, easements, interests, exemptions, privileges and powers of the Declarant hereunder, or any part of them, may be assigned and transferred (exclusively or non-exclusively) by the Declarant by an instrument, in writing, without notice to any Association Member or The Association, to one or more successors or assigns (hereinafter referred to as an "Assignee").

(b) Each Owner of any Lot, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed is deemed to covenant and agree to the following:

(1) Neither any Participating Builder nor Declarant shall assume or be responsible for any liabilities, warranties or obligations which have or may accrue to the other, including, but not limited to, any liabilities, warranties or obligations concerning any Lots or Association Property, any buildings or other improvements constructed, or to be constructed, by or on behalf of the other, nor shall such Lots or Association Property or any buildings or other improvements be deemed to be part of any contract, or to constitute the basis of the bargain, between Declarant and any Lot purchaser;

(2) No Participating Builder makes any representation or warranty whatsoever, whether express or implied, with respect to any Lots, Association Property, Facilities, buildings or other improvements constructed or sold by parties other than the Participating Builder, nor has any Participating Builder authorized any other party to make any such representation or warranty, and such other parties are without legal authority to enforce or make any such representation or warranty. No Participating Builder shall assume or be responsible for, and each Lot Owner expressly waives any and all claims against each Participating Builder for, any liabilities, warranties or obligations which have or may accrue to Declarant or any Assignee under the Declaration or pursuant to law in connection with Declarant's or any Assignee's status as Declarant under this Declaration, or in connection with Declarant's or any Assignee's development of all or any real property subjected, or to be subjected, to this Declaration, including, but not limited to, any liabilities, warranties or obligations concerning any Lots or the Association Property, or dwelling units or other improvements constructed, or to be constructed, by or on behalf of Declarant or any Assignee;

(3) Declarant makes no representation or warranty whatsoever, whether express or implied, with respect to any Lots or Association Property, or Facilities, buildings or other improvements constructed or sold by parties other than Declarant, nor has Declarant authorized any other party to make any such representation or warranty, and such other parties are without legal authority to enforce or make any such representation or warranty. Declarant shall not assume or be responsible for, and each Lot Owner expressly waives any and all claims against Declarant for, any liabilities, warranties or obligations which have or may accrue to any Participating Builder or any Assignee under this Declaration or pursuant to law in connection with such Participating Builder's or any Assignee's status as Declarant under this Declaration, or in connection with such Participating Builder's or any Assignee's development of all or any real property subjected, or to be subjected, to this Declaration, including, but not limited to, any liabilities, warranties or obligations concerning any Lots, or the Association Property, or dwelling units or other improvements constructed, or to be constructed, by or on behalf of such Participating Builder or any Assignee.

12.15. Dispute Resolution Process. Notwithstanding any provision of this Declaration or the Association Documents to the contrary, but subject to all applicable Laws, if, after good faith efforts to negotiate a satisfactory solution have failed, any dispute that cannot be

resolved between (i) the Declarant (including any of the Declarant's employees, agents, or contractors) and (ii) The Association and/or any Owner or Owners, such dispute will be resolved through the Common Interest Community Ombudsperson Act (CICOA) as contained in 29 Del C. Section 2544. The procedures for such dispute resolution are set forth and contained in the Act. As used in this Section 12.15(a), the term "dispute" includes any controversy or claim, including, without limitation, any claim based on contract, tort, or statute, arising out of or relating to (1) the rights or obligations of such parties under this Declaration, the Association Documents, or any rules promulgated by the Board or the ARC or (2) the design, construction, or warranty of the Association Property. Upon the request of a party to a dispute, the issue shall be adjudicated in accordance with the provisions of the CICOA applicable to such disputes.

12.16. No Dedication to Public Use. Nothing herein contained shall be construed as a dedication to public use or as an acceptance for maintenance of any portion of the Association Property by any public or municipal agency, authority, or utility and no public or municipal agency, authority or utility shall have any responsibility or liability for the maintenance or operation of any portion of the Association Property.

12.17 Declarant Reserved Rights. No amendment to this Declaration or the Association Documents may remove, revoke, or modify any right, reservation or privilege of the Declarant without the prior written consent of the Declarant or any successors or assignees of the Declarant and no amendment to this Declaration or the Association Documents may remove, revoke, or modify any right, reservation or privilege of a Participating Builder without the prior written consent of the Participating Builder.

12.18 Perpetuities. If any of the covenants, conditions, easements, restrictions, or other provisions of this Declaration shall be unlawfully void, or voidable for violation of the rule against perpetuities, then such provisions shall continue only until twenty-one (21) years after the death of the last survivor of the now living descendants of Barack Obama, former President of the United States of America.

12.19 Captions and Gender. The captions contained in this Declaration are for convenience only and are not a part of this Declaration and are not intended in any way to limit or enlarge the terms and provisions of this Declaration or to aid in the construction or interpretation of this Declaration. Whenever in this Declaration the context so requires, the singular number shall include the plural and the converse, and the use of any gender shall be deemed to include all genders. The numbered paragraphs that appear within each of the Articles are sometimes referred to as "Section."

{THIS SPACE INTENTIONALLY LEFT BLANK}

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has caused its seal to be affixed and these presents to be signed by its member hereunto duly authorized as of the Effective Date.

SEALED AND DELIVERED

IN THE PRESENCE OF:

DUNN DEVELOPMENT, LLC, a
Delaware Limited Liability Company

By: _____ (SEAL)
Member

STATE OF DELAWARE)
) SS.
COUNTY OF _____)

BE IT REMEMBERED, that on this ____ day of _____, 2020, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, as _____ Member of DUNN DEVELOPMENT, LLC, a Delaware Limited Liability Company, party to this Indenture, known to me personally to be such and acknowledged this Indenture to be his act and deed and the act and deed of such limited liability company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public

Print Name
My Commission Expires: _____

A-1

EXHIBIT "A"

HICKORY GLEN TOWNHOMES

LEGAL DESCRIPTION

EXHIBIT "B"

IRREVOCABLE POWER OF ATTORNEY COUPLED WITH AN INTEREST

Tax Parcel No. _____

Prepared By and Return to:
_____, Esquire

SAMPLE

**IRREVOCABLE POWER OF ATTORNEY COUPLED WITH AN INTEREST
HICKORY GLEN TOWNHOMES**

KNOW ALL MEN BY THESE PRESENTS that I/We, _____, owner(s) of that certain lot, piece or parcel of land, together with any improvements thereon, situate in Kent County, Delaware, and known as Lot ____, Phase ____ (the "Lot") on the Final Subdivision Plat for HICKORY GLENN, prepared by Morris & Ritchie Associates, Inc., dated _____, said plan being recorded in the Recorder's Office at Plot Book ____, Page ____, as it may be amended from time to time (collectively, the "Master Plan"), hereby make(s), constitute(s), and appoint(s) **DUNN DEVELOPMENT, LLC**, a Delaware limited liability company, its successors and assigns, acting by and through its manager or authorized member or designated attorney-in-fact ("Attorney"), to be my/our true and lawful attorney, and in my/our name, place and stead and in my/our behalf, to do and execute all or any of the following acts, deeds and things, that is to say:

To do, make, file, execute, acknowledge, deliver and record any and all manner and description of instruments, agreements, plans, applications, authorizations, documents, deeds, easements, restrictions, causes of action, appeals, modifications, and amendments (collectively, the "Documents") and any other undertakings as may be required to amend, modify or otherwise change any and all Documents, of record or not of record, with respect to, applicable to, or affecting the Lot and the Project and Property (both as defined in the Master Declaration of Covenants, Conditions, Easements and Restrictions For "HICKORY GLEN TOWNHOMES" dated _____, 2020, and of record in the Recorder's Office at Book _____, Page _____ (the "Master Declaration")), including, by way of example but not of limitation, (1) the Master Declaration; (2) the Certificate of Incorporation of the Association, and (3) the By-Laws of the Association, together with any and all variances, special exceptions or other zoning or subdivision actions or proceedings (and any applicable appeals), amendments, modifications or supplements thereto or thereof, and any and all instruments or documents collateral thereto, which my/our Attorney, in its sole subjective and absolute discretion, deems necessary or advisable, as provided

under Sections 12.9 and 12.13 of Article XII of the Declaration, the terms of which are expressly incorporated herein by reference; provided that any such act, deed or thing shall not amend, modify or otherwise alter or change the existing property lines of the Lot and shall be undertaken and accomplished in accordance with all applicable Federal, State and County statutes, laws, ordinances, regulations or other governmental enactments or regulations (the "Regulations") (collectively, the "Permitted Activities").

To do, make, execute, acknowledge, deliver and record any and all manner and description of actions, instruments, agreements, documents, amendments and any other undertakings, together with any and all amendments, modifications or supplements thereto or thereof, and any and all instruments or documents collateral thereto, which Attorney, in its sole subjective and absolute discretion, deems necessary or advisable with respect to the Permitted Activities; provided that any such Permitted Activities shall not amend, modify or otherwise alter or change the existing property lines of the Lot and shall be undertaken and accomplished in accordance with the Regulations.

To cause each or all of the Documents to be amended by filing with the Recorder's Office any and all instruments, documents and plans, together with any amendments thereto, as may be necessary, in my/our Attorney's sole subjective and absolute discretion, to correct any clerical or typographical errors, ambiguities, title questions or defects, or conflicts with or to comply with any and all applicable Regulations.

Without in any way detracting from the hereinabove authorized powers, I/we specifically request and authorize that my/our hereinabove designated true and lawful Attorney be authorized and directed to take any and all such action which it deems necessary or advisable, in its sole subjective and absolute discretion, for the purposes provided above.

Hereby giving unto my/our said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite, necessary or convenient to be done for the purposes herein stated and in and about the Lot, Project or Property, as fully to all intents and purposes as I/we might or could do if personally present and acting, with full power of substitution and revocation, hereby ratifying and confirming all that my/our Attorney or substitute shall lawfully do or cause to be done by virtue hereof.

And I/we hereby, for myself/ourselves, my/our heirs, executors, administrators, successors and assigns, confirm and agree to ratify and confirm whatsoever my/our Attorney may lawfully do by virtue of these presents, it being understood that this instrument is intended to be and is an Irrevocable Power of Attorney Coupled With An Interest, and that this instrument shall bind all future owners of the Lot and shall run with and bind the Lot for period commencing on the date of recordation of the Master Declaration and ending on the later of (i) the date the Attorney no longer owns all or any portion of the Project or Property or (ii) the date which is twenty (20) years after the date that the last lot is sold by Attorney to a third party.

This Power of Attorney Coupled With An Interest is coupled with an interest and irrevocable and shall not be revoked or affected by my/our subsequent disability or incapacity, it being my/our intention that this Power of Attorney Coupled With An Interest be a durable Power

of Attorney pursuant to 12 Del. C. Ch. 49, and is intended to be construed according to Delaware law.

Whenever used, the singular number shall include the plural, the plural the singular and the use of any gender shall include all genders.

IN TESTIMONY WHEREOF, I/We have hereunto set my/our hand(s) and seal(s) this ___ day of _____, 20__.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

_____(SEAL)
WITNESS Print Name: _____

_____(SEAL)
WITNESS Print Name: _____

STATE OF DELAWARE)) SS.
_____ COUNTY)

BE IT REMEMBERED, that on this ___ day of _____, 20__, personally came before me the Subscriber, a Notary Public for the State and County aforesaid _____, parties to this foregoing Irrevocable Power of Attorney Coupled With An Interest, known to me personally to be such, and acknowledged said Irrevocable Power of Attorney Coupled With An Interest to be his/her/their voluntary act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

NOTARY PUBLIC

Print Name

Date Commission Expires

EXHIBIT "C"

Party Wall Easements and Rights. The general rules of law regarding party walls and liability for property damage due to negligence or willful act or omissions shall apply to each party wall, party fence, party joint roof, party deck, or other structure and/or improvement which is built as part of the original construction of the dwellings upon the applicable Lots and any replacement thereof.

Encroachments. In the event that any portion of any dwelling, structure or improvement, as originally constructed by the Declarant on a Lot or the Common Facilities Areas, including, but not limited to party wall, party fence, party joint roof, party deck, or other structure and/or improvement which is built as part of the original construction of the dwellings upon the applicable Lots and any replacement thereof, shall protrude over an adjoining Lot or the Common Facilities Areas, then such dwelling, structure or improvements (including any party wall, party fence, party joint roof, party deck, or other structure and/or improvement which is built as part of the original construction of the dwellings upon the applicable Lots and any replacement thereof) (collectively, the "Projections") shall not be deemed to be an encroachment upon the adjoining Lots or Common Facilities Areas, and no Owner shall maintain any action for removal of any such Projections nor any action for damages. In the event there is a Projection as described aforesaid, it shall be deemed that the Owners and, where applicable, the Association have granted perpetual easements to the adjoining Owner or Owners for continuing maintenance and use of the Projections. The foregoing shall also apply to replacements of any such Projections if same are constructed in conformance with the original Projection constructed by the Declarant. The foregoing conditions shall be perpetual in duration and shall not be subject to amendment of these covenants and restrictions.

Easements. There shall be a perpetual and non-exclusive easement in, through and over any party wall, party fence, party joint roof, party deck, or other structure and/or improvement used by two or more Lots (collectively, the "Party Wall Improvements") and which is built as part of the original construction of the dwellings upon the applicable Lots and any replacement thereof, reserved to the Owners of any Lot or Lots upon which the same has been built or installed or which the same has reasonably been designated to serve and not person shall in any way interfere with the free and unobstructed uses thereof by said Owners.

Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a Party Wall Improvement shall be shared equally by the Owners who make use of the Party Wall Improvement in proportion to such use.

Destruction by Fire or Other Casualty. If a Party Wall Improvement is destroyed or damaged by fire and other casualty, any Owner who has used the Party Wall Improvement may restore it and if the other Owners thereafter make use of the Party Wall Improvement, they shall contribute to the cost of restoration thereof in proportion to such use, without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

Weatherproofing. Notwithstanding any other provision, an owner, who by his negligent or willful act causes a Party Wall Improvement to be exposed to the elements, shall bear the whole cost of furnishing the necessary protections against such elements.

Rights of Contribution Runs with Land. The right of any Owner to contribution from any other Owner, shall be appurtenant to the land and shall pass to such Owner's successors and assign in title.

Arbitration. In the event of any dispute arises concerning a Party Wall Improvement, such dispute shall be adjudicated by the ARC

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, June 16, 2020
City Council Hearing: Monday, June 22, 2020

NOTICE IS HEREBY GIVEN that the following ordinance is currently under review by Milford Planning Commission and City Council. Public comments will be accepted at the so noted meeting dates which begin at 7:00 p.m.

ORDINANCE 2020-05

Dunn Development LLC on behalf of Walter Thomas II for a Final Major Subdivision of 71.92 +/- acres into a 399-unit subdivision consisting of 159 townhouse units and 240 apartment units in an R8 Zoning District. Property is located along the south side of Milford-Harrington Highway approximately 385 feet west of the Canterbury Road intersection addressed as 1335 Milford-Harrington Highway, Milford, Delaware. Present Use: Single Family Dwelling and Vacant Land; Proposed Use: Subdivision to be known as Hickory Glen. Tax Map: MD-16-173.00-01-21.00 & -22.00

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

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

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, 06/03/20



DATA SHEET FOR MILFORD PONDS

Development Advisory Committee: October 18, 2019

Planning Commission Meeting: ~~March 17, 2020~~

June 16, 2020

Application Number / Name	:	19-035 / Milford Ponds
Applicant	:	Milford Ponds, LLC 179 Rehoboth Avenue, Suite 1081 Rehoboth Beach, DE 19971
Owner	:	Same
Application Type	:	Planned Unit Development
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-1, R-2 & R-3 with PUD
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Area and Location	:	178.03 +/- acres located along the east side of Route 113 5,500 feet south of the Seabury Avenue intersection known as the Milford Ponds subdivision
Property Identification Numbers	:	1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru 558.00, 1-30-6.00-601.00 thru 691.00

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Planned Unit Development – Master Plan



STAFF ANALYSIS REPORT
January 31, 2020

Application Number / Name	:	19-035 / Milford Ponds
Application Type	:	Amended Planned Unit Development
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-1, R-2, & R-3 with PUD
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Property Identification Numbers	:	1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru 558.00, 1-30-6.00-601.00 thru 691.00
Area and Location	:	178.03 +/- acres located along the east side of Route 113 5,500 feet south of the Seabury Avenue intersection known as the Milford Ponds subdivision

I. BACKGROUND INFORMATION:

- On July 12, 2004, City Council approved the annexation of four parcels with varying zoning designations including R-1, R-2 and R-3.
- Preliminary Major Subdivision approval and conditional use approval was granted by City Council on September 27, 2004 for a total of 722 units, including 150 condominiums, 228 townhouses and 344 single family detached units.
- Final Major Subdivision approval was granted by City Council on June 5, 2006 for Phase I only. Phase II received Final Major Subdivision approval from City Council on April 28, 2008.
- Portions of Phase I have been constructed, including a roads, curbing, sewer, water, electric and stormwater improvements.
- City Council approved an amendment to the Planned Unit Development on April 23, 2018, modifying the mixture of unit types by eliminating townhouse areas in favor of single-family

detached dwellings, resulting in a unit mix of 459 single family detached units, 91 townhouse units and 150 multi-family units.

- The applicant has requested to amend the Planned Unit Development by eliminating townhouses uses and expanding the proposed apartment uses. The proposed new unit mix would be 504 single-family detached dwellings and 264 multi-family apartments, for a total of 768 dwelling units.
- The applicant is seeking approval of the revised Planned Unit Development in order to proceed with the Preliminary Major Subdivision applications for Phase II and Phase III.

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 a revised Planned Unit Development approval:

- A Planned Unit Development is defined as “a development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development.” The Planning Commission and City Council need to determine if the intent of the Planned Unit Development is met by the proposed unit mix of 504 single-family detached dwellings and 264 multi-family apartment units.
- Evaluation based on “Criteria for Planned Unit Residential Development” as provided in Chapter 230-48.1

Permitted Uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.

The proposed single-family detached, townhouse and multi-family housing uses are permitted within the City’s residential districts and meet this requirement.

Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.

Under the R-3 zoning designation, the minimum lot size required for a townhouse is 2,400 square feet and there is no minimum lot width requirement. The minimum lot size for garden apartment projects is one (1) acre with a minimum of 2,500 square feet of lot area for each unit.

The minimum lot area provided for single family detached lots within the development is 5,000 square feet, with a minimum lot width of 50 feet. The garden apartment parcel is approximately 18.46 acres in area with an average of 3,045 square feet for each unit.

Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.

The PUD Master Plan Data Column computes the PUD Density calculation based on the above criteria. The total land area with the varying zoning categories allows for up to 1,015 total residential units in the subdivision, which would be a density of 7.99 units/acre within the Net Developable Area. The applicant has provided a total of 768 residential units, which would be 6.03 units/acre within the Net Developable Area.

Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.

The applicant is seeking the following deviations from Chapter 230 and Chapter 200 which are to be approved by the Planning Commission;

- Front, side and rear setback requirements as shown in the PUD table.
- Pavement and right-of-way width, primarily a reduction from 28' to 22' in pavement width and 50' to 28' in right-of-way width.
- Increase the maximum number of units per multi-family building from 12 to 24.
- Increase maximum fence height from 6 feet to 8 feet.
- Increase maximum lot coverage for SFD from 30% to 60%.

These deviations were also approved as part of the PUD application in 2018.

Neighborhood Commercial.

No neighborhood commercial is proposed.

A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement – 50% of the required open space shall be set aside for recreation use.

With a total of 768 dwelling units, the project requires 7.05 acres of open space of which 3.525 acres must be designated recreational open space. The development provides 44.12 acres of open space of which 16.37 acres are designated as recreational open space. The recreational open space includes walking paths, a pavilion and a community clubhouse.

- The approval of the Planned Unit Development does not constitute an approval for the Major Subdivision and the applicant will be required to obtain Preliminary and Final Major Subdivision approval from the City for Phases II and III, and Final Site Plan approval for the multi-family area in Phase IV.

III. AGENCY & DEPARTMENT COMMENTS:

- **Office of State Planning Coordination**
Contact: David Edgell – 302-739-3090
- **DelDOT**
Contact: Derek Sapp – 302-760-4803
See attached comments.

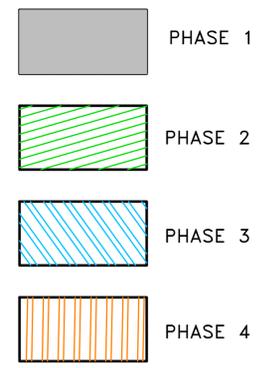
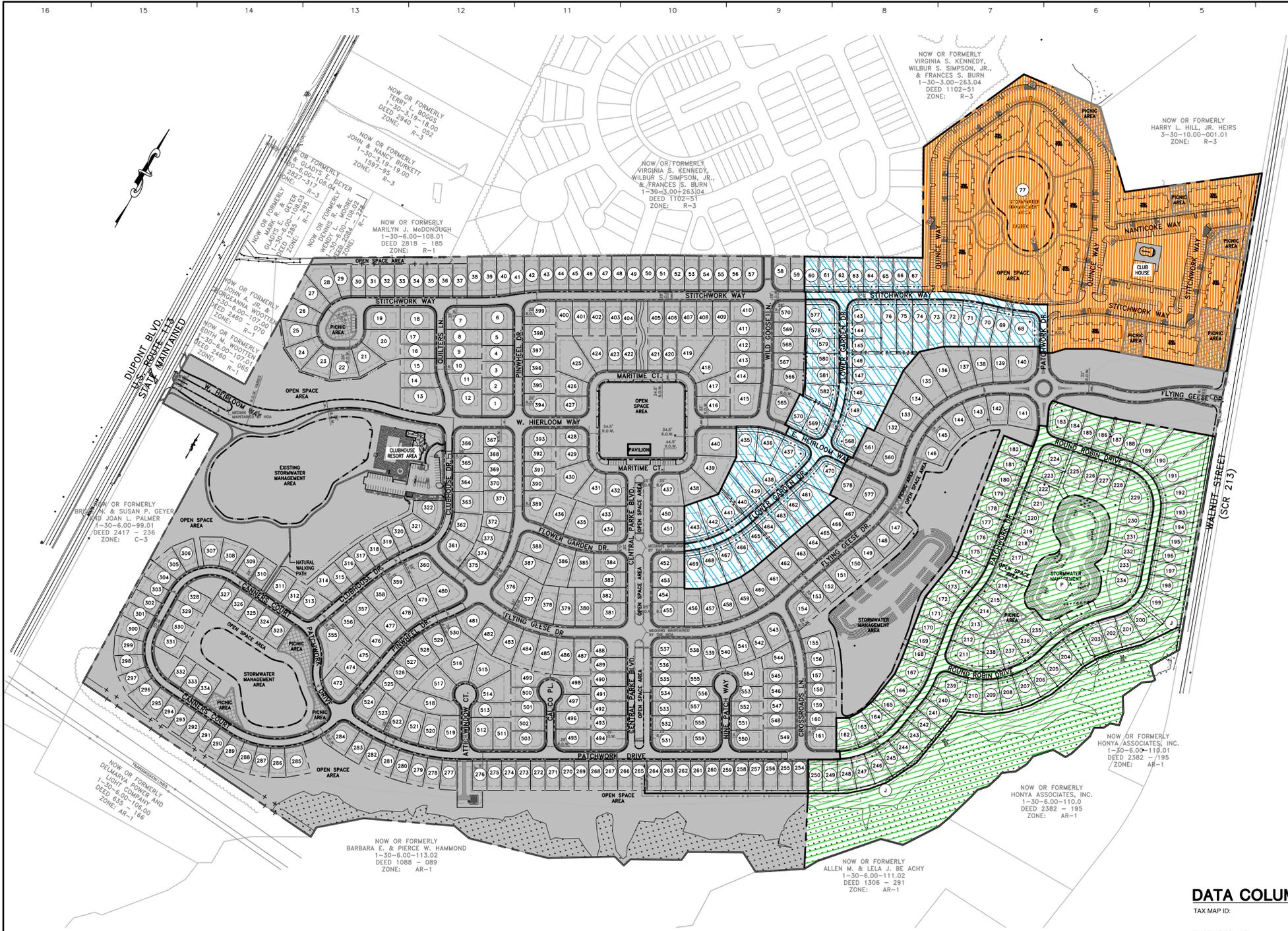
- **Delaware Health and Social Services – Division of Public Health**
Contact: William J. Milliken, Jr. – 302-741-8646
No comments provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
Contact: Bryan Ashby – 302-739-9946
No comments provided.
- **Sussex Conservation District**
Contact: Jessica Watson – 302-856-2105
No comments provided.
- **Delaware State Fire Marshal’s Office**
Contact: Duane T. Fox – 302-856-5298
See attached comments.
- **Carlisle Fire Company**
No comments provided.
- **City Engineer**
Contact: Jason McClafferty, P.E. – KCI Technologies
See comments related to Phase II and Phase III Preliminary Major Subdivision applications.
- **City of Milford Public Works Department**
Contact: Mark Whitfield – 302-422-1110
- **City of Milford Parks and Recreation Department**
No comments provided.
- **City of Milford Police Department**
No comments provided.
- **Milford School District**
No comments provided.

PROPOSED PUD REQUIREMENTS

- A. SINGLE FAMILY DWELLING UNITS:**
- MINIMUM LOT SIZE: 5,000 SQUARE FEET
 - MINIMUM LOT WIDTH: 50 FEET
 - MINIMUM LOT DEPTH: 100 FEET
 - MINIMUM FRONT YARD: 18 FEET FROM RIGHT-OF-WAY TO GARAGE DOOR, AND 15 FEET FROM RIGHT-OF-WAY TO FRONT PORCH OR NON-GARAGE BUILDING FOUNDATION. (ALLOW 5 FOOT ENCROACHMENT FOR FRONT STOOP OR STEPS.)
 - MINIMUM SIDE YARD: 10' TOTAL SETBACK
 - MINIMUM REAR YARD: MINIMUM 5' ON EACH SIDE
 - OFF STREET PARKING: 15 SPACES PER DWELLING UNIT AND MAY INCLUDE GARAGE AND TANDEM PARKING SPACE. TANDEM SPACE TO BEGIN AT THE RIGHT-OF-WAY LINE.
 - MAXIMUM BUILDING HEIGHT: 2.5 STORES AND 35 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS.
 - MAXIMUM LOT COVERAGE: 60% OF LOT AREA
 - MAXIMUM FENCE/WALL HEIGHT: 8 FEET AND ALLOWED TO BE PLACED WITHIN BUILDING RESTRICTION LINE
- B. MULTI-FAMILY BUILDINGS:**
- MINIMUM FRONT SETBACK: 18 FEET FROM A PUBLIC STREET, 5 FEET FROM A PRIVATE DRIVE ISLE FOR RESIDENTIAL STRUCTURES AND 0 FEET FROM A PRIVATE DRIVE AISLE FOR FREE STANDING GARAGE.
 - MINIMUM BUILDING SEPARATION: 20 FEET FROM CLOSEST POINT OF FOUNDATION WALL TO CLOSEST POINT OF FOUNDATION WALL OF ADJACENT BUILDING.
 - MINIMUM REAR YARD: 20 FEET
 - OFF STREET PARKING: 2 SPACES PER DWELLING UNIT AND MAY INCLUDE GARAGE AND TANDEM PARKING SPACE.
 - MAXIMUM BUILDING HEIGHT: 4 STORES AND 50 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS
 - MAXIMUM FENCE/WALL HEIGHT: 8 FEET AND ALLOWED TO BE PLACED WITHIN BUILDING RESTRICTION LINE
 - REQUESTED MAXIMUM UNITS PER BUILDING: 24 UNITS
- C. CLUBHOUSE FACILITY:**
- MINIMUM FRONT YARD: 18 FEET FROM A PUBLIC STREET
 - MINIMUM SIDE YARD: 20 FEET FROM A PUBLIC STREET
 - MINIMUM REAR YARD: 30 FEET FROM A PUBLIC STREET
 - MINIMUM LOT AREA: 1.0 ACRES
 - OFF STREET PARKING: 1 SPACE FOR EACH 250 SQUARE FEET OF GROSS FLOOR AREA.
 - MAXIMUM BUILDING HEIGHT: 2.5 STORES AND 40 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS, AND 60 FEET MEASURED TO THE TOP OF ANY SPECIAL ARCHITECTURAL FEATURES (STEEPLES, TOWERS, SILOS, ETC.)
 - MAXIMUM FENCE/WALL HEIGHT: 8 FEET AND ALLOWED TO BE PLACED WITHIN BUILDING RESTRICTION LINE
- D. SIGNS:**
- SITE SIGNS:** SITE SIGNS SHALL MEET THE REQUIREMENTS OF CHAPTER 230 ARTICLE VI SIGNS WITH THE CLARIFICATION THAT THE MINIMUM SIZE OF THE PERMANENT SUBDIVISION SIGN SHALL INCORPORATE THE SIGN FACE ONLY AND SHALL NOT INCLUDE THE ASSOCIATED MONUMENTAL STRUCTURE TO WHICH IT IS AFFIXED
- E. DEVIATIONS FROM CHAPTER 200 OR 230:**
1. A REDUCED R.O.W. FROM 60' TO 28'. TO COMPENSATE FOR THIS AN 18' EASEMENT IS PROVIDED ON EACH SIDE OF THE ROAD THAT TOTALS 64' FOR ACCESS AND UTILITY WORK.
 2. THE PAVEMENT WIDTH OF THE ROADS IN PHASE 2 AND PHASE 3 ARE 22' WIDE CONSISTENT WITH PHASE 1.

DATA COLUMN

TAX MAP ID:	1-30-6.00-108.00 1-30-3.00-264 & 264.01	TOTAL REQUIRED OPEN SPACE:	(788 DWELLING UNITS x 400 SF) = 7.05 AC.±
EXISTING ZONING:	R-1, R-2, R-3, W/PUD	REQUIRED RECREATIONAL AREA:	(OPEN SPACE x 50%) = 3.525 AC.±
PROPOSED USE:	R-1, R-2, R-3, W/PUD	TOTAL WETLANDS:	8.31 AC.±
TOTAL SITE AREA:	178.03 AC.±	PROVIDED OPEN SPACE AREA:	44.12 AC.±
PHASE 1:	119.19 AC.±	RECREATIONAL AREA PROVIDED:	16.37 AC.±
PHASE 2:	23.08 AC.±	PHASE 1:	AVERAGE DENSITY OF LOTS: 3.07 UNITS/ACRE
PHASE 3:	12.15 AC.±	MINIMUM LOT SIZE:	5,772 SQ.FT.±
PHASE 4:	18.46 AC.±	MAXIMUM LOT SIZE:	15,859 SQ.FT.±
GROSS AREA:	R-1 = 71.92 AC, R-2 = 50.19 AC, R-3 = 47.82 AC	AVERAGE LOT SIZE:	7,789 SQ.FT.±
NET DEVELOPMENT AREA:	R-1 = 53.07 AC, R-2 = 38.19 AC, R-3 = 35.86 AC	PHASE 2:	AVERAGE DENSITY OF LOTS: 6.05 UNITS/ACRE
MAX DENSITY ALLOWED:	R-1 = 4, R-2 = 6, R-3 = 16	MINIMUM LOT SIZE:	5,772 SQ.FT.±
UNITS ALLOWED:	R-1 = 213(53.27 x 4), R-2 = 229(38.19 x 6), R-3 = 573(35.86 x 16)	MAXIMUM LOT SIZE:	16,782 SQ.FT.±
TOTAL NUMBER OF UNITS ALLOWED:	1015	AVERAGE LOT SIZE:	7,195 SQ.FT.±
TOTAL NUMBER OF UNITS PROVIDED:	788	PHASE 3:	AVERAGE DENSITY OF LOTS: 4.93 UNITS/ACRE
OVERALL DENSITY:	4.31 UNITS/ACRE	MINIMUM LOT SIZE:	6,426 SQ.FT.±
PHASE 1 TOTAL:	363	MAXIMUM LOT SIZE:	12,316 SQ.FT.±
SINGLE FAMILY DWELLING:	363	AVERAGE LOT SIZE:	8,838 SQ.FT.±
PHASE 2 TOTAL:	89	PHASE 4:	DENSITY OF LOT: 14.30 UNITS/ACRE
SINGLE FAMILY DWELLING:	89	LOT SIZE:	804,118 SQ.FT.±
PHASE 3 TOTAL:	52	TOTAL WOODLAND PRESERVATION:	10.45 Ac.±
SINGLE FAMILY DWELLING:	52	MAXIMUM IMPERVIOUS COVERAGE:	35%
PHASE 4 TOTAL:	264	PROPOSED SEWER:	CITY OF MILFORD
11 APARTMENT BUILDINGS WITH 24 UNITS:	264	ELECTRIC SERVICE:	CITY OF MILFORD
BUILDING CONSTRUCTION TYPE:	MASONRY & TIMBER	SCHOOL DISTRICT:	MILFORD
COMMUNITY BUILDING SIZE:	±40'±0"	FIRE DEPARTMENT:	MILFORD
COMMUNITY BUILDING LOCATION:	CORNER OF W. HEIRLOOM WAY & CLUBHOUSE DR.	VERTICAL DATUM:	NAVD 88
TOTAL PROPOSED RIGHT-OF-WAY:	18.90 AC.±	HORIZONTAL DATUM:	NAD 83
PHASE 1:	15.31 AC.±	NUMBER OF MONUMENTS FOUND:	14
PHASE 2:	1.99 AC.±	NUMBER OF MONUMENTS SET:	12
PHASE 3:	1.80 AC.±		
PHASE 4:	0.00 AC.±		
TOTAL AREA OF LOTS:	105.22 AC.±		
PHASE 1:	65.44 AC.±		
PHASE 2:	14.70 AC.±		
PHASE 3:	10.55 AC.±		
PHASE 4:	18.46 AC.±		

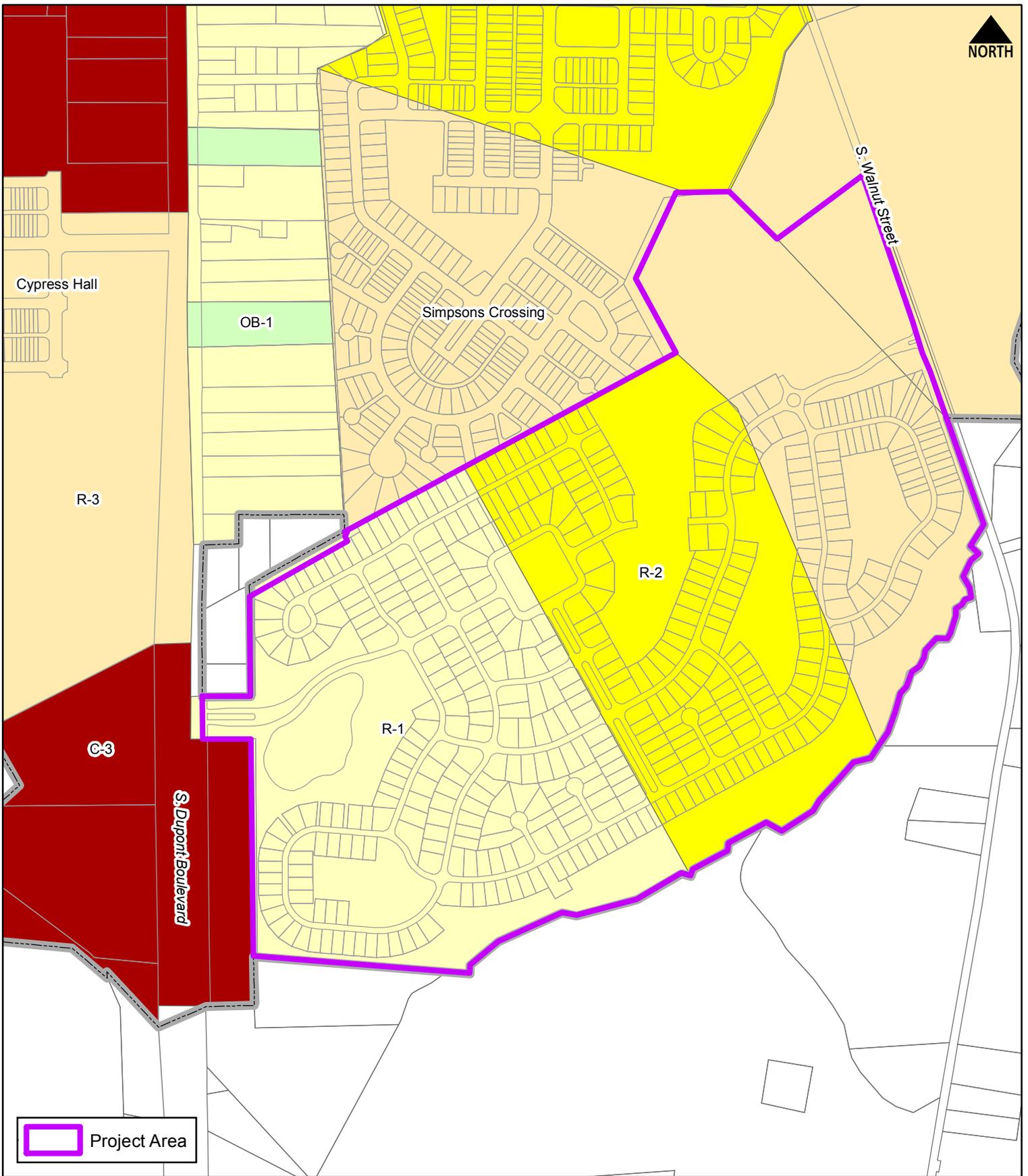


ARCHITECTS ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
 1001 W. MARKET STREET, SUITE 200
 MILFORD, DELAWARE 19967
 (302) 424-1441
 EASTON, MARYLAND (410) 770-1744

MASTER PLAN

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

Revisions:
 Date: **MARCH 2019**
 Scale: **1"=200'**
 Dwn.By: **ADM**
 Proj.No.: **2875A001**
 Dwg.No.: **M1**



 Project Area



 THE CITY of
Milford
 DELAWARE

Scale:  Feet
 0 300 600

Drawn by: WRP Date: 10/03/19

Title:

Amended Planned Unit Development
Milford Ponds
Location & Zoning Map

Filepath: PlannedUnitDevelopment_MilfordPonds.mxd



ISO 9001:2008 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

January 30, 2020

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: Milford Ponds – Phase 2 and Phase 3 Construction Plans
KCI Job No. 131803632 – Task 09

Dear Mr. Pierce,

As requested, KCI Technologies performed a review of the Phase II and III of Milford Ponds Record/Construction Plans. This review was based on the City's Standard Specifications, and general engineering best practices. These plans were submitted by DBF and are dated March 2019.

We offer the following comments for consideration. The plans that were resubmitted addressed many comments but the plans still seem incomplete/lacking a lot of information (details, storm drain information, grading issues, missing pipes, missing/overlapping labels, plan views from phases not pertaining to phase 2 or 3, etc.). Many of the remaining comments are construction related which may be addressed once final construction plans are submitted. However, the Conditional Use and Record Plan comments shall be addressed prior to preliminary approval. In addition, revise the plans accordingly so that all drainage easements are at least 20' wide for both phases (in between lots 186 and 187 in phase 2 and all of phase 3) prior to preliminary approval. There may be additional construction comments once final plans are submitted. Please refer to the approved Phase 1 Plans and revise the Phase 2 and Phase 3 so that the setup for each plan is similar.

Conditional Use (PUD)

1. (General) A Planned Unit Development is defined as "a development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development. The original approval from 2004 provided a total of 722 units,

including 150 condominiums, 228 townhouses and 344 single-family detached units. The revised PUD that was approved in 2018 provided a total of 700 units, including 459 single family detached units, 91 townhouses and 150 multi-family units. The proposed PUD has eliminated townhouses completely and provides 504 single-family detached dwellings and 264 multi-family units, for a total of 768 units. The Planning Commission and City Council will need to determine if the intent of a PUD is still met by the unit mix and layout being proposed. **Comment Noted – This will be addressed during the Public Hearing per response letter.**

2. (General) Currently, there are Townhouse Requirements listed in the PUD requirements. However, Townhomes are no longer proposed within this PUD. Remove the requirements of the Townhomes if they will not be proposed as a part of this project. **Addressed.**
3. (General) Include the request for the number of units per multi-family building for Phase 4 in the PUD table. This is not a waiver from Chapter 200, this is a deviation allowed under the PUD approval. **Comment Remains.**
4. (General) Provide the overall project density in dwelling units per acre in the Data Column. **Comment Remains – Add the total provided number of units in the phase 2 data column similar to what is shown in the phase 3 data column.**
5. (General) Revise the open space and recreational open space requirement calculations in the data column per Chapter 230-48-10(G) of the City's Zoning Code. **Comment Remains – Add the required open space calculation and provided open space to the Phase 2 Record and Construction Plan Cover Sheets.**
6. (General) In order to minimize issues with updating parcel numbers, addresses, and assessment information, coordinate with Sussex County Mapping Department for lot number arrangement. **Comment Remains – DBF is to meet with Sussex County Mapping Department per response letter.**
7. (General) Verify that there are 363 single-family dwelling units in Phase I. There were 364 single-family dwelling units in the current PUD and it is not clear where the change occurred in Phase I. **Comment Remains – Per DBF's response letter, one lot is proposed to be removed in Phase 1 and a revised record plan will be submitted and recorded to show this. Provide KCI and the City with the revised Record Plan once available.**
8. (General) Add the date of boundary and topographic survey under the General Notes of Phase 2 and Phase 3. **Addressed.**

9. (General) Update the Construction Plans per the Record Plan and PUD comments. **Addressed.**

10. (General) **Verify that the Phase 2 and Phase 3 cover sheets for the Record and Construction Plans are consistent and provide the information requested in the above comments. For example, the required open space calculation is not listed on the Phase 2 plans, total number of units provided is not listed on the phase 2 plans, etc.**

Phase 2 Record Plan

11. (Cover) Add all City of Milford General Record Plan Notes. **Addressed with Comment – Add all the notes to the Construction Plans.**

12. (Cover) Add the provided City of Milford approval blocks to the plan. **Addressed.**

13. (Cover) Provide a wetland certification statement. **Addressed.**

14. (Cover) Once approved, update the variance notes to list the approval date and whom approved the variance (i.e. board of adjustments). **Comment Remains – See comment 17 and add the approval date and board whom approved all variances once/if approved.**

15. (Cover) Update the PUD table per the PUD review comments. Remove the reference to the apartment variance in the notes and add to the overall PUD table. **Addressed.**

16. (Cover) Update the data column per the PUD review comments. Provide the overall project information similar to what was done for Phase I. **Addressed.**

17. (Cover) Note that the variances on the sheet should only be from Chapter 200 Subdivision of Land. The PUD approval permits have some deviations from the zoning ordinance, which should be provided in the PUD table. Any variances from Chapter 230, outside of what is permitted through the PUD, will require Board of Adjustment review. **Comment Remains – All deviations from Chapter 200 or 230 needs to be noted in the PUD table. Currently, the applicant is showing a reduction in the R.O.W. from 60' to 28' but has not specifically requested this deviation on the title sheet. Revise the plan accordingly to list this reduction in the PUD table. If not, then any deviation not requested in the PUD table will be enforced upon on the submission of the final subdivision.**

18. (Cover) Note the pavement width and right-of-way width waiver request in the waiver table for all roadways that do not meet Chapter 200 requirements. Minor collectors require 50-60 feet of right-of-way and 25-30 feet of pavement width

per Chapter 200. The plans only provide 28 ' of right-of-way and 22 ' in pavement width. **Comment Remains – See comment 17 and add the approval date and board whom approved this once/if approved.**

19. (Cover) The supercedure note on the cover sheet references Phase I instead of Phase II. Revise the note accordingly to refer to the correct phase. **Addressed.**
20. (Cover) The maximum allowed impervious coverage is 35%. Add a Phase 2 Site Area Breakdown to the data column as follows to ensure that the maximum impervious coverage is not exceeded before completion of all 4 phases of the subdivision. Although the building footprints may not have been set yet, an accurate building coverage estimate shall be included in the impervious surface area. **Addressed – The same shall be done when Phase 4 is submitted.**
21. (Cover) Currently, under existing zoning it lists proposed use and then lists the zones that are proposed. Revise the data column to list the existing/proposed ZONING. **Addressed.**
22. (R2.2) Label the SWM area on the plan. **Addressed.**
23. (R2.2) Label the easement between lots 199/200. **Addressed.**
24. (R2.2) The metes/bounds data for lots 168/169 and 222/223 are overlapped by an easement and is tough to read. Revise the plan accordingly so that there are no overlapping labels. **Addressed.**
25. (R2. 2) Currently, there appears to be a parcel between lots 216 and 217 that is shown with new property lines but is not labeled. Verify whether this is a parcel or not and add a lot number with metes/bounds. If this is open space, remove the proposed property line and incorporate with the larger open space parcel to the east. **Addressed.**
26. (R2.2) Show the recreational open space components that are shown on the PUD master plan. **Addressed with Comment – It appears that residents would have to cut through private property or walk along the SWM Pond bank in order to access the picnic area. Clarify how residents will access the picnic area.**
27. (R2.2 & R2.3) Label all open space parcels with a unique identifier and provide the overall acreage of each parcel. **Addressed with Comment – Provide a unique identifier for each open space parcel and Label the total acreage for each section of open space similar to what is done for each lot.**
28. (R2.2 & R2.3) Show the 25' wetland setback on the plan. **Addressed.**

29. (R2.3) Revise the metes/bounds labels for lots 164/165 so that they are legible. **Addressed.**
30. (R2.3) Verify that all curves listed in the curve table are shown on the plan. **Addressed.**

Phase 2 Construction Plans

31. **Provide all required agency approvals (i.e. Fire Marshal, DHSS, SCD, etc.)**
32. **Provide construction information for the storm drain system. Profiles, inverts, elevations, schedules, etc.**
33. **Provide the necessary structure and pipe schedules for the sanitary and storm drain systems.**
34. (General) Add all applicable City of Milford and DeDOT details to the plan (Storm, Sanitary, Water, Site, etc.). **Comment Remains – Some details were added to the Phase 3 plans but not to the Phase 2 plans. All applicable details shall be provided on both plans. They include the details provided on the Phase 3 plans, sidewalk, curb, handicap ramps, storm structures, etc.**
35. (General) Revise the plan accordingly so that all plan view sheets have a graphical scale. **Addressed.**
36. (General) The sidewalks should be 5' instead of 4' per the City Standard Specifications and ADA requirements. **Addressed.**
37. (General) Add the 25' wetland setback to the plan. **Addressed.**
38. (Cover) Add all City of Milford General Notes to the plan. **Comment Remains – Add all City of Milford General Notes to the Construction Plans. Currently, they are only on the Record Plan.**
39. (Cover) Add all required City Approval Blocks to the cover sheet for construction plans. **Comment Remains.**
40. (Cover) Add the date of boundary and topographic survey. **Addressed – We recommend verifying that the survey is still correct since it is dated from 2005.**
41. (Cover) Currently, under existing zoning it lists proposed use and then lists the zones that are proposed. Revise the data column to list the existing/proposed ZONING. **Addressed.**

42. **(Cover) Verify what the correct FEMA note is. General Note 6 and 23 conflict with each other.**
43. (C2.1 & C2.2) Add the stationing at intersections. **Addressed.**
44. (C2.1 & C2.2) Add the PC and PT stationing. **Addressed.**
45. **(C2.1 & C2.2) Revise the plan accordingly to limit label overlap and so that text is in the correct orientation.**
46. **(C2.1 & C2.2) Many of the contours (Specifically the crowns in the road) do not have an elevation labeled. Revise the plan accordingly so that the elevations are clear for all contours.**
47. (C2.3) Currently, there is varying pavement section depths throughout the subdivision. Revise the plan accordingly so that there is minimal to no change in pavement sections throughout the subdivision. **Comment Remains – Revise the section detail to show 11” GABC instead of 8” to provide consistency from the Phase 1 plans. In addition, verify if two of these section details are needed, they appear to show the same thing. Lastly, revise the stationing and street names to be the road names and corresponding stations of this phase. This should also be applied to the phase 3 construction plans.**
48. (C2.3) Revise the pavement sections so that they meet the City's minimum requirement of 8" of GABC and 3" of combined top/base. **Addressed.**
49. (C2.3) Revise the road section to specify 2% slope instead of 1/4"/FT. **Addressed.**
50. (C2.3) Currently, the plan shows 18' utility easements parallel to the City's Right-of-Way along the roads. However, the road section show 10' utility easements. Revise the detail accordingly to match the plan. **Addressed.**
51. (C2.3) Currently, the road section shows a 26' Right-of-Way. However, the plan views on the road plans label a 28' Right-of-Way. Revise the plans accordingly so that they match. **Addressed with Comment – Although the Right-of-Way was corrected, now it appears that the road section detail does not match what is shown on the plan view. The road section detail has the curb width as 3' (per DelDOT Detail, type 2 curb is 2' in width) and the grass area between back of curb and sidewalk as 3' (on the plan this area is 5'), the area between the back of sidewalk and the easement is 10' (we measured 9' on the plan). Revise the plan/road section detail accordingly so that they match.**
52. (C2.3) There are notes that refer to Section 5 for Sidewalk Specifications and Section 7 for Design Information. Verify if these should be on the plan. The details for these items shall be shown on the plan as well. The sidewalk detail shall be

added to the plan set. **Comment Remains – Add the City of Milford Sidewalk Detail to the plan and clarify what specifications the notes are referring to (i.e. Milford or DelDOT specs).**

53. (C2.3) Address the following in regards to the Intersection Plan Views:
- a. Currently, there is an intersection plan view that is named Round Robin Drive Plan View. Revise the name of this to include the intersection name similar to how the two other intersection plan views were named. **Comment Removed.**
 - b. Add the street names to the plan views. **Addressed.**
 - c. Add proposed spot elevations (and flow arrows) along the face of curb at 25' intervals and as necessary to demonstrate the proposed drainage patterns thru the intersection or to an inlet. **Addressed – We recommend addressing this comment but will not be required.**
 - d. Add the storm drain structure numbers to the plan views. **Addressed.**
54. (C2.3) The stormwater management easements are not wide enough to allow for safe excavation for piping for future repairs. These should be a minimum of 20' in width to allow for enough area to repair piping in the future. Keep in mind that the easements shall not encroach upon the lot setbacks. **Comment Remains – Pipe 502 only has a 10' easement in between lots 186 and 187. This will have to be revised to a 20' easement to allow enough room for City maintenance/repairs. In addition, if it is determined that any of the storm drain pipes in between lots are extremely deep, then the easements may have to be increased beyond 20'.**
55. (C3.1) Currently, there appears to be proposed grading within the building footprints. The buildings shall have a consistent finished floor elevation. **Comment Remains – Some of the grading lines are still going through the proposed finished floor. For example the grading lines are going through lots 193,194,197,198,217, and 225. Revise so that all lots have a consistent finished floor elevation.**
56. (C3.1) Currently, there are two proposed grading line types on the south side of the stormwater management pond. Revise the grading of the stormwater management pond so that there is just one proposed grading layer. **Comment Removed – Pond grading and SWM facilities to be reviewed by SCD.**
57. (C3.1) **Many storm drain pipes are missing from the plan (i.e. P501, P511, etc.) Add these pipes to the plan.**

58. (C3.1) **Revise the P511 identifier so that it is not overlapping with the gray overlap of the SWM facility.**
59. (C4.1) Currently, there are two fire hydrants located adjacent to Lot 202. Revise the plan accordingly so that the fire hydrants are spaced adequately. **Addressed.**
60. (C4.1) Currently, it appears that there are two waterline alignments for the 10' , water main that is capped at South Walnut Street in between lots 199 and 200. Verify whether or not there will be two waterline alignments or revise the plan accordingly to only show one. **Addressed.**
61. (C4.1) There shall be a water valve at each leg of a T intersection. Revise the plan accordingly so that there are three valves at each T intersection. **Addressed.**
62. (C4.1) Add a fire hydrant assembly label and 6" gate valve label to the fire hydrant adjacent to lot 202. **Addressed.**
63. (C4.1) Verify that the minimum 10' horizontal separation is met for the fire hydrant service pipe and sewer lateral for lot 202. **Addressed.**
64. (C4.1) There are two manhole symbols by Manhole 83. Verify if both manholes are needed or remove the manhole symbol from the plan. **Addressed.**
65. (C4.1) Currently, there appears to be overlapping 8" sewer main labels in front of lot 167. Remove one of the labels to fix the overlap. **Addressed.**
66. (C4.1) Per the City of Milford Standard Specifications "Sewer mains should be located within the street right-of-way wherever practical, and as close to the centerline of the road as possible. Curb crossings are unacceptable." Revise the plans accordingly so that all sanitary sewer mains are located as close to the centerline of the road as possible and do not have curb crossings. **Addressed.**
67. (C4.1) Label the utility easements on the plan. **Addressed.**
68. (C4.1) Currently, there are easements that lead to the storm water management pond. However, there are no storm drain pipes/structures within these easements. Verify if storm drain pipes/structures are proposed within these easements. If they are, then add them to the plan. **Addressed.**
69. (C4.1 & C4.2) Clarify the pipe material of the water main. **Addressed.**
70. (C4.1 & C4.2) The cleanouts and water meters are labeled on the Phase 3 Construction Plans but are not on the Phase 2 Construction Plans. Revise the plans accordingly so that they are consistent. **Addressed.**

71. (C4.1 & C4.2) Add curb stops for all houses just before the meter pits. **Addressed.**
72. (C4.1 & C4.2) Currently, the cleanouts for the sanitary sewer and the water meters are located on the proposed sidewalk. Move all the cleanouts and water meters so that they are located in the grass at the easement line. **Addressed with Comment – This comment is no longer valid. Per recent conversations with Public Works, they prefer cleanouts and water meters to be located within the sidewalk (but not the driveway). We recommend revising the plans accordingly to address this. However, since the comment was wrongfully made on the last review, this can instead be addressed with a note on the plan and a discussion at the pre-construction meeting.**
73. (C4.1 & C4.2) Currently, there are many laterals that tie directly into sanitary sewer manholes. Per the City's Standard Specifications, no laterals shall tie into manholes. They shall connect directly to the gravity main using a y-branch connection. **Addressed.**
74. (C4.1 & C4.2) Label the valves for the fire hydrants on the plan. **Addressed.**
75. (C4.3) Verify that the vertical separation between the sanitary sewer and storm drain system is 12 " minimum. **Addressed.**
76. (C4.3) Currently, there are two profiles that are named MH-80/MH-92. However, they are both incorrectly named. Revise the names of these profiles to reflect what is shown in the profile. **Addressed.**
77. (C4.3) Verify whether or not MH 67 is existing or proposed. If existing, clarify this on the plan. **Addressed.**
78. (C4.3) Revise the matchlines to refer to the sheet and/or phase. **Addressed.**
79. (FPI.1) Add the class of the ductile iron pipe to the fire hydrant detail. The minimum class is 50 per the City's Standard Specifications. **Addressed.**
80. (FPI.2 and FPI.3) The handicap ramps shall be labeled on the Road Plans, not just the Fire Protection Plans. **Addressed.**
81. (FPI.2 and FPI.3) Currently, only the "A", "F", and "B" label are used from the Note Legend on sheets 20 and 21. Determine if the other labels will be used and add them to the sheet accordingly. If not remove them from the Note Legend and renumber the items in the list. **Addressed.**
82. **Currently, there are areas where the storm drain system and watermain overlap for extended stretches (i.e. in front of lots 169 to 172). Water and storm drain pipes may cross with proper vertical separation, but should generally be offset from each other (ideally 3'). Keep in mind that the**

minimum horizontal separation between water and sanitary sewer pipes is 10’.

83. **Add all water crossing profiles to the plan.**

Phase 3 Record Plan

84. (Cover) Update the data column per previous comments for the PUD and Phase 2 reviews. The data column should provide the overall project characteristics similar to what was done for Phase 1. **Addressed.**
85. (General) Revise the Record Plan per the Phase 2 Record Plan comments in this letter. Many of the comments apply for both phases. **Addressed.**
86. (General) Add the PUD Requirements Table similar to what was done for Phase 1 and 2. **Addressed.**
87. (General) Update the Chapter 200 Variances per previous comments for the PUD and Phase 2. **Addressed with Comment – Add the approval date and board whom approved the variance once/if approved.**
88. (RI.02) Verify that the Curve Table is correct and that it matches the plan. There are duplicate curve numbers and missing curve numbers in the table. **Addressed.**
89. Include a wetland certification statement. **Addressed.**

Phase 3 Construction Plans

90. **Provide all required agency approvals (i.e. Fire Marshal, DHSS, SCD, etc.)**
91. **Provide construction information for the storm drain system. Profiles, inverts, elevations, etc.**
92. **Provide the necessary structure and pipe schedules for the sanitary and storm drain systems.**
93. (General) Revise the construction plans per the Phase 2 Construction Plan comments in this letter. Many of the comments apply for both phases. **Comment Remains.**
94. (General) The approved Phase I Plans show utilities as proposed in phase I that are also proposed in Phase 3. For example, sanitary manhole 7, but not limited to, is proposed within Phase I. However, it is also proposed on the Phase 3 Construction Plans. I utilities have already been installed and are shown on this plan as the tie-ins to Phase I, then they should be labeled as existing in the profile. In addition, the

engineer should revise the structure inverts/elevations of the tie-ins from phase I to be the as-built information instead of the design information (for all phases). This will ensure that the minimum required slopes can still be met. This will reduce the risk of the City not accepting the utilities and them having to be dug up and corrected per the City's Standard Specifications. **Comment Removed – See Comment 110 of this letter.**

95. (General) The Phase 3 Construction Plans are missing a lot of pertinent information (profiles, construction details, and signage etc.). Add all pertinent information and revise the plans so that they are consistent with the other phases. **Comment Remains – Add road section details/pavement depths similar to sheet 2.03 on the Phase 2 Construction Plans and any other pertinent information to the plans so that they remain consistent with the other phases.**
96. (General) Add a more detailed legend to the Construction Plans. **Addressed.**
97. (C1.01) **Add all of the utility easements to the “Key Plan” sheets of the plans. The easement line that runs parallel to the R.O.W. is missing.**
98. (C2.01-C2.05) Currently, the legend has two hatchings for pavement. However, they refer to sheet 27 for a detail even though there is no sheet 27 in this plan set. Add the detail to the plan and revise the legend accordingly to reference the correct sheet. **Addressed.**
99. (C2.01-C2.05) **Proposed grading is not shown on the plans but is shown in the profiles. Add the proposed grading to the road plans.**
100. (C2.03 & C2.04) Verify if the profiles/plan views are necessary. They are currently showing plan views and profiles that do not involve Phase 3. **Comment Remains – Profiles/plan views on sheet C2.03 are referring to Phase 1, 2 and 4 but not 3. Verify that these are a part of Phase 3 and if not remove them from this section of Construction plans.**
101. (C-3.01) Currently, it appears that there are areas without crowns in the road. Revise the plan accordingly so that the road is properly graded. **Addressed.**
102. (C-3.01) Currently, there is a contour with a high point/low point between lots 581 and 582 that has no label. **Addressed.**
103. (C3.01) Add the elevation to the contour that circles lot 65. **Addressed.**
104. (C-3.01) Verify whether the catch basins and pipes near lots 464-469 are existing or proposed. The identifier labels appear to be lighter than the other identifier labels for CB 306, CB 307, P 307 and P 308. **Addressed with Comment – Verify that**

Pipe 308 is existing. It appears that the pipe has an existing line type but is shown on these construction plans. In addition, the drainage easements should be 20'. Label the drainage easements in Phase 3 on the Record and Construction Plans.

105. (C-3.01) Currently, it appears that P 353 has no outfall. Revise the plan accordingly so that all pipes have an outfall. **Addressed.**
106. (C3.01) Currently, there is a P 308 label on lot 464 with no pipe shown. Revise the plan accordingly to show the pipe or remove the label. **Addressed.**
107. (C4.01) Currently, there are symbols that appear to be manholes at the curve lines and property lines. Revise the symbol so that it can be differentiated from sanitary sewer manholes and add the symbol to the legend. If these symbols are not needed on the utility plan, remove them. **Addressed.**
108. (C4.01) There are two random circles along the right-of-way in front of lots 147 and 581. Verify if these are necessary on this sheet or remove them. **Addressed.**
109. (C4.01) There is no labeling or legend on the utility plan. Revise the utility plan accordingly so that items are labeled similar to Phase 2. **Addressed.**
110. (C4.01) Currently, it appears that there is a proposed cap at the end of the water mains on Flower Garden Drive and Stich work Way. Verify whether the watermains at the matchline of Phase 1 and Phase 3 along Flower Garden Drive and Stich work Way are capped or if there is an existing watermain that they are tying into. **Addressed with Comment – Per DBF’s response letter, this has not been constructed yet and the contractor is to confirm where to tie in at construction. However, the proposed water main, sanitary sewer, and storm from the approved Phase 1 plans shall still be shown on the plan as existing and the tie in shall be shown. This shall be done at all points in which this phase ties into another phase.**
111. (C4.01) Currently, some of the sanitary sewer pipe line styles show S and some show SS. Revise the sanitary sewer pipe labels so that they are consistent throughout the plan or add a legend to differentiate between the two. **Addressed.**
112. (C4.01) Currently, some of the manholes are labeled as “XX”. Verify what number these manholes should be and revise the plans/profiles accordingly.
113. (C4.01) Revise the plan accordingly so that there is a water valve at each leg of each intersection (i.e. 3 valves for a t intersection and 4 valves for a four way intersection).
114. (C4.01) Add the storm drain system to the Utility Plan so that the plan can be compared to the profiles in regards to utility crossings.

115. (C4.02) Clarify that drop manholes shall be 60" in diameter. **Addressed.**
116. (C4.02) Clarify whether the drop manholes are inside or outside drop manholes. **Addressed.**
117. (C4.02 & C4.03) Two profiles are named pump station/MH-19 profile. Revise the name to match what is shown in the profile. **Addressed.**
118. **(C4.02 & C4.03) Add all inverts to the profiles.**
119. (C4.03) Add matchlines to the plans/profiles. If the two ends of the profile are other phases, then refer to the phase. For example, the Phase I line should be shown on the profile adjacent to Sanitary Sewer Manhole 7. **Comment Remains.**
120. **Add all water crossing profiles to the plan.**

If you have any questions or comments regarding this letter, please do not hesitate to contact me any time at (302) 318-1087.

Sincerely,



Eric T. Gibson,
Engineer in Training



Jason McClafferty, P.E.
Project Manager

February 13, 2020

City of Milford
180 Vickers Drive
Milford, DE 19963

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechier, P.E.

Attn: Rob Pierce, Planning & Economic Development Director

RE: **Milford Ponds – Revised PUD, Phase 2 Preliminary and Phase 3 Preliminary**
Original Tax Parcel Number: 1-30-3.00-264.00, 1-30-3.00-264.01, and 1-30-6.00-
108.00
DBF #2875A001

Dear Mr. Pierce,

On behalf of our clients Milford Ponds, LLC we are please to submit a revised PUD Plan, revised Phase 2 and revised Phase 3 preliminary plans per comments received on January 30, 2020. The plans only address the PUD Conditional Use and Record Plan comments. A separate response will be prepared for the construction documents. In regards to the PUD, most of the deviations were approved in the previous request and believe we have annotated them on the cover page and will ensure during the public hearing process that all deviations that were previously approved and / or new requests are documented. Upon Council approval, a final PUD plan will be submitted to the City. We have retained the original numbering to facility review of the Conditional Use and Record Plans and offer the following item-by-item response:

Conditional Use (PUD)

*1. (General) A Planned Unit Development is defined as "a development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development. The original approval from 2004 provided a total of 722 units, including 150 condominiums, 228 townhouses and 344 single-family detached units. The revised PUD that was approved in 2018 provided a total of 700 units, including 459 single family detached units, 91 townhouses and 150 multi-family units. The proposed PUD has eliminated townhouses completely and provides 504 single-family detached dwellings and 264 multi-family units, for a total of 768 units. The Planning Commission and City Council will need to determine if the intent of a PUD is still met by the unit mix and layout being proposed. Comment Noted – This will be addressed during the Public Hearing per response letter. **Acknowledged.***

3. (General) Include the request for the number of units per multi-family building for Phase 4 in the PUD table. This is not a waiver from Chapter 200, this is a deviation

allowed under the PUD approval. Comment Remains. This is listed in Section B.

4. (General) Provide the overall project density in dwelling units per acre in the Data Column. Comment Remains – Add the total provided number of units in the phase 2 data column similar to what is shown in the phase 3 data column. **The number of units has been added and the data column for Phase 2 will be revised prior to submitting final plans for approval.**

5. (General) Revise the open space and recreational open space requirement calculations in the data column per Chapter 230-48-10(G) of the City's Zoning Code. Comment Remains – Add the required open space calculation and provided open space to the Phase 2 Record and Construction Plan Cover Sheets. **The data column for Phase 2 will be revised prior to submitting the final plans for approval.**

6. (General) In order to minimize issues with updating parcel numbers, addresses, and assessment information, coordinate with Sussex County Mapping Department for lot number arrangement. Comment Remains – DBF is to meet with Sussex County Mapping Department per response letter. **We are meeting with Sussex County Mapping on Friday, February 21, 2020.**

7. (General) Verify that there are 363 single-family dwelling units in Phase I. There were 364 single-family dwelling units in the current PUD and it is not clear where the change occurred in Phase I. Comment Remains – Per DBF's response letter, one lot is proposed to be removed in Phase 1 and a revised record plan will be submitted and recorded to show this. Provide KCI and the City with the revised Record Plan once available. **Acknowledged.**

10. (General) Verify that the Phase 2 and Phase 3 cover sheets for the Record and Construction Plans are consistent and provide the information requested in the above comments. For example, the required open space calculation is not listed on the Phase 2 plans, total number of units provided is not listed on the phase 2 plans, etc. **The Record Plan and Construction Cover Sheets will be revised and updated to be consistent with each other.**

Phase 2 Record Plan

11. (Cover) Add all City of Milford General Record Plan Notes. Addressed with Comment – Add all the notes to the Construction Plans. **Acknowledged.**

14. (Cover) Once approved, update the variance notes to list the approval date and whom approved the variance (i.e. board of adjustments). Comment Remains – See comment 17 and add the approval date and board whom approved all variances once/if approved. **The notes will be updated after approval by City Council.**

17. (Cover) Note that the variances on the sheet should only be from Chapter 200 Subdivision of Land. The PUD approval permits have some deviations from the zoning

ordinance, which should be provided in the PUD table. Any variances from Chapter 230, outside of what is permitted through the PUD, will require Board of Adjustment review. Comment Remains – All deviations from Chapter 200 or 230 needs to be noted in the PUD table. Currently, the applicant is showing a reduction in the R.O.W. from 60' to 28' but has not specifically requested this deviation on the title sheet. Revise the plan accordingly to list this reduction in the PUD table. If not, then any deviation not requested in the PUD table will be enforced upon on the submission of the final subdivision. We have added the deviations to the PUD plan and will review them one by one to ensure all necessary deviations have been received.

18. (Cover) Note the pavement width and right-of-way width waiver request in the waiver table for all roadways that do not meet Chapter 200 requirements. Minor collectors require 50-60 feet of right-of-way and 25-30 feet of pavement width per Chapter 200. The plans only provide 28 ' of right-of-way and 22 ' in pavement width. Comment Remains – See comment 17 and add the approval date and board whom approved this once/if approved. See response to Comment 17.

*26. (R2.2) Show the recreational open space components that are shown on the PUD master plan. Addressed with Comment – It appears that residents would have to cut through private property or walk along the SWM Pond bank in order to access the picnic area. Clarify how residents will access the picnic area. **There is an open area between Lots 216 and 217.***

*27. (R2.2 & R2.3) Label all open space parcels with a unique identifier and provide the overall acreage of each parcel. Addressed with Comment – Provide a unique identifier for each open space parcel and Label the total acreage for each section of open space similar to what is done for each lot. **The open space areas have been identified by a letter.***

Phase 3 Record Plan

87. (General) Update the Chapter 200 Variances per previous comments for the PUD and Phase 2. Addressed with Comment – Add the approval date and board whom approved the variance once/if approved. See response to comment 17.

If you have any questions or need additional information, please do not hesitate to contact me at (302) 424-1441 or rw1@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.


Ring W. Lardner, P.E.
Principal

DEPARTMENT OF TRANSPORTATION
COMMENTS FOR
DAC MEETING
OF October 2019

Lands of Milford Ponds

Tax Map #: 130-6.00-108, 130-3.00-264 & 264.01

SCR X (X)

Sussex County

#19-035 / Milford Ponds, LLC Phases I, II, & III

1. Please refer to the “*Development Coordination Manual*” manual for the design of the subdivision streets and/or entrance. The website for the manual is the following;

<http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>

2. For all projects, any sub-station and/or wastewater facilities will be required to have access from the internal subdivision street with no direct access to the State maintained highway.
3. For all projects, a 20-foot wide buffer will be required from the edge of the stormwater management pond to the ultimate right-of-way of the County road. The ultimate right-of-way is based on the functional classification of the road.
4. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5.1.2: Frontage Easements, a 15-foot wide permanent easement will need to be established across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way for this road. The following note is required, “**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**”
5. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5: Dedication of Right-Of-Way and Easements, Figure 3.2.5-a Minimum Standards for Total Roadway Right-Of-Way, the project shall be subject to dedicate right-of-way in accordance to the minimum standards.
6. Referring to the “*Development Coordination Manuals*”, Chapter 3 – Record Plan Design, Section 3.2.4.1: Subdivision Street Right-Of-Way Monuments, right-of-way monuments are recommended to be furnished and placed along the private subdivision street.
7. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.4.2; Frontage Road Right-of-Way Monumentation, concerning the right-of-way markers being placed to provide a permanent reference for re-establishing the right-of-way and property corners along frontage roads. Due to the right-of-way dedication,

show and note the property corners markers that will need to be installed.

8. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5.5: Transit Facilities, transit facilities requirements shall be followed as required by DTC or DelDOT.
9. Referring to the “*Development Coordination Manual*”, under Chapter 3; Record Plan Design, Section 3.2.5.1.1 – Easements, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.
10. Metes and bounds and total areas need to be shown for any drainage easements. A minimum 20-foot wide drainage easement must be provided for storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. These easements shall be shown and noted on record plan.
11. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5: Connectivity, connectivity requirements shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the local land use agency’s requirements for connectivity.
12. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2.1: Record Plan Content, the traffic generation diagram is required. See Figure 3-4-2-a: Traffic Generation Diagram for what is required.
13. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, adjacent existing features are required to be shown in accordance with Figure 3.4.2-b.
14. It will need to be noted on the Record Plan the type of off-site improvements and when the off-site improvements are warranted for this project.
15. Referring to the “*Development Coordination Manual*”, Chapter 2 – Traffic Analysis and Improvements, it will need to be determined if a revised Traffic Impact Study (T.I.S.), Area-Wide Study Fee or a Traffic Operational Analysis (T.O.A.) will be required.
16. As per the Delaware State Strategies for Policy and Spending Map, this project is located within Investment Level I or II. Referring to the Departments Shared-Use Path/Sidewalk Policy a project an all Level I and Level II areas are required to install a path/sidewalk along the property frontage. If a physical impossibility exists, then a fee in lieu of construction shall be paid.

- a. Projects in all Level area that generate 2,000-trips or greater are required to install a path/sidewalk along the property frontage.
17. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.2.5 – Subdivision and Commercial Entrance Design Guidelines – Intersection Corner Radii, a separate turning template plan shall be provided to verify vehicles can safely enter/exit the entrance. The entrance shall be designed for the largest vehicle using the entrance.
 18. Please check to determine if any utilities will need to be relocated as part of this project.
 19. Standard General Notes have been updated and posted to the DeIDOT Website. Please begin using the new versions and look for the revision date of **May 21, 2019**. The notes can be found at the following website under the *Guidance* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
 20. All PLUS/TAC comments shall be addressed prior to submitting the plans for review.
 21. Referring to the “*Development Coordination Manual*”, Chapter 6 – Construction Administration, Section 6.4.3: Commercial Entrances – Inspection and Acceptance, Figure 6.4.3-a: Construction Inspection Responsibilities, determine if the project is a Level 1 or Level 2 project and if an inspection agreement will be required.
 22. The Auxiliary Lane Spreadsheet has been posted to the DeIDOT website. Use this spreadsheet to determine if auxiliary lanes are warranted. The Auxiliary Lane Spreadsheet can be found at the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
 23. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.4 – Sight Distance, a sight distance triangle is required. A spreadsheet has been developed to assist with this task and can be found on the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
 24. Please refer to the “*Development Coordination Manual*” Chapter 3; Record Plan Design, Section 3.4.1 Commercial or Major Residential Subdivisions – Record Plan Application Process, concerning if a pre-submittal meeting is required.
 25. Effective August 1, 2015, all new and resubmittals shall be uploaded via the PDCA with any fees paid online via credit card or electronic check (ACH). The design firm making the submittal must create the project in the PDCA and upload all the required items to allow DeIDOT to start the review process. Our website offers more detailed information,

including links to guidance about creating PDCA submittals. This information can be found at the following website under the PDCA section;

<http://www.deldot.gov/Business/subdivisions/index.shtml>

26. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, an Initial Stage review fee shall be assessed to this project.

27. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4: Commercial or Major Residential Subdivisions, a record plan shall be prepared prior to issuing “Letter of No Objection”. The Record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

28. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, Section 4.3: Subdivision Construction Plan Submittal Requirements, the Construction Stage review fee shall be assessed to this project.

29. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, a subdivision/entrance plan shall be prepared prior to issuing subdivision/entrance approval. The Entrance/Construction/Subdivision plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plans document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

City of Milford, Delaware
Development Advisory Committee

Comment Sheet



DATE OF REVIEW: October 9, 2019

REVIEWING AGENCY: Delaware State Fire Marshal's Office, Sussex Office

INDIVIDUAL REVIEWERS: Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Joseph Moran, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: 302-856-5298, Fax: 302-856-5800

RE: MILFORD PONDS (19-035)

The reasons and conditions applied to this project and their sources are itemized below:

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Apartments)
- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from S duPont Blvd and S Walnut St must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:

www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

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

§ 230-47. - Application and approval procedures.

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

§ 230-48. - Criteria for evaluation.

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

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

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

- A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.
- B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.
- C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net

development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.

- D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.
- E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in Chapter 200, Subdivision of Land.
- F. Neighborhood commercial.
 - (1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:
 - (a) Retail goods and services.
 - (b) Child-care center (care for fewer than 24 children).
 - (c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).
 - (d) Medical and dental offices, clinics, and laboratories.
 - (e) Professional and administrative offices.
 - (f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)
 - (g) Mixed use building (residential, including rentals, with other permitted use).
 - (h) Laundromats or dry cleaners.
 - (i) Art, music, or photography studio.
 - (j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).
 - (k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).
 - (2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.
 - (3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.
 - (4) Storage. Except for plants and garden supplies, overnight storage is not permitted.
 - (5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.
 - (6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.

(7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.

- G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

§ 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, June 16, 2020
City Council Hearing: Monday, June 22, 2020

NOTICE IS HEREBY GIVEN that the following ordinance is currently under review by Milford Planning Commission and City Council. Public comments will be accepted at the so noted meeting dates which begin at 7:00 p.m.

ORDINANCE 2020-06

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for an amended Conditional Use for a Planned Unit Development of 178.03 +/- acres into a 768-unit subdivision consisting of 504 single family units and 264 apartment units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for an amended Conditional Use for a Planned Unit Development; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

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, 06/03/20



DATA SHEET FOR MILFORD PONDS – PHASE II

Development Advisory Committee: October 18, 2019

Planning Commission Meeting: ~~March 17, 2020~~ June 16, 2020

Application Number / Name	:	19-033 / Milford Ponds – Phase II
Applicant	:	Milford Ponds, LLC 179 Rehoboth Avenue, Suite 1081 Rehoboth Beach, DE 19971
Owner	:	Same
Application Type	:	Revised Preliminary Major Subdivision
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-1, R-2 & R-3 with PUD
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Area and Location	:	178.03 +/- acres located along the east side of Route 113 5,500 feet south of the Seabury Avenue intersection known as the Milford Ponds subdivision
Property Identification Numbers	:	1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru 558.00, 1-30-6.00-601.00 thru 691.00

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Preliminary Major Subdivision Plans



STAFF ANALYSIS REPORT
January 31, 2020

Application Number / Name	:	19-033 / Milford Ponds – Phase II
Application Type	:	Revised Preliminary Major Subdivision
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-1, R-2, & R-3 with PUD
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Property Identification Numbers	:	1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru 558.00, 1-30-6.00-601.00 thru 691.00
Area and Location	:	178.03 +/- acres located along the east side of Route 113 5,500 feet south of the Seabury Avenue intersection known as the Milford Ponds subdivision

I. BACKGROUND INFORMATION:

- On July 12, 2004, City Council approved the annexation of four parcels with varying zoning designations including R-1, R-2 and R-3.
- Preliminary Major Subdivision approval and conditional use approval was granted by City Council on September 27, 2004 for a total of 722 units, including 150 condominiums, 228 townhouses and 344 single family detached units.
- Final Major Subdivision approval was granted by City Council on June 5, 2006 for Phase I only. Phase II received Final Major Subdivision approval from City Council on April 28, 2008.
- Portions of Phase I have been constructed, including a roads, curbing, sewer, water, electric and stormwater improvements.
- City Council approved an amendment to the Planned Unit Development on April 23, 2018, modifying the mixture of unit types by eliminating townhouse areas in favor of single-family

detached dwellings, resulting in a unit mix of 459 single family detached units, 91 townhouse units and 150 multi-family units.

- The applicant has requested to amend the Planned Unit Development by eliminating townhouses uses and expanding the proposed apartment uses. The proposed new unit mix would be 504 single-family detached dwellings and 264 multi-family apartments, for a total of 768 dwelling units.
- The applicant is seeking approval of the revised Preliminary Major Subdivision Plans for Phase II of the Milford Ponds subdivision consisting of 89 single-family detached dwellings.

II. STAFF ANALYSIS:

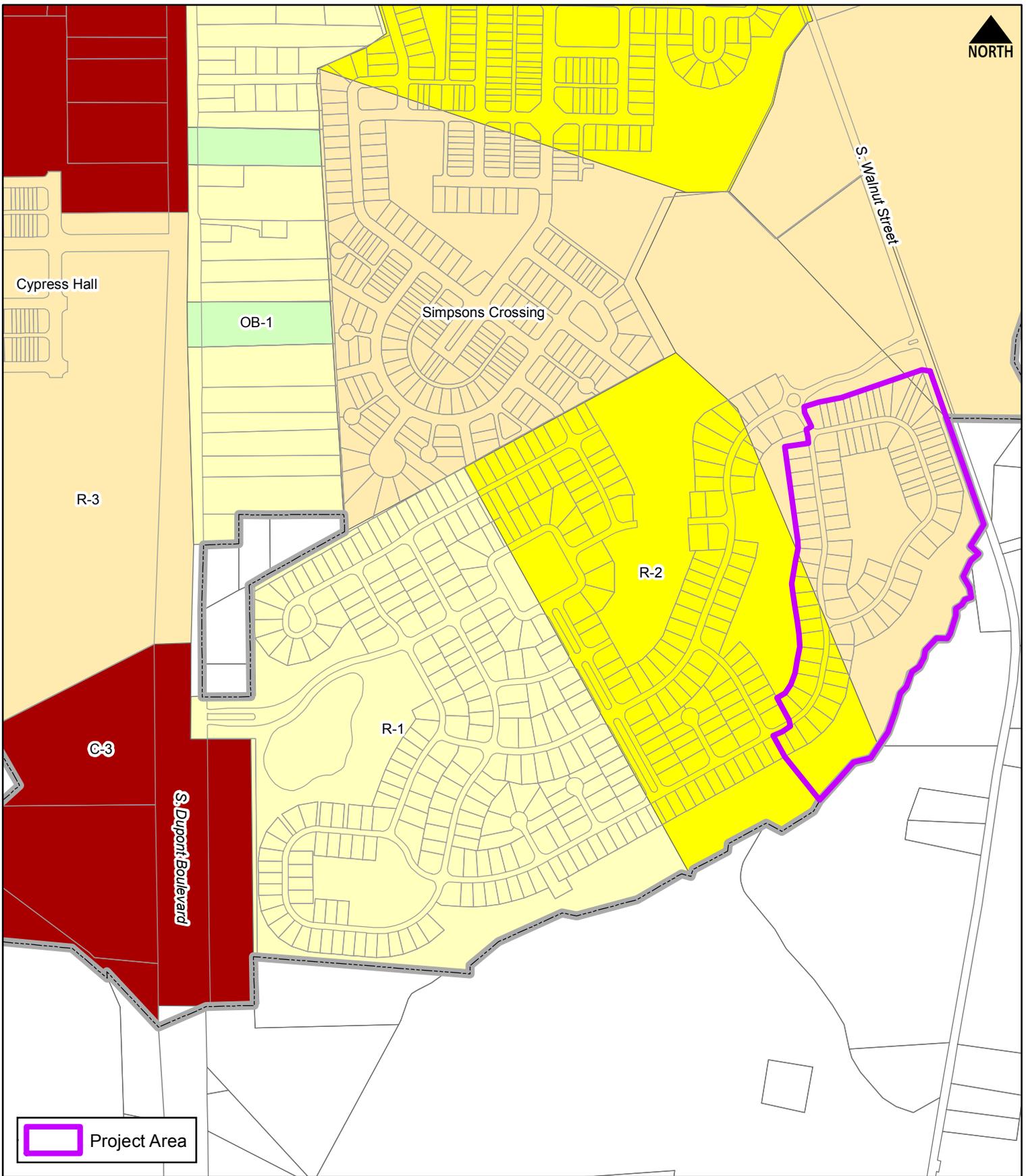
Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a revised Preliminary Major Subdivision/PUD approval:

- The application is consistent with the proposed Planned Unit Development and the requested waivers associated with the submission are provided on the title sheet for the Phase II record plans. Final Subdivision must provide agency approvals and address any waivers not specifically approved by City Council with the Planned Unit Development or the Preliminary Major Subdivision Request.
- The following comments must be addressed prior to final major subdivision approval;
 - Final Major Subdivision Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office, Sussex Conservation District, DNREC and DHSS;
 - Applicant must address remaining Preliminary Major Subdivision review comments (copy of which is included in the packet);
 - Applicant must obtain final approval of engineering plans from the City Engineer; and
 - Address additional department and agency comments outlined in Section III.

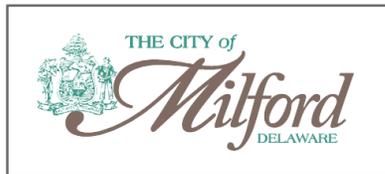
III. AGENCY & DEPARTMENT COMMENTS:

- **Office of State Planning Coordination**
Contact: David Edgell – 302-739-3090
- **DelDOT**
Contact: Derek Sapp – 302-760-4803
See attached comments.
- **Delaware Health and Social Services – Division of Public Health**
Contact: William J. Milliken, Jr. – 302-741-8646
No comments provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
Contact: Bryan Ashby – 302-739-9946
No comments provided.
- **Sussex Conservation District**
Contact: Jessica Watson – 302-856-2105
No comments provided.

- **Delaware State Fire Marshal's Office**
Contact: Duane T. Fox – 302-856-5298
See attached comments.
- **Carlisle Fire Company**
No comments provided.
- **City Engineer**
Contact: Jason McClafferty, P.E. – KCI Technologies
See comments related to Phase II and Phase III Preliminary Major Subdivision applications.
- **City of Milford Public Works Department**
Contact: Mark Whitfield – 302-422-1110
- **City of Milford Parks and Recreation Department**
No comments provided.
- **City of Milford Police Department**
No comments provided.
- **Milford School District**
No comments provided.



 Project Area



Drawn by: WRP Date: 10/03/19

Title:

Preliminary Major Subdivision
Milford Ponds - Phase II
Location & Zoning Map

Filepath: PreliminaryMajorSub_MilfordPonds_PhII.mxd

PROPOSED PUD REQUIREMENTS

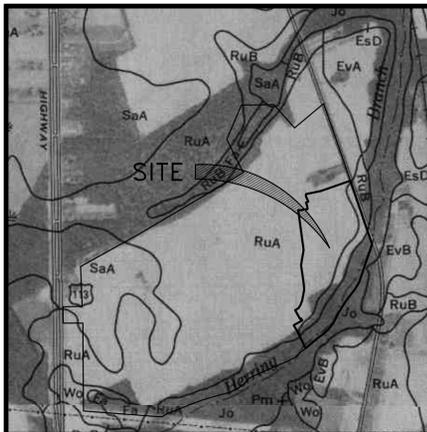
- A. SINGLE FAMILY DWELLING UNITS:**
- MINIMUM LOT SIZE: 5,000 SQUARE FEET
 - MINIMUM LOT WIDTH: 50 FEET
 - MINIMUM LOT DEPTH: 100 FEET
 - MINIMUM FRONT YARD: 18 FEET FROM RIGHT-OF-WAY TO GARAGE DOOR, AND 15 FEET FROM RIGHT-OF-WAY TO FRONT PORCH OR NON-GARAGE BUILDING FOUNDATION. (ALLOW 5 FOOT ENCROACHMENT FOR FRONT STOOP OR STEPS.)
 - MINIMUM SIDE YARD: LOT < 60' WIDE = 10' TOTAL SETBACK
LOT > 60' WIDE = 14' TOTAL SETBACK
MINIMUM 3' ON EACH SIDE
 - MINIMUM REAR YARD: 15 FEET
 - OFF STREET PARKING: 2 SPACES PER DWELLING UNIT AND MAY INCLUDE GARAGE AND TANDEM PARKING SPACE. TANDEM SPACE TO BEGIN AT THE RIGHT-OF-WAY LINE.
 - MAXIMUM BUILDING HEIGHT: 2.5 STORIES AND 35 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS.
 - MAXIMUM LOT COVERAGE: 60% OF LOT AREA
 - MAXIMUM FENCE/WALL HEIGHT: 8 FEET AND ALLOWED TO BE PLACED WITHIN BUILDING RESTRICTION LINE
- B. MULTI-FAMILY BUILDINGS:**
- MINIMUM FRONT SETBACK: 18 FEET FROM A PUBLIC STREET, 5 FEET FROM A PRIVATE DRIVE ISLE FOR RESIDENTIAL STRUCTURES AND 0 FEET FROM A PRIVATE DRIVE AISLE FOR FREE STANDING GARAGE.
 - MINIMUM BUILDING SEPARATION: 20 FEET FROM CLOSEST POINT OF FOUNDATION WALL TO CLOSEST POINT OF FOUNDATION WALL OF ADJACENT BUILDING.
 - MINIMUM REAR YARD: 20 FEET
 - OFF STREET PARKING: 2 SPACES PER DWELLING UNIT AND MAY INCLUDE GARAGE AND TANDEM PARKING SPACE.
 - MAXIMUM BUILDING HEIGHT: 4 STORIES AND 48 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS.
 - MAXIMUM FENCE/WALL HEIGHT: 8 FEET AND ALLOWED TO BE PLACED WITHIN BUILDING RESTRICTION LINE
 - REQUESTED MAXIMUM UNITS PER BUILDING: 24 UNITS
- C. CLUBHOUSE FACILITY:**
- MINIMUM FRONT YARD: 18 FEET FROM A PUBLIC STREET
 - MINIMUM SIDE YARD: 20 FEET FROM A PUBLIC STREET
 - MINIMUM REAR YARD: 30 FEET FROM A PUBLIC STREET
 - OFF STREET PARKING: 1.0 ACRE
 - OFF STREET PARKING: 1 SPACE FOR EACH 250 SQUARE FEET OF GROSS FLOOR AREA.
 - MAXIMUM BUILDING HEIGHT: 2.5 STORIES AND 40 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS, AND 48 FEET MEASURED TO THE TOP OF ANY SPECIAL ARCHITECTURAL FEATURES (STEEPLES, TOWERS, SILOS, ETC.)
 - MAXIMUM FENCE/WALL HEIGHT: 8 FEET AND ALLOWED TO BE PLACED WITHIN BUILDING RESTRICTION LINE
- D. SIGNS:**
- SITE SIGNS: SITE SIGNS SHALL MEET THE REQUIREMENTS OF CHAPTER 230 ARTICLE VI SIGNS WITH THE CLARIFICATION THAT THE MINIMUM SIZE OF THE PERMANENT SUBDIVISION SIGN SHALL INCORPORATE THE SIGN FACE ONLY AND SHALL NOT INCLUDE THE ASSOCIATED MONUMENTAL STRUCTURE TO WHICH IT IS AFFIXED
- E. DEVIATIONS FROM CHAPTER 200 OR 230:**
- A REDUCED R.O.W. FROM 60' TO 28'. TO COMPENSATE FOR THIS AN 18' EASEMENT IS PROVIDED ON EACH SIDE OF THE ROAD THAT TOTALS 64' FOR ACCESS AND UTILITY WORK.
 - THE PAVEMENT WIDTH OF THE ROADS IN PHASE 2 AND PHASE 3 ARE 22' WIDE CONSISTENT WITH PHASE 1.

MILFORD PONDS

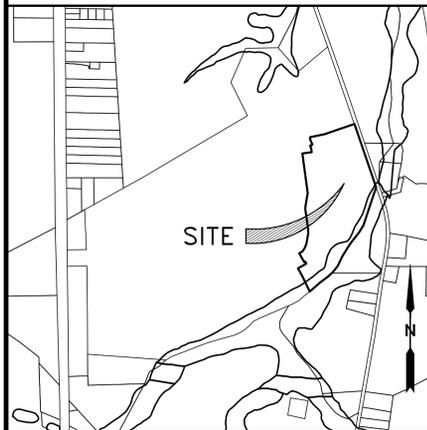
PHASE 2 - RECORD PLAN

CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

DBF PROJECT NO. 2875A001 FEBRUARY 2020



SOILS MAP SCALE: 1"=100'



N.W.I. MAP SCALE: 1"=100'

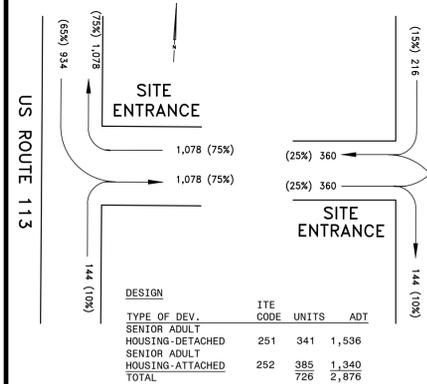


FLOODPLAIN MAP SCALE: 1"=2000'

MAP PANEL: 100050038J DATED: JANUARY 6, 2005
100050043K DATED: MARCH 16, 2015

DELAWARE TRAFFIC SUMMARY 2005

ADT - CURRENT	18,692	ADT - CURRENT	1,297
SPEED - POSTED	55 MPH	SPEED - POSTED	40 MPH
TRAFFIC PATTERN GROUP	2	TRAFFIC PATTERN GROUP	3



NOTE: TRIP DISTRIBUTION DERIVED FROM TRAFFIC IMPACT STUDY
TRIP GENERATION IS BASED ON THE 7TH EDITION OF THE ITE TRIP GENERATION REPORT 7TH EDITION

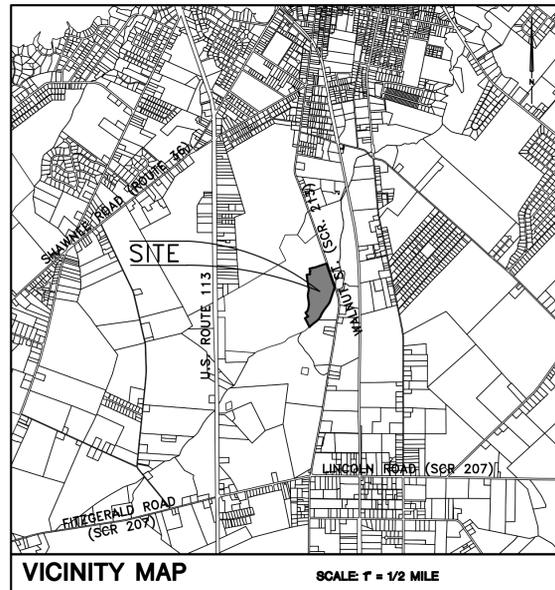
TRAFFIC DIAGRAM
NO SCALE

DELDOT GENERAL NOTES

- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W 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 SIGN 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 CITY OF MILFORD FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE CITY. THE CITY ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
- THE SIDEWALK AND SHARED-USE PATH 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 OF THE SIDEWALK AND/OR SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE RECONFIGURED TO ALLOW VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL. 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 3.2.1.1 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.
- THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG U.S. ROUTE 113 (DUPONT BLVD), WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPLE ARTERIAL AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM); IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT. PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION, ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3-A: NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3-A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
- THE DEVELOPER HAS ENTERED INTO A MEMORANDUM OF UNDERSTANDING DATED SEPTEMBER 18, 2017 AND IS ON FILE AT THE DEPARTMENT. THE DEVELOPER SHALL COMPLY WITH ITEM 4 OF THE MEMORANDUM AND IT STATES: "WHILE THE ACCESS IS UNDER RECONSTRUCTION AND UNDER REVIEW, THE UPDATED TRAFFIC IMPACT STUDY IS BEING PREPARED, DELDOT WILL ALLOW THE BUILDING PERMITS FOR THE FIRST 4 UNITS FOR THE 4 MODEL HOMES. ONCE THE PUNCH LIST IS COMPLETED DELDOT WILL ALLOW FOR 160 CERTIFICATES OF OCCUPANCY. NO OTHER BUILDING PERMITS OR CO'S SHOULD BE ISSUED UNTIL SUCH TIME THE UPDATED TIS IS COMPLETED AND FINDINGS AGREED TO."

DATA COLUMN

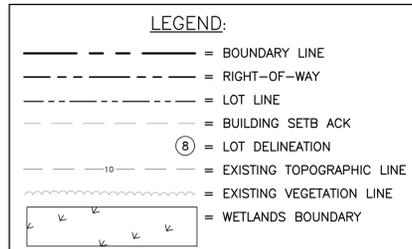
TAX MAP ID:	1-30-6.00-108.00
EXISTING ZONING:	R-1, R-2, R-3, W/PUD
PROPOSED ZONING:	R-1, R-2, R-3, W/PUD
TOTAL AREA OF SUBDIVISION:	178.03 AC.±
PHASE 1:	119.19 AC.±
PHASE 2:	28.06 AC.±
PHASE 3:	12.15 AC.±
PHASE 4:	18.46 AC.±
MAXIMUM IMPERVIOUS AREA ALLOWED:	62.31 AC.± (35% OF TOTAL SUBDIVISION AREA)
EXISTING IMPERVIOUS PH1:	38.07 AC.± (21% OF TOTAL IMPERVIOUS ALLOWED)
PH1 + PH2 IMPERVIOUS:	45.37 AC.± (25% OF TOTAL IMPERVIOUS ALLOWED)
REMAINING IMPERVIOUS ALLOWED:	16.94 AC.± (10% OF TOTAL IMPERVIOUS LEFT)
GROSS AREA:	R-1 = 71.02 AC, R-2 = 50.19 AC, R-3 = 47.82 AC
NET DEVELOPMENT AREA:	R-1 = 53.27 AC, R-2 = 38.19 AC, R-3 = 35.86 AC
MAX DENSITY ALLOWED:	R-1 = 4, R-2 = 6, R-3 = 16
UNITS ALLOWED:	R-1 = 214(53.27 x 4), R-2 = 229(38.19 x 6), R-3 = 573(35.86 x 16)
TOTAL NUMBER OF UNITS ALLOWED:	1015
TOTAL NUMBER OF UNITS PROVIDED:	768
PHASE 2 TOTAL:	89
SINGLE FAMILY DWELLING:	89
BUILDING CONSTRUCTION TYPE:	MASONARY & TIMBER
TOTAL PROPOSED RIGHT-OF-WAY:	1.99 AC.±
TOTAL AREA OF LOTS:	14.70 AC.±
TOTAL SITE (ALL PHASES):	8.31 AC.±
WETLANDS:	22.94 AC.±
OPEN SPACE AREA:	6.32 AC.±
FUTURE CLUBHOUSE RESORT AREA:	6.32 AC.±
TOTAL REQUIRED OPEN SPACE:	(768 DWELLING UNITS x 400 SF) = 7.05 AC.±
REQUIRED RECREATIONAL AREA:	(OPEN SPACE x 50%) = 3.525 AC.±
TOTAL OPEN SPACE PROVIDED:	47.57 AC.±
RECREATIONAL AREA PROVIDED:	22.46 AC.±
AVERAGE DENSITY OF LOTS:	6.05 UNITS/ACRE
MINIMUM LOT SIZE:	5,772 SQ. FT.±
MAXIMUM LOT SIZE:	16,782 SQ. FT.±
AVERAGE LOT SIZE:	7,195 SQ. FT.±
MAXIMUM IMPERVIOUS COVERAGE:	35%
PROPOSED SEWER:	CITY OF MILFORD
PROPOSED WATER:	CITY OF MILFORD
ELECTRIC SERVICE:	CITY OF MILFORD
SCHOOL DISTRICT:	MILFORD
FIRE DEPARTMENT:	MILFORD
VERTICAL DATUM:	NAVD 88
HORIZONTAL DATUM:	NAD 83
NUMBER OF MONUMENTS FOUND:	14
NUMBER OF MONUMENTS SET:	12



VICINITY MAP SCALE: 1" = 1/2 MILE

INDEX OF DRAWINGS:

- R20 PHASE 2 RECORD TITLE SHEET
- R21 RECORD NOTES
- R22 PHASE 2 RECORD PLAN
- R23 PHASE 2 RECORD PLAN



GENERAL NOTES

- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY, OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- THIS SITE IS NOT IMPACTED BY THE 100 YEAR FLOOD PLAN AS DELINEATED ON FEMA MAP PANEL# 10050039J DATED 01/05/2005 AND 10050043K DATED 03/16/2015
- WETLANDS DELINEATION PERFORMED BY ENVIRONMENTAL RESOURCES, INC. 38173 DUPONT BLVD, SELBYVILLE, DE 19975
- NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED FOR ANY LOT WITHIN THIS DEVELOPMENT UNTIL ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED OR PLACED FOR THE LOT WHICH THE CERTIFICATE OF OCCUPANCY IS TO BE ISSUED IN A MANNER ACCEPTABLE TO THE CITY AND THE STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OF OTHER GUARANTEE WITH THE CITY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER IMPROVEMENT.
- THE CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL A PROJECT, OR THE CURRENT PHASE OF A PROJECT, HAS BEEN PARTIALLY ACCEPTED BY THE CITY, AND UNTIL A MAINTENANCE BOND HAS BEEN SUBMITTED.
- ALL FIRE LANES, FIRE HYDRANTS, EXITS, STANDBIPES, AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE MARSHAL REGULATIONS.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE, AND OTHER ODOORS. THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARM OPERATIONS, THE USE AND THE ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES OR ACTIVITIES.
- PROPOSED OPEN SPACE TO BE OWNED AND MAINTAINED BY THE COMMUNITY HOMEOWNERS ASSOCIATION.
- THE OWNER UNDERSTANDS THAT THE TRACT OF LAND DEPICTED HEREON IS IMPACTED BY WETLANDS REGULATED BY THE ARMY CORPS OF ENGINEERS. THE OWNER IS ADVISED TO CONTACT THE ARMY CORPS OF ENGINEERS FOR INFORMATION AND GUIDANCE IN REGARD TO JURISDICTIONAL DETERMINATIONS AND FEDERAL PERMITS PRIOR TO THE START OF CONSTRUCTION.
- ALL REQUIRED LANDSCAPE BUFFERS SHALL BE PLANTED AND ALL ACTIVE RECREATION AMENITIES INSTALLED PRIOR TO ISSUANCE OF 50% OF THE CERTIFICATES OF OCCUPANCY, AND MAINTAINED BY THE DEVELOPER UNTIL 75% OF THE CERTIFICATES OF OCCUPANCY ARE ISSUED. THE LANDSCAPE BUFFER AREA AND ANY OTHER LANDSCAPE PLAN DEPICTED ON THE RECORD PLAN SHALL BE MAINTAINED IN PERPETUITY BY THE HOMEOWNERS' ASSOCIATION OR MAINTENANCE CORPORATION. THESE DEED RESTRICTIONS SHALL RUN WITH THE LAND AND MAY NOT BE VACATED BY THE HOMEOWNERS' ASSOCIATION OR THE MAINTENANCE CORPORATION.
- FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR PART WITHIN 50 FEET OF THE BOUNDARY OF AN AGRICULTURAL PRESERVATION DISTRICT, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS, MATERIALS AND WORKMANSHIP SHALL CONFORM TO ALL STATE OF DELAWARE, SUSSEX COUNTY, AND CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION AND DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS, ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING 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 DEVELOPER/OWNER.
- DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED, AND ALL RULES AND REGULATIONS THEREOF APPLICANT.
- DEVELOPER SHALL INSTALL ON-SITE LIGHTING TO ILLUMINATE STREETS, PARKING AREAS, AND WALKWAYS, IN ACCORDANCE WITH CITY REGULATIONS.
- PROPERTY OWNERS OWN AND MAINTAIN THE SIDEWALKS DIRECTLY IN-FRONT OF THEIR PROPERTY. SIDEWALKS ALONG OR IN OPEN SPACES SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.
- ALL CONSTRUCTION AND MATERIALS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION DATED AUGUST 2001 AND ANY ADDENDA THERETO.
- ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN THE PAVEMENT, SHALL BE TOP SOILED (6" MINIMUM), FERTILIZED, AND SEED.
- A 24-HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO DELDOT'S PUBLIC WORKS ENGINEER PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555
- ALL SIGNING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROL FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS" (LATEST EDITION).
- DESIGN, FABRICATION AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES."
- FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION ARROUND OR ADJACENT TO UTILITIES SHALL BE UNDERTAKEN 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 HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTORS EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA (SEE NOTE #28)
- ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REBURNISHED CONDITION, SHALL COMPLY WITH THE TRAFFIC CONTROL MANUAL, AND SHALL BE NCHRP - 350 APPROVED AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS.
- SOURCE WATER PROTECTION AREA EXISTS ON-SITE.

VARIANCES FROM MILFORD ZONING CODE

- PAVEMENT WIDTH FOR SINGLE-FAMILY RESIDENCES IS 22' RATHER THAN 25' PER CODE.

THIS PLAN SUPERSEDES THE PREVIOUS MILFORD PONDS PHASE 2 RECORD PLANS IN ITS ENTIRETY PB 107 PG 257, PB 121 PG 180.

THE PROPERTY AS SHOWN HEREON DOES CONTAIN STATE OR FEDERALLY REGULATED SECTION 10 WETLANDS, BASED ON NWI AND DNREC WETLAND MAPS.

THE PROPERTY IS IMPACTED BY STREAMS, DITCHES, PONDS, OR LAKES.

RESIDUAL ROAD FRONTAGE : U.S. 113 - 200'±
RESIDUAL ROAD FRONTAGE : COUNTY ROAD 213 - 1780'±

EXISTING STRUCTURES LOCATED ON SITE
EXISTING EASEMENTS LOCATED ON SITE

OWNER/DEVELOPER: MILFORD PONDS, LLC
179 REHOBOTH AVENUE, SUITE 1081
REHOBOTH BEACH, DE 19971

ENGINEER/SURVEYOR: DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DE 19963
(302) 424-1441

ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744



CITY OF MILFORD APPROVAL

PRINT NAME _____ CITY MANAGER _____ DATE _____

CITY ENGINEER APPROVAL

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCRACY OF ALL INFORMATION SHOWN HEREON.

DATE: _____ SIGNATURE _____ RING W. LARDNER, P.E.

PRINT NAME _____ CITY ENGINEER _____ DATE _____

CITY OF MILFORD GENERAL NOTES

- 1. THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY DAVIS BOWEN AND FRIEDEL, INC. IN 2005.
2. A TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. OF MILFORD, DELAWARE IN 2018. ELEVATIONS ARE BASED ON CONTROL MONUMENT IRCS NEAR THE INTERSECTION OF CANNER'S COURT AND PATCHWORK DRIVE, WITH AN ELEVATION OF 36.04 NGVD88.
3. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS IRCS NEAR THE INTERSECTION OF CANNER'S COURT AND PATCHWORK DRIVE, WITH AN ELEVATION OF 36.04.
4. HYDRIC SOILS ARE INDICATED AS BEING PRESENT ACCORDING TO THE SUSSEX COUNTY SOIL SURVEY.
5. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED 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 HIS/HER 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.
6. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
7. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.
8. 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.
9. 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.
10. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
11. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATER TIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
12. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
13. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE ORDERING OF AND/OR INSTALLATION OF THE ITEM(S).
14. ALL SANITARY SEWER MAINS AND FORCEMAINS 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 DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.
15. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS 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.
16. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 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.
17. FLOODPLAIN: THIS SITE LIES WITHIN ZONE AE (AREAS WITHIN THE 100-YEAR FLOODPLAIN) AND ZONE X (AREAS OUTSIDE THE 500-YEAR FLOODPLAIN) AS DETERMINED BY FEMA FIRM PANEL 1000500041K, DATED MARCH 16, 2015.
18. ALL ROADWAYS ARE TO BE SWEEPED FREE OF SEDIMENT ON A DAILY BASIS.
19. 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, CURBSETS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
20. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE. PONDING IS DEFINED AS WATER STANDING IN AN AREA MORE THAN 1 HOUR AFTER A RAINFALL EVENT THAT PRODUCES RUNOFF. ELIMINATION OF PONDING WILL BE COMPLETED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
21. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
22. ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
23. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION 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.
24. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
25. CONTRACTOR SHALL GRADE, 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.
26. THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENT RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
27. THE OWNER SHALL BE RESPONSIBLE FOR THE SHORT-TERM MAINTENANCE OF ANY AND ALL STORMWATER MANAGEMENT FACILITIES AND STORM SEWER SYSTEMS UNTIL SUCH TIME THE LONG-TERM MAINTENANCE RESPONSIBILITIES CAN BE TRANSFERRED TO A LEGALLY-ESTABLISHED HOMEOWNERS ASSOCIATION OR OTHER RESPONSIBLE ENTITY.
28. 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, STORM SEWER PIPES AND CATCH BASINS, INSTALLED FULLY WITHIN CITY RIGHT-OF-WAY; ONCE THE FOLLOWING CONDITIONS HAVE BEEN MET:
28.1. ALL ITEMS HAVE PASS CITY INSPECTION;
28.2. THE CITY HAS RECEIVED AND APPROVED DIGITAL HARD COPIES OF THE RECORD DRAWINGS; AND
28.3. THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
29. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT AND DISPOSAL.
30. 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.
31. THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR, UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS ARE AUTOMATICALLY RESCINDED.
32. 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 UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
33. 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.
34. 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/OR TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED INTO AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTY SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
35. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.

CITY OF MILFORD GENERAL NOTES CONTINUED

- 36. UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
36.1. ALL PROPERTY MONUMENTS/MARKERS;
36.2. SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FOREMAIN INVERT ELEVATIONS EVERY 50 FEET, FOREMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
36.3. WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
36.4. STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE; RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
36.5. ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
37. THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.
38. THERE ARE SOURCEWATER PROTECTION AREAS ON THIS SITE.
39. WETLANDS EXIST ON THIS SITE. REFER TO THE DATA COLUMN ON SHEET R1.0 FOR TOTAL ACREAGE. WETLAND DELINEATION IS SHOWN ON ALL PLAN VIEWS.
40. UPON RECORDED OF THIS PLAT, THE CITY WILL HAVE THE RIGHT OF INGRESS AND EGRESS TO ALL MULTIFAMILY AREAS FOR THE PURPOSE OF MAINTAINING UTILITIES AND FOR TRASH REMOVAL SERVICES.

CIVIL PLAN GENERAL NOTES

- 1. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
1.1 DAVIS, BOWEN & FRIEDEL, INC. 302-424-1441.
1.2 KENT CONSERVATION DISTRICT 302-741-2600, EXT. 2.
1.3 CITY OF MILFORD PUBLIC WORKS DEPARTMENT 302-422-1110, EXT. 1110.
1.4 CITY OF MILFORD ELECTRIC DEPARTMENT 302-422-1110, EXT. 1135.
1.5 DEPARTMENT OF TRANSPORTATION, CENTRAL DISTRICT PERMITS SUPERVISOR 302-760-2433.
2. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
3. FINAL APPROVED SET OF PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
4. THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD. FINAL SET OF APPROVED CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE AT ALL TIMES. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
5. THE CONTRACTOR SHALL USE ONLY NEW MATERIALS, PARTS, AND PRODUCTS. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE INTENDED WORK.
6. ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY THE OWNER AND THE CITY. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS OBLIGATION AND RESPONSIBILITY FOR CONSTRUCTING ALL WORK IN STRICT ACCORDANCE WITH ALL STANDARDS AND SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
7. CONTRACTOR SHALL PROVIDE STAKEOUT SURVEY NECESSARY FOR THE INSTALLATION OF UTILITY WORK AND APPURTENANCES AS REQUIRED PER THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS.

POTABLE WATER DISTRIBUTION GENERAL NOTES

- 1. ALL WATER DISTRIBUTION WORK SHALL COMPLY WITH THE CITY OF MILFORD WATER MAIN CONSTRUCTION SPECIFICATIONS, LATEST EDITION. CONTRACTOR SHALL OBTAIN A COPY FROM CITY OF MILFORD PRIOR TO BIDDING ON THE JOB. FAILURE TO OBTAIN A COPY OF THE SPECIFICATIONS SHALL NOT RELIEVE THE CONTRACTOR OF THEIR RESPONSIBILITY. ANY ADDITIONAL COSTS CAUSED BY THE FAILURE TO FOLLOW THE SPECIFICATIONS SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
2. ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
3. THE CONTRACTOR SHALL FIELD VERIFY LOCATION OF EXISTING WATER LATERALS TO WHICH NEW CONSTRUCTION WILL CONNECT.
4. DIFFERING SITE CONDITIONS AND/OR DIFFERING MATERIAL PROPERTIES SHALL REQUIRE CITY OF MILFORD OR DESIGNEE APPROVAL OF SPECIAL DESIGN DETAILS PREPARED BY THE DESIGN ENGINEER PRIOR TO INITIATING OR RESUMING CONSTRUCTION ACTIVITIES.
5. THE CONTRACTOR SHALL ALLOW SUFFICIENT TIME FOLLOWING EXCAVATIONS FOR INSPECTION AND EVALUATION OF EXISTING SOIL SUBGRADE CONDITIONS BY CITY OF MILFORD OR DESIGNEE. CITY OF MILFORD OR DESIGNEE SHALL INSPECT ALL LATERAL SUBGRADES FOLLOWING EXCAVATION AND PRIOR TO CONSTRUCTION OF NEW WORK TO CONFIRM DESIGN CONDITIONS ARE MET AND SUBGRADE CONDITIONS ARE SUITABLE FOR CONSTRUCTION. IN THE EVENT THE SOIL BEARING CAPACITY IS LESS THAN THE MINIMUM DESIGN VALUE, CITY OF MILFORD OR DESIGNEE SHALL CAUSE AFFECTED CONSTRUCTION TO CEASE AND SHALL NOTIFY THE DESIGN ENGINEER FOR RE-DESIGN TO ACCOMMODATE THE REDUCED SOIL BEARING CAPACITY.
6. IN THE EVENT THE SUBGRADE CONDITION IS UNSTABLE, DUE TO UNSUITABLE MATERIALS AND/OR GROUNDWATER INFILTRATION/INTRUSION INTO THE SURROUNDING SOILS, AS DETERMINED BY CITY OF MILFORD OR DESIGNEE, THE CONTRACTOR SHALL, AS DIRECTED BY CITY OF MILFORD OR DESIGNEE, REMOVE THE UNSUITABLE MATERIAL AND FILL WITH SUITABLE APPROVED GRANULAR FILL MATERIAL.
7. CONTRACTOR SHALL EXTEND LATERAL BELOW ANY CONFLICTS OR OBSTRUCTIONS TO PROVIDE REQUIRED CLEARANCES. COST SHALL BE INCLUDED IN THE PRICE OF THE CONTRACT.
8. THROUGHOUT THE PROJECT, WHERE WATER MAINS ARE LOCATED IN, ACROSS OR ADJACENT TO DRAINAGE DITCHES AND SWALES, THE CONTRACTOR SHALL RESTORE DISTURBED AREAS TO THEIR ORIGINAL CONDITION AND VEGETATE AS REQUIRED.
9. ALL WATER MAINS SHALL BE HYDROSTATICALLY TESTED AND DISINFECTED IN ACCORDANCE WITH CITY OF MILFORD STANDARDS AND SPECIFICATIONS BEFORE ACCEPTANCE.
10. THE CONTRACTOR WILL INSTALL THE WATER SERVICE TO THE GROUND MARKER AS SHOWN ON THE STANDARD DETAILS. THE WATER METER AND PIT ASSEMBLY WILL BE PURCHASED BY THE DEVELOPER AND INSTALLED BY THE CITY OF MILFORD.
11. ALL FITTINGS SHALL BE DUCTILE IRON, MECHANICAL JOINT RESTRAINT AND AWWA APPROVED. SEE THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION. ALL FITTINGS SHALL BE THRUST RESTRAINED AS SHOWN ON THE STANDARD DETAILS.
12. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE CITY OF MILFORD. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.

INTERNAL PAVING NOTES

- 1. BITUMINOUS CONCRETE ASPHALT SHALL BE INSTALLED IN ACCORDANCE WITH THE AUGUST 2016 D&DOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION TO INCLUDE SPECIAL PROVISIONS:
1.1. SECTION 1011 FOR PLACEMENT OF TACK COAT.
1.2. SECTION 401 FOR PLACEMENT OF BITUMINOUS CONCRETE ASPHALT.
1.3. BITUMINOUS CONCRETE ASPHALT SHALL BE FROM A D&DOT APPROVED PLANT.
1.4. BITUMINOUS CONCRETE ASPHALT SHALL NOT BE APPLIED WHEN BELOW TEMPERATURES SPECIFIED IN SECTION 401.03.F.
2. ALL DISTURBED AREAS NOT COVERED WITH IMPERVIOUS MATERIAL, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED.
3. ALL SIGNING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
4. DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
5. FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
6. ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION), AND SHALL BE NCHRP - 350 APPROVED AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
7. BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. DETAIL CAN BE FOUND IN D&DOT'S STANDARD CONSTRUCTION DETAILS.
8. PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
9. OPEN-CUT TRENCHES AND PROVIDE PAVEMENT RESTORATION IN ACCORDANCE WITH THE APPROPRIATE JURISDICTION'S STANDARDS AND SPECIFICATIONS. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIALS FOR BACKFILLING TRENCHES.

SANITARY SEWER GENERAL NOTES

- 1. SANITARY SEWER CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS, AND DETAILS.
2. ALL SANITARY SEWER MATERIALS AND APPURTENANCES SHALL MEET OR EXCEED THOSE REQUIRED BY THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS, AND DETAILS.
3. SANITARY SEWER LATERAL SHALL BE 8" PVC. SEWER LATERAL SHALL INCLUDE A 8" CLEANOUT, WYE, AND CAP JUST BEHIND THE ACCESS EASEMENT LINE.
4. ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
5. TOP OF MANHOLE ELEVATIONS ARE TOP OF MANHOLE FRAME AND COVER.
6. PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
7. THE CONTRACTOR SHALL FIELD VERIFY INVERTS AND LOCATION OF EXISTING SANITARY SEWER MAINS OR MANHOLES TO WHICH NEW CONSTRUCTION WILL CONNECT.
8. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE CITY OF MILFORD. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.
9. DIFFERING SITE CONDITIONS AND/OR DIFFERING MATERIAL PROPERTIES SHALL REQUIRE CITY OF MILFORD APPROVAL OF SPECIAL DESIGN DETAILS PREPARED BY THE DESIGN ENGINEER PRIOR TO INITIATING OR RESUMING CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR SHALL ALLOW SUFFICIENT TIME FOLLOWING EXCAVATIONS FOR INSPECTION AND EVALUATION OF EXISTING SOIL SUBGRADE CONDITIONS BY THE CITY OF MILFORD OR HIS/HER DESIGNEE. THE CITY OF MILFORD SHALL INSPECT ALL SUBGRADES FOLLOWING EXCAVATION AND PRIOR TO CONSTRUCTION OF NEW WORK TO CONFIRM DESIGN CONDITIONS ARE MET AND SUBGRADE CONDITIONS ARE SUITABLE FOR CONSTRUCTION. IN THE EVENT THE SOIL BEARING CAPACITY IS LESS THAN THE MINIMUM DESIGN VALUE, THE CITY OF MILFORD ENGINEER SHALL CAUSE AFFECTED CONSTRUCTION TO CEASE AND SHALL NOTIFY THE DESIGN ENGINEER FOR RE-DESIGN TO ACCOMMODATE THE REDUCED SOIL BEARING CAPACITY.
11. IN THE EVENT THE SUBGRADE CONDITION IS UNSTABLE, DUE TO UNSUITABLE MATERIALS AND/OR GROUNDWATER INFILTRATION/INTRUSION INTO THE SURROUNDING SOILS, AS DETERMINED BY THE CITY OF MILFORD, THE CONTRACTOR SHALL, AS DIRECTED BY THE CITY OF MILFORD ENGINEER, REMOVE THE UNSUITABLE MATERIAL AND FILL WITH SUITABLE APPROVED GRANULAR FILL MATERIAL.

DEMOLITION AND SAFETY GENERAL NOTES

- 1. MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
2. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERCT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
3. THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.

DRAINAGE, GRADING AND SEDIMENT CONTROL NOTES

- 1. ALL STORM DRAIN PIPING, INLET, MANHOLE AND END SECTION INSTALLATION WITHIN THE STATE OF DELAWARE RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AUGUST 2016.
2. ALL ROOF DRAIN PIPING TO BE 6" DIAMETER CAST IRON HUB & SPIGOT SOIL PIPE & FITTINGS MEETING ASTM A74 STANDARDS. INSTALL AT MINIMUM 1% SLOPE. COORDINATE DOWNSPOUT LOCATIONS WITH ARCHITECTURAL DRAWINGS.
3. THE CONTRACTOR SHALL PROVIDE SEDIMENT CONTROL MEASURES TO PROTECT STOCKPILE AREAS AND STORAGE AREAS. ALL AREAS USED BY THE CONTRACTOR FOR STAGING OPERATIONS SHALL BE FULLY RESTORED BY THE CONTRACTOR UPON COMPLETION OF THE PROJECT. IF THE STAGING AREA IS PAVED, IT SHALL BE RESTORED TO ITS ORIGINAL CONDITION. IF THE STAGING AREA IS UNPAVED, IT SHALL BE RE-GRADED, TOPSOILED, SEEDED AND MULCHED TO THE SATISFACTION OF THE ENGINEER. ALL COSTS ASSOCIATED WITH RESTORATION OF THE STAGING AREA SHALL BE AT THE CONTRACTOR'S EXPENSE. IF THE ENGINEER DETERMINES THAT A SATISFACTORY STAND OF GRASS DOES NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
4. PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
5. ALL SEALS MUST BE WATERTIGHT AND CONCRETE STRUCTURES MUST BE PRECAST OR POURED IN PLACE.
6. IF THE APPROVED PLAN NEEDS TO BE MODIFIED DUE TO THE SITE CONDITION DURING CONSTRUCTION, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE KENT CONSERVATION DISTRICT. ALL COSTS FOR THE ADDITIONAL MEASURES TO INCLUDE FLOCCULANTS SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
7. IF LARGE AMOUNTS OF SEDIMENT HAVE ENTERED INTO THE STORM DRAIN SYSTEM, THE CITY ENGINEER, PROJECT ENGINEER OR KENT CONSERVATION DISTRICT MAY REQUIRE THE PIPES TO BE FLUSHED AND VIDEO INSPECTED. ALL COSTS FOR THE PIPE FLUSHING AND VIDEO INSPECTION SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
8. EQUIPMENT AND/OR STOCKPILE MATERIAL SHALL NOT BE STORED IN THE DRIPLINE AREA OF ANY TREE.
10. THE CONTRACTOR SHALL PROVIDE TEMPORARY SEED AND MULCH FOR ALL AREAS WHERE SOIL IS EXPOSED AND SILT FENCE IS NOT SPECIFIED, BY THE CLOSE OF EACH BUSINESS DAY.
11. DRAINAGE, STORMWATER MANAGEMENT, AND EROSION AND SEDIMENT CONTROLS SHALL BE IN ACCORDANCE WITH THE DELAWARE SEDIMENT & STORMWATER REGULATIONS OF 2014, OR AS LATER AMENDED. MAINTENANCE OF DRAINAGE, STORMWATER MANAGEMENT, AND SEDIMENT & EROSION CONTROL PRACTICES WILL BE THE RESPONSIBILITY OF THE SITE CONTRACTOR DURING THE CONSTRUCTION PHASE OF THE PROJECT, INCLUDING CONSTRUCTION OF THE UTILITIES. WHEN THE PERMANENT DRAINAGE AND STORMWATER MANAGEMENT PRACTICES HAVE BEEN COMPLETED TO THE SATISFACTION OF THE APPLICABLE AGENCIES, MAINTENANCE WILL ULTIMATELY BECOME THE RESPONSIBILITY OF THE PROPERTY OWNER.
12. EROSION AND SEDIMENT CONTROL SHALL BE IN ACCORDANCE WITH THE DELAWARE EROSION & SEDIMENT CONTROL HANDBOOK (LATEST EDITION). THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURE AS DEEMED NECESSARY.

RECORD NOTES
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
(302) 424-1441
(302) 424-1441
(410) 770-1744

MILFORD PONDS - PHASE 2
CEDAR CREEK HUNDRED, CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

Revisions:
Date: FEBRUARY 2020
Scale: NONE
Dwn.By: ADM
Proj.No.: 2875A001
Dwg.No.:

R21



LEGEND

- BOUNDARY LINE
- - - RIGHT-OF-WAY LINE
- · - · INTERIOR LOT LINE
- · - · EASEMENT LINE
- + - + PHASE LINE

PURPOSE NOTE

THE PURPOSE OF THIS PLAN IS TO REVISE THE LOT NUMBERS TO MATCH THE MASTER PUD PLAN.

SUPERSEDE NOTE

THIS PLAN SUPERSEDES PLAT BOOK 121 PAGE 180 AS RECORDED IN SUSSEX COUNTY RECORDER OF DEEDS.



16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1 0


DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS ENGINEERS SURVEYORS
 SALESBY, MARYLAND (410) 543-2000
 MILFORD, DELAWARE (302) 424-1441
 EASTON, MARYLAND (410) 770-1744

MILFORD PONDS - PHASE 2
CEDAR CREEK HUNDRED, CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

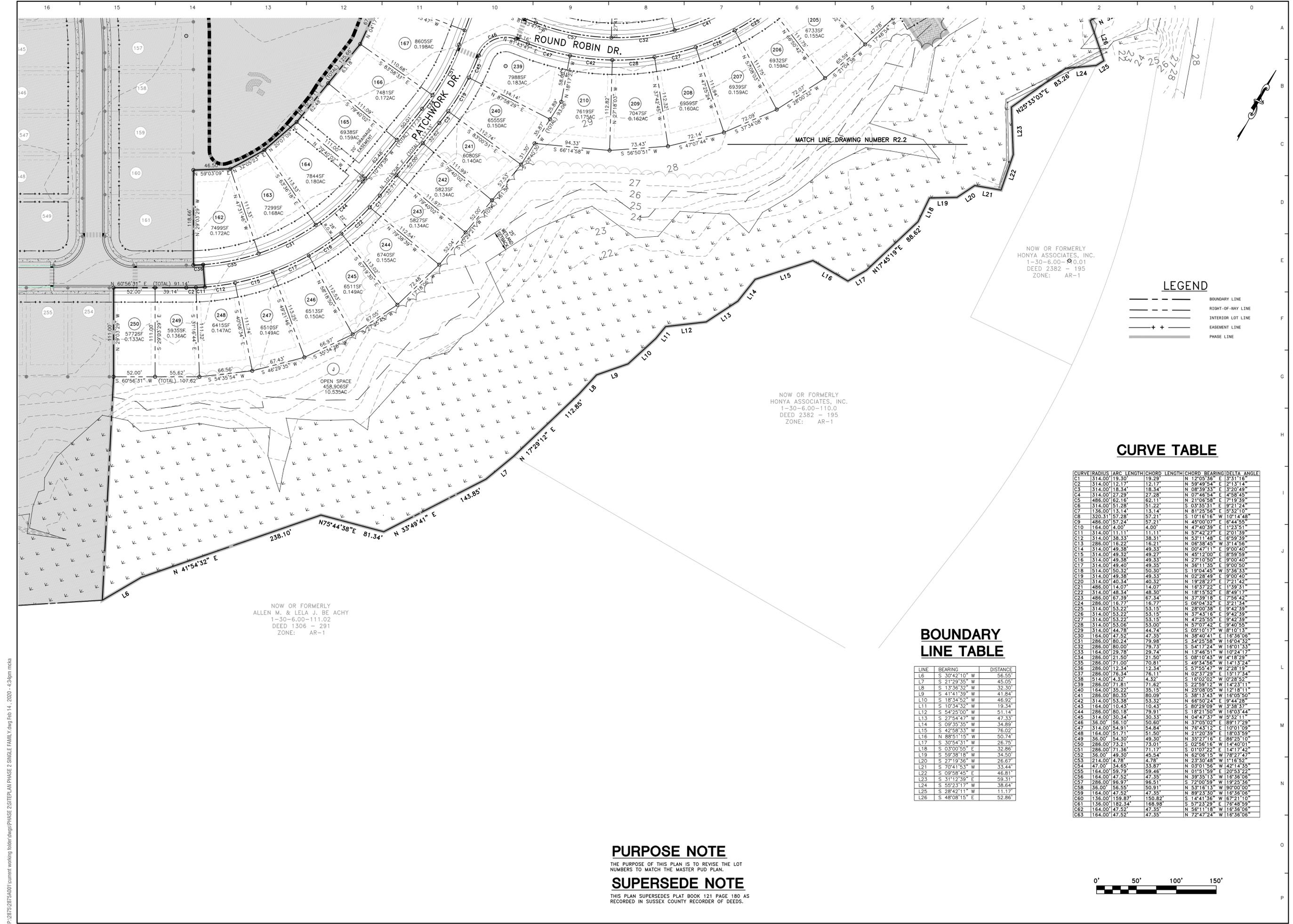
Revisions:	
Date:	FEBRUARY 2020
Scale:	1"=50'
Dwn. By:	ADM
Proj. No.:	2875A001
Dwg. No.:	R2.2

PHASE 2 RECORD PLAN

P:\2875\2875A001\current working folder\dwgs\PHASE 2\STEREPLAN\PHASE 2 SINGLE FAMILY.dwg Feb 14, 2020 - 4:34pm mda

MATCH LINE DRAWING NUMBER R2.3

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NOW OR FORMERLY
HONYA ASSOCIATES, INC.
1-30-6.00-0.01
DEED 2382 - 195
ZONE: AR-1

NOW OR FORMERLY
HONYA ASSOCIATES, INC.
1-30-6.00-110.0
DEED 2382 - 195
ZONE: AR-1

NOW OR FORMERLY
ALLEN M. & LELA J. BE ACHY
1-30-6.00-111.02
DEED 1306 - 291
ZONE: AR-1

LEGEND

---	BOUNDARY LINE
---	RIGHT-OF-WAY LINE
---	INTERIOR LOT LINE
---	EASEMENT LINE
---	PHASE LINE

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD	LENGTH	CHORD BEARING	DELTA ANGLE
C1	314.00	19.30	19.29	N 12°05'36" E	3°31'16"	
C2	314.00	12.17	12.17	N 58°49'54" E	3°21'14"	
C3	314.00	18.34	18.34	N 08°39'33" E	3°20'49"	
C4	314.00	27.29	27.28	N 07°46'54" E	4°58'45"	
C5	486.00	62.61	62.11	N 21°06'58" E	7°19'35"	
C6	314.00	51.28	51.22	S 03°55'31" E	9°21'24"	
C7	136.00	13.14	13.14	N 81°25'56" E	5°32'10"	
C8	320.31	57.28	57.21	S 10°16'16" W	10°14'48"	
C9	486.00	57.24	57.21	N 45°00'07" E	6°44'55"	
C10	164.00	4.00	4.00	N 47°40'39" E	1°23'51"	
C11	314.00	11.11	11.11	N 57°42'27" E	2°01'39"	
C12	314.00	38.33	38.31	N 53°11'48" E	6°59'35"	
C13	286.00	16.22	16.21	N 06°38'45" W	9°14'58"	
C14	314.00	49.38	49.33	N 00°47'11" E	9°00'40"	
C15	314.00	49.32	49.27	N 45°12'00" E	8°59'59"	
C16	314.00	49.38	49.33	N 27°10'50" E	9°00'40"	
C17	314.00	49.40	49.35	N 36°11'35" E	9°00'50"	
C18	514.00	50.32	50.30	S 19°04'45" W	5°36'33"	
C19	314.00	49.38	49.33	N 02°28'49" E	9°00'40"	
C20	314.00	40.34	40.32	N 19°28'22" E	7°21'42"	
C21	486.00	14.07	14.07	N 16°37'22" E	1°59'31"	
C22	314.00	48.34	48.30	N 18°15'52" E	8°49'17"	
C23	486.00	67.39	67.34	N 37°39'18" E	7°56'42"	
C24	286.00	16.77	16.77	S 06°04'32" E	3°21'34"	
C25	314.00	53.22	53.15	N 28°00'38" E	9°42'39"	
C26	314.00	53.22	53.15	N 37°43'16" E	9°42'39"	
C27	314.00	53.22	53.15	N 47°25'55" E	9°42'39"	
C28	314.00	53.06	53.00	N 57°07'42" E	9°40'55"	
C29	314.00	44.78	44.74	S 05°10'17" W	8°10'13"	
C30	164.00	47.52	47.35	N 38°40'41" E	16°36'56"	
C31	286.00	80.24	79.98	S 34°25'58" W	18°04'32"	
C32	286.00	80.00	79.73	S 54°17'24" W	18°01'33"	
C33	164.00	29.78	29.74	N 13°46'51" W	10°24'17"	
C34	286.00	21.50	21.50	N 08°10'43" W	11°18'29"	
C35	286.00	71.00	70.81	S 49°34'56" W	14°13'24"	
C36	286.00	12.34	12.34	S 57°55'47" W	2°28'19"	
C37	286.00	76.34	76.11	N 02°37'29" E	15°17'34"	
C38	314.00	4.32	4.32	S 16°02'02" W	02°28'52"	
C39	286.00	71.81	71.62	S 22°59'12" W	14°23'11"	
C40	164.00	35.22	35.15	N 25°08'05" W	12°18'11"	
C41	286.00	80.35	80.09	S 38°13'43" W	16°05'50"	
C42	314.00	53.38	53.32	N 66°50'24" E	9°44'28"	
C43	164.00	10.43	10.43	S 80°29'09" W	3°38'37"	
C44	286.00	80.18	79.91	S 18°21'50" W	16°03'44"	
C45	314.00	50.34	50.33	N 04°47'37" W	5°32'11"	
C46	36.00	56.10	50.60	N 37°05'02" E	89°17'29"	
C47	314.00	54.91	54.84	N 76°43'12" E	10°01'09"	
C48	164.00	51.71	51.50	N 21°20'39" E	18°03'59"	
C49	36.00	54.30	49.30	N 55°27'16" E	86°25'10"	
C50	286.00	73.21	73.01	S 02°56'16" W	14°40'01"	
C51	286.00	71.36	71.17	S 01°07'22" E	14°17'42"	
C52	36.00	49.30	45.54	N 62°06'15" W	78°27'47"	
C53	214.00	4.78	4.78	N 23°30'48" W	1°16'52"	
C54	47.00	34.65	33.87	N 03°01'56" W	42°14'35"	
C55	164.00	59.79	59.46	N 01°51'59" E	20°53'52"	
C56	164.00	47.52	47.35	N 38°35'13" W	18°36'08"	
C57	286.00	96.97	96.51	S 72°00'59" W	19°25'36"	
C58	36.00	56.55	50.91	N 53°16'13" W	90°00'00"	
C59	164.00	47.52	47.35	N 89°23'30" W	18°36'08"	
C60	136.00	159.87	150.82	S 14°41'36" W	67°21'10"	
C61	136.00	182.34	168.98	S 57°23'29" E	76°48'59"	
C62	164.00	47.52	47.35	N 56°11'18" W	18°36'08"	
C63	164.00	47.52	47.35	N 72°47'24" W	18°36'08"	

BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L6	S 30°42'10" W	56.55
L7	S 21°29'35" W	45.05
L8	S 13°36'32" W	32.30
L9	S 41°41'39" W	41.84
L10	S 18°34'52" W	46.92
L11	S 10°34'32" W	19.34
L12	S 54°25'00" W	51.14
L13	S 27°54'47" W	47.33
L14	S 09°35'35" W	34.89
L15	S 42°58'33" W	76.02
L16	N 88°51'15" W	50.74
L17	S 30°54'31" W	26.75
L18	S 03°00'55" E	32.86
L19	S 69°38'18" W	34.50
L20	S 27°19'36" W	26.67
L21	S 70°41'53" W	33.44
L22	S 09°58'45" E	46.81
L23	S 31°12'39" E	59.31
L24	S 55°23'17" W	38.64
L25	S 28°42'11" W	11.17
L26	S 48°08'15" E	52.86

PURPOSE NOTE

THE PURPOSE OF THIS PLAN IS TO REVISE THE LOT NUMBERS TO MATCH THE MASTER PUD PLAN.

SUPERSEDE NOTE

THIS PLAN SUPERSEDES PLAT BOOK 121 PAGE 180 AS RECORDED IN SUSSEX COUNTY RECORDER OF DEEDS.



DATE: FEBRUARY 2020
SCALE: 1"=50'
DWN. BY: ADM
PROJ. NO.: 2875A001
DWG. NO.: R2.3

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-3900
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-1744

MILFORD PONDS - PHASE 2
CEDAR CREEK HUNDRED, CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

Revisions:
Date: FEBRUARY 2020
Scale: 1"=50'
Dwn. By: ADM
Proj. No.: 2875A001
Dwg. No.: R2.3

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ISO 9001:2008 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

January 30, 2020

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: Milford Ponds – Phase 2 and Phase 3 Construction Plans
KCI Job No. 131803632 – Task 09

Dear Mr. Pierce,

As requested, KCI Technologies performed a review of the Phase II and III of Milford Ponds Record/Construction Plans. This review was based on the City's Standard Specifications, and general engineering best practices. These plans were submitted by DBF and are dated March 2019.

We offer the following comments for consideration. The plans that were resubmitted addressed many comments but the plans still seem incomplete/lacking a lot of information (details, storm drain information, grading issues, missing pipes, missing/overlapping labels, plan views from phases not pertaining to phase 2 or 3, etc.). Many of the remaining comments are construction related which may be addressed once final construction plans are submitted. However, the Conditional Use and Record Plan comments shall be addressed prior to preliminary approval. In addition, revise the plans accordingly so that all drainage easements are at least 20' wide for both phases (in between lots 186 and 187 in phase 2 and all of phase 3) prior to preliminary approval. There may be additional construction comments once final plans are submitted. Please refer to the approved Phase 1 Plans and revise the Phase 2 and Phase 3 so that the setup for each plan is similar.

Conditional Use (PUD)

1. (General) A Planned Unit Development is defined as "a development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development. The original approval from 2004 provided a total of 722 units,

including 150 condominiums, 228 townhouses and 344 single-family detached units. The revised PUD that was approved in 2018 provided a total of 700 units, including 459 single family detached units, 91 townhouses and 150 multi-family units. The proposed PUD has eliminated townhouses completely and provides 504 single-family detached dwellings and 264 multi-family units, for a total of 768 units. The Planning Commission and City Council will need to determine if the intent of a PUD is still met by the unit mix and layout being proposed. **Comment Noted – This will be addressed during the Public Hearing per response letter.**

2. (General) Currently, there are Townhouse Requirements listed in the PUD requirements. However, Townhomes are no longer proposed within this PUD. Remove the requirements of the Townhomes if they will not be proposed as a part of this project. **Addressed.**
3. (General) Include the request for the number of units per multi-family building for Phase 4 in the PUD table. This is not a waiver from Chapter 200, this is a deviation allowed under the PUD approval. **Comment Remains.**
4. (General) Provide the overall project density in dwelling units per acre in the Data Column. **Comment Remains – Add the total provided number of units in the phase 2 data column similar to what is shown in the phase 3 data column.**
5. (General) Revise the open space and recreational open space requirement calculations in the data column per Chapter 230-48-10(G) of the City's Zoning Code. **Comment Remains – Add the required open space calculation and provided open space to the Phase 2 Record and Construction Plan Cover Sheets.**
6. (General) In order to minimize issues with updating parcel numbers, addresses, and assessment information, coordinate with Sussex County Mapping Department for lot number arrangement. **Comment Remains – DBF is to meet with Sussex County Mapping Department per response letter.**
7. (General) Verify that there are 363 single-family dwelling units in Phase I. There were 364 single-family dwelling units in the current PUD and it is not clear where the change occurred in Phase I. **Comment Remains – Per DBF's response letter, one lot is proposed to be removed in Phase 1 and a revised record plan will be submitted and recorded to show this. Provide KCI and the City with the revised Record Plan once available.**
8. (General) Add the date of boundary and topographic survey under the General Notes of Phase 2 and Phase 3. **Addressed.**

9. (General) Update the Construction Plans per the Record Plan and PUD comments. **Addressed.**

10. (General) **Verify that the Phase 2 and Phase 3 cover sheets for the Record and Construction Plans are consistent and provide the information requested in the above comments. For example, the required open space calculation is not listed on the Phase 2 plans, total number of units provided is not listed on the phase 2 plans, etc.**

Phase 2 Record Plan

11. (Cover) Add all City of Milford General Record Plan Notes. **Addressed with Comment – Add all the notes to the Construction Plans.**

12. (Cover) Add the provided City of Milford approval blocks to the plan. **Addressed.**

13. (Cover) Provide a wetland certification statement. **Addressed.**

14. (Cover) Once approved, update the variance notes to list the approval date and whom approved the variance (i.e. board of adjustments). **Comment Remains – See comment 17 and add the approval date and board whom approved all variances once/if approved.**

15. (Cover) Update the PUD table per the PUD review comments. Remove the reference to the apartment variance in the notes and add to the overall PUD table. **Addressed.**

16. (Cover) Update the data column per the PUD review comments. Provide the overall project information similar to what was done for Phase I. **Addressed.**

17. (Cover) Note that the variances on the sheet should only be from Chapter 200 Subdivision of Land. The PUD approval permits have some deviations from the zoning ordinance, which should be provided in the PUD table. Any variances from Chapter 230, outside of what is permitted through the PUD, will require Board of Adjustment review. **Comment Remains – All deviations from Chapter 200 or 230 needs to be noted in the PUD table. Currently, the applicant is showing a reduction in the R.O.W. from 60' to 28' but has not specifically requested this deviation on the title sheet. Revise the plan accordingly to list this reduction in the PUD table. If not, then any deviation not requested in the PUD table will be enforced upon on the submission of the final subdivision.**

18. (Cover) Note the pavement width and right-of-way width waiver request in the waiver table for all roadways that do not meet Chapter 200 requirements. Minor collectors require 50-60 feet of right-of-way and 25-30 feet of pavement width

per Chapter 200. The plans only provide 28 ' of right-of-way and 22 ' in pavement width. **Comment Remains – See comment 17 and add the approval date and board whom approved this once/if approved.**

19. (Cover) The supercedure note on the cover sheet references Phase I instead of Phase II. Revise the note accordingly to refer to the correct phase. **Addressed.**
20. (Cover) The maximum allowed impervious coverage is 35%. Add a Phase 2 Site Area Breakdown to the data column as follows to ensure that the maximum impervious coverage is not exceeded before completion of all 4 phases of the subdivision. Although the building footprints may not have been set yet, an accurate building coverage estimate shall be included in the impervious surface area. **Addressed – The same shall be done when Phase 4 is submitted.**
21. (Cover) Currently, under existing zoning it lists proposed use and then lists the zones that are proposed. Revise the data column to list the existing/proposed ZONING. **Addressed.**
22. (R2.2) Label the SWM area on the plan. **Addressed.**
23. (R2.2) Label the easement between lots 199/200. **Addressed.**
24. (R2.2) The metes/bounds data for lots 168/169 and 222/223 are overlapped by an easement and is tough to read. Revise the plan accordingly so that there are no overlapping labels. **Addressed.**
25. (R2. 2) Currently, there appears to be a parcel between lots 216 and 217 that is shown with new property lines but is not labeled. Verify whether this is a parcel or not and add a lot number with metes/bounds. If this is open space, remove the proposed property line and incorporate with the larger open space parcel to the east. **Addressed.**
26. (R2.2) Show the recreational open space components that are shown on the PUD master plan. **Addressed with Comment – It appears that residents would have to cut through private property or walk along the SWM Pond bank in order to access the picnic area. Clarify how residents will access the picnic area.**
27. (R2.2 & R2.3) Label all open space parcels with a unique identifier and provide the overall acreage of each parcel. **Addressed with Comment – Provide a unique identifier for each open space parcel and Label the total acreage for each section of open space similar to what is done for each lot.**
28. (R2.2 & R2.3) Show the 25' wetland setback on the plan. **Addressed.**

29. (R2.3) Revise the metes/bounds labels for lots 164/165 so that they are legible. **Addressed.**
30. (R2.3) Verify that all curves listed in the curve table are shown on the plan. **Addressed.**

Phase 2 Construction Plans

31. **Provide all required agency approvals (i.e. Fire Marshal, DHSS, SCD, etc.)**
32. **Provide construction information for the storm drain system. Profiles, inverts, elevations, schedules, etc.**
33. **Provide the necessary structure and pipe schedules for the sanitary and storm drain systems.**
34. (General) Add all applicable City of Milford and DeDOT details to the plan (Storm, Sanitary, Water, Site, etc.). **Comment Remains – Some details were added to the Phase 3 plans but not to the Phase 2 plans. All applicable details shall be provided on both plans. They include the details provided on the Phase 3 plans, sidewalk, curb, handicap ramps, storm structures, etc.**
35. (General) Revise the plan accordingly so that all plan view sheets have a graphical scale. **Addressed.**
36. (General) The sidewalks should be 5' instead of 4' per the City Standard Specifications and ADA requirements. **Addressed.**
37. (General) Add the 25' wetland setback to the plan. **Addressed.**
38. (Cover) Add all City of Milford General Notes to the plan. **Comment Remains – Add all City of Milford General Notes to the Construction Plans. Currently, they are only on the Record Plan.**
39. (Cover) Add all required City Approval Blocks to the cover sheet for construction plans. **Comment Remains.**
40. (Cover) Add the date of boundary and topographic survey. **Addressed – We recommend verifying that the survey is still correct since it is dated from 2005.**
41. (Cover) Currently, under existing zoning it lists proposed use and then lists the zones that are proposed. Revise the data column to list the existing/proposed ZONING. **Addressed.**

42. **(Cover) Verify what the correct FEMA note is. General Note 6 and 23 conflict with each other.**
43. (C2.1 & C2.2) Add the stationing at intersections. **Addressed.**
44. (C2.1 & C2.2) Add the PC and PT stationing. **Addressed.**
45. **(C2.1 & C2.2) Revise the plan accordingly to limit label overlap and so that text is in the correct orientation.**
46. **(C2.1 & C2.2) Many of the contours (Specifically the crowns in the road) do not have an elevation labeled. Revise the plan accordingly so that the elevations are clear for all contours.**
47. (C2.3) Currently, there is varying pavement section depths throughout the subdivision. Revise the plan accordingly so that there is minimal to no change in pavement sections throughout the subdivision. **Comment Remains – Revise the section detail to show 11” GABC instead of 8” to provide consistency from the Phase 1 plans. In addition, verify if two of these section details are needed, they appear to show the same thing. Lastly, revise the stationing and street names to be the road names and corresponding stations of this phase. This should also be applied to the phase 3 construction plans.**
48. (C2.3) Revise the pavement sections so that they meet the City's minimum requirement of 8" of GABC and 3" of combined top/base. **Addressed.**
49. (C2.3) Revise the road section to specify 2% slope instead of 1/4"/FT. **Addressed.**
50. (C2.3) Currently, the plan shows 18' utility easements parallel to the City's Right-of Way along the roads. However, the road section show 10 ' utility easements. Revise the detail accordingly to match the plan. **Addressed.**
51. (C2.3) Currently, the road section shows a 26' Right-of-Way. However, the plan views on the road plans label a 28' Right-of-Way. Revise the plans accordingly so that they match. **Addressed with Comment – Although the Right-of-Way was corrected, now it appears that the road section detail does not match what is shown on the plan view. The road section detail has the curb width as 3’ (per DelDOT Detail, type 2 curb is 2’ in width) and the grass area between back of curb and sidewalk as 3’ (on the plan this area is 5’), the area between the back of sidewalk and the easement is 10’ (we measured 9’ on the plan). Revise the plan/road section detail accordingly so that they match.**
52. (C2.3) There are notes that refer to Section 5 for Sidewalk Specifications and Section 7 for Design Information. Verify if these should be on the plan. The details for these items shall be shown on the plan as well. The sidewalk detail shall be

added to the plan set. **Comment Remains – Add the City of Milford Sidewalk Detail to the plan and clarify what specifications the notes are referring to (i.e. Milford or DelDOT specs).**

53. (C2.3) Address the following in regards to the Intersection Plan Views:
- a. Currently, there is an intersection plan view that is named Round Robin Drive Plan View. Revise the name of this to include the intersection name similar to how the two other intersection plan views were named. **Comment Removed.**
 - b. Add the street names to the plan views. **Addressed.**
 - c. Add proposed spot elevations (and flow arrows) along the face of curb at 25' intervals and as necessary to demonstrate the proposed drainage patterns thru the intersection or to an inlet. **Addressed – We recommend addressing this comment but will not be required.**
 - d. Add the storm drain structure numbers to the plan views. **Addressed.**
54. (C2.3) The stormwater management easements are not wide enough to allow for safe excavation for piping for future repairs. These should be a minimum of 20' in width to allow for enough area to repair piping in the future. Keep in mind that the easements shall not encroach upon the lot setbacks. **Comment Remains – Pipe 502 only has a 10' easement in between lots 186 and 187. This will have to be revised to a 20' easement to allow enough room for City maintenance/repairs. In addition, if it is determined that any of the storm drain pipes in between lots are extremely deep, then the easements may have to be increased beyond 20'.**
55. (C3.1) Currently, there appears to be proposed grading within the building footprints. The buildings shall have a consistent finished floor elevation. **Comment Remains – Some of the grading lines are still going through the proposed finished floor. For example the grading lines are going through lots 193,194,197,198,217, and 225. Revise so that all lots have a consistent finished floor elevation.**
56. (C3.1) Currently, there are two proposed grading line types on the south side of the stormwater management pond. Revise the grading of the stormwater management pond so that there is just one proposed grading layer. **Comment Removed – Pond grading and SWM facilities to be reviewed by SCD.**
57. (C3.1) **Many storm drain pipes are missing from the plan (i.e. P501, P511, etc.) Add these pipes to the plan.**

58. (C3.1) **Revise the P511 identifier so that it is not overlapping with the gray overlap of the SWM facility.**
59. (C4.1) Currently, there are two fire hydrants located adjacent to Lot 202. Revise the plan accordingly so that the fire hydrants are spaced adequately. **Addressed.**
60. (C4.1) Currently, it appears that there are two waterline alignments for the 10' , water main that is capped at South Walnut Street in between lots 199 and 200. Verify whether or not there will be two waterline alignments or revise the plan accordingly to only show one. **Addressed.**
61. (C4.1) There shall be a water valve at each leg of a T intersection. Revise the plan accordingly so that there are three valves at each T intersection. **Addressed.**
62. (C4.1) Add a fire hydrant assembly label and 6" gate valve label to the fire hydrant adjacent to lot 202. **Addressed.**
63. (C4.1) Verify that the minimum 10' horizontal separation is met for the fire hydrant service pipe and sewer lateral for lot 202. **Addressed.**
64. (C4.1) There are two manhole symbols by Manhole 83. Verify if both manholes are needed or remove the manhole symbol from the plan. **Addressed.**
65. (C4.1) Currently, there appears to be overlapping 8" sewer main labels in front of lot 167. Remove one of the labels to fix the overlap. **Addressed.**
66. (C4.1) Per the City of Milford Standard Specifications "Sewer mains should be located within the street right-of-way wherever practical, and as close to the centerline of the road as possible. Curb crossings are unacceptable." Revise the plans accordingly so that all sanitary sewer mains are located as close to the centerline of the road as possible and do not have curb crossings. **Addressed.**
67. (C4.1) Label the utility easements on the plan. **Addressed.**
68. (C4.1) Currently, there are easements that lead to the storm water management pond. However, there are no storm drain pipes/structures within these easements. Verify if storm drain pipes/structures are proposed within these easements. If they are, then add them to the plan. **Addressed.**
69. (C4.1 & C4.2) Clarify the pipe material of the water main. **Addressed.**
70. (C4.1 & C4.2) The cleanouts and water meters are labeled on the Phase 3 Construction Plans but are not on the Phase 2 Construction Plans. Revise the plans accordingly so that they are consistent. **Addressed.**

71. (C4.1 & C4.2) Add curb stops for all houses just before the meter pits. **Addressed.**
72. (C4.1 & C4.2) Currently, the cleanouts for the sanitary sewer and the water meters are located on the proposed sidewalk. Move all the cleanouts and water meters so that they are located in the grass at the easement line. **Addressed with Comment – This comment is no longer valid. Per recent conversations with Public Works, they prefer cleanouts and water meters to be located within the sidewalk (but not the driveway). We recommend revising the plans accordingly to address this. However, since the comment was wrongfully made on the last review, this can instead be addressed with a note on the plan and a discussion at the pre-construction meeting.**
73. (C4.1 & C4.2) Currently, there are many laterals that tie directly into sanitary sewer manholes. Per the City's Standard Specifications, no laterals shall tie into manholes. They shall connect directly to the gravity main using a y-branch connection. **Addressed.**
74. (C4.1 & C4.2) Label the valves for the fire hydrants on the plan. **Addressed.**
75. (C4.3) Verify that the vertical separation between the sanitary sewer and storm drain system is 12 " minimum. **Addressed.**
76. (C4.3) Currently, there are two profiles that are named MH-80/MH-92. However, they are both incorrectly named. Revise the names of these profiles to reflect what is shown in the profile. **Addressed.**
77. (C4.3) Verify whether or not MH 67 is existing or proposed. If existing, clarify this on the plan. **Addressed.**
78. (C4.3) Revise the matchlines to refer to the sheet and/or phase. **Addressed.**
79. (FPI.1) Add the class of the ductile iron pipe to the fire hydrant detail. The minimum class is 50 per the City's Standard Specifications. **Addressed.**
80. (FPI.2 and FPI.3) The handicap ramps shall be labeled on the Road Plans, not just the Fire Protection Plans. **Addressed.**
81. (FPI.2 and FPI.3) Currently, only the "A", "F", and "B" label are used from the Note Legend on sheets 20 and 21. Determine if the other labels will be used and add them to the sheet accordingly. If not remove them from the Note Legend and renumber the items in the list. **Addressed.**
82. **Currently, there are areas where the storm drain system and watermain overlap for extended stretches (i.e. in front of lots 169 to 172). Water and storm drain pipes may cross with proper vertical separation, but should generally be offset from each other (ideally 3'). Keep in mind that the**

minimum horizontal separation between water and sanitary sewer pipes is 10’.

83. **Add all water crossing profiles to the plan.**

Phase 3 Record Plan

84. (Cover) Update the data column per previous comments for the PUD and Phase 2 reviews. The data column should provide the overall project characteristics similar to what was done for Phase 1. **Addressed.**
85. (General) Revise the Record Plan per the Phase 2 Record Plan comments in this letter. Many of the comments apply for both phases. **Addressed.**
86. (General) Add the PUD Requirements Table similar to what was done for Phase 1 and 2. **Addressed.**
87. (General) Update the Chapter 200 Variances per previous comments for the PUD and Phase 2. **Addressed with Comment – Add the approval date and board whom approved the variance once/if approved.**
88. (RI.02) Verify that the Curve Table is correct and that it matches the plan. There are duplicate curve numbers and missing curve numbers in the table. **Addressed.**
89. Include a wetland certification statement. **Addressed.**

Phase 3 Construction Plans

90. **Provide all required agency approvals (i.e. Fire Marshal, DHSS, SCD, etc.)**
91. **Provide construction information for the storm drain system. Profiles, inverts, elevations, etc.**
92. **Provide the necessary structure and pipe schedules for the sanitary and storm drain systems.**
93. (General) Revise the construction plans per the Phase 2 Construction Plan comments in this letter. Many of the comments apply for both phases. **Comment Remains.**
94. (General) The approved Phase I Plans show utilities as proposed in phase I that are also proposed in Phase 3. For example, sanitary manhole 7, but not limited to, is proposed within Phase I. However, it is also proposed on the Phase 3 Construction Plans. I futilities have already been installed and are shown on this plan as the tie-ins to Phase I, then they should be labeled as existing in the profile. In addition, the

engineer should revise the structure inverts/elevations of the tie-ins from phase I to be the as-built information instead of the design information (for all phases). This will ensure that the minimum required slopes can still be met. This will reduce the risk of the City not accepting the utilities and them having to be dug up and corrected per the City's Standard Specifications. **Comment Removed – See Comment 110 of this letter.**

95. (General) The Phase 3 Construction Plans are missing a lot of pertinent information (profiles, construction details, and signage etc.). Add all pertinent information and revise the plans so that they are consistent with the other phases. **Comment Remains – Add road section details/pavement depths similar to sheet 2.03 on the Phase 2 Construction Plans and any other pertinent information to the plans so that they remain consistent with the other phases.**
96. (General) Add a more detailed legend to the Construction Plans. **Addressed.**
97. (C1.01) **Add all of the utility easements to the “Key Plan” sheets of the plans. The easement line that runs parallel to the R.O.W. is missing.**
98. (C2.01-C2.05) Currently, the legend has two hatchings for pavement. However, they refer to sheet 27 for a detail even though there is no sheet 27 in this plan set. Add the detail to the plan and revise the legend accordingly to reference the correct sheet. **Addressed.**
99. (C2.01-C2.05) **Proposed grading is not shown on the plans but is shown in the profiles. Add the proposed grading to the road plans.**
100. (C2.03 & C2.04) Verify if the profiles/plan views are necessary. They are currently showing plan views and profiles that do not involve Phase 3. **Comment Remains – Profiles/plan views on sheet C2.03 are referring to Phase 1, 2 and 4 but not 3. Verify that these are a part of Phase 3 and if not remove them from this section of Construction plans.**
101. (C-3.01) Currently, it appears that there are areas without crowns in the road. Revise the plan accordingly so that the road is properly graded. **Addressed.**
102. (C-3.01) Currently, there is a contour with a high point/low point between lots 581 and 582 that has no label. **Addressed.**
103. (C3.01) Add the elevation to the contour that circles lot 65. **Addressed.**
104. (C-3.01) Verify whether the catch basins and pipes near lots 464-469 are existing or proposed. The identifier labels appear to be lighter than the other identifier labels for CB 306, CB 307, P 307 and P 308. **Addressed with Comment – Verify that**

Pipe 308 is existing. It appears that the pipe has an existing line type but is shown on these construction plans. In addition, the drainage easements should be 20'. Label the drainage easements in Phase 3 on the Record and Construction Plans.

105. (C-3.01) Currently, it appears that P 353 has no outfall. Revise the plan accordingly so that all pipes have an outfall. **Addressed.**
106. (C3.01) Currently, there is a P 308 label on lot 464 with no pipe shown. Revise the plan accordingly to show the pipe or remove the label. **Addressed.**
107. (C4.01) Currently, there are symbols that appear to be manholes at the curve lines and property lines. Revise the symbol so that it can be differentiated from sanitary sewer manholes and add the symbol to the legend. If these symbols are not needed on the utility plan, remove them. **Addressed.**
108. (C4.01) There are two random circles along the right-of-way in front of lots 147 and 581. Verify if these are necessary on this sheet or remove them. **Addressed.**
109. (C4.01) There is no labeling or legend on the utility plan. Revise the utility plan accordingly so that items are labeled similar to Phase 2. **Addressed.**
110. (C4.01) Currently, it appears that there is a proposed cap at the end of the water mains on Flower Garden Drive and Stich work Way. Verify whether the watermains at the matchline of Phase 1 and Phase 3 along Flower Garden Drive and Stich work Way are capped or if there is an existing watermain that they are tying into. **Addressed with Comment – Per DBF’s response letter, this has not been constructed yet and the contractor is to confirm where to tie in at construction. However, the proposed water main, sanitary sewer, and storm from the approved Phase 1 plans shall still be shown on the plan as existing and the tie in shall be shown. This shall be done at all points in which this phase ties into another phase.**
111. (C4.01) Currently, some of the sanitary sewer pipe line styles show S and some show SS. Revise the sanitary sewer pipe labels so that they are consistent throughout the plan or add a legend to differentiate between the two. **Addressed.**
112. (C4.01) Currently, some of the manholes are labeled as “XX”. Verify what number these manholes should be and revise the plans/profiles accordingly.
113. (C4.01) Revise the plan accordingly so that there is a water valve at each leg of each intersection (i.e. 3 valves for a t intersection and 4 valves for a four way intersection).
114. (C4.01) Add the storm drain system to the Utility Plan so that the plan can be compared to the profiles in regards to utility crossings.

115. (C4.02) Clarify that drop manholes shall be 60" in diameter. **Addressed.**
116. (C4.02) Clarify whether the drop manholes are inside or outside drop manholes. **Addressed.**
117. (C4.02 & C4.03) Two profiles are named pump station/MH-19 profile. Revise the name to match what is shown in the profile. **Addressed.**
118. **(C4.02 & C4.03) Add all inverts to the profiles.**
119. (C4.03) Add matchlines to the plans/profiles. If the two ends of the profile are other phases, then refer to the phase. For example, the Phase I line should be shown on the profile adjacent to Sanitary Sewer Manhole 7. **Comment Remains.**
120. **Add all water crossing profiles to the plan.**

If you have any questions or comments regarding this letter, please do not hesitate to contact me any time at (302) 318-1087.

Sincerely,



Eric T. Gibson,
Engineer in Training



Jason McClafferty, P.E.
Project Manager

February 13, 2020

City of Milford
180 Vickers Drive
Milford, DE 19963

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechier, P.E.

Attn: Rob Pierce, Planning & Economic Development Director

RE: **Milford Ponds – Revised PUD, Phase 2 Preliminary and Phase 3 Preliminary**
Original Tax Parcel Number: 1-30-3.00-264.00, 1-30-3.00-264.01, and 1-30-6.00-
108.00
DBF #2875A001

Dear Mr. Pierce,

On behalf of our clients Milford Ponds, LLC we are please to submit a revised PUD Plan, revised Phase 2 and revised Phase 3 preliminary plans per comments received on January 30, 2020. The plans only address the PUD Conditional Use and Record Plan comments. A separate response will be prepared for the construction documents. In regards to the PUD, most of the deviations were approved in the previous request and believe we have annotated them on the cover page and will ensure during the public hearing process that all deviations that were previously approved and / or new requests are documented. Upon Council approval, a final PUD plan will be submitted to the City. We have retained the original numbering to facility review of the Conditional Use and Record Plans and offer the following item-by-item response:

Conditional Use (PUD)

*1. (General) A Planned Unit Development is defined as "a development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development. The original approval from 2004 provided a total of 722 units, including 150 condominiums, 228 townhouses and 344 single-family detached units. The revised PUD that was approved in 2018 provided a total of 700 units, including 459 single family detached units, 91 townhouses and 150 multi-family units. The proposed PUD has eliminated townhouses completely and provides 504 single-family detached dwellings and 264 multi-family units, for a total of 768 units. The Planning Commission and City Council will need to determine if the intent of a PUD is still met by the unit mix and layout being proposed. Comment Noted – This will be addressed during the Public Hearing per response letter. **Acknowledged.***

3. (General) Include the request for the number of units per multi-family building for Phase 4 in the PUD table. This is not a waiver from Chapter 200, this is a deviation

allowed under the PUD approval. Comment Remains. This is listed in Section B.

4. (General) Provide the overall project density in dwelling units per acre in the Data Column. Comment Remains – Add the total provided number of units in the phase 2 data column similar to what is shown in the phase 3 data column. **The number of units has been added and the data column for Phase 2 will be revised prior to submitting final plans for approval.**

5. (General) Revise the open space and recreational open space requirement calculations in the data column per Chapter 230-48-10(G) of the City's Zoning Code. Comment Remains – Add the required open space calculation and provided open space to the Phase 2 Record and Construction Plan Cover Sheets. **The data column for Phase 2 will be revised prior to submitting the final plans for approval.**

6. (General) In order to minimize issues with updating parcel numbers, addresses, and assessment information, coordinate with Sussex County Mapping Department for lot number arrangement. Comment Remains – DBF is to meet with Sussex County Mapping Department per response letter. **We are meeting with Sussex County Mapping on Friday, February 21, 2020.**

7. (General) Verify that there are 363 single-family dwelling units in Phase I. There were 364 single-family dwelling units in the current PUD and it is not clear where the change occurred in Phase I. Comment Remains – Per DBF's response letter, one lot is proposed to be removed in Phase 1 and a revised record plan will be submitted and recorded to show this. Provide KCI and the City with the revised Record Plan once available. **Acknowledged.**

10. (General) Verify that the Phase 2 and Phase 3 cover sheets for the Record and Construction Plans are consistent and provide the information requested in the above comments. For example, the required open space calculation is not listed on the Phase 2 plans, total number of units provided is not listed on the phase 2 plans, etc. **The Record Plan and Construction Cover Sheets will be revised and updated to be consistent with each other.**

Phase 2 Record Plan

11. (Cover) Add all City of Milford General Record Plan Notes. Addressed with Comment – Add all the notes to the Construction Plans. **Acknowledged.**

14. (Cover) Once approved, update the variance notes to list the approval date and whom approved the variance (i.e. board of adjustments). Comment Remains – See comment 17 and add the approval date and board whom approved all variances once/if approved. **The notes will be updated after approval by City Council.**

17. (Cover) Note that the variances on the sheet should only be from Chapter 200 Subdivision of Land. The PUD approval permits have some deviations from the zoning

ordinance, which should be provided in the PUD table. Any variances from Chapter 230, outside of what is permitted through the PUD, will require Board of Adjustment review. Comment Remains – All deviations from Chapter 200 or 230 needs to be noted in the PUD table. Currently, the applicant is showing a reduction in the R.O.W. from 60' to 28' but has not specifically requested this deviation on the title sheet. Revise the plan accordingly to list this reduction in the PUD table. If not, then any deviation not requested in the PUD table will be enforced upon on the submission of the final subdivision. We have added the deviations to the PUD plan and will review them one by one to ensure all necessary deviations have been received.

18. (Cover) Note the pavement width and right-of-way width waiver request in the waiver table for all roadways that do not meet Chapter 200 requirements. Minor collectors require 50-60 feet of right-of-way and 25-30 feet of pavement width per Chapter 200. The plans only provide 28 ' of right-of-way and 22 ' in pavement width. Comment Remains – See comment 17 and add the approval date and board whom approved this once/if approved. See response to Comment 17.

*26. (R2.2) Show the recreational open space components that are shown on the PUD master plan. Addressed with Comment – It appears that residents would have to cut through private property or walk along the SWM Pond bank in order to access the picnic area. Clarify how residents will access the picnic area. **There is an open area between Lots 216 and 217.***

*27. (R2.2 & R2.3) Label all open space parcels with a unique identifier and provide the overall acreage of each parcel. Addressed with Comment – Provide a unique identifier for each open space parcel and Label the total acreage for each section of open space similar to what is done for each lot. **The open space areas have been identified by a letter.***

Phase 3 Record Plan

87. (General) Update the Chapter 200 Variances per previous comments for the PUD and Phase 2. Addressed with Comment – Add the approval date and board whom approved the variance once/if approved. See response to comment 17.

If you have any questions or need additional information, please do not hesitate to contact me at (302) 424-1441 or rw1@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.


Ring W. Lardner, P.E.
Principal

DEPARTMENT OF TRANSPORTATION
COMMENTS FOR
DAC MEETING
OF October 2019

Lands of Milford Ponds

Tax Map #: 130-6.00-108, 130-3.00-264 & 264.01

SCR X (X)

Sussex County

#19-035 / Milford Ponds, LLC Phases I, II, & III

1. Please refer to the “*Development Coordination Manual*” manual for the design of the subdivision streets and/or entrance. The website for the manual is the following;

<http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>

2. For all projects, any sub-station and/or wastewater facilities will be required to have access from the internal subdivision street with no direct access to the State maintained highway.
3. For all projects, a 20-foot wide buffer will be required from the edge of the stormwater management pond to the ultimate right-of-way of the County road. The ultimate right-of-way is based on the functional classification of the road.
4. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5.1.2: Frontage Easements, a 15-foot wide permanent easement will need to be established across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way for this road. The following note is required, “**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**”
5. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5: Dedication of Right-Of-Way and Easements, Figure 3.2.5-a Minimum Standards for Total Roadway Right-Of-Way, the project shall be subject to dedicate right-of-way in accordance to the minimum standards.
6. Referring to the “*Development Coordination Manuals*”, Chapter 3 – Record Plan Design, Section 3.2.4.1: Subdivision Street Right-Of-Way Monuments, right-of-way monuments are recommended to be furnished and placed along the private subdivision street.
7. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.4.2; Frontage Road Right-of-Way Monumentation, concerning the right-of-way markers being placed to provide a permanent reference for re-establishing the right-of-way and property corners along frontage roads. Due to the right-of-way dedication,

show and note the property corners markers that will need to be installed.

8. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5.5: Transit Facilities, transit facilities requirements shall be followed as required by DTC or DelDOT.
9. Referring to the “*Development Coordination Manual*”, under Chapter 3; Record Plan Design, Section 3.2.5.1.1 – Easements, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.
10. Metes and bounds and total areas need to be shown for any drainage easements. A minimum 20-foot wide drainage easement must be provided for storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. These easements shall be shown and noted on record plan.
11. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5: Connectivity, connectivity requirements shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the local land use agency’s requirements for connectivity.
12. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2.1: Record Plan Content, the traffic generation diagram is required. See Figure 3-4-2-a: Traffic Generation Diagram for what is required.
13. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, adjacent existing features are required to be shown in accordance with Figure 3.4.2-b.
14. It will need to be noted on the Record Plan the type of off-site improvements and when the off-site improvements are warranted for this project.
15. Referring to the “*Development Coordination Manual*”, Chapter 2 – Traffic Analysis and Improvements, it will need to be determined if a revised Traffic Impact Study (T.I.S.), Area-Wide Study Fee or a Traffic Operational Analysis (T.O.A.) will be required.
16. As per the Delaware State Strategies for Policy and Spending Map, this project is located within Investment Level I or II. Referring to the Departments Shared-Use Path/Sidewalk Policy a project an all Level I and Level II areas are required to install a path/sidewalk along the property frontage. If a physical impossibility exists, then a fee in lieu of construction shall be paid.

- a. Projects in all Level area that generate 2,000-trips or greater are required to install a path/sidewalk along the property frontage.
17. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.2.5 – Subdivision and Commercial Entrance Design Guidelines – Intersection Corner Radii, a separate turning template plan shall be provided to verify vehicles can safely enter/exit the entrance. The entrance shall be designed for the largest vehicle using the entrance.
18. Please check to determine if any utilities will need to be relocated as part of this project.
19. Standard General Notes have been updated and posted to the DeIDOT Website. Please begin using the new versions and look for the revision date of **May 21, 2019**. The notes can be found at the following website under the *Guidance* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
20. All PLUS/TAC comments shall be addressed prior to submitting the plans for review.
21. Referring to the “*Development Coordination Manual*”, Chapter 6 – Construction Administration, Section 6.4.3: Commercial Entrances – Inspection and Acceptance, Figure 6.4.3-a: Construction Inspection Responsibilities, determine if the project is a Level 1 or Level 2 project and if an inspection agreement will be required.
22. The Auxiliary Lane Spreadsheet has been posted to the DeIDOT website. Use this spreadsheet to determine if auxiliary lanes are warranted. The Auxiliary Lane Spreadsheet can be found at the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
23. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.4 – Sight Distance, a sight distance triangle is required. A spreadsheet has been developed to assist with this task and can be found on the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
24. Please refer to the “*Development Coordination Manual*” Chapter 3; Record Plan Design, Section 3.4.1 Commercial or Major Residential Subdivisions – Record Plan Application Process, concerning if a pre-submittal meeting is required.
25. Effective August 1, 2015, all new and resubmittals shall be uploaded via the PDCA with any fees paid online via credit card or electronic check (ACH). The design firm making the submittal must create the project in the PDCA and upload all the required items to allow DeIDOT to start the review process. Our website offers more detailed information,

including links to guidance about creating PDCA submittals. This information can be found at the following website under the PDCA section;

<http://www.deldot.gov/Business/subdivisions/index.shtml>

26. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, an Initial Stage review fee shall be assessed to this project.

27. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4: Commercial or Major Residential Subdivisions, a record plan shall be prepared prior to issuing “Letter of No Objection”. The Record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

28. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, Section 4.3: Subdivision Construction Plan Submittal Requirements, the Construction Stage review fee shall be assessed to this project.

29. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, a subdivision/entrance plan shall be prepared prior to issuing subdivision/entrance approval. The Entrance/Construction/Subdivision plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plans document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

City of Milford, Delaware
Development Advisory Committee

Comment Sheet



DATE OF REVIEW: October 9, 2019

REVIEWING AGENCY: Delaware State Fire Marshal's Office, Sussex Office

INDIVIDUAL REVIEWERS: Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Joseph Moran, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: 302-856-5298, Fax: 302-856-5800

RE: MILFORD PONDS PHASE II (19-033)

The reasons and conditions applied to this project and their sources are itemized below:

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
 - Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- b. **Fire Protection Features:**
 -
- c. **Accessibility**
 - All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from S duPont Blvd and S Walnut St must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:

www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

§ 200-1. - Purpose.

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

§ 200-2. - Title.

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

§ 200-3. - Definitions.

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

OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

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

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

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

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

- (1) Indoor club houses;
- (2) Swimming pools and pool houses;
- (3) Tennis courts;

- (4) Basketball courts;
- (5) Athletic fields;
- (6) Picnic areas with tables;
- (7) Ponds for recreational use (boat, fishing or swimming);
- (8) Playgrounds; and
- (9) Bike or multi-model trails.

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

- A. ARTERIAL STREET and HIGHWAY — A street primarily used for fast and/or heavy traffic.
- B. COLLECTOR STREET — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
- C. MINOR STREET — A street primarily used for access to the abutting properties.
- D. MARGINAL ACCESS STREET — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
- E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.
- F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

§ 200-4. - Application procedure.

A. Preliminary approval.

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

B. Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision,

zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.

- (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
- (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
- (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
- (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-7. - Expiration of approved subdivision development plans.

- A. The following regulations concerning expiration of recorded and approved plans are applicable to major subdivisions and minor subdivisions.
- B. Construction of improvements shown on recorded subdivision plans shall commence within five years of the original recordation date and continue progressing toward completion.
- C. The Department shall notify by certified mail, return receipt requested, applicants and landowners of properties involving approved plans where construction has not commenced one year prior to the expiration date and again six months prior to the expiration date that they are subject to the expiration provisions and identify their options for possible reapproval.
- D. For the purpose of this section, "commencement of construction" shall mean:
 - (1) That a building permit or such other permit or approval by City of Milford or an applicable state agency has been issued and construction commenced under such permit which is visible on an inspection of the property by a representative of City. Such construction must be intended to accomplish the installation of improvements under Section 200-6, General Requirements and Design Standards, but excludes general earthmoving activities, and such work must have been started with a good-faith intention and purpose then formed to continue the work until completion.
 - (2) That all financial obligations associated with a City approved public works utility agreement have been satisfied and the improvements pursuant to said agreement have been completed, provided that the construction described in Subsection D(1) above shall commence within 10 years from receipt by the City of the final monetary contribution required under said agreement.
- E. Construction shall be deemed to be progressing toward completion so long as there is no cessation in construction activity longer than 12 consecutive months. The City shall inspect sites semiannually

to determine the progress of construction. If the City determines that construction activity has ceased for a period of 12 consecutive months or more, the staff shall notify the applicant and landowners by certified mail, return receipt requested, that construction shall recommence within 30 days or the subdivision shall be considered expired.

- F. For subdivisions and land developments in which a certificate of occupancy has been issued for a dwelling, the subdivision shall no longer be subject to expiration.
- G. The applicant and/or landowner shall bear the burden of providing evidence to the City establishing that construction has commenced within the five-year period and is progressing toward completion.
- H. Applicants and/or landowners who have been notified that their projects may be subject to expiration have the following courses of action available to them:
 - (1) The applicant has the opportunity to provide evidence to the City establishing that construction has commenced;
 - (2) The applicant may apply to the City for reapproval of the project for an additional five-year period in accordance with the following procedures:
 - (a) The City shall review the original (i.e, initial) recorded and/or approved plan for consistency with all current provisions of this chapter, Chapter 230 Zoning, and the Comprehensive Plan. Such review may involve coordination with and review by applicable Development Advisory Committee (DAC) agencies. Based upon that review, the Planning Director will determine if the original recorded plan meets current standards, or if the original recorded plan requires minor revisions in order to comply with current standards, or if the original recorded plan must be resubmitted as a new application subject to all appropriate review procedures, regulations, and fees.
 - (b) In the event that the Planning Director determines that the original recorded plan is consistent with current policies and regulations, he/she shall reapprove the plan and provide written notice to the owner of reapproval. Such approval shall allow the issuance of building permits in accordance with all conditions of approval. The owner shall then have five years from the date of such notice of reapproval to obtain building permits and commence construction.
 - (c) Should the Planning Director determine that the plan requires minor revisions in order to comply with current policies and regulations, such notice shall be provided in writing and the applicant shall make such adjustments for administrative approval. Once the required minor revisions are completed, the plan may be reapproved administratively by the City Planning Department allowing the issuance of building permits subject to the provisions of the original record subdivision plan and/or any recorded resubdivision plans. The owner shall then have five years from the date of such notice of reapproval to obtain building permits and commence construction.
 - (d) Should the Planning Director determine that the plan would involve considerable revision to an extent that would change the scope of the project, the plan must be resubmitted for review by the Planning Commission and City Council for compliance with current policies and regulations. The City shall provide written notice to the owner of the specific areas of noncompliance. The landowner shall have the opportunity to make the necessary modifications to the plan and apply to the City as a new application in accordance with this chapter. Should new plans compliant with all current Code provisions be submitted, they must receive approval from the Planning Department, City Engineer, Planning Commission, and/or City Council, as applicable. Once reapproved, subdivision plans shall be recorded and shall have the effect of superseding the original record major subdivision plan. The owner/applicant shall then have five years from the date of reapproval to obtain building permits, commence construction, and progress toward completion.
 - (3) All of the above-referenced reviews, determinations, and reapprovals must be completed prior to the expiration of the five-year period.

- I. Minor plan revisions, as described in Section 200-8, subsection E and F, that do not achieve full compliance with all current subdivision and land development provisions shall not reset the five-year time frame for commencement of construction and shall remain subject to expiration.
- J. Should the five years lapse without the owner pursuing any of the options described in Subsections H(2)(a) through (d) above, the plan shall be considered expired. Expired subdivision plans shall be deleted from the City and County property records by deleting individual subdivision lots from the official City and County Tax Map and by eliminating the undeveloped parcels from the assessment records.

§ 200-8. - General requirements and design standards.

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

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.
 - (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
- (8) The creation of dead-end or loop streets and superblocs will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with

existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.

- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
- (14) Right-of-way widths.
 - (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

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

Note:

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

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

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

- (b) Arterial streets shall be named "boulevards."
 - (18) Street grades shall not exceed 5%.
 - (19) Street grades shall be not less than 0.5% wherever feasible.
 - (20) Changes in street grades shall be connected by vertical curves of suitable length.
 - (21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.
 - (22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.
- B. Sidewalks and curbs.
- (1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:

- (a) In residential subdivisions: four feet unless otherwise specified.
 - (b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.
- (2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.
- (3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.
- C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.
- D. Blocks.
 - (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) The provision of building sites suitable to the needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) The control, safety and convenience of pedestrian and vehicular traffic.
 - (d) The characteristics of topography.
 - (2) Block length shall not exceed 1,200 feet.
 - (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
 - (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
 - (5) Alleys shall be provided if required by the City Engineer.
- E. Lots.
 - (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
 - (2) Lot sizes shall conform to the requirements of Chapter 230, Zoning.
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter 230, Zoning.
 - (4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.
 - (5) All lots in a subdivision shall have frontage on a public street.
 - (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
 - (7) Side lot lines shall be at right angles or radial to street lines.
 - (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.

- (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.
- F. Parks, playgrounds, open spaces, school sites and natural features.
- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.
 - (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code. ² ¶ In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
 - (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
 - (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.
- G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.
- H. Improvements.
- (1) In major subdivisions the following improvements are required:
 - (a) Paved streets.
 - (b) Street signs.
 - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
 - (d) Sidewalks.
 - (e) Streetlighting.
 - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.

- (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.
 - (i) Water mains, culverts, storm sewers and sanitary sewers.
 - [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
 - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
 - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
 - (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
 - (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.
- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
 - (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
 - (4) The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning, Zoning and Engineering Fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

§ 230-9. - R-1 Single-Family Residential District.

In an R-1 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 intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.
- B. Permitted uses. Permitted uses for the R-1 District shall be as follows:

- (1) A single-family detached residential dwelling.
 - (2) Farming, agricultural activities and roadside stands for the sale of farm and nursery products produced on the property where offered for sale.
 - (3) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
 - (4) Parks, playgrounds, athletic fields, recreation buildings, swimming pools and community centers operated on a noncommercial basis for recreation purposes.
 - (5) Customary accessory uses, such as private garages, swimming pools and storage sheds, subject to the following special requirements:
 - (a) The primary residence must exist or be under construction.
 - (b) Private residential garages shall not exceed 750 square feet.
 - (c) Residential storage sheds or related outbuildings shall not exceed 150 square feet.
 - (6) Home occupational/office (subject to the following special requirements):
 - (a) All employees are to be of the immediate family.
 - (b) The appearance of the dwelling shall not be inconsistent with the primary use of the structure.
 - (c) The area used for the home occupation shall not exceed 30% of the total floor area of the dwelling, unless, as in the case of family day care, the state has final jurisdiction of the area requirements.
 - (d) No storage of products or associated materials is allowed in accessory structures/buildings, and no products are to be stored where they are outwardly visible to the public view.
 - (e) Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
 - (f) The occupation will not cause excessive vehicular traffic or noise.
 - (g) The occupation will not involve animal boarding and/or care.
- C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:
- (1) Churches and other places of worship and cemeteries.
 - (2) Public and private elementary, junior or senior high schools.
 - (3) Day-care centers.
 - (4) Conversion of a one-family dwelling into multiple dwelling units, if such dwelling is structurally sound but too large to be in demand for one-family use and if that conversion would not impair the character of the neighborhood, subject to conformance with the following requirements:
 - (a) There shall be a lot area of at least 2,000 square feet for each unit to be accommodated.
 - (b) There shall be a gross leasable floor area, computed as the sum of those areas enclosed by the outside faces of all exterior walls surrounding each story used for the residence, exclusive of any area for any accessory private garage, of at least 500 square feet per family to be accommodated.

- (c) No dwelling shall be converted unless it complies with Chapter 145, Housing Standards, and Chapter 88, Building Construction, of this code.
 - (d) No addition shall extend within the front yard, side yards or rear yard required for the district within which it is located.
 - (e) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.
 - (f) Two off-street parking spaces shall be provided for each additional dwelling unit created.
- (5) Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:
- (a) There shall be three off-street parking spaces in addition to those otherwise required.
 - (b) No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.
 - (c) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (d) The area used for the practice of a professional occupation shall occupy no more than 50% of the total floor area, including garages or other accessory buildings.
 - (e) The professional use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (f) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (g) No display of products shall be visible from outside the building.
- (6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:
- (a) The area used for the practice of the home occupation or studio shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located.
 - (b) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (c) The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (d) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (e) No display of products shall be visible from outside the building.
 - (f) A maximum of two employees shall be permitted in the operation of the home occupation or studio.
- (7) Social club or fraternal, social service, union or civic organization.
- (8) Cultural facilities, including a library, museum or art gallery.
- (9) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.
- (10) Planned unit residential development.
- (11) Planned Residential Neighborhood Development.
- (a) Planned Residential Neighborhood Development. In order to encourage superior residential environments through a unified planning process, the Planned Residential

Neighborhood Development shall be permitted in the R-1 Single Family Residential District Zone as a conditional use subject to the provisions of this chapter and after a determination by the Planning Commission that the proposed planned neighborhood design presents a community design that would not be possible under the conventional zone and is in accordance with the goals and policies of the Comprehensive Plan. The minimum size required for a Planned Residential Neighborhood Development (PRND) shall be 10 acres.

- (b) Review process. The planned neighborhood design option shall involve a three-step review and approval process. In the first step, the developer shall meet with the City Council and present a general sketch plan and a statement documenting the project's compliance with the goals of the Comprehensive Plan for review. The general sketch plan shall reflect the general layout of streets, open space, and housing areas and types. The City Council shall determine whether the proposed project is of such a design and type that it warrants further review by the Planning Commission. If the City Council determines that further review is warranted, the second step shall be the conditional use review process which involves the submission of a conceptual plan which conforms in content to the design standards and requirements specified in this section, as well as the plan submission requirements of this chapter and Subdivision Ordinance. If the conditional use/conceptual subdivision plan is approved, the plan would proceed to the third step which involves the submission of a site development plan and preliminary/final subdivision plans for review and approval by the Planning Commission and City Council.
- (c) Maximum density. The gross residential density in a Planned Residential Neighborhood Development shall not exceed four dwelling units per acre, however the density could be increased to eight dwelling units per acre, provided the development provides the amenities listed under the density bonus section. In no case shall the development exceed eight dwellings units per gross acre.
- (d) Design standards. The design standards and dimensional requirements (bulk and parking regulations) shall be in accordance with this chapter.
 - [1] Lot coverage. Based on the following type of residential construction, the following is the maximum lot coverage:
 - [a] Single-family detached dwelling: 35%.
 - [b] Single-family semidetached dwelling: 35%.
 - [c] Single-family attached dwelling: 40%.
 - [d] Garden apartments/condominiums: 30%.
 - [2] Minimum setback areas. New buildings shall observe a twenty-five-foot minimum front yard, ten-foot minimum side yards, and a twenty-five-foot minimum rear yard.
 - [3] Height of buildings. The height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - [4] Off-street parking. Off-street parking shall be provided for residents, visitors and employees of the facility. The applicant shall demonstrate to the satisfaction of the Planning Commission that, based on total potential occupancy load (resident, visitor and employee), a sufficient number of off-street parking spaces will be provided.
- (e) Design requirements.
 - [1] Common open space.
 - [a] The area set aside and preserved for open space shall aggregate no less than 25 percent of the total site area. Common open space shall be provided in the PRND proposals. The common open space shall not include any wetlands, floodways or similar area not suitable for building as determined by the Planning

Commission and City Council. Significant natural features shall be incorporated into common open space whenever possible.

- [b] The common open space shall be designed as a contiguous area if possible, and shall be interspersed with residential areas so as to provide pedestrian access and visual amenity. The common open space shall be designed and maintained by the property owner/s or an HOA. Recreational areas shall be constructed and may be located within the 25% of open space set aside.
 - [2] Planned neighborhoods. The area set aside and preserved for open space shall aggregate no less than 25% of the total site area.
 - [3] Buffers. Buffers shall be required to provide transition between planned residential development and adjacent properties/rights-of-way or changes in land use. Buffers should consist of earth berms and a planting area. No building shall be constructed less than 40 feet from the perimeter property line of the development. This buffer may consist of either common open space, earth berms, planting areas or private yards or a combination of both; however, no more than 30% of the required buffer area may be counted toward the minimum common open area requirement.
 - [4] Disruption of natural environment. The planned neighborhood design development shall be designed and scheduled so as to minimize earthmoving, erosion, tree clearance and other disruption of the natural environment. Existing vegetation shall be preserved wherever possible. Where extensive natural tree cover and vegetation do not exist or cannot be preserved on the site, landscaping shall be undertaken in order to enhance the appearance of the development and screen streets and parking areas, and enhance privacy of private dwellings. Natural drainage systems shall be preserved wherever possible.
 - [5] Privacy. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Recreational and nonresidential uses shall be located and designed so as not to interfere with nearby residential areas. All structures and activities located near the periphery of the site shall be designed so as to harmonize with neighboring areas.
- (f) Density bonus.
- [1] A density bonus may be granted if the developer furnishes improvements that significantly demonstrate to the Planning Commission that the improvements contribute to superior design and which exceed the standard requirements of the city ordinances in accordance with the following schedule:
 - [a] Open space. For each increase of 10% in common open space over the minimum requirement of 25%, a density bonus of 10% shall be granted.
 - [b] Housing types. Neighborhood design which integrates a variety of housing types to provide architectural diversity and which avoids monotony and segregation by dwelling type in order that single housing type does not dominate the planned neighborhood or section thereof shall be awarded a density bonus of 10%. The term "housing type" refers to each of the following dwelling types: single-family detached houses, semidetached and duplex houses, multiplexes, townhouses, and garden apartments.
 - [c] Public buildings. The construction and leasing of a public building, including a firehouse, or a library, or a branch library which is necessitated, either wholly or partially, by the development, may increase the permitted density by 10%, if approved by the City, the Planning Commission and the agency to which the building is to be leased.

- [d] School sites. The donation of a school site may increase the permitted density by 25%, if approved by the City, the Planning Commission and the local school board.
- [e] Recreation facilities. Where the developer provides recreation facilities in accordance with recommendations from the City, the Planning Commission, and the Parks and Recreation Department where the facilities are in excess of those required by City ordinances, a density bonus of 5% shall be given. Such facilities may include, but are not limited to walking trails, bike paths, tennis courts, and boating access areas.
- [f] Community gardens. The reservation of additional common land for the establishment of community gardening space for the raising of flowers, fruits and vegetables shall be awarded a 5% of density bonus.
- [g] Community day-care facilities. The construction of a building to house a day-care center for use primarily by residents of the community shall be awarded a density bonus of 10%.
- [h] Community buildings. The construction of a community building to serve as a meeting hall for various community functions, including, but not limited to, civic meetings, recreational purposes, receptions and special events, shall be awarded a density bonus of 10%.
- [i] Conservation easements. The establishment of a permanent easement for the purpose of conserving and protecting a woodland area, a wetland area, and/or a stream corridor from removal of existing natural vegetation, and/or encroachment by future development shall be awarded a density bonus of 5%.
- [j] Parking lot landscaping. The construction of landscaping in and around parking lots/areas shall be awarded a density bonus of 2%.
- [k] Low-level lighting. The construction of low level light within the development and in/around parking lots/areas shall be awarded a density bonus of 3%.
- [l] School bus pull off/school bus shelter. The construction of school bus pull offs or school bus shelters within the development shall be awarded a density bonus of 5%.
- [2] Note: City Council will have the final determination in determining the amount of the allowable density bonus.

(g) Conditional use plan approval.

- [1] In addition to the minimum conditional use plan requirements listed in this chapter and the minimum conceptual subdivision plan requirements listed in the Land Subdivision Regulations, the following additional items shall be reflected on or shall accompany the conditional use plan:
 - [a] Architectural drawings illustrating exterior elevations of typical dwelling units and nonresidential structures to be constructed.
 - [b] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.
 - [c] Total acreage of development, land uses in each area, total number of dwelling units, average gross residential density, average lot area and lot width by unit type, and gross residential density in each section.
 - [d] Building coverage lines accurately locating all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, and distances to street rights-of-way and parking areas, with

distances accurate to the nearest hundredth of a foot, and total amount and percentage of impervious area.

[e] Accurate dimensions of common open space areas specifically indicating those areas to be developed for active recreation. Where common space areas are to be developed, the exact location of the structures in common open space will be illustrated.

[f] Locations and dimensions of parking areas and pedestrian walkways.

[2] Each application for a conditional use plan approval shall be accompanied by a fee of \$700 (§ 230-57).

(h) Site development preliminary subdivision plan review.

[1] Application for site development plan approval shall be made to the Planning Commission in accordance with this chapter and the land subdivision regulations. Such application may be requested in stages. The following additional requirements shall be included for review along with the site development plan submission:

[a] A development phasing plan if proposed, which clearly defines the boundaries of each phase of the development and indicates the number of dwelling units to be constructed in each phase. Each phase shall be assigned a number which represents that phase's order in the construction sequence of the development.

[b] Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and nonresidential structures to be constructed.

[c] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.

[d] All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the City Solicitor as to their legal sufficiency.

[e] Restrictions of all types which will run with the land and become covenants in this chapter or in the Land Subdivision Regulations.

[f] In the case of a planned neighborhood design which is proposed to be developed over a period of years in specific phases, the site development/preliminary subdivision plan requirements as listed in this section shall apply to the phase or phases for which approval is being sought. The site development plan for each phase must demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.

[2] Each application for a preliminary plan approval and final plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).

(i) Site requirements.

[1] All structures shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.

[2] All off-street parking shall be provided at the rate of 2.5 spaces for every dwelling unit.

[3] Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other facilities.

[4] Facilities for temporary trash/refuse storage shall be provided in such manner that is adequate for the dwelling units they support.

(j) Final subdivision plat approval.

[1] Final subdivision plat review and approval for planned neighborhood design projects involving subdivision of land shall follow the requirements pertaining to the review and recordation of final subdivision plats. In the case of projects for which a phasing plan has been approved, the final subdivision plat for each phase shall demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.

[2] Each application for a preliminary plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).

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

- (a) The bed-and-breakfast establishment does not adversely affect the residential character of the neighborhood and such use is carried on in an existing residential structure.
- (b) The building proposed for use as a bed-and-breakfast must have the owner of the bed-and-breakfast residing in the building as his/her principal residence.
- (c) The serving of meals shall be limited to breakfast and afternoon tea for overnight guests and customers.
- (d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- (e) No exterior alterations other than a sign and those required by law to ensure the safety of the structure shall be made.
- (f) The bed-and-breakfast operation shall not use more than 50% of the floor area of the principal residence. Common areas such as the kitchen, foyer, living room or dining room are not included in this calculation.
- (g) No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than 20 feet. Sidewalks shall not be illuminated by lighting fixtures higher than 15 feet. Exterior lighting shall be so shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.
- (h) All bed-and-breakfasts must be in compliance with the requirements of the Uniform Building Code and Uniform Fire Code as adapted and enforced by the state fire marshal. Requirements include smoke detectors centrally located on each floor with sleeping rooms and the basement stairway. They must have battery backup and be connected or have a sounding device to provide an alarm which can be heard in all sleeping areas. Every sleeping room must provide at least 50 square feet of floor area per guest and have an operable window of 5.7 square feet or more of clear opening or exterior door for emergency escape or rescue. The maximum distance to a fire extinguisher rated 2A and having a BC rating is 75 feet.
- (i) Safe food handling is the responsibility of the "host." He/She must properly train employees and other household members in safe food handling procedures and requirements and secure the proper state health permit if applicable.
- (j) Parking requirements: one space per guestroom plus two spaces for residence. Spaces shall be located to the side and rear of the building and shall be screened from adjacent properties by a five-foot-high wood or masonry fence or by sight-obscuring vegetation of the same height. The area of the parking lot, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the City

Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.

D. Area regulations.

- (1) Minimum lot area shall be 10,000 square feet. Minimum interior lot shall be 10,000 square feet. Minimum corner lot shall be 13,000 square feet.
- (2) Maximum lot coverage shall be 30%, exclusive of accessory buildings.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (5) Minimum front building setback line shall be 25 feet.
- (6) Minimum rear yard shall be 25 feet. For corner lots the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (7) Side yards shall be provided as follows: each lot shall have two side yards with a minimum of 12 feet each.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Signs shall comply with the requirements provided in Article VI of this chapter.
- (10) Decks, subject to the following requirements:
 - (a) The deck cannot be located in the front yard.
 - (b) A minimum distance of 10 feet must be maintained from the deck to the rear property line.

§ 230-10. - R-2 Residential District.

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

- A. Purpose. The purpose of the R-2 District is to permit housing at a greater density than in the R-1 District by providing for the orderly development of low- to medium-density residential housing into those areas where public services are available. This district also allows for professional home occupations. Finally, it protects existing developments of this nature and excludes noncompatible ones.
- B. Permitted uses: all uses permitted in the R-1 District.
- C. Conditional uses: all uses specified as conditional uses in the R-1 District, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with Article IX of this chapter:
 - (1) Single-family semidetached dwelling.
 - (a) Ownership.
 - [1] Dwelling units and individual lots of a single-family semidetached dwelling may be owned separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time in conformance with Chapter 200, Subdivision of Land, of this Code.
 - [2] Provisions satisfactory to the City Council shall be made to assure that areas of common use of the occupants, but not in individual ownership, shall be maintained in an acceptable manner without expense to the general public.
- D. Design requirements. No apartment/dwelling units shall be located within a cellar.

E. Site requirements.

- (1) The structure shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.
- (2) Off-street parking shall be provided at the rate of 2 1/2 spaces for every dwelling unit on each lot.

F. Facilities.

- (1) Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other such facilities.
- (2) Facilities for temporary trash/refuse storage shall be provided in such a manner that is adequate for the dwelling units they must support.

G. Area regulations.

(1) For permitted uses and single-family semidetached dwellings not separately owned:

- (a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.
- (b) Maximum lot coverage shall be 30%.
- (c) Minimum lot width shall be 80 feet.
- (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (e) Minimum front building setback line shall be 30 feet.
- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
- (g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.
- (h) Parking shall comply with the requirements provided in Article IV of this chapter.
- (i) Signs shall comply with the requirements in Article VI of this chapter.
- (j) Decks, subject to the following requirements:
 - [1] The deck cannot be located in the front yard.
 - [2] A minimum distance of 10 feet must be maintained from the deck to the rear property line.

(2) For single-family semidetached dwellings separately owned:

- (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
- (b) Maximum lot coverage shall be 30%.
- (c) Minimum lot width shall be 40 feet.
- (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (e) Minimum front building setback line shall be 30 feet.
- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
- (g) Side yard shall be provided as follows: each lot shall have one side yard a minimum width of eight feet.

(h) Parking shall comply with the requirements provided in Article IV of this chapter.

(i) Signs shall comply with the requirements in Article VI of this chapter.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

In an R-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 R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.
- B. Permitted uses. Permitted uses for the R-3 District shall be as follows:
- (1) All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:
 - (a) Single-family and two-family dwellings shall be subject to the following area regulations:
 - [1] Minimum lot area shall be 7,500 square feet.
 - [2] Maximum building coverage shall be 45%.
 - [3] Minimum lot width shall be 60 feet.
 - [4] Height of buildings shall not exceed three stories or 35 feet.
 - [5] Minimum building setback line shall be 30 feet.
 - [6] Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.
 - [7] Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
 - [8] Decks, subject to the following requirements:
 - [a] The deck cannot be located in the front yard.
 - [b] A minimum distance of 10 feet must be maintained from the deck to the rear property line.
 - (2) Garden or low-rise apartments, subject to site plan review and the following requirements:
 - (a) The number of dwelling units per acre shall not exceed 16.
 - (b) Building coverage shall be a maximum of 20% for any lot developed for garden apartments.
 - (c) The maximum number of dwelling units per building shall be 12.
 - (d) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.
 - (e) Minimum lot width on any public street shall be at least 50 feet.
 - (f) Minimum lot size shall be one acre for garden apartment properties or complexes, with a minimum of 2,500 square feet of lot area for each dwelling unit.
 - (g) A minimum of 400 square feet per unit shall be designated as open space subject to the following recreational use requirements in Subsection B(2)(h) herein.

- (h) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units.
- (3) Townhouses or row dwellings, subject to site plan review and the following requirements:
- (a) The number of dwelling units per group shall not exceed eight nor be fewer than three.
 - (b) The number of dwelling units per acre shall not exceed 12.
 - (c) Maximum building coverage shall be 60%.
 - (d) No group of townhouses shall be closer than 60 feet as to facing walls and 30 feet as to end walls from any other group of such dwellings nor closer than 60 feet from any boundary line of a designated townhouse area of which the group is a part.
 - (e) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.
 - (f) The minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet.
 - (g) Height of buildings shall not exceed three stories or 35 feet.
 - (h) Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate City services, trash collection, meter reading and parking.
 - (i) Minimum lot size shall be one acre for townhouse projects or complexes, with a minimum of 2,000 square feet of lot area for each dwelling unit.
 - (j) A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use requirements in Subsection B(3)(k) herein.
 - (k) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units. [121](#)
- C. Conditional uses subject to special regulations. All uses specified as conditional uses in the R-1 and R-2 Districts and subject to its area regulations, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:
- (1) Rooming or boarding houses.
 - (2) Business offices for administrative purposes only.
 - (3) Professional offices (nonresident).
 - (4) Medical clinics.
 - (5) Sanatoriums or nursing homes.
 - (6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:
 - (a) The total area to be developed as a mobile home park shall be at least 20 acres.
 - (b) The maximum density shall not exceed eight units per acre.
 - (c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.

- (d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.
- (e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.
- (f) Off-street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on-street parking.
- (g) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.
- (h) Minimum requirements for mobile home lots.
 - [1] Lot area shall be 5,000 square feet per mobile home.
 - [2] Width shall be 40 feet.
 - [3] Public street setback shall be 50 feet.
 - [4] Mobile home park setback shall be 35 feet.
 - [5] Mobile home street or parking area setback shall be 30 feet.
 - [6] Distance from other mobile homes and buildings shall be 25 feet.
 - [7] One patio shall be required per unit, 10 feet by 40 feet paved.
 - [8] Landscaping shall be one tree per lot.
 - [9] Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.
 - [10] The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.
- (7) Art or specialty shops/galleries. The following items shall be reviewed for conformance during the site plan review hearing by the Planning Commission:
 - (a) The residence shall remain as the predominant feature of the site.
 - (b) The shop or gallery shall occupy only 40% of the residence.
 - (c) Public parking shall be available, with the determination of said parking requirements being made by the Planning Commission during the site plan review hearing. These determinations and recommendations must be done in conjunction with any state regulations concerning traffic control within the given site area.
 - (d) The Fire Marshal review must be applied for and recommendations made by the agency must be presented two weeks prior to the hearing date. All requests or recommendations shall be adhered to.
- (8) Planned unit residential development.

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

A. Residential districts.

- (1) In any R-1, R-2, R-3 and R-8 District, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
 - (2) In any R-3 or R-8 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
- B. Commercial districts. In any C-1, C-2 or C-3 District, a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2, R-3 and R-8 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.
- C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-1, OB-1 and OC-1.
- (1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two feet and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.
 - (2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.
- D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2, R-3 or R-8 District or any lot developed or approved for development for residential use, there shall be a 50-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.

§ 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

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

§ 230-47. - Application and approval procedures.

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

§ 230-48. - Criteria for evaluation.

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

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

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

- A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.
- B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.
- C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.
- D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.
- E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in Chapter 200, Subdivision of Land.
- F. Neighborhood commercial.
 - (1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:
 - (a) Retail goods and services.
 - (b) Child-care center (care for fewer than 24 children).

- (c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).
 - (d) Medical and dental offices, clinics, and laboratories.
 - (e) Professional and administrative offices.
 - (f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)
 - (g) Mixed use building (residential, including rentals, with other permitted use).
 - (h) Laundromats or dry cleaners.
 - (i) Art, music, or photography studio.
 - (j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).
 - (k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).
- (2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.
 - (3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.
 - (4) Storage. Except for plants and garden supplies, overnight storage is not permitted.
 - (5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.
 - (6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.
 - (7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.
- G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

§ 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, June 16, 2020
City Council Hearing: Monday, June 22, 2020

NOTICE IS HEREBY GIVEN that the following ordinance is currently under review by Milford Planning Commission and City Council. Public comments will be accepted at the so noted meeting dates which begin at 7:00 p.m.

ORDINANCE 2020-10

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for a Revised Preliminary Major Subdivision (Phase II Only) of 28.06 +/- acres into 89 single family units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Revised Preliminary Major Subdivision (Phase II Only); and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

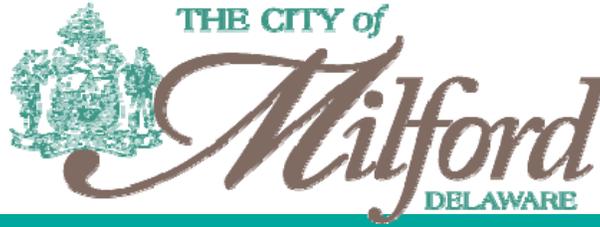
City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

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, 06/03/20



DATA SHEET FOR MILFORD PONDS – PHASE III

Development Advisory Committee: October 18, 2019

Planning Commission Meeting: ~~March 17, 2020~~ **June 16, 2020**

Application Number / Name	:	19-034 / Milford Ponds – Phase III
Applicant	:	Milford Ponds, LLC 179 Rehoboth Avenue, Suite 1081 Rehoboth Beach, DE 19971
Owner	:	Same
Application Type	:	Preliminary Major Subdivision
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-1, R-2 & R-3 with PUD
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Area and Location	:	178.03 +/- acres located along the east side of Route 113 5,500 feet south of the Seabury Avenue intersection known as the Milford Ponds subdivision
Property Identification Numbers	:	1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru 558.00, 1-30-6.00-601.00 thru 691.00

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Preliminary Major Subdivision Plans



STAFF ANALYSIS REPORT
January 31, 2020

Application Number / Name	:	19-034 / Milford Ponds – Phase III
Application Type	:	Preliminary Major Subdivision
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-1, R-2, & R-3 with PUD
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Property Identification Numbers	:	1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru 558.00, 1-30-6.00-601.00 thru 691.00
Area and Location	:	178.03 +/- acres located along the east side of Route 113 5,500 feet south of the Seabury Avenue intersection known as the Milford Ponds subdivision

I. BACKGROUND INFORMATION:

- On July 12, 2004, City Council approved the annexation of four parcels with varying zoning designations including R-1, R-2 and R-3.
- Preliminary Major Subdivision approval and conditional use approval was granted by City Council on September 27, 2004 for a total of 722 units, including 150 condominiums, 228 townhouses and 344 single family detached units.
- Final Major Subdivision approval was granted by City Council on June 5, 2006 for Phase I only. Phase II received Final Major Subdivision approval from City Council on April 28, 2008.
- Portions of Phase I have been constructed, including a roads, curbing, sewer, water, electric and stormwater improvements.
- City Council approved an amendment to the Planned Unit Development on April 23, 2018, modifying the mixture of unit types by eliminating townhouse areas in favor of single-family

detached dwellings, resulting in a unit mix of 459 single family detached units, 91 townhouse units and 150 multi-family units.

- The applicant has requested to amend the Planned Unit Development by eliminating townhouses uses and expanding the proposed apartment uses. The proposed new unit mix would be 504 single-family detached dwellings and 264 multi-family apartments, for a total of 768 dwelling units.
- The applicant is seeking approval of the revised Preliminary Major Subdivision Plans for Phase III of the Milford Ponds subdivision consisting of 52 single-family detached dwellings.

II. STAFF ANALYSIS:

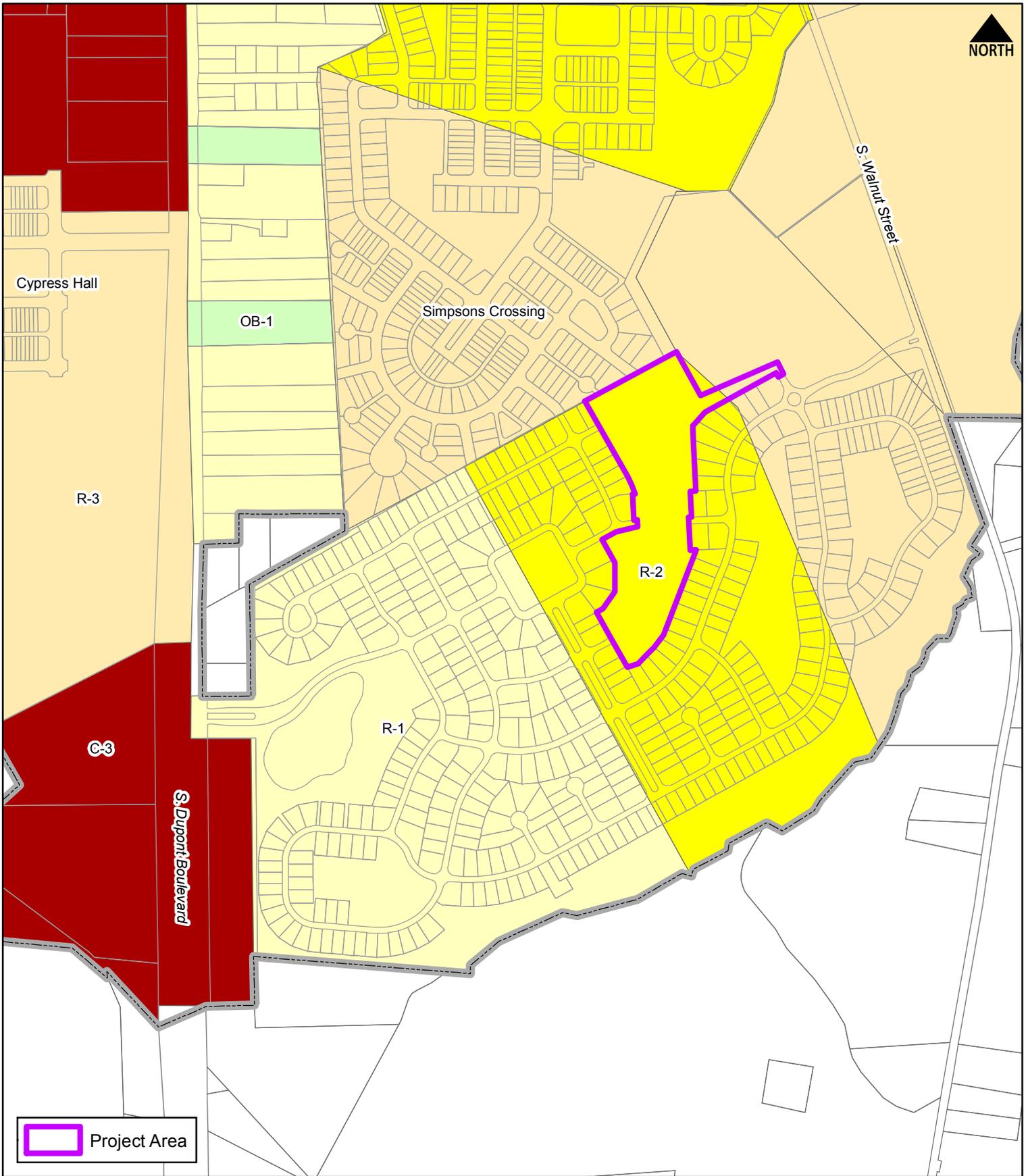
Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a revised Preliminary Major Subdivision/PUD approval:

- The application is consistent with the proposed Planned Unit Development and the requested waivers associated with the submission are provided on the title sheet for the Phase III record plans. Final Subdivision must provide agency approvals and address any waivers not specifically approved by City Council with the Planned Unit Development or the Preliminary Major Subdivision Request.
- The following comments must be addressed prior to final major subdivision approval;
 - Final Major Subdivision Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office, Sussex Conservation District, DNREC and DHSS;
 - Applicant must address remaining Preliminary Major Subdivision review comments (copy of which is included in the packet);
 - Applicant must obtain final approval of engineering plans from the City Engineer; and
 - Address additional department and agency comments outlined in Section III.

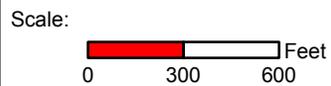
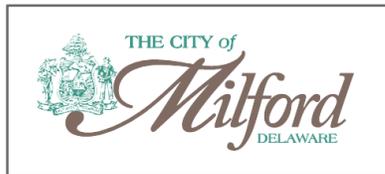
III. AGENCY & DEPARTMENT COMMENTS:

- **Office of State Planning Coordination**
Contact: David Edgell – 302-739-3090
- **DelDOT**
Contact: Derek Sapp – 302-760-4803
See attached comments.
- **Delaware Health and Social Services – Division of Public Health**
Contact: William J. Milliken, Jr. – 302-741-8646
No comments provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
Contact: Bryan Ashby – 302-739-9946
No comments provided.
- **Sussex Conservation District**
Contact: Jessica Watson – 302-856-2105
No comments provided.

- **Delaware State Fire Marshal's Office**
Contact: Duane T. Fox – 302-856-5298
See attached comments.
- **Carlisle Fire Company**
No comments provided.
- **City Engineer**
Contact: Jason McClafferty, P.E. – KCI Technologies
See comments related to Phase II and Phase III Preliminary Major Subdivision applications.
- **City of Milford Public Works Department**
Contact: Mark Whitfield – 302-422-1110
- **City of Milford Parks and Recreation Department**
No comments provided.
- **City of Milford Police Department**
No comments provided.
- **Milford School District**
No comments provided.



 Project Area



Drawn by: WRP Date: 10/03/19

Title:

Preliminary Major Subdivision
Milford Ponds - Phase III
Location & Zoning Map

Filepath: PreliminaryMajorSub_MilfordPonds_PhIII.mxd

PROPOSED PUD REQUIREMENTS

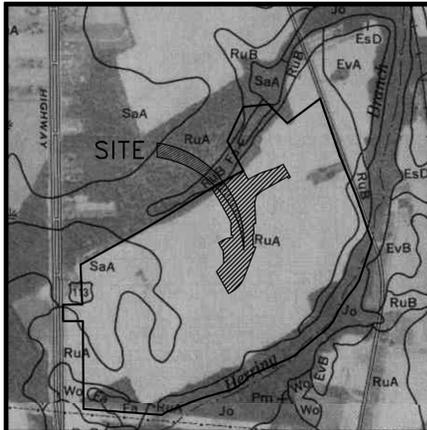
- A. SINGLE FAMILY DWELLING UNITS:**
- MINIMUM LOT SIZE: 5,000 SQUARE FEET
 - MINIMUM LOT WIDTH: 50 FEET
 - MINIMUM LOT DEPTH: 100 FEET
 - MINIMUM FRONT YARD: 18 FEET FROM RIGHT-OF-WAY TO GARAGE DOOR, AND 15 FEET FROM RIGHT-OF-WAY TO FRONT PORCH OR NON-GARAGE BUILDING FOUNDATION. (ALLOW 5 FOOT ENCROACHMENT FOR FRONT STOOP OR STEPS.)
 - MINIMUM SIDE YARD: LOT < 60' WIDE = 10' TOTAL SETBACK
LOT > 60' WIDE = 14' TOTAL SETBACK
MINIMUM 3' ON EACH SIDE
 - MINIMUM REAR YARD: 15 FEET
 - OFF STREET PARKING: 2 SPACES PER DWELLING UNIT AND MAY INCLUDE GARAGE AND TANDEM PARKING SPACE. TANDEM SPACE TO BEGIN AT THE RIGHT-OF-WAY LINE.
 - MAXIMUM BUILDING HEIGHT: 2.5 STORIES AND 35 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS.
 - MAXIMUM LOT COVERAGE: 60% OF LOT AREA
 - MAXIMUM FENCE/WALL HEIGHT: 8 FEET AND ALLOWED TO BE PLACED WITHIN BUILDING RESTRICTION LINE
- B. MULTI-FAMILY BUILDINGS:**
- MINIMUM FRONT SETBACK: 18 FEET FROM A PUBLIC STREET, 5 FEET FROM A PRIVATE DRIVE ISLE FOR RESIDENTIAL STRUCTURES AND 0 FEET FROM A PRIVATE DRIVE AISLE FOR FREE STANDING GARAGE.
 - MINIMUM BUILDING SEPARATION: 20 FEET FROM CLOSEST POINT OF FOUNDATION WALL TO CLOSEST POINT OF FOUNDATION WALL OF ADJACENT BUILDING.
 - MINIMUM REAR YARD: 20 FEET
 - OFF STREET PARKING: 2 SPACES PER DWELLING UNIT AND MAY INCLUDE GARAGE AND TANDEM PARKING SPACE.
 - MAXIMUM BUILDING HEIGHT: 4 STORIES AND 48 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS
 - MAXIMUM FENCE/WALL HEIGHT: 8 FEET AND ALLOWED TO BE PLACED WITHIN BUILDING RESTRICTION LINE
 - REQUESTED MAXIMUM UNITS PER BUILDING: 24 UNITS
- C. CLUBHOUSE FACILITY:**
- MINIMUM FRONT YARD: 18 FEET FROM A PUBLIC STREET
 - MINIMUM SIDE YARD: 20 FEET FROM A PUBLIC STREET
 - MINIMUM REAR YARD: 30 FEET FROM A PUBLIC STREET
 - OFF STREET PARKING: 1.0 ACRE
 - MAXIMUM BUILDING HEIGHT: 1 SPACE FOR EACH 250 SQUARE FEET OF GROSS FLOOR AREA.
 - MAXIMUM FENCE/WALL HEIGHT: 2.5 STORIES AND 40 FEET MEASURED IN ACCORDANCE WITH CURRENT CITY CODE REQUIREMENTS, AND 48 FEET MEASURED TO THE TOP OF ANY SPECIAL ARCHITECTURAL FEATURES (STEEPLES, TOWERS, SILOS, ETC.)
- D. SIGNS:**
- SITE SIGNS: SITE SIGNS SHALL MEET THE REQUIREMENTS OF CHAPTER 230 ARTICLE VI SIGNS WITH THE CLARIFICATION THAT THE MINIMUM SIZE OF THE PERMANENT SUBDIVISION SIGN SHALL INCORPORATE THE SIGN FACE ONLY AND SHALL NOT INCLUDE THE ASSOCIATED MONUMENTAL STRUCTURE TO WHICH IT IS AFFIXED
- E. DEVIATIONS FROM CHAPTER 200 OR 230:**
- A REDUCED R.O.W. FROM 60' TO 28'. TO COMPENSATE FOR THIS AN 18' EASEMENT IS PROVIDED ON EACH SIDE OF THE ROAD THAT TOTALS 64' FOR ACCESS AND UTILITY WORK.
 - THE PAVEMENT WIDTH OF THE ROADS IN PHASE 2 AND PHASE 3 ARE 22' WIDE CONSISTENT WITH PHASE 1.

MILFORD PONDS

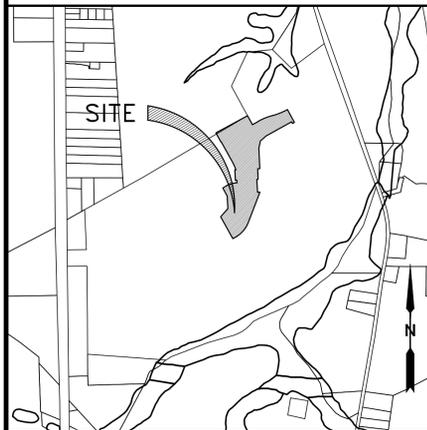
PHASE 3 - RECORD PLAN

CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

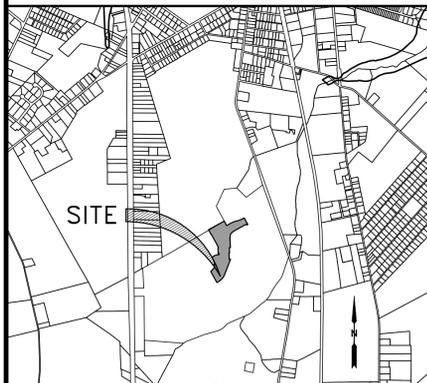
DBF PROJECT NO. 2875A001 FEBRUARY 2020



SOILS MAP SCALE: 1"=1000'



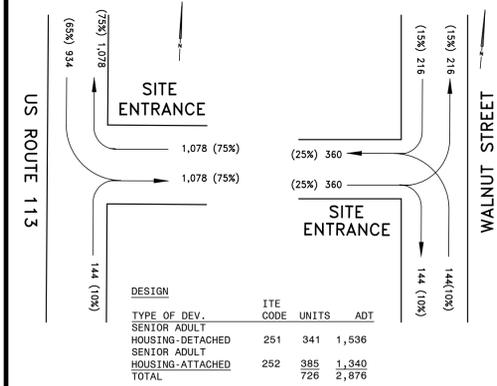
N.W.I. MAP SCALE: 1"=1000'



FLOODPLAIN MAP SCALE: 1"=2000'

MAP PANEL: 10005C0038J DATED: JANUARY 6, 2005
10005C0043K DATED: MARCH 16, 2015

DELAWARE TRAFFIC SUMMARY 2005			DELAWARE TRAFFIC SUMMARY 2005		
ADT - CURRENT -	18,692	ADT - CURRENT -	1,297		
SPEED - POSTED -	55 MPH	SPEED - POSTED -	40 MPH		
TRAFFIC PATTERN GROUP -	2	TRAFFIC PATTERN GROUP -	3		



NOTE: TRIP DISTRIBUTION DERIVED FROM TRAFFIC IMPACT STUDY
TRIP GENERATION IS BASED ON THE 7TH EDITION OF THE
ITE TRIP GENERATION REPORT 7TH EDITION

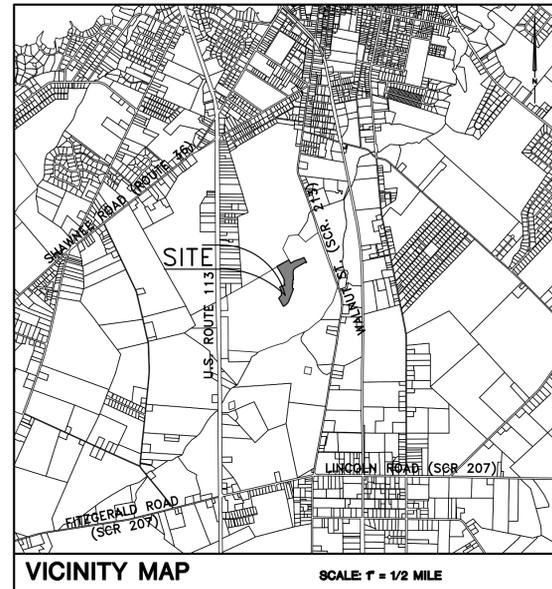
TRAFFIC DIAGRAM
NO SCALE

DELDOT GENERAL NOTES

- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W 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 CITY OF MILFORD FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE CITY. THE CITY ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
- THE SIDEWALK AND SHARED-USE PATH 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 OF THE SIDEWALK AND/OR SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL. 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.
- THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG U.S. ROUTE 113 (DUPONT BLVD.), WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPLE ARTERIAL AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM); IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT, FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION. ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3-A: NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3-A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
- THE DEVELOPER HAS ENTERED INTO A MEMORANDUM OF UNDERSTANDING DATED SEPTEMBER 18, 2017 AND IS ON FILE AT THE DEPARTMENT OF TRANSPORTATION WITH ITEM 4 OF THE MEMORANDUM AND IT STATES: "WHILE THE ACCESS IS UNDER REVIEW/RECONSTRUCTION AND THE UPDATED TRAFFIC IMPACT STUDY IS BEING PREPARED, DELDOT WILL ALLOW THE BUILDING PERMITS FOR THE FIRST 4 UNITS FOR THE 4 MODEL HOMES. ONCE THE PUNCH LIST IS COMPLETED DELDOT WILL ALLOW FOR 160 CERTIFICATES OF OCCUPANCY. NO OTHER BUILDING PERMITS OR CO'S SHOULD BE ISSUED UNTIL SUCH TIME THE UPDATED TIS IS COMPLETED AND FINDINGS AGREED TO."

DATA COLUMN

TAX MAP ID:	1-30-8-00-108.00 1-30-3-00-284 & 264.01
EXISTING ZONING:	R-1, R-2, R-3, W/PUD
PROPOSED USE:	R-1, R-2, R-3, W/PUD
TOTAL SUBDIVISION AREA:	178.03 AC.±
PHASE 1:	119.19 AC.±
PHASE 2:	28.06 AC.±
PHASE 3:	12.15 AC.±
PHASE 4:	18.46 AC.±
MAXIMUM IMPERVIOUS AREA ALLOWED:	62.31 AC.± (35% OF TOTAL SUBDIVISION AREA)
PH1 + PH2 IMPERVIOUS:	45.37 AC.± (25% OF TOTAL IMPERVIOUS ALLOWED)
PH1 + PH2 + PH3 IMPERVIOUS:	50.73 AC.± (29% OF TOTAL IMPERVIOUS ALLOWED)
REMAINING IMPERVIOUS ALLOWED:	10.68 AC.± (6% OF TOTAL IMPERVIOUS LEFT)
GROSS AREA:	R-1 = 71.02 AC, R-2 = 50.19 AC, R-3 = 47.82 AC
NET DEVELOPMENT AREA:	R-1 = 53.27 AC, R-2 = 38.19 AC, R-3 = 35.86 AC
MAX DENSITY ALLOWED:	R-1 = 4, R-2 = 6, R-3 = 16
UNITS ALLOWED:	R-1 = 21(53.27 x 4), R-2 = 228(38.19 x 6), R-3 = 573(35.86 x 16)
TOTAL NUMBER OF UNITS ALLOWED:	1015
TOTAL NUMBER OF UNITS PROVIDED:	766
PHASE 3 TOTAL:	52
BUILDING CONSTRUCTION TYPE:	MASONRY & TIMBER
COMMUNITY BUILDING SIZE:	±40' x 45'
COMMUNITY BUILDING LOCATION:	CORNER OF W. HEIRLOOM WAY & CLUBHOUSE DR.
TOTAL PROPOSED RIGHT-OF-WAY:	1.60 AC.±
TOTAL AREA OF LOTS:	
PHASE 3:	10.55 AC.±
REQUIRED OPEN SPACE R1 & R2 ZONING: (TOTAL SITE AREA OF ZONE x 25%) =	30.30 AC.±
REQUIRED OPEN SPACE R3 ZONING: (DWELLING UNITS x 400 SF) =	2.42 AC.±
TOTAL REQUIRED OPEN SPACE:	32.72 AC.±
REQUIRED RECREATIONAL AREA:	(OPEN SPACE x 50%) = 16.36 AC.±
TOTAL WETLANDS:	8.31 AC.±
PROVIDED OPEN SPACE AREA:	44.12 AC.±
RECREATIONAL AREA PROVIDED:	16.37 AC.±
PHASE 3:	
AVERAGE DENSITY OF LOTS:	4.93 UNITS/ACRE
MINIMUM LOT SIZE:	6,426 SQ.FT.±
MAXIMUM LOT SIZE:	12,316 SQ.FT.±
AVERAGE LOT SIZE:	8,838 SQ.FT.±
TOTAL WOODLAND PRESERVATION:	10.45 AC.±
MAXIMUM IMPERVIOUS COVERAGE:	35%
PROPOSED SEWER:	CITY OF MILFORD
PROPOSED WATER:	CITY OF MILFORD
ELECTRIC SERVICE:	CITY OF MILFORD
SCHOOL DISTRICT:	MILFORD
FIRE DEPARTMENT:	MILFORD
VERTICAL DATUM:	NAVD 88
HORIZONTAL DATUM:	NAVD 83
NUMBER OF MONUMENTS FOUND:	14
NUMBER OF MONUMENTS SET:	12



VICINITY MAP SCALE: 1" = 1/2 MILE

INDEX OF DRAWINGS:

- R30 RECORD PLAN TITLE SHEET
- R31 RECORD NOTES
- R32 PHASE 3 RECORD PLAN

LEGEND:

- = BOUNDARY LINE
- - - - - = RIGHT-OF-WAY
- = LOT LINE
- = BUILDING SETBACK
- ⊙ = LOT DELINEATION
- - - - - = EXISTING TOPOGRAPHIC LINE
- - - - - = EXISTING VEGETATION LINE
- = WETLANDS BOUNDARY

VARIANCES FROM MILFORD ZONING CODE

- PAVEMENT WIDTH FOR OTHER RESIDENCES IS 22' RATHER THAN 25' PER CODE.

THIS PLAN SUPERSEDES THE PREVIOUS MILFORD PONDS PHASE I RECORD PLANS IN ITS ENTIRETY PB 107 PG 257, PB 121 PG 180.

THE PROPERTY AS SHOWN HEREON DOES CONTAIN STATE OR FEDERALLY REGULATED SECTION 10 WETLANDS, BASED ON NWI AND DNRCC WETLAND MAPS.

THE PROPERTY IS IMPACTED BY STREAMS, DITCHES, PONDS, OR LAKES.

RESIDUAL ROAD FRONTAGE : U.S. 113 - 200'±
RESIDUAL ROAD FRONTAGE : COUNTY ROAD 213 - 1780'±

EXISTING STRUCTURES LOCATED ON SITE
EXISTING EASEMENTS LOCATED ON SITE

OWNER/DEVELOPER:
MILFORD PONDS, LLC
179 REHOBOTH AVENUE, SUITE 1081
REHOBOTH BEACH, DE 19971

ENGINEER/SURVEYOR:
DAVIS, BOWEN & FRIEDEL, INC.
179 REHOBOTH AVENUE, SUITE 1081
MILFORD, DE 19963
(302) 424-1441

ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

DAVIS, BOWEN & FRIEDEL, INC.

CITY OF MILFORD APPROVAL

PRINT NAME	CITY MANAGER	DATE
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CITY ENGINEER APPROVAL

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

DATE:	SIGNATURE	RING W. LARDNER, P.E.
PRINT NAME	CITY ENGINEER	DATE

CITY OF MILFORD GENERAL NOTES

- 1. THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY DAVIS BOWEN AND FRIEDEL, INC. ON 2005.
2. A TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. OF MILFORD, DELAWARE IN 2018. ELEVATIONS ARE BASED ON CONTROL MONUMENT IRCS NEAR THE INTERSECTION OF CANNER'S COURT AND PATCHWORK DRIVE, WITH AN ELEVATION OF 36.04 NGVD88.
3. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS IRCS NEAR THE INTERSECTION OF CANNER'S COURT AND PATCHWORK DRIVE, WITH AN ELEVATION OF 36.04.
4. HYDRIC SOILS ARE INDICATED AS BEING PRESENT ACCORDING TO THE SUSSEX COUNTY SOIL SURVEY.
5. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED 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 HIS/HER 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.
6. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
7. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.
8. 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.
9. 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.
10. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
11. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATER TIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
12. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
13. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE ORDERING OF AND/OR INSTALLATION OF THE ITEM(S).
14. ALL SANITARY SEWER MAINS AND FORCEMAINS 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 DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.
15. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS 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.
16. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 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.
17. FLOODPLAIN: THIS SITE LIES WITHIN ZONE AE (AREAS WITHIN THE 100-YEAR FLOODPLAIN) AND ZONE X (AREAS OUTSIDE THE 500-YEAR FLOODPLAIN) AS DETERMINED BY FEMA FIRM PANEL 1000500041K, DATED MARCH 16, 2015.
18. ALL ROADWAYS ARE TO BE SWEEPED FREE OF SEDIMENT ON A DAILY BASIS.
19. 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, CURBENTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
20. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE. PONDING IS DEFINED AS WATER STANDING IN AN AREA MORE THAN 1 HOUR AFTER A RAINFALL EVENT THAT PRODUCES RUNOFF. ELIMINATION OF PONDING WILL BE COMPLETED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
21. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
22. ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
23. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION 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.
24. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
25. CONTRACTOR SHALL GRADE, 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.
26. THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENT RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
27. THE OWNER SHALL BE RESPONSIBLE FOR THE SHORT-TERM MAINTENANCE OF ANY AND ALL STORMWATER MANAGEMENT FACILITIES AND STORM SEWER SYSTEMS UNTIL SUCH TIME THE LONG-TERM MAINTENANCE RESPONSIBILITIES CAN BE TRANSFERRED TO A LEGALLY-ESTABLISHED HOMEOWNERS ASSOCIATION OR OTHER RESPONSIBLE ENTITY.
28. 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, STORM SEWER PIPES AND CATCH BASINS, INSTALLED FULLY WITHIN CITY RIGHT-OF-WAY; ONCE THE FOLLOWING CONDITIONS HAVE BEEN MET:
28.1. ALL ITEMS HAVE PASS CITY INSPECTION;
28.2. THE CITY HAS RECEIVED AND APPROVED DIGITAL HARD COPIES OF THE RECORD DRAWINGS; AND
28.3. THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
29. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT AND DISPOSAL.
30. 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.
31. THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR, UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS ARE AUTOMATICALLY RESCINDED.
32. 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 UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
33. 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.
34. 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/OR TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED INTO AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTY SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
35. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.

CITY OF MILFORD GENERAL NOTES CONTINUED

- 36. UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
36.1. ALL PROPERTY MONUMENTS/MARKERS;
36.2. SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FOREMAIN INVERT ELEVATIONS EVERY 50 FEET, FOREMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
36.3. WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
36.4. STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE; RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
36.5. ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
37. THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.
38. THERE ARE SOURCEWATER PROTECTION AREAS ON THIS SITE.
39. WETLANDS EXIST ON THIS SITE. REFER TO THE DATA COLUMN ON SHEET R1.0 FOR TOTAL ACREAGE. WETLAND DELINEATION IS SHOWN ON ALL PLAN VIEWS.
40. UPON RECORDED OF THIS PLAT, THE CITY WILL HAVE THE RIGHT OF INGRESS AND EGRESS TO ALL MULTIFAMILY AREAS FOR THE PURPOSE OF MAINTAINING UTILITIES AND FOR TRASH REMOVAL SERVICES.

CIVIL PLAN GENERAL NOTES

- 1. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
1.1 DAVIS, BOWEN & FRIEDEL, INC. 302-424-1441.
1.2 KENT CONSERVATION DISTRICT 302-741-2600, EXT. 2.
1.3 CITY OF MILFORD PUBLIC WORKS DEPARTMENT 302-422-1110, EXT. 1110.
1.4 CITY OF MILFORD ELECTRIC DEPARTMENT 302-422-1110, EXT. 1135.
1.5 DEPARTMENT OF TRANSPORTATION, CENTRAL DISTRICT PERMITS SUPERVISOR 302-760-2433.
2. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
3. FINAL APPROVED SET OF PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
4. THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD. FINAL SET OF APPROVED CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE AT ALL TIMES. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
5. THE CONTRACTOR SHALL USE ONLY NEW MATERIALS, PARTS, AND PRODUCTS. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE INTENDED WORK.
6. ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY THE OWNER AND THE CITY. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS OBLIGATION AND RESPONSIBILITY FOR CONSTRUCTING ALL WORK IN STRICT ACCORDANCE WITH ALL STANDARDS AND SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
7. CONTRACTOR SHALL PROVIDE STAKEOUT SURVEY NECESSARY FOR THE INSTALLATION OF UTILITY WORK AND APPURTENANCES AS REQUIRED PER THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS.

POTABLE WATER DISTRIBUTION GENERAL NOTES

- 1. ALL WATER DISTRIBUTION WORK SHALL COMPLY WITH THE CITY OF MILFORD WATER MAIN CONSTRUCTION SPECIFICATIONS, LATEST EDITION. CONTRACTOR SHALL OBTAIN A COPY FROM CITY OF MILFORD PRIOR TO BIDDING ON THE JOB. FAILURE TO OBTAIN A COPY OF THE SPECIFICATIONS SHALL NOT RELIEVE THE CONTRACTOR OF THEIR RESPONSIBILITY. ANY ADDITIONAL COSTS CAUSED BY THE FAILURE TO FOLLOW THE SPECIFICATIONS SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
2. ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
3. THE CONTRACTOR SHALL FIELD VERIFY LOCATION OF EXISTING WATER LATERALS TO WHICH NEW CONSTRUCTION WILL CONNECT.
4. DIFFERING SITE CONDITIONS AND/OR DIFFERING MATERIAL PROPERTIES SHALL REQUIRE CITY OF MILFORD OR DESIGNEE APPROVAL OF SPECIAL DESIGN DETAILS PREPARED BY THE DESIGN ENGINEER PRIOR TO INITIATING OR RESUMING CONSTRUCTION ACTIVITIES.
5. THE CONTRACTOR SHALL ALLOW SUFFICIENT TIME FOLLOWING EXCAVATIONS FOR INSPECTION AND EVALUATION OF EXISTING SOIL SUBGRADE CONDITIONS BY CITY OF MILFORD OR DESIGNEE. CITY OF MILFORD OR DESIGNEE SHALL INSPECT ALL LATERAL SUBGRADES FOLLOWING EXCAVATION AND PRIOR TO CONSTRUCTION OF NEW WORK TO CONFIRM DESIGN CONDITIONS ARE MET AND SUBGRADE CONDITIONS ARE SUITABLE FOR CONSTRUCTION. IN THE EVENT THE SOIL BEARING CAPACITY IS LESS THAN THE MINIMUM DESIGN VALUE, CITY OF MILFORD OR DESIGNEE SHALL CAUSE AFFECTED CONSTRUCTION TO CEASE AND SHALL NOTIFY THE DESIGN ENGINEER FOR RE-DESIGN TO ACCOMMODATE THE REDUCED SOIL BEARING CAPACITY.
6. IN THE EVENT THE SUBGRADE CONDITION IS UNSTABLE, DUE TO UNSUITABLE MATERIALS AND/OR GROUNDWATER INFILTRATION/INTRUSION INTO THE SURROUNDING SOILS, AS DETERMINED BY CITY OF MILFORD OR DESIGNEE, THE CONTRACTOR SHALL, AS DIRECTED BY CITY OF MILFORD OR DESIGNEE, REMOVE THE UNSUITABLE MATERIAL AND FILL WITH SUITABLE APPROVED GRANULAR FILL MATERIAL.
7. CONTRACTOR SHALL EXTEND LATERAL BELOW ANY CONFLICTS OR OBSTRUCTIONS TO PROVIDE REQUIRED CLEARANCES. COST SHALL BE INCLUDED IN THE PRICE OF THE CONTRACT.
8. THROUGHOUT THE PROJECT, WHERE WATER MAINS ARE LOCATED IN, ACROSS OR ADJACENT TO DRAINAGE DITCHES AND SWALES, THE CONTRACTOR SHALL RESTORE DISTURBED AREAS TO THEIR ORIGINAL CONDITION AND VEGETATE AS REQUIRED.
9. ALL WATER MAINS SHALL BE HYDROSTATICALLY TESTED AND DISINFECTED IN ACCORDANCE WITH CITY OF MILFORD STANDARDS AND SPECIFICATIONS BEFORE ACCEPTANCE.
10. THE CONTRACTOR WILL INSTALL THE WATER SERVICE TO THE GROUND MARKER AS SHOWN ON THE STANDARD DETAILS. THE WATER METER AND PIT ASSEMBLY WILL BE PURCHASED BY THE DEVELOPER AND INSTALLED BY THE CITY OF MILFORD.
11. ALL FITTINGS SHALL BE DUCTILE IRON, MECHANICAL JOINT RESTRAINT AND AWWA APPROVED. SEE THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION. ALL FITTINGS SHALL BE THRUST RESTRAINED AS SHOWN ON THE STANDARD DETAILS.
12. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE CITY OF MILFORD. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.

INTERNAL PAVING NOTES

- 1. BITUMINOUS CONCRETE ASPHALT SHALL BE INSTALLED IN ACCORDANCE WITH THE AUGUST 2016 D&DOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION TO INCLUDE SPECIAL PROVISIONS:
1.1. SECTION 1011 FOR PLACEMENT OF TACK COAT.
1.2. SECTION 401 FOR PLACEMENT OF BITUMINOUS CONCRETE ASPHALT.
1.3. BITUMINOUS CONCRETE ASPHALT SHALL BE FROM A D&DOT APPROVED PLANT.
1.4. BITUMINOUS CONCRETE ASPHALT SHALL NOT BE APPLIED WHEN BELOW TEMPERATURES SPECIFIED IN SECTION 401.03.F.
2. ALL DISTURBED AREAS NOT COVERED WITH IMPERVIOUS MATERIAL, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED.
3. ALL SIGNING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
4. DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
5. FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
6. ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION), AND SHALL BE NCHRP - 350 APPROVED AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
7. BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. DETAIL CAN BE FOUND IN D&DOT'S STANDARD CONSTRUCTION DETAILS.
8. PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
9. OPEN-CUT TRENCHES AND PROVIDE PAVEMENT RESTORATION IN ACCORDANCE WITH THE APPROPRIATE JURISDICTION'S STANDARDS AND SPECIFICATIONS. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIALS FOR BACKFILLING TRENCHES.

SANITARY SEWER GENERAL NOTES

- 1. SANITARY SEWER CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS, AND DETAILS.
2. ALL SANITARY SEWER MATERIALS AND APPURTENANCES SHALL MEET OR EXCEED THOSE REQUIRED BY THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS, AND DETAILS.
3. SANITARY SEWER LATERAL SHALL BE 8" PVC. SEWER LATERAL SHALL INCLUDE A 8" CLEANOUT, WYE, AND CAP JUST BEHIND THE ACCESS EASEMENT LINE.
4. ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
5. TOP OF MANHOLE ELEVATIONS ARE TOP OF MANHOLE FRAME AND COVER.
6. PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
7. THE CONTRACTOR SHALL FIELD VERIFY INVERTS AND LOCATION OF EXISTING SANITARY SEWER MAINS OR MANHOLES TO WHICH NEW CONSTRUCTION WILL CONNECT.
8. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE CITY OF MILFORD. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.
9. DIFFERING SITE CONDITIONS AND/OR DIFFERING MATERIAL PROPERTIES SHALL REQUIRE CITY OF MILFORD APPROVAL OF SPECIAL DESIGN DETAILS PREPARED BY THE DESIGN ENGINEER PRIOR TO INITIATING OR RESUMING CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR SHALL ALLOW SUFFICIENT TIME FOLLOWING EXCAVATIONS FOR INSPECTION AND EVALUATION OF EXISTING SOIL SUBGRADE CONDITIONS BY THE CITY OF MILFORD OR HIS/HER DESIGNEE. THE CITY OF MILFORD SHALL INSPECT ALL SUBGRADES FOLLOWING EXCAVATION AND PRIOR TO CONSTRUCTION OF NEW WORK TO CONFIRM DESIGN CONDITIONS ARE MET AND SUBGRADE CONDITIONS ARE SUITABLE FOR CONSTRUCTION. IN THE EVENT THE SOIL BEARING CAPACITY IS LESS THAN THE MINIMUM DESIGN VALUE, THE CITY OF MILFORD ENGINEER SHALL CAUSE AFFECTED CONSTRUCTION TO CEASE AND SHALL NOTIFY THE DESIGN ENGINEER FOR RE-DESIGN TO ACCOMMODATE THE REDUCED SOIL BEARING CAPACITY.
11. IN THE EVENT THE SUBGRADE CONDITION IS UNSTABLE, DUE TO UNSUITABLE MATERIALS AND/OR GROUNDWATER INFILTRATION/INTRUSION INTO THE SURROUNDING SOILS, AS DETERMINED BY THE CITY OF MILFORD, THE CONTRACTOR SHALL, AS DIRECTED BY THE CITY OF MILFORD ENGINEER, REMOVE THE UNSUITABLE MATERIAL AND FILL WITH SUITABLE APPROVED GRANULAR FILL MATERIAL.

DEMOLITION AND SAFETY GENERAL NOTES

- 1. MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
2. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERCT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
3. THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.

DRAINAGE, GRADING AND SEDIMENT CONTROL NOTES

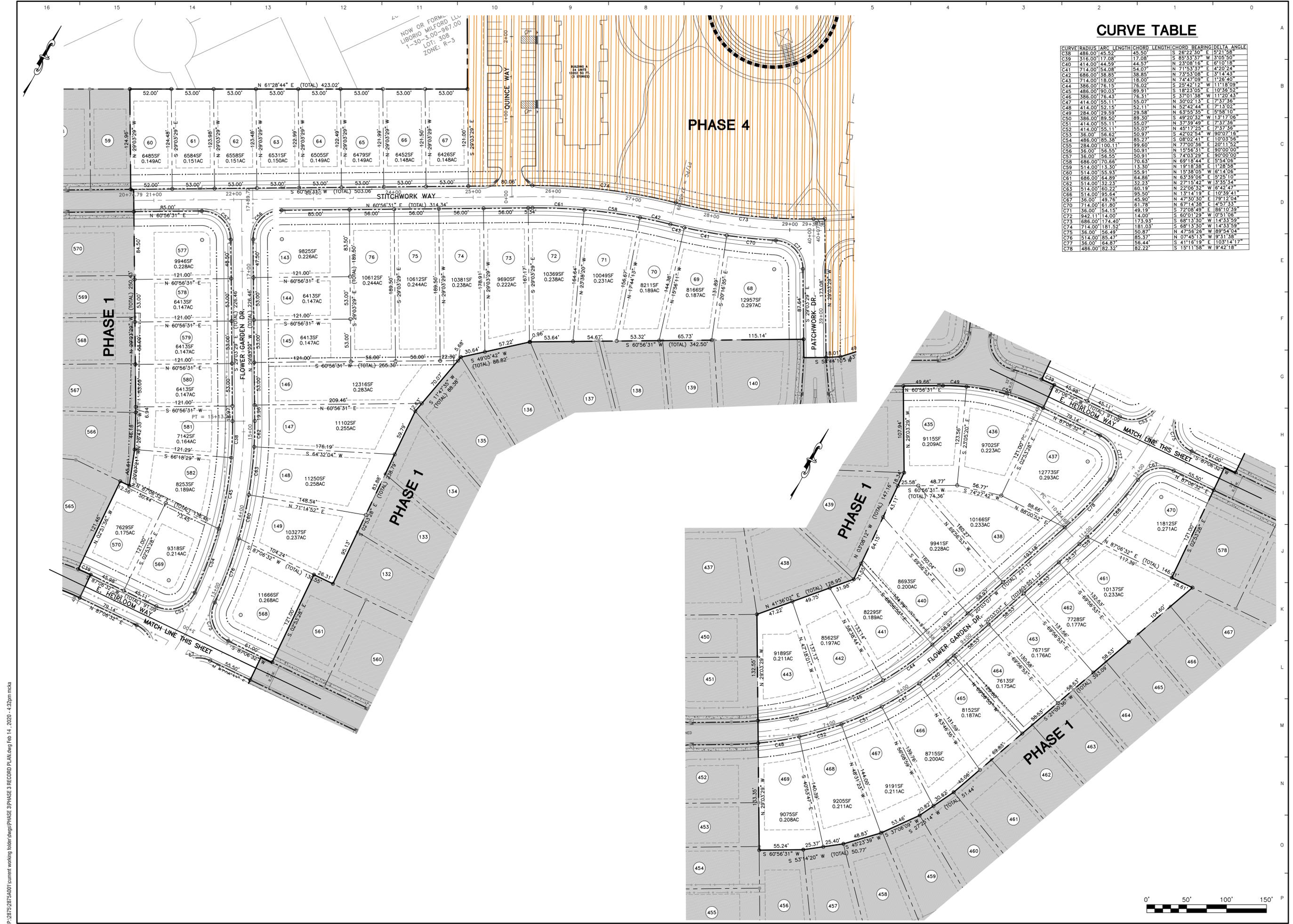
- 1. ALL STORM DRAIN PIPING, INLET, MANHOLE AND END SECTION INSTALLATION WITHIN THE STATE OF DELAWARE RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AUGUST 2016.
2. ALL ROOF DRAIN PIPING TO BE 6" DIAMETER CAST IRON HUB & SPIGOT SOIL PIPE & FITTINGS MEETING ASTM A74 STANDARDS. INSTALL AT MINIMUM 1% SLOPE. COORDINATE DOWNSPOUT LOCATIONS WITH ARCHITECTURAL DRAWINGS.
3. THE CONTRACTOR SHALL PROVIDE SEDIMENT CONTROL MEASURES TO PROTECT STOCKPILE AREAS AND STORAGE AREAS. ALL AREAS USED BY THE CONTRACTOR FOR STAGING OPERATIONS SHALL BE FULLY RESTORED BY THE CONTRACTOR UPON COMPLETION OF THE PROJECT. IF THE STAGING AREA IS PAVED, IT SHALL BE RESTORED TO ITS ORIGINAL CONDITION. IF THE STAGING AREA IS UNPAVED, IT SHALL BE RE-GRADED, TOPSOILED, SEEDED AND MULCHED TO THE SATISFACTION OF THE ENGINEER. ALL COSTS ASSOCIATED WITH RESTORATION OF THE STAGING AREA SHALL BE AT THE CONTRACTOR'S EXPENSE. IF THE ENGINEER DETERMINES THAT A SATISFACTORY STAND OF GRASS DOES NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
4. PIPE SPAN LENGTHS ARE MEASURE FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
5. ALL SEALS MUST BE WATERTIGHT AND CONCRETE STRUCTURES MUST BE PRECAST OR POURED IN PLACE.
6. IF THE APPROVED PLAN NEEDS TO BE MODIFIED DUE TO THE SITE CONDITION DURING CONSTRUCTION, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE KENT CONSERVATION DISTRICT. ALL COSTS FOR THE ADDITIONAL MEASURES TO INCLUDE FLOCCULANTS SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
7. IF LARGE AMOUNTS OF SEDIMENT HAVE ENTERED INTO THE STORM DRAIN SYSTEM, THE CITY ENGINEER, PROJECT ENGINEER OR KENT CONSERVATION DISTRICT MAY REQUIRE THE PIPES TO BE FLUSHED AND VIDEO INSPECTED. ALL COSTS FOR THE PIPE FLUSHING AND VIDEO INSPECTION SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
8. EQUIPMENT AND/OR STOCKPILE MATERIAL SHALL NOT BE STORED IN THE DRIPLINE AREA OF ANY TREE.
10. THE CONTRACTOR SHALL PROVIDE TEMPORARY SEED AND MULCH FOR ALL AREAS WHERE SOIL IS EXPOSED AND SILT FENCE IS NOT SPECIFIED, BY THE CLOSE OF EACH BUSINESS DAY.
11. DRAINAGE, STORMWATER MANAGEMENT, AND EROSION AND SEDIMENT CONTROLS SHALL BE IN ACCORDANCE WITH THE DELAWARE SEDIMENT & STORMWATER REGULATIONS OF 2014, OR AS LATER AMENDED. MAINTENANCE OF DRAINAGE, STORMWATER MANAGEMENT, AND SEDIMENT & EROSION CONTROL PRACTICES WILL BE THE RESPONSIBILITY OF THE SITE CONTRACTOR DURING THE CONSTRUCTION PHASE OF THE PROJECT, INCLUDING CONSTRUCTION OF THE UTILITIES. WHEN THE PERMANENT DRAINAGE AND STORMWATER MANAGEMENT PRACTICES HAVE BEEN COMPLETED TO THE SATISFACTION OF THE APPLICABLE AGENCIES, MAINTENANCE WILL ULTIMATELY BECOME THE RESPONSIBILITY OF THE PROPERTY OWNER.
12. EROSION AND SEDIMENT CONTROL SHALL BE IN ACCORDANCE WITH THE DELAWARE EROSION & SEDIMENT CONTROL HANDBOOK (LATEST EDITION). THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURE AS DEEMED NECESSARY.

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MILFORD PONDS - PHASE 3
CEDAR CREEK HUNDRED, CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

Revisions:
Date: FEBRUARY 2020
Scale: NONE
Dwn.By: ADM
Proj.No.: 2875A001
Dwg.No.:

R3.1



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C38	486.00	45.52	45.50	S 26°22'30" E	5°21'58"
C39	316.00	17.08	17.08	S 85°53'37" W	3°05'50"
C40	414.00	44.59	44.57	N 23°08'16" E	6°10'18"
C41	714.00	54.08	54.07	N 71°53'37" E	4°20'24"
C42	686.00	38.85	38.85	N 73°53'08" E	3°14'43"
C43	714.00	18.00	18.00	N 74°47'09" E	1°28'40"
C44	386.00	76.15	76.02	S 25°42'12" W	11°18'09"
C45	486.00	90.03	89.91	S 18°23'05" E	10°36'52"
C46	386.00	76.43	76.31	S 37°01'38" W	11°20'43"
C47	414.00	55.11	55.07	N 30°02'13" E	7°37'56"
C48	414.00	52.15	52.11	N 52°42'44" E	7°13'02"
C49	284.00	29.59	29.58	N 63°55'35" E	5°58'10"
C50	386.00	89.50	89.30	S 49°20'32" W	13°17'06"
C51	414.00	55.11	55.07	N 37°59'49" E	7°37'56"
C52	414.00	55.11	55.07	N 45°17'25" E	7°37'56"
C53	36.00	56.62	50.97	S 42°02'54" W	90°07'16"
C54	486.00	85.38	85.27	S 08°02'41" E	10°03'58"
C55	514.00	100.11	99.60	N 77°00'36" E	20°11'52"
C56	36.00	56.55	50.91	N 15°56'31" E	90°00'00"
C57	36.00	56.55	50.91	S 74°03'29" E	90°00'00"
C58	686.00	70.66	70.63	N 69°18'44" E	5°54'06"
C59	514.00	13.30	13.30	N 19°18'38" E	1°28'58"
C60	514.00	55.93	55.91	N 15°38'05" W	6°14'06"
C61	686.00	64.89	64.86	N 63°59'06" E	5°29'10"
C62	514.00	32.23	32.23	N 27°15'42" W	3°35'34"
C63	514.00	60.22	60.19	N 22°06'32" W	6°42'47"
C64	514.00	95.64	95.50	N 13°14'19" E	10°39'41"
C65	36.00	49.76	45.90	N 47°30'30" E	79°12'04"
C66	714.00	61.60	61.78	N 67°14'38" E	4°57'33"
C67	36.00	54.15	49.19	S 72°08'49" E	86°10'39"
C68	942.11	14.00	14.00	S 60°01'29" W	0°51'06"
C69	686.00	174.00	173.93	S 68°13'30" W	14°33'59"
C70	714.00	61.60	61.78	N 67°14'38" E	4°57'33"
C71	36.00	54.15	49.19	S 72°08'49" E	86°10'39"
C72	942.11	14.00	14.00	S 60°01'29" W	0°51'06"
C73	686.00	174.00	173.93	S 68°13'30" W	14°33'59"
C74	714.00	181.52	181.03	S 68°13'30" W	14°33'59"
C75	36.00	56.49	50.87	N 47°56'26" W	89°54'04"
C76	514.00	85.47	85.37	N 07°45'13" W	9°31'38"
C77	36.00	84.87	86.44	S 41°16'19" E	103°14'17"
C78	486.00	82.32	82.22	S 15°11'58" W	9°42'18"

MILFORD PONDS - PHASE 3
CEDAR CREEK HUNDRED, CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

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PHASE 3 RECORD PLAN

Revisions:

Date: FEBRUARY 2020
 Scale: 1"=50'
 Dwn. By: ADM
 Proj. No.: 2875A001
 Dwg. No.:

R3.2



P:\2875\2875A001\current\working\tdms\p3\PHASE 3 RECORD PLAN.dwg Feb 14, 2020 - 4:32pm mka

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January 30, 2020

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: Milford Ponds – Phase 2 and Phase 3 Construction Plans
KCI Job No. 131803632 – Task 09

Dear Mr. Pierce,

As requested, KCI Technologies performed a review of the Phase II and III of Milford Ponds Record/Construction Plans. This review was based on the City's Standard Specifications, and general engineering best practices. These plans were submitted by DBF and are dated March 2019.

We offer the following comments for consideration. The plans that were resubmitted addressed many comments but the plans still seem incomplete/lacking a lot of information (details, storm drain information, grading issues, missing pipes, missing/overlapping labels, plan views from phases not pertaining to phase 2 or 3, etc.). Many of the remaining comments are construction related which may be addressed once final construction plans are submitted. However, the Conditional Use and Record Plan comments shall be addressed prior to preliminary approval. In addition, revise the plans accordingly so that all drainage easements are at least 20' wide for both phases (in between lots 186 and 187 in phase 2 and all of phase 3) prior to preliminary approval. There may be additional construction comments once final plans are submitted. Please refer to the approved Phase 1 Plans and revise the Phase 2 and Phase 3 so that the setup for each plan is similar.

Conditional Use (PUD)

1. (General) A Planned Unit Development is defined as "a development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development. The original approval from 2004 provided a total of 722 units,

including 150 condominiums, 228 townhouses and 344 single-family detached units. The revised PUD that was approved in 2018 provided a total of 700 units, including 459 single family detached units, 91 townhouses and 150 multi-family units. The proposed PUD has eliminated townhouses completely and provides 504 single-family detached dwellings and 264 multi-family units, for a total of 768 units. The Planning Commission and City Council will need to determine if the intent of a PUD is still met by the unit mix and layout being proposed. **Comment Noted – This will be addressed during the Public Hearing per response letter.**

2. (General) Currently, there are Townhouse Requirements listed in the PUD requirements. However, Townhomes are no longer proposed within this PUD. Remove the requirements of the Townhomes if they will not be proposed as a part of this project. **Addressed.**
3. (General) Include the request for the number of units per multi-family building for Phase 4 in the PUD table. This is not a waiver from Chapter 200, this is a deviation allowed under the PUD approval. **Comment Remains.**
4. (General) Provide the overall project density in dwelling units per acre in the Data Column. **Comment Remains – Add the total provided number of units in the phase 2 data column similar to what is shown in the phase 3 data column.**
5. (General) Revise the open space and recreational open space requirement calculations in the data column per Chapter 230-48-10(G) of the City's Zoning Code. **Comment Remains – Add the required open space calculation and provided open space to the Phase 2 Record and Construction Plan Cover Sheets.**
6. (General) In order to minimize issues with updating parcel numbers, addresses, and assessment information, coordinate with Sussex County Mapping Department for lot number arrangement. **Comment Remains – DBF is to meet with Sussex County Mapping Department per response letter.**
7. (General) Verify that there are 363 single-family dwelling units in Phase I. There were 364 single-family dwelling units in the current PUD and it is not clear where the change occurred in Phase I. **Comment Remains – Per DBF's response letter, one lot is proposed to be removed in Phase 1 and a revised record plan will be submitted and recorded to show this. Provide KCI and the City with the revised Record Plan once available.**
8. (General) Add the date of boundary and topographic survey under the General Notes of Phase 2 and Phase 3. **Addressed.**

9. (General) Update the Construction Plans per the Record Plan and PUD comments. **Addressed.**

10. (General) **Verify that the Phase 2 and Phase 3 cover sheets for the Record and Construction Plans are consistent and provide the information requested in the above comments. For example, the required open space calculation is not listed on the Phase 2 plans, total number of units provided is not listed on the phase 2 plans, etc.**

Phase 2 Record Plan

11. (Cover) Add all City of Milford General Record Plan Notes. **Addressed with Comment – Add all the notes to the Construction Plans.**

12. (Cover) Add the provided City of Milford approval blocks to the plan. **Addressed.**

13. (Cover) Provide a wetland certification statement. **Addressed.**

14. (Cover) Once approved, update the variance notes to list the approval date and whom approved the variance (i.e. board of adjustments). **Comment Remains – See comment 17 and add the approval date and board whom approved all variances once/if approved.**

15. (Cover) Update the PUD table per the PUD review comments. Remove the reference to the apartment variance in the notes and add to the overall PUD table. **Addressed.**

16. (Cover) Update the data column per the PUD review comments. Provide the overall project information similar to what was done for Phase I. **Addressed.**

17. (Cover) Note that the variances on the sheet should only be from Chapter 200 Subdivision of Land. The PUD approval permits have some deviations from the zoning ordinance, which should be provided in the PUD table. Any variances from Chapter 230, outside of what is permitted through the PUD, will require Board of Adjustment review. **Comment Remains – All deviations from Chapter 200 or 230 needs to be noted in the PUD table. Currently, the applicant is showing a reduction in the R.O.W. from 60' to 28' but has not specifically requested this deviation on the title sheet. Revise the plan accordingly to list this reduction in the PUD table. If not, then any deviation not requested in the PUD table will be enforced upon on the submission of the final subdivision.**

18. (Cover) Note the pavement width and right-of-way width waiver request in the waiver table for all roadways that do not meet Chapter 200 requirements. Minor collectors require 50-60 feet of right-of-way and 25-30 feet of pavement width

per Chapter 200. The plans only provide 28 ' of right-of-way and 22 ' in pavement width. **Comment Remains – See comment 17 and add the approval date and board whom approved this once/if approved.**

19. (Cover) The supercedure note on the cover sheet references Phase I instead of Phase II. Revise the note accordingly to refer to the correct phase. **Addressed.**
20. (Cover) The maximum allowed impervious coverage is 35%. Add a Phase 2 Site Area Breakdown to the data column as follows to ensure that the maximum impervious coverage is not exceeded before completion of all 4 phases of the subdivision. Although the building footprints may not have been set yet, an accurate building coverage estimate shall be included in the impervious surface area. **Addressed – The same shall be done when Phase 4 is submitted.**
21. (Cover) Currently, under existing zoning it lists proposed use and then lists the zones that are proposed. Revise the data column to list the existing/proposed ZONING. **Addressed.**
22. (R2.2) Label the SWM area on the plan. **Addressed.**
23. (R2.2) Label the easement between lots 199/200. **Addressed.**
24. (R2.2) The metes/bounds data for lots 168/169 and 222/223 are overlapped by an easement and is tough to read. Revise the plan accordingly so that there are no overlapping labels. **Addressed.**
25. (R2. 2) Currently, there appears to be a parcel between lots 216 and 217 that is shown with new property lines but is not labeled. Verify whether this is a parcel or not and add a lot number with metes/bounds. If this is open space, remove the proposed property line and incorporate with the larger open space parcel to the east. **Addressed.**
26. (R2.2) Show the recreational open space components that are shown on the PUD master plan. **Addressed with Comment – It appears that residents would have to cut through private property or walk along the SWM Pond bank in order to access the picnic area. Clarify how residents will access the picnic area.**
27. (R2.2 & R2.3) Label all open space parcels with a unique identifier and provide the overall acreage of each parcel. **Addressed with Comment – Provide a unique identifier for each open space parcel and Label the total acreage for each section of open space similar to what is done for each lot.**
28. (R2.2 & R2.3) Show the 25' wetland setback on the plan. **Addressed.**

29. (R2.3) Revise the metes/bounds labels for lots 164/165 so that they are legible. **Addressed.**
30. (R2.3) Verify that all curves listed in the curve table are shown on the plan. **Addressed.**

Phase 2 Construction Plans

31. **Provide all required agency approvals (i.e. Fire Marshal, DHSS, SCD, etc.)**
32. **Provide construction information for the storm drain system. Profiles, inverts, elevations, schedules, etc.**
33. **Provide the necessary structure and pipe schedules for the sanitary and storm drain systems.**
34. (General) Add all applicable City of Milford and DeDOT details to the plan (Storm, Sanitary, Water, Site, etc.). **Comment Remains – Some details were added to the Phase 3 plans but not to the Phase 2 plans. All applicable details shall be provided on both plans. They include the details provided on the Phase 3 plans, sidewalk, curb, handicap ramps, storm structures, etc.**
35. (General) Revise the plan accordingly so that all plan view sheets have a graphical scale. **Addressed.**
36. (General) The sidewalks should be 5' instead of 4' per the City Standard Specifications and ADA requirements. **Addressed.**
37. (General) Add the 25' wetland setback to the plan. **Addressed.**
38. (Cover) Add all City of Milford General Notes to the plan. **Comment Remains – Add all City of Milford General Notes to the Construction Plans. Currently, they are only on the Record Plan.**
39. (Cover) Add all required City Approval Blocks to the cover sheet for construction plans. **Comment Remains.**
40. (Cover) Add the date of boundary and topographic survey. **Addressed – We recommend verifying that the survey is still correct since it is dated from 2005.**
41. (Cover) Currently, under existing zoning it lists proposed use and then lists the zones that are proposed. Revise the data column to list the existing/proposed ZONING. **Addressed.**

42. **(Cover) Verify what the correct FEMA note is. General Note 6 and 23 conflict with each other.**
43. (C2.1 & C2.2) Add the stationing at intersections. **Addressed.**
44. (C2.1 & C2.2) Add the PC and PT stationing. **Addressed.**
45. **(C2.1 & C2.2) Revise the plan accordingly to limit label overlap and so that text is in the correct orientation.**
46. **(C2.1 & C2.2) Many of the contours (Specifically the crowns in the road) do not have an elevation labeled. Revise the plan accordingly so that the elevations are clear for all contours.**
47. (C2.3) Currently, there is varying pavement section depths throughout the subdivision. Revise the plan accordingly so that there is minimal to no change in pavement sections throughout the subdivision. **Comment Remains – Revise the section detail to show 11” GABC instead of 8” to provide consistency from the Phase 1 plans. In addition, verify if two of these section details are needed, they appear to show the same thing. Lastly, revise the stationing and street names to be the road names and corresponding stations of this phase. This should also be applied to the phase 3 construction plans.**
48. (C2.3) Revise the pavement sections so that they meet the City's minimum requirement of 8" of GABC and 3" of combined top/base. **Addressed.**
49. (C2.3) Revise the road section to specify 2% slope instead of 1/4"/FT. **Addressed.**
50. (C2.3) Currently, the plan shows 18' utility easements parallel to the City's Right-of-Way along the roads. However, the road section show 10' utility easements. Revise the detail accordingly to match the plan. **Addressed.**
51. (C2.3) Currently, the road section shows a 26' Right-of-Way. However, the plan views on the road plans label a 28' Right-of-Way. Revise the plans accordingly so that they match. **Addressed with Comment – Although the Right-of-Way was corrected, now it appears that the road section detail does not match what is shown on the plan view. The road section detail has the curb width as 3' (per DelDOT Detail, type 2 curb is 2' in width) and the grass area between back of curb and sidewalk as 3' (on the plan this area is 5'), the area between the back of sidewalk and the easement is 10' (we measured 9' on the plan). Revise the plan/road section detail accordingly so that they match.**
52. (C2.3) There are notes that refer to Section 5 for Sidewalk Specifications and Section 7 for Design Information. Verify if these should be on the plan. The details for these items shall be shown on the plan as well. The sidewalk detail shall be

added to the plan set. **Comment Remains – Add the City of Milford Sidewalk Detail to the plan and clarify what specifications the notes are referring to (i.e. Milford or DelDOT specs).**

53. (C2.3) Address the following in regards to the Intersection Plan Views:
- a. Currently, there is an intersection plan view that is named Round Robin Drive Plan View. Revise the name of this to include the intersection name similar to how the two other intersection plan views were named. **Comment Removed.**
 - b. Add the street names to the plan views. **Addressed.**
 - c. Add proposed spot elevations (and flow arrows) along the face of curb at 25' intervals and as necessary to demonstrate the proposed drainage patterns thru the intersection or to an inlet. **Addressed – We recommend addressing this comment but will not be required.**
 - d. Add the storm drain structure numbers to the plan views. **Addressed.**
54. (C2.3) The stormwater management easements are not wide enough to allow for safe excavation for piping for future repairs. These should be a minimum of 20' in width to allow for enough area to repair piping in the future. Keep in mind that the easements shall not encroach upon the lot setbacks. **Comment Remains – Pipe 502 only has a 10' easement in between lots 186 and 187. This will have to be revised to a 20' easement to allow enough room for City maintenance/repairs. In addition, if it is determined that any of the storm drain pipes in between lots are extremely deep, then the easements may have to be increased beyond 20'.**
55. (C3.1) Currently, there appears to be proposed grading within the building footprints. The buildings shall have a consistent finished floor elevation. **Comment Remains – Some of the grading lines are still going through the proposed finished floor. For example the grading lines are going through lots 193,194,197,198,217, and 225. Revise so that all lots have a consistent finished floor elevation.**
56. (C3.1) Currently, there are two proposed grading line types on the south side of the stormwater management pond. Revise the grading of the stormwater management pond so that there is just one proposed grading layer. **Comment Removed – Pond grading and SWM facilities to be reviewed by SCD.**
57. (C3.1) **Many storm drain pipes are missing from the plan (i.e. P501, P511, etc.) Add these pipes to the plan.**

58. (C3.1) **Revise the P511 identifier so that it is not overlapping with the gray overlap of the SWM facility.**
59. (C4.1) Currently, there are two fire hydrants located adjacent to Lot 202. Revise the plan accordingly so that the fire hydrants are spaced adequately. **Addressed.**
60. (C4.1) Currently, it appears that there are two waterline alignments for the 10' , water main that is capped at South Walnut Street in between lots 199 and 200. Verify whether or not there will be two waterline alignments or revise the plan accordingly to only show one. **Addressed.**
61. (C4.1) There shall be a water valve at each leg of a T intersection. Revise the plan accordingly so that there are three valves at each T intersection. **Addressed.**
62. (C4.1) Add a fire hydrant assembly label and 6" gate valve label to the fire hydrant adjacent to lot 202. **Addressed.**
63. (C4.1) Verify that the minimum 10' horizontal separation is met for the fire hydrant service pipe and sewer lateral for lot 202. **Addressed.**
64. (C4.1) There are two manhole symbols by Manhole 83. Verify if both manholes are needed or remove the manhole symbol from the plan. **Addressed.**
65. (C4.1) Currently, there appears to be overlapping 8" sewer main labels in front of lot 167. Remove one of the labels to fix the overlap. **Addressed.**
66. (C4.1) Per the City of Milford Standard Specifications "Sewer mains should be located within the street right-of-way wherever practical, and as close to the centerline of the road as possible. Curb crossings are unacceptable." Revise the plans accordingly so that all sanitary sewer mains are located as close to the centerline of the road as possible and do not have curb crossings. **Addressed.**
67. (C4.1) Label the utility easements on the plan. **Addressed.**
68. (C4.1) Currently, there are easements that lead to the storm water management pond. However, there are no storm drain pipes/structures within these easements. Verify if storm drain pipes/structures are proposed within these easements. If they are, then add them to the plan. **Addressed.**
69. (C4.1 & C4.2) Clarify the pipe material of the water main. **Addressed.**
70. (C4.1 & C4.2) The cleanouts and water meters are labeled on the Phase 3 Construction Plans but are not on the Phase 2 Construction Plans. Revise the plans accordingly so that they are consistent. **Addressed.**

71. (C4.1 & C4.2) Add curb stops for all houses just before the meter pits. **Addressed.**
72. (C4.1 & C4.2) Currently, the cleanouts for the sanitary sewer and the water meters are located on the proposed sidewalk. Move all the cleanouts and water meters so that they are located in the grass at the easement line. **Addressed with Comment – This comment is no longer valid. Per recent conversations with Public Works, they prefer cleanouts and water meters to be located within the sidewalk (but not the driveway). We recommend revising the plans accordingly to address this. However, since the comment was wrongfully made on the last review, this can instead be addressed with a note on the plan and a discussion at the pre-construction meeting.**
73. (C4.1 & C4.2) Currently, there are many laterals that tie directly into sanitary sewer manholes. Per the City's Standard Specifications, no laterals shall tie into manholes. They shall connect directly to the gravity main using a y-branch connection. **Addressed.**
74. (C4.1 & C4.2) Label the valves for the fire hydrants on the plan. **Addressed.**
75. (C4.3) Verify that the vertical separation between the sanitary sewer and storm drain system is 12 " minimum. **Addressed.**
76. (C4.3) Currently, there are two profiles that are named MH-80/MH-92. However, they are both incorrectly named. Revise the names of these profiles to reflect what is shown in the profile. **Addressed.**
77. (C4.3) Verify whether or not MH 67 is existing or proposed. If existing, clarify this on the plan. **Addressed.**
78. (C4.3) Revise the matchlines to refer to the sheet and/or phase. **Addressed.**
79. (FPI.1) Add the class of the ductile iron pipe to the fire hydrant detail. The minimum class is 50 per the City's Standard Specifications. **Addressed.**
80. (FPI.2 and FPI.3) The handicap ramps shall be labeled on the Road Plans, not just the Fire Protection Plans. **Addressed.**
81. (FPI.2 and FPI.3) Currently, only the "A", "F", and "B" label are used from the Note Legend on sheets 20 and 21. Determine if the other labels will be used and add them to the sheet accordingly. If not remove them from the Note Legend and renumber the items in the list. **Addressed.**
82. **Currently, there are areas where the storm drain system and watermain overlap for extended stretches (i.e. in front of lots 169 to 172). Water and storm drain pipes may cross with proper vertical separation, but should generally be offset from each other (ideally 3'). Keep in mind that the**

minimum horizontal separation between water and sanitary sewer pipes is 10’.

83. **Add all water crossing profiles to the plan.**

Phase 3 Record Plan

84. (Cover) Update the data column per previous comments for the PUD and Phase 2 reviews. The data column should provide the overall project characteristics similar to what was done for Phase 1. **Addressed.**
85. (General) Revise the Record Plan per the Phase 2 Record Plan comments in this letter. Many of the comments apply for both phases. **Addressed.**
86. (General) Add the PUD Requirements Table similar to what was done for Phase 1 and 2. **Addressed.**
87. (General) Update the Chapter 200 Variances per previous comments for the PUD and Phase 2. **Addressed with Comment – Add the approval date and board whom approved the variance once/if approved.**
88. (RI.02) Verify that the Curve Table is correct and that it matches the plan. There are duplicate curve numbers and missing curve numbers in the table. **Addressed.**
89. Include a wetland certification statement. **Addressed.**

Phase 3 Construction Plans

90. **Provide all required agency approvals (i.e. Fire Marshal, DHSS, SCD, etc.)**
91. **Provide construction information for the storm drain system. Profiles, inverts, elevations, etc.**
92. **Provide the necessary structure and pipe schedules for the sanitary and storm drain systems.**
93. (General) Revise the construction plans per the Phase 2 Construction Plan comments in this letter. Many of the comments apply for both phases. **Comment Remains.**
94. (General) The approved Phase I Plans show utilities as proposed in phase I that are also proposed in Phase 3. For example, sanitary manhole 7, but not limited to, is proposed within Phase I. However, it is also proposed on the Phase 3 Construction Plans. If utilities have already been installed and are shown on this plan as the tie-ins to Phase I, then they should be labeled as existing in the profile. In addition, the

engineer should revise the structure inverts/elevations of the tie-ins from phase I to be the as-built information instead of the design information (for all phases). This will ensure that the minimum required slopes can still be met. This will reduce the risk of the City not accepting the utilities and them having to be dug up and corrected per the City's Standard Specifications. **Comment Removed – See Comment 110 of this letter.**

95. (General) The Phase 3 Construction Plans are missing a lot of pertinent information (profiles, construction details, and signage etc.). Add all pertinent information and revise the plans so that they are consistent with the other phases. **Comment Remains – Add road section details/pavement depths similar to sheet 2.03 on the Phase 2 Construction Plans and any other pertinent information to the plans so that they remain consistent with the other phases.**
96. (General) Add a more detailed legend to the Construction Plans. **Addressed.**
97. (C1.01) **Add all of the utility easements to the “Key Plan” sheets of the plans. The easement line that runs parallel to the R.O.W. is missing.**
98. (C2.01-C2.05) Currently, the legend has two hatchings for pavement. However, they refer to sheet 27 for a detail even though there is no sheet 27 in this plan set. Add the detail to the plan and revise the legend accordingly to reference the correct sheet. **Addressed.**
99. (C2.01-C2.05) **Proposed grading is not shown on the plans but is shown in the profiles. Add the proposed grading to the road plans.**
100. (C2.03 & C2.04) Verify if the profiles/plan views are necessary. They are currently showing plan views and profiles that do not involve Phase 3. **Comment Remains – Profiles/plan views on sheet C2.03 are referring to Phase 1, 2 and 4 but not 3. Verify that these are a part of Phase 3 and if not remove them from this section of Construction plans.**
101. (C-3.01) Currently, it appears that there are areas without crowns in the road. Revise the plan accordingly so that the road is properly graded. **Addressed.**
102. (C-3.01) Currently, there is a contour with a high point/low point between lots 581 and 582 that has no label. **Addressed.**
103. (C3.01) Add the elevation to the contour that circles lot 65. **Addressed.**
104. (C-3.01) Verify whether the catch basins and pipes near lots 464-469 are existing or proposed. The identifier labels appear to be lighter than the other identifier labels for CB 306, CB 307, P 307 and P 308. **Addressed with Comment – Verify that**

Pipe 308 is existing. It appears that the pipe has an existing line type but is shown on these construction plans. In addition, the drainage easements should be 20'. Label the drainage easements in Phase 3 on the Record and Construction Plans.

105. (C-3.01) Currently, it appears that P 353 has no outfall. Revise the plan accordingly so that all pipes have an outfall. **Addressed.**
106. (C3.01) Currently, there is a P 308 label on lot 464 with no pipe shown. Revise the plan accordingly to show the pipe or remove the label. **Addressed.**
107. (C4.01) Currently, there are symbols that appear to be manholes at the curve lines and property lines. Revise the symbol so that it can be differentiated from sanitary sewer manholes and add the symbol to the legend. If these symbols are not needed on the utility plan, remove them. **Addressed.**
108. (C4.01) There are two random circles along the right-of-way in front of lots 147 and 581. Verify if these are necessary on this sheet or remove them. **Addressed.**
109. (C4.01) There is no labeling or legend on the utility plan. Revise the utility plan accordingly so that items are labeled similar to Phase 2. **Addressed.**
110. (C4.01) Currently, it appears that there is a proposed cap at the end of the water mains on Flower Garden Drive and Stich work Way. Verify whether the watermains at the matchline of Phase 1 and Phase 3 along Flower Garden Drive and Stich work Way are capped or if there is an existing watermain that they are tying into. **Addressed with Comment – Per DBF’s response letter, this has not been constructed yet and the contractor is to confirm where to tie in at construction. However, the proposed water main, sanitary sewer, and storm from the approved Phase 1 plans shall still be shown on the plan as existing and the tie in shall be shown. This shall be done at all points in which this phase ties into another phase.**
111. (C4.01) Currently, some of the sanitary sewer pipe line styles show S and some show SS. Revise the sanitary sewer pipe labels so that they are consistent throughout the plan or add a legend to differentiate between the two. **Addressed.**
112. (C4.01) Currently, some of the manholes are labeled as “XX”. Verify what number these manholes should be and revise the plans/profiles accordingly.
113. (C4.01) Revise the plan accordingly so that there is a water valve at each leg of each intersection (i.e. 3 valves for a t intersection and 4 valves for a four way intersection).
114. (C4.01) Add the storm drain system to the Utility Plan so that the plan can be compared to the profiles in regards to utility crossings.

115. (C4.02) Clarify that drop manholes shall be 60" in diameter. **Addressed.**
116. (C4.02) Clarify whether the drop manholes are inside or outside drop manholes. **Addressed.**
117. (C4.02 & C4.03) Two profiles are named pump station/MH-19 profile. Revise the name to match what is shown in the profile. **Addressed.**
118. **(C4.02 & C4.03) Add all inverts to the profiles.**
119. (C4.03) Add matchlines to the plans/profiles. If the two ends of the profile are other phases, then refer to the phase. For example, the Phase I line should be shown on the profile adjacent to Sanitary Sewer Manhole 7. **Comment Remains.**
120. **Add all water crossing profiles to the plan.**

If you have any questions or comments regarding this letter, please do not hesitate to contact me any time at (302) 318-1087.

Sincerely,



Eric T. Gibson,
Engineer in Training



Jason McClafferty, P.E.
Project Manager

February 13, 2020

City of Milford
180 Vickers Drive
Milford, DE 19963

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechier, P.E.

Attn: Rob Pierce, Planning & Economic Development Director

RE: **Milford Ponds – Revised PUD, Phase 2 Preliminary and Phase 3 Preliminary**
Original Tax Parcel Number: 1-30-3.00-264.00, 1-30-3.00-264.01, and 1-30-6.00-
108.00
DBF #2875A001

Dear Mr. Pierce,

On behalf of our clients Milford Ponds, LLC we are please to submit a revised PUD Plan, revised Phase 2 and revised Phase 3 preliminary plans per comments received on January 30, 2020. The plans only address the PUD Conditional Use and Record Plan comments. A separate response will be prepared for the construction documents. In regards to the PUD, most of the deviations were approved in the previous request and believe we have annotated them on the cover page and will ensure during the public hearing process that all deviations that were previously approved and / or new requests are documented. Upon Council approval, a final PUD plan will be submitted to the City. We have retained the original numbering to facility review of the Conditional Use and Record Plans and offer the following item-by-item response:

Conditional Use (PUD)

*1. (General) A Planned Unit Development is defined as "a development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development. The original approval from 2004 provided a total of 722 units, including 150 condominiums, 228 townhouses and 344 single-family detached units. The revised PUD that was approved in 2018 provided a total of 700 units, including 459 single family detached units, 91 townhouses and 150 multi-family units. The proposed PUD has eliminated townhouses completely and provides 504 single-family detached dwellings and 264 multi-family units, for a total of 768 units. The Planning Commission and City Council will need to determine if the intent of a PUD is still met by the unit mix and layout being proposed. Comment Noted – This will be addressed during the Public Hearing per response letter. **Acknowledged.***

3. (General) Include the request for the number of units per multi-family building for Phase 4 in the PUD table. This is not a waiver from Chapter 200, this is a deviation

allowed under the PUD approval. Comment Remains. This is listed in Section B.

4. (General) Provide the overall project density in dwelling units per acre in the Data Column. Comment Remains – Add the total provided number of units in the phase 2 data column similar to what is shown in the phase 3 data column. **The number of units has been added and the data column for Phase 2 will be revised prior to submitting final plans for approval.**

5. (General) Revise the open space and recreational open space requirement calculations in the data column per Chapter 230-48-10(G) of the City's Zoning Code. Comment Remains – Add the required open space calculation and provided open space to the Phase 2 Record and Construction Plan Cover Sheets. **The data column for Phase 2 will be revised prior to submitting the final plans for approval.**

6. (General) In order to minimize issues with updating parcel numbers, addresses, and assessment information, coordinate with Sussex County Mapping Department for lot number arrangement. Comment Remains – DBF is to meet with Sussex County Mapping Department per response letter. **We are meeting with Sussex County Mapping on Friday, February 21, 2020.**

7. (General) Verify that there are 363 single-family dwelling units in Phase I. There were 364 single-family dwelling units in the current PUD and it is not clear where the change occurred in Phase I. Comment Remains – Per DBF's response letter, one lot is proposed to be removed in Phase 1 and a revised record plan will be submitted and recorded to show this. Provide KCI and the City with the revised Record Plan once available. **Acknowledged.**

10. (General) Verify that the Phase 2 and Phase 3 cover sheets for the Record and Construction Plans are consistent and provide the information requested in the above comments. For example, the required open space calculation is not listed on the Phase 2 plans, total number of units provided is not listed on the phase 2 plans, etc. **The Record Plan and Construction Cover Sheets will be revised and updated to be consistent with each other.**

Phase 2 Record Plan

11. (Cover) Add all City of Milford General Record Plan Notes. Addressed with Comment – Add all the notes to the Construction Plans. **Acknowledged.**

14. (Cover) Once approved, update the variance notes to list the approval date and whom approved the variance (i.e. board of adjustments). Comment Remains – See comment 17 and add the approval date and board whom approved all variances once/if approved. **The notes will be updated after approval by City Council.**

17. (Cover) Note that the variances on the sheet should only be from Chapter 200 Subdivision of Land. The PUD approval permits have some deviations from the zoning

ordinance, which should be provided in the PUD table. Any variances from Chapter 230, outside of what is permitted through the PUD, will require Board of Adjustment review. Comment Remains – All deviations from Chapter 200 or 230 needs to be noted in the PUD table. Currently, the applicant is showing a reduction in the R.O.W. from 60' to 28' but has not specifically requested this deviation on the title sheet. Revise the plan accordingly to list this reduction in the PUD table. If not, then any deviation not requested in the PUD table will be enforced upon on the submission of the final subdivision. We have added the deviations to the PUD plan and will review them one by one to ensure all necessary deviations have been received.

18. (Cover) Note the pavement width and right-of-way width waiver request in the waiver table for all roadways that do not meet Chapter 200 requirements. Minor collectors require 50-60 feet of right-of-way and 25-30 feet of pavement width per Chapter 200. The plans only provide 28 ' of right-of-way and 22 ' in pavement width. Comment Remains – See comment 17 and add the approval date and board whom approved this once/if approved. See response to Comment 17.

*26. (R2.2) Show the recreational open space components that are shown on the PUD master plan. Addressed with Comment – It appears that residents would have to cut through private property or walk along the SWM Pond bank in order to access the picnic area. Clarify how residents will access the picnic area. **There is an open area between Lots 216 and 217.***

*27. (R2.2 & R2.3) Label all open space parcels with a unique identifier and provide the overall acreage of each parcel. Addressed with Comment – Provide a unique identifier for each open space parcel and Label the total acreage for each section of open space similar to what is done for each lot. **The open space areas have been identified by a letter.***

Phase 3 Record Plan

*87. (General) Update the Chapter 200 Variances per previous comments for the PUD and Phase 2. Addressed with Comment – Add the approval date and board whom approved the variance once/if approved. **See response to comment 17.***

If you have any questions or need additional information, please do not hesitate to contact me at (302) 424-1441 or rw1@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.


Ring W. Lardner, P.E.
Principal

DEPARTMENT OF TRANSPORTATION
COMMENTS FOR
DAC MEETING
OF October 2019

Lands of Milford Ponds

Tax Map #: 130-6.00-108, 130-3.00-264 & 264.01

SCR X (X)

Sussex County

#19-035 / Milford Ponds, LLC Phases I, II, & III

1. Please refer to the “*Development Coordination Manual*” manual for the design of the subdivision streets and/or entrance. The website for the manual is the following;

<http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>

2. For all projects, any sub-station and/or wastewater facilities will be required to have access from the internal subdivision street with no direct access to the State maintained highway.
3. For all projects, a 20-foot wide buffer will be required from the edge of the stormwater management pond to the ultimate right-of-way of the County road. The ultimate right-of-way is based on the functional classification of the road.
4. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5.1.2: Frontage Easements, a 15-foot wide permanent easement will need to be established across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way for this road. The following note is required, “**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**”
5. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5: Dedication of Right-Of-Way and Easements, Figure 3.2.5-a Minimum Standards for Total Roadway Right-Of-Way, the project shall be subject to dedicate right-of-way in accordance to the minimum standards.
6. Referring to the “*Development Coordination Manuals*”, Chapter 3 – Record Plan Design, Section 3.2.4.1: Subdivision Street Right-Of-Way Monuments, right-of-way monuments are recommended to be furnished and placed along the private subdivision street.
7. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.4.2; Frontage Road Right-of-Way Monumentation, concerning the right-of-way markers being placed to provide a permanent reference for re-establishing the right-of-way and property corners along frontage roads. Due to the right-of-way dedication,

show and note the property corners markers that will need to be installed.

8. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5.5: Transit Facilities, transit facilities requirements shall be followed as required by DTC or DelDOT.
9. Referring to the “*Development Coordination Manual*”, under Chapter 3; Record Plan Design, Section 3.2.5.1.1 – Easements, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.
10. Metes and bounds and total areas need to be shown for any drainage easements. A minimum 20-foot wide drainage easement must be provided for storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. These easements shall be shown and noted on record plan.
11. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5: Connectivity, connectivity requirements shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the local land use agency’s requirements for connectivity.
12. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2.1: Record Plan Content, the traffic generation diagram is required. See Figure 3-4-2-a: Traffic Generation Diagram for what is required.
13. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, adjacent existing features are required to be shown in accordance with Figure 3.4.2-b.
14. It will need to be noted on the Record Plan the type of off-site improvements and when the off-site improvements are warranted for this project.
15. Referring to the “*Development Coordination Manual*”, Chapter 2 – Traffic Analysis and Improvements, it will need to be determined if a revised Traffic Impact Study (T.I.S.), Area-Wide Study Fee or a Traffic Operational Analysis (T.O.A.) will be required.
16. As per the Delaware State Strategies for Policy and Spending Map, this project is located within Investment Level I or II. Referring to the Departments Shared-Use Path/Sidewalk Policy a project an all Level I and Level II areas are required to install a path/sidewalk along the property frontage. If a physical impossibility exists, then a fee in lieu of construction shall be paid.

- a. Projects in all Level area that generate 2,000-trips or greater are required to install a path/sidewalk along the property frontage.
17. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.2.5 – Subdivision and Commercial Entrance Design Guidelines – Intersection Corner Radii, a separate turning template plan shall be provided to verify vehicles can safely enter/exit the entrance. The entrance shall be designed for the largest vehicle using the entrance.
18. Please check to determine if any utilities will need to be relocated as part of this project.
19. Standard General Notes have been updated and posted to the DeIDOT Website. Please begin using the new versions and look for the revision date of **May 21, 2019**. The notes can be found at the following website under the *Guidance* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
20. All PLUS/TAC comments shall be addressed prior to submitting the plans for review.
21. Referring to the “*Development Coordination Manual*”, Chapter 6 – Construction Administration, Section 6.4.3: Commercial Entrances – Inspection and Acceptance, Figure 6.4.3-a: Construction Inspection Responsibilities, determine if the project is a Level 1 or Level 2 project and if an inspection agreement will be required.
22. The Auxiliary Lane Spreadsheet has been posted to the DeIDOT website. Use this spreadsheet to determine if auxiliary lanes are warranted. The Auxiliary Lane Spreadsheet can be found at the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
23. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.4 – Sight Distance, a sight distance triangle is required. A spreadsheet has been developed to assist with this task and can be found on the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
24. Please refer to the “*Development Coordination Manual*” Chapter 3; Record Plan Design, Section 3.4.1 Commercial or Major Residential Subdivisions – Record Plan Application Process, concerning if a pre-submittal meeting is required.
25. Effective August 1, 2015, all new and resubmittals shall be uploaded via the PDCA with any fees paid online via credit card or electronic check (ACH). The design firm making the submittal must create the project in the PDCA and upload all the required items to allow DeIDOT to start the review process. Our website offers more detailed information,

including links to guidance about creating PDCA submittals. This information can be found at the following website under the PDCA section;

<http://www.deldot.gov/Business/subdivisions/index.shtml>

26. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, an Initial Stage review fee shall be assessed to this project.

27. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4: Commercial or Major Residential Subdivisions, a record plan shall be prepared prior to issuing “Letter of No Objection”. The Record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

28. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, Section 4.3: Subdivision Construction Plan Submittal Requirements, the Construction Stage review fee shall be assessed to this project.

29. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, a subdivision/entrance plan shall be prepared prior to issuing subdivision/entrance approval. The Entrance/Construction/Subdivision plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plans document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

City of Milford, Delaware
Development Advisory Committee

Comment Sheet



DATE OF REVIEW: October 9, 2019

REVIEWING AGENCY: Delaware State Fire Marshal's Office, Sussex Office

INDIVIDUAL REVIEWERS: Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Joseph Moran, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: 302-856-5298, Fax: 302-856-5800

RE: MILFORD PONDS PHASE II (19-033)

The reasons and conditions applied to this project and their sources are itemized below:

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
 - Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- b. **Fire Protection Features:**
 -
- c. **Accessibility**
 - All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from S duPont Blvd and S Walnut St must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:

www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

§ 200-1. - Purpose.

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

§ 200-2. - Title.

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

§ 200-3. - Definitions.

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

OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

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

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

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

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

- (1) Indoor club houses;
- (2) Swimming pools and pool houses;
- (3) Tennis courts;

- (4) Basketball courts;
- (5) Athletic fields;
- (6) Picnic areas with tables;
- (7) Ponds for recreational use (boat, fishing or swimming);
- (8) Playgrounds; and
- (9) Bike or multi-model trails.

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

- A. ARTERIAL STREET and HIGHWAY — A street primarily used for fast and/or heavy traffic.
- B. COLLECTOR STREET — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
- C. MINOR STREET — A street primarily used for access to the abutting properties.
- D. MARGINAL ACCESS STREET — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
- E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.
- F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

§ 200-4. - Application procedure.

A. Preliminary approval.

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

B. Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision,

zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.

- (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
- (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
- (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
- (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-7. - Expiration of approved subdivision development plans.

- A. The following regulations concerning expiration of recorded and approved plans are applicable to major subdivisions and minor subdivisions.
- B. Construction of improvements shown on recorded subdivision plans shall commence within five years of the original recordation date and continue progressing toward completion.
- C. The Department shall notify by certified mail, return receipt requested, applicants and landowners of properties involving approved plans where construction has not commenced one year prior to the expiration date and again six months prior to the expiration date that they are subject to the expiration provisions and identify their options for possible reapproval.
- D. For the purpose of this section, "commencement of construction" shall mean:
 - (1) That a building permit or such other permit or approval by City of Milford or an applicable state agency has been issued and construction commenced under such permit which is visible on an inspection of the property by a representative of City. Such construction must be intended to accomplish the installation of improvements under Section 200-6, General Requirements and Design Standards, but excludes general earthmoving activities, and such work must have been started with a good-faith intention and purpose then formed to continue the work until completion.
 - (2) That all financial obligations associated with a City approved public works utility agreement have been satisfied and the improvements pursuant to said agreement have been completed, provided that the construction described in Subsection D(1) above shall commence within 10 years from receipt by the City of the final monetary contribution required under said agreement.
- E. Construction shall be deemed to be progressing toward completion so long as there is no cessation in construction activity longer than 12 consecutive months. The City shall inspect sites semiannually

to determine the progress of construction. If the City determines that construction activity has ceased for a period of 12 consecutive months or more, the staff shall notify the applicant and landowners by certified mail, return receipt requested, that construction shall recommence within 30 days or the subdivision shall be considered expired.

- F. For subdivisions and land developments in which a certificate of occupancy has been issued for a dwelling, the subdivision shall no longer be subject to expiration.
- G. The applicant and/or landowner shall bear the burden of providing evidence to the City establishing that construction has commenced within the five-year period and is progressing toward completion.
- H. Applicants and/or landowners who have been notified that their projects may be subject to expiration have the following courses of action available to them:
 - (1) The applicant has the opportunity to provide evidence to the City establishing that construction has commenced;
 - (2) The applicant may apply to the City for reapproval of the project for an additional five-year period in accordance with the following procedures:
 - (a) The City shall review the original (i.e, initial) recorded and/or approved plan for consistency with all current provisions of this chapter, Chapter 230 Zoning, and the Comprehensive Plan. Such review may involve coordination with and review by applicable Development Advisory Committee (DAC) agencies. Based upon that review, the Planning Director will determine if the original recorded plan meets current standards, or if the original recorded plan requires minor revisions in order to comply with current standards, or if the original recorded plan must be resubmitted as a new application subject to all appropriate review procedures, regulations, and fees.
 - (b) In the event that the Planning Director determines that the original recorded plan is consistent with current policies and regulations, he/she shall reapprove the plan and provide written notice to the owner of reapproval. Such approval shall allow the issuance of building permits in accordance with all conditions of approval. The owner shall then have five years from the date of such notice of reapproval to obtain building permits and commence construction.
 - (c) Should the Planning Director determine that the plan requires minor revisions in order to comply with current policies and regulations, such notice shall be provided in writing and the applicant shall make such adjustments for administrative approval. Once the required minor revisions are completed, the plan may be reapproved administratively by the City Planning Department allowing the issuance of building permits subject to the provisions of the original record subdivision plan and/or any recorded resubdivision plans. The owner shall then have five years from the date of such notice of reapproval to obtain building permits and commence construction.
 - (d) Should the Planning Director determine that the plan would involve considerable revision to an extent that would change the scope of the project, the plan must be resubmitted for review by the Planning Commission and City Council for compliance with current policies and regulations. The City shall provide written notice to the owner of the specific areas of noncompliance. The landowner shall have the opportunity to make the necessary modifications to the plan and apply to the City as a new application in accordance with this chapter. Should new plans compliant with all current Code provisions be submitted, they must receive approval from the Planning Department, City Engineer, Planning Commission, and/or City Council, as applicable. Once reapproved, subdivision plans shall be recorded and shall have the effect of superseding the original record major subdivision plan. The owner/applicant shall then have five years from the date of reapproval to obtain building permits, commence construction, and progress toward completion.
 - (3) All of the above-referenced reviews, determinations, and reapprovals must be completed prior to the expiration of the five-year period.

- I. Minor plan revisions, as described in Section 200-8, subsection E and F, that do not achieve full compliance with all current subdivision and land development provisions shall not reset the five-year time frame for commencement of construction and shall remain subject to expiration.
- J. Should the five years lapse without the owner pursuing any of the options described in Subsections H(2)(a) through (d) above, the plan shall be considered expired. Expired subdivision plans shall be deleted from the City and County property records by deleting individual subdivision lots from the official City and County Tax Map and by eliminating the undeveloped parcels from the assessment records.

§ 200-8. - General requirements and design standards.

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

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.
 - (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
- (8) The creation of dead-end or loop streets and superblocs will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with

existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.

- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
- (14) Right-of-way widths.
 - (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

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

Note:

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

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

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

- (b) Arterial streets shall be named "boulevards."
 - (18) Street grades shall not exceed 5%.
 - (19) Street grades shall be not less than 0.5% wherever feasible.
 - (20) Changes in street grades shall be connected by vertical curves of suitable length.
 - (21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.
 - (22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.
- B. Sidewalks and curbs.
- (1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:

- (a) In residential subdivisions: four feet unless otherwise specified.
 - (b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.
- (2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.
- (3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.
- C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.
- D. Blocks.
 - (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) The provision of building sites suitable to the needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) The control, safety and convenience of pedestrian and vehicular traffic.
 - (d) The characteristics of topography.
 - (2) Block length shall not exceed 1,200 feet.
 - (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
 - (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
 - (5) Alleys shall be provided if required by the City Engineer.
- E. Lots.
 - (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
 - (2) Lot sizes shall conform to the requirements of Chapter 230, Zoning.
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter 230, Zoning.
 - (4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.
 - (5) All lots in a subdivision shall have frontage on a public street.
 - (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
 - (7) Side lot lines shall be at right angles or radial to street lines.
 - (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.

- (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.
- F. Parks, playgrounds, open spaces, school sites and natural features.
- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.
 - (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code. ² ¶ In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
 - (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
 - (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.
- G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.
- H. Improvements.
- (1) In major subdivisions the following improvements are required:
 - (a) Paved streets.
 - (b) Street signs.
 - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
 - (d) Sidewalks.
 - (e) Streetlighting.
 - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.

- (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.
 - (i) Water mains, culverts, storm sewers and sanitary sewers.
 - [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
 - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
 - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
 - (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
 - (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.
- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
 - (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
 - (4) The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning, Zoning and Engineering Fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

§ 230-9. - R-1 Single-Family Residential District.

In an R-1 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 intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.
- B. Permitted uses. Permitted uses for the R-1 District shall be as follows:

- (1) A single-family detached residential dwelling.
 - (2) Farming, agricultural activities and roadside stands for the sale of farm and nursery products produced on the property where offered for sale.
 - (3) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
 - (4) Parks, playgrounds, athletic fields, recreation buildings, swimming pools and community centers operated on a noncommercial basis for recreation purposes.
 - (5) Customary accessory uses, such as private garages, swimming pools and storage sheds, subject to the following special requirements:
 - (a) The primary residence must exist or be under construction.
 - (b) Private residential garages shall not exceed 750 square feet.
 - (c) Residential storage sheds or related outbuildings shall not exceed 150 square feet.
 - (6) Home occupational/office (subject to the following special requirements):
 - (a) All employees are to be of the immediate family.
 - (b) The appearance of the dwelling shall not be inconsistent with the primary use of the structure.
 - (c) The area used for the home occupation shall not exceed 30% of the total floor area of the dwelling, unless, as in the case of family day care, the state has final jurisdiction of the area requirements.
 - (d) No storage of products or associated materials is allowed in accessory structures/buildings, and no products are to be stored where they are outwardly visible to the public view.
 - (e) Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
 - (f) The occupation will not cause excessive vehicular traffic or noise.
 - (g) The occupation will not involve animal boarding and/or care.
- C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:
- (1) Churches and other places of worship and cemeteries.
 - (2) Public and private elementary, junior or senior high schools.
 - (3) Day-care centers.
 - (4) Conversion of a one-family dwelling into multiple dwelling units, if such dwelling is structurally sound but too large to be in demand for one-family use and if that conversion would not impair the character of the neighborhood, subject to conformance with the following requirements:
 - (a) There shall be a lot area of at least 2,000 square feet for each unit to be accommodated.
 - (b) There shall be a gross leasable floor area, computed as the sum of those areas enclosed by the outside faces of all exterior walls surrounding each story used for the residence, exclusive of any area for any accessory private garage, of at least 500 square feet per family to be accommodated.

- (c) No dwelling shall be converted unless it complies with Chapter 145, Housing Standards, and Chapter 88, Building Construction, of this code.
 - (d) No addition shall extend within the front yard, side yards or rear yard required for the district within which it is located.
 - (e) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.
 - (f) Two off-street parking spaces shall be provided for each additional dwelling unit created.
- (5) Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:
- (a) There shall be three off-street parking spaces in addition to those otherwise required.
 - (b) No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.
 - (c) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (d) The area used for the practice of a professional occupation shall occupy no more than 50% of the total floor area, including garages or other accessory buildings.
 - (e) The professional use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (f) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (g) No display of products shall be visible from outside the building.
- (6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:
- (a) The area used for the practice of the home occupation or studio shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located.
 - (b) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (c) The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (d) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (e) No display of products shall be visible from outside the building.
 - (f) A maximum of two employees shall be permitted in the operation of the home occupation or studio.
- (7) Social club or fraternal, social service, union or civic organization.
- (8) Cultural facilities, including a library, museum or art gallery.
- (9) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.
- (10) Planned unit residential development.
- (11) Planned Residential Neighborhood Development.
- (a) Planned Residential Neighborhood Development. In order to encourage superior residential environments through a unified planning process, the Planned Residential

Neighborhood Development shall be permitted in the R-1 Single Family Residential District Zone as a conditional use subject to the provisions of this chapter and after a determination by the Planning Commission that the proposed planned neighborhood design presents a community design that would not be possible under the conventional zone and is in accordance with the goals and policies of the Comprehensive Plan. The minimum size required for a Planned Residential Neighborhood Development (PRND) shall be 10 acres.

- (b) Review process. The planned neighborhood design option shall involve a three-step review and approval process. In the first step, the developer shall meet with the City Council and present a general sketch plan and a statement documenting the project's compliance with the goals of the Comprehensive Plan for review. The general sketch plan shall reflect the general layout of streets, open space, and housing areas and types. The City Council shall determine whether the proposed project is of such a design and type that it warrants further review by the Planning Commission. If the City Council determines that further review is warranted, the second step shall be the conditional use review process which involves the submission of a conceptual plan which conforms in content to the design standards and requirements specified in this section, as well as the plan submission requirements of this chapter and Subdivision Ordinance. If the conditional use/conceptual subdivision plan is approved, the plan would proceed to the third step which involves the submission of a site development plan and preliminary/final subdivision plans for review and approval by the Planning Commission and City Council.
- (c) Maximum density. The gross residential density in a Planned Residential Neighborhood Development shall not exceed four dwelling units per acre, however the density could be increased to eight dwelling units per acre, provided the development provides the amenities listed under the density bonus section. In no case shall the development exceed eight dwellings units per gross acre.
- (d) Design standards. The design standards and dimensional requirements (bulk and parking regulations) shall be in accordance with this chapter.
 - [1] Lot coverage. Based on the following type of residential construction, the following is the maximum lot coverage:
 - [a] Single-family detached dwelling: 35%.
 - [b] Single-family semidetached dwelling: 35%.
 - [c] Single-family attached dwelling: 40%.
 - [d] Garden apartments/condominiums: 30%.
 - [2] Minimum setback areas. New buildings shall observe a twenty-five-foot minimum front yard, ten-foot minimum side yards, and a twenty-five-foot minimum rear yard.
 - [3] Height of buildings. The height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - [4] Off-street parking. Off-street parking shall be provided for residents, visitors and employees of the facility. The applicant shall demonstrate to the satisfaction of the Planning Commission that, based on total potential occupancy load (resident, visitor and employee), a sufficient number of off-street parking spaces will be provided.
- (e) Design requirements.
 - [1] Common open space.
 - [a] The area set aside and preserved for open space shall aggregate no less than 25 percent of the total site area. Common open space shall be provided in the PRND proposals. The common open space shall not include any wetlands, floodways or similar area not suitable for building as determined by the Planning

Commission and City Council. Significant natural features shall be incorporated into common open space whenever possible.

- [b] The common open space shall be designed as a contiguous area if possible, and shall be interspersed with residential areas so as to provide pedestrian access and visual amenity. The common open space shall be designed and maintained by the property owner/s or an HOA. Recreational areas shall be constructed and may be located within the 25% of open space set aside.
 - [2] Planned neighborhoods. The area set aside and preserved for open space shall aggregate no less than 25% of the total site area.
 - [3] Buffers. Buffers shall be required to provide transition between planned residential development and adjacent properties/rights-of-way or changes in land use. Buffers should consist of earth berms and a planting area. No building shall be constructed less than 40 feet from the perimeter property line of the development. This buffer may consist of either common open space, earth berms, planting areas or private yards or a combination of both; however, no more than 30% of the required buffer area may be counted toward the minimum common open area requirement.
 - [4] Disruption of natural environment. The planned neighborhood design development shall be designed and scheduled so as to minimize earthmoving, erosion, tree clearance and other disruption of the natural environment. Existing vegetation shall be preserved wherever possible. Where extensive natural tree cover and vegetation do not exist or cannot be preserved on the site, landscaping shall be undertaken in order to enhance the appearance of the development and screen streets and parking areas, and enhance privacy of private dwellings. Natural drainage systems shall be preserved wherever possible.
 - [5] Privacy. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Recreational and nonresidential uses shall be located and designed so as not to interfere with nearby residential areas. All structures and activities located near the periphery of the site shall be designed so as to harmonize with neighboring areas.
- (f) Density bonus.
- [1] A density bonus may be granted if the developer furnishes improvements that significantly demonstrate to the Planning Commission that the improvements contribute to superior design and which exceed the standard requirements of the city ordinances in accordance with the following schedule:
 - [a] Open space. For each increase of 10% in common open space over the minimum requirement of 25%, a density bonus of 10% shall be granted.
 - [b] Housing types. Neighborhood design which integrates a variety of housing types to provide architectural diversity and which avoids monotony and segregation by dwelling type in order that single housing type does not dominate the planned neighborhood or section thereof shall be awarded a density bonus of 10%. The term "housing type" refers to each of the following dwelling types: single-family detached houses, semidetached and duplex houses, multiplexes, townhouses, and garden apartments.
 - [c] Public buildings. The construction and leasing of a public building, including a firehouse, or a library, or a branch library which is necessitated, either wholly or partially, by the development, may increase the permitted density by 10%, if approved by the City, the Planning Commission and the agency to which the building is to be leased.

- [d] School sites. The donation of a school site may increase the permitted density by 25%, if approved by the City, the Planning Commission and the local school board.
- [e] Recreation facilities. Where the developer provides recreation facilities in accordance with recommendations from the City, the Planning Commission, and the Parks and Recreation Department where the facilities are in excess of those required by City ordinances, a density bonus of 5% shall be given. Such facilities may include, but are not limited to walking trails, bike paths, tennis courts, and boating access areas.
- [f] Community gardens. The reservation of additional common land for the establishment of community gardening space for the raising of flowers, fruits and vegetables shall be awarded a 5% of density bonus.
- [g] Community day-care facilities. The construction of a building to house a day-care center for use primarily by residents of the community shall be awarded a density bonus of 10%.
- [h] Community buildings. The construction of a community building to serve as a meeting hall for various community functions, including, but not limited to, civic meetings, recreational purposes, receptions and special events, shall be awarded a density bonus of 10%.
- [i] Conservation easements. The establishment of a permanent easement for the purpose of conserving and protecting a woodland area, a wetland area, and/or a stream corridor from removal of existing natural vegetation, and/or encroachment by future development shall be awarded a density bonus of 5%.
- [j] Parking lot landscaping. The construction of landscaping in and around parking lots/areas shall be awarded a density bonus of 2%.
- [k] Low-level lighting. The construction of low level light within the development and in/around parking lots/areas shall be awarded a density bonus of 3%.
- [l] School bus pull off/school bus shelter. The construction of school bus pull offs or school bus shelters within the development shall be awarded a density bonus of 5%.
- [2] Note: City Council will have the final determination in determining the amount of the allowable density bonus.

(g) Conditional use plan approval.

- [1] In addition to the minimum conditional use plan requirements listed in this chapter and the minimum conceptual subdivision plan requirements listed in the Land Subdivision Regulations, the following additional items shall be reflected on or shall accompany the conditional use plan:
 - [a] Architectural drawings illustrating exterior elevations of typical dwelling units and nonresidential structures to be constructed.
 - [b] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.
 - [c] Total acreage of development, land uses in each area, total number of dwelling units, average gross residential density, average lot area and lot width by unit type, and gross residential density in each section.
 - [d] Building coverage lines accurately locating all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, and distances to street rights-of-way and parking areas, with

distances accurate to the nearest hundredth of a foot, and total amount and percentage of impervious area.

[e] Accurate dimensions of common open space areas specifically indicating those areas to be developed for active recreation. Where common space areas are to be developed, the exact location of the structures in common open space will be illustrated.

[f] Locations and dimensions of parking areas and pedestrian walkways.

[2] Each application for a conditional use plan approval shall be accompanied by a fee of \$700 (§ 230-57).

(h) Site development preliminary subdivision plan review.

[1] Application for site development plan approval shall be made to the Planning Commission in accordance with this chapter and the land subdivision regulations. Such application may be requested in stages. The following additional requirements shall be included for review along with the site development plan submission:

[a] A development phasing plan if proposed, which clearly defines the boundaries of each phase of the development and indicates the number of dwelling units to be constructed in each phase. Each phase shall be assigned a number which represents that phase's order in the construction sequence of the development.

[b] Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and nonresidential structures to be constructed.

[c] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.

[d] All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the City Solicitor as to their legal sufficiency.

[e] Restrictions of all types which will run with the land and become covenants in this chapter or in the Land Subdivision Regulations.

[f] In the case of a planned neighborhood design which is proposed to be developed over a period of years in specific phases, the site development/preliminary subdivision plan requirements as listed in this section shall apply to the phase or phases for which approval is being sought. The site development plan for each phase must demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.

[2] Each application for a preliminary plan approval and final plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).

(i) Site requirements.

[1] All structures shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.

[2] All off-street parking shall be provided at the rate of 2.5 spaces for every dwelling unit.

[3] Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other facilities.

[4] Facilities for temporary trash/refuse storage shall be provided in such manner that is adequate for the dwelling units they support.

(j) Final subdivision plat approval.

[1] Final subdivision plat review and approval for planned neighborhood design projects involving subdivision of land shall follow the requirements pertaining to the review and recordation of final subdivision plats. In the case of projects for which a phasing plan has been approved, the final subdivision plat for each phase shall demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.

[2] Each application for a preliminary plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).

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

- (a) The bed-and-breakfast establishment does not adversely affect the residential character of the neighborhood and such use is carried on in an existing residential structure.
- (b) The building proposed for use as a bed-and-breakfast must have the owner of the bed-and-breakfast residing in the building as his/her principal residence.
- (c) The serving of meals shall be limited to breakfast and afternoon tea for overnight guests and customers.
- (d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- (e) No exterior alterations other than a sign and those required by law to ensure the safety of the structure shall be made.
- (f) The bed-and-breakfast operation shall not use more than 50% of the floor area of the principal residence. Common areas such as the kitchen, foyer, living room or dining room are not included in this calculation.
- (g) No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than 20 feet. Sidewalks shall not be illuminated by lighting fixtures higher than 15 feet. Exterior lighting shall be so shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.
- (h) All bed-and-breakfasts must be in compliance with the requirements of the Uniform Building Code and Uniform Fire Code as adapted and enforced by the state fire marshal. Requirements include smoke detectors centrally located on each floor with sleeping rooms and the basement stairway. They must have battery backup and be connected or have a sounding device to provide an alarm which can be heard in all sleeping areas. Every sleeping room must provide at least 50 square feet of floor area per guest and have an operable window of 5.7 square feet or more of clear opening or exterior door for emergency escape or rescue. The maximum distance to a fire extinguisher rated 2A and having a BC rating is 75 feet.
- (i) Safe food handling is the responsibility of the "host." He/She must properly train employees and other household members in safe food handling procedures and requirements and secure the proper state health permit if applicable.
- (j) Parking requirements: one space per guestroom plus two spaces for residence. Spaces shall be located to the side and rear of the building and shall be screened from adjacent properties by a five-foot-high wood or masonry fence or by sight-obscuring vegetation of the same height. The area of the parking lot, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the City

Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.

D. Area regulations.

- (1) Minimum lot area shall be 10,000 square feet. Minimum interior lot shall be 10,000 square feet. Minimum corner lot shall be 13,000 square feet.
- (2) Maximum lot coverage shall be 30%, exclusive of accessory buildings.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (5) Minimum front building setback line shall be 25 feet.
- (6) Minimum rear yard shall be 25 feet. For corner lots the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (7) Side yards shall be provided as follows: each lot shall have two side yards with a minimum of 12 feet each.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Signs shall comply with the requirements provided in Article VI of this chapter.
- (10) Decks, subject to the following requirements:
 - (a) The deck cannot be located in the front yard.
 - (b) A minimum distance of 10 feet must be maintained from the deck to the rear property line.

§ 230-10. - R-2 Residential District.

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

- A. Purpose. The purpose of the R-2 District is to permit housing at a greater density than in the R-1 District by providing for the orderly development of low- to medium-density residential housing into those areas where public services are available. This district also allows for professional home occupations. Finally, it protects existing developments of this nature and excludes noncompatible ones.
- B. Permitted uses: all uses permitted in the R-1 District.
- C. Conditional uses: all uses specified as conditional uses in the R-1 District, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with Article IX of this chapter:
 - (1) Single-family semidetached dwelling.
 - (a) Ownership.
 - [1] Dwelling units and individual lots of a single-family semidetached dwelling may be owned separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time in conformance with Chapter 200, Subdivision of Land, of this Code.
 - [2] Provisions satisfactory to the City Council shall be made to assure that areas of common use of the occupants, but not in individual ownership, shall be maintained in an acceptable manner without expense to the general public.
- D. Design requirements. No apartment/dwelling units shall be located within a cellar.

E. Site requirements.

- (1) The structure shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.
- (2) Off-street parking shall be provided at the rate of 2 1/2 spaces for every dwelling unit on each lot.

F. Facilities.

- (1) Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other such facilities.
- (2) Facilities for temporary trash/refuse storage shall be provided in such a manner that is adequate for the dwelling units they must support.

G. Area regulations.

(1) For permitted uses and single-family semidetached dwellings not separately owned:

- (a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.
- (b) Maximum lot coverage shall be 30%.
- (c) Minimum lot width shall be 80 feet.
- (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (e) Minimum front building setback line shall be 30 feet.
- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
- (g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.
- (h) Parking shall comply with the requirements provided in Article IV of this chapter.
- (i) Signs shall comply with the requirements in Article VI of this chapter.
- (j) Decks, subject to the following requirements:
 - [1] The deck cannot be located in the front yard.
 - [2] A minimum distance of 10 feet must be maintained from the deck to the rear property line.

(2) For single-family semidetached dwellings separately owned:

- (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
- (b) Maximum lot coverage shall be 30%.
- (c) Minimum lot width shall be 40 feet.
- (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (e) Minimum front building setback line shall be 30 feet.
- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
- (g) Side yard shall be provided as follows: each lot shall have one side yard a minimum width of eight feet.

(h) Parking shall comply with the requirements provided in Article IV of this chapter.

(i) Signs shall comply with the requirements in Article VI of this chapter.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

In an R-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 R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.
- B. Permitted uses. Permitted uses for the R-3 District shall be as follows:
- (1) All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:
 - (a) Single-family and two-family dwellings shall be subject to the following area regulations:
 - [1] Minimum lot area shall be 7,500 square feet.
 - [2] Maximum building coverage shall be 45%.
 - [3] Minimum lot width shall be 60 feet.
 - [4] Height of buildings shall not exceed three stories or 35 feet.
 - [5] Minimum building setback line shall be 30 feet.
 - [6] Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.
 - [7] Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
 - [8] Decks, subject to the following requirements:
 - [a] The deck cannot be located in the front yard.
 - [b] A minimum distance of 10 feet must be maintained from the deck to the rear property line.
 - (2) Garden or low-rise apartments, subject to site plan review and the following requirements:
 - (a) The number of dwelling units per acre shall not exceed 16.
 - (b) Building coverage shall be a maximum of 20% for any lot developed for garden apartments.
 - (c) The maximum number of dwelling units per building shall be 12.
 - (d) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.
 - (e) Minimum lot width on any public street shall be at least 50 feet.
 - (f) Minimum lot size shall be one acre for garden apartment properties or complexes, with a minimum of 2,500 square feet of lot area for each dwelling unit.
 - (g) A minimum of 400 square feet per unit shall be designated as open space subject to the following recreational use requirements in Subsection B(2)(h) herein.

- (h) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units.
- (3) Townhouses or row dwellings, subject to site plan review and the following requirements:
- (a) The number of dwelling units per group shall not exceed eight nor be fewer than three.
 - (b) The number of dwelling units per acre shall not exceed 12.
 - (c) Maximum building coverage shall be 60%.
 - (d) No group of townhouses shall be closer than 60 feet as to facing walls and 30 feet as to end walls from any other group of such dwellings nor closer than 60 feet from any boundary line of a designated townhouse area of which the group is a part.
 - (e) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.
 - (f) The minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet.
 - (g) Height of buildings shall not exceed three stories or 35 feet.
 - (h) Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate City services, trash collection, meter reading and parking.
 - (i) Minimum lot size shall be one acre for townhouse projects or complexes, with a minimum of 2,000 square feet of lot area for each dwelling unit.
 - (j) A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use requirements in Subsection B(3)(k) herein.
 - (k) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units. [\[2\]](#)
- C. Conditional uses subject to special regulations. All uses specified as conditional uses in the R-1 and R-2 Districts and subject to its area regulations, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:
- (1) Rooming or boarding houses.
 - (2) Business offices for administrative purposes only.
 - (3) Professional offices (nonresident).
 - (4) Medical clinics.
 - (5) Sanatoriums or nursing homes.
 - (6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:
 - (a) The total area to be developed as a mobile home park shall be at least 20 acres.
 - (b) The maximum density shall not exceed eight units per acre.
 - (c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.

- (d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.
- (e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.
- (f) Off-street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on-street parking.
- (g) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.
- (h) Minimum requirements for mobile home lots.
 - [1] Lot area shall be 5,000 square feet per mobile home.
 - [2] Width shall be 40 feet.
 - [3] Public street setback shall be 50 feet.
 - [4] Mobile home park setback shall be 35 feet.
 - [5] Mobile home street or parking area setback shall be 30 feet.
 - [6] Distance from other mobile homes and buildings shall be 25 feet.
 - [7] One patio shall be required per unit, 10 feet by 40 feet paved.
 - [8] Landscaping shall be one tree per lot.
 - [9] Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.
 - [10] The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.
- (7) Art or specialty shops/galleries. The following items shall be reviewed for conformance during the site plan review hearing by the Planning Commission:
 - (a) The residence shall remain as the predominant feature of the site.
 - (b) The shop or gallery shall occupy only 40% of the residence.
 - (c) Public parking shall be available, with the determination of said parking requirements being made by the Planning Commission during the site plan review hearing. These determinations and recommendations must be done in conjunction with any state regulations concerning traffic control within the given site area.
 - (d) The Fire Marshal review must be applied for and recommendations made by the agency must be presented two weeks prior to the hearing date. All requests or recommendations shall be adhered to.
- (8) Planned unit residential development.

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

A. Residential districts.

- (1) In any R-1, R-2, R-3 and R-8 District, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
 - (2) In any R-3 or R-8 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
- B. Commercial districts. In any C-1, C-2 or C-3 District, a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2, R-3 and R-8 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.
- C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-1, OB-1 and OC-1.
- (1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two feet and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.
 - (2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.
- D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2, R-3 or R-8 District or any lot developed or approved for development for residential use, there shall be a 50-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.

§ 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

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

§ 230-47. - Application and approval procedures.

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

§ 230-48. - Criteria for evaluation.

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

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

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

- A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.
- B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.
- C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.
- D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.
- E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in Chapter 200, Subdivision of Land.
- F. Neighborhood commercial.
 - (1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:
 - (a) Retail goods and services.
 - (b) Child-care center (care for fewer than 24 children).

- (c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).
 - (d) Medical and dental offices, clinics, and laboratories.
 - (e) Professional and administrative offices.
 - (f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)
 - (g) Mixed use building (residential, including rentals, with other permitted use).
 - (h) Laundromats or dry cleaners.
 - (i) Art, music, or photography studio.
 - (j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).
 - (k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).
- (2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.
 - (3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.
 - (4) Storage. Except for plants and garden supplies, overnight storage is not permitted.
 - (5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.
 - (6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.
 - (7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.
- G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

§ 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, June 16, 2020
City Council Hearing: Monday, June 22, 2020

NOTICE IS HEREBY GIVEN that the following ordinance is currently under review by Milford Planning Commission and City Council. Public comments will be accepted at the so noted meeting dates which begin at 7:00 p.m.

ORDINANCE 2020-11

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for a Preliminary Major Subdivision (Phase III Only) of 12.15 +/- acres into 52 single family units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Preliminary Major Subdivision (Phase III Only); and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

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, 06/03/20



DATA SHEET FOR MISPELLION REALTY

Planning Commission Meeting: ~~March 17, 2020~~ June 16, 2020

Application Number / Name	:	20-005 / Mispillion Realty
Applicant	:	Mispillion Realty, LLC 6103 S. Rehoboth Boulevard Milford, DE 19963
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Low Density Residential
Present Zoning District(s)	:	R-2 (Residential District)
Proposed Zoning District(s)	:	C-1 (Neighborhood Commercial District)
Present Use	:	Office Building
Proposed Use	:	Office Building
Size and Location	:	0.30 +/- acres of land located along the South side of NW Front Street approximately 1,700 feet east of the US Route 113 intersection. Addressed as 522 NW Front Street.
Tax Map & Parcel(s)	:	MD-16-183.09-01-62.00

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



STAFF REPORT
February 3, 2020

Application Number / Name	:	20-005 / Mispillion Realty
Present Comprehensive Plan Designation	:	Low Density Residential
Present Zoning District(s)	:	R-2 (Residential District)
Proposed Zoning District(s)	:	C-1 (Neighborhood Commercial)
Present Use	:	Office Building
Proposed Use	:	Office Building
Size and Location	:	0.30 +/- acres of land located along the south side of NW Front Street approximately 1,700 feet east of US Route 113 intersection. Addressed as 522 NW Front Street.
Tax Map & Parcel(s)	:	MD-16-183.09-01-62.00

I. BACKGROUND INFORMATION:

- The applicant proposes to rezone the above referenced parcel from R-1 (Residential District) to C-1 (Neighborhood Commercial District) in order to redevelop the property by demolishing the existing legal non-conforming office building and constructing a new 4,320 square foot, three-story office building as shown on the provided survey.

II. STAFF ANALYSIS:

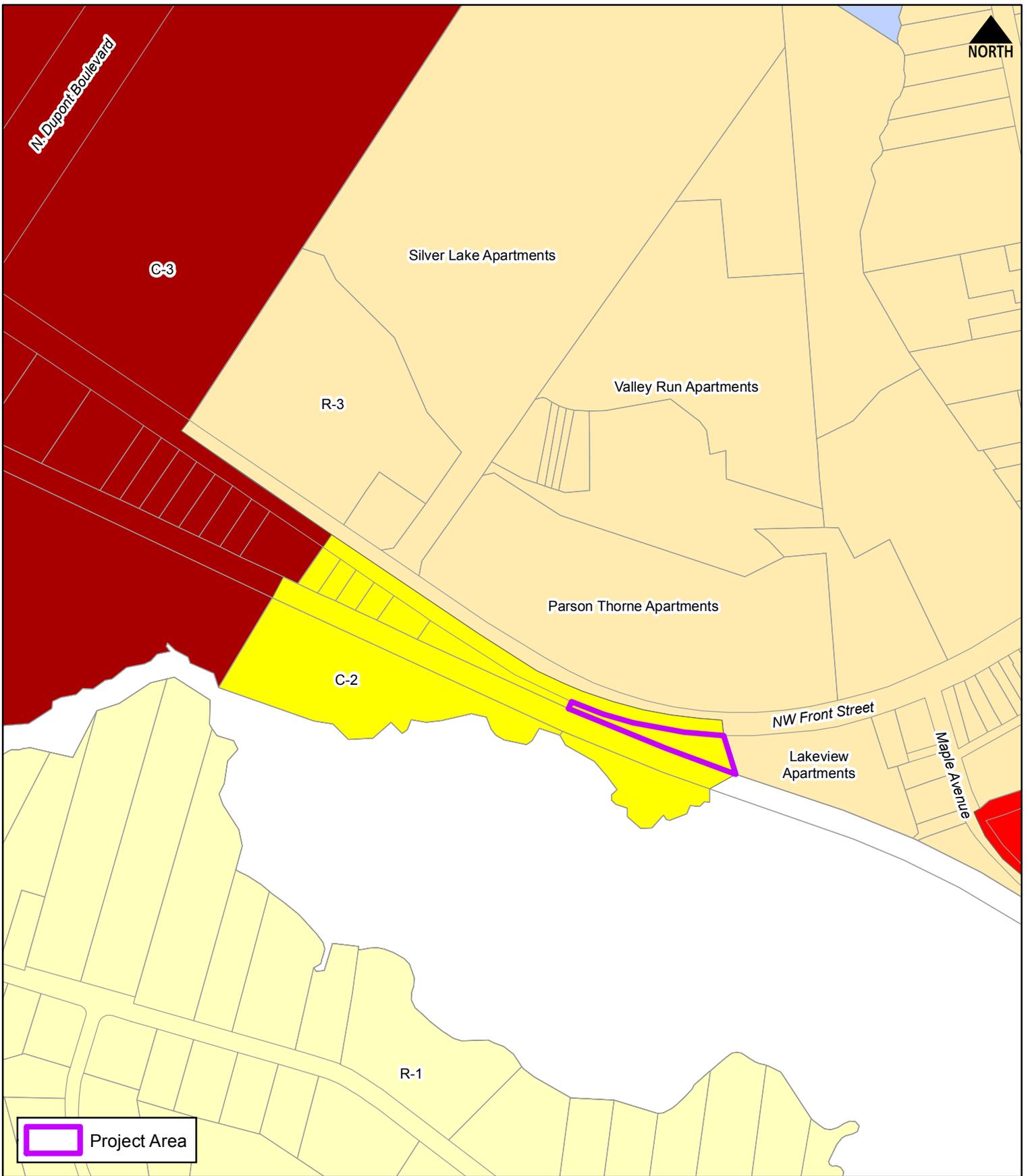
Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

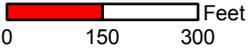
- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps, as amended. The Future Land Use designation for the property is Low Density Residential, for which C-1 (Neighborhood Commercial District) is a suitable zoning designation.

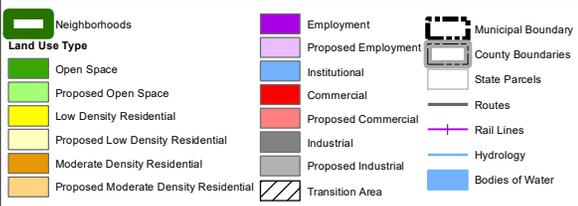
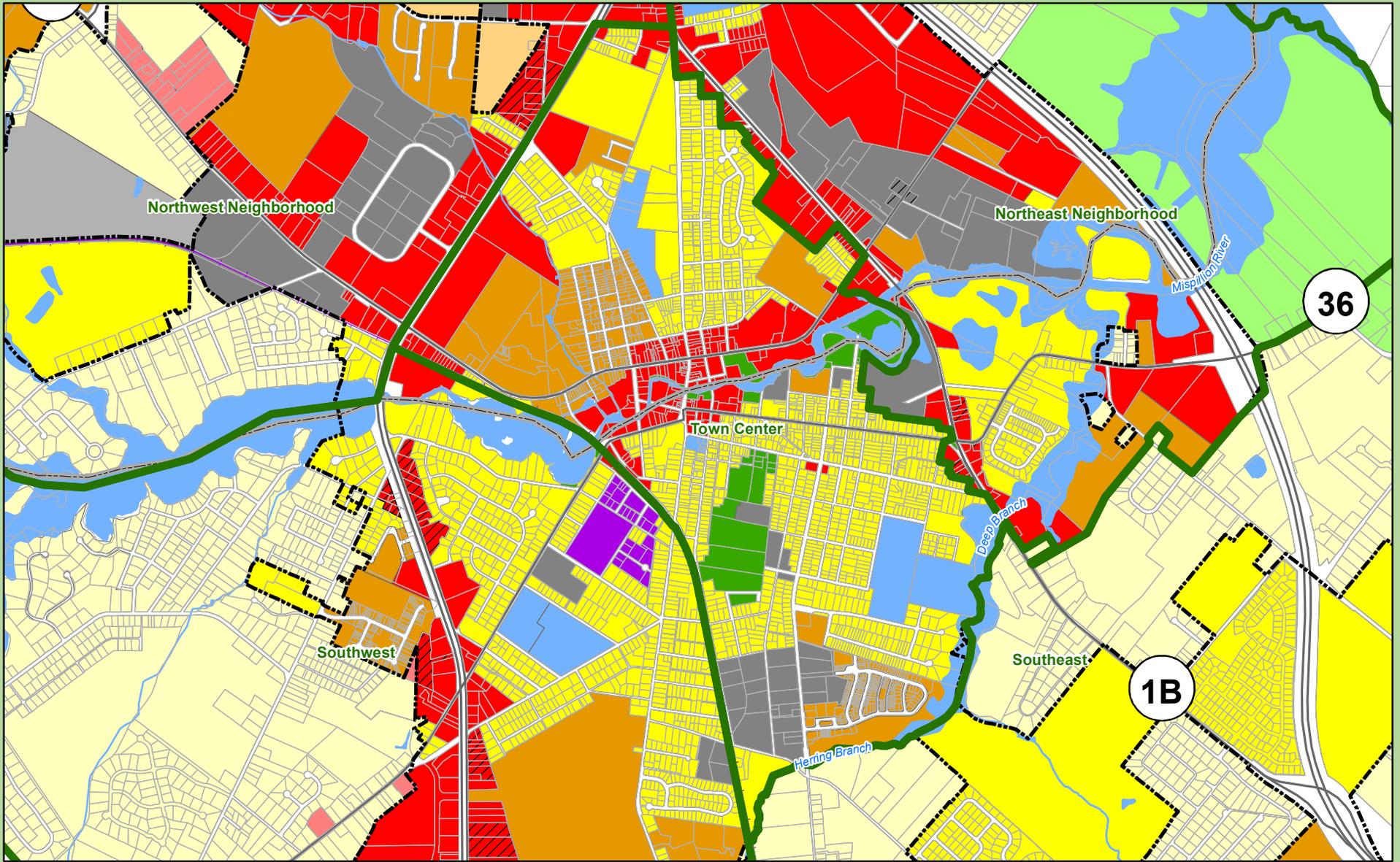
- The purpose of the C-1 district is to provide for limited commercial and professional service activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- The properties to the north and east are zoned R-3 (Garden Apartment and Townhouse District) and contains multi-family housing complexes. The property is bound to the south by the existing railroad and Silver Lake. The property to the west is undeveloped and zoned R-2 (Residential District).
- The applicant has applied for variances from the Board of Adjustment for a reduction in the front yard setback, rear yard setback and off-street parking requirements associated with the redevelopment of the site. The Board of Adjustment is scheduled to review the application on March 12, 2020.
- Any future use of the property must comply with Chapter 230 and the C-1 (Neighborhood Commercial District) zoning use and area regulations as adopted at the time of building permit issuance, unless variances are obtained from the Board of Adjustment.
- The applicant is seeking a temporary waiver from the sidewalk installation requirement for the full frontage of the parcel.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



	Scale:  Feet 0 150 300	Title: Change of Zone Mispillion Realty Location & Zoning Map
	Drawn by: WRP Date: 02/03/20	
Filepath: ChangeZone_MispillionRealty.mxd		

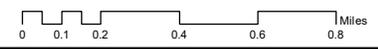


City of Milford, Delaware

Future Land Use

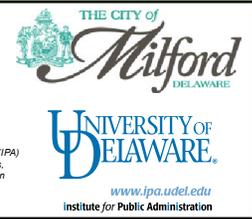
Town Center

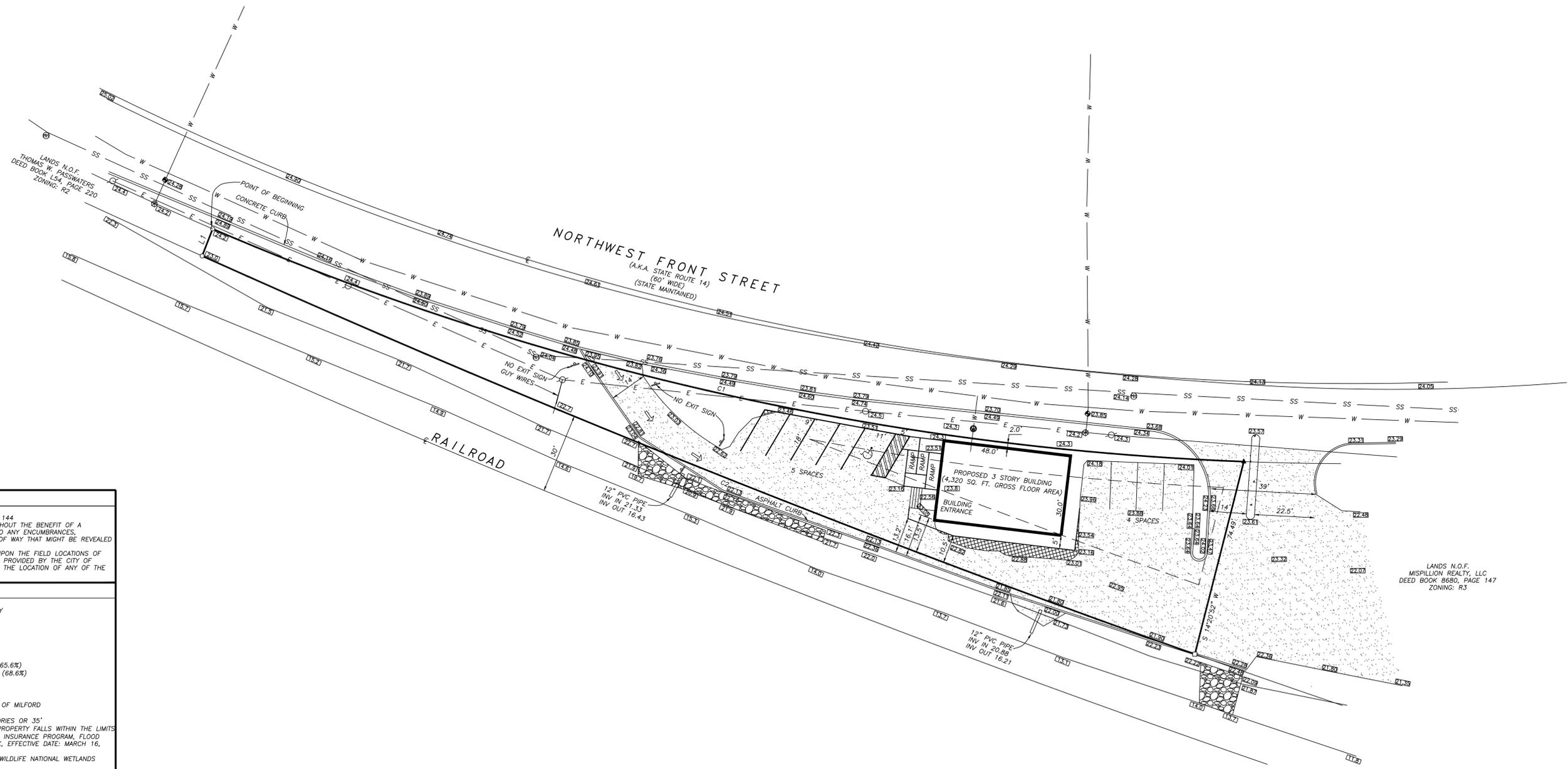
Adopted Jan. 22, 2018, Certified TBD



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.





NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 8880, PAGE 144
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) THE UTILITIES SHOWN HEREON ARE BASED UPON THE FIELD LOCATIONS OF THEIR SURFACE FEATURES AND INFORMATION PROVIDED BY THE CITY OF MILFORD. NO GUARANTEES ARE MADE AS TO THE LOCATION OF ANY OF THE UNDERGROUND UTILITY LOCATIONS.

DATA COLUMN:

- 1) OWNERS NAME: MISPELLION REALTY, LLC
715 SOUTH DUPONT HIGHWAY
MILFORD, DE 19963
- 2) TAX MAP NO. 5-16-183.09-01-62.00
- 3) CURRENT ZONING: R-2
- 4) PROPOSED ZONING: C-1
- 5) CURRENT USE: OFFICE BUILDING
- 6) PROPOSED USE: OFFICE BUILDING
- 7) CURRENT LOT COVERAGE: 8,695± SQ. FT. (65.6%)
- 8) PROPOSED LOT COVERAGE: 9,093± SQ. FT. (68.6%)
- 9) SETBACKS:
FRONT 10'
SIDE 5'
REAR 25'
- 10) WATER, SEWER & ELECTRIC PROVIDER: CITY OF MILFORD
- 11) MAXIMUM LOT COVERAGE: 80%
- 12) MAXIMUM BUILDING HEIGHT ALLOWED: 3 STORIES OR 35'
- 13) BY GRAPHIC SCALING AND PLOTTING, THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE "X" AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 1005041K, EFFECTIVE DATE: MARCH 16, 2015
- 14) NO WETLANDS AS PER THE U.S. FISH AND WILDLIFE NATIONAL WETLANDS INVENTORY
- 15) PROPERTY DOES NOT INCLUDE SOURCE WATER PROTECTION AREAS (WELL-HEAD OR EXCELLENT RECHARGE AREAS) AS PER DNREC ENVIRONMENTAL NAVIGATOR.

CITY OF MILFORD APPROVAL

ERIC NORENBURG CITY MANAGER DATE

CITY PLANNING DEPARTMENT APPROVAL

PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE MOST RECENTLY ADOPTED AND/OR CERTIFIED VERSIONS OF THE CITY OF MILFORD'S CODE OF ORDINANCES AND COMPREHENSIVE LAND USE PLAN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

CITY ENGINEER APPROVAL

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

CITY ENGINEER DATE

CURVE TABLE:				LINE TABLE:			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING	LINE BEARING	DISTANCE
C1	1091.03'	21°00'41"	400.10'	397.86'	S 77°20'17" E	N 11°18'36" E	10.89'
C2	4929.38'	4°40'42"	402.49'	402.38'	N 68°13'48" W		

PARKING REQUIREMENTS:

- 1) 1 SPACE/100 SQ. FT. OF GROSS FLOOR AREA X 4,320 SQ. FT. = 44 SPACES REQUIRED
- 2) 44 SPACES REQUIRED; 9 SPACES PROVIDED

SURVEYOR'S STATEMENT

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown herein shall necessitate a new review and certification for any official or legal use.

R.B. KEMP, III, P.L.S. 541

LEGEND:

○ FOUND IRON PIPE	— PROPOSED SETBACK LINE	▨ PROPOSED PAVING
▲ SET MAG NAIL	— E — EXISTING OVERHEAD ELECTRIC	
□ SET IRON BAR	— — — EXISTING SPOT ELEVATION	
⊕ EXISTING WATER VALVE	▒ EXISTING CONCRETE	
⊕ EXISTING FIRE HYDRANT	▒ EXISTING RIP-RAP	
⊕ EXISTING SEWER MANHOLE	▒ EXISTING PAVEMENT	
⊕ EXISTING WATER METER	— W — EXISTING WATER LINE	
⊕ EXISTING UTILITY POLE	— SS — EXISTING SANITARY SEWER	

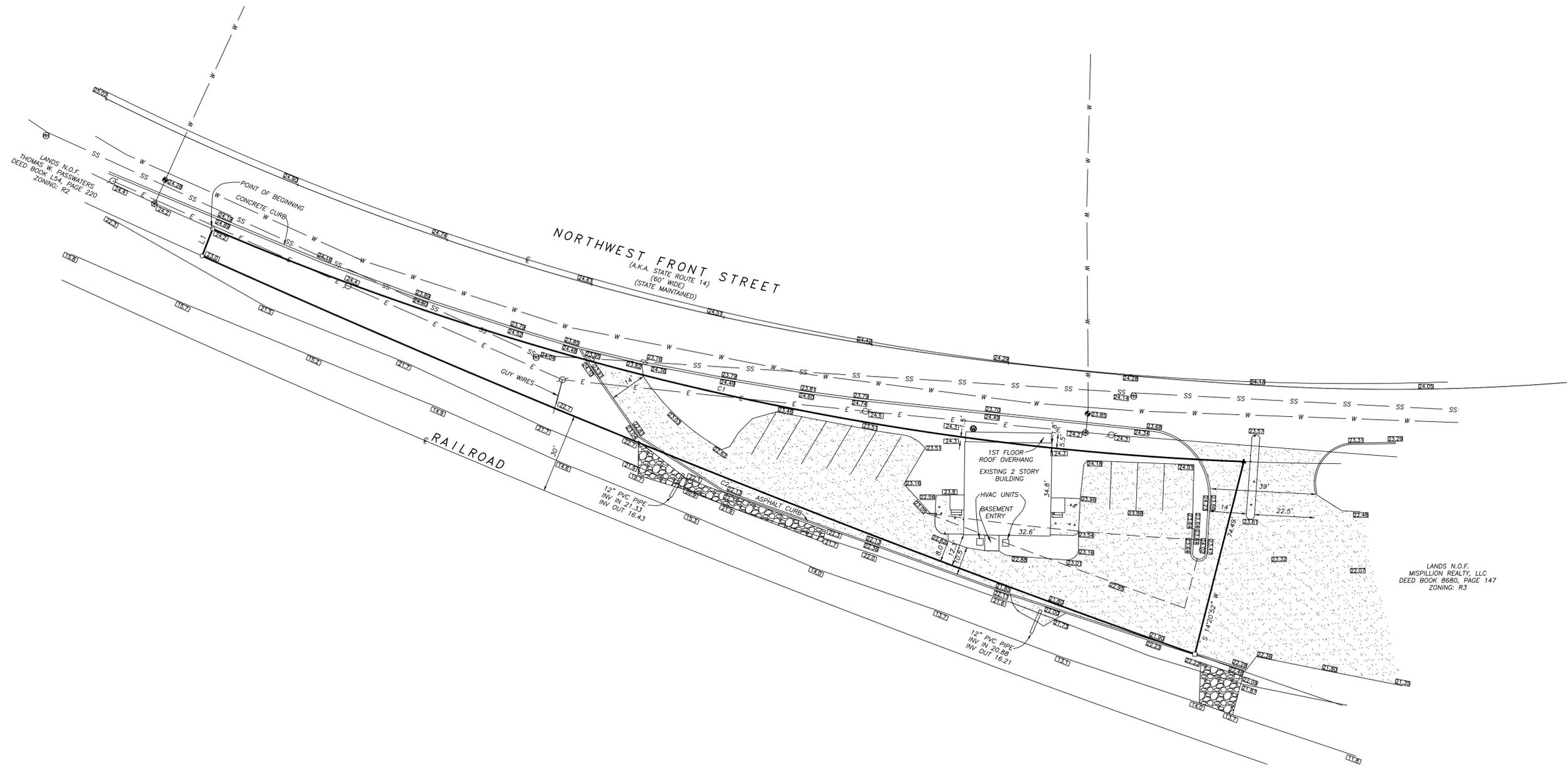
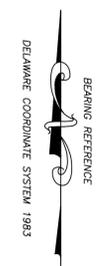
Prepared By
ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

BOUNDARY SURVEY & SITE PLAN

PREPARED FOR
MISPELLION REALTY, LLC

FOR PROPERTY KNOWN AS
 520 NORTHWEST FRONT STREET
 SITUATED IN
 CITY OF MILFORD, CEDAR CREEK HUNDRED, KENT COUNTY, STATE OF DELAWARE
 AREA: 13,246± SQ. FT.
 SCALE: 1" = 20'
 DATE: MAY 28, 2019; REVISED: JULY 12, 2019





LANDS N.O.F.
THOMAS W. PASSWATERS
DEED BOOK 154, PAGE 220
ZONING: R2

LANDS N.O.F.
MISPILLION REALTY, LLC
DEED BOOK 8680, PAGE 147
ZONING: R3

DATA COLUMN:

- 1) OWNERS NAME: MISPILLION REALTY, LLC
715 SOUTH DUPONT HIGHWAY
MILFORD, DE 19963
- 2) TAX MAP NO. 5-16-183.09-01-62.00
- 3) CURRENT ZONING: R-2
- 4) CURRENT USE: OFFICE BUILDING
- 5) LOT COVERAGE: TOTAL 8,695± SQ. FT.
- 6) SETBACKS:
FRONT 30'
SIDE 8'
REAR 15'
- 7) WATER, SEWER & ELECTRIC PROVIDER: CITY OF MILFORD
- 8) MAXIMUM LOT COVERAGE: 30%
- 9) MAXIMUM BUILDING HEIGHT ALLOWED: 35'
- 10) BY GRAPHIC SCALING AND PLOTTING, THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE "X" AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 10050041K, EFFECTIVE DATE: MARCH 16, 2015
- 11) NO WETLANDS AS PER THE U.S. FISH AND WILDLIFE NATIONAL WETLANDS INVENTORY
- 12) PROPERTY DOES NOT INCLUDE SOURCE WATER PROTECTION AREAS (WELL-HEAD OR EXCELLENT RECHARGE AREAS) AS PER DNREC ENVIRONMENTAL NAVIGATOR.

CURVE TABLE:

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1091.03'	21°00'41"	400.10'	397.86'	S 77°20'17" E
C2	4929.38'	14°40'42"	402.49'	402.38'	N 68°13'48" W

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 21°18'36" E	10.89'

SURVEYOR'S STATEMENT

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

R.B. KEMP, III, P.L.S. 541

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LEGEND:

- FOUND IRON PIPE
- ▲ SET MAG NAIL
- SET IRON BAR
- ⊕ EXISTING WATER VALVE
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING SEWER MANHOLE
- ⊕ EXISTING WATER METER
- ⊕ EXISTING UTILITY POLE
- BUILDING SETBACK LINE
- E — EXISTING OVERHEAD ELECTRIC
- EXISTING SPOT ELEVATION
- EXISTING CONCRETE
- EXISTING RIP-RAP
- EXISTING PAVEMENT
- W — EXISTING WATER LINE
- SS — EXISTING SANITARY SEWER

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AND PLANNERS
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GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699
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BOUNDARY SURVEY & EXISTING CONDITIONS PLAN

PREPARED FOR
MISPILLION REALTY, LLC
FOR PROPERTY KNOWN AS
520 NORTHWEST FRONT STREET
SITUATED IN
CITY OF MILFORD, CEDAR CREEK HUNDRED, KENT COUNTY, STATE OF DELAWARE
AREA: 13,246± SQ. FT.
SCALE: 1" = 20'
DATE: MAY 28, 2019



§ 230-9. - R-1 Single-Family Residential District.

In an R-1 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 intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.
- B. Permitted uses. Permitted uses for the R-1 District shall be as follows:
 - (1) A single-family detached residential dwelling.
 - (2) Farming, agricultural activities and roadside stands for the sale of farm and nursery products produced on the property where offered for sale.
 - (3) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
 - (4) Parks, playgrounds, athletic fields, recreation buildings, swimming pools and community centers operated on a noncommercial basis for recreation purposes.
 - (5) Customary accessory uses, such as private garages, swimming pools and storage sheds, subject to the following special requirements:
 - (a) The primary residence must exist or be under construction.
 - (b) Private residential garages shall not exceed 750 square feet.
 - (c) Residential storage sheds or related outbuildings shall not exceed 150 square feet.
 - (6) Home occupational/office (subject to the following special requirements):
 - (a) All employees are to be of the immediate family.
 - (b) The appearance of the dwelling shall not be inconsistent with the primary use of the structure.
 - (c) The area used for the home occupation shall not exceed 30% of the total floor area of the dwelling, unless, as in the case of family day care, the state has final jurisdiction of the area requirements.
 - (d) No storage of products or associated materials is allowed in accessory structures/buildings, and no products are to be stored where they are outwardly visible to the public view.
 - (e) Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
 - (f) The occupation will not cause excessive vehicular traffic or noise.
 - (g) The occupation will not involve animal boarding and/or care.
- C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:
 - (1) Churches and other places of worship and cemeteries.
 - (2) Public and private elementary, junior or senior high schools.

- (3) Day-care centers.
- (4) Conversion of a one-family dwelling into multiple dwelling units, if such dwelling is structurally sound but too large to be in demand for one-family use and if that conversion would not impair the character of the neighborhood, subject to conformance with the following requirements:
 - (a) There shall be a lot area of at least 2,000 square feet for each unit to be accommodated.
 - (b) There shall be a gross leasable floor area, computed as the sum of those areas enclosed by the outside faces of all exterior walls surrounding each story used for the residence, exclusive of any area for any accessory private garage, of at least 500 square feet per family to be accommodated.
 - (c) No dwelling shall be converted unless it complies with Chapter 145, Housing Standards, and Chapter 88, Building Construction, of this code.
 - (d) No addition shall extend within the front yard, side yards or rear yard required for the district within which it is located.
 - (e) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.
 - (f) Two off-street parking spaces shall be provided for each additional dwelling unit created.
- (5) Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:
 - (a) There shall be three off-street parking spaces in addition to those otherwise required.
 - (b) No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.
 - (c) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (d) The area used for the practice of a professional occupation shall occupy no more than 50% of the total floor area, including garages or other accessory buildings.
 - (e) The professional use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (f) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (g) No display of products shall be visible from outside the building.
- (6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:
 - (a) The area used for the practice of the home occupation or studio shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located.
 - (b) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (c) The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (d) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (e) No display of products shall be visible from outside the building.
 - (f) A maximum of two employees shall be permitted in the operation of the home occupation or studio.

- (7) Social club or fraternal, social service, union or civic organization.
- (8) Cultural facilities, including a library, museum or art gallery.
- (9) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.
- (10) Planned unit residential development.
- (11) Planned Residential Neighborhood Development.
 - (a) Planned Residential Neighborhood Development. In order to encourage superior residential environments through a unified planning process, the Planned Residential Neighborhood Development shall be permitted in the R-1 Single Family Residential District Zone as a conditional use subject to the provisions of this chapter and after a determination by the Planning Commission that the proposed planned neighborhood design presents a community design that would not be possible under the conventional zone and is in accordance with the goals and policies of the Comprehensive Plan. The minimum size required for a Planned Residential Neighborhood Development (PRND) shall be 10 acres.
 - (b) Review process. The planned neighborhood design option shall involve a three-step review and approval process. In the first step, the developer shall meet with the City Council and present a general sketch plan and a statement documenting the project's compliance with the goals of the Comprehensive Plan for review. The general sketch plan shall reflect the general layout of streets, open space, and housing areas and types. The City Council shall determine whether the proposed project is of such a design and type that it warrants further review by the Planning Commission. If the City Council determines that further review is warranted, the second step shall be the conditional use review process which involves the submission of a conceptual plan which conforms in content to the design standards and requirements specified in this section, as well as the plan submission requirements of this chapter and Subdivision Ordinance. If the conditional use/conceptual subdivision plan is approved, the plan would proceed to the third step which involves the submission of a site development plan and preliminary/final subdivision plans for review and approval by the Planning Commission and City Council.
 - (c) Maximum density. The gross residential density in a Planned Residential Neighborhood Development shall not exceed four dwelling units per acre, however the density could be increased to eight dwelling units per acre, provided the development provides the amenities listed under the density bonus section. In no case shall the development exceed eight dwellings units per gross acre.
 - (d) Design standards. The design standards and dimensional requirements (bulk and parking regulations) shall be in accordance with this chapter.
 - [1] Lot coverage. Based on the following type of residential construction, the following is the maximum lot coverage:
 - [a] Single-family detached dwelling: 35%.
 - [b] Single-family semidetached dwelling: 35%.
 - [c] Single-family attached dwelling: 40%.
 - [d] Garden apartments/condominiums: 30%.
 - [2] Minimum setback areas. New buildings shall observe a twenty-five-foot minimum front yard, ten-foot minimum side yards, and a twenty-five-foot minimum rear yard.
 - [3] Height of buildings. The height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - [4] Off-street parking. Off-street parking shall be provided for residents, visitors and employees of the facility. The applicant shall demonstrate to the satisfaction of the

Planning Commission that, based on total potential occupancy load (resident, visitor and employee), a sufficient number of off-street parking spaces will be provided.

(e) Design requirements.

[1] Common open space.

[a] The area set aside and preserved for open space shall aggregate no less than 25 percent of the total site area. Common open space shall be provided in the PRND proposals. The common open space shall not include any wetlands, floodways or similar area not suitable for building as determined by the Planning Commission and City Council. Significant natural features shall be incorporated into common open space whenever possible.

[b] The common open space shall be designed as a contiguous area if possible, and shall be interspersed with residential areas so as to provide pedestrian access and visual amenity. The common open space shall be designed and maintained by the property owner/s or an HOA. Recreational areas shall be constructed and may be located within the 25% of open space set aside.

[2] Planned neighborhoods. The area set aside and preserved for open space shall aggregate no less than 25% of the total site area.

[3] Buffers. Buffers shall be required to provide transition between planned residential development and adjacent properties/rights-of-way or changes in land use. Buffers should consist of earth berms and a planting area. No building shall be constructed less than 40 feet from the perimeter property line of the development. This buffer may consist of either common open space, earth berms, planting areas or private yards or a combination of both; however, no more than 30% of the required buffer area may be counted toward the minimum common open area requirement.

[4] Disruption of natural environment. The planned neighborhood design development shall be designed and scheduled so as to minimize earthmoving, erosion, tree clearance and other disruption of the natural environment. Existing vegetation shall be preserved wherever possible. Where extensive natural tree cover and vegetation do not exist or cannot be preserved on the site, landscaping shall be undertaken in order to enhance the appearance of the development and screen streets and parking areas, and enhance privacy of private dwellings. Natural drainage systems shall be preserved wherever possible.

[5] Privacy. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Recreational and nonresidential uses shall be located and designed so as not to interfere with nearby residential areas. All structures and activities located near the periphery of the site shall be designed so as to harmonize with neighboring areas.

(f) Density bonus.

[1] A density bonus may be granted if the developer furnishes improvements that significantly demonstrate to the Planning Commission that the improvements contribute to superior design and which exceed the standard requirements of the city ordinances in accordance with the following schedule:

[a] Open space. For each increase of 10% in common open space over the minimum requirement of 25%, a density bonus of 10% shall be granted.

[b] Housing types. Neighborhood design which integrates a variety of housing types to provide architectural diversity and which avoids monotony and segregation by dwelling type in order that single housing type does not dominate the planned neighborhood or section thereof shall be awarded a density bonus of 10%. The term "housing type" refers to each of the following dwelling types: single-family

detached houses, semidetached and duplex houses, multiplexes, townhouses, and garden apartments.

- [c] Public buildings. The construction and leasing of a public building, including a firehouse, or a library, or a branch library which is necessitated, either wholly or partially, by the development, may increase the permitted density by 10%, if approved by the City, the Planning Commission and the agency to which the building is to be leased.
- [d] School sites. The donation of a school site may increase the permitted density by 25%, if approved by the City, the Planning Commission and the local school board.
- [e] Recreation facilities. Where the developer provides recreation facilities in accordance with recommendations from the City, the Planning Commission, and the Parks and Recreation Department where the facilities are in excess of those required by City ordinances, a density bonus of 5% shall be given. Such facilities may include, but are not limited to walking trails, bike paths, tennis courts, and boating access areas.
- [f] Community gardens. The reservation of additional common land for the establishment of community gardening space for the raising of flowers, fruits and vegetables shall be awarded a 5% of density bonus.
- [g] Community day-care facilities. The construction of a building to house a day-care center for use primarily by residents of the community shall be awarded a density bonus of 10%.
- [h] Community buildings. The construction of a community building to serve as a meeting hall for various community functions, including, but not limited to, civic meetings, recreational purposes, receptions and special events, shall be awarded a density bonus of 10%.
- [i] Conservation easements. The establishment of a permanent easement for the purpose of conserving and protecting a woodland area, a wetland area, and/or a stream corridor from removal of existing natural vegetation, and/or encroachment by future development shall be awarded a density bonus of 5%.
- [j] Parking lot landscaping. The construction of landscaping in and around parking lots/areas shall be awarded a density bonus of 2%.
- [k] Low-level lighting. The construction of low level light within the development and in/around parking lots/areas shall be awarded a density bonus of 3%.
- [l] School bus pull off/school bus shelter. The construction of school bus pull offs or school bus shelters within the development shall be awarded a density bonus of 5%.
- [2] Note: City Council will have the final determination in determining the amount of the allowable density bonus.

(g) Conditional use plan approval.

- [1] In addition to the minimum conditional use plan requirements listed in this chapter and the minimum conceptual subdivision plan requirements listed in the Land Subdivision Regulations, the following additional items shall be reflected on or shall accompany the conditional use plan:
 - [a] Architectural drawings illustrating exterior elevations of typical dwelling units and nonresidential structures to be constructed.
 - [b] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.

- [c] Total acreage of development, land uses in each area, total number of dwelling units, average gross residential density, average lot area and lot width by unit type, and gross residential density in each section.
 - [d] Building coverage lines accurately locating all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, and distances to street rights-of-way and parking areas, with distances accurate to the nearest hundredth of a foot, and total amount and percentage of impervious area.
 - [e] Accurate dimensions of common open space areas specifically indicating those areas to be developed for active recreation. Where common space areas are to be developed, the exact location of the structures in common open space will be illustrated.
 - [f] Locations and dimensions of parking areas and pedestrian walkways.
- [2] Each application for a conditional use plan approval shall be accompanied by a fee of \$700 (§ 230-57).
- (h) Site development preliminary subdivision plan review.
- [1] Application for site development plan approval shall be made to the Planning Commission in accordance with this chapter and the land subdivision regulations. Such application may be requested in stages. The following additional requirements shall be included for review along with the site development plan submission:
- [a] A development phasing plan if proposed, which clearly defines the boundaries of each phase of the development and indicates the number of dwelling units to be constructed in each phase. Each phase shall be assigned a number which represents that phase's order in the construction sequence of the development.
 - [b] Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and nonresidential structures to be constructed.
 - [c] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.
 - [d] All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the City Solicitor as to their legal sufficiency.
 - [e] Restrictions of all types which will run with the land and become covenants in this chapter or in the Land Subdivision Regulations.
 - [f] In the case of a planned neighborhood design which is proposed to be developed over a period of years in specific phases, the site development/preliminary subdivision plan requirements as listed in this section shall apply to the phase or phases for which approval is being sought. The site development plan for each phase must demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.
- [2] Each application for a preliminary plan approval and final plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).
- (i) Site requirements.
- [1] All structures shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.

- [2] All off-street parking shall be provided at the rate of 2.5 spaces for every dwelling unit.
 - [3] Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other facilities.
 - [4] Facilities for temporary trash/refuse storage shall be provided in such manner that is adequate for the dwelling units they support.
- (j) Final subdivision plat approval.
- [1] Final subdivision plat review and approval for planned neighborhood design projects involving subdivision of land shall follow the requirements pertaining to the review and recordation of final subdivision plats. In the case of projects for which a phasing plan has been approved, the final subdivision plat for each phase shall demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.
 - [2] Each application for a preliminary plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).
- (12) Bed-and-breakfast, subject to the following requirements:
- (a) The bed-and-breakfast establishment does not adversely affect the residential character of the neighborhood and such use is carried on in an existing residential structure.
 - (b) The building proposed for use as a bed-and-breakfast must have the owner of the bed-and-breakfast residing in the building as his/her principal residence.
 - (c) The serving of meals shall be limited to breakfast and afternoon tea for overnight guests and customers.
 - (d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
 - (e) No exterior alterations other than a sign and those required by law to ensure the safety of the structure shall be made.
 - (f) The bed-and-breakfast operation shall not use more than 50% of the floor area of the principal residence. Common areas such as the kitchen, foyer, living room or dining room are not included in this calculation.
 - (g) No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than 20 feet. Sidewalks shall not be illuminated by lighting fixtures higher than 15 feet. Exterior lighting shall be so shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.
 - (h) All bed-and-breakfasts must be in compliance with the requirements of the Uniform Building Code and Uniform Fire Code as adapted and enforced by the state fire marshal. Requirements include smoke detectors centrally located on each floor with sleeping rooms and the basement stairway. They must have battery backup and be connected or have a sounding device to provide an alarm which can be heard in all sleeping areas. Every sleeping room must provide at least 50 square feet of floor area per guest and have an operable window of 5.7 square feet or more of clear opening or exterior door for emergency escape or rescue. The maximum distance to a fire extinguisher rated 2A and having a BC rating is 75 feet.

- (i) Safe food handling is the responsibility of the "host." He/She must properly train employees and other household members in safe food handling procedures and requirements and secure the proper state health permit if applicable.
- (j) Parking requirements: one space per guestroom plus two spaces for residence. Spaces shall be located to the side and rear of the building and shall be screened from adjacent properties by a five-foot-high wood or masonry fence or by sight-obscuring vegetation of the same height. The area of the parking lot, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the City Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.

D. Area regulations.

- (1) Minimum lot area shall be 10,000 square feet. Minimum interior lot shall be 10,000 square feet. Minimum corner lot shall be 13,000 square feet.
- (2) Maximum lot coverage shall be 30%, exclusive of accessory buildings.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (5) Minimum front building setback line shall be 25 feet.
- (6) Minimum rear yard shall be 25 feet. For corner lots the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (7) Side yards shall be provided as follows: each lot shall have two side yards with a minimum of 12 feet each.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Signs shall comply with the requirements provided in Article VI of this chapter.
- (10) Decks, subject to the following requirements:
 - (a) The deck cannot be located in the front yard.
 - (b) A minimum distance of 10 feet must be maintained from the deck to the rear property line.

§ 230-10. - R-2 Residential District.

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

- A. Purpose. The purpose of the R-2 District is to permit housing at a greater density than in the R-1 District by providing for the orderly development of low- to medium-density residential housing into those areas where public services are available. This district also allows for professional home occupations. Finally, it protects existing developments of this nature and excludes noncompatible ones.
- B. Permitted uses: all uses permitted in the R-1 District.
- C. Conditional uses: all uses specified as conditional uses in the R-1 District, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with Article IX of this chapter:
 - (1) Single-family semidetached dwelling.
 - (a) Ownership.

[1] Dwelling units and individual lots of a single-family semidetached dwelling may be owned separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time in conformance with Chapter 200, Subdivision of Land, of this Code.

[2] Provisions satisfactory to the City Council shall be made to assure that areas of common use of the occupants, but not in individual ownership, shall be maintained in an acceptable manner without expense to the general public.

D. Design requirements. No apartment/dwelling units shall be located within a cellar.

E. Site requirements.

(1) The structure shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.

(2) Off-street parking shall be provided at the rate of 2 1/2 spaces for every dwelling unit on each lot.

F. Facilities.

(1) Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other such facilities.

(2) Facilities for temporary trash/refuse storage shall be provided in such a manner that is adequate for the dwelling units they must support.

G. Area regulations.

(1) For permitted uses and single-family semidetached dwellings not separately owned:

(a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.

(b) Maximum lot coverage shall be 30%.

(c) Minimum lot width shall be 80 feet.

(d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.

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

(f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.

(g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.

(h) Parking shall comply with the requirements provided in Article IV of this chapter.

(i) Signs shall comply with the requirements in Article VI of this chapter.

(j) Decks, subject to the following requirements:

[1] The deck cannot be located in the front yard.

[2] A minimum distance of 10 feet must be maintained from the deck to the rear property line.

(2) For single-family semidetached dwellings separately owned:

(a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.

(b) Maximum lot coverage shall be 30%.

(c) Minimum lot width shall be 40 feet.

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

§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 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 C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- B. Permitted uses. Permitted uses for the C-1 District shall be as follows:
 - (1) Single-family dwellings.
 - (2) Offices for professional services and administrative activities.
 - (3) Branch offices only of financial institutions and banks.
 - (4) Barbershops and beauty shops.
 - (5) Studio - workshop, including sales.
 - (6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.
 - (7) Restaurants, excluding fast-food service or franchised food service operated restaurants.
 - (8) Retail sales and specialty stores.
 - (9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.
 - (10) Public parking lot.
 - (11) Off-street parking as an accessory use.
 - (12) Antique shop or bookstore.
 - (13) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric and gas facilities.
 - (14) Community recreation center, as a nonprofit community service.
 - (15) Laundromats.
 - (16) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:
 - (a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.
 - (b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.

- (c) Minimum lot width shall be at least 250 feet.
 - (d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.
 - (e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.
- 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) Convenience stores with gas pumps.
 - (2) Community residential treatment program.
 - (3) All dwellings other than single-family with a maximum density of 12 units per acre.
- D. Area regulations.
 - (1) Minimum lot area shall be 3,630 square feet.
 - (2) Maximum lot coverage shall be 80%.
 - (3) Minimum lot width shall be 30 feet.
 - (4) Height of buildings shall not exceed three stories or 35 feet.
 - (5) Minimum building setback shall be 10 feet.
 - (6) Side yards shall be at least five feet in width.
 - (7) Minimum rear yard shall be 25 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.

ARTICLE XII - Amendments

§ 230-58. - Procedure.

- A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.
- B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.
- C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.
- D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or recommendation for denial by the Planning

Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

- E. In the event of a protest against such changes signed by 20% or more of property owners within 200 feet of the proposed change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.
- F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

§ 230-59. - Hearing; notice required.

No change or amendment shall become effective until after a public hearing at which parties in interest and citizens shall have had an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Milford. In all cases in which a proposed amendment would change the Zoning Map, notice of the amendment shall be sent by mail to all property owners of record whose property is proposed to be changed by the amendment and all property owners within 200 feet of the proposed change.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, June 16, 2020
City Council Hearing: Monday, June 22, 2020

NOTICE IS HEREBY GIVEN that the following ordinance is currently under review by Milford Planning Commission and City Council. Public comments will be accepted at the so noted meeting dates which begin at 7:00 p.m.

ORDINANCE 2020-07

Mispillion Realty LLC for a Change of Zone of 0.30 +/- acres from R2 Zoning District to C1 Zoning District. Property is located along the South side of NW Front Street, approximately 1,700 feet east of the US Route 113 intersection addressed as 522 NW Front Street, Milford, Delaware. Present Use: Office Building; Proposed Use: Same. Tax Map: MD-16-183.09-01-62.00

WHEREAS, the owners of the property above have petitioned the City of Milford for an amendment of the zoning map of the City of Milford by rezoning land, as above described herein; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

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, 06/03/20

**CITY OF MILFORD
RESOLUTION 2020-12
SIDEWALK WAIVER**

Property Owner: Mispillion Realty LLC
Address of Property: 522 Northwest Front Street
Milford, Delaware 19963
Tax Map No: MD-16-183.09-01-62.00

WHEREAS, the above stated property owner has requested a waiver of the provisions of Chapter 197-Streets and Sidewalks of the Code of the City of Milford requiring the installation of curbing and sidewalks; and

WHEREAS, there exists justifiable reasons to waive the installation of said improvements at the present time.

Now, Therefore, be it Resolved by the City of Milford:

1. The required improvements for curbing and sidewalk as set forth in Chapter 197-Streets and Sidewalks of the Code of the City of Milford for the above property are hereby waived at the present time.
2. When in the future it is determined by the City of Milford in its sole judgment that it is appropriate to install said improvements, the property owner, its successors or assigns, shall be required to complete said improvements at the owner's expense within the time required by the City of Milford.
3. This waiver, as approved by the Milford City Council, on March 24, 2020, shall be reflected on the Site Plan.

Adopted and Effective: March 23, 2020

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson

Google Maps 615 NW Front St

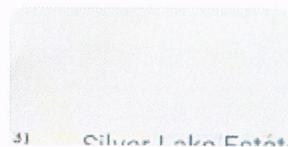


Image capture: Oct 2019 © 2020 Google

Milford, Delaware



Street View



Google Maps 520 NW Front St



Image capture: Oct 2019 © 2020 Google

Milford, Delaware



Street View



Silver Lake Estát

520 NW Front St

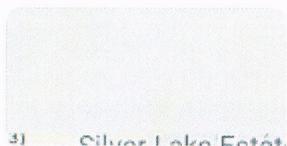


Image capture: Oct 2019 © 2020 Google

Milford, Delaware



Street View

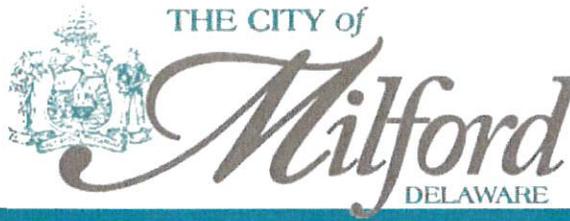




DATA SHEET FOR FIRST BAPTIST CHURCH OF MILFORD

Annexation Committee: February 10, 2020
Planning Commission Meeting: ~~March 17, 2020~~ **June 16, 2020**
City Council Meeting: ~~March 23, 2020~~ **June 22, 2020**

Application Number / Name	:	19-022 / First Baptist Church of Milford
Applicant	:	First Baptist Church of Milford 6062 Old Shawnee Road Milford, DE 19963
Owner	:	Same
Application Type	:	Annexation
Comprehensive Plan Designation	:	Low Density Residential
Current Zoning District	:	MR (Medium Residential)
Proposed Zoning District	:	R-1 (Single-family Residential District)
Present Use	:	Single-family Detached Dwelling
Proposed Use	:	Single-family Detached Dwelling
Area and Location	:	1.14 +/- acres of land located along the north side of Old Shawnee Road, approximately 1,900 feet west of the S. Dupont Boulevard intersection. Addressed as 6044 Old Shawnee Road.
Property Identification Numbers	:	1-30-3.06-125.00
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: February 10, 2020
RE: Annexation Committee Report

A public meeting was held in Council Chambers on February 10, 2020 to consider the annexation request for lands described as:

Property Owner:	First Baptist Church of Milford
Location:	6044 Old Shawnee Road
Size:	1.14 +/- acres
Existing Zoning:	MR – Medium Residential (Sussex County)
Proposed Zoning:	R-1 (Single-family Residential)
Tax Map and Parcel Number:	1-30-3.06-125.00

APPLICANT

A petition by the property owners was submitted on January 2, 2020 to annex 1.14 +/- acres into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcel 1-30-3.06-125.00 and is located along the north side of Old Shawnee Road approximately 1,900 feet west of the S. Dupont Boulevard intersection.

STREETS

The property contains an existing single-family detached dwelling with one residential entrance along Old Shawnee Road. Old Shawnee Road is a State Maintained roadway and any changes in access would require DeDOT approval.

DRAINAGE

The residential site is already developed. Any future redevelopment of the property would be subject to DNREC storm-water regulations and the owner would be required to obtain any and all permits from the Sussex Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned MR (Medium Residential) in Sussex County under the Sussex County zoning ordinance. The applicant requests the property be zoned R-1 (Single-family Residential District) under the City of Milford zoning ordinance.

SEWER

The property is currently served by an onsite septic system under the governance of DNREC. The property owner would be permitted to keep the onsite septic system until such time that sewer became available to the property. Any redevelopment of the property would require connection to City sewer service. It is determined that the applicant would have to extend sewer from the Brookstone Trace development to serve the existing church and the subject parcel containing the single-family dwelling. The property owner would have to design and construct a pumping system to convey the wastewater from the property to Brookstone Trace. All costs associated with the design and construction of the sewer extension would be borne by the applicant. Any construction improvements would need to be reviewed and approved by the City Engineer.

WATER

The property is currently served by an onsite well under the governance of DNREC. The property owner would be permitted to keep the onsite well until such time that water became technically available to the property. Any redevelopment of the property would require connection to City water service. It is determined that the applicant would have to extend water service from the Brookstone Trace development or along Old Shawnee Road to the east in order to serve the existing church and the subject parcel containing the single-family dwelling. All costs associated with the design and construction of the water main extension would be borne by the applicant. Any construction improvements would need to be reviewed and approved by the City Engineer.

ELECTRIC

The property is currently served by the City of Milford.

TRAFFIC

The existing single-family dwelling has as single residential driveway along Old Shawnee Road. Old Shawnee Road is a State Maintained roadway and any changes to the access would need to be approved by DelDOT.

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 does not contain state mapped wetlands. The property is not located within the 100-year floodplain according to the most recent FEMA Flood Insurance Rate Maps (FIRMs). The property does not contain areas of excellent groundwater recharge according to DNREC Navigator website.

AREA LAND USES

The properties to the south and west are owned by the First Baptist Church of Milford and contain the church and youth center. The properties to the east contain similar single-family detached dwellings. The properties to the east, across Old Shawnee Road, contain single-family detached dwellings.

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 request is consistent with the 2018 Comprehensive Plan Future Land Use Plan and is designated as Proposed Low Density Residential.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The proposed annexation will not generate new property tax revenue to the City since the owner is considered a non-profit organization. Extension of utilities would provide additional revenue within the sewer and water system.

ADVANTAGES TO THE CITY

- 1. The property is within the planning area of the City of Milford.
- 2. The City would receive revenues (building permits, etc.) for activity on the property.
- 3. Potential for additional water and sewer user.
- 4. Identified within the Urban Growth Boundary of the 2018 Comprehensive Plan.
- 5. Consistent with the Comprehensive Plan Future Land Use exhibits.

DISADVANTAGES TO THE CITY

- 1. None.

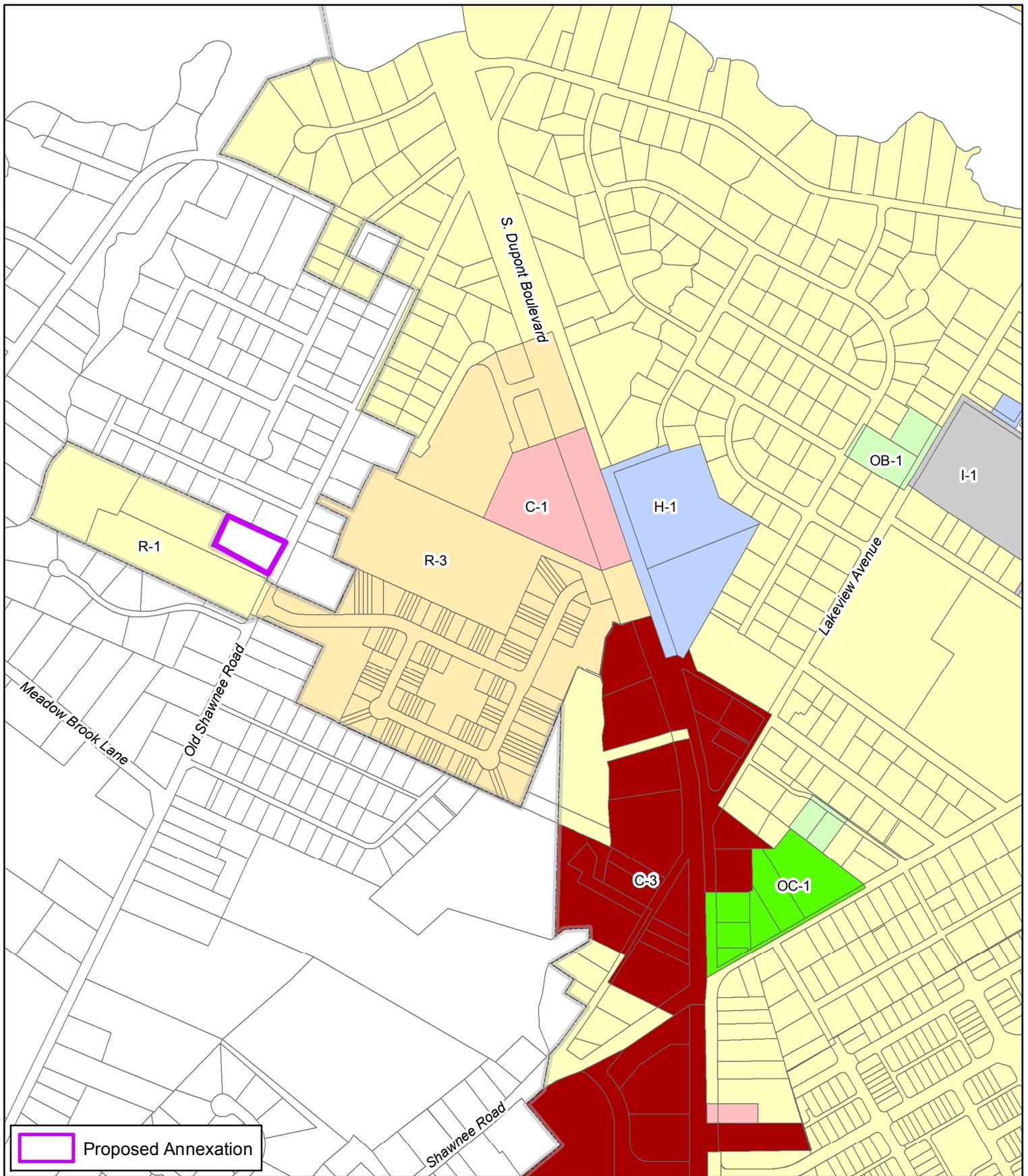
RECOMMENDATION

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:

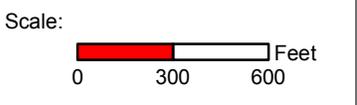
- 1. Annexation is consistent with the "Comprehensive Land Use Plan."
- 2. Property is contiguous to existing City Limits.
- 3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
- 4. Property is already served by City Electric. The property could be served by City Sewer and Water in the future.
- 5. An executed Annexation Agreement is required prior to final City Council approval.
- 6. 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: R-1 (Single-family Residential)

<i>Owen S. Break Jr.</i>	<i>2-5-20</i>
Council Representative/Committee Chairman	Date
<i>Nautilus Morrison</i>	<i>2-10-20</i>
Council Representative	Date
<i>[Signature]</i>	<i>2-10-20</i>
Council Representative	Date
<i>Daniel Macabelli</i>	<i>2-10-20</i>
Council Representative	Date
Planning Commission Chairman	Date



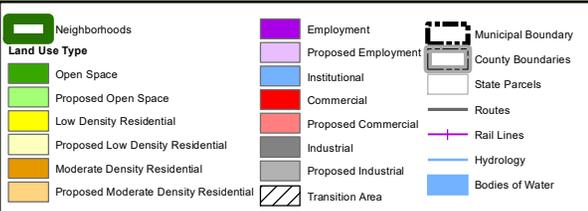
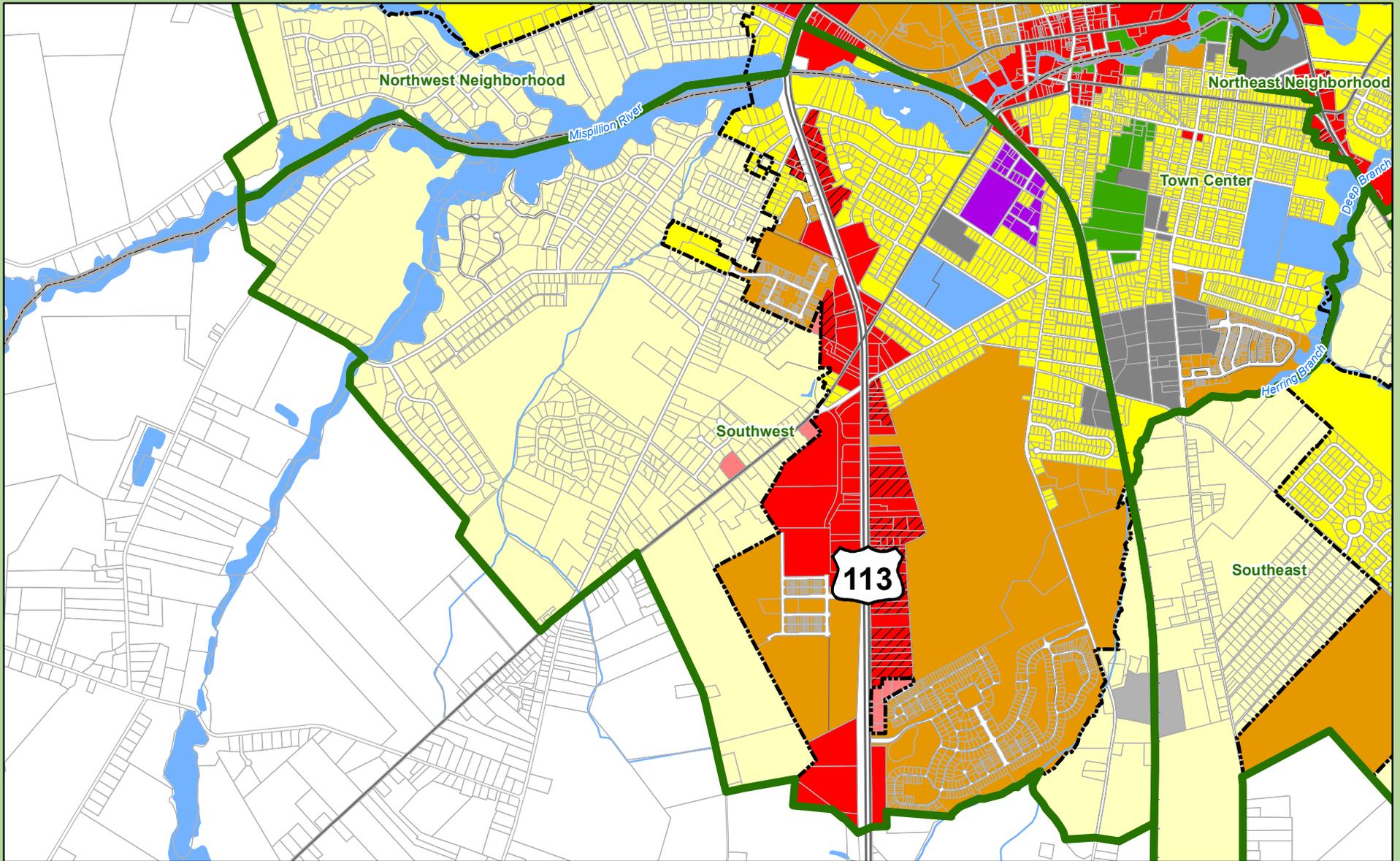
 Proposed Annexation



Drawn by: WRP Date: 01/02/20

Title:
**Proposed Annexation
First Baptist Church of Milford
Location & Zoning Map**

Filepath: Annexation_FirstBaptistChurch.mxd

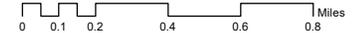


City of Milford, Delaware

Future Land Use

Southwest

Adopted Jan. 22, 2018, Certified May 2018



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

First Baptist Church

Dr. David P. Perdue, Pastor

6062 Old Shawnee Road
Milford, DE 19963-3355
Tel: 302/422-9795
Fax: 302/422-6379
E-Mail: pastorperdue@fbcmlcs.org

December 31, 2019

City of Milford
Planning and Zoning
City Council
201 South Walnut Street
Milford, Delaware 19963

Re: Annexation Request
Sussex County Tax Map No. 1-30-3.06-125.00
Property Address: 6044 Old Shawnee Rd., Milford, DE 19963

Dear Mayor and City Council:

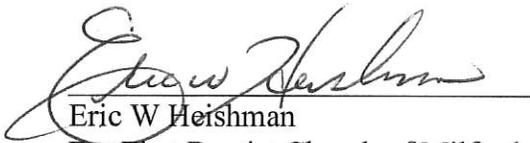
Please accept this correspondence as a formal request for annexation of the above referenced parcel into the incorporated City of Milford. The property is currently County zoned MR. As per the City of Milford Comprehensive Plan the parcel is designated Low Density Residential. We are requesting R-1 zoning for this property which contains 1.140 +/- acres.

The purpose of this request is to utilize the services and resources that the City has to offer and expand our property located at 6062 Old Shawnee Rd., Milford, DE 19963 which is already annexed into the incorporated City of Milford.

Should have any questions, please reach out to the point of contact for the property owner via:

Eric W Heishman
(302) 249-9727

Respectfully requested,


Eric W Heishman
For First Baptist Church of Milford


Witness


David P Perdue
Pastor, First Baptist Church of Milford

Tax Parcel No. 1-30-3.06-125.00

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

FIRST BAPTIST CHURCH OF MILFORD, INC.
PLAN OF SERVICES AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2020, by and between FIRST BAPTIST CHURCH OF MILFORD, INC. (hereinafter “FBC”) located at 6062 Old Shawnee 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, FBC is the record title owner of a parcel of land consisting of 1.14 acres, more or less, lying contiguous to the City of Milford, said tract identified on the Sussex County, Delaware tax maps as Tax Parcel No. 1-30-3.06-125.00, said tract hereinafter referred to as “FBC PROPERTY”.

FBC is desirous of having the FBC PROPERTY annexed into the City of Milford and requested the land use to be Low Density Residential 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 FBC’s request for annexation is unilateral (in that the City cannot annex the FBC PROPERTY unless FBC 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 FBC 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 FBC's request to be annexed into the City of Milford, in consideration of the annexation filing fee for 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 FBC 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 1.14 acres, more or less, said tract identified on the Sussex County, Delaware tax maps as Tax Parcel No. 1-30-3.06-125.00.

The hereinabove described parcel of land is more fully depicted on that certain Survey "Boundary Survey Plan prepared for First Baptist Church of Milford, Inc." dated August 23, 2018, prepared by Adams-Kemp Associates, Inc. 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, FBC agrees that the FBC PROPERTY will be connected to the City water distribution system if and when water service becomes technically available at a connection point located along Old Shawnee Road within the FBC Property. Similarly, FBC agrees that the FBC PROPERTY will be connected to the City sanitary sewer system if and when sewer service becomes technically available at a connection point located along Old Shawnee Road within the FBC Property. Any redevelopment of the subject parcel into a use other than a single-family detached dwelling may require FBC to connect to City water and sewer service at the sole discretion of the City. The parties agree that FBC would be responsible for the costs to design and construct any utility extensions and service connections needed to serve the FBC Property. FBC agrees to execute any documents needed for the City to obtain Certificate of Public Convenience and Necessity (CPCN) rights.

4. Electric Distribution System. The FBC PROPERTY is already a City of Milford electric customer.
5. Natural Features. The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.
6. Zoning. The FBC shall be annexed as City district R-1 Single-family Residential 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; FBC 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) FBC may, with the City's prior written consent, which shall not be unreasonably withheld, sell, lease, or convey all or any portion of FBC 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 FBC, shall be recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware. The cost of recording shall be paid by FBC.
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.

FIRST BAPTIST CHURCH OF MILFORD,
INC.

Attest: _____

By: _____
Pastor David P. Perdue, President

CITY OF MILFORD

Attest: _____
City Clerk

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

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2020, by Pastor David P. Perdue, President of First Baptist Church of Milford, Inc.

Signature of Notary Public

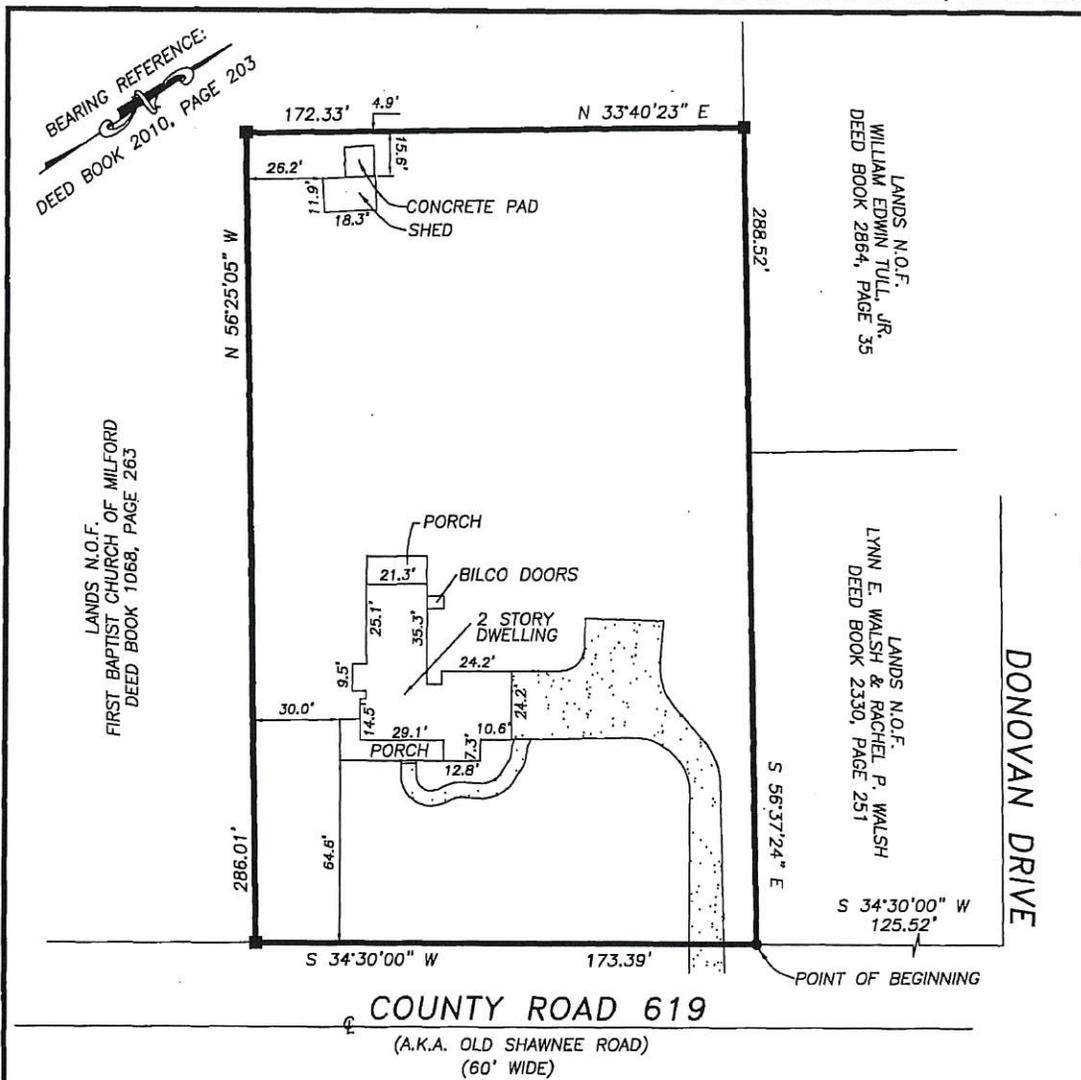
STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2020, by Arthur J. Campbell, Mayor of the City of Milford.

Signature of Notary Public

Exhibit A

TAX MAP NO. 1-30-3.06, PARCEL 125.00



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 2010, PAGE 203
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

LEGEND:

- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

BOUNDARY SURVEY PLAN

PREPARED FOR
**FIRST BAPTIST CHURCH
 OF MILFORD, INC.**

FOR PROPERTY KNOWN AS
 6062 OLD SHAWNEE ROAD
 SITUATED IN
 CEDAR CREEK HUNDRED
 SUSSEX COUNTY
 STATE OF DELAWARE
 AREA: 1.140± ACRES
 SCALE: 1" = 50'
 DATE: AUGUST 23, 2018

Prepared By
 ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

R.B. KEMP, III, P.L.S. 541

Exhibit B

Description

Land to be conveyed to
First Baptist Church of Milford, Inc.
6062 Old Shawnee Road
Tax Map 1-30-3.06 Parcel 125.00
Cedar Creek Hundred
Sussex County
State of Delaware

Beginning for the same at a found iron pipe located at the southeast corner of the herein described property located at 6062 Old Shawnee Road, Tax Map 1-30-3.06 Parcel 125.00, Cedar Creek Hundred, Sussex County, State of Delaware. Point of beginning being located

A) S 34°30'00" W a distance of 125.52' from Donovan Drive.

Point of beginning also being the southwest corner of the land now or formerly of Lynn and Rachel Walsh (Deed 2330 page 251), and being in the Northerly line of Old Shawnee Road (Co. Rd. 619). Thence running and binding with said Old Shawnee Road (Co. rd. 619),

1) S 34°30'00" W a distance of 173.39'; to a found concrete monument and to land now or formerly of First Baptist Church of Milford (Deed book 1068 page 263). Thence with same for the two following courses and distances,

2) N 56°25'05" W a distance of 286.01'; to a found concrete monument, thence

3) N 33°40'23" E a distance of 172.33'; to a found concrete monument and to land now or formerly of William E Tull Jr. (deed book 2864 page 35).

Thence with same and land of aforesaid Walsh,

4) S 56°37'24" E a distance of 288.52'; to the point of beginning.

Containing 1.140 acres, more or less.



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

February 11, 2020

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

**RE: Plan of Services 2020-03, Lands of First Baptist Church of Milford
Tax Parcel(s): 1-30-3.06-125.00**

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 blue ink, appearing to read "D. Edgell".

David L. Edgell, AICP
Principal Planner

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, June 16, 2020
City Council Hearing: Monday, June 22, 2020

NOTICE IS HEREBY GIVEN that the following ordinance is currently under review by Milford Planning Commission and City Council. Public comments will be accepted at the so noted meeting dates which begin at 7:00 p.m.

ORDINANCE 2020-08

First Baptist Church of Milford for a Change of Zone of Annexed Land of 1.14 +/- acres from MR Zoning to R1 Zoning District. Property is located along the north side of Old Shawnee Road, approximately 1,900 feet west of the S Dupont Boulevard intersection addressed as 6044 Old Shawnee Road, Milford Delaware. Present Use: Single Family Dwelling; Proposed Use: Same. Tax Map 1-30-3.06-125.00

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE WHEREAS, the owners of the property above have petitioned the City of Milford for an amendment of the zoning map of the City of Milford by annexing and rezoning land, as above described herein; and

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, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

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, 06/03/20

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

CITY COUNCIL HEARING: JUNE 22, 2020

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by Milford City Council, with action scheduled to occur on the date(s) so indicated:

ORDINANCE 2020-15
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 55-PERSONNEL

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees; and

WHEREAS, the Chapter is intended to inform employees of important information about the City's rules, policies, practices, and procedures, as well as educated them on their own privileges and responsibilities; and

WHEREAS, from time to time there is a need to adjust language in the Chapter in order to remain current with human resources best practices.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §55, Section 4.5 METHODS OF APPOINTMENT is hereby amended by removing language indicated by strikethrough as follows:

In the event that a vacancy must be filled immediately, the Appointing Authority may make an interim, temporary appointment, for a period of no longer than ninety (90) days; additional periods of temporary appointment, not to exceed ninety (90) days, may be granted only through written agreement and approval of the Appointing Authority. During the period of such interim appointment, the recruitment and selection processes will proceed (~~refer to Recruitment Guidelines Policy~~).

Section 2. §55, Section 6.11 PERFORMANCE REVIEW is hereby amended by removing language indicated by strikethrough and adding language shown underlined as follows:

The performance of all regular full-time and part-time employees will be reviewed at ~~approximately mid-point (3 months) of their introductory period and again prior to when their introductory period (6 months) ends~~ three (3) months of employment, and thereafter annually. Individual employees may be required to complete a self-appraisal as part of the overall performance review process.

Section 3. §55, Section 7.2 SICK LEAVE is hereby amended by removing language indicated by strikethrough as follows:

~~Employees that do not require the use of their sick leave benefit will be eligible for recognition through the Employee Recognition Policy.~~

Section 4. §55, Section 9.3 FAMILY AND MEDICAL LEAVE ACT PROCEDURE (FMLA) is hereby amended by removing language indicated by strikethrough and adding language shown underlined as follows:

While the Family Medical Leave Act provides for 12 weeks of unpaid job protection ~~the City permits the employee to use his or her accrued leave time in conjunction with FMLA leave in order to avoid a loss in wages~~ Family Medical Leave Act will run concurrently with any accrued forms of paid leave. Employees are required to use any available sick, vacation, or holiday time while covered under Family Medical Leave Act. The use of accrued leave does not extend one's FMLA leave. ~~Accrued sick leave may be used for any medical related absences and accrued vacation leave may be used for any non-medical absences.~~

Section 5. §55, Section 9.4 MILITARY LEAVE is hereby amended by adding language shown underlined as follows:

Any employee who is a member of a reserve component of the armed forces will be placed on unpaid leave for his/her annual two-week training or one weekend per month required duty. Benefit programs will be unaffected by the leave and the employee may elect to use any vacation entitlements for the absence. Training leaves will not normally exceed two weeks per year, plus reasonable travel time. Employees that serve in the military shall receive the difference between their military pay and their normal wages as if they had worked.

Section 6. §55, Section 11.5 OUTSIDE EMPLOYMENT is hereby amended by adding language shown underlined as follows:

Employees must notify their supervisor and Department Director of any outside employment. The City of Milford will not object to an employee having outside employment as long as the employee is successfully and competently performing his/her job duties as determined by the Department Director or Appointing Authority and without negative impact on attendance and so long as it would not create a potential conflict of interest. Secondary employment is prohibited if:

- The secondary employment is doing business with or seeking to do business with the City.
- Such employment will create a conflict of interest or the appearance of a conflict of interest.
- Such employment is a direct conflict with any municipal functions or ordinances.

The City will not be liable for any expenses, costs, or wage claims because of any injury or sickness incurred by outside employment.

Section 7. §55, Section 12.5 ALCOHOL & DRUG-FREE WORKPLACE is hereby amended by removing language indicated by strikethrough as follows:

The goal of this policy is to maintain a safe and healthy work environment. The successful implementation of this policy will also enable the City to provide quality service to the public by maintaining efficiency and productivity. The use of illegal drugs and/or the misuse of alcohol or legal drugs are inconsistent with this goal.

~~Employees will receive and acknowledge a copy of the Drug-Free Safety Program Policy during new employee orientation. Additional copies are available in Human Resources.~~

Section 8. §55, Section 12.5.B.4 POST-ACCIDENT is hereby amended by adding language shown underlined as follows:

Each employee who operated a City vehicle while it was involved in a traffic accident which resulted in the loss of human life, disabling damage to any motor vehicle requiring tow away, ambulance service at the scene, or the issuance of a traffic citation, shall be tested for alcohol content and for the use of controlled substances.

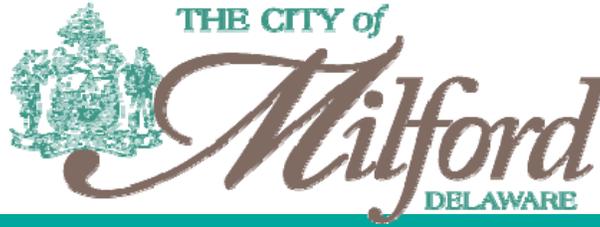
Section 9. Dates.

City Council Introduction: June 8, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

Advertised: Beacon, 05/27/20



DATA SHEET FOR WRIGHT MORTUARY

Planning Commission Meeting: June 16, 2020

Application Number / Name	:	20-009 / Wright Mortuary
Applicant	:	Justen Wright 208 East 35 th Street Wilmington, DE 19802
Owner	:	Congregation of the Most High Yahveh Inc. 9 SE Second Street Milford, DE 19963
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-2 (Central Business District)
Present Use	:	Church
Proposed Use	:	Funeral Establishment
Size and Location	:	0.094 +/- acres located along the north side of SE Second Street between S. Walnut Street and S. Washington Street, directly across from City Hall. Addressed as 9 SE Second Street.
Tax Map & Parcel	:	3-30-6.20-041.00

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



STAFF REPORT
April 21, 2020

Application Number / Name	:	20-009 / Wright Mortuary
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	C-2 (Central Business District)
Present Use	:	Church
Proposed Use	:	Funeral Establishment
Tax Map & Parcel	:	3-30-6.20-041.00
Size and Location	:	0.094 +/- acres located along the north side of SE Second Street between S. Walnut Street and S. Washington Street, directly across from City Hall. Addressed as 9 SE Second Street.

I. BACKGROUND INFORMATION:

- The applicant proposes to convert the existing 5,700 square foot church in downtown Milford into a funeral establishment.
- The applicant proposes to use the existing sanctuary as a chapel for funeral and memorial services. Office hours are planned for Monday through Friday, 9am to 5pm. While there may be set office hours, the applicant states there may be a need to hold viewings and services outside those stated hours. The property currently uses the downtown municipal lots and on-street parking throughout the downtown area. There will be two staff members during office hours and may increase to 4 to 5 employees during a memorial service.
- Chapter 230-13(C)(3) states “undertakers” require conditional use approval from City Council.

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.

There are other undertakers located in the Central Business District and surrounding residential neighborhoods. There are also several churches and assembly type uses in the downtown area that do not provide their own off-street parking. The immediate vicinity is characterized by a mixture of residential and institutional uses, including City Hall, the Milford Museum, City Customer Service and the Washington Street Water Facility.

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

Undertakers are permitted by conditional use in the C-2 and C-3 zoning categories. There are several other undertakers located in the Central Business District and surrounding residential neighborhoods.

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. The proposed use would be consistent with the Commercial land use category.

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

The subject parcel is bound on the south by SE Second Street, on the east by Pearl Alley, on the north by the Washington Street water facility and to the west by a single-family detached dwelling. There is an existing fence between the subject parcel and the residential structure to the east which provides some screening. The existing structure encompasses the majority of the subject parcel and there isn't much room to provide a vegetative screen. The fact that the structure previously served a similar use as a church should not negatively impact the neighboring property owners.

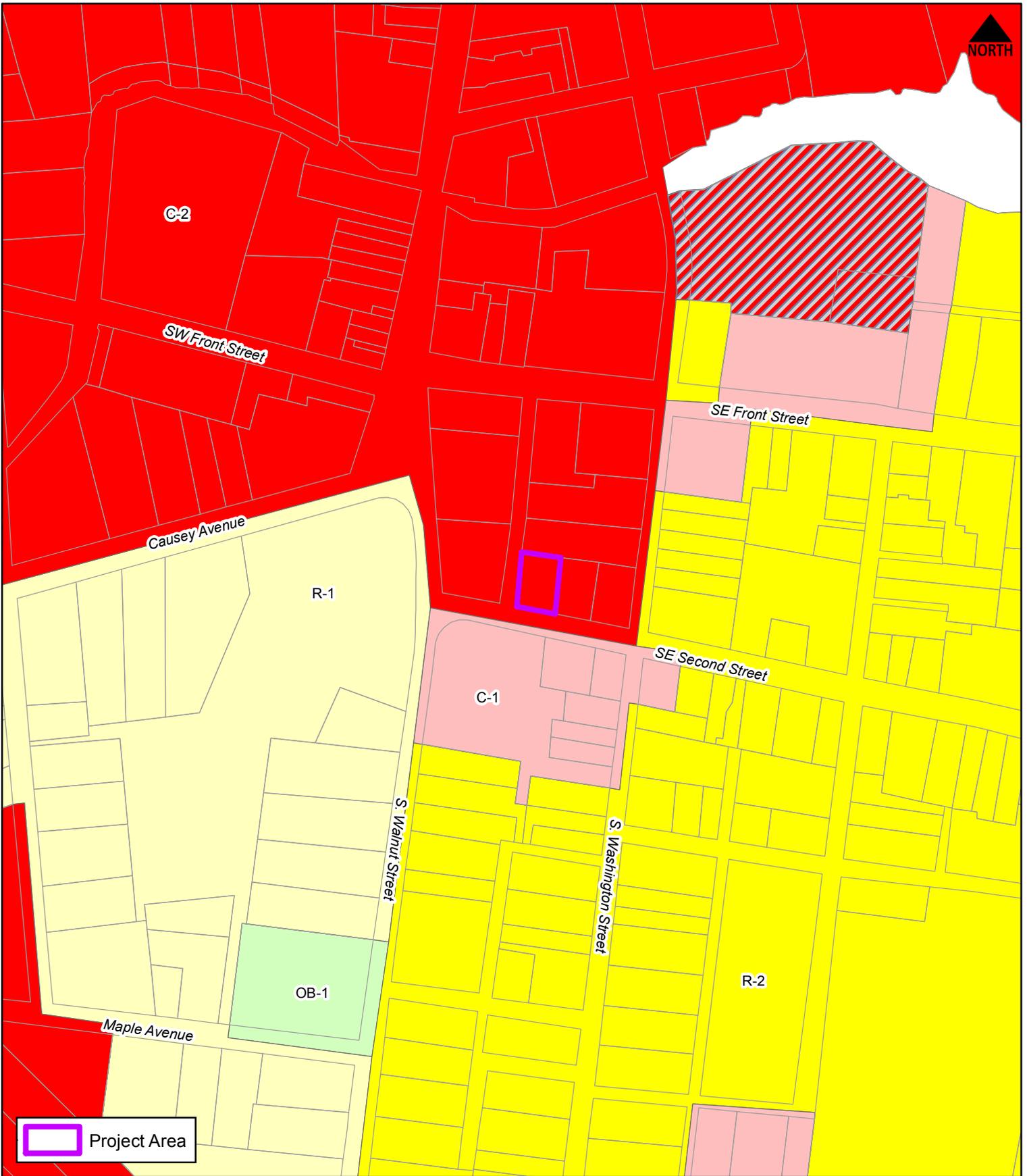
E. The use will not detract from permitted uses in the district.

The proposed use is similar to the existing church use in terms of the impacts on neighboring property owners. The proposed use will utilize downtown parking lots and on-street parking for memorial services and viewings, which is similar to the impacts made by the existing church use.

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

The property is located within the Central Business District which contains a mixture of commercial, residential and institutional uses. There are other funeral establishments located in the downtown area along with many churches that do not provide dedicated off-street parking. The proposed use will utilize municipal parking lots and on-street parking during memorial services and viewings, which is similar to the impact made by other churches in the immediate vicinity. The proposed use will be within an existing structure and the existing setbacks and screening would not be impacted.

- 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 approval from the State Fire Marshal's Office for use and occupancy of the building.
 - The applicant must obtain a building permit from the City of Milford for any interior or exterior renovation work and must obtain a new Certificate of Occupancy from the City Building Official.



 Project Area



Scale:  Feet
0 100 200

Drawn by: WRP Date: 04/03/20

Title:

Conditional Use
Wright Mortuary
Location & Zoning Map

Filepath: ConditionalUse_WrightMortuary.mxd



Scale: Feet
0 15 30

Drawn by: WRP Date: 04/03/20

Title:

Conditional Use
Wright Mortuary
Aerial Map

Filepath: ConditionalUse_WrightMortuary_Aerial.mxd



The
HOUSE OF WRIGHT

MORTUARY & CREMATION SERVICES, INC.

"A Tradition of Trust, Founded on Faith, Creating Memorable Moments"

ROBERT O. WRIGHT, I, C.F.S.P. *Founder*

JUSTEN A. WRIGHT, C.F.S.P. *Manager/Owner* NJ. Lic#5141

March 25, 2020

RE: Conditional Use Application

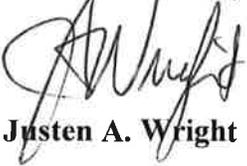
2. Property 9 SE 2nd Street Tax Parcel #330-06.20-41.00

3. S230-13. C3 Undertaker We are requesting a Conditional Use Change for said property to be utilized as a funeral establishment. The structure is currently being used as a church.

We will utilize the current sanctuary as a chapel for funeral and memorial services. We plan to have office hours Monday through Friday 9am to 5pm. While our office will have set hours, viewings and services may be held outside of the stated hours. Parking is currently shared via the town parking lot and we intend to use the same space when needed.

We will be making cosmetic improvements to the interior of the facility not looking to change the structure at all. We plan on beautifying the exterior as well with paint, power washing building and new shrubbery. Our staff will consist of 2 personnel during office hours and increase to 4 or 5 during a service at maximum if required.

Yours, In Service,



Justen A. Wright

DELAWARE: (302)762-8448|FAX:(302)762-8441|NEW JERSEY:(856) 299-5517

WWW.WRIGHTMORTUARY.COM

208 East 35th Street • Wilmington, DE 19802 | 48 East Commerce Street, Smyrna, DE 19977 | 56 Willis Street, Penns Grove, NJ 08069

§ 230-13. - C-2 Central Business District.

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

- A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those uses permitted in the C-1 District.
 - (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
 - (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
 - (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
 - (5) Financial institutions, loan companies and banks.
 - (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
 - (7) Taverns and tap rooms.
 - (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
 - (9) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.
 - (10) Libraries, museums, art galleries and public information centers.
 - (11) Churches and other places of worship.
 - (12) Fraternal, social service, union or civic organization.
 - (13) Tourist home, boardinghouse, rooming house or lodging house.
 - (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
 - (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
 - (16) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
 - (17) Publishing, printing and reproduction establishments.
 - (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
 - (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

- (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
- (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
- (22) Craft distillery and microbrewery establishments, provided that:
- (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
 - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
 - (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
 - (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
 - (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
 - (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.
 - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
 - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

- v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.
 - vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
 - vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.
- 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) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
 - (2) Laundromats and dry-cleaning establishments.
 - (3) Undertakers.
 - (4) Motels and hotels.
 - (5) Instructional, business or trade stores.
 - (6) Fast-food or franchised food service operated restaurants.
 - (7) Day-care centers.
 - (8) Small convenience grocery shops with gas pumps.
 - (9) Community residential treatment program.
 - (10) All dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use.
- D. Area regulations.
- (1) Minimum lot area shall be 2,500 square feet for any permitted use, together with its accessory buildings, provided that parking and loading space are provided in accordance with Article VI of this chapter.
 - (2) Minimum lot width shall be 50 feet.
 - (3) Height of buildings shall not exceed 35 feet.
 - (4) There shall be no required setback, rear yard or side yard.
 - (5) Signs shall comply with the requirements provided in Article VI of this chapter.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, June 16, 2020
City Council Hearing: Monday, June 22, 2020

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

ORDINANCE 2020-16

Wright Mortuary on behalf of Congregation of the Most High Yahvey Inc for a Conditional Use to allow an Undertaker on 0.94 +/- acres in a C2 Zoning District. Property is located along the north side of SE Second Street between S Walnut Street and S Washington Street, directly across from City Hall, addressed as 9 SE Second Street, Milford, Delaware. Present Use: Church; Proposed Use: Undertaker.
Tax Map: 3-30-6.20-041.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Conditional Use to allow an Undertaker; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: June 8, 2020

City Council Public Hearing: June 22, 2020

Effective: July 3, 2020

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 04/29/20*

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, June 16, 2020
City Council Hearing: Monday, June 22, 2020

NOTICE IS HEREBY GIVEN that the following ordinance is currently under review by Milford Planning Commission and City Council. Public comments will be accepted at the so noted meeting dates which begin at 7:00 p.m.

ORDINANCE 2020-04
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
SIGN REGULATIONS

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

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

WHEREAS, after a review of sign regulations, City Council has determined it is in the best interest of the City to provide suitable circumstances for off premise signage.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

§ 230-24.19. Off-~~Premise~~ Premises Signs.

~~Off-premises signs are prohibited.~~

- A. Off premises signs in the C-3 Highway Commercial District, are permitted provided a conditional use approval is obtained pursuant to Article IX of this chapter and that the standards of this subchapter are met:
- (1) All off-premises signs shall meet the minimum principal building front yard and rear yard setback requirements for the C-3 zoning district and have a minimum side yard setback of 25 feet. An off-premises sign shall not be erected within 150 feet of property which is used as a dwelling, church, school, or public lands as measured on a radius from the edge of the off-premises sign. An off-premises sign shall not be erected within 50 feet of an on-premises sign but this separation requirement shall not preclude the erection of an on-premises sign within 50 feet of an off-premises sign.
 - (2) A single off-premises sign structure shall support no more than one sign per side and no more than two signs in total. Signs which are stacked or side-by-side on an off-premises sign structure are prohibited.
 - (3) All off-premises signs which are located on properties adjacent to roads which have less than four travel lanes (excluding turn lanes) shall be prohibited.

- (4) For all off-premises signs which are located on properties adjacent to roads which have four or more travel lanes (excluding turn lanes), the following regulations shall apply:
- (a) An off-premises sign shall not be erected within 600 feet of another off-premises sign. This separation distance shall be measured from the edges of the off-premises sign and shall apply only to signs which are located on the same side of the road.
 - (b) No off-premises sign shall exceed 35 feet in height from ground level.
 - (c) An off-premises sign shall not exceed 600 feet of sign area per side and shall not exceed more than 1,200 square feet of sign area per off-premises sign structure.
- (5) An applicant for conditional use for an off-premises sign must, at the time the application is filed with the City, submit documentation from the Delaware Department of Transportation which confirms that the Delaware Department of Transportation does not object to the proposed off-premises sign.

B. No variances shall be issued from any of the regulations in this article for off-premises signs which have been erected or approved to be erected after April 2, 2020.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

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, 06/03/20

CITY OF MILFORD
PLANNING COMMISSION
Minutes of Meeting
January 21, 2020

A public hearing of the Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE.

PRESIDING: Chairman Marvin Sharp

IN ATTENDANCE: Commissioners Sara Pletcher, Rae Mims, Andrew Fulton

STAFF: Assistant City Solicitor Jamie Sharp, Planning & Economic Development Director Rob Pierce, Deputy City Clerk & Recording Secretary Christine Crouch

ABSENT: Commissioner Ed Holloway, Michiah Grainger, Dwayne Powell

PUBLIC HEARINGS

Director Pierce read the Public Hearing procedures into the record.

ORDINANCE 2020-01

TJA LLC for a Conditional Use to allow a billboard on 1.1 +/- acres in a C3 Zoning District. Property is located along the east side of Bay Road (US Route 113/SR1) approximately 225 feet north of the New Wharf Road intersection addressed as 466 Bay Road, Milford, Delaware 19963. Present use: Commercial/Retail; Proposed Use: Same with Billboard. Tax Map: MD-16-163.00-01-03.00

ORDINANCE 2020-02

TJA LLC for a Conditional Use to allow a billboard on 1.1 +/- acres in a C3 Zoning District. Property is located along the east side of Bay Road (US Route 113/SR1) approximately 400 feet north of the New Wharf Road intersection addressed as 466 Bay Road, Milford, Delaware 19963. Present use: Commercial/Retail; Proposed Use: Same with Billboard. Tax Map: MD-16-163.00-01-04.00

Assistant Solicitor Sharp explained in November 2019 the City adopted a new sign ordinance however the two applications for conditional uses were filed with the City between the date the City adopted the ordinance and when the ordinance became effective. Although the issue came before Assistant Solicitor Sharp today and he has not had time to fully review the details, he feels pending ordinance doctrine would apply. He advises the Commission continue with the public hearing since it was publicly noticed and defer any action until a legal opinion can be provided.

Director Pierce reviewed the Staff Report & Analysis included in the packet and confirmed the distance between each billboard is 436' from the existing one and 346' from the other proposed billboard. In addition, each billboard will be 25' from the front setback and 10' to the adjoining property to the south.

Mr. Ring Lardner with Davis, Bowen, & Friedel on behalf of the property owners explained Mr. Mark Davis of TJA LLC is also present. Mr. Lardner stated the sites are currently used by Gutter Guys and a flooring company. The properties are surrounded by agricultural land to the north and east. To the south is a gas station. There are two existing billboards on the site. The proposed size of the new billboards is 12'x48' and 20' from the ground.

Assistant Solicitor Sharp confirmed there is no interference with parking, visibility of traffic, or other existing signs in the area. Because of the height of the various signs and them being staggered, the billboards should not impact any parking, visibility of traffic, or other existing signs.

Chairman Sharp called for public comment on Ordinance 2020-01 and 2020-02 and hearing none, the public hearing was closed.

When asked if the gas station awning hinder the visibility of the proposed billboard as vehicles are travelling north Mr. Lardner replied although he is unsure what the awning height is, the billboard will be higher.

Fulton moved to defer Ordinance 2020-01 until the February 18, 2020 Planning Commission meeting when a legal opinion can be provided, seconded by Pletcher. Motion carried with all present voting in favor.

Fulton moved to defer Ordinance 2020-02 until the February 18, 2020 Planning Commission meeting when a legal opinion can be provided, seconded by Pletcher. Motion carried with all present voting in favor.

ORDINANCE 2020-03

200 NW Front Street LLC on behalf of 200 Front Street LLC for a Final Major Subdivision of 0.63 +/- acres into an eight-unit subdivision consisting of eight townhouse units in an R3 Zoning District. Property is located along the north side of NW Front Street between N Church Street and West Street addressed as 106 North Church Street and 201, 205, 207, 209, and 211 NW Front Street, Milford, Delaware. Present Use: Vacant Land, Single Family, and Duplex; Proposed Use: Townhouses. Tax Map: MD-16-183.10-02-059.01; -077.00; -079.00; -080.00; -081.00; -082.00

Director Pierce reviewed the Staff Report & Analysis included in the packet

Mr. Ring Lardner with Davis, Bowen, & Friedel on behalf of the property owners explained Mr. Dan Bond, the property owner, is also present. Mr. Lardner explained the changes in the plan before the Commission this evening and preliminary approval include parking locations which are to the benefit of the future tenants and guests. Now the plan meets the 2.5 off street parking spaces per dwelling unit. In addition, a lot line adjustment has been recorded.

It was confirmed Lot 8 is parking in general parking with a sidewalk along Church St.

Director Pierce noted the building footprint layout will be changed a bit so the front landing is not in the right of way, but that change does not affect the Planning Commission or City Council approval.

Chairman Sharp called for public comment on Ordinance 2020-03.

Mr. Paul Western and Ms. Patricia Davis of 104 N Church St explained a curb cut will be done in order for entrance onto this property and that will leave them 8' of parking in front of their house. They asked if when the curb cut is done, could the developer also modify theirs as well so that they can park on the north side of their house. Ms. Davis noted on the plans where she and Mr. Western could park on the developer's property if need be. Assistant Solicitor Sharp advised Mr. Western and Ms. Davis to work with Mr. Bond to resolve the issues as that is not something the Planning Commission can address.

Hearing no additional comments, the public hearing was closed.

Ms. Pletcher noted she prefers this plan to the preliminary plan.

Fulton moved to recommend approval of Ordinance 2020-03, seconded by Pletcher. Motion carried with all present voting in favor.

ORDINANCE 2020-03

200 NW Front Street LLC on behalf of 200 Front Street LLC for a Final Major Subdivision of 0.63 +/- acres into an eight-unit subdivision consisting of eight townhouse units in an R3 Zoning District. Property is located along the north side of NW Front Street between N Church Street and West Street addressed as 106 North Church Street and 201, 205, 207, 209, and 211 NW Front Street, Milford, Delaware. Present Use: Vacant Land, Single Family, and Duplex; Proposed Use: Townhouses. Tax Map: MD-16-183.10-02-059.01; -077.00; -079.00; -080.00; -081.00; -082.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a conditional use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on January 21, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on January 27, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: January 21, 2020

City Council Introduction: January 13, 2020

City Council Public Hearing: January 27, 2020

Effective: February 6, 2020

A regular meeting of the Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE.

PRESIDING: Chairman Marvin Sharp

IN ATTENDANCE: Commissioners Sara Pletcher, Rae Mims, Andrew Fulton

STAFF: Assistant City Solicitor Jamie Sharp, Planning & Economic Development Director Rob Pierce, Deputy City Clerk & Recording Secretary Christine Crouch

ABSENT: Commissioner Ed Holloway, Michiah Grainger, Dwayne Powell

CALL TO ORDER

Chairman Sharp called the meeting to order at 7:36 pm.

APPROVAL OF PREVIOUS MINUTES

The minutes from December 2019 were approved as submitted.

NEW BUSINESS

Silicato-Wood Partnership LLC/Final Site Plan/100 Silicato Parkway/Tax Parcel MD-16-174.15-01-01.01

Mr. Ring Lardner with Davis, Bowen, & Friedel on behalf of the property owners explained what is before the Commission is the same as what was approved at preliminary site plan approval.

Pletcher moved to approve the final site plan as presented, seconded by Fulton. Motion carried with all present voting in favor.

Discussion/Zoning Code Amendments/Billboards and Special Event Overhead Banners

Director Pierce explained on November 25, 2019 City Council adopted Ordinance 2019-38 amending the City's sign regulations within Chapter 230-Zoning. The ordinance was adopted as recommended by the Planning Commission; however, City Council directed staff to work with the Planning Commission to review the off-premise (billboard) prohibition and investigate language to permit temporary banners within the public right-of-way for special events.

After reviewing the adopted language, Director Pierce feels that the second concern, temporary banners, is addressed under Chapter 230-24.17(I) which states "Temporary Signs are prohibited in the right-of-way unless approved as part of a Special Event Permit." A policy may need to be drafted detailing the location, size, and which events would qualify for the exception, but this doesn't have to be codified.

Director Pierce is looking for guidance from the Commission, but is proposing to add:

A. Off premises signs in the C-3 Highway Commercial District, are permitted provided a conditional use is obtained pursuant to 230-XX and that the standards of this subchapter are met:

- (1) All off-premises signs shall meet the minimum principal building front yard and rear yard setback requirements for the C-3 zoning district and have a minimum side yard setback of at least 25 feet. An off-premises sign shall not be erected within 150 feet of property which is used as a dwelling, church, school, or public lands as measured on a radius from the edge of the off-premises sign. An off-premises sign shall not be erected within 50 feet of an on-premises sign but this separation requirement shall not preclude the erection of an on-premises sign within 50 feet of an off-premises sign.
- (2) A single off-premises sign structure shall support no more than one sign per side and no more than two signs in total. Signs which are stacked or side-by-side on an off-premises sign structure are prohibited.
- (3) All off-premises signs which are located on properties adjacent to roads which have less than four travel lanes (excluding turn lanes) shall be prohibited.
- (4) For all off-premises signs which are located on properties adjacent to roads which have four or more travel lanes (excluding turn lanes), the following regulations shall apply:
 - (a) An off-premises sign shall not be erected within 600 feet of another off-premises sign. This separation distance shall be measured from the edges of the off-premises sign and shall apply only to signs which are located on the same side of the road.
 - (b) No off-premises sign shall exceed 35 feet in height from ground level.
 - (c) An off-premises sign shall not exceed 600 feet of sign area per side and shall not exceed more than 1,200 square feet of sign area per off-premises sign structure.
- (5) An applicant for conditional use for an off-premises sign must, at the time the application is filed with the City, submit documentation from the Delaware Department of Transportation which confirms that the Delaware Department of Transportation does not object to the proposed off-premises sign.
- (6) No variances shall be issued from any of the regulations in this article for off-premises signs which have been erected or approved to be erected after July 1, 2019.

Ms. Pletcher noted DelDOT requires 300' between billboards, which seems too close, however she isn't sure if 600' is even adequate.

Mr. Fulton wants to be sure to be safety conscious.

Ms. Pletcher stated Council's concerns are that the City is eliminating a business opportunity. If the code is changed to allow billboards, we need to not turn into Rehoboth Beach where they are everywhere. Again, she is not sure if a 600' separation is far enough.

Assistant Solicitor Sharp referred to the Sussex County sign code which has more requirements, i.e. distance from on premise signs. He feels the City would potentially greatly limit possible locations of billboards based on what Director Pierce has proposed.

Director Pierce stated the Zoning Code states if the Planning Commission recommends denial of an ordinance to amend the zoning code, City Council needs $\frac{3}{4}$ of all members, not just those present, to overturn the denial. (230-58 D) Assistant Solicitor Sharp stated he needs to review that section of the code.

Director Pierce will draft an amendment and bring it to the Planning Commission next month.

ADJOURN

There being no further business, the meeting adjourned at 7:54 pm.

Respectfully submitted,

Christine R. Crouch, MMC
Deputy City Clerk

Ordinance 2019-38

Code of The City of Milford/Part II-General Legislation/Chapter 230-Zoning/Sign Regulations

Mr. Pierce deferred to Assistant Solicitor James Sharp, also in attendance, to talk about the work on the City's sign code, and provide a background.

Assistant Solicitor Sharp recalled this was discussed at a joint meeting of City Council and the Planning Commission this past May. He also noted that this time last year, they began to organize a working group to review the sign ordinance. Representatives from the sign industry, Chamber of Commerce and other individuals made up the group to take a deep dive into the code.

The sign committee came up with several recommendations, in addition to updated formatting that will provide easier reference. Also discussed were the needs for the changes, as well as the benefits to the proposed ordinance.

Mr. Pierce then reviewed the following memo:

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
David Mosley, East Coast Signs
Raymond Lynch, Planning Commissioner
Wendy Longstreet, Phillips Signs
James Sharp, Esquire, Moore & Rutt
Eric Norenberg, City of Milford
Jo Schmeiser, Chamber of Commerce
Rob Pierce, City of Milford
Murrie Zlotziver, Downtown Milford, Inc.
Evan Miller, City of Milford
Lynn Rogers, Rogers Sign Company*

The working group met five 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 Assistant 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 Ordinance 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

	Freestanding		Building	Canopy	Awning	Projecting	
Zones	Height	SF	%	%	%	SF	EMC
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
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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

**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	
<i>Residential Zones (R- 1, R-2, R-3, R-8)</i>	<i>Prohibited</i>	<i>Prohibited</i>		<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>
<i>Subdivision</i>	<i>4</i>	<i>64</i>		<i>64</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>
<i>Home Occupation</i>	<i>4</i>	<i>6</i>	<i>15</i>	<i>5</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>
<i>Non-residential Uses</i>	<i>10</i>	<i>48</i>	<i>5</i>	<i>15</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Permitted by Conditional Use for Specific Uses Only</i>
<i>Downtown Commercial Zones (C-2, C-2A)</i>	<i>6</i>	<i>24</i>	<i>10</i>	<i>15</i>	<i>10</i>	<i>40</i>	<i>40</i>	<i>20</i>	<i>Prohibited</i>
<i>Neighborhood Commercial Zones (C-1, OB-1)</i>	<i>6</i>	<i>24</i>	<i>10</i>	<i>15</i>	<i>10</i>	<i>40</i>	<i>40</i>	<i>20</i>	<i>Permitted by Conditional Use for Specific Uses Only</i>
<i>Business Park and Office Zones (BP, OC- 1)</i>	<i>10</i>	<i>48</i>	<i>10</i>	<i>15</i>	<i>10</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Permitted by Conditional Use for Specific Uses Only</i>
<i>Institutional Zones (H-1, IM, IS)</i>	<i>10</i>	<i>120</i>	<i>10</i>	<i>25</i>	<i>5</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Prohibited</i>	<i>Permitted by Conditional Use for Specific Uses Only</i>
<i>Commercial and Industrial Zones (I-1, I-2, C-3)</i>	<i>28</i>	<i>225</i>	<i>10</i>	<i>25</i>	<i>15</i>	<i>40</i>	<i>40</i>	<i>20</i>	<i>Permitted by- right</i>

**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.

A comprehensive review of the amended code followed (see Ordinance 2019-38 attached) by the Assistant Solicitor.

When Council was asked to comment, Councilmember Peel questioned the temporary signs/banners. In the past, she understands there was an opportunity to hang signs across a street downtown from building to building for certain events. That has not been permitted in recent years and asked how that is addressed in the revision.

Councilmember Morrow left at this time.

Mr. Pierce then referenced below language:

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.

He also noted there may be additional regulations when extending a banner across a DelDOT road. However, he has not researched that possibility.

City Manager Norenberg added the other problem is having a safe and suitable point to attach the banner on either side, particularly downtown where the buildings would be used. Councilmember Peel questioned if private business owners would be interested in that possibility, considering the increasing number of festivals in Milford.

Mr. Pierce then discussed below subsections:

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

Councilmember Wilson recalled it being permitted when there was a large festival in the original shopping center downtown.

Mr. Norenberg said though it has not occurred since he has been here, he was informed that a banner came down at some point in the past, and a vehicle and/or people were injured as a result. There has not been a big push since that time, that he is aware of, because of the liability risk.

He recommends we research other communities who permit over-street banners for special events and to obtain information of what is permitted for certain roads/streets. In that way, we may be able to figure out a technical way it can be addressed, while protecting the City, if that is agreeable to DelDOT.

Mr. Pierce believes it would be limited to 32 square feet and a certain weight, though there is a statement that the placement in the right of way could be waived as part of a special event permit. He agrees that something needs to be drafted related to the size limitation, or add a requirement the sign must be associated with a community-sponsored special event.

Assistant Solicitor Sharp then referenced the following subsection that require the bottom of the sign to be at least 14 feet above the ground:

1646 C. Clearances.

1647 (1) Vision clearance areas. Vision clearance areas are triangular-shaped areas located at the
1648 intersection of any combination of right-of-ways, alleys, or driveways. The sides of the
1649 triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in
1650 either/each direction. No sign may be installed within this clear site triangle.

1651 (2) Vehicle area clearances. In areas outside of rights-of-way, when a sign or awning extends over
1652 an area in which vehicles travel or are parked, the bottom of the structure must be at least 14
1653 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and
1654 maneuvering areas.

He confirmed that it would be prohibited, and referenced the language that 'anything in a right of way, except as otherwise permitted'.

Assistant Solicitor Sharp explained that means that unless it is allowed in the code, it cannot be done. The example is we are allowing A-frame signs in the right-of-way, but not necessarily allowing a banner to be hung above Walnut Street. He does not think that ability is in the proposed code. However, Council has the right to decide if that should be added.

Councilmember Peel recommends that if our past practice has been not to allow them, something stating that should be included in the code.

Mr. Pierce reiterated that anything not specifically listed in the code as permitted, is prohibited, and is how the zoning code is enforced. Solicitor Rutt agreed.

When asked if it could be included in the special event permit process, Mr. Piece said that is possible because all City departments comment or sign off on those applications.

It was agreed that several technical aspects need to be considered, with the first being the attachment to any buildings.

Though it would not hold up the adoption of this draft, it was agreed that could be addressed as a separate matter and brought back before Council.

Councilmember Culotta said he has some apprehensions about prohibiting billboards. He shared that the current code allows billboards by conditional use approval within the C-3 zoning district. There are no specific regulations as to the height, size and spacing of such signs in the City Code and instead, it simply references DeIDOT approval.

He noted that the draft code language prohibits any new off-premise signs within the City. Though that may be ok in some areas, he has no problem with billboards along Route 1 or Route 113, adding that the City limits extend north to IG Burton's Dealership. He is aware of property owners who want to put up full-size billboards, which are 600 square feet, or an electronic billboard.

Councilmember Culotta pointed out that an electronic billboard replaces six to eight traditional signs. He is not talking about downtown on Walnut Street, but instead out on Route 113 and Route 1. He feels we are limiting our businesses and believes we are only focusing on the downtown part of the City. There are highways throughout the State that allow many things though they are somewhat restrictive in the sense you cannot place two, ten feet apart from one another.

It was agreed there are different regulations in each County.

Councilmember Culotta stated that a lot of property owners want to lease out their lands and electronic billboards cost \$150,000 and those costs need to be recouped.

Mr. Pierce explained that initially, some separation distance and regulations were initially considered, but the Planning Commission instead considered the overall benefit of the off-premise signs to the community and residents. They felt there was not a lot of benefit to the municipality.

Various size and standards were then discussed. Councilman Culotta reiterated they need to be considered on the highways. Councilmember Wilson recalled a few years back when the Council Chambers was packed when a billboard was being considered by Council.

Councilman Culotta recommends some additional clarification be added so that billboards can be considered on highways.

Councilman James said he does not have a problem with that, as long as it on a commercial strip of land, under a conditional use application, and that in no way will it impact any residences or residential areas. He agrees that if something is not on a billboard, he most likely will not see it when he is traveling.

Mr. Pierce pointed out that billboards do not advertise the business at that location, and instead, more often a business in another City. He confirmed a billboard cannot advertise what exists on the property.

He believes that if billboards are permitted in a C3 zone, that would mean they could be installed along the shopping corridors in Milford, where traffic is going 40 to 50 miles per hour and people are stopping for traffic lights. Most businesses rely on local ordinance regulations, otherwise they are only restricted by the separation distance and size the State of Delaware requires.

Assistant Solicitor Sharp noted that the State of Delaware has requirements based on the Lady Bird Act in the 1960's and highway beautification that must be complied with. They have areas where they can be erected, based on separation and size. In Sussex County, DeDOT approval is required before the application can be submitted to the County.

Mr. Pierce also noted that two billboards were approved on the south side of Route 113 that is currently undeveloped. However, there will be a large residential community behind them that could potentially be impacted, and feels that long term consideration is a must.

Assistant Solicitor Sharp then commented on Route 1 in Lewes and Rehoboth, and the fact that most people do not even read the billboards because there are so many of them along that commercial corridor. If Council wants them to be considered, he wants them to visualize their impact, because it will have an impact on the City, and not just for five years, but instead fifty plus years. The C3 parcel may be vacant today, but at some point, it could be developed and include the fast food restaurants and hotels. That needs to be kept in mind as well, because that prevents someone from seeing that restaurant that you may have stopped at, because the billboard is obstructing the structure.

Councilmember Culotta disagrees stating that the City cannot limit an opportunity for a billboard only because there may be a later housing development built beside it a couple years from now. He does not feel that is appropriate for these property owners.

Councilmember Boyle said what needs to be considered is the appearance of our City. He recommends driving up to the Frederica areas to see the digital signs, and one sign that reflects on both sides, has a tremendous impact on the new homes that were built in that same area. He is familiar with a resident who lives there and the back of their home requires their curtains be closed both day and night. It is bright and continually changes its messages and detracts from that area. In addition, these billboards are most likely going to be advertising the businesses at the beach or further north, depending on the size of the highway they are on. Very rare does it advertise a business within the same town.

Councilmember James said the most compelling thing he has heard so far, is we cannot just think about now, but instead the need to consider long term. It may not be developed as a residential community right now, though that can absolutely occur. He is thinking about the Cypress Hall and Milford Pond communities whose lands were vacant for many years. Had the City approved billboards along that corridor, that would be a problem for those residents.

Councilmember Culotta pointed out the electronic billboards allow Milford businesses affordable advertising at that level. A six-month commitment on a static billboard costs \$5,000 to \$10,000. On an electronic billboard, it rotates with six different ads at a much cheaper rate.

Councilmember Boyle recalled when DMI looked into advertising on an electronic sign, and found it was extremely cost prohibitive.

Councilmember Marabello also referenced Lewes and Rehoboth Beach. He feels the signs are meaningless and asked if that is the look Milford wants. Councilmember Culotta said once we grow that big, we won't worry about it. Councilmember Marabello disagrees, stating at that point it would be too late. He emphasized that first impressions are a matter of seconds. If we want a honky-tonk look, people will not want to come here to visit.

A discussion followed about whether billboards were becoming somewhat passé' with on line shopping, in addition to directional apps on cell phones.

Councilman James noted that EMCs (electronic message electronic signs) over 32 square feet, cannot exceed 70% or up to 100 feet, whichever is less. He asked how we got to the 70%; Attorney Sharp explained that came from the working group and mainly recommendations from the sign companies.

Mr. Pierce said their thinking was a large EMC would be unattractive without some additional accents around it. The sign companies pointed them into the direction of a municipality that had similar language and set a standard based on the percentage of the sign. He emphasized that was a recommendation from business people that sell signs for a living.

Assistant Solicitor Sharp added that a 100 square foot electronic message center sign is a substantial sign.

Mayor Campbell then opened the floor to public comment.

Sara Pletcher of 8 Elizabeth Street stated that in her previous position as DMI President, in response to Councilmember Peel's question about overhead banners, they ran into problems with the facades of the buildings. Most cannot withstand the wind of a sign. If it is agreed this would be allowed, some type of permanent structure, barrier, or pole would need to be erected. She recalled several years ago when the University of Delaware had a sign across Front Street at Rite Aid and believes there were issues with DelDOT. Therefore, she suggests more discussion.

In terms of billboards on the highway, Ms. Pletcher recalled considering highway signs for downtown festivals and other events, and determined a stationary sign was \$1,200 a month and a revolving sign is \$900 a month, paid on a six or twelve-month contract. Non-profits and small businesses are unable to afford anything like that, even if they could add fifty merchants to a sign which would be unfeasible as far as content.

She agrees that it is more financially feasible for Rehoboth and Lewes businesses, who can afford that type of advertising.

Ms. Pletcher also noted that the ones approved on south on Route 1 are advertising Ryan Homes and not benefitting anything in this community.

PE Ring Lardner of Davis, Bowen and Friedel, commended the committee that has been working on this. He feels the proposed ordinance before Council this evening is very beneficial because it places all sign-related matters in one chapter and adds clarity. He has been asked by clients on numerous occasions to assess a sign but always hesitated. He lives in Milford Ponds and wonders what it would be like if they had been allowed there. He pointed out that signage may get someone where they are going though it does not have to be directional.

One of his concern is absolutely prohibiting billboards. He feels billboards do provide advertising for items such as new homes. There are people that drive to the beach every day though he does not see a sign that says Milford Ponds or Brookstone Trace, or another community. There are also a lot of electronic message boards for the benefit of public advertisement including drug prevention, etc.

He also pointed out that billboards are a business because people put the names of their company on the billboard and often see the sign company such as Geyer, Silicato, etc. By prohibiting billboards, we are prohibiting a business from being able to lease a billboard within the City limits.

He agrees the City will continue to grow, whether it is east, north, south or west. Adjacent counties allow billboards and one of the things that may prevent a homeowner from annexing into the City could be the fact that a billboard is prohibited when that is a business for them.

Mr. Lardner recommends the conditional use process be considered if billboards were to be permitted. He has worked with many billboards, though he agrees there are many locations where billboards are inappropriate. He also recommends that additional requirements be considered if billboards were to be approved including spacing, size, etc. That may help with some of the concerns related to potential billboard clutter on Route 1 or Route 113 and could be addressed by allowing 1,000 or 2,000-foot distances between.

Peggy Schmidt said she loves to talk about billboards. This is something she has followed in the three states she has lived in. The nicer the community is, the less likely it is to have billboards. When driving down an interstate there are billboards throughout, but when you get to the City without billboards, all of a sudden it becomes quieter and more peaceful.

She said they drove down from Philadelphia the other day. Her husband said the billboards are very distracting to drivers when the electronic signs are flashing and when they are changing and become really bright.

Ms. Schmidt suggests that if the City decides to allow some type of billboards, they not permit electronic message center signs. Looking at Florida, northern Virginia and what happened in her hometown in Mississippi, which is very similar in size to Milford, the nicer communities do not have billboards. It is a sign that town or community is just a step above the others.

David Pickrell of Gallery 37 stated that he hates billboards. But we need billboards. Two facts he heard—on Route 113 and 13 where traffic slows down to 50, we can stack them up ten feet apart from each other. Route 1, where DE Turf is, traffic is 85 miles per hour. He asks that they be spread out quite a distance. He hates billboards, but feels we need to get drivers off Route 1 because they want to get to the beach. He said God help those people that live in those houses by DE Turf with the LED billboards in their backyards. He hopes they knew that before they bought, though he thinks the builder owns the signs, and hopefully told those people that built homes the sign would be installed.

Mr. Pickrell said his point is that he is a champion ‘sort of not’ of billboards though we need to get people off Route 1. A little Milford logo on the sign of a bridge abutment is not going to do it. And the little Milford sign from someone’s club at the apex at Route 113 and 1 is not going to do it. He approached the City years ago about putting welded artistic signage on the overpasses or entrance ramps to Route 1 to create a desire to get off the road. He prefers we look at that. But if limited to billboards, they need to be positioned properly so they can be read at 75 miles per hour. About two miles north of Milford perhaps, though we can do what we want on Route 113 because he does not live there. His importance is Walnut Street though he knows where Walmart is.

There being no further comment, the public comment session was closed.

It was agreed to adopt the ordinance, as was presented. In addition, Mr. Pierce will draft an amendment that addresses billboards and overhead banners.

Councilmember Boyle moved to adopt Ordinance 2019-38, amending Chapter 230-Zoning/Sign Regulations and direct the City Planner look into potential amendments related to billboards and overhead banner signs, seconded by Councilmember James.

Motion carried by the following 7-0 vote (Councilmember Morrow absent):

Marabello-yes to approve based on the comments and recommendation previously stated by Councilmember Boyle.
Boyle-yes, he was on the committee that drafted this and there was a lot of thought and work put into it and commends Mr. Pierce and Assistant Solicitor Sharp for the heavy lifting they did. He particularly wants to commend the sign companies that participated, adding that they never tried to force their point of view and provided impartial information and background information, as well as technical data, and were extremely helpful. He agrees this is a comprehensive ordinance and will provide clarity for businesses coming into town, which is the most important reason for it.

Peel-yes, approved with the aforementioned future amendments.

Culotta-yes only with the caveat the two areas will be reviewed and a solution brought back before Council and a separate public discussion held.

Brooks-yes, he also agrees with Councilmember Boyle’s opinion on this and recalls when Council voted against billboards when Councilman Marabello was Mayor.

James-yes, stating this sign ordinance goes back to the early 2000’s at which time there was an attempt to clean it up then, though it never got very far. To see the work that has been done, and the great process that has been made by the committee,

is good for the City and good for the businesses and stakeholders, with the caveat of the two amendments for consideration at a later date related to the overhead banner and billboards, for the previous reasons stated.

Wilson-yes based on the hard work that has been put into this ordinance and thanks them for cleaning this code up and is definitely thankful for the conditional use, which could make it work for everyone, as we move forward.

Attorney Sharp recommends the two items be handled as two separate ordinances so the discussion can be tailored accordingly. However, that can be worked out once the work begins.

Mr. Pierce said we are approaching our deadline for the January meetings, so he anticipates at the earliest, they would be back for introduction in February.

COMMUNICATION & CORRESPONDENCE

Public Works Student Positions

Mr. Norenberg reported that as we go through this transition period, the Public Works Department, has agreed to partner with the public schools to provide the students some work experience. As a result, a high school student will be starting on Monday, December 2nd who will perform various intern duties while receiving some work experience throughout the department.

Unless there is any objection, the student will start that date and work through the remainder of the school year.

In addition, there are still a few positions open for recruitment right now, though we are not at the point of getting to the point of hiring before the end of the year. However, he will keep Council posted on that.

Tree Lighting Ceremony

The City Manager reminded Council of the holiday tree lighting event will begin Saturday afternoon at 5:00 p.m., following Shop Small Saturday downtown.

Employment Notifications

Councilmember Culotta then brought up the decisions about employee hiring because Mr. Norenberg is sending emails to all of Council with those notifications. He pointed out that if one Councilperson responds, it then becomes a public meeting. Mr. Norenberg emphasized that he asked Council to let him know if anyone had any questions or concerns. However, any responses by Councilmembers need to be directed only to Mr. Norenberg even though no one responded.

Thanksgiving Meals

Councilmember Wilson reminded those in attendance that St. Paul's Church, in collaboration with community members, provide meals to approximately 500 residents.

Councilmember James added that over twenty years, beginning at St. Paul's Church, there have been more than 400 dinners served to the Greater Milford community. It was moved from St. Paul's Church to Seaford, Delaware, and last year, returned to Milford. This year, Carlisle Fire Company is allowing them to use their facilities to do the cooking and more than 500 dinners will be distributed to the homeless and the needy in this area. The Fire Company has offered their hall for those that can come in and sit down to have a meal.

They will begin preparations Wednesday evening and deliveries will begin at 8 a.m. on Thursday and continue until all 513 dinners are delivered.

UNFINISHED BUSINESS

CITY OF MILFORD
PLANNING COMMISSION
Minutes of Meeting
June 16, 2020

A public hearing of the Planning Commission convened by way of video conferencing (gotomeeting.com) on Tuesday, June 16, 2020. The meeting was available for public view and participation as permitted.

PRESIDING: Chairman Marvin Sharp

IN ATTENDANCE: Commissioners Andrew Fulton, Sara Pletcher, Mark Redden, Rae Mims

STAFF: City Solicitor David Rutt, Planning & Economic Development Director Rob Pierce,
Deputy City Clerk & Recording Secretary Christine Crouch

ABSENT: Members Dwayne Powell, Michiah Grainger

PUBLIC HEARINGS

Director Pierce read the Public Hearing procedures into the record.

ORDINANCE 2020-08

First Baptist Church of Milford for a Change of Zone of Annexed Land of 1.14 +/- acres from MR Zoning to R1 Zoning District. Property is located along the north side of Old Shawnee Road, approximately 1,900 feet west of the S Dupont Boulevard intersection addressed as 6044 Old Shawnee Road, Milford Delaware. Present Use: Single Family Dwelling; Proposed Use: Same. Tax Map 1-30-3.06-125.00

Director Pierce read the staff report included in the packet.

Pastor David Perdue with First Baptist Church explained this land is contiguous to the already annexed church property which is why they wish to annex.

Solicitor Rutt confirmed Pastor Perdue is familiar with and agrees to the annexation agreement.

Ms. Pletcher confirmed the existing single-family dwelling will remain.

Chairman Sharp called for public comment on Ordinance 2020-08 and hearing none, the public hearing was closed.

Michiah Grainger arrived at 7:12 pm.

Pletcher moved to recommend approval of Ordinance 2020-08, seconded by Mims. Motion carried with all present voting in favor.

ORDINANCE 2020-08

First Baptist Church of Milford for a Change of Zone of Annexed Land of 1.14 +/- acres from MR Zoning to R1 Zoning District. Property is located along the north side of Old Shawnee Road, approximately 1,900 feet west of the S Dupont Boulevard intersection addressed as 6044 Old Shawnee Road, Milford Delaware. Present Use: Single Family Dwelling; Proposed Use: Same. Tax Map 1-30-3.06-125.00

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE WHEREAS, the owners of the property above have petitioned the City of Milford for an amendment of the zoning map of the City of Milford by annexing and rezoning land, as above described herein; and

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, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

ORDINANCE 2020-07

Mispiration Realty LLC for a Change of Zone of 0.30 +/- acres from R2 Zoning District to C1 Zoning District. Property is located along the South side of NW Front Street, approximately 1,700 feet east of the US Route 113 intersection addressed as 522 NW Front Street, Milford, Delaware. Present Use: Office Building; Proposed Use: Same. Tax Map: MD-16-183.09-01-62.00

Director Pierce read the staff report included in the packet.

Mr. Jamie Masten, the property owner, explained the purpose is to bring the property into conformance with a commercial property as the plan is to replace the existing office building with a state-of-the-art office building that is worthy of the gateway into Milford. A cross access easement will be established to provide six parking spaces from the neighboring apartments to be used by this site.

Chairman Sharp called for public comment on Ordinance 2020-07 and hearing none, the public hearing was closed.

Mims moved to recommend approval of Ordinance 2020-07, seconded by Pletcher. Motion carried with all present voting in favor.

ORDINANCE 2020-07

Mispiration Realty LLC for a Change of Zone of 0.30 +/- acres from R2 Zoning District to C1 Zoning District. Property is located along the South side of NW Front Street, approximately 1,700 feet east of the US Route 113 intersection addressed as 522 NW Front Street, Milford, Delaware. Present Use: Office Building; Proposed Use: Same. Tax Map: MD-16-183.09-01-62.00

WHEREAS, the owners of the property above have petitioned the City of Milford for an amendment of the zoning map of the City of Milford by rezoning land, as above described herein; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

ORDINANCE 2020-16

Wright Mortuary on behalf of Congregation of the Most High Yahvey Inc for a Conditional Use to allow an Undertaker on 0.94 +/- acres in a C2 Zoning District. Property is located along the north side of SE Second Street between S Walnut Street and S Washington Street, directly across from City Hall, addressed as 9 SE Second Street, Milford, Delaware. Present Use: Church; Proposed Use: Undertaker. Tax Map: 3-30-6.20-041.00

Director Pierce read the staff report included in the packet.

Mr. Justen Wright with House of Wright on behalf of the property owners explained he is a second-generation funeral director and they currently have locations in Wilmington and Smyrna. By approving this conditional use, the City will be able to collect taxes on the property as well, since it was used as a church, which is non-taxable.

Ms. Pletcher noted Mr. Wright will seek to beautify the property and informed him DMI has grant funding available for that.

Solicitor Rutt confirmed Mr. Wright would like to adopt Mr. Pierces comments as part of his testimony.

Chairman Sharp called for public comment on Ordinance 2020-16 and hearing none, the public hearing was closed.

Pletcher moved to recommend approval of Ordinance 2020-16, seconded by Redden. Motion carried with all present voting in favor.

ORDINANCE 2020-16

Wright Mortuary on behalf of Congregation of the Most High Yahvey Inc for a Conditional Use to allow an Undertaker on 0.94 +/- acres in a C2 Zoning District. Property is located along the north side of SE Second Street between S Walnut Street and S Washington Street, directly across from City Hall, addressed as 9 SE Second Street, Milford, Delaware. Present Use: Church; Proposed Use: Undertaker. Tax Map: 3-30-6.20-041.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Conditional Use to allow an Undertaker; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: June 8, 2020

City Council Public Hearing: June 22, 2020

Effective: July 3, 2020

ORDINANCE 2020-06

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for an amended Conditional Use for a Planned Unit Development of 178.03 +/- acres into a 768-unit subdivision consisting of 504 single family units and 264 apartment units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

Director Pierce explained the next three items on the agenda, Ordinances 2020-06, 2020-10, and 2020-11, will be reviewed together however separate votes will be taken.

Director Pierce read the staff report included in the packet.

Mr. Ring Lardner with Davis, Bowen, & Friedel on behalf of the property owners confirmed with Solicitor Rutt the applications will be reviewed separately. He further noted representatives from Ryan Homes and the property owner are also in attendance. Mr. Lardner requested Director Pierce's comments be added to the record.

Following a background of approvals and the phasing plan, Mr. Lardner explained the proposal is to eliminate some townhouses and expand the proposed apartment uses. The proposed new unit mix would be 504 single-family detached dwellings and 264 multi-family apartments, for a total of 768 dwelling units.

Chairman Sharp stated older residents use the ambulance service a great deal and with the location of the hospital, asked if it would be possible to go ahead and connect the Walnut Street connection street. Mr. Lardner stated that is currently out to bid, so that connection will happen very soon.

Ms. Pletcher confirmed this development will connect to Simpsons Crossing.

Chairman Sharp called for public comment on Ordinance 2020-20 and hearing none, the public hearing was closed.

Pletcher moved to recommend approval of Ordinance 2020-20, seconded by Mims. Motion carried with all present voting in favor.

ORDINANCE 2020-06

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for an amended Conditional Use for a Planned Unit Development of 178.03 +/- acres into a 768-unit subdivision consisting of 504 single family units and 264 apartment units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be

known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for an amended Conditional Use for a Planned Unit Development; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

ORDINANCE 2020-10

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for a Revised Preliminary Major Subdivision (Phase II Only) of 28.06 +/- acres into 89 single family units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

Director Pierce read the staff report included in the packet.

Mr. Ring Lardner with Davis, Bowen, & Friedel on behalf of the property owners asked his previous testimony be included as part of the record. The application before the Commission this evening is to revise the Preliminary Major Subdivision Plans for Phase II of the Milford Ponds subdivision consisting of 89 single-family detached dwellings.

Chairman Sharp called for public comment on Ordinance 2020-10 and hearing none, the public hearing was closed.

Fulton moved to recommend approval of Ordinance 2020-10, seconded by Pletcher. Motion carried with all present voting in favor.

ORDINANCE 2020-10

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for a Revised Preliminary Major Subdivision (Phase II Only) of 28.06 +/- acres into 89 single family units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Revised Preliminary Major Subdivision (Phase II Only); and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

ORDINANCE 2020-11

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for a Preliminary Major Subdivision (Phase III Only) of 12.15 +/- acres into 52 single family units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

Director Pierce read the staff report included in the packet.

Mr. Ring Lardner with Davis, Bowen, & Friedel on behalf of the property owners asked his previous testimony be included as part of the record. The application before the Commission this evening is to revise the Preliminary Major Subdivision Plans for Phase III of the Milford Ponds subdivision consisting of 52 single-family detached dwellings.

Chairman Sharp called for public comment on Ordinance 2020-11 and hearing none, the public hearing was closed.

Fulton moved to recommend approval of Ordinance 2020-11, seconded by Pletcher. Motion carried with all present voting in favor.

ORDINANCE 2020-11

Milford Ponds LLC on behalf of Ventures LLC and Milford Ponds LLC for a Preliminary Major Subdivision (Phase III Only) of 12.15 +/- acres into 52 single family units in R1, R2, and R3 Zoning Districts. Property is located along the east side of Route 113, 5,500 feet south of the Seabury Avenue intersection, Milford, Delaware. Present Use: Subdivision; Proposed Use: Subdivision to be known as Milford Ponds. Tax Map: 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru -558.00, 1-30-6.00-601.00 thru -691.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Preliminary Major Subdivision (Phase III Only); and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

*Dates.**Planning Commission Review & Public Hearing: June 16, 2020**City Council Introduction: March 9, 2020**City Council Public Hearing: June 22, 2020**Effective: July 2, 2020**ORDINANCE 2020-05*

Dunn Development LLC on behalf of Walter Thomas II for a Final Major Subdivision of 71.92 +/- acres into a 399-unit subdivision consisting of 159 townhouse units and 240 multifamily units in an R8 Zoning District. Property is located along the south side of Milford-Harrington Highway approximately 385 feet west of the Canterbury Road intersection addressed as 1335 Milford-Harrington Highway, Milford, Delaware. Present Use: Single Family Dwelling and Vacant Land; Proposed Use: Subdivision to be known as Hickory Glen. Tax Map: MD-16-173.00-01-21.00 & -22.00

Director Pierce read the staff report included in the packet.

Mr. Phil Tolliver with Morris Ritchie Associates on behalf of the property owners explained they are ready to move forward with the project.

Chairman Sharp called for public comment on Ordinance 2020-05.

Mr. Stephen Tsotsoros with Baltimore Aircoil Company asked what provisions have been provided to alert buyers of the neighboring industrial sites. Mr. Tolliver replied both BAC and Crop Production Services are existing industrial sites near this development. Buyers will see those businesses.

Chairman Sharp requested a statement be added to deeds noting the existing industrial businesses to which Mr. Tolliver agreed. The property owner, Mr. Eric Dunn, confirmed that will not be a problem.

Ms. Patricia Marney, 1253 Milford-Harrington Hwy, asked where the subdivision entrance is located compared to her property. It was noted the entrance is further west than Ms. Marney's home. Ms. Pletcher advised Ms. Marney to look at the planning commission packet online to find the plans which show the location and Director Pierce offered to review the plans with Ms. Marney if she would like.

Hearing no additional comments, the public hearing was closed.

Pletcher moved to recommend approval of Ordinance 2020-05, seconded by Fulton. Motion carried with the following votes:

Mims-Yes, it meets with Chapters 230 and 200.

Fulton- Yes, it meets with Chapters 230 and 200.

Pletcher- Yes, it meets with Chapters 230 and 200.

Grainger- Yes, it meets with Chapters 230 and 200.

Redden- Yes, it meets with Chapters 230 and 200.

Sharp- No, it is not a good location.

ORDINANCE 2020-05

Dunn Development LLC on behalf of Walter Thomas II for a Final Major Subdivision of 71.92 +/- acres into a 399-unit subdivision consisting of 159 townhouse units and 240 apartment units in an R8 Zoning District. Property is located along the south side of Milford-Harrington Highway approximately 385 feet west of the Canterbury Road intersection addressed as 1335

Milford-Harrington Highway, Milford, Delaware. Present Use: Single Family Dwelling and Vacant Land; Proposed Use: Subdivision to be known as Hickory Glen. Tax Map: MD-16-173.00-01-21.00 & -22.00

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

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on June 16, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on June 22, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

ORDINANCE 2020-04

Code of The City of Milford

Part II-General Legislation

Chapter 230-Zoning

Sign Regulations

Director Pierce read the staff report included in the packet. This ordinance change would allow billboards in C3 zoning districts with several conditions outlined including requiring conditional use approval.

These requirements are very similar to the Sussex County code requirements; however, Kent County code allows billboards only in industrial zoning districts and requires a 1200-foot separation.

When asked how there are billboards on Route 1, Director Pierce explained those signs are not located in the county, but rather a municipality.

Director Pierce explained the sign committee that worked on the revisions to the entire sign code, which included sign companies, members of the public, members of other City committees, etc, felt the issue of billboards needed to be decided by the Planning Commission and City Council. The language in the proposed ordinance was presented as part of the overall draft to the Planning Commission last August during the sign code review workshops, and the Planning Commission recommended to staff that billboards be prohibited.

Chairman Sharp called for public comment on Ordinance 2020-04.

Mr. Ring Lardner with Davis, Bowen, & Friedel stated he has represented several applicants regarding off premises signs and appreciates the working group's work, as well the Planning Commission's work, on this ordinance. He believes what is presented this evening allows billboards on the major highways with restrictions that protect the community, and therefore supports the ordinance.

Ms. Nina Pletcher, 428 S Walnut Street, attended several meetings of the City Council when this was discussed and feels Council is trying to strong arm the Planning Commission into allowing billboards. The Commission

is in the best position to determine the regulations for signs and is upset Council requested the Commission rethink what they had already reviewed in great detail.

Hearing no additional comments, the public hearing was closed.

Pletcher moved to recommend denial of Ordinance 2020-04 because it goes against what the Commission had already reviewed in details and originally recommended to Council, seconded by Mims. Motion carried with all present voting in favor.

*ORDINANCE 2020-04
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
SIGN REGULATIONS*

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

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

WHEREAS, after a review of sign regulations, City Council has determined it is in the best interest of the City to provide suitable circumstances for off premise signage.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

§ 230-24.19. Off-Premise Premises Signs.

~~*Off premises signs are prohibited.*~~

A. Off premises signs in the C-3 Highway Commercial District, are permitted provided a conditional use approval is obtained pursuant to Article IX of this chapter and that the standards of this subchapter are met:

- (1) All off-premises signs shall meet the minimum principal building front yard and rear yard setback requirements for the C-3 zoning district and have a minimum side yard setback of 25 feet. An off-premises sign shall not be erected within 150 feet of property which is used as a dwelling, church, school, or public lands as measured on a radius from the edge of the off-premises sign. An off-premises sign shall not be erected within 50 feet of an on-premises sign but this separation requirement shall not preclude the erection of an on-premises sign within 50 feet of an off-premises sign.*
- (2) A single off-premises sign structure shall support no more than one sign per side and no more than two signs in total. Signs which are stacked or side-by-side on an off-premises sign structure are prohibited.*
- (3) All off-premises signs which are located on properties adjacent to roads which have less than four travel lanes (excluding turn lanes) shall be prohibited.*
- (4) For all off-premises signs which are located on properties adjacent to roads which have four or more travel lanes (excluding turn lanes), the following regulations shall apply:*

(a) An off-premises sign shall not be erected within 600 feet of another off-premises sign. This separation distance shall be measured from the edges of the off-premises sign and shall apply only to signs which are located on the same side of the road.

(b) No off-premises sign shall exceed 35 feet in height from ground level.

(c) An off-premises sign shall not exceed 600 feet of sign area per side and shall not exceed more than 1,200 square feet of sign area per off-premises sign structure.

(5) An applicant for conditional use for an off-premises sign must, at the time the application is filed with the City, submit documentation from the Delaware Department of Transportation which confirms that the Delaware Department of Transportation does not object to the proposed off-premises sign.

B. No variances shall be issued from any of the regulations in this article for off-premises signs which have been erected or approved to be erected after April 2, 2020.

Dates.

Planning Commission Review & Public Hearing: June 16, 2020

City Council Introduction: March 9, 2020

City Council Public Hearing: June 22, 2020

Effective: July 2, 2020

A regular meeting of the Planning Commission convened by way of video conferencing (gotomeeting.com) on Tuesday, June 16, 2020. The meeting was available for public view and participation as permitted.

CALL TO ORDER

Chairman Sharp called the meeting to order at 8:37 pm.

APPROVAL OF PREVIOUS MINUTES

The minutes from April, and May 2020 were approved as submitted.

NEW BUSINESS

Dunn Development LLC on behalf of Walter Thomas II/Final Site Plan/Hickory Glen/1335 Milford-Harrington Highway/Tax Parcel MD-16-173.00-01-21.00 & -22.00

Director Pierce read the staff report included in the packet.

Ms. Jeannette Southard entered the meeting via phone and asked when to make public comments. Chairman Sharp explained the public hearings were scheduled for earlier in the meeting and are finished.

Ms. Pletcher confirmed there are sidewalks throughout the community and a walking trail has been provided.

Solicitor Rutt confirmed the final site plan conforms to Chapters 200 and 230. He explained if a project is compliant with all City codes, the Planning Commission has no basis for denying the plan.

Pletcher moved to approve the Final Site Plan as presented, seconded by Mims. Motion carried with all present voting in favor.

ADJOURN

Chairman Sharp announced Ms. Mims has been nominated by Governor Carney to serve as Judge of the Court of Common Pleas in Sussex County. Should her nomination be accepted she will be leaving the Planning Commission. He thanked her for her service on the Commission and expressed his sorrow in her leaving, but congratulated her on the achievement.

In addition, Mr. Fulton has been elected Councilmember to Ward II and will be leaving the Planning Commission effective June 22, 2020. He also thanked Mr. Fulton for his service on the Commission and congratulated him on the election.

There being no further business, the meeting adjourned at 8:46 pm.

Respectfully submitted,

Christine R. Crouch, MMC
Deputy City Clerk

City of Milford



RESOLUTION 2020-20

Acceptance of Milford Ponds Subdivision, Phases 1.1, 1.2, and 1.3 Water System and Sewer System

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by Resolution of City Council; and

WHEREAS, the Public Works Director and City Engineer have determined the water distribution system and sewer system included in a portion of Phase 1 of Milford Ponds Subdivision have been completed in accordance to City standards and requirements; and

WHEREAS, the portion of Phase 1 to be accepted includes the utilities within the Right-of-Way ("ROW") and public utilities within associated open spaces adjacent to, but within the phases, as depicted on the phasing plan sealed and dated April 8, 2019 and recorded with the Sussex County Recorder of Deeds on Book 0271, Page 9; and

WHEREAS, the phase to be accepted are phase 1.1, 1.2 and 1.3 which encompass lots 314 through 322; 355 through 366; 473 through 480 and 511 through 530; and

WHEREAS, the utilities within the following rights-of-way are to be included: W. Heirloom Way from Route 13 heading East to the intersection with Clubhouse Drive up to the eastern most property line for lot 366; from the intersection of W. Heirloom Way and Clubhouse Drive along Clubhouse Drive heading South including the intersection with Patchwork Drive; beginning at the intersection of Patchwork Drive and Clubhouse Drive heading East until the eastern most property line of lot 511 to include Attic Window Court; Pinwheel Drive from the intersection of Pinwheel Drive and Patchwork Drive heading North including the intersection with Flying Geese Drive and that portion of Flying Geese Drive between Pinwheel Drive and Clubhouse Drive; and

WHEREAS, approval to operate these utilities has been obtained from the applicable State agencies; and

WHEREAS, this Resolution does include acceptance of the sidewalks or public streets within these phases; and

WHEREAS, Milford Ponds LLC has provided the City of Milford with a maintenance bond for 10% of the value of public improvements and public utilities warranting said improvements for one year from the date of acceptance; and

WHEREAS, the maintenance bond for the completed utilities is to be relinquished to the developer in an amount equivalent to that withheld for maintenance of the accepted utilities; and

WHEREAS, said developer has provided as-built drawings of the utilities to the City of Milford.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Milford, during a lawful session duly assembled on the 22nd day of June, 2020, by a favorable majority vote, accepts the water distribution system and sewer system in the Milford Ponds Subdivision, Phase 1.1, 1.2, and 1.3, that are being dedicated for public use into the City of Milford's public utility system.

BE IT FURTHER RESOLVED, that the City of Milford shall assume responsibility for the future maintenance and repair of the water distribution system and sewer system in Milford Ponds Subdivision, Phase 1.1, 1.2, and 1.3, as noted in this Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 22nd day of June, 2020.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson



Special Events Permit Application and Information Packet

The City of Milford is pleased you have chosen our city for the location of your event and would like your event to be a success. We have designed the permit process to enable you to think through the elements needed for your event and to make the arrangements for all permits and approvals in a timely manner. This packet is intended to provide you with the information needed to complete the permit application and is required for any person or organization who intends to host a special event within the City of Milford.

Please note, this application will not be processed unless all debts owed by the applicant and/or organizer to the City of Milford have been paid in full.

Remember, you may also need other permits from other agencies, such as the [Delaware Department of Transportation](#), [State Fire Marshal's Office](#), [Delaware Division of Public Health \(Office of Food Protection\)](#), [Delaware Office of Alcoholic Beverage Control Commissioner](#), and [Carlisle Fire Company](#).

Please read all of the information packet and instructions before you begin completing the application form. Most common questions will be answered as you read through all the information. If after reading the packet you still have questions, contact the City Clerk's Office at (302) 422-1111.

This application form and all pertinent documents may be submitted via email to THudson@milford-de.gov or mailed/delivered to:

Terri Hudson, City Clerk
City of Milford
201 South Walnut Street
Milford, DE 19963
(Office Hours: Monday-Friday, 8:00 am – 4:30 pm)

Revised 09/2019

INSTRUCTIONS

These instructions are to assist the applicant/organizer in the scheduling and planning of the special event. We have designed the application form, the procedure for filing the application and the payment of fees to be as simple as possible. We are available to assist you if you need help in completing the permit application for the event.

Applicant/Organizer will need a special event permit if the event meets the following definition:

Any activity or gathering, other than regularly conducted church and school related activities, which occurs upon nonresidential property, may have direct or indirect impacts on the transportation system within the City of Milford, requires a level of municipal services for its execution or conduct that is above the level provided under ordinary circumstances, invites and/or advertises general public participation and patronage (with or without charge), is not specifically permitted by the zoning ordinance, has potential to violate the noise ordinance, and/or requires City Council approval for alcohol consumption

The completed application must be submitted to the City Clerk at City Hall (201 South Walnut Street) not less than sixty (60) calendar days before the event date, but no more than (12) months in advance.

A permit will be issued and the contact person for the event must have the copy of the permit with them and must be available on the event site at all times.

If the applicant fails to adhere to the policies and procedures established by the City of Milford Codified Ordinances or any condition or restrictions imposed on the permit by City Administration or Departments, the permit may be revoked at any time by any supervisor of the Milford Police Department, Parks & Recreation Department, Public Works Department, or City Manager's Office.

Additional Information:

The following information may provide answers to most commonly asked questions and aid in the completion of the Special Event Permit Application process:

- If applicant/organizer is planning to include Mobile Food Vendors, please refer to [Chapter 168: Peddlers, Solicitors & Transient Merchants](#). Please contact the Planning Department at (302) 424-8396 with additional questions.
- If applicant/organizer is planning to use temporary structures, electrical wiring, temporary generators, carnival rides or needs a variance for any building code, he/she must contact the Planning Department at (302) 424-8396 and the State Fire Marshal's Office (302) 739-5665.
- The State Fire Marshal requires permits for the following activities: Public Assembly (including special events), Amusement Rides, Haunted Houses, Tents, and Fireworks. Please visit the [Fire Marshal's website](#) for links to forms and instructions.
- If applicant/organizer is planning to use pyrotechnic displays (fireworks) or any cooking device that emits a flame, he/she must contact the [State Fire Marshal's Office](#) for required permits.
- If the event will take place in the Downtown area of the City, please advise Downtown Milford, Incorporated at (302) 839-1180.
- If the event will have any impact on a State roadway, the applicant must contact [DelDOT](#) at (800) 652-5600. DelDOT can also help determine which streets and roads in Milford are state maintained.

CITY DEPARTMENT APPROVALS

It is important to ensure compliance with all applicable City codes and regulations during your event. Accordingly, it may be necessary to discuss the event with any of the following departments to facilitate the final review and approval of your application.

City Manager's Office	(302) 422-1111	201 South Walnut Street
City Clerk's Office	(302) 422-1111	201 South Walnut Street
Milford Police Department	(302) 422-8081	400 NE Front Street
Planning Department	(302) 424-8396	180 Vickers Drive
Public Works Department	(302) 422-1110	180 Vickers Drive
Parks & Recreation Department	(302) 422-1104	207 Franklin Street

CITY EVENT FEES

Depending on the size and scope of the event, fees may be assessed by each department. A Deposit may be required following a review of this application. Other departments may charge additional fees for refuse receptacle delivery/servicing, off duty Police Officer(s), Police vehicles(s), etc.

Other fees from outside agencies (State Fire Marshal, Public Health, Alcohol Beverage Control Commission, etc) are paid directly to the outside agency prior to the City issuing a permit. Outside agency attendance and any associated costs are determined by that agency.

DEFINITIONS

Athletic Event: Run/Walk/Marathon/ bicycle race (any distance); participants run, walk, ride or any combination thereof, from one location to another location along a defined pedestrian travel flow. Typically these events are for charitable fund raising purposes.

Canopy: A small, lightweight, portable, pop up overhead shelter covered with fabric supported by exterior side poles which provide tension to held the fabric tight and keep the canopy upright. Designed to withstand sun and rain, but not high winds or severe weather conditions. Smaller than 20' x 20'.

Carnival/Circus: An event where many people gather to celebrate something; a travelling amusement show having sideshows, rides, acrobats, animals and/or clowns.

Concessions/Vendors: A temporary location where patrons can purchase items for sale such as goods, food, or beverage items.

Crowd Manager: The crowd manager (or event staff) is required to provide a safe and secure environment for the event. This is accomplished through sound pre-planning by anticipating potential problems and concerns related to the event and the surrounding environment and by being prepared to react during the event to any unanticipated problems.

Event or Gathering: A planned public or social festivity held for a specific purpose.

Exhibition: A public display of items of interest that are put out for people to look at.

Fair: A gathering of buyers and sellers at a particular place and time for trade; a competitive exhibition usually with accompanying entertainment and amusements; an exhibition designed to acquaint prospective buyers or the general public with a product; an exposition that promotes the availability of services or opportunities; a sale of assorted articles usually for a charitable purpose.

Farmer's Market: A food market at which local farmers sell agricultural products and often meat, cheese and bakery products directly to customers; consists of booths, tables or stands, outdoors or indoors.

Festival: A program of activities, cultural events which may include entertainment; an organized series of music concerts, plays or movies; typically held annually.

Inflatables: A rubber type object filled with air before and during use in order to be used, i.e. bounce house, hot air balloon.

Mobile Food Vendor: A food establishment that is located upon a vehicle including motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared, or served for individual portion service. This definition includes, but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks. This definition does not apply to "meals on wheels" program vehicles or food home delivery services.

Parade/March: A public celebration of a special day or event that usually includes many people and groups moving down a street by walking, marching or riding in cars or on special vehicles (floats); an event which many people walk through a public place to express their support or disapproval of something.

Pyrotechnics: Controlled exothermic chemical reactions timed to create the effects of heat, hot gas, sound, dispersion of aerosols, emission of visible light, or a combination of such effects to achieve the maximum effect from the least volume of pyrotechnic composition; includes fireworks.

Street Fair/Block Party/Neighborhood Event: A party that celebrates the character of the neighborhood whereby residents of the area attend; usually held on the main street of a neighborhood which is closed off for the event.

Street Market: A temporary public market, normally set up outdoors, organized to promote trade, where buyers and sellers gather to transact business; held only on a particular day of the week, often but not always in a street.

Temporary Structure: Any structure that is not attached to a permanent foundation and is removed when the designation activity has ceased.

Tent/Membrane Structure: A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

CITY OF MILFORD

SPECIAL EVENTS PERMIT APPLICATION

EVENT INFORMATION

Event Name: Chamber of Commerce for Greater Milford/CDCC & Wattay Accounting Business MixerAddress: 28 S. Walnut St. Milford, DE 19963

Date/Time:

Setup	Day: <u>Wednesday</u>	Date: <u>June 24, 2020</u>	Time: <u>4:00 p.m.</u>
Event Starts	Day: <u>Wednesday</u>	Date: <u>June 24, 2020</u>	Time: <u>5:00 p.m.</u>
Event Ends	Day: <u>Wednesday</u>	Date: <u>June 24, 2020</u>	Time: <u>7:00 p.m.</u>
Dismantle	Day: <u>Wednesday</u>	Date: <u>June 24, 2020</u>	Time: <u>7:30 p.m.</u>

Event Type: (see DEFINITIONS)

- | | | | |
|---|--|---------------------------------------|--|
| <input type="checkbox"/> Athletic Event | <input type="checkbox"/> Carnival / Circus | <input type="checkbox"/> Exhibition | <input type="checkbox"/> Fair |
| <input type="checkbox"/> Farmer's Market | <input type="checkbox"/> Festival | <input type="checkbox"/> Parade/March | <input type="checkbox"/> Street Market |
| <input type="checkbox"/> Street Fair/Block Party/Neighborhood Event | | | |

Anticipated Attendance: Daily: 100-150 Total: 100-150■ Yes No Is this an annual event?■ Yes No Has this event ever been held at another location? If yes, please provide references:

Location	Date	Contact Name	Phone Number

APPLICANT INFORMATION

Organization Name: Chamber of Commerce for Greater MilfordChief Authorizing Official, if not you: Jo SchmeiserAddress: 24 NW Front St. Ste. 101City: Milford State: DE Zip Code: 19963Phone: 302-422-3344 Cell: 302-242-2459Email: jschmeiser@milfordchamber.com

The **Applicant** must be able to answer questions regarding the entire event and event application. He/She must be available for any planning meetings scheduled prior the event.

ON SCENE CONTACTS

Name of On Scene Contact(s): Jo SchmeiserCell: 302-242-2459

The **On Scene Contact** is the individual in charge of the event and must be available via the phone number provided above at the event site during the setup, event times, dismantling and be in possession of the approved special event permit.

EVENT COMPONENTS

If the event includes any of the following, a detailed site plan must be submitted (see site plan instructions).

Yes No

Right of Way Usage

Will the event require any temporary closures or restrict access to streets, sidewalks, or alleys? If yes, Attachment E and Attachment F must be completed and submitted with this application.

Yes No

City Park/Facility Usage

Will the event require the use of City-owned park/property or facility?

Yes No

Mobile Food Vendors/Concessions/Vendors

Will the event have mobile food vendors, a concession stand(s) or vendors? If yes, Attachment G must be completed and submitted with this application.

Yes No

Alcohol/Wine/Liquor

If yes, Attachment H must be completed and submitted with this application.

Yes No

Inflatables

If yes, the following must be completed:

Entertainment Company _____ Phone _____
Address _____ City _____
Contact _____
Proof of Insurance is required.

Yes No

Entertainment

Is there is live entertainment, DJ, band, performers, or use of a stage? If yes, Attachment I and Attachment F must be completed and submitted with this application.

Yes No

Tents/Membrane Structures

If yes, tents, multiple tents or membrane structures over 350 square feet require approval from the State Fire Marshal and City Planning Department.

Yes No

Parade/March

If yes, Attachment E and Attachment J must be completed and submitted with this application.

Yes No

Temporary Fencing

If yes, all fencing must be shown on the Site Plan and complete the following information:

Fencing Company _____ Phone _____
Address _____ City _____
Contact _____

Yes No

Electrical Service/Generators

Will you be using generators? Yes No
Are you in need of access to the community power outlets available in the downtown business district? Yes No
In order to ensure adequate electric, please explain what the electric service be used for?

EVENT COMPONENTS-CONT'D

Yes No

Carnival Rides

If yes, a Permit must be obtained from the State Fire Marshal's Office and the following must be completed:

Number of Rides _____
Amusement Company _____ Phone _____
Address _____ City _____
Contact _____

Proof of Insurance is required.

Yes No

Trash/Recycling Services

Do you have a company handling trash and recycling services for your event?

Vendor/Company _____ Phone _____
Address _____ City _____
Contact _____

If no, are you requesting the City of Milford provide trash/recycling services for your event.

Yes No

Yes No

Portable Restrooms

You are required to provide portable restrooms at your event, unless you can substantiate the sufficient availability of both ADA accessible and non-accessible facilities in the immediate area of the event site, which will be available to the public during your event. It is recommended that hand-sanitizing services be provided. Number of restrooms will be determined based on the number of persons expected under an assembly use. Please note restrooms may not be dumped into storm drains.

Number of portable restrooms _____ Of those, how many are ADA accessible _____

Company _____ Phone _____
Address _____ City _____
Contact _____

Yes No

Fireworks or Pyrotechnics

If yes, applicant must contact the State Fire Marshal's Office for any and all approval regarding pyrotechnics or fireworks and a permit must be issued prior to the event start date. An inspection must be scheduled with the Fire Department prior to pyrotechnics being brought on the site.

NOTE: Fireworks companies are aware that a separate, special application must be filed with the State Fire Marshal's Office for fireworks or other pyrotechnic displays and a special permit will be issued.

Applicant/organizer shall be responsible for the cost of fire inspections and the cost of all standby fire protection as deemed necessary.

Approval of this Special Event Application shall not be deemed approval of any fireworks or pyrotechnic display.

Yes No

Is the Applicant/Organization a commercial entity?

Yes No

Is the Applicant/Organization a bona fide tax exempt, non-profit entity? If yes, you must attach to this application a copy of your IRS 501(C) tax exemption letter providing proof and certifying your current tax exempt, non-profit status.

Corporation/Organization Name _____
State of Incorporation _____ Tax ID# _____

APPLICATION CHECKLIST

Before submitting your application, make sure you review the following checklist to ensure your application is complete.

- | Completed | N/A | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | | Attachment A –Security Plan (REQUIRED OF ALL APPLICANTS) |
| <input type="checkbox"/> | | Attachment B –Fire and Life Safety Plan (REQUIRED OF ALL APPLICANTS) |
| <input type="checkbox"/> | | Attachment C –Medical Plan (REQUIRED OF ALL APPLICANTS) |
| <input type="checkbox"/> | | Attachment D –Sanitation (REQUIRED OF ALL APPLICANTS) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Attachment E –Streets / Traffic |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Attachment F –Temporary Street Closure |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Attachment G –Concessionaires / Vendors |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Attachment H –Liquor License |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Attachment I –Entertainment |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Attachment J –Parade |

Additional Requirements:

In addition to completing the application form(s), the applicant/organizer is required to furnish the following with their special event permit application:

- General Liability Insurance Listing the City of Milford as an Additional Insured:**
Evidence of General Liability Insurance Coverage in an amount not less than one million dollars (\$1,000,000) combined single limit bodily injury and property damage for each occurrence.

"The City of Milford, together with it selected and appointed officials in their individual and official capacities, it's employees, volunteers, principals, agents, officers, directors, predecessors, successors and assigns are named as additional insured with respect to liability arising out of (name of event) to be held on (dates) of the event."

Additional endorsements that may be required:

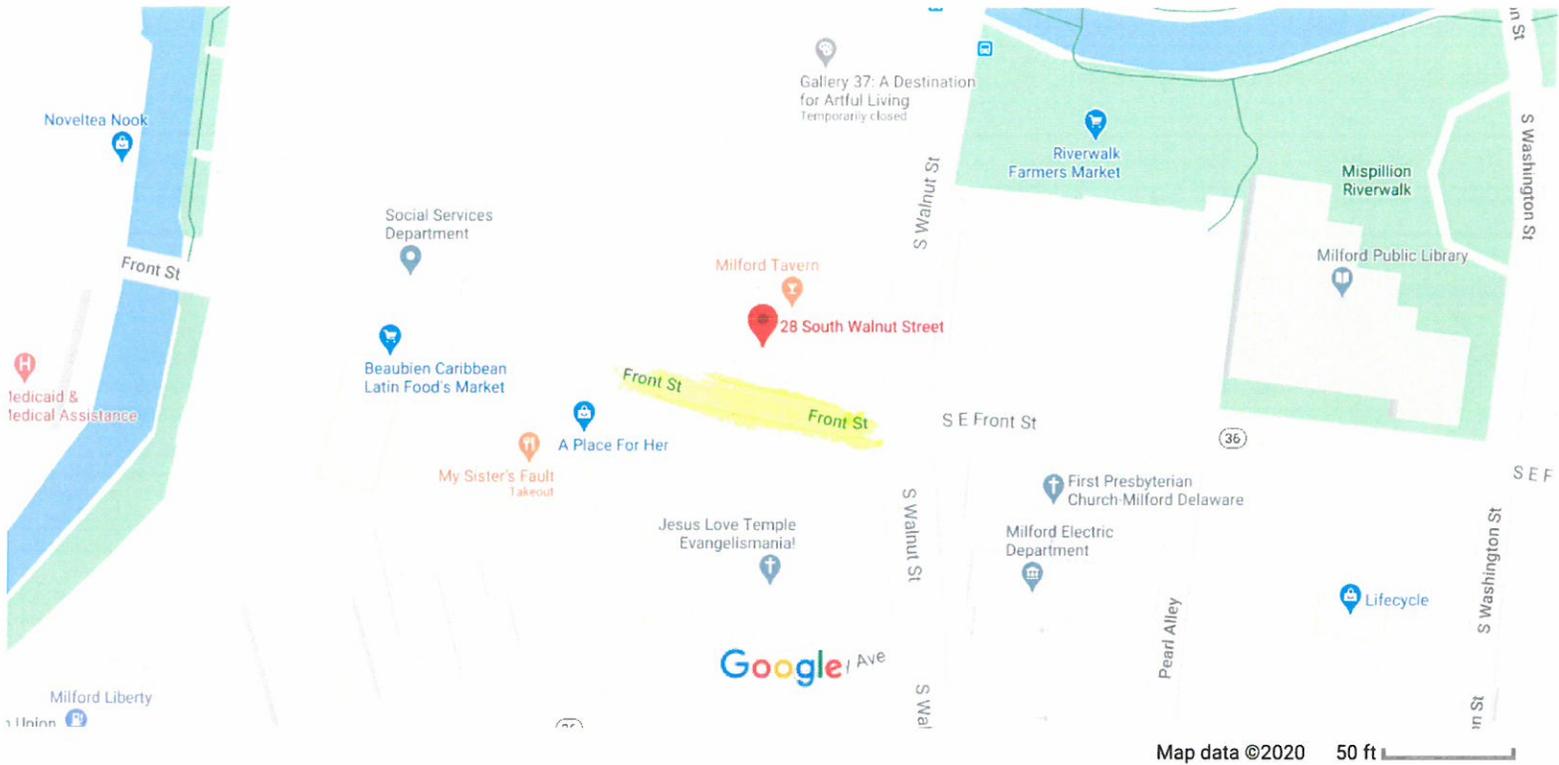
- A. If food is sold or served at the event, the insurance policy must include an endorsement for product liability in an amount not less than one million dollars (\$1,000,000).
- B. If alcoholic beverages are served at the event, the policy must include an endorsement for liquor liability in an amount not less than one million dollars (\$1,000,000).
- C. If the event involves the use of vehicles, the policy must also include an endorsement for automobile liability in an amount not less than one million dollars (\$1,000,000).

- Applicant hereby requests waiver of insurance under the prohibitive cost exemption (Block Party/Neighborhood Event ONLY) or under the Freedom of Speech Exemption.

Please provide explanation:

Clarification of Applicant's Status:

Applicants/Organizations claiming tax-exempt, non-profit status must include a copy of their IRS tax exempt, non-profit determination letter to the application.



28 S Walnut St

Milford, DE 19963



Directions



Save



Nearby



Send to your phone



Share

Photos

APPLICATION CHECKLIST-CONT'D

▪ **Site Plan:**

Please complete a diagram of your event site. Use an 8 ½ x 11 inch sheet of paper. Include the location of all event infrastructure elements, such as:

- An outline of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind, indicate the direction of travel and all street or lane closures.
- Parking, accessible parking, drop-off and shuttle locations.
- Fencing, barriers and/or barricades. Indicate any removable fencing for emergency access.
- Provision of minimum twenty foot (20') emergency access lanes on public/private streets throughout the event venue.
- First aid facilities and ambulances.
- All stages, platforms, entertainment areas, scaffolding, bleachers, grandstands, canopies, tents, inflatables, mechanical rides, games, animals, demonstrations, children areas, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.
- Food concessions and cooking area including booth identification of all vendors cooking with flammable gases or barbecue grills.
- Generator locations and/or source of electricity.
- Parking areas for vehicles and/or trailers.
- Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.
- Identification of all event components that meet accessibility standards.
- Other operational event components not listed above.

If your event starts/ends at one or more locations and uses streets/trails elsewhere in Milford (for example, a 5K run/walk that starts in downtown and uses City streets), please submit a site plan that shows the start location, direction of pedestrian flow, and end location. Please include a written course description as well.

APPLICANT AGREEMENT / IDEMNIFICATION AGREEMENT

- Yes 1. Applicant agrees, upon request, to submit a security plan setting forth the proposed security measures to be taken to protect the health, safety and welfare of the participant, spectators, bystanders and passersby. This plan may be reviewed by the Police Department who may accept, reject, alter or impose conditions upon the security plan. Security measures may include, but are not limited to, the hiring of private security or Milford Police officers at the applicant's expense. Milford Police Department has the sole discretion regarding approval of private security firms/organizations.
- Yes 2. Applicant agrees, upon request, to pay a refundable "Deposit," at least ten (10) days prior to the event as a condition of the issuance of the Special Event Permit. Applicant also agrees to pay cleanup costs, repair of damage to City property, installation and/or removal of no parking signs or barricades, unanticipated incurred personnel expenses, etc, in excess of the deposit, incurred by the City. Such cost shall be deducted from the Deposit. If there is no Deposit or if the amount of the Deposit is insufficient to cover the costs, the Applicant/ Organizer will be billed for such costs. Your deposit will be returned if the area used for the event has been cleaned and restored to the same condition as existed prior to the event. The deposit requirement may be waived if City Administration deems that such a deposit is not necessary.
- Yes 3. Applicant agrees, upon request, to notify all residents and businesses that will be affected by a street closure and/or amplified sound. If the event/closure will affect access to more than one business, the applicant agrees to notify the Chamber of Commerce for Greater Milford and Downtown Milford, Inc (for events in downtown).
- Yes 4. Applicant agrees, upon request, to ensure warning signs and barricades are provided and situated in such position that the road closure may be maintained in a safe and orderly manner. Such information can be found in the Manual on Uniform Traffic Control Devices.

Applicant agrees to submit, upon request of the City of Milford, any additional information required to evaluate this application and permit. Applicant certifies that all information contained herein and any other information submitted in support of this application and permit is true and correct to the best of their knowledge.

Applicant agrees that any false statement or material misrepresentation made in support of this application and permit is cause for denial of issuance of a Special Event Permit. Applicant also agrees that failure to adhere to the policies, procedures and ordinances established by the City of Milford or any conditions or restrictions imposed upon the permit by the Milford Police Department or any other City Department is cause for revocation of the Special Event Permit. Applicant further agrees the permit may be revoked at any time by any supervisor of the Milford Police Department, the Parks & Recreation Director, the Public Works Director or the City Manager (or designee).

Applicant agrees to protect, defend, indemnify and hold the City of Milford, its elected and appointed officials in their individual and official capacities, it's employees, volunteers, principals, agents, officers, directors, predecessors, successors and assigns (collectively, "City") harmless from any and all losses, damages, claims for damages, liability, suits, judgments, expense or cost arising from any injury or death to any person or damage to any property including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney fees, court costs and expert fees) of any nature whatsoever arising out of or attributed to issuance of the Special Event Permit herein identified or the authorization thereof regardless of where the injury, death, or damage may occur, unless such injury, death or damage is caused by the sole negligence or willful misconduct of the City.



Signature of Applicant

jo Schmeiser
Printed Name

6-4-2020
Date

SECURITY PLAN

As the event applicant or organizer, you are required to provide a safe and secure environment for the event. This is accomplished through sound pre-planning by anticipating potential problems and concerns related to the event and the surrounding environment and by being prepared to react during the event to any unanticipated problems. The size, type, time of day and location of your event are all items that must be analyzed in depth and addressed in your security plan. The event may require the services of Milford Police Officers, Crossing Guards and or Public Works employees. Applicant/Organizer may also need the services of a Private Security provider for this event. Private Security must be properly licensed and bonded in the State of Delaware and must be approved by the Milford Police Department.

N/A

Since most events occur during warmer weather, the applicant/organizer must also have an emergency plan for crowd safety or event cancellation during severe weather conditions.

Crowd managers (event staff) must be provided for facilities or events where more than 1,000 persons congregate. The minimum number of crowd managers shall be established at a ratio of one crowd manager to every 250 persons.

- Yes No Do you have an adequate number of crowd managers? How many? _____
- Yes No Will your event be requesting off-duty Milford police officers?
Number of off-duty officers requested: _____
- Yes No Have you hired a licensed professional security company to develop and manage your event's security plan?

If yes, you are required to provide a copy of the security company's valid License issued by the State of Delaware.

Name of Security Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____

Email: _____

GENERAL REQUIREMENTS

- Yes An approved, available method of notifying public safety agencies in the event of an emergency shall be provided prior to the start of any outdoor special event. On-site phones, or cellular phones, may fulfill this requirement. In Milford, the emergency number is 911.
- Yes Fire apparatus access shall be maintained throughout all areas of the event. Consideration shall be given to various event functions and Fire Department access to structures within the event area. Minimum fire department access dimensions are 24 feet wide, 14 feet high, with an outside turn radius of 55 feet and an inside turn radius of 35 feet.
- Yes All temporary electrical wiring shall be in accordance with the National Electric Code. Wire feeds and drops shall be run above pedestrian walks, buried, or so located as to not create a trip hazard. All trailer mounted generators must be grounded and have a 40BC fire extinguisher near each unit.
- Yes N/A Fueling or defueling vehicles, generators, or equipment is prohibited during event hours unless approved prior to the event.

PUBLIC ASSEMBLY PERMIT

All public assemblies of more than 49 people in buildings or areas that are not regularly classified for use as public assembly sites must be reviewed and approved by the State Fire Marshal's Office for compliance with the fire code. Examples include barricaded streets and other defined venues, fenced beer gardens, concerts, tent events, trade shows, or use of a warehouse or other building not classified for public assembly for a special event venue. As part of the permit requirements, onsite stand-by and inspection services may be required due to the size, complexity and/or unique safety issues regarding the activities associated with the proposed event.

TENT PERMIT

- Yes N/A A floor plan shall be approved for interior setup of all tents. Location of chairs, tables, stages, aisles, exits, fire extinguishers, etc. shall be shown on the plan. Tents, multiple tents or membrane structures over 350 square feet require approval from the State Fire Marshal's Office and City Planning Department. Site inspection is required. Minimum separation from any property line, building line, other tent, canopy or other temporary membrane structure shall be 20 feet.

SPECIAL REQUIREMENTS

1. Amusement rides and buildings used for "haunted houses," "fun houses," or other special amusements require approval from the State Fire Marshal's Office and City Planning Department.

MEDICAL PLAN

N/A

Large capacity events (over 1,000 attendees) have the potential of quickly overwhelming emergency response (fire, ambulance) agencies that are not staffed for these emergencies. Calling '911' when an injury occurs is normal. Expecting emergency responders to handle an incident with multiple injured people can rapidly and unexpectedly exceed the capability of those services. The applicant/organizer must provide an approved emergency medical service on site during an event, as follows:

Emergency Medical Services Resource Matrix				
Event Type	Crowd Size	On-site access to 911 and CPR	On-site basic first aid station	On-site Basic Life Support ambulance
Concert, musical festival, block party, street fair	Less than 2,500	Required	Required	Optional
	2,501-15,000	Required	Required	Required
Athletic/sporting event	Less than 2,500	Required	Required	Optional
	2,501-15,000	Required	Required	Required
Parade	Less than 2,500	Required	Required	Optional
	2,501-15,000	Required	Required	Required

Yes No Based on the size and nature of your event, have you secured an Ambulance service to be onsite for the entire duration of the event?
 Service Name: _____

Yes No Has applicant/organizer hired a professional emergency medical services provider to develop and manage the event's medical plan?

If yes, please complete the following:

Medical Service Provider: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____

Email: _____

SANITATION AND CLEAN UP

Who will return the event location/route and surrounding areas to pre-event condition?

CCGM / CDCC & Waffay Accounting

How will the event location/route and surrounding areas be cleaned up?

Business name of company responsible for cleanup: _____

State of Delaware License Number: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Phone: _____

Cell: _____

Email: _____

Event location and adjacent areas must be returned to "pre-event" conditions. Refer to the section regarding "Deposit" on Page 10 for further explanation.



TEMPORARY STREET CLOSURE OR AMPLIFIED SOUND

NOTICE OF TEMPORARY STREET CLOSURE OR AMPLIFIED SOUND

(You may mail or hand deliver this completed document to surrounding properties to notify them of a proposed street closure or amplified sound; it may be reproduced as needed.)

Notice to Occupant:

The City of Milford requires that all affected residents and/or businesses adjacent to a proposed street closure or amplified sound be notified of such.

- A temporary street closure has been requested adjacent to your property on the following dates and times.
- Amplified sound has been requested adjacent to your property on the following dates and times.

Date(s): Wednesday June 24, 2020

Time(s): 4:00 p.m. to 7:30 p.m.

The purpose of the proposed street closure or amplified sound is the (Name of Event): _____

~~Chamber of Commerce for Greater Milford/GDCC & Wattay Accounting Business Mixer~~ _____

Applicant/Organization: Chamber of Commerce for Greater Milford

Name of Contact Person: Jo Schmeiser

Means of Contacting via Address/ Phone/ Email: 24 NW Front St. Ste 101 Milford, DE 19963 - 302-422-3344



ENTERTAINMENT

Yes

No

Is there any live entertainment, DJs, bands, or performers occurring during your event?
If yes, Attachment F must be completed and submitted with this application.
Please complete the following:

Number of stages: _____

Number of performers/bands: _____

Type of music: _____

Please describe the sound equipment that will be used for your event: _____

Yes

No

Will sound checks be conducted prior to the event?

Start time: _____ Finish time: _____

Yes

No

Will sound amplification be used?

Start time: _____ Finish time: _____

Yes

No

Will there be a contracted sound company on site?

If yes, who: _____

Yes

No

Does your event include any casino games, bingo games or drawing opportunities?

If yes, describe: _____

Yes

No

Will a temporary stage canopy be used?

If yes, please see "Tent Permit" on page 12.

N/A

PARADE QUESTIONNAIRE

Parade routes should not obstruct state highways or primary emergency response routes within the City.

1. Date of Parade: _____

2. Start time of Parade: _____

3. Location of proposed assembly area: _____

Assembly start time: _____

4. Have arrangements been made for traffic control (barricading and/or police officers) Yes No

If yes, please explain: _____

If no, will these arrangements be made? _____

5. Attach map of parade route.

6. Indicate starting point, proposed travel route, and termination point.

7. During the event, will you occupy all or a portion of the streets? _____

8. Approximate number of persons, animals and vehicles that will constitute the event.

Number of people: _____

Number of animals: _____ Type of animals: _____

Number of vehicles: _____ Type of vehicles: _____

9. Have arrangements been made for emergency medical personnel? Yes No

10. Other pertinent information: _____

ROUTING FORM FOR DEPARTMENT APPROVAL

Police Department Approved By: _____ Date: _____

Comments: _____

Streets Division Approved By: _____ Date: _____

Comments: _____

Electric Division Approved By: _____ Date: _____

Comments: _____

Public Works Department Approved By: _____ Date: _____

Comments: _____

Planning Department Approved By: _____ Date: _____

Comments: _____

Parks & Recreation Department Approved By: _____ Date: _____

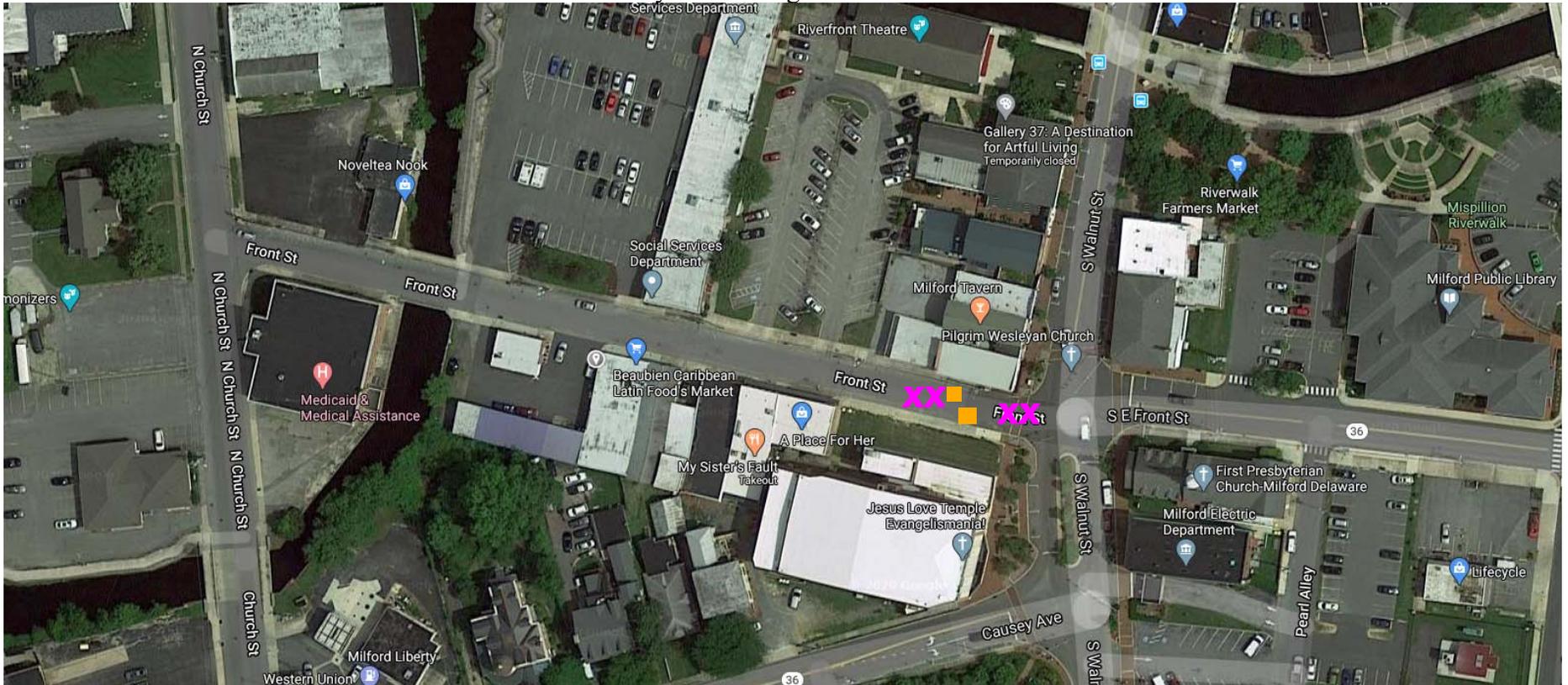
Comments: _____

City Manager Approved By: _____ Date: _____

Comments: _____

City Council Approval Date, if alcohol is involved: _____

Chamber of Commerce Wattay Accounting Business Mixer



XX Type 3 Barricades

■ 10' x 10' Open Air Tent