Milford City Hall Council Chambers 201 South Walnut Street Milford DE 19963

CITY COUNCIL AGENDA
Monday, January 10, 2022

Per the Declaration of a Public Health Emergency issued by Governor Carney on July 13, 2021 and the virtual meeting provisions as provided in Senate Bill 94, Milford City Council and Committee meetings will be held virtually beginning in 2022. Public Comments are encouraged on the items as noted on the agenda. Virtual attendees may alert the City Clerk that they wish to speak at the appropriate time by submitting their name, address, and agenda item on which they would like to comment via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. All written public comments received prior to the meeting will be read into the record.

This meeting is available for viewing by the public by accessing the following link:
https://zoom.us/j/99156131279

Members of the public may also dial in by phone using the following number:
Call 301 715 8592 Webinar ID: 991 5613 1279

5:45 P.M.
WORKSHOP

2022 Amendment to 2008 Comprehensive Plan
Building Code Update & Residential Sprinklers

7:00 P.M.
COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Roll Call

Approval of Previous Minutes

Recognition
- Introduction/New Employees
- Proclamation 2022-01/Milford School Choice Week
- Proclamation 2022-02/Honoring the Life of Dr. Martin Luther King Jr.

Staff Reports
- Monthly Police Report
- Monthly City Manager Report
  - Public Works Department
  - Planning & Zoning Department
  - Parks & Recreation Department
  - Human Resources
  - Economic Development & Community Engagement
  - IT Department
  - Finance Department

Monthly City Finance Report

Ward Reports & Communication

Correspondence

Unfinished Business
- Authorization/Change Order/ NW-NE Front Street Sanitary Sewer Rehabilitation/Pleasants Construction [1]
- Adoption/Ordinance 2021-28/Chapter 19-Economic Development & Redevelopment/Incentives Ⓟ
- Authorization/Bid Announcement & Package/New Police Station

New Business

- Authorization/Professional Service Contract/SW Front Street/Two-Way Traffic

- Introduction/Ordinance 2022-01
  Helmick Milford – Fast Food
  1.024 +/- acres of land located at the southwest
  corner of Warner Road and US Route 113
  Application Type: Conditional Use
  Comprehensive Plan Designation: Commercial
  Zoning District: C-3 (Highway Commercial District)
  Present Use: Vacant
  Proposed Use: Fast Food Restaurant & Drive-in Restaurant
  Tax Parcel: MD-16-174.14-01-03.02

- Introduction/Ordinance 2022-02
  586 MHH, LLC
  0.166 +/- acres of land located at the northwest corner
  of N. Walnut Street and NW Front Street
  Application Type: Conditional Use
  Comprehensive Plan Designation: Commercial
  Zoning District: C-2 (Central Business District)
  Present Use: Single-Occupancy Commercial (former bank)
  Proposed Use: Two-Unit Commercial (church and office)
  Tax Parcel: MD-16-183.10-03-82.00

Introduction/Ordinance 2022-03
Amends the City of Milford Code by Deleting in its Entirety Chapter 100 Car Washes

Introduction/Ordinance 2022-04
Amends the City of Milford Code by Deleting in its Entirety Chapter 182 Satellite Dishes

Introduction/Ordinance 2022-05
Amendment to City of Milford Code
Chapter 200/Subdivision Code
Sections 200-3, 200-4, and 200-8 are hereby amended

Introduction/Ordinance 2022-06
Amendment to City of Milford Code
Chapter 230/Zoning Code
Sections 230-3, 230-4, 230-9, 230-10, 230-11, 230-12, 230-13, 230-13.1, 230-14, 230-15, 230-16, 230-17, 230-18, 230-19, 230-19.1, 230-19.2, 230-19.3, 230-19.4, 230-19.5, 230-19.6, 230-19.7, 230-19.8, 230-19.9, 230-20, 230-21, 230-22, 230-24.18, 230-27, 230-29, 230-30, 230-31, 230-32, 230-33, 230-34, 230-35, 230-36, 230-37, 230-38, 230-38.5, 230-39, 230-40, 230-41, 230-42, 230-43, 230-44, 230-45, 230-45.1, 230-45.2, 230-45.3, 230-47, 230-48.1, 230-49, 230-51, 230-52, 230-52.1, 230-52.2, 230-53, 230-54, 230-55, 230-56, 230-58, 230-59, 230-61, 62, and 230-63, are hereby amended and/or renumbered

Council Committee/Workshop Status

Executive Session
Motion to Recess into Executive Session

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

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed [2]

Return to Open Session
Potential Vote/Legal Matter
Potential Vote/Land Issue
Potential Vote/Personnel Matter [2]

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.*

102021 111221 122921
[1]010622/Late Addition/Request of City Manager/Time Restraint/Ongoing Contract
[2]011022/Late Addition/Request of City Manager/Time Sensitive/Personnel Item

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

TO: Mayor and City Councilmembers

FROM: Rob Pierce, AICP - Planning Director

DATE: January 10, 2022

RE: Chapter 88 – Building Construction

Enclosed is a draft amendment to Chapter 88 – Building Construction that would adopt the 2018 International Residential Code (IRC), the 2018 International Building Code (IBC) and the 2018 International Swimming Pool and Spa Code (ISPSC). The City currently operates under the 2012 version of the IRC and IBC and pools and spas are governed under an appendix to the 2012 IRC.

The enclosed amendment includes additions, insertions and changes to the IRC, IBC and ISPSC. Below is a breakdown of those changes.

2018 IRC

Chapter 1, Administration

- Added language to the permitting section authorizing the requirement for State agency approvals as part of the permit review process.
- Defined construction activities that would be exempt from needing a building permit.
- Added "clean hands" language.
- Added the requirement for an as-built survey between the foundation and framing inspections to ensure the building is constructed in the proper location.

Chapter 3, Building Planning

- Updated the Climatic and Geographic Design Criteria table.
- Added a requirement for the installation of an egress window in sleeping rooms that are being added or gutted due to renovations.
- Added language requiring a 36" clearance along all edges of a roof and at the ridge pertaining to the placement of solar panels.
- Staff has currently proposed to make automatic fire sprinklers optional for townhouse, one-family and two-family dwellings.

Chapter 4, Foundations

- Added language to allow exceptions to the minimum footing sizes for decks, residential accessory structures less than 300 square feet and prefabricated room enclosures.
- Modified the language for concrete or masonry foundations and drainage systems to include both crawlspaces and basements, as opposed to just basements.

Chapter 5, Floors

- Added language for deck floor joist and deck girder spans to be constructed in accordance with the American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide.

Chapter 6, Wall Construction

- Added an exception to the wall bracing language for walls constructed of translucent or transparent plastic not more than 0.125 inches thick.
- Added requirements for post frame buildings.

Appendices

- Adopted Appendix C, Exit Terminals of Mechanical Draft and Direct-Venting Systems without changes.
- Adopted Appendix E, Manufactured Housing as Dwellings without changes.
- Adopted Appendix J, Existing Buildings and Structures without changes.
- Adopted Appendix Q, Tiny Houses without changes.

2018 IBC

Chapter 1, Administration

- Added language to the permitting section authorizing the requirement for State agency approvals as part of the permit review process.
- Defined construction activities that would be exempt from needing a building permit.
- Added "clean hands" language.
- Added the requirement for an as-built survey between the foundation and framing inspections to ensure the building is constructed in the proper location.

2018 ISPSC

Chapter 1, Administration

- Changed the language for permitting procedures, violation procedures and appeal procedures to the IRC or IBC depending on if the application is for a residential or commercial project.

Questions for City Council

1. Do we want to require residential fire sprinklers for single-family detached, semi-detached and townhouse dwelling units?

2. Do we want to require a grading plan review for each lot prior to the issuance of a building permit to ensure proper drainage?

3. Do we want to require an as-built survey of the property prior to the issuance of the Certificate of Occupancy to ensure compliance with building setbacks, zoning area regulations and proper grading?

Next Steps

The City Solicitor would provide legal review of the proposed amendment. Upon completion of legal review, the ordinance would be advertised and a public hearing would be scheduled with the City Council in March.

THE CITY of Milford DELAWARE

Chapter 88 – Building Construction 2018 IRC/IBC

Draft Revisions

January 10, 2022

Purpose of the Code Review

- Update the City Building Code for residential construction from the 2012 International Residential Code (IRC) to the 2018 IRC.
- Update the City Building Code for commercial construction from the 2012 International Building Code (IBC) to the 2018 IBC.

Draft Revisions

- Enclosed are draft revisions of Chapter 88 Building Construction.
- Language to be added is underlined.
- Language to be removed is stricken.

Article I - International Residential Code

- Chapter 1 – Administration
  - Added State agency requirements associated with building permit applications.
  - Defined which construction activities were exempt from permits. Previously, nothing was exempt from needing a building permit.
  - Added language related to “clean hands.”
  - Added requirement for as-built survey of building footprint between foundation and framing inspections to ensure proper placement of building.

Article I - International Residential Code

- Chapter 3 – Building Planning
  - Updated Climatic and Geographic Design Criteria.
  - Added statement requiring proper egress window to be installed in any sleeping room being added or gutted due to renovations.
  - Added requirement for the installation of carbon monoxide alarms in dwelling units.
  - Added language to require a 36” pathway along the perimeter of a roof and at the ridge clear of any solar panels.
  - Will need to determine whether the City wants to require domestic sprinklers. Currently, we are proposing residential sprinkler systems to be optional. (Second half of the presentation is devoted to this subject)

Article I - International Residential Code

- Chapter 4 – Foundations
  - Revised footings language to allow exceptions for decks, residential accessory structures and prefabricated room enclosures.
  - Revised concrete or masonry foundation language to include both crawlspaces and basements. Standard language only pertains to basements.
  - Revised drainage systems to include both crawlspaces and basements. Standard language only pertains to basements.

Article I - International Residential Code

- Chapter 5 – Floors
  - Added language to refer to the American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide for deck floor joist spans and deck girder spans.

Article I - International Residential Code

- Chapter 6 – Wall Construction
  - Added exception to wall bracing requirements for walls made of translucent or transparent plastic not more than 0.125 inch in thickness.
  - Added design and construction requirements for Post Frame Buildings.

Article I - International Residential Code

- Appendices
  - Adopted Appendix C – Exit Terminals of Mechanical Draft and Direct-Venting Systems without changes.
  - Adopted Appendix E – Manufactured Housing as Dwellings without changes.
  - Adopted Appendix J – Existing Buildings and Structures without changes.
  - Adopted Appendix Q – Tiny Houses without changes.

Article II - International Building Code

- Chapter 1 – Administration
  - Added State agency requirements associated with building permit applications.
  - Defined which construction activities were exempt from permits. Previously, nothing was exempt from needing a building permit.
  - Added language related to “clean hands.”
  - Added requirement for as-built survey of building footprint between foundation and framing inspections to ensure proper placement of building.

Article IV – International Swimming Pool and Spa Code

- Adopted 2018 International Swimming Pool and Spa Code
- Directs applicants to the permit procedures, violation procedures and appeal procedures for the IRC or IBC depending on whether the application is for a residential use or for a commercial use.

Chapter 88 - BUILDING CONSTRUCTION

ARTICLE I - International Residential Code

§ 88-1. - Adoption of code.

That a certain document, three copies of which are on file in the office of the Department of Planning of the City of Milford, being marked and designated as the International Residential Code, ~~2012~~2018 edition, including Appendix Chapters C, ~~G~~E, ~~and~~ J, and Q be and is hereby adopted as the Residential Code of the City of Milford, in the State of Delaware, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Residential Code on file in the office of the City of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in § 88-2 of this chapter.

§ 88-2. - Additions, insertions and changes.

The following sections are hereby revised:

A. Chapter 1, Scope and Administration.

(1) Section R101.1. Insert: City of Milford

(2) Section R105. Permits.

(a) Add: Section R105.1.

[1] Delaware Department of Transportation Approval. The building official may require an entrance/exit permit from the Delaware Department of Transportation upon application for a building permit for all nonresidential and residential buildings on state-maintained roads.

[2] Other permit approvals. Before a building permit is issued, additional agency approvals may be required. Such agency approvals include, but are not limited to, Delaware State Fire Marshal, Kent/Sussex Conservation District, Delaware Division of Public Health, Delaware Department of Natural Resources and Environmental Control, and a Delaware-recognized electrical inspection agency.

[3] Energy code compliance. Any energy code compliance certificate shall be submitted with each single-family dwelling permit application, or meet the prescriptive requirements of Section 402 of the International Energy Conservation Code currently adopted by the State of Delaware.

(~~a~~b) Section R105.2, Work exempt from permit~~, is deleted in its entirety~~. Remove language under "Building:" and replace with the following:

[1] One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 24 square feet.

[2] Fences not over six feet in height.

[a] Exceptions:

[i] Fences required for pools

[ii] Fences required by the State of Delaware for home-based day cares.

[iii] Fences required by the City of Milford Planning Department as part of an approved subdivision or land development application.

[3] Retaining walls which are not over four feet in exposed height, unless supporting a surcharge or impounding class I, II or III-A liquids.

[4] Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

[5] Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.

[6] Sidewalks and driveways.

[7] Replacement of roof covering that does not involve the repair or replacement of more than 25 percent of the roof.

[8] Prefabricated swimming pools accessory to a one- or two-family dwelling, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

[9] Swings and other playground equipment accessory to one- and two-family dwellings.

[10] Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

[11] Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches in height.

(~~b~~**c**) Add: R105.5.1. Time limitation of permit. A permit for any activity for which a permit is required shall be valid for one year from the date of issuance.

(~~c~~**d**) Add: R105.5.2. Completion of construction. All construction for which a building permit is required must be completed and pass final inspection within one year after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of $50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.

(3) Section R108, Fees.

(a) Add: R108.6.1. Violation fee. When obtaining a building permit after the start of construction, the building permit fee shall be assessed a violation fee as outlined in the adopted Planning and Economic Development Department Fee Schedule.

(b) Add: R108.7. Delinquent taxes and fees. No building permits, certificate of occupancy, or certificate of completion shall be issued for a property if any of the following parties, having an interest in the application or the property the application is filed for, are not in good standing with the city: the applicant, the property owner, the equitable owner, the permit holder, or any individual with a controlling interest in the property (controlling interest means the acquisition of sufficient dominance to determine the operational and financial policies, including disposition of its assets, of any legal entity that is an applicant, property owner, equitable owner or permit holder, but excluding mortgage holders). "Not in good standing" means that at the time of the request a municipal lien has been imposed upon the property or any of the above enumerated parties are delinquent in the payment of monies owed to the city.

(4) Add: 109.1.1.1. Waterproofing inspection. A waterproofing inspection will be required for all dwelling units with basements. The inspection will be required before the basement walls are backfilled.

(5) Add: 109.1.1.2. As-Built Survey. An as-built survey prepared by a State of Delaware licensed professional surveyor or civil engineer shall be required for new structures and additions to existing structures as follows:

(a) Foundation as-built survey shall be provided once the foundation has been constructed and prior to commencement of framing in the following instances:

1. All new structures other than residential accessory structures.

2. At any time when a variance from required area requirements was required for construction approval.

3. Where required by the building/code official.

~~(5)~~ **(6)** **Replace:** Section R112. Board of Appeals~~., is deleted in its entirety and replaced with the following;~~

R112.1. General. Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

~~(6)~~ **(7)** Replace: R113.4. Violation penalties. Any person who shall violate a provision of this code or fails to comply with any of the requirements thereof or who shall erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor, punishable by a fine of not more than $500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

~~(7)~~ **(8)** Replace: R114.2. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition shall be liable to a fine of not less than $500.

B. ~~Chapter 2, Definitions. Adopt without changes.~~

~~C.~~ Chapter 3, Building Planning.

(1) Add: TABLE R301.2(1)

Climatic and Geographic Design Criteria

~~Ground Snow Load~~	~~Wind Speed (mph)~~		~~Seismic Design Category~~	~~Subject To Damage From~~			~~Winter Design Temp~~	~~Ice Barrier Underlayment Required~~	~~Flood Hazards~~	~~Air Freezing Index~~	~~Mean Annual Temp~~	~~Assumed Soil Bearing~~
	~~Speed (mph)~~	~~Topo. Effects~~		~~Weathering~~	~~Frost line depth~~	~~Termite~~						
~~25~~	~~90~~	~~NO~~	~~A~~	~~SEVERE~~	~~24"~~	~~MOD-HEAVY~~	~~14~~	~~YES~~	~~9/14/92 3/16/15 7/7/14 1/6/05~~	~~368~~	~~55.7F~~	~~2000 psf~~

Gound Snow Load	Wind Design				Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlay-ment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed	Topo-graphic Effects	Special Wind Region	Wind-Borne Debris Zone		Weather-ing	Frost Line Depth	Termite					
25 lbs./sq. ft.	115 mph	No	No	No	A	Severe	24"	Mod-Heavy	18° F	Yes	9/14/1992 1/06/2005 7/7/2014 3/16/2015	596	54° F

Manual J Design Criteria							
Elevation	Latitude	Winter Heating	Summer Cooling	Altitude Correct-ion Factor	Indoor Design Temp	Design Temp Cooling	Heating Temp Difference
23 ft.	39°	18° F	89° F	1.0	72° F	75° F	56° F
Cooling Temp Difference	Wind Velocity Heating	Wind Velocity Cooling	Coincident Wet Bulb		Daily Range	Winter Humidity	Summer Hummidity
14° F	15 mph	7.5 mph	75		M	50%	50%

(2) Add: Section 310.2.5.1. Replacement Window. At least one emergency escape and rescue opening complying with Section 310.2 is required in any sleeping room that is being added or gutted due to renovation to a structure.

(2~~2~~3) **Replace:** ~~Section R311, Means of Egress. Replace the following:~~

~~(a) Section~~ R 311.7.5.1 Risers. The maximum riser height shall be 8-1/4 inches (209.6 mm). The riser shall be measured vertically between leading edges of the adjacent reads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The riser height at landings with hinged doors shall be measured from the landing vertically to the top of the threshold (not the compression strip). The riser height at landings with sliding doors shall be measured from the landing vertically to the top of the highest projection of the door track. Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 6-inch-diameter (102 mm) sphere.

Exception**s**:

~~The opening between adjacent treads is not limited on stairs with a total rise of 8-1/4 inches (209.55 mm) or less.~~

(a) The opening between adjacent treads is not limited on spiral stairways.

(b) The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

(4)~~(b)~~ **Replace:** R311.7.5.2 Treads. The minimum tread depth shall be 9 inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

~~(3) Section R313. Automatic Fire Sprinkler Systems. Deleted in its entirety.~~

(5) Replace: R313.1. Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system may be installed in townhouses.

(6) Replace: R313.2. One- and two-family dwelling automatic fire sprinkler systems. An automatic residential fire sprinkler system may be installed in one- and two-family dwellings.

~~(4) Section R319. Site Address.~~

~~(a) Add: R319.1. Street Identification. Permanent street signs shall be in place prior to the issuance of the Certificate of Occupancy.~~

(7) Replace: R315.2.1. New Construction. For new construction, carbon monoxide alarms shall be provided in dwelling units.

(8) Replace: R324.6. Roof access and pathways. Roof access, pathways and setback requirements shall be provided in accordance with Sections R324.6.1 and R324.6.2, through R324.6.2.1. Access and minimum spacing shall be required to provide emergency access to the roof, to provide pathways to specific areas of the roof, to provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

(9) Replace: R324.6.1. Pathways. A 36" pathway shall be provided on all edges, valleys and hips of roofs. Pathways on townhomes shall maintain at least 18" from the property line if the roof on either side of the property line shares the same plane. If the plan of the roof is different, a 36" pathway shall be provided on each side.

(10) Replace: R324.6.2. Setback at ridge. A 36" clear setback is required on each side of the horizontal ridge.

(11) Delete: R324.6.2.1. Alternative setback at ridge.

C~~D~~. Chapter 4, Foundations. ~~Adopt without changes.~~

(1) Replace: R403.1.1. Minimum Size. All continuous footings shall be a minimum of 8" depth by 16" width. Footings shall be sized to support the imposed loads. Footing projections, P, shall not be less than 2 inches and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001.2. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3). Footings for precast foundations shall be in accordance with details set forth in Section R403.4, Table 403.4, and Figures R403.4(1) and R403.4(2).

Exceptions:

(a) Minimum footings for single-story decks shall be 3 times the widest nominally measured side of the post. Footings must also be sized to support the imposed loads; interior post locations support more weight than perimeter posts.

(b) Decks having vertical members spaced 6 feet on center or less may be placed on a 4-inch concrete pad, provided the vertical members are placed 12 inches inside the perimeter of the pad and are anchored on all corners with approved anchoring devices. Decks 20 feet or more in length shall have two additional anchors installed on each side mid-span.

(c) Residential accessory structures less than 300 square feet in area, with the exception of a pole building or garage, shall be leveled and secured with tie-downs or equivalent manufactured home anchoring devices, one in each corner. Structures 20 feet or more in length shall have two additional anchors installed on each side mid-span. All lumber and wood siding is to

be pressure treated from grade to 8 inches above finished grade. Pressure-treated lumber shall meet the requirements set forth in Section R317.

(d) Prefabricated room enclosures are to be placed on an approved support system per the manufacturer's installation instruction.

(2) Replace: R405.1. Concrete or masonry foundations. Drains shall be provided around concrete or masonry foundations that retain earth and enclose crawl space/basements of habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed at or below the top of the footing or below the bottom of the slab and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend not less than 1 foot above the top of the footing and be covered with an approved filter membrane material. The top of open joints of the drain tiles shall be protected with strips of building paper. Except where otherwise recommended by the drain manufacturer, perforated drains shall be surrounded with an approved filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on not less than two inches of washed gravel or crushed rock not less than one sieve size larger than the tile joint opening or perforation and covered with not less than six inches of the same material.

Exception: A drainage system is not required where the foundation is installed on well-drained ground or sand-gravel mixture soils according to the unified Soil Classification System, Group 1 soils, as detailed in Table R405.1

(3) Replace: R405.2.3. Drainage systems. In other than Group 1 soils, a sump shall be provided to drain the porous layer and footings. The sump shall be not less than 24 inches in diameter or 20 inches square, shall extend not less than 24 inches below the bottom of the crawl space or basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

D~~E~~. Chapter 5, Floors. ~~Adopt without changes.~~

(1) Add: R502.3.4. Deck floor joist spans. Deck floor joist spans shall be in accordance with American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide.

(2) Add: R502.5.1. Deck girder spans. Deck girder spans shall be in accordance with the American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide.

E~~F~~. Chapter 6, Wall Construction. ~~Adopt without changes.~~

(1) Replace: R602.10. Wall bracing. Buildings shall be braced in accordance with this section or, when applicable, Section R602.12. Where a building or portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.

Exception: Porches with roofs and screen porches shall not be required to comply with the requirements of R602.10 Wall Bracing, when constructed with approved translucent or transparent plastic not more than 0.125 inch in thickness.

(2) Add: R611.1. Definitions. POST FRAME BUILDING: A structural building frame consisting of a wood truss or rafters connected to vertical timber columns or

sidewall posts, which function as the principal gravity and load resisting elements of the building. A building used for motor vehicles is considered a garage and must meet the requirements in Section R309 as well as Section 614 of this code.

(3) Add: R612.1. Design loads. Plans are required to meet the minimum design loads noted in Table 301.2(1). Uplift reaction forces involved are required to be provided.

(4) Add: R612.2. Truss design drawings. Truss design drawings are required at the time of plan submittal. The building plans should specify the permanent bracing for cords and webs to meet the bracing requirements shown on the truss design drawings.

(5) Add: R612.3. Size, grade and species of wood members. All lumber shown on the submitted drawings should identify the size, grade and species or species group. Any engineered lumber should be identified by the product name, size and stress grade.

(6) Add: R612.4. Isolation of siding. Methods and materials to isolate siding from preservative treated lumber should be specified 26 and detailed on the submitted plans.

(7) Add: R612.5. Construction of truss carrier to bearing post. Submitted plans shall specify a bearing notch, properly designed bearing block, or other means for positive load transfer.

(8) Add: R612.6. Fastener schedule. Submitted plans are required to include a fastener schedule completely describing the fasteners and quantities required at each connection. Power-driven nails should specify the type, diameter and length.

(9) Add: R612.7. Roofing and siding diaphragms. Submitted plans shall include metal roof and wall panel thickness, fastener type and size, and the fastener pattern for roof and siding panels. If stitch screws are required to attach metal sheet-to-sheet, the plans should show the locations. Shingles roofs shall meet the requirements of Section R905.

(10) Add: R613.1. Footing depth. Footings for post frame structures shall extend a minimum of 40 inches below grade.

(11) Add: R613.2. Footing size. Footings for all post frame structures shall be sized to support the loads imposed. Minimum footing sizes for all post frame structures shall be 18 inches diameter and a minimum of 12 inches thick concrete under the support posts.

(12) Add: R613.3. Resistance to uplift. A lumber cleat shall be attached to the bottom of all vertical support posts to resist uplift. Exception: Other means to resist uplift may be used and should be noted on the submitted plans.

(13) Add: R614.1. Preservative treatment. All wood in contact with the ground shall be preservative-treated meeting the requirements of Section R319.

(14) Add: R614.2. Support posts. Support posts fabricated from multiple plies shall have the number of plies of lumber, lumber species, grade, and connection system between plies noted.

(15) Add: R614.3. Truss carrier spans. The allowable spans for truss carriers shall support the load of the proposed roof structure and floor system if present. Fabricated or dimensional lumber shall not exceed the values set forth in Tables R617.4(1) through R617.4(3). Spans exceeding the values set forth in Tables R617.4(1) through R617.4(3) shall be engineered.

~~G. Chapter 7, Wall Covering. Adopt without changes.~~

~~H. Chapter 8, Roof-Ceiling Construction. Adopt without changes.~~

I. Chapter 9, Roof Assemblies. Adopt without changes.

J. Chapter 10, Chimneys and Fireplaces. Adopt without changes.

K. Chapter 11, Energy Efficiency. Deleted in its entirety. Refer to the current adopted State Energy Code

L. Chapter 12, Mechanical Administration. Adopt without changes.

M. Chapter 13, General Mechanical System Requirements. Adopt without changes.

N. Chapter 14, Heating and Cooling Equipment. Adopt without changes.

O. Chapter 15, Exhaust Systems. Adopt without changes.

P. Chapter 16, Duct Systems. Adopt without changes.

Q. Chapter 17, Combustion Air. Adopt without changes.

R. Chapter 18, Chimneys and Vents. Adopt without changes.

S. Chapter 19, Special Fuel-Burning Equipment. Adopt without changes.

T. Chapter 20, Boilers and Water Heaters. Adopt without changes.

U. Chapter 21, Hydronic Piping. Adopt without changes.

V. Chapter 22, Special Piping and Storage Systems. Adopt without changes.

W. Chapter 23, Solar Systems. Adopt without changes.

X. Chapter 24, Fuel Gas. Adopt without changes.

Y. Chapter 25, Plumbing Administration. Delete in its entirety. Refer to current adopted State Plumbing Code.

Z. Chapter 26, General Plumbing Requirements. Delete in its entirety. Refer to current adopted State Plumbing Code.

AA. Chapter 27, Plumbing Fixtures. Delete in its entirety. Refer to current adopted State Plumbing Code.

BB. Chapter 28, Water Heaters. Delete in its entirety. Refer to current adopted State Plumbing Code.

CC. Chapter 29, Water Supply and Distribution. Delete in its entirety. Refer to current adopted State Plumbing Code.

DD. Chapter 30, Sanitary Drainage. Delete in its entirety. Refer to current adopted State Plumbing Code.

EE. Chapter 31, Vents. Delete in its entirety. Refer to current adopted State Plumbing Code.

FF. Chapter 32, Traps. Delete in its entirety. Refer to current adopted State Plumbing Code.

GG. Chapter 33, Storm Drainage. Delete in its entirety. Refer to current adopted State Plumbing Code.

HH. Chapter 34, General Requirements. Delete in its entirety. Refer to current adopted State Electrical Code.

II. Chapter 35, Electrical Definitions. Delete in its entirety. Refer to current adopted State Electrical Code.

JJ. Chapter 36, Services. Delete in its entirety. Refer to current adopted State Electrical Code.

KK. Chapter 37, Branch Circuit and Feeder Requirements. Delete in its entirety. Refer to current adopted State Electrical Code.

~~LL. Chapter 38, Wiring Methods. Delete in its entirety. Refer to current adopted State Electrical Code.~~

~~MM. Chapter 39, Power and Lighting Distribution. Delete in its entirety. Refer to current adopted State Electrical Code.~~

~~NN. Chapter 40, Light Fixtures. Delete in its entirety. Refer to current adopted State Electrical Code.~~

~~OO. Chapter 41, Appliance Installation. Delete in its entirety. Refer to current adopted State Electrical Code.~~

~~PP. Chapter 42, Swimming Pools. Delete in its entirety. Refer to current adopted State Electrical Code.~~

~~QQ. Chapter 43, Class 2 Remote Control~~, ~~Signaling and Power Limited Circuits. Delete in its entirety. Refer to current adopted State Electrical Code.~~

~~RR. Chapter 44, Referenced Standards. Adopt without changes.~~

F~~SS~~. Appendix C, Exit Terminals of Mechanical Draft and Direct-Venting Systems. **Adopt without changes.**

G~~TT~~. Appendix E~~G~~, ~~Swimming Pools, Spas, and Hot Tubs~~ **Manufactured Housing as Dwellings**. **Adopt without changes.**

~~(1) Section AG102. Definitions.~~

~~(a) Add: Swimming Pool: Any structure intended for swimming or recreational bathing that contains or is capable of containing water over 24 inches (610 mm) deep or more water. This includes in-ground and on-ground swimming pools, hot tubs and spas.~~

~~(2) AG105.2 Outdoor swimming pool. Add:~~

~~11. For split rail fences, 14 gauge wire with opening no greater than 2 inches (51 mm) wide and 4 inches (102 mm) high shall be permitted. The fence must be 48 inches (1219 mm) high with the top edge securely fastened to the top rail. The wire must be applied on the side away from the pool (outside).~~

H~~UU~~. Appendix J, Existing Buildings and Structures. Adopt without changes.

I. Appendix Q, Tiny Houses. Adopt without changes.

§ 88-3. - Fee schedule.

Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

ARTICLE II - International Building Code

§ 88-4. - Adoption of code.

A certain document, three copies of which are on file in the office of the Department of Planning of the City of Milford, State of Delaware, being marked and designated as the International Building Code, ~~2012~~**2018** edition be and is hereby adopted as the Building Code of the City of Milford for regulating and governing the conditions and maintenance of all property, buildings, and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations; provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Milford and hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in § 88-5 of this chapter.

§ 88-5. - Additions, insertions and changes.

The following sections **of the International Building Code, 2018 edition, are revised as follows. References to the International Fire Code, 2018 edition, as published by the International Code Council, specifically are not adopted. Provisions of the International Fire Code are addressed through the adoption of the National Fire Prevention Association (NFPA) Codes and Standards and the Delaware Fire Prevention Regulations as adopted by the Delaware State Fire Marshal's Office.** ~~or portions are hereby revised as follows:~~

A. Chapter 1, **Scope and** Administration.

(1) Section R101.1. Insert: City of Milford

(2) Section 105, Permits.

(a) Add: Section R105.1.

[1] Delaware Department of Transportation Approval. The building official may require an entrance/exit permit from the Delaware Department of Transportation upon application for a building permit for all nonresidential and residential buildings on state-maintained roads.

[2] Other permit approvals. Before a building permit is issued, additional agency approvals may be required. Such agency approvals include, but are not limited to, Delaware State Fire Marshal, Kent/Sussex Conservation District, Delaware Division of Public Health, Delaware Department of Natural Resources and Environmental Control, and a Delaware-recognized electrical inspection agency.

[3] Energy code compliance. Any energy code compliance certificate shall be submitted with each single-family dwelling permit application, or meet the prescriptive requirements of Section 402 of the International Energy Conservation Code currently adopted by the State of Delaware.

(~~a~~**b**) Section 105.2. Work exempt from permit. **Remove language under "Building:" and replace with the following;**

[1] One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 24 square feet.

[2] Fences not over six feet in height.

[a] Exceptions:

[i] Fences required for pools

[ii] Fences required by the State of Delaware for home-based day cares.

[iii] Fences required by the City of Milford Planning Department as part of an approved subdivision or land development application.

[3] Retaining walls which are not over four feet in exposed height, unless supporting a surcharge or impounding class I, II or III-A liquids.

[4] Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

[5] Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.

[6] Sidewalks and driveways.

[7] Replacement of roof covering that does not involve the repair or replacement of more than 25 percent of the roof.

[8] Prefabricated swimming pools accessory to a one- or two-family dwelling, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

[9] Swings and other playground equipment accessory to one- and two-family dwellings.

[10] Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

[11] Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches in height.

(~~b~~**c**) Add: 105.5.1. Time limitation of permit. A permit for any activity for which a permit is required shall be valid for two years from the date of issuance.

(~~c~~**d**) Add: 105.5.2. Completion of construction. All construction for which a building permit is required must be completed and pass final inspection within two years after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of $50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.

(3) Section 109. Fees.

(a) Add: 109.4.1. Violation fee. When obtaining a building permit after the start of construction, the building permit fee shall be assessed a violation fee as outlined in the adopted Planning and Economic Development Department Fee Schedule.

(b) Add: R109.7. Delinquent taxes and fees. No building permits, certificate of occupancy, or certificate of completion shall be issued for a property if any of the following parties, having an interest in the application or the property the application is filed for, are not in good standing with the city: the applicant, the property owner, the equitable owner, the permit holder, or any individual with a controlling interest in the property (controlling interest means the acquisition of sufficient dominance to determine the operational and financial policies, including disposition of its assets, of any legal entity that is an applicant, property owner, equitable owner or permit holder, but excluding mortgage holders). "Not in good standing" means that at the time of the request a municipal lien has been imposed upon the property or any of the above enumerated parties are delinquent in the payment of monies owed to the city.

(4) Add: 110.3.1.1. As-Built Survey. An as-built survey prepared by a State of Delaware licensed professional surveyor or civil engineer shall be required for new structures and additions to existing structures as follows:

(a) Foundation as-built survey shall be provided once the foundation has been constructed and prior to commencement of framing in the following instances:

1. All new structures other than residential accessory structures.

2. At any time when a variance from required area specifications was required for construction approval.

3. Where required by the building/code official.

~~(4)~~ **(5)** Section 113, Board of Appeals, is deleted in its entirety and replaced with the following;

113.1. General. Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

~~(5)~~ **(6)** Replace: 114.4. Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Official, or of a permit or certificate issued under the provisions set forth under this code shall be guilty of a misdemeanor, punishable by a fine of not more than $500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

~~(6)~~ **(7)** Replace: 115.3. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as would be necessary to correct said violation(s) or unsafe conditions, shall be liable to a fine of not less than $500.

~~(7)~~ **(8)** Replace: 116.5. Restoration. A building or structure condemned by the Code Enforcement Official is permitted to be restored to a safe and fully code compliant condition, provided that said restoration or repairs do not exceed 50% of the value of said building or structure as determined by the assessment given by the City for tax purposes. This valuation figure shall be exclusive of foundations. Said repairs shall be made to comply, in all respects, with the requirements for materials and methods of construction of structures hereafter erected. To the extent that the repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

~~B. Chapter 2, Definitions. Adopt without changes.~~

~~C. Chapter 3, Use and Occupancy Classification. Adopt without changes.~~

~~D. Chapter 4, Special Detailed Requirements Based on Use and Occupancy. Adopt without changes.~~

~~E. Chapter 5, General Building Heights and Areas. Adopt without changes.~~

~~F. Chapter 6, Types of Construction. Adopt without changes.~~

~~G. Chapter 7, Fire Resistance-Rated Construction. Adopt without changes.~~

~~H. Chapter 8, Interior Finishes. Adopt without changes.~~

~~I. Chapter 9, Fire Protection Systems. Adopt without changes.~~

~~J. Chapter 10, Means of Egress. Adopt without changes.~~

~~K. Chapter 11, Accessibility. Adopt without changes.~~

~~L. Chapter 12, Interior Environment. Adopt without changes.~~

~~M. Chapter 13, Energy Efficiency. Delete in its entirety. Refer to current State Energy Code.~~

~~N. Chapter 14, Exterior Walls. Adopt without changes.~~

~~O. Chapter 15, Roof Assemblies and Rooftop Structures. Adopt without changes.~~

~~P. Chapter 16, Structural Design.~~

~~1612.3. Establishment of flood hazard areas. Insert: "City of Milford" for Name of Jurisdiction and "dated most recently enacted" for Date of Issuance.~~

~~Q. Chapter 17, Structural Tests and Special Inspections. Adopt without changes.~~

~~R. Chapter 18, Soils and Foundations. Adopt without changes.~~

~~S. Chapter 19, Concrete. Adopt without changes.~~

~~T. Chapter 20, Aluminum. Adopt without changes.~~

~~U. Chapter 21, Masonry. Adopt without changes.~~

~~V. Chapter 22, Steel. Adopt without changes.~~

~~W. Chapter 23, Wood. Adopt without changes.~~

~~X. Chapter 24, Glass and Glazing. Adopt without changes.~~

~~Y. Chapter 25, Gypsum Board and Plaster. Adopt without changes.~~

~~Z. Chapter 26, Plastic. Adopt without changes.~~

~~AA. Chapter 27, Electrical. Delete in its entirety. Refer to current adopted State Electric Code.~~

~~BB. Chapter 28, Mechanical Systems. Adopt without changes.~~

~~CC. Chapter 29, Plumbing Systems. Delete in its entirety. Refer to current adopted State Plumbing Code.~~

~~DD. Chapter 30, Elevators and Conveying Systems. Adopt without changes.~~

~~EE. Chapter 31, Special Construction. Adopt without changes.~~

~~FF. Chapter 32, Encroachments into the Public Right-of-Way. Adopt without changes.~~

~~GG. Chapter 33, Safeguards During Construction. Adopt without changes.~~

~~HH. Chapter 34, Existing Structures. Adopt without changes.~~

~~II. Chapter 35, Referenced Standards. Adopt without changes.~~

~~JJ. Appendix E, Supplementary Accessibility Requirements. Adopt without changes.~~

~~KK. Appendix F, Rodentproofing. Adopt without changes.~~

B~~LL~~. Appendix H, Signs. Adopt without changes.

§ 88-6. - Fee schedule.

Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

ARTICLE III - Board of Appeals

§ 88-7. - General.

In order to hear and decide appeals of orders, decisions, or determinations made by the building or code official relative to the application and interpretation of the code, there shall be and is hereby created a board of appeals. The Board of Appeals shall be appointed by City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

§ 88-8. - Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

§ 88-9. - Membership of the board.

The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. City Council shall appoint three members for terms of three years, provided that the terms of the original members shall be established in a manner that the term of at least one member shall expire each year and the successor shall be appointed for a term of three years.

§ 88-10. - Alternate members.

City Council shall appoint an individual of its choice to be an alternate during those times where one of the permanent members is unable to attend an appeals hearing or in cases where a conflict of interest may exist. Said appointment shall be made for a two-year term.

§ 88-11. - Chairperson.

The Board shall annually select one of its members to serve as chairperson.

§ 88-12. - Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

§ 88-13. - Secretary.

The City Manager shall designate a qualified clerk or staff as Secretary to the Board. The Secretary shall file a detailed record of all proceedings with the office of the City Clerk. Secretary shall have no right to vote on matters coming before the board.

§ 88-14. - Compensation of members.

Compensation of members shall be determined by ordinance of City Council.

§ 88-15. - Application for appeal.

Any person directly affected by a decision of the Code Official or an notice or order issued under this code shall have the right to appeal a decision of the Code Enforcement and/or Building Official to the Board of Appeals provided the application is filed within 20 days of the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not apply or that an equivalent form of construction is to be used.

§ 88-16. - Hearing fee.

The following nonrefundable fee schedule shall apply for hearings of the Board of Appeals:

International Residential Code: $300.00

International Building Code: $1,000.00

International Property Maintenance Code: $300.00

§ 88-17. - Notice of meeting.

The Board shall meet upon notice from the Chairperson. The meeting date and time shall be scheduled in accordance with the state guidelines for public hearings. Surrounding property owners within 200 feet of the property or building in question shall be notified by mail.

§ 88-18. - Open hearing.

All hearings before the Board shall be open to the public. The appellant's representative, the Code Official and any other person or persons that may be deemed necessary as witnesses and all other persons whose interests are affected shall be given an opportunity to be heard.

§ 88-19. - Procedure.

The hearing shall address only those issues or items that may be deemed relevant to the case being heard. The Board shall adopt and publish, for public information, the procedures under which the hearing will be conducted.

§ 88-20. - Postponed hearing.

When there are fewer than two members of the Board available and the authorized or appointed alternate is unavailable, notification shall be given to the interested parties.

§ 88-21. - Board decision.

The Board shall affirm, modify or reverse the decision of the Code Official by means of a simple majority.

§ 88-22. - Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the appropriate Building or Code Official.

§ 88-23. - Administration.

The appropriate Building or Code Official shall take immediate action in accordance with the decision of the Board.

§ 88-24. - Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the Superior Court of the State of Delaware in the applicable county for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law, following the filing of the Board's decision in the Office of the City Clerk.

§ 88-25. - Stays of enforcement.

Appeals of notices and orders (other than Imminent Danger Notices) shall stay the enforcement of the notice and order until the appeal is complete or the stay is lifted by the Superior Court.

ARTICLE IV - International Swimming Pool and Spa Code

§ 88-26. - Adoption of code.

A certain document, three copies of which are on file in the office of the Department of Planning of the City of Milford, State of Delaware, being marked and designated as the International Swimming

Pool and Spa Code, 2018 edition be and is hereby adopted by the City of Milford for regulating and governing the conditions and maintenance of all swimming pools, spas, hot tubs and aquatic facilities. Any additions, insertions, deletions, and changes, if any, are prescribed in § 88-27 of this chapter.

§ 88-27. - Additions, insertions and changes.

A. Chapter 1, Scope and Administration.

(1) Section R101.1. Insert: City of Milford

(2) Section 105, Permits. Replace. Permitting and fees for residential permits shall be subject to the permit requirements of the IRC as adopted by the City of Milford. Permitting and fees for commercial permits shall be subject to the permit requirements of the IBC as adopted by the City of Milford.

(3) Section 107, Violations. Replace. Violations for residential permits shall be subject to the violation requirements of the IRC as adopted by the City of Milford. Violations for commercial permits shall be subject to the violation requirements of the IBC as adopted by the City of Milford.

(4) Section 108, Appeals. Replace. Means of appeal for residential permits shall follow the appeal procedures of the IRC as adopted by the City of Milford. Means of appeal for commercial permits shall follow the appeal procedures of the IBC as adopted by the City of Milford.

FIRE SPRINKLER INITIATIVE
Bringing Safety Home



Delaware Fire Sprinkler Coalition: An Overview

Fall 2015 | Paul Eichler | Chairman

America's Home Fire Problem

In 2019:

- More than **361,500** U.S. home fires
- Close to **3,700** civilian fire deaths
- Nearly **16,600** civilian fire injuries
- **75 percent** of all civilian fire deaths resulted from home fires



Source: 2019 NFPA Fire Loss in the U.S. Report

NFPA | FIRE SPRINKLER INITIATIVE® Bringing Safety Home

Delaware's Home Fire Problem

In 2013:

- **10** civilian fire deaths (All)
- **9** civilian fire deaths (1 & 2 Family)
- **1** civilian fire deaths (Type Other)
- **90-100** percent of all civilian fire deaths resulted from 1 & 2 family home fires



Source: USFA Home fire fatalities in the news

NFPA | FIRE SPRINKLER INITIATIVE Bringing Safety Home

Delaware's Home Fire Problem

For FY2020:

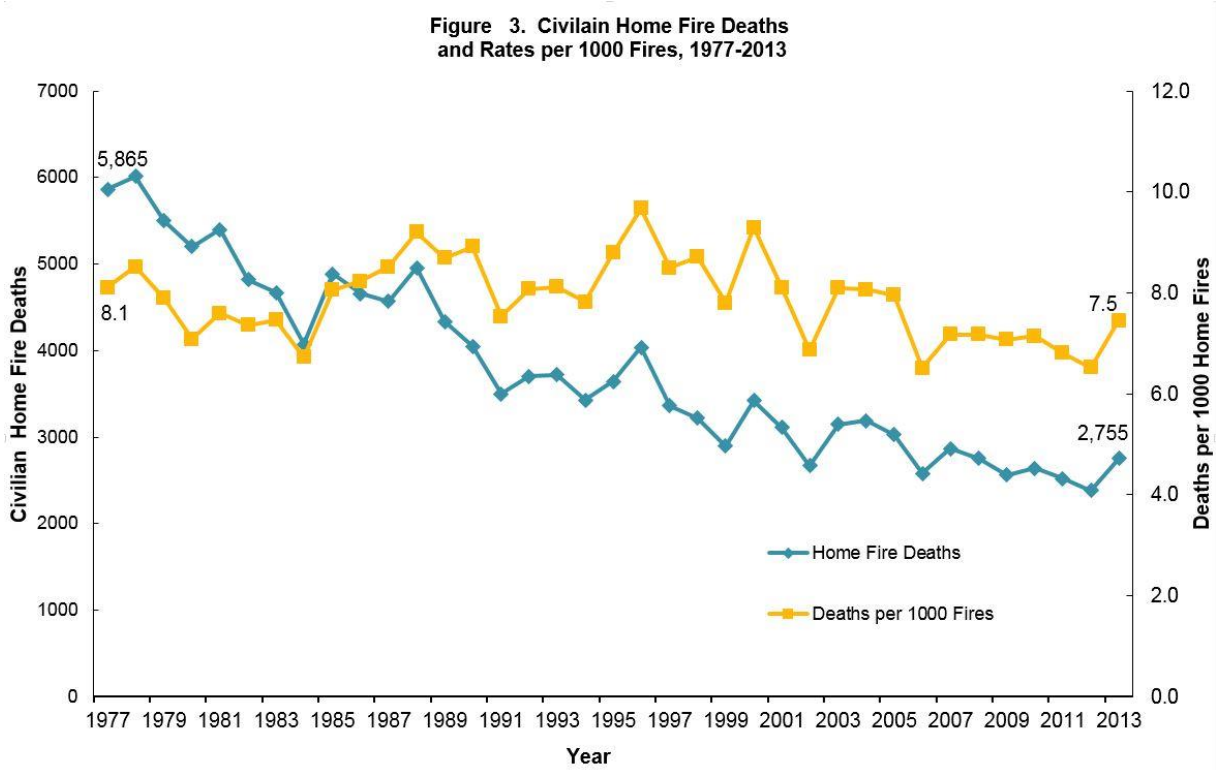
- **10** civilian fire deaths (1 & 2 Family)
- firefighter death (1 & 2 Family)
- firefighter injuries
- **$31.2 Million** damage to 1 & 2 family homes



Source: DE SFMO

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America's Home Fire Problem



Who is at Highest Risk?

Children under **five years old**

Adults over **65 years old**

Groups unable to exit on their own, even if working smoke alarms are present



NFPA | FIRE SPRINKLER INITIATIVE® Bringing Safety Home

The Solution Exists

Home Fire Sprinklers: An Historical Perspective

1975: NFPA 13D, *Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,* is first issued

2006: NFPA 5000, *Building Construction and Safety Code®,* includes first-of-its kind requirement in a U.S. building code for sprinklers in one- and two-family dwellings.

2009: All model building codes in the U.S. include mandate for sprinklers in all new, one- and two-family homes; NFPA launches Fire Sprinkler Initiative

NFPA's Fire Sprinkler Initiative

FIRE SPRINKLER INITIATIVE®
Bringing Safety Home

A coordinated effort to provide resources for the fire service and other sprinkler advocates

NFPA's Fire Sprinkler Initiative

Campaign Objectives

Increase the number of jurisdictions considering and implementing home fire sprinkler mandates across North America

Increase the number of those involved in public safety who are actively engaged in getting such mandates passed

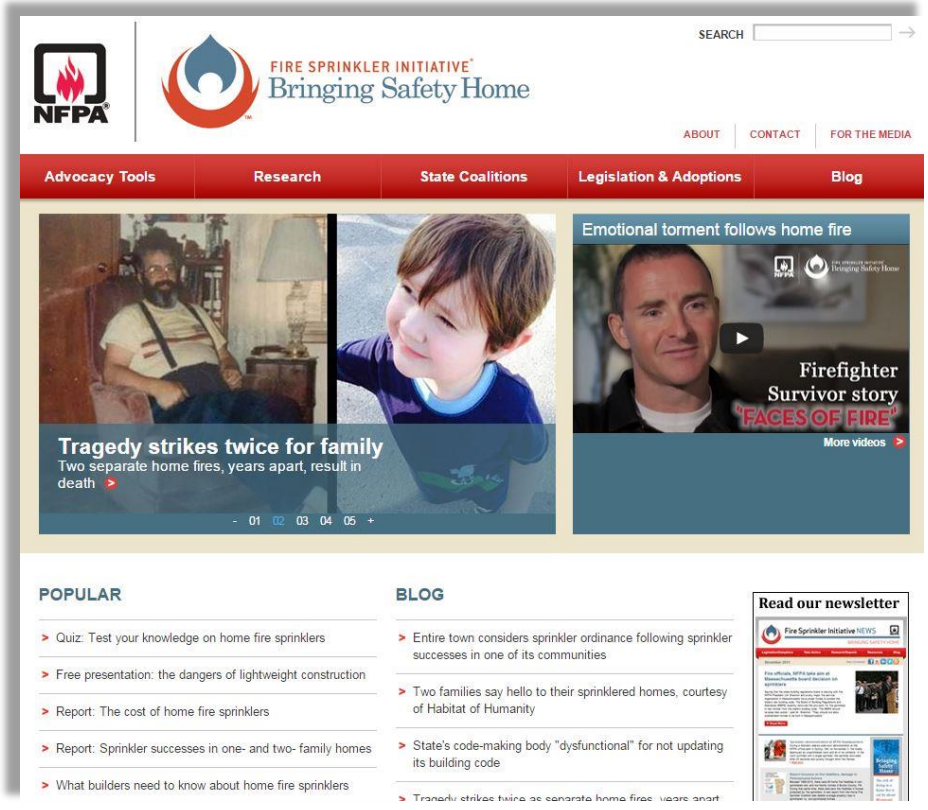
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Delaware Fire Sprinkler Coalition

The Delaware Fire Sprinkler Coalition is dedicated to promoting home fire sprinklers. This voluntary coalition is a resource for information about home fire sprinklers in Delaware. The coalition actively works to educate stakeholder groups on home fire sprinklers and collaborates with key state fire service organizations to address and overcome barriers to home fire sprinkler requirements.

NFPA FIRE SPRINKLER INITIATIVE® Bringing Safety Home

FireSprinklerInitiative.org



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Website Resources

- Home fire and sprinkler research reports
- Sprinkler legislation information
- State sprinkler coalition information
- Fact sheets countering sprinkler myths
- Op-ed templates
- Infographics
- Fire Sprinkler Initiative blog
- Videos



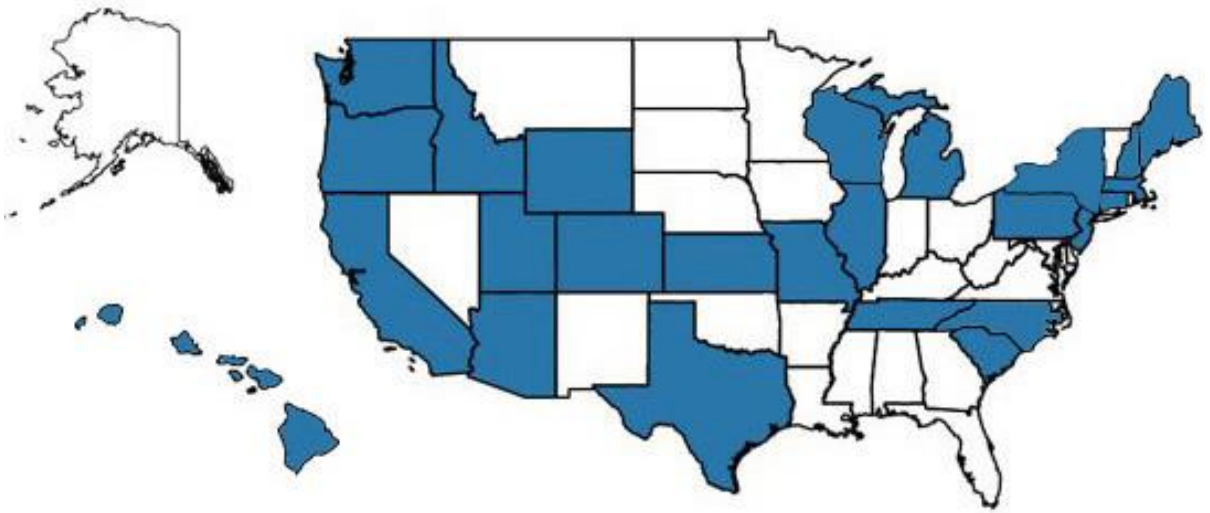
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"FACES OF FIRE"



NFPA | FIRE SPRINKLER INITIATIVE Bringing Safety Home

Take Action: Join a State Sprinkler Coalition



NFPA | FIRE SPRINKLER INITIATIVE® Bringing Safety Home

Wanted: Sprinkler Myth Busters

- Join a coalition and use Fire Sprinkler Initiative tools to combat the many myths perpetuated by sprinkler opponents

"Sprinklers are expensive!"

"One sprinkler activates, they all activate!"

"Newer homes are safer homes!"

"Sprinklers are ugly!"

NFPA | FIRE SPRINKLER INITIATIVE® Bringing Safety Home

Home Fire Sprinklers 101

- Only activated by heat, not smoke
- Rapid response, typically between 135-160 degrees Fahrenheit
- Only the sprinkler nearest the fire will activate
- More than 90 percent of fires controlled by single sprinkler
- Most new sprinkler heads are unobtrusive



Sprinkler Myths: Delving Deeper

"Smoke alarms offer adequate protection during a fire!"



FACT

Smoke alarms are still critical in cutting the risk of dying in fire, but do nothing to suppress fire

Sprinkler Myths: Delving Deeper

"The fire problem is in older homes, since newer homes are safer!"



FACT

New homes have larger open spaces, lightweight construction materials, and furniture stuffed with combustible materials—all factors that lead to homes burning hotter and faster

Characteristics of Modern Homes



Larger homes



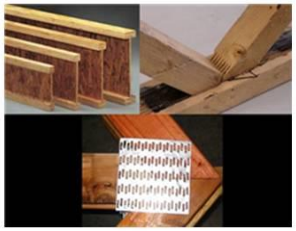
Open Spaces



Increased fuel loads



Void spaces



Changing bldg. materials

- Faster fire propagation
- Shorter time to flashover
- Rapid changes in fire dynamics
- Shorter escape times
- Shorter time to collapse

Characteristics of Modern Homes



Large rooms



Open floor plans



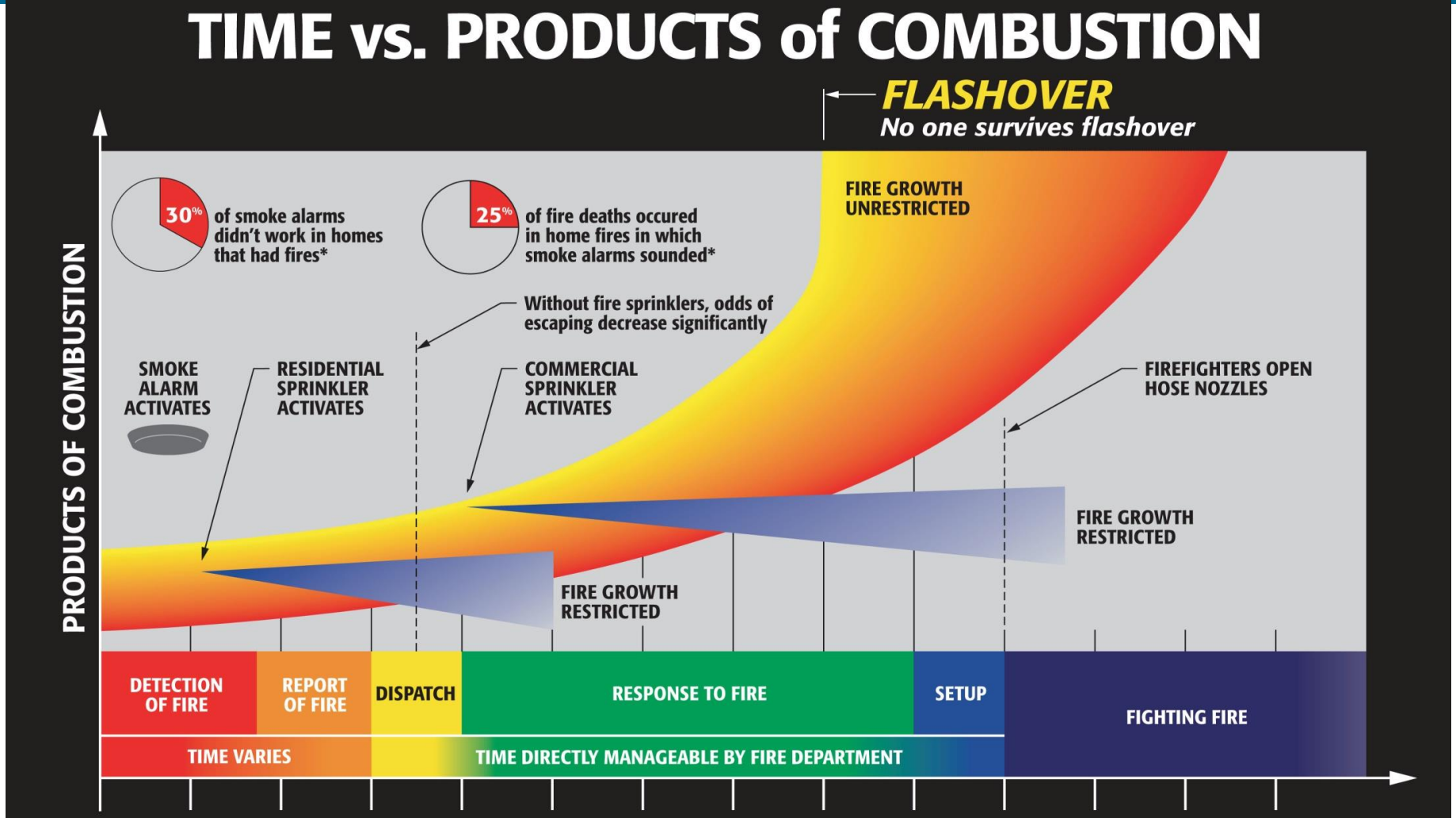
Open foyers



High/Vaulted ceilings

These features add volume/air contributing to faster smoke and fire spread

NFPA | FIRE SPRINKLER INITIATIVE Bringing Safety Home


TIME vs. PRODUCTS of COMBUSTION
FLASHOVER
No one survives flashover
PRODUCTS OF COMBUSTION
30% of smoke alarms didn't work in homes that had fires*
25% of fire deaths occured in home fires in which smoke alarms sounded*
FIRE GROWTH UNRESTRICTED
Without fire sprinklers, odds of escaping decrease significantly
SMOKE ALARM ACTIVATES
RESIDENTIAL SPRINKLER ACTIVATES
COMMERCIAL SPRINKLER ACTIVATES
FIREFIGHTERS OPEN HOSE NOZZLES
FIRE GROWTH RESTRICTED
FIRE GROWTH RESTRICTED
DETECTION OF FIRE
REPORT OF FIRE
DISPATCH
RESPONSE TO FIRE
SETUP
FIGHTING FIRE
TIME VARIES
TIME DIRECTLY MANAGEABLE BY FIRE DEPARTMENT

Sprinkler Arguments: Delving Deeper

“Sprinklers should be a matter of consumer choice!”



FACT

All model building codes in the U.S. **require** sprinklers in new, one- and two-family homes

Model code=minimum standard

Removing requirement=substandard housing

Sprinkler Myths: Delving Deeper

"Sprinklers are expensive and will price people out of homes!"



FACT

The average cost per sprinklered square foot is $1.35

Source: 2013 Fire Protection Research Foundation study

NFPA | FIRE SPRINKLER INITIATIVE Bringing Safety Home

Research Confirms Our Facts

"Comparative Analysis of Housing Cost and Supply Impacts of Sprinkler Ordinances" report

FINDINGS

- No detrimental effects to home construction
- Relative increase in construction

Research Confirms Our Facts

"The Environmental Impact of Automatic Fire Sprinklers" report

FINDINGS

- Fire sprinklers are green!
- Reduce water use to fight a fire by 90% compared with fire hose
- Reduce greenhouse gases by 98%
- Reduce fire damage by up to 97%

NFPA 13D: The Sprinkler Standard

"…shall be expected to prevent flashover (total involvement) in the room of origin, where sprinklered, and to improve the chance of occupants to escape or be evacuated."

NFPA 13D: An Overview

- Life safety is its aim; property protection an added bonus
- Required only in living areas
- Omitted from
  - Closets (<24 square feet)
  - Bathrooms (<55 square feet)
  - Garages and attics

NFPA 13D: Water Supply

Municipal Water

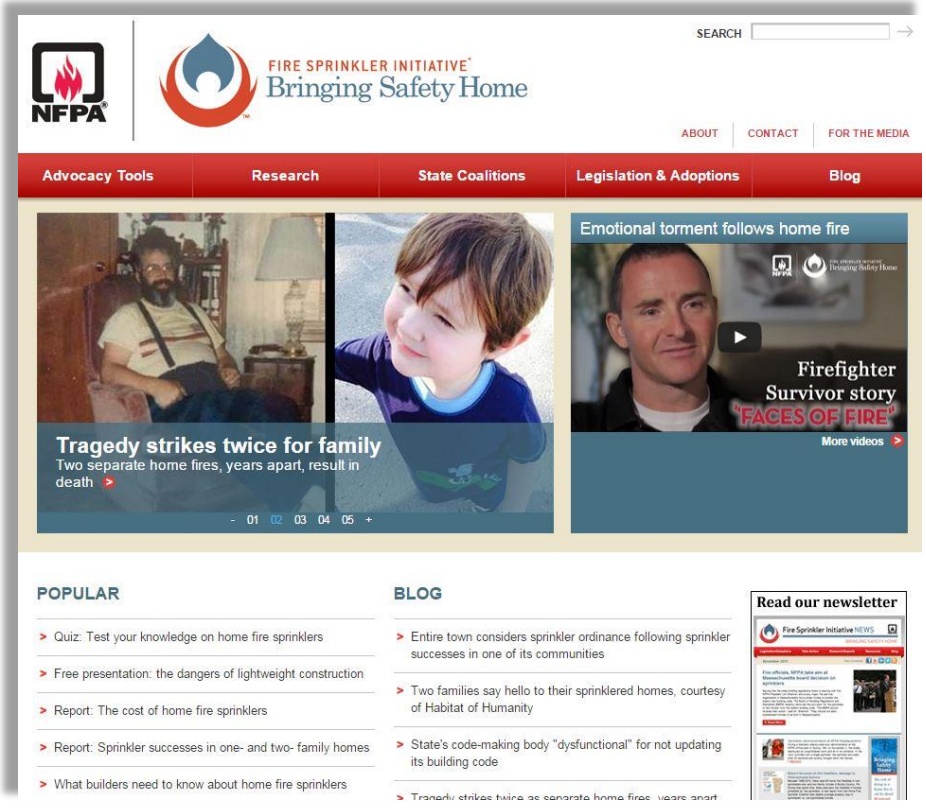
- **Standard operating pressure**

Private water supply

- **Well with pump**
- **Storage tank with pump**
- **Pressure tank**

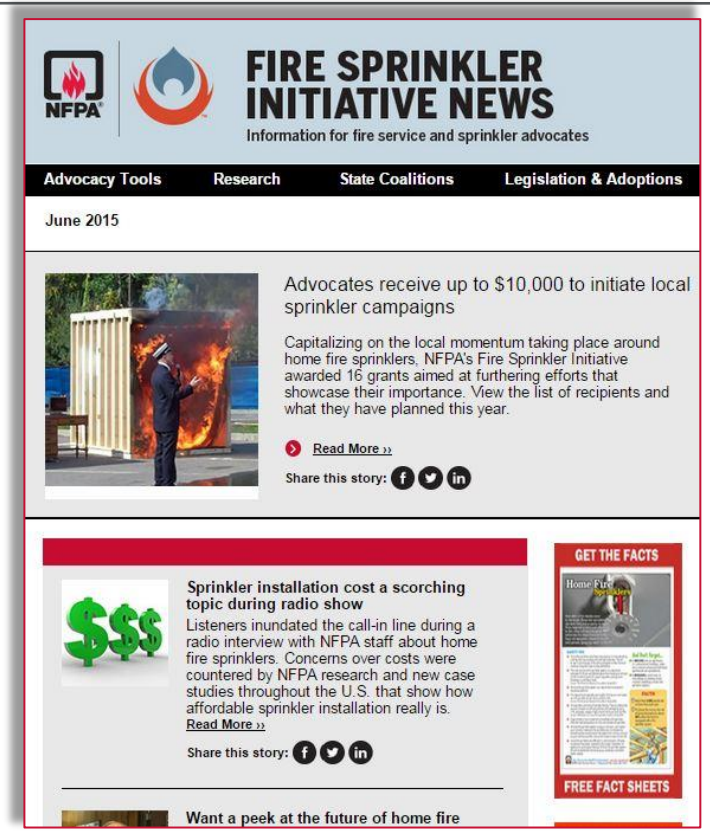


But Wait, There's More @ FireSprinklerInitiative.org



NFPA | FIRE SPRINKLER INITIATIVE Bringing Safety Home

Free Newsletter @ FireSprinklerInitiative.org/Newsletter



FIRE SPRINKLER INITIATIVE NEWS

Information for fire service and sprinkler advocates

Advocacy Tools | Research | State Coalitions | Legislation & Adoptions

June 2015

Advocates receive up to $10,000 to initiate local sprinkler campaigns

Capitalizing on the local momentum taking place around home fire sprinklers, NFPA's Fire Sprinkler Initiative awarded 16 grants aimed at furthering efforts that showcase their importance. View the list of recipients and what they have planned this year.

Read More ››

Share this story:

Sprinkler installation cost a scorching topic during radio show

Listeners inundated the call-in line during a radio interview with NFPA staff about home fire sprinklers. Concerns over costs were countered by NFPA research and new case studies throughout the U.S. that show how affordable sprinkler installation really is.

Read More ››

Share this story:

GET THE FACTS

FREE FACT SHEETS

Want a peek at the future of home fire

FIRE SPRINKLER INITIATIVE Bringing Safety Home

Follow Us @NFPA_FSI



NFPA | FIRE SPRINKLER INITIATIVE Bringing Safety Home

Join the Delaware Fire Sprinkler Coalition



National Fire Protection Association
The authority on fire, electrical, and building safety

Thank You!

Paul Eichler
ike653@Hotmail.com
302 359 3057

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

TO: Mayor and City Councilmembers/Planning Commissioners

FROM: Rob Pierce, AICP - Planning Director

DATE: January 10, 2022

RE: 2022 Amendment to the 2018 Comprehensive Plan

General Overview

The 2022 amendment to the 2018 Comprehensive Plan includes three future land use map amendment requests and a transportation chapter text amendment. Amendments 1 & 4 are initiated by the City of Milford. Amendments 2 & 3 are being requested by the property owner. All four amendments will be submitted to the State of Delaware Office of State Planning Coordination (OSPC) for Preliminary Land Use Service (PLUS) review. The below narratives for proposed amendments 2 & 3 are for informational purposes only and public hearings will be scheduled at a later date after PLUS comments are received from the State. Proposed amendments 1 & 4 could be revised based on City Council feedback from tonight's meeting and prior to the PLUS submission.

Amendment #1 – Deep Branch/Herring Branch Greenway

The City is seeking a change in the future land use classification for the following parcels from Low Density Residential to Open Space as shown on Exhibit A. The purpose of the amendment is to develop a greenway along Deep Branch and Herring Branch from Marshal's Pond to S. Walnut Street. Only one parcel is currently located within City limits (see below).

- 3-30-11.00-002.00
- 3-30-11.00-002.03
- 3-30-11.00-002.05
- 3-30-11.00-008.00 (portion) – located within City limits
- 3-30-11.00-039.00
- 3-30-11.00-039.07
- 3-30-11.00-039.09
- 3-30-11.00-039.11
- 3-30-11.00-350.00 (portion)
- 3-30-11.13-001.00
- 3-30-11.13-002.00
- 3-30-11.13-003.00
- 3-30-11.13-004.00
- 3-30-11.13-004.01

The City has acquired Sussex County Tax Parcel 3-30-11.00-039.00 and is working to develop a greenway master plan for this area. The greenway would include passive and active recreation areas, including but not limited to

bike trails, walking paths, picnic areas, wildlife viewing areas, ball fields and courts, gazebos which will be determined through the master planning effort and under the advisement of the City's Parks and Recreation Advisory Board, DNREC and City Council.

Amendment #2 – Mr. Wiggles

The City has received a request from the property owner of Sussex County Tax Parcel 3-30-11.00-056.00 to change the future land use of the property from Proposed Low Density Residential to Proposed Commercial. The property is currently annexed into the City of Milford and is zoned R-2. The property is currently undeveloped. Enclosed is a draft plan for the use of the property provided by the owner if the comprehensive plan future land use exhibit and City zoning map are amended to commercial and C-3 Highway Commercial.

The parcel was the location of a proposed Transfer of Development Rights receiving area which has been relocated as shown on the provided Exhibits 1, 2, 3, 5 & 6. The below table replaces Table 4.2 in its entirety that was amended by the City in 2019 prior to the adoption of the Transfer of Development Rights ordinance, originally found on page 25 of the SE Master Plan. The proposed Receiving Area #1 identified in the 2019 amendment would need to be relocated from parcel 056.00 due to the requested change in land use classification from residential to commercial. Proposed Receiving Area #3 has been increased by the amounts previously held by proposed Receiving Area #1 and the change is reflected in the below table.

Table 4.2. TDR Receiving Area Analysis

Milford TDR Receiving Areas					
ID	Tax Parcel Number	Receiving Area Acreage	Base Zoning at 3 DU/Acre	TDR Zoning at 8 DU/Acre	Total Transfer Credits Allowed
2	3-30-11.00-068.00	55	165	440	275
3	3-30-15.00-024.00	115	345	920	575
4	3-30-16.00-016.00 & 3-30-15.00-071.00	120	360	960	600
		290		2,320	1,450

Amendment #3 – Country Life Homes, Inc.

The City has received a request from the property owner of Sussex County Tax Parcel 3-30-11.00-070.00 to change the future land use of the property from Proposed Low Density Residential to Proposed Commercial. The property is currently located in the unincorporated area of Sussex County and is improved with a farmhouse and related agricultural uses. Enclosed is a draft plan for the use of the property provided by the owner if the comprehensive plan future land use exhibit and City zoning map are amended to commercial and C-3 Highway Commercial. See attached SE Neighborhood Master Plan Exhibits 1, 2, 3, 5 & 6.

Amendment #4– Text Amendments to Chapter 6 Transportation

Remove and replace Section 6-3a in its entirety. Delete Figure 8, Proposed Cycling Routes.

6-3a. Bicycle Traffic

According to DelDOT's datasets, which can be viewed at www.bikemap.com/de, the entirety of South Walnut Street/North Old State Road is a state bicycle route, bisecting the City north to south. It also lists the full east to west extent of North and Southeast Front Streets as a regional bicycle route.

Milford has actively planned for improved bicycle and pedestrian connections and facilities. In 2011, it published a Bicycle and Pedestrian Master Plan. In 2021, it adopted an update to the bicycle portion of this master plan. Milford's full Bicycle Master Plan update can be seen at https://www.cityofmilford.com/461/Bicycle-Master-Plan.

The 2021 Bicycle Master Plan update was a result of a 2-year planning effort, which included several meetings with the Bicycle Advisory Committee (BAC) and several public workshops. The master planning effort identified existing bicycle infrastructure, gaps and impediments in the existing network, reevaluated destinations within the community and made recommendations on proposed route locations and facility types. The bicycle master plan separates the bicycle network into three geographic locations that create loops radiating out from the town center; the northern loop, the southwest loop and the southeast loop. Each of these begin along the Mispillion River and reach out to the different neighborhoods on the periphery of the municipality. The loops connect employment, education, commercial services and recreation with neighborhoods.

Another, relatively new, way of gauging bikeability is Level of Traffic Stress, also known as Low-Stress Cycling. The central premise of the approach is that people choose to ride, or not to ride, their bicycles in very large part due to their discomfort interacting with motor vehicles. Recent research suggests that nearly all other factors, such as signs denoting a bike path, the presence of sharrows, or shoulders have a minimal comparative impact.

Potential users are categorized into four groups: (1) strong and fearless, the avid cyclists that ride racing-style bicycles and who will ride almost anywhere; (2) enthusiastic and confident can generally be envisioned as high-school and college students, along with the cycle commute to work crowd; (3) interested but concerned, accounting for 60 percent of users, who might have bicycles in the garage they'll ride around the neighborhood or put on a bike carrier and haul to the park and ride but are uncomfortable venturing beyond purely residential streets where they would need to ride in proximity to more than the occasional car; and (4) not able or interested who simply does not or will not ride bicycles.

The rationale is that to increase cycling, facilities must be offered that connect meaningful origins and destinations while not exceeding the interested but concerned group's tolerance for traffic stress. DelDOT planners have adapted this segment-scoring methodology into a Delaware-specific tool that can graphically depict levels of traffic stress. These levels correspond to the user groups. Level One is suitable for grade-school-aged children, Level Two for the interested but concerned, Level Three for the enthusiastic, and Level Four only for strong and fearless.

The Level of Stress Analysis map in the appendix shows a draft of this analysis for Milford. Please note, this is a new methodology and these results are offered as a planning tool and as an illustration Milford may use for critical analysis, not as a finding of fact. Key factors are vehicle speed, traffic volume, physical separation of cyclists from passing traffic, and the suitability of intersections.

For more information on Low-Stress Cycling and for a full explanation of how streets are scored, please visit http://www.ipa.udel.edu/publications/bikeability-assessment-tool.pdf.

The map quickly reveals that the interior of Milford is quite accessible to cyclists and while there are sections of red and yellow in Milford's interior, would-be cyclists have any number of ways to avoid these sections without adding significantly to their trip. However, access to the Northwest and Southeast Neighborhoods becomes more problematic, as do trips to either of the nature centers, outlined in the City of Milford Bicycle Master Plan. DelDOT's area analysis would seem to support the city's findings that further improvements would be needed to successfully catalog these routes as bike paths.

Add a new Section 6-4e as outlined below.

6-4e. Bicycle Master Plan Update, 2021

The 2021 Bicycle Master Plan update was a result of a 2-year planning effort, which included seven meetings with the Bicycle Advisory Committee (BAC) and three public workshops. The master planning effort identified existing bicycle infrastructure, gaps and impediments in the existing network, reevaluated destinations within the community and made recommendations on proposed route locations and facility types. The bicycle master plan separates the bicycle network into three geographic locations that create loops radiating out from the town center; the northern loop, the southwest loop and the southeast loop. Each of these begin along the Mispillion River and reach out to the different neighborhoods on the periphery of the municipality. The loops connect places of employment, education, commercial services and recreation with neighborhoods.

The goals and recommendations from the 2021 Bicycle Master Plan are incorporated into the City's Comprehensive Plan as outlined in Section 6.6.

Add a new Section 6-4f as outlined below.

6-4f. N. Walnut Street and Rehoboth Boulevard Intersections

There are several intersections along the N. Walnut Street and Rehoboth Boulevard corridor that require analysis for transportation improvements. These include major intersections between Route 113 and Marshal's Pond and impact a wide range of traffic types, including industrial truck traffic, school buses, local vehicular traffic, pedestrians and cyclists. Several of these intersections are near schools and improvements would have a positive impact connecting neighborhoods to school sites. Below are list of intersections that should be evaluated for vehicle and multi-modal upgrades:

- Buccaneer Boulevard & N. Walnut Street
- Tenth Street, N. Walnut Street, N. Rehoboth Boulevard, NE Salevan Place, and N. Washington Street
- NE Front Street & N. Rehoboth Boulevard
- SE Front Street & S. Rehoboth Boulevard
- SE Second Street and S. Rehoboth Boulevard

Add a new Section 6-4g as outlined below.

6-4g. Southwest Front Street

Investigate the feasibility of converting Southwest Front Street between N. Church Street and S. Walnut Street to allow for two-way traffic. There is currently a weight restriction on the bridge on Southwest Front Street that crosses the Mispillion River which prohibits oversized vehicles from utilizing Southwest

Front Street. If the traffic flow was converted from a one-way condition to two-way, oversized vehicles could avoid the bridge when accessing properties on Southwest Front Street by exiting onto S. Walnut Street. Converting the traffic flow would require analysis of several signalized intersections along Walnut Street, including at Causey Avenue and Southeast Front Street.

Add a new Section 6-4h as outlined below.

6-4h. Airport Road and Canterbury Road Intersection

As the City continues to grow, increasing traffic volumes along Airport Road and Canterbury Road have created concerns regarding the current level of service for this intersection. The existing three-way intersection currently has a stop condition at Airport Road heading west bound onto Canterbury Road. The City would like to investigate alternatives for this intersection to improve safety for vehicles and other modes of transportation. Options could include a three-way stop condition, fully signalized intersection or traffic circle.

Add a new Section 6-4i as outlined below.

6-4i. S. Walnut Street and Jefferson Avenue Intersection

The intersection of Jefferson Avenue at S. Walnut Street is currently set at an offset and includes a rail road crossing. The City would like to investigate potential improvements to Jefferson Avenue between S. Washington Street to S. Walnut Street across the rail road to the west side of S. Walnut Street that would improve traffic flow and safety for motorists, pedestrians and cyclists.

Add the following objectives to Section 6.6

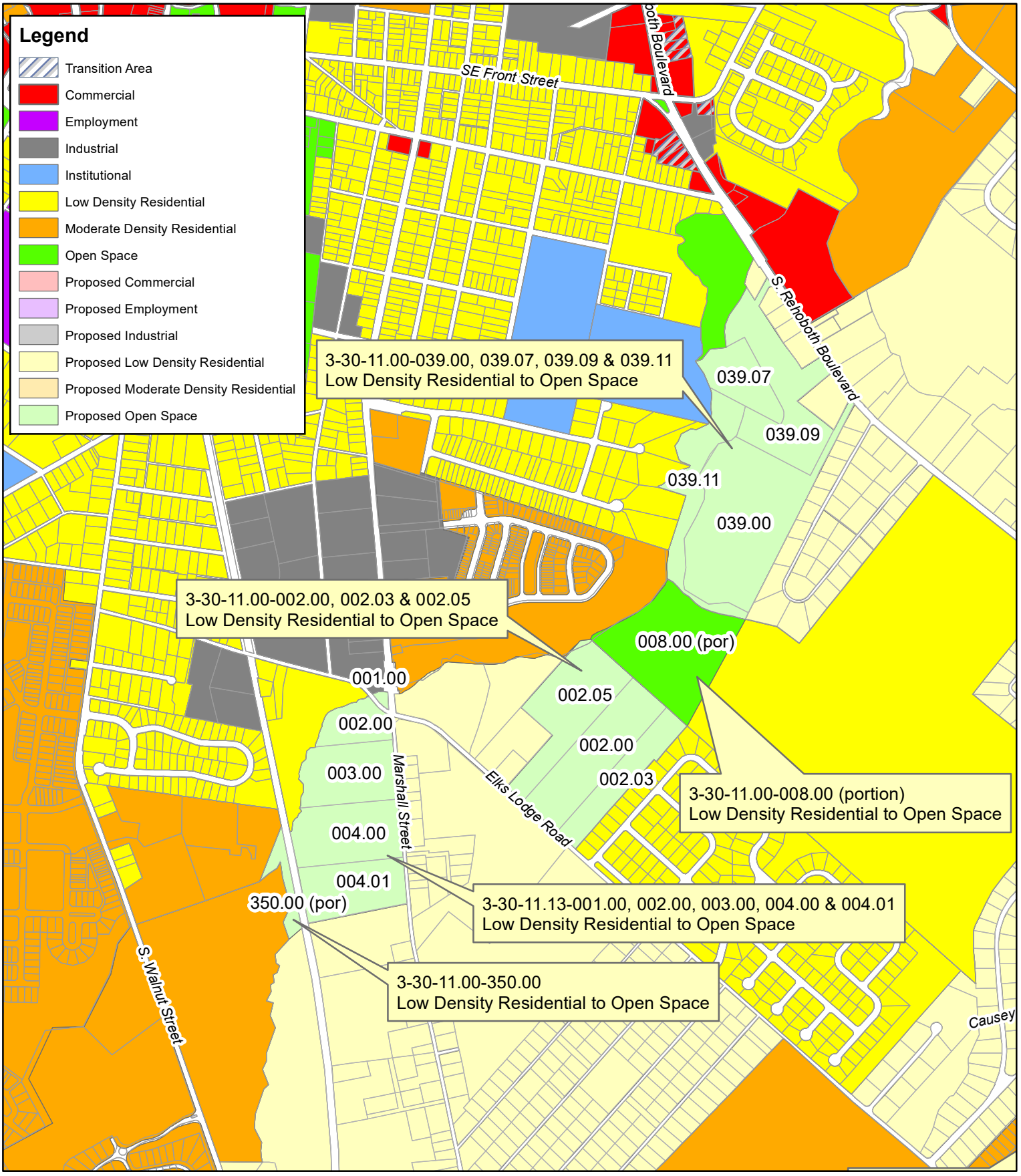
- Implement the recommendations from the 2021 Bicycle Master Plan.
- Work with the Dover/Kent MPO and DelDOT to study and improve intersections along N. Walnut Street and Rehoboth Boulevard between Route 113 and Marshal's Pond.
- Work with DelDOT to convert Southwest Front Street from one-way traffic to two-way flow.
- Work with the Dover/Kent MPO and DelDOT to improve the intersection at Airport Road and Canterbury Road.
- Work with DelDOT to improve the intersection at Jefferson Avenue and S. Walnut Street.

Next Steps

Staff will share the amendment requests with the Planning Commission at the January 18, 2022 meeting and will submit the amendment requests to the State of Delaware Office of State Planning Coordination (OSPC) for Preliminary Land Use Service (PLUS) review in February.

Once PLUS comments are received, staff will coordinate any additional public engagement required for the processing of the amendment requests.

Each amendment would be reviewed during a public hearing at a future Planning Commission and City Council meeting.



THE CITY of Milford DELAWARE

Scale: 0 500 1,000 Feet

Drawn by: WRP

Date: 11/23/21

Filepath: 2022_CompPlanAmendment_ExhibitA

Title:

Exhibit A

2021 Comprehensive Plan Amendment

Future Land Use Map

NORTH

COUNTRY LIFE HOMES SM

City of Milford Planning & Zoning
180 Vickers Drive
Milford, DE. 19963

June 14, 2021

RE: Parcel 3-30 11.00-070.00; 070.02; 070.03; 070.05; 070.06; 070.07

Please accept this letter as a formal request to amend the City of Milford 2018 Comprehensive Plan Future Use exhibits to change the future land use classification of Sussex County tax parcel number 3-30 11.00-070.00; 070.02; 070.03; 070.05; 070.06; 070.07 from Low Density Residential to Commercial. I have attached a draft concept plan of the site area for reference.

Sincerely,

Elmer Fannin

610 Marshall St. • Milford, DE 19963 • (302) 265-2257 • FAX (302) 265-2371
www.countrylifehomes.com sales@countrylifehomes.com

Mr. Wiggles LLC
610 Marshall Street
Milford, DE. 19963

City of Milford Planning & Zoning
180 Vickers Drive
Milford, DE. 19963

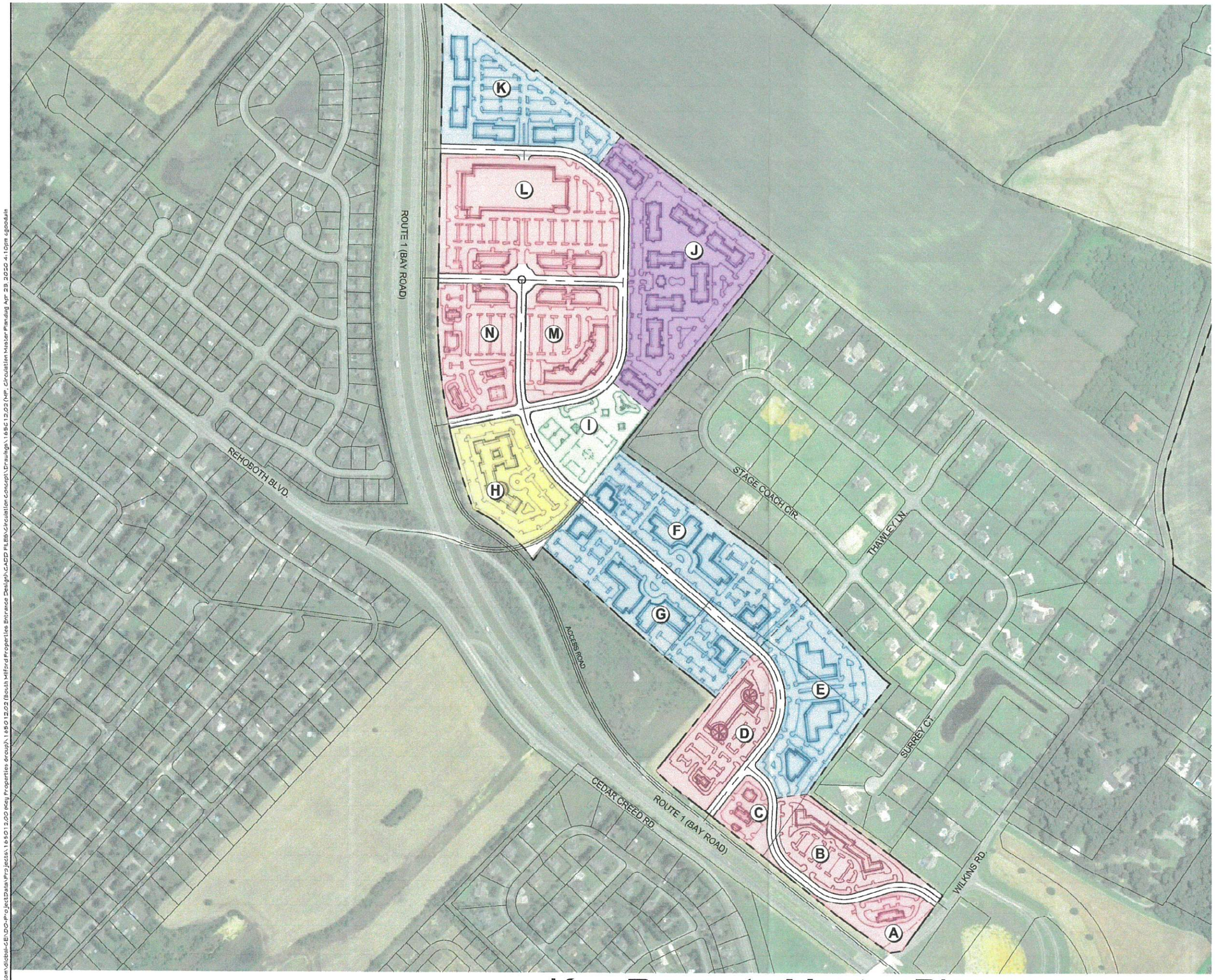
June 14, 2021

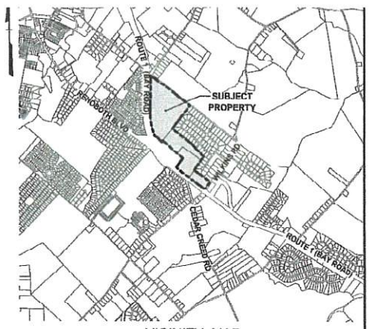
RE: Parcel 3-30 11.00-056.00

Please accept this letter as a formal request to amend the City of Milford 2018 Comprehensive Plan Future Use exhibits to change the future land use classification of Sussex County tax parcel number 3-30-11.00-056.00 from Low Density Residential to Commercial. I have attached a draft concept plan of the site area for reference.

Sincerely,

Elmer Fannin





VICINITY MAP
SCALE: 1" = ½ MILE

SITE DATA

A	LAND USE:	COMMERCIAL / RETAIL
	PARCEL SIZE:	2.3± ACRES
	BUILDING SQUARE FOOTAGE:	5,500± SQUARE FEET
	PARKING PROPOSED:	50± SPACES
B	LAND USE:	COMMERCIAL / RETAIL
	PARCEL SIZE:	5.4± ACRES
	BUILDING SQUARE FOOTAGE:	35,000± SQUARE FEET
	PARKING PROPOSED:	200± SPACES
C	LAND USE:	COMMERCIAL / RETAIL
	PARCEL SIZE:	1.8± ACRES
	BUILDING SQUARE FOOTAGE:	4,100± SQUARE FEET
	PARKING PROPOSED:	30± SPACES
D	LAND USE:	COMMERCIAL /RETAIL
	PARCEL SIZE:	6.0± ACRES
	BUILDING SQUARE FOOTAGE:	20,000± SQUARE FEET
	PARKING PROPOSED:	230± SPACES
E	LAND USE:	MEDICAL / OFFICE
	PARCEL SIZE:	9.8± ACRES
	BUILDING SQUARE FOOTAGE:	75,000± SQUARE FEET
	PARKING PROPOSED:	525± SPACES
F	LAND USE:	MEDICAL / OFFICE
	PARCEL SIZE:	10.4± ACRES
	BUILDING SQUARE FOOTAGE:	85,000± SQUARE FEET
	PARKING PROPOSED:	626± SPACES
G	LAND USE:	MEDICAL / OFFICE
	PARCEL SIZE:	6.1± ACRES
	BUILDING SQUARE FOOTAGE:	60,000± SQUARE FEET
	PARKING PROPOSED:	510± SPACES
H	LAND USE:	RESORT / HOTEL
	PARCEL SIZE:	6.5± ACRES
	BUILDING SQUARE FOOTAGE:	50,000± SQUARE FEET
	PARKING PROPOSED:	325± SPACES
I	LAND USE:	PARK / RECREATION
	PARCEL SIZE:	4.0± ACRES
	BUILDING SQUARE FOOTAGE:	1,000± SQUARE FEET
	PARKING PROPOSED:	40± SPACES
J	LAND USE:	MEDIUM DENSITY RESIDENTIAL (MDR)
	PARCEL SIZE:	15.1± ACRES
	BUILDING SQUARE FOOTAGE:	150,000± SQUARE FEET
	PARKING PROPOSED:	630± SPACES
K	LAND USE:	MEDICAL / OFFICE
	PARCEL SIZE:	9.6± ACRES
	BUILDING SQUARE FOOTAGE:	64,000± SQUARE FEET
	PARKING PROPOSED:	490± SPACES
L	LAND USE:	COMMERCIAL / RETAIL
	PARCEL SIZE:	13.7± ACRES
	BUILDING SQUARE FOOTAGE:	150,000± SQUARE FEET
	PARKING PROPOSED:	575± SPACES
M	LAND USE:	COMMERCIAL / RETAIL
	PARCEL SIZE:	6.5± ACRES
	BUILDING SQUARE FOOTAGE:	50,000± SQUARE FEET
	PARKING PROPOSED:	215± SPACES
N	LAND USE:	COMMERCIAL / RETAIL
	PARCEL SIZE:	8.8± ACRES
	BUILDING SQUARE FOOTAGE:	95,000± SQUARE FEET
	PARKING PROPOSED:	295± SPACES
	NOTE:	
	GROSS SITE AREA:	118.3± ACRES
	NET SITE AREA:	107.0± ACRES

LEGEND

- Master Plan Boundary
- Medical / Office Area
- Commercial / Retail Area
- Resort / Hotel Area
- Park / Recreation Area
- Medium Density Residential (MDR) Area

DISCLAIMER

-

DATA SOURCES:

- Boundary information & parcel line work is taken from Sussex County GIS.
- Master Plan is subject to County and State approvals.

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031

Key Property Master Plan

City of Milford
Sussex County, Delaware

APRIL 2020

0 200' 400'

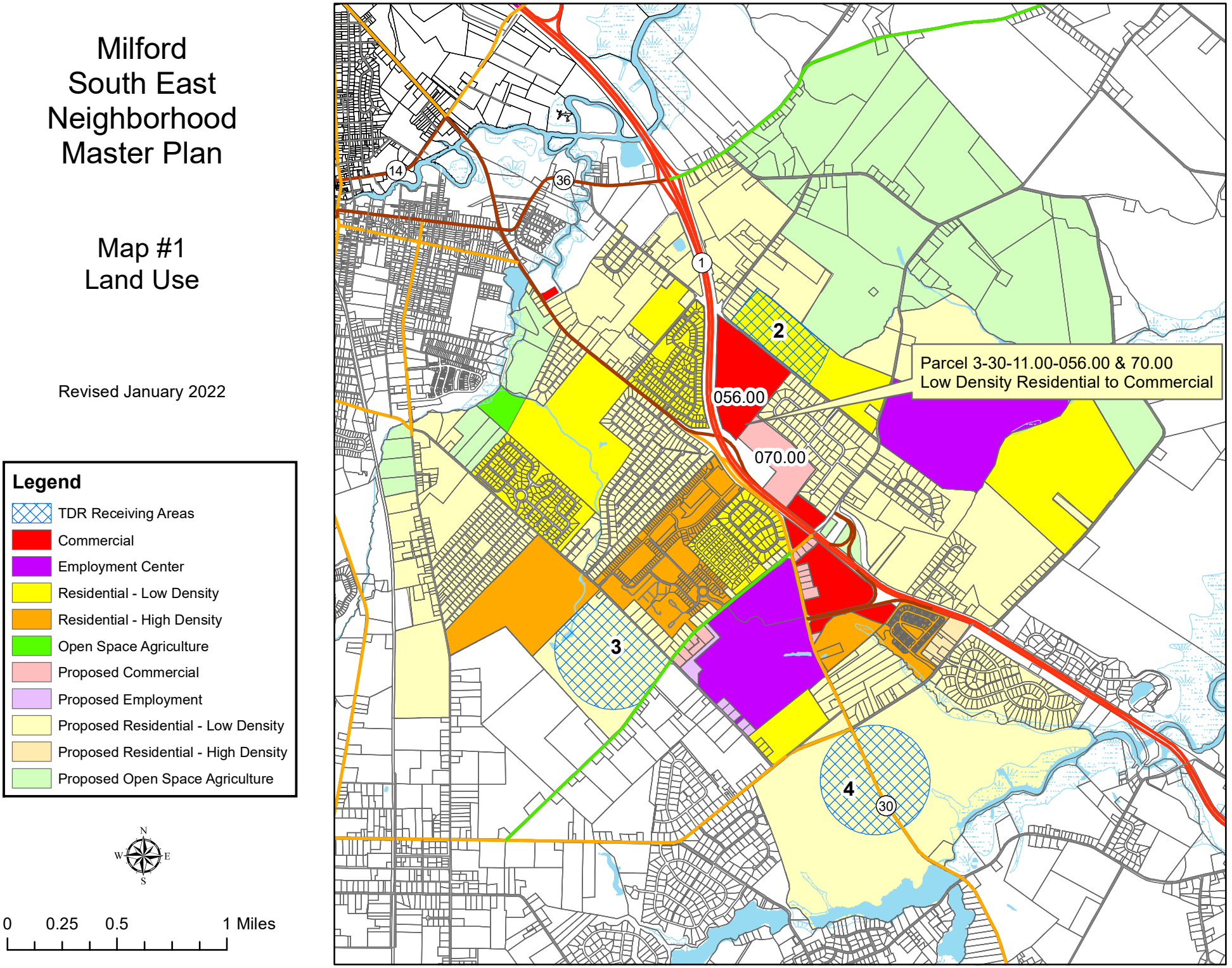
NORTH
NAD 83

C:\Users\cmcgeehan.century_eng\Documents\Global-CENTOO-ProjectData\Projects\16901200 (Key Properties Group)\16901202 (South Milford Properties Entrance Design)\CADD FILES\Circulation Concept\Drawings\16901202 (NP_Circulation Master Plan)dwg APR 29, 2020 4:10pm cgoodwin

Milford South East Neighborhood Master Plan

Map #1 Land Use

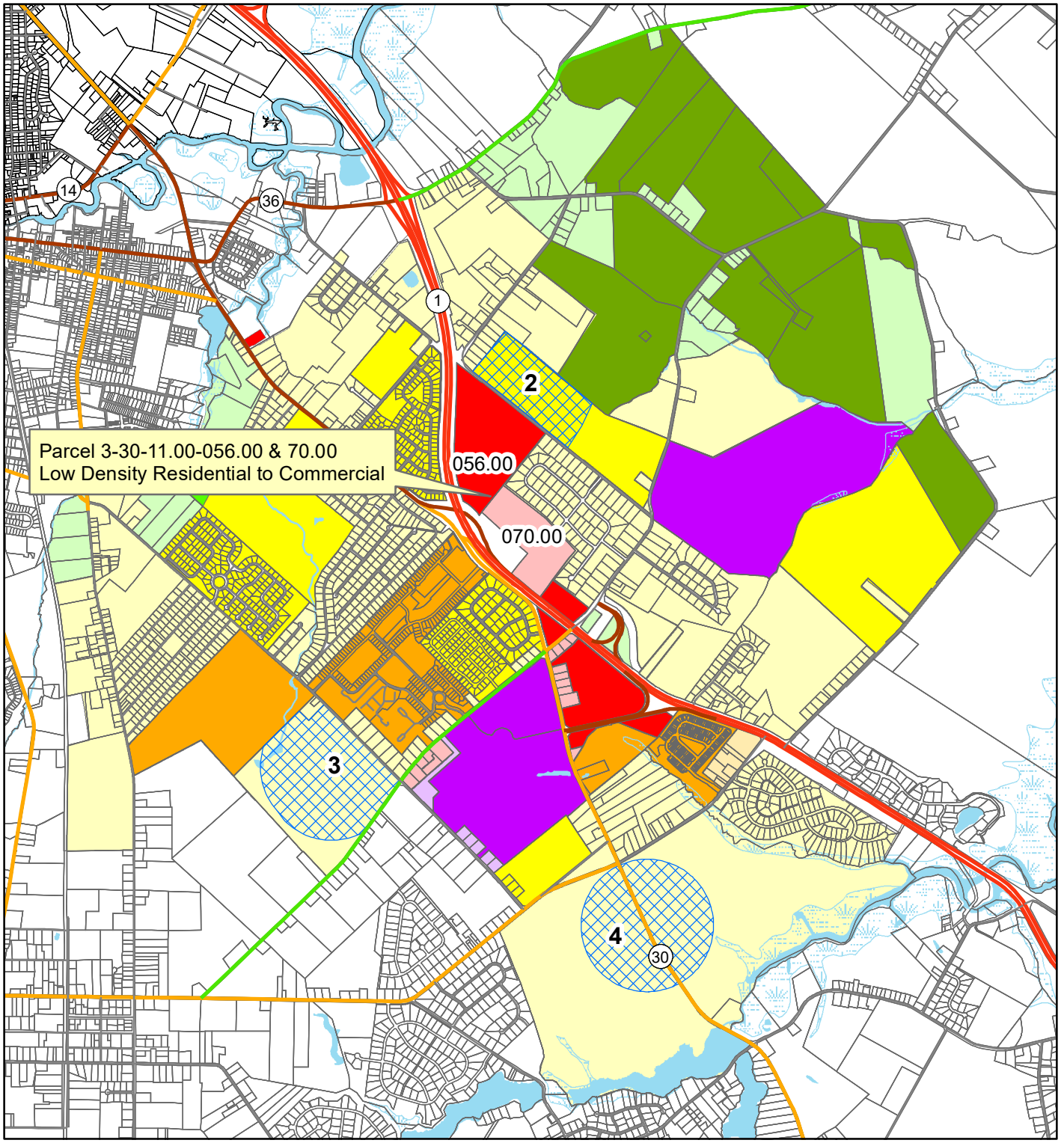
Revised January 2022



Milford South East Neighborhood Master Plan

Map #2 Land Use & Agriculture

Revised January 2022



Legend

- TDR Receiving Areas
- TDR Sending Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

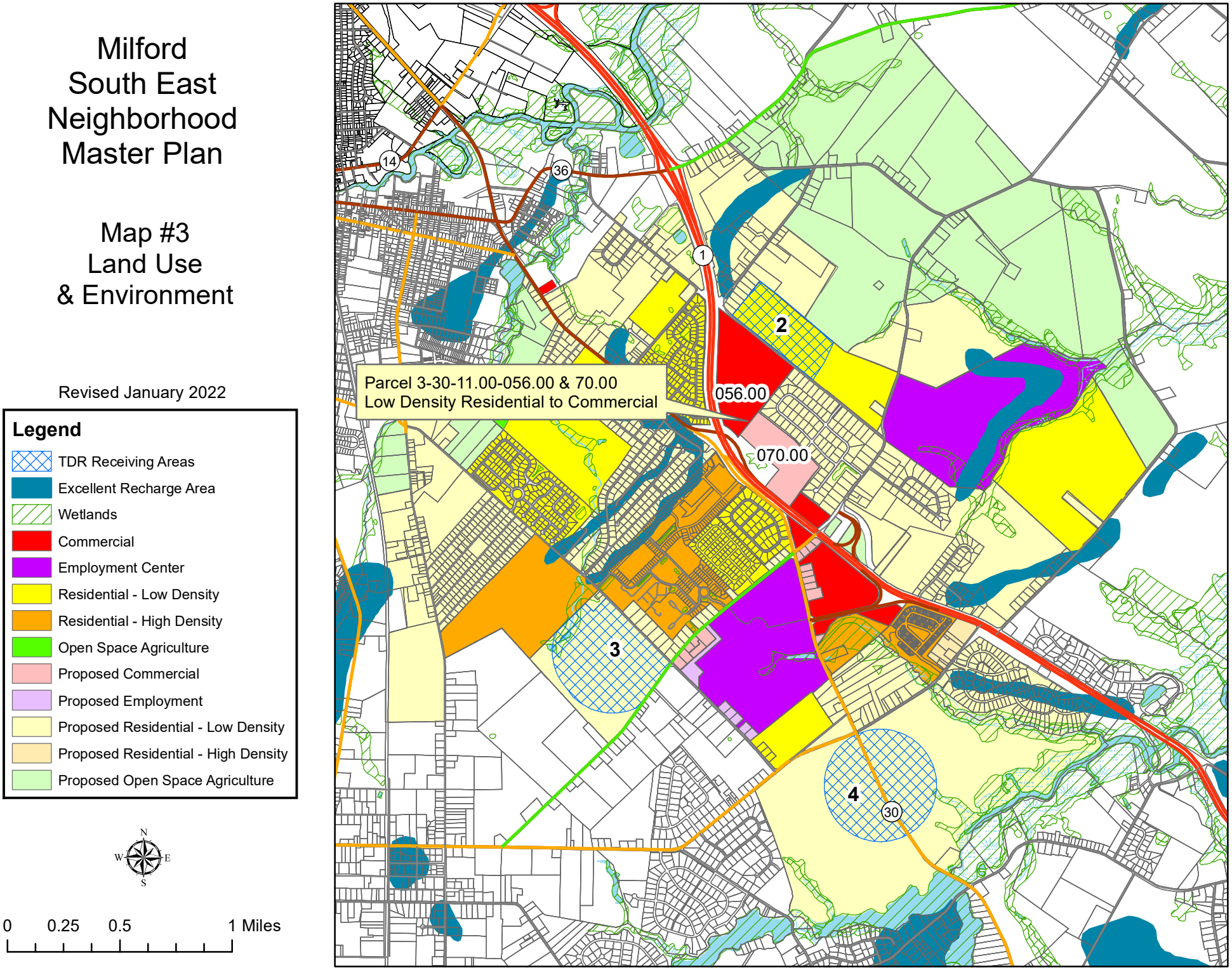
N W E S

0 0.25 0.5 1 Miles

Milford South East Neighborhood Master Plan

Map #3 Land Use & Environment

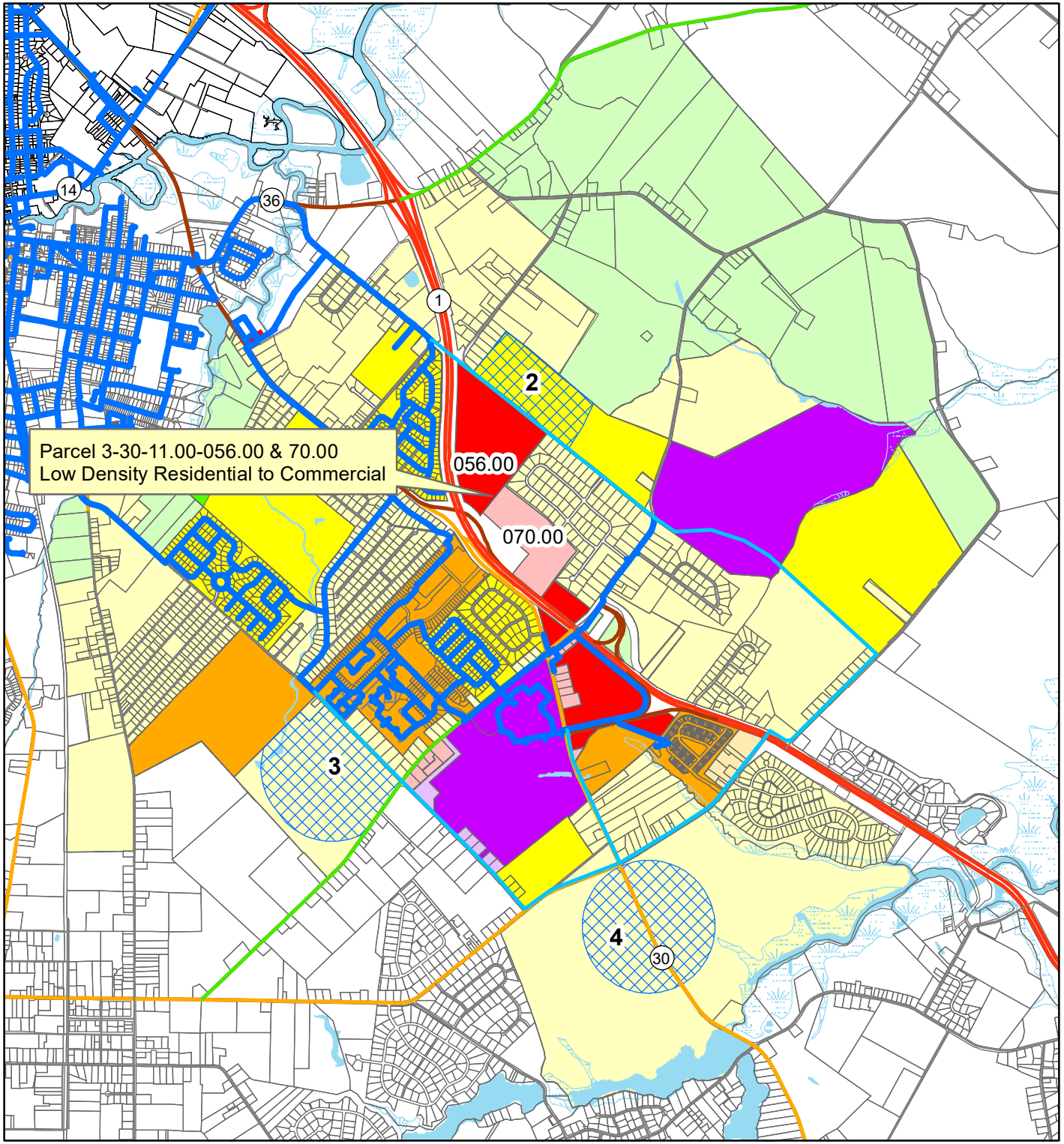
Revised January 2022



Milford South East Neighborhood Master Plan

Map #5 Land Use & Water

Revised January 2022



Legend

- Proposed Water System
- Existing Water Mains
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

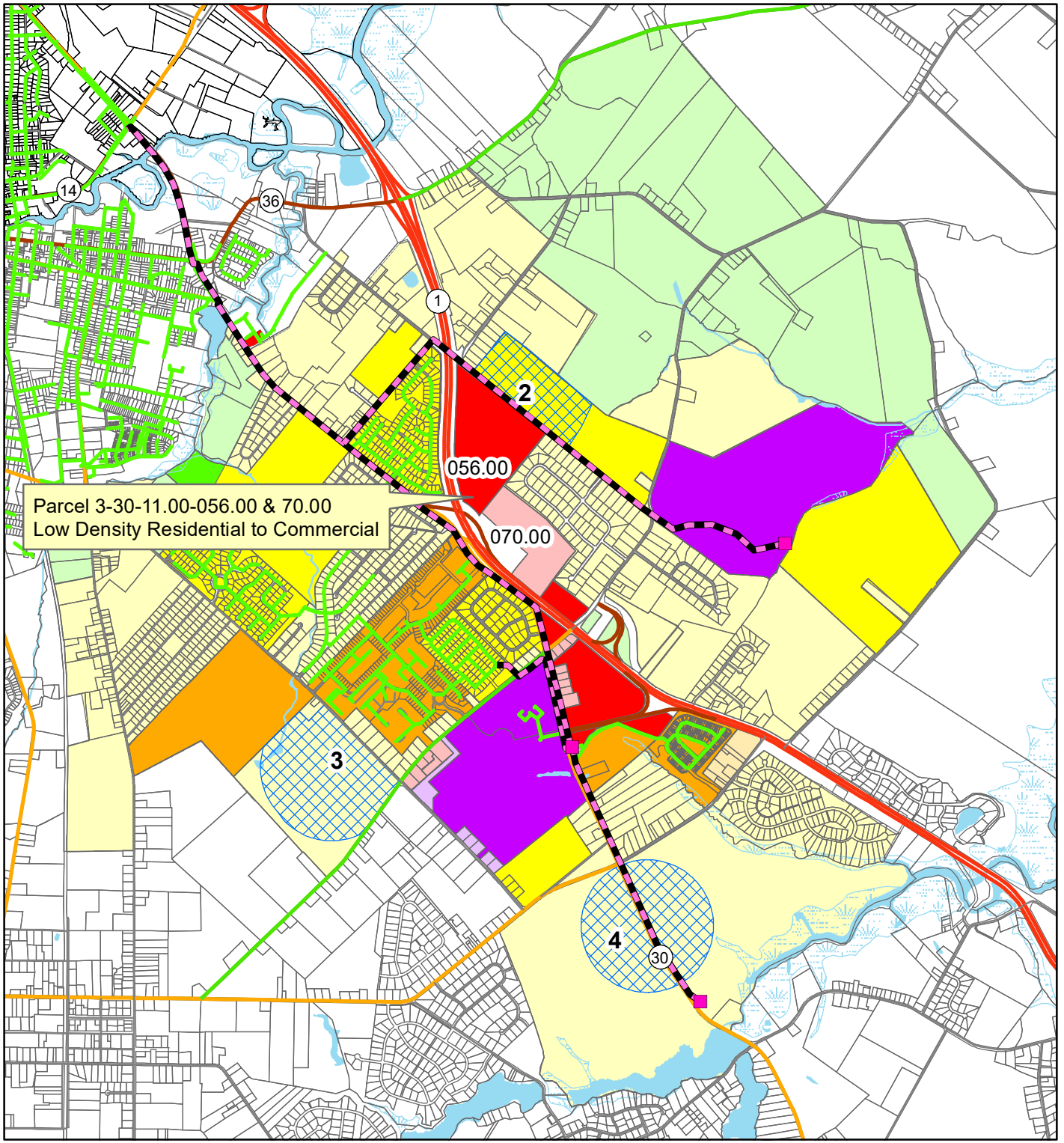
N W E S

0 0.25 0.5 1 Miles

Milford South East Neighborhood Master Plan

Map #6 Land Use & Wastewater

Revised January 2022



Legend

- Proposed PS
- Proposed FM
- Existing Gravity Sewer
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

N W E S

0 0.25 0.5 1 Miles




The Pledge of Allegiance
I pledge allegiance to the flag
of the United States of America,
and to the republic for which it stands,
one nation under God,
indivisible, with liberty and justice for all.

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
December 13, 2021

The City Council of the City of Milford convened in a Workshop Session on Monday, December 13, 2021, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:02 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, Jason James Sr., and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Per the Declaration of a Public Health Emergency issued by Governor Carney on July 13, 2021 and the virtual meeting provisions as provided in Senate Bill 94, Milford City Council met in a hybrid format.

Zoning Code/Right-of-Way Ordinance

Mayor Campbell turned the workshop over to City Manager Whitfield.

Mr. Whitfield said they are presenting two items tonight to get feedback from Council. One is a wireless facility ordinance. One thing the City has no control of is wireless facilities within our rights of way. There are some communities that have been dealing with undesirable structures that have been placed within the rights of way when there are no regulations and how wireless facilities are installed and where they can be installed. In addition, this will include some proposals of income that can come back to the city for the use of our right-of-way for these wireless facilities.

The other item is the City's street ordinance amendment, which is an upgrade.

Our IIMC Fellow Melody Barger is going to go over those items, several things that also include regulations within the right of ways. This would involve a permitting system for people using rights-of-way, such as a gas company or other utility that may want to come in. The intent is not to create restrictions, but to aid in their control and aesthetics.

The other item is the occupancy of the right-of-way. We often have requests that may cause damage to the street and having some type of occupancy permit will allow us to know who is in the rights-of-way.

Planning Director Rob Pierce then reviewed each item included in the packet.

He said that currently, there are no provisions in the zoning code for the allowance of wireless communication facilities within city limits that could be on private property or in the public right-of-way. When looking at our ordinance, it was determined there is nothing for stand-alone towers or antennas on existing structures and buildings.

The proposed revisions that are in your packet would allow for the construction of tower-based and non-tower wireless communication facilities, and it would also allow for the installation of small wireless facilities within the public right-of-way.

Tower-based facilities are what you traditionally think of the old-time old-fashioned cell towers their structures, you support one or more antennas. That includes self-supporting lattice towers, guide towers, and monopoles. None tower wireless facilities are antenna facilities that are not supported by towers and not considered small wireless communication facilities and could be placed on top of a water tower or multi-floor building with excessive height.

The small wireless facilities would include antenna and support structures that are generally 50 feet in height or less.

The draft ordinance provides procedures and standards for the three categories.

What is proposed is the tower-base facilities would be allowed by conditional use within the business park, highway commercial, both industrial zones, and the institutional service district.

The heigh would be set at a maximum of 150 feet and the minimum distance from the base of the tower to the property line would be at 110% of the tower heights.

The ordinance provides additional standards for security lighting, fences for security purposes and screening, and accessory structures for visual appearance.

New towers could be denied, and the intent is the applicants try to utilize existing towers in the area, so they need to make a good faith effort to try to co-locate on something that might be nearby as opposed to a whole new structure.

For non-tower wireless communication facilities, we currently have an antenna on top of a water tower or on a taller structure such as the Bayhealth Hospital.

These would be allowed in all zoning districts and within the public right-of-way. They would not be permitted to be attached to residential dwellings and the height would have to stay at or below the zoning requirements for that district.

If a commercial zone only allows 35 feet in height, it would not be allowed to extend above that.

The small cell wireless communication facilities are usually deployed on existing utility poles or set on new pole structures within the right of way. There is a size limitation to these and are lower frequency communication devices. They do not meet the same standards as the traditional antennas.

Allowing them in all zoning districts, and when on private property they can be on the tower-based facilities as well. When in the public right-of-way, the height of the facility cannot be more than 10% taller than the tallest utility pole or or 50 feet, whichever is greater.

There would be a design manual that would accompany the ordinance that would be used to administer the design component of the wireless communication facilities when the right-of-way to help guide certain aspects of aesthetics, screening, stealth technology to shield it from the public view or minimize its appearance.

Wireless communication facilities would be added to the planning department fee schedule and treated like commercial building permit applications. That is usually how antenna adjustments are handled that occur on tower facilities.

The wireless communication facilities are placed within the right-of-way would be assessed an annual licensing fee which is proposed at $270 a structure.

The draft zoning ordinance was reviewed with the Planning Commission last fall. They had concerns related to the screening and making sure the fencing wasn't unsightly. They had a similar presentation as is being given to Council and went line by line in-depth with the proposed ordinance.

After this workshop is wrapped up, any feedback from Council will be added to the final zoning portion of the code amendments and then hold public hearings to adopt the ordinance.

Planning Director Pierce said that concludes the component related to the zoning ordinance.

When asked if there are any current towers that do not meet these requirements; Planning Director Pierce said he is unaware of any. This would only apply to new towers.

When talked about the tower issue in Dewey Beach and most are being removed, Councilman Culotta said the only problem there is their residents complain because they don't want to see them on the dunes. However, they will be first complaining when they can't get cell service while they are at the beach.

Solicitor Rutt added that one of the cell companies installed them where they wanted because there was no process in place.

Councilman Culotta asked if farmland would have to be rezoned to install a standalone tower, Director Pierce confirmed it would have to be zoned BP, C3, I1, I2, or IS, though a conditional use would need approval from City Council. Those tend to be the areas where the towers are located, and they would not be placed in the middle of a residential zone or a neighborhood commercial. This covers the larger, more intense zoning categories.

The Director further explained that farmland would have to be zoned because the City does not have a farmland zone. For example, it could be zoned highway commercial and make sure the tower is no higher than 150 feet and the property lines are 165 feet. Councilman Culotta asked why it is necessary for it to be so far away, Director Pierce said that is from a safety standpoint if anything were ever to happen to the structure.

Director Pierce confirmed this mirrors the City of Dover's ordinance that was adopted approximately eight years ago.

When asked the timeline, Director Pierce said he wants to wrap up any discussion by the end of this month, his intent was to present it to Council in February.

City Manager Whitfield added that this is occurring in all communities, particularly in the larger communities. He wants this in place before it becomes an urgency, and before the next request is received.

Councilman Culotta said Director Pierce stated earlier he prefers to steer service providers to existing towers to co-locate. He asked if there will be any conflict of interest because many of the towers in Milford are water towers and we have the advantage of owning them and get good pretty good revenue from those.

Director Pierce reiterated that right now, there are no provisions that allow them, and they are already on our water towers. Putting the rules in place allows others to participate and build the structures. The cellular providers will more than likely want to co-locate on something existing versus the added expense of building another tower.

Councilman Culotta said he is talking about a property owner that is not permitted to put a sign there and now wants to add a tower. He thinks there is a need to provide quality cellular service. City Manager Whitfield explained the demand will not be on the tall towers and instead on the data collector towers you see on the streetlight poles. There are several nodes on top of streetlight poles that are basically data collectors. Those data collectors are interconnected with fiber optic cable, which means tearing up streets to install fiber optic cable.

When asked if a moratorium could be put in place until the ordinance was adopted, Solicitor Rutt said that most of this is controlled by the FCC (Federal Communication Commission). They have regulations in place and do not apply to the land use issues such as availability of communication and those preventing those types of things. If a moratorium was passed, the City would end up being contrary to federal regulations.

Director Pierce said plans to have the ordinance ready for February with the information that is being presented to Council this evening. It would then go to the Planning Commission and Council again. The portion that covers Chapter 197 will accompany the Zoning Code amendment but will not have to go to the Planning Commission.

Councilman Baer questioned the water tower by the City Dog Park, Director Pierce said that is one of the nonconforming towers by the old spoon mill. It would continue to have the same number of antennas that already exists. If any need to be repaired or swapped, that could be done, but any additional capacity would be subject to the zoning ordinance.

Director Pierce also clarified that the $275 fee is a license fee to allow it within the public right-of-way. Any small facilities attached to a utility pole or monopole in the City's right of way, but a charge to occupy our right of way. There would not be a charge on privately owned buildings or towers.

Councilman Baer also pointed out there is nothing in the proposed ordinance to maintain certain integrity of the looks, or the quality of the water towers, adding that a particular water tower needs to be repainted.

Maintenance for the actual wireless communication facility tower is addressed in the proposed language according to Director Pierce. But Councilman Baer is referring to a privately owned water tower. If it becomes detrimental to the structure, then yes, the City could address that through property maintenance. But needing paint does not fall under the jurisdiction of the Code Department.

Councilman Baer said it appears to be rusting so it could be impacting the quality of the water.

Director Pierce said he will assess that tower for any violations.

Local Government Management Fellow Melody Barger then referred to the draft revision of Chapter 197 Streets and Sidewalks, whose title will be changed to Streets, Sidewalks, Storm Sewers, and other Public Places.

She shared the current ordinance does not regulate the right of way a whole lot and does not regulate storm sewers or other similar areas. After reviewing it, it was agreed to scrap the entire ordinance and start new. Other cities like Dover and Newark have a right-of-way ordinance with regulations, and there is a need in Milford as well.

Ms. Barger then reviewed each article of the ordinance.

Article One: General Provisions

- Temporary occupation of the right-of-way requires approval of the City Manager and permanent occupation of the right-of-way is not permitted except for proper access to buildings (with approval of the City Manager)
- All construction or placement of utilities with the right-of-way requires a permit and licensing fee and excavation in ROW requires 100% bond
- Property owners are responsible for sidewalk maintenance, repair, and obstruction removal (including snow and ice removal). The City will repair ADA curb ramps at intersections but will not take responsibility for snow and ice removal at ADA curb ramps. Snow and ice must be removed within 12 hours of daylight after cessation of precipitation
- Playing games in the street is prohibited; devices like soccer goals and hockey nets may not be placed in the ROW

Article 2: Streets and ROW

- Street construction must be in accordance with Chapter 200 Subdivision of
- Land and the City Standard Construction Specifications
- Process for changing street names
- The City has the authority to create, accept and abandon streets

Article 3: Curb Cuts

- Curb cuts require a permit
- Entrances must comply with Chapter 230 Zoning and the City Standard Construction Specification

Article 4: Sidewalks

- Builders and developers are required to construct sidewalks in all new construction sites and subdivisions
- Existing residences and commercial establishments that want sidewalks may petition the City Engineer for permission to install sidewalks at the property owner's expense. The City may install curb and gutter with discretion at the
- City's expense.
- City Council may order installation of sidewalks at the property owner's expense, which must be completed with 365 days.
- The property owner may finance their improvements and may apply for financial assistance from the City
- Owners who fail to complete payments within 90 days will be subject to legal action and/or a lien on the property

- Responsibility for the repair of sidewalks rests with the property owner If the property owner fails to repair their sidewalks, the City must wait 90 days and provide proper notice to the landlord before repairing the sidewalks
- at the property owner's expense
- Property owners must obtain a permit for construction or reconstruction of sidewalk

Article 5: Storm Sewers

- Public sewers may not be tapped without a permit
- Citizens may not discharge articles, objects or substances into the storm sewer that may be dangerous or injure the storm sewer
- The City may enter any private property as reasonably necessary to inspect, convey or remove materials, or improve/repair storms sewers

Article 6: Excavations

- Traffic conditions must remain as close to normal as possible during excavations of the ROW
- Streets and sidewalks excavations must include a suitable barrier to protect against injury of pedestrians and vehicles
- Excavations must be repaired by the person making the excavation
- The City may make inspections to enforce proper use of excavation

Article 7: Wireless Facilities within the ROW

- A permit is required to locate a WCF in the ROW
- An annual fee of $270 will be assessed per WCF located in the ROW as provided in the Planning Department Fee Schedule

Article 8: Public Utilities

- Placement of utilities in the ROW requires a permit (either underground or aboveground)
- Public utilities are subject to a franchise agreement as approved by City Council
- No attachment may be made to any Milford Electric Division facilities without a license agreement

It was confirmed the prohibition of sports being allowed within the streets is an existing provision of the Street and Sidewalk Ordinance.

Personnel Policy Update/Medical Marijuana/Weapons

City Manager said there are two personnel issues being presented to Council. One is the use of medical marijuana and HR Administrator Jamesha Williams will talk about hurdles encountered when evaluating whether the use of marijuana can be done within the City and have come to the conclusion they cannot.

The other item is weapons in the workplace and we have a proposal to restrict the carrying of weapons while on duty in the workplace and the number of related items.

HR Administrator Williams commented on the following memorandum:

Purpose

The purpose of this memorandum is to outline the recent review of the City's personnel policies and regulations and recommend a change to Section 12.5, Alcohol & Drug Free Workplace and the addition of Section 16.2, Weapons-Free Workplace.

Background: Section 12.5 Alcohol & Drug Free Workplace

The Chief of Police, Kenneth Brown reached out to the Human Resources Director, Jamesha Williams and City Manager, Mark Whitfield to seek clarification on the City's policy related to the use of a Delaware Medical Marijuana Registry Identification Card.

Title 16 Chapter 49A of The Delaware Medical Marijuana Act (the "Act") authorizes the use of a medical marijuana registry card for qualifying medical conditions to include but not limited to cancer, terminal illness, and glaucoma.

The Act prohibits an employer from discriminating against an individual on the basis of being a medical-marijuana cardholder unless doing so would cause the employer to lose a monetary or licensing-related benefit under federal law or regulations.

Additionally, the federal Department of Transportation does not provide for exemptions for marijuana use based on state law. Consequently, any City employee who is required to hold a Commercial Driver's License does not qualify for the protections of the Act.

Finally, the Delaware State Police prohibits employees and applicants from using marijuana, even if such use is lawful under the Act.

Recommendation

The management team of Directors and the Chief of Police recommend prohibiting all City employees and applicants from using marijuana, even if the individual has a Delaware Medical Marijuana Registry Identification Card because permitting employees to use marijuana, even if such use would be lawful under state law, would cause the City to lose federal funding.

Background: Section 12.6 Weapons-Free Workplace

City employees reached out to the Human Resources Director, Jamesha Williams to seek clarification on the City's policy related to carrying concealed deadly weapons. After further research, the Human Resources Director determined that the City did not have a clear, defined policy or ordinance on weapons in the workplace which prompted several discussions with the management team of Directors and Chief of Police.

Gun control is a controversial, complicated and delicate topic; however, it is critical for the City to have a clear, workplace violence policy that addresses weapons as well as broader safety issues.

In 2019, a longtime City employee shot and killed 12 people and injured at least 4 others after opening fire in the Public Works building at the Virginia Beach Municipal Center. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (CFOI), of the 5,333 fatal workplace injuries that occurred in the United States in 2019, 761 were cases of intentional injury by another person. The Gun Violence Archive counted 225 shootings in the United States in 2021 as of May 28, 2021 and more than 17,000 people in the United States have died so far in 2021 from gun-related violence. However, it manifests itself, workplace violence is a major concern for employers and employees nationwide as 2 million people become victims of workplace violence annually.

Other Cities/Towns

Municipality	***Policy***
Seaford	*Weapons-Free, Concealed Carry is not specifically addressed in the policy.*
Middletown	*No formal policy*
Smyrna	*Weapons-Free*
Newark	*Banned-Open Carry, Allowed-Concealed Carry*
Wilmington	*Weapons-Free*
Rehoboth	*No formal policy*
Lewes	*No formal policy*
Dover	*Banned-Open Carry, Allowed-Concealed Carry*
Kent County	*Weapons-Free, Allowed-Concealed Carry*

Recommendation

After several meetings and email discussions related to weapons in the workplace, the management team of Directors recommends prohibiting the possession or use of weapons in the workplace, at City-sponsored functions, in or on City-

owned, rented or leased property, or in City-owned, rented or leased vehicles for all employees (excluding law enforcement) regardless of any license or permit that an employee may have which would otherwise authorize the employee to carry firearms or weapons for the following reasons:

1. *Safer work environment.*
2. *The ability to maintain control over City facilities.*
3. *City employees perform work near/on the premises of the Milford School District and Greater Milford Boys & Girls Club which have strict policies that prohibit firearms on their premises.*
4. *The Boys & Girls Club is governed by the Department of Education which has specific rules pertaining to running a daycare facility which state: a licensee shall ensure firearms or ammunition are not within the center's premises. The Parks and Recreation Department is required to apply to the Department of Education to obtain a permit for their Summer Camp Program.*
5. *The Delaware Criminal Code, Section 1457 prohibits the possession of a weapon in a Safe School and Recreation Zone. A Safe School and Recreation Zone is defined as any building or structure owned, operated, leased or rented by any county or municipality, or by the State, or by any board, agency, commission, department, corporation or other entity thereof, or by any private organization, which is utilized as a recreation center, athletic field or sports stadium. Based on the definition, the Parks and Recreation Department is considered a Safe School and Recreation Zone.*

12.5 ALCOHOL & DRUG-FREE WORKPLACE

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.

12.5.A PROHIBITED ACTIVITIES
Employees are prohibited from engaging in the following activities:
1. *Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).*
2. *Being under the influence of alcohol or illegal drugs while on duty.*
3. *The operation of any City vehicle in violation of the guidelines set forth in this policy.*
4. *The refusal to submit to an alcohol or drug test as defined and required by this policy.*
5. *Use of a medical marijuana registry identification card as an allowance for testing positive for marijuana (THC).*

The appropriate law enforcement agency will be notified of any sale, distribution or possession of any illegal substance by an employee at any time. While use of medically prescribed or some other legal medications and drugs is not a violation of this policy, when such drug use adversely affects job performance, the employee will be required to use sick leave or take a leave of absence. Failing to notify an employee's supervisor before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties by a City employee, may result in disciplinary action up to and including termination. Such actions will constitute violation of the City of Milford's Employee Policy Manual. When an employee's driver's license is suspended due to alcohol or drug use and driving is required by the employee's job description, the employee is subject to disciplinary action as described in Section 11.1.

12.5.B TESTING

12.5.B.1 PRE-EMPLOYMENT
Each individual who has been conditionally offered employment with the City of Milford will be required to take a drug test as a condition of employment. The offer of employment may be withdrawn from any individual whose test reveals the presence of a controlled substance

12.5.B.2 RANDOM
Each employee who is assigned to a position which requires the possession of a CDL shall be part of the CDL random testing pool. All other employees shall be placed in the non-CDL pool for random testing for alcohol and for the use of controlled substances. Such test shall be conducted on a random, unannounced quarterly basis and in accordance with this policy.

12.5.B.3 REASONABLE SUSPICION
The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor. These observations may include indications of the chronic and withdrawal effects of controlled substances as defined by the Federal Motor Carrier Safety Administration (FMCSA). Two trained supervisors must witness
the conduct and be trained in the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

12.5.B.4 POST-ACCIDENT
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.

12.5.C TESTING PROCEDURES
All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991. The testing will only be conducted by certified, qualified individuals who are either employed by a contractor hired by the City for this purpose or are sworn, law enforcement personnel. To ensure accuracy, employees must be tested immediately following reasonable suspicion or post-accident as described above.
Testing will be done for the following substances, however not limited to:
- Alcohol
- Marijuana (THC)
- Cocaine
- Amphetamines and methamphetamine
- Opioids
- Phencyclidine (PCP)
Refusal by an employee to cooperate or submit immediately to alcohol and/or drug test when requested by management will constitute insubordination and is cause for disciplinary action in accordance with 11.1 of this manual.

12.5.D PAYMENT
The City shall pay the cost of testing for alcohol and controlled substances. The employee shall pay the cost of any confirmation test requested by the employee to deny the use of a controlled substance if the results of the initial test are positive. If the results of the confirmation test are negative, the City shall pay the cost of the confirmation test. The City shall not pay the cost of evaluating, counseling or rehabilitation which may be required by the Omnibus Transportation Employee Testing Act of 1991.

12.5.E POSITIVE TESTS
Confirmation of drug or alcohol use or abuse will result in disciplinary action in accordance with Section 11.1 of this manual. Two disciplinary actions relating to drug or alcohol use may be cause for termination.

Discipline for being under the influence of alcohol or nonprescribed controlled substances during non-job-related activities will be based on the employee's work history, previous disciplinary actions and previous identification of substance use problems. Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee's work history/record and any state law requirements, the City of Milford may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up alcohol and drug testing at times and frequencies established by the City. These follow-up tests will be determined by the Human Resources Administrator and Department Head and will take place for a minimum of one year but not more than two years. A waiver of the right to contest any termination resulting from a subsequent positive test will also be provided. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

Councilman Fulton asked for documentation that shows the City could lose federal funding by allowing employees to use medical marijuana. He understands the loss of funding in the police department but stated that standard employees have the right, just like they have the right to take Percocet or cough medication with codeine or any other type of

pain reliever or some type of analgesic which will cause them some other type of symptoms, or some other type of symptom or condition. Some of these people have nothing else to turn to, and a medical doctor, not a state agency, has said this is what you need to take for your MS, cancer, or some other condition. And they are not going to be told they are no longer allowed to be employed in Milford because they can't have the card and be employed here.

Councilman Fulton said in his opinion that is not correct and Councilman Culotta agreed.

City Manager Whitfield explained the city gets funding from the Federal Government and has to attest the city has a policy in place that prohibits this. He shares the sentiments but has looked at this with our attorneys and this was their recommendation.

A discussion followed with specific situations. Councilman Fulton pointed out there are people on methadone, not because they are heroin addicts, but because of the pain they experience day-to-day. They are taking methadone and when that shows up, they are considered an addict. He explained it is a pain treatment and he does not believe the federal government has tied the hands of government agencies and that the entire bank of city employees is prohibited, by federal mandate, to have a medical marijuana card. He wants to see written documentation before he approves something like this.

He understands the prohibition for the police department and Chief Brown agreed with him.

Councilman Fulton said this is a serious issue for the police department because it is against federal law and the police have to uphold, not only the State of Delaware laws but federal laws as well. Chief Brown said when we sign the grant paperwork, some of the grants have fourteen pages and he must go through and initial each page because it is tacking on all these things they have to comply with. Complying with federal law is one of those things that is heavily looked at and it often requires two or three signatures that they comply. He feels that all the laws are not cohesive yet with states and local and the feds.

Chief Brown thinks we are way behind the curve on the medical marijuana issue, but he does have to sign that he is in compliance with federal law.

Councilman Fulton said he understands the police. Chief Brown said the police are not separate from the City of Milford. City Manager Whitfield confirmed the money does not go to Milford Police Department. Instead, it goes to the City of Milford and that is one of the problems.

Manager Whitfield said it puts the city in a crux in that we may lose funding if we don't have this in place.

It was confirmed that a city employee cannot have the card. Mayor Campbell suggested only prohibiting it during work hours. HR Manager Williams explained that all the employees are in the random drug testing pool and what will happen is when they are selected, they will test positive for marijuana even if not consumed during work hours.

Councilman Fulton argued that if employees take certain medications, they will test positive for different levels of narcotics when a urinalysis is done. Then the employee is asked for documentation for why the sample is dirty. The doctor then has to provide the prescription which is then ok'd. The federal government has said it is ok for Big Pharma to give you that narcotic while at work is ok, then everything is good, but because the federal government has not given the approval for medical marijuana. Councilman Culotta agreed that if a doctor prescribed a narcotic, how can that be different than a prescription for medical marijuana. It seems like a double standard in his opinion.

Ms. Williams said until the federal regulation changes, the City's hands are tied. Councilman Culotta said that until the feds say the City is not going to get their funding and he would rather explore that before this is put in place.

It was suggested that this needs to be broken into two different policies---one for police and one for non-police employees.

Ms. Williams explained that in that situation, we would run afoul with police and the CDL drivers, who are public works employees. In addition, if an employee has a work accident and they are sent for post-accident testing, and they test positive for marijuana, becomes an issue when another employee is under the influence of marijuana even if it is for health-related issues because of the federal law.

Councilman Fulton said or any other prescribed substance they may be under from a doctor's care.

Ms. Williams confirmed that when an employee goes to the lab for any testing, they do provide any prescription information upfront. That prevents any issues should the reading come back positive. It will state positive, but the cover sheet will provide verification of the prescription, so it is mitigated. The only problem is when there is a positive reading with no prescription to validate the reason for the substance.

Mr. Whitfield explained that a CDL driver who is on any narcotic for whatever reason is required to inform their employer ahead of time. If they fail to do that, they can be terminated.

Councilmen Fulton and Culotta asked why that cannot be done with medical marijuana. City Manager Whitfield explained that the problem with medical marijuana is the only test is THC. The problem with that test is there is no way to determine if it was consumed two weeks ago or two hours before. The THC is simply in the blood and the only test for that at this time.

There is currently a case involving Kraft Foods and a forklift operator who ended up testing positive but had a medical marijuana card and that is still pending in court.

Ms. Williams explained that when the employer terminated him for having marijuana in his system, they could not prove it was taken during work.

Councilman Fulton explained that when they first started testing in the military, they had different levels. They had a very high tolerance at first because they figured a lot of people were on marijuana. Then they scaled it back so it was lower levels and basically less THC in your system now than less acceptable because there should be zero tolerance. They scaled it back until it became zero-tolerance though it began very high.

Ms. Williams confirmed it will only provide a negative or positive result and no levels. She also added that if the policy only applied to police officers and CDL holders, the City still has police dispatchers that have very responsible for being coherent and be able to deal with various types of calls and situations. Right now, federal law deems marijuana an illegal substance even though there are different state laws.

Councilman Boyle suggested contacting the Attorney General's office for guidance on a statewide basis. Another solution could be to put the onus on the person with the prescription that they are responsible for their actions should something occur or have an accident.

Councilman Baer commented on Section 12.5.b.4 labeled post-accident. He found the language somewhat strange at the end of the sentence that states 'or the issuance of a traffic citation shall be tested for alcohol content and for the use of a controlled substance'. He questioned tying in the loss of human life and a traffic citation to force someone to be tested. He thought it should be changed to 'maybe tested' and up to the City's discretion.

Ms. Williams explained that provision falls under the Department of Transportation guidelines for when an employer can test post-accident. If they got a ticket or there is a loss of life, they are required to have post-accident testing. It also must involve a motor vehicle accident whereby the employee received a citation.

There are also guidelines for reasonable suspicion that the employer must follow which is included in the policy. There is also training for reasonable suspicion and must meet certain protocols to prevent any type of litigation. In addition, the supervisor takes the employee for the testing.

Councilman Fulton concluded by stating we need to look at this as a wider issue than taking medical treatment away from some of the employees. He understands the federal funding issue, but he cannot in good conscience say this is a great idea to remove treatment and there are different paths of treatment for different people.

Councilman James concurred with Councilman Fulton and believes it is sensitive and important enough to get some additional information so it can be addressed properly.

City Manager Whitfield added this is something staff has been wrestling with for months. It was brought to him by another department head and it was looked into very deeply and what other communities and government agencies were doing. He knows people that have suffered and have gotten relief using this, but unfortunately, until there's some change in the federal law, the City remains caught in a crux here.

Councilman James suggests Council get the education it desires. He said some of the Council are employed in industries where there are regulations and people get hurt. He knows a lot about this, but he does not have the time to go into a conversation because the meeting will last until midnight.

He also suggests that the documentation that Councilman Fulton requested be shared with Council as well. They hear it and do not disbelieve, but to see it in writing will help.

HR Administrator then reviewed the Weapons Free Workplace which will be a new section to the employee policy:

12.6 WEAPONS-FREE WORKPLACE

To ensure that the City of Milford maintains a workplace safe and free of violence for all employees, the City of Milford prohibits the possession or use of weapons in the workplace, at City-sponsored functions, in or on City-owned, rented or leased property, or in City-owned, rented or leased vehicles for all employees regardless of any license or permit that an employee may have which would otherwise authorize the employee to carry firearms or weapons. The City adopts this policy in recognition of the danger presented to the health, safety, and welfare of employees and members of the public by the introduction of weapons into the workplace, particularly in light of the ongoing threat of terrorism.

The term "weapons" includes, without limitation, firearms of all types and sizes, whether loaded or not; air guns, BB-guns, pellet guns, and the like; simulated weapons; knives, swords, switchblades, razors, and the like – other than small pocket knives, utility knives, and the like with a blade of less than three inches in length; clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including num-chuks, throwing stars, and the like; and any item carried with the intent to go armed, or used to threaten or intimidate another. The term "weapons" shall not include the lawful possession of personal security devices, intended for use by members of the general public, including without limitation, pepper spray, mace, and such other personal defense sprays. Exemptions: Tools used on the job in accordance with employment requirements are exempt from this policy.

Exemptions:
1. *Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;*
2. *Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition or explosives;*
3. *Law enforcement agencies conducting firearms safety and training programs;*
4. *Law enforcement agencies conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;*

Any employee who believes in good faith that any person is in possession of a weapon in violation of this policy or otherwise poses an imminent threat is required to report the matter as soon as possible to any supervisor, Department Director or the Human Resources Director without regard to the chain of command. Retaliation against any employee for reporting a violation of this policy or participating in an investigation is strictly prohibited.

Ms. Williams explained that the issue came from City staff to inquire on our policy as it relates to weapons in a workplace and concealed carry. After some research into the employee policy manual and the City ordinance, she found there is nothing that addresses weapons in a workplace in terms of allowing or prohibiting them by employees or the general public.

The City Management team did recommend a weapons-free workplace. As is noted in her memo, gun control is a controversial and delicate topic. However, the recommendation for the weapons-free workplace included a safer work environment and the ability to maintain control over our City facilities.

They also took a look at what the Milford School District had and what the Greater Milford Boys & Girls Club had because our City employees are on those premises often and both prohibit firearms on their premises.

In addition, our parks and recreation department would be defined as a safe school and recreation zone, because they do have programs for children in their athletic fields. That is how staff came to the determination to have a weapons-free workplace and wanted to get feedback from Council since the item is not addressed in any policy within our policies.

Councilman Culotta said he has an issue with some of the recommendations and statements. He does see that of the municipalities listed, Smyrna is the only weapons-free municipality. The rest either don't have a policy or allow concealed carry. It is his belief that an individual has a right to protect themselves. If they so choose to do that with a concealed carry permit, then it should be allowed. He does not believe we need to have a policy because there isn't one. To argue the safe for the work environment, anytime weapons are prohibited in a public setting or any setting that becomes a gun-free zone, most mass shootings happen in gun-free zones.

The Councilman stated that from 1993 to 2015, almost 93% of mass shootings happened in a gun-free zone. In the time that you would need to defend yourself from a threat, is seconds. While the police do a great job, they take minutes to arrive. That is something that needs to be considered versus having a blanket policy and no weapons.

He stated that if someone is not familiar with Delaware's concealed carry law, an individual has to take a class on proper firearm safety and concealed carry rules and regulations, fire 100 rounds and demonstrate they can properly operate the weapon. They are required to have an FBI background check that passes, have five references from people in their county to vouch for them. Announce their desire to get a weapon permit in the newspaper and pay for an ad in the paper and then pay a fee to the State to get that permit.

Councilman Culotta says the state does a pretty good job of vetting who can carry a concealed weapon and he does not agree the City needs to go above that. He has no problem with banning open carry but prohibiting concealed carry is too much.

Mayor Campbell agrees and if someone goes through the concealed carry instruction and classes and are completely scrutinized before a concealed carry permit is issued, that should qualify that person to carry as they wish.

Councilmember Boyle said he will take exception to both and does not believe a workplace is a place for a gun in any circumstance. He finds it confusing that in some weapons-free zone, they allow a concealed weapon. A person either has a gun or they don't, concealed or not. He believes it intimidates some people and you do not know what the spark would be to set somebody off. It could be in a free zone where they come back with a gun. But that does not excuse walking around with a gun because there are too many people intimidated by it and he would vote against it.

Councilman Fulton feels that the CCW is not about everyone knowing or not knowing someone has a gun. If they know you have a gun, you have violated your CCW permit already. That would be brandishing and showing, and the police would take it. It is for the person's own personal protection, and it is not talked about and is kept away. The only time it would come out is for that person's own personal protection. Delaware is a state where the first method is escaping and is not to pull your weapon out and start shooting bullets at everything that moves. The first rule is to look for an escape route and avoid conflict.

Then only if necessary, according to Councilman Fulton, would you then pull your weapon out and try to defend yourself if you have no escape path possible. Worrying about who has a weapon and who does not, is not a factor. It is required to be on your person that no one knows about.

Councilman James stated his overall concern is the rights of individuals. He does not like tampering with constitutional rights. But at the same time, he must respect the concern of the individuals. There is fear on the other side is what he is saying. If there is someone in the workplace with a gun, there is a legitimate fear.

Councilman James asked if there is a way to have a policy, a reporting mechanism to someone intimidating or brandishing causing reasonable suspicion that someone is a little tilted or off. That can be reported and addressed, and the police can then come and take the gun. Perhaps that can be policy-written.

He comes from a family of in-laws who has been in law enforcement, and he has been around guns, and infringing upon those rights is a slippery slope and he wants to be careful whatever is done.

Councilman James is not opposed to a reasonable policy that accompanied a concealed carry allowance that would be optimal, though he is unsure if that is possible. However, he does understand the concerns of those in the workplace even if the person has a concealed carry permit. On the other side, there is a lot of violence that takes place with co-workers. He does not know if they are legitimate carriers that have gone through the certification process. But you can someone lose it at any time. There is no protection against a criminal or someone that is going to go off regardless of if they have a concealed carry permit or not.

Councilman Culotta asked that Solicitor Rutt review Title 22 Municipalities in Delaware law and specifically section 111 limitation on firearm regulations and see how that aligns with the proposal before Council.

Solicitor Rutt said that there is a provision in Title 22 that says municipalities may not regulate firearms in their charter. The City has nothing in the Charter. There is an exception for existing ordinances though the City does not have that either.

He will look at the concealed carry prohibition in the workplace under Title 22 and Home Rule as it relates to ordinances versus charter.

Councilman Culotta said that though he does not need the permission of the police, because the Constitution gives him the right to keep and bear arms, he would like to hear the Police Chief's opinion.

Chief Brown stated that he has been for the right of good people to be able to carry firearms because he believes and, he knows, that bad people carry them. He agrees that someone has the right to protect themselves. When in a government facility, a person should still have that right. If the bad guy or a person intends to go in and kill people, he does not care about the ordinance or the law and instead is going in to accomplish what he set out to do. The only thing that will stop him is a good person inside with a firearm. He will be done shooting by the time the police can get there unless they happen to be there. Chances are that will not happen.

He agrees with Councilman Culotta that these gun-free zones are easy targets. A person is actually putting themselves out there and saying they are just going to lay there and take whatever that person brings.

Chief Brown is for the victims, and we need to stop being victims.

Councilman Culotta also thinks that with the size of our City, we do not have arms. If he goes to Family Court in Georgetown, he is unable to carry his firearms in, but there are armed guards and armed police officers there. We do not have that in all our City facilities and he does not want someone meeting him at the door of City Hall or having to go through a metal detector. Because of that, we are very vulnerable in many senses. The risk of accidental discharge, which is the fear of somebody carrying or being intimidated at a workplace. If someone feels intimidated by somebody who's concealed carrying, they have already violated that concealed carry license and their work agreement which is a bigger problem.

City Manager Whitfield said his only argument, and this came from the City department heads and/or supervisors when you are rendering discipline on an employee, you have no idea if that employee is carrying a gun or not, or what may snap with the employee when you're rendering that discipline. He has been in this business for 42 years and he has never felt the need to carry a gun.

Councilman Culotta said that is fine, but the right to defend oneself is a constitutional right.

City Manager Whitfield said with all due respect, he does not believe that more guns is the answer to those that were involved in the Virginia Beach shooting or other similar situation.

Councilman Culotta said that is where there is a distinct difference of opinion.

Councilman Boyle said he spent his career in the military and was also around guns most of his life. But never in his life did he believe a gun other than exercising duties and preparing for other things. But he has never owned one and never wanted one and he does not see the need.

Mayor Campbell noted that because Delaware is an open-carry state. He has been in Walmart where he has witnessed a man carrying a gun. He is sure the police department gets calls all the time because many people do not understand the firearms law. He thinks the person has the right to carry a concealed weapon and he is aware of many officials who carry for their own protection.

Councilman James reiterated that if we do draft policy, it is coupled with the concealed carry laws. That already covers a lot of things that cannot do and there are regulations at places that are going to be gun-free zones anyway including federal buildings, schools, and courts.

It was noted that state law requires a person not to be within so many feet of a playground or school with a weapon period, including concealed carry. One of the City's concerns is that we have employees that are within those dimensions almost every single day.

Anyone with a CCW permit is aware of those laws and is not supposed to be within that boundary line. That person is violating their CCW and can be held accountable.

Mr. Whitfield again reminded Council that this request came from the department directors and was a very strong concern with them and he hears and understands the different opinions.

It was agreed this needs to be discussed at another time.

Councilman Culotta asked if this should be discussed in a separate workshop or in a Council meeting. He would like to have public comment which is not normally done in a workshop. He prefers to hear from the industry experts.

Public Works Director Mike Svaby then stated he believes this originated in the public works building and whether it was public works personnel or others that work in the building. When this was first discussed, he contacted the Attorney General's office to get a little background. He is not a weapon owner and knows there is a process for concealed carry and if a person wants to open carry, that is permitted without CCW training and a permit.

His concern is that it puts people closer to the edge of making a decision that they might not otherwise make. As a department manager, he feels responsible for the safety of my employees. Both from people driving up to any city building, with some egregious thought at hand and whether they think it's legitimate or not.

Director Svaby also has concerns about the safety within our ranks. What can start out as a beef about a parking space, which is something that could typically happen and have two twenty-plus year professionals swearing at each other over a parking space. That is an example of how things can escalate very quickly. Unfortunately, that is a real example, and it did not escalate to anything physical. But if someone is carrying a weapon, it gives both parties other options.

He asked the Attorney General representative if he wanted to be made aware of just who was walking around with a concealed carry permit, how could he do that. He would like to know if people within our ranks are walking around with a pistol under their jacket.

Councilman Culotta pointed out that as part of the CCW process, it is announced in the newspaper, so it is public information. Director Svaby said he did follow up and found out that is only required in the very beginning and when you renew the notice is no longer required.

He has had to deal with employees who are already under a lot of stress due to Covid and being short-handed and overworked, and he is about to tell that employee they are going to have two days at home without pay because of their behavior or choices. When a person feels like they have nothing to lose, their decisions are always drastic and overbearing, he is very concerned. His thought was how does he know if this person he is about to confront is walking around with a gun on his hip.

There was also an example of a customer who is really ticked about his utility being turned off and he is coming in with a shotgun and an employee with a CCW stops him and neutralizes the threat before the police arrive and saves that employee and other's lives.

Director Svaby doesn't disagree but only wants to be made aware, or is it private information, of a person with a CCW permit.

It was again agreed that another workshop would be advantageous before any policy is put into effect.

Ms. Williams confirmed that the municipality does not have the right to know who has a CCW permit. She did ask our attorneys if the City could maintain a list of who has a CCW permit, and their first response was that a list of employees would violate their first amendment rights. She is willing to circle back, but she did initially ask if the City could have our employees self-report and that was her initial response.

Parks and Recreation Director Dennehy then agreed this is a sticky subject. He agrees that all employees have the right to come to a safe workplace. He has been here for almost eighteen years. In the last eighteen months, with Covid mental health is really on edge. He believes there are a lot of short fuses across the board right now. He has been on the receiving end within his department, of having threats of violence from former employees making threats to current employees. This got to the point he had employees who were afraid to come to work. And he will throw himself into that same bracket.

He thinks the has made some good inroads since those things occurred with putting in cameras and security systems. He also had extra patrols from the police department. But we hear about these different workplace incidents in other places, but it is hopefully not a question of when it will happen in Milford. But what has happened with Covid, and people being pinned up, he will reiterate what the City Manager said. When you are a supervisor, and at the moment anytime you need to talk to someone, tempers can become frayed pretty easily.

He also knows that Ms. Williams has been bombarded by employees coming to her wanting a decision made by the City and want clarification. He does not think this is something the City can shy away from.

There are always two sides to every story, and he could talk all night about where he comes from in New Zealand and gun ownership and how the police are not armed, but we have the biggest gun ownership per head of population in the world.

He asked that Council give a lot of thought to this because there is a lot more to the reason this is being presented for consideration and he will come back from his perspective of employee safety and employees wanting to feel safe when they come to work.

City Manager Whitfield said this will be discussed when they are able to provide some answers to many of the questions that have been asked and will schedule this and the other item at a future workshop.

The Workshop Session concluded at 7:32 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

City of Milford

PROCLAMATION 2022-01

Milford School Choice Week

WHEREAS, all children in the City of MILFORD should have access to the highest-quality education possible; and,

WHEREAS, the City of MILFORD recognizes the important role that an effective education plays in preparing all students in MILFORD to be successful adults; and,

WHEREAS, quality education is critically important to the economic vitality of MILFORD; and,

WHEREAS, MILFORD is home to a multitude of high-quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS, MILFORD has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Arthur J. Campbell**,** by virtue of the authority vested in me as Mayor of the City of Milford, do hereby declare January 23 – 29, 2022, as:

Milford School Choice Week

and I call this observance to the attention of all our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 10th day of January in the Year of Our Lord, Two Thousand Twenty-Two.

_____

Mayor Arthur J. Campbell

Attest: _____

City Clerk Teresa K. Hudson

City of Milford

PROCLAMATION 2022-02

HONORING DR. MARTIN LUTHER KING JR.

Whereas, Dr. Martin Luther King Jr. devoted his life to advancing equality, social justice, and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and

Whereas, Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and

Whereas, the King Holiday and Service Act, enacted in 1994, designated the King Holiday as a national day of volunteer service, and charged the Corporation for National and Community Service with leading this effort; and

Whereas, since 1994 millions of Americans have been inspired by the life and work of Dr. Martin Luther King Jr. to serve their neighbors and communities on the King Holiday; and

Whereas, serving on the King Holiday is an appropriate way to honor Dr. King, meet local and national needs, bring our citizens together, and strengthen our communities and nation; and

Whereas, the King Day of Service is the only federal holiday commemorated as a national day of service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and

Whereas, King Day of Service projects are being organized by a wide range of nonprofit and community organizations, educational institutions, public agencies, private businesses, and other organizations across the nation; and

Whereas, each of us can and must contribute to making our communities better with increased opportunity for all our citizens, and

Whereas, the residents of the City of Milford have the opportunity to participate in events throughout our city on the King Day of Service, January 17, 2022, as well as create and implement community service projects where they identify the need.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, proclaim the Martin Luther King Jr. Holiday as a Day of Service in our City and call upon the people of Milford, Delaware to pay tribute to the life and works of Dr. Martin Luther King Jr. through participation in community service projects on Martin Luther King Day and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 10th day of January 2022.

_____

Mayor Arthur J. Campbell

Attest: _____

City Clerk Teresa K. Hudson

OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN
kenneth.brown@cj.state.de.us

THE CITY of Milford DELAWARE

400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council

FROM: Kenneth L. Brown, Chief of Police

DATE: January 6, 2022

RE: Activity Report/December 2021

Monthly Stats:

A total of 328 arrests were made by the Milford Police Department during December 2021. Of these arrests, 133 were for criminal offenses and 195 for traffic violations. Criminal offenses consisted of 28 felony and 105 misdemeanors. Traffic violations consisted of 33 Special Duty Radar, 8 Drunk-Driving charges, 154 others.

Police officers investigated 51 accidents during the month and issued 55 written reprimands. In addition, they responded to 1035 various complaints including city requests and other agency assistance.

Monthly Activities:

Throughout the month of December, participated in numerous conference calls and virtual meetings including the monthly State, Kent and Sussex Chiefs meetings, DPCC Meeting, City Council and Workshop meetings, and the bi-weekly City Manager's Meeting with Department Heads.

Attended a meeting with the City Solicitor and HR in reference to an on-going personnel matter held at Milford City Hall on December 1, 2021.

Met with Amy Kevis with Partners in Public Safety Solutions, Inc. reference to Opioid Funding via Zoom held on December 2, 2021.

Attended the Monthly Rural Subcommittee Diversion /Co-Responder Workgroup held via Zoom on December 2, 2021.

Participated in the Delaware COPS Christmas Blue Light Vigil held at Law Enforcement Memorial in Dover on December 5, 2021.

Attended the 2021 Delaware Federal Delegation Grant Seminar held via Zoom on December 6, 2021.

Attended the City of Milford Citizens Advisory Council meeting held at Milford City Hall on December 6, 2021.

Attended the Special Law Enforcement Assistance Fund (SLEAF) Meeting held at Dover Police Department Assembly Room on December 7, 2021.

Met with City of Milford IT Director in reference technology for the new police facility on December 8, 2021.

Attended Milford Senior Center Board Meeting held at the Senior Center on December 8, 2021.

Met with concerned citizen on December 9, 2021, in reference to motorists not stopping for school busses when red lights are flashing.

Met with Attorney in reference to on-going litigation via teleconference on December 13, 2021.

Attended DE Police Chief's Council Board meeting and Christmas Luncheon held at the DE State Troopers Association on December 14, 2021.

Met with Attorney in reference to an on-going personnel matter held via Zoom on December 14, 2021.

Met with Attorney in reference to an on-going investigation via teleconference on December 15, 2021.

Met with Becker Morgan Group in reference to Landscape design for the new police facility held at the department on December 15, 2021.

Attended a course in Negligent Hiring Liability for Law Enforcement held via webinar on December 20, 2021.

Met with concerned citizen in reference to a personal issue on December 22, 2021.

Training –

All training courses for department personnel during the month of December 2021 were performed via webinars.

Social Media Update –

December statistics are as follows. Our Nextdoor has 2177 members covering 1635 households. Our Facebook page has 11,763 followers. Posts during the month reached 49,062 people with 13,301 people actually engaging in our posts. On Twitter our Tweets made 6585 impressions and our followers are up to 1321. Our Instagram account is at 1682 followers and posts during the month we liked by 1272 people.

SRO –

With the assistance of events held by Take My Hand Ministry and Jordan Watson Motorsports we were able to help dozens of area families this holiday season through our toy drive. This year toys

and gift cards were distributed to area families through our contacts in the Milford School District and the Delaware Division of Family Services.

S/Cpl. Bloodsworth attended a "Lights Parade" in Smyrna. Smyrna officials invited area law enforcement to participate in the parade with police cars.

S/Cpl. Bloodsworth attended a Special Olympics of Delaware event at Benjamin Banneker Elementary School and assisted with the awards ceremony following the event.

K9 Unit –

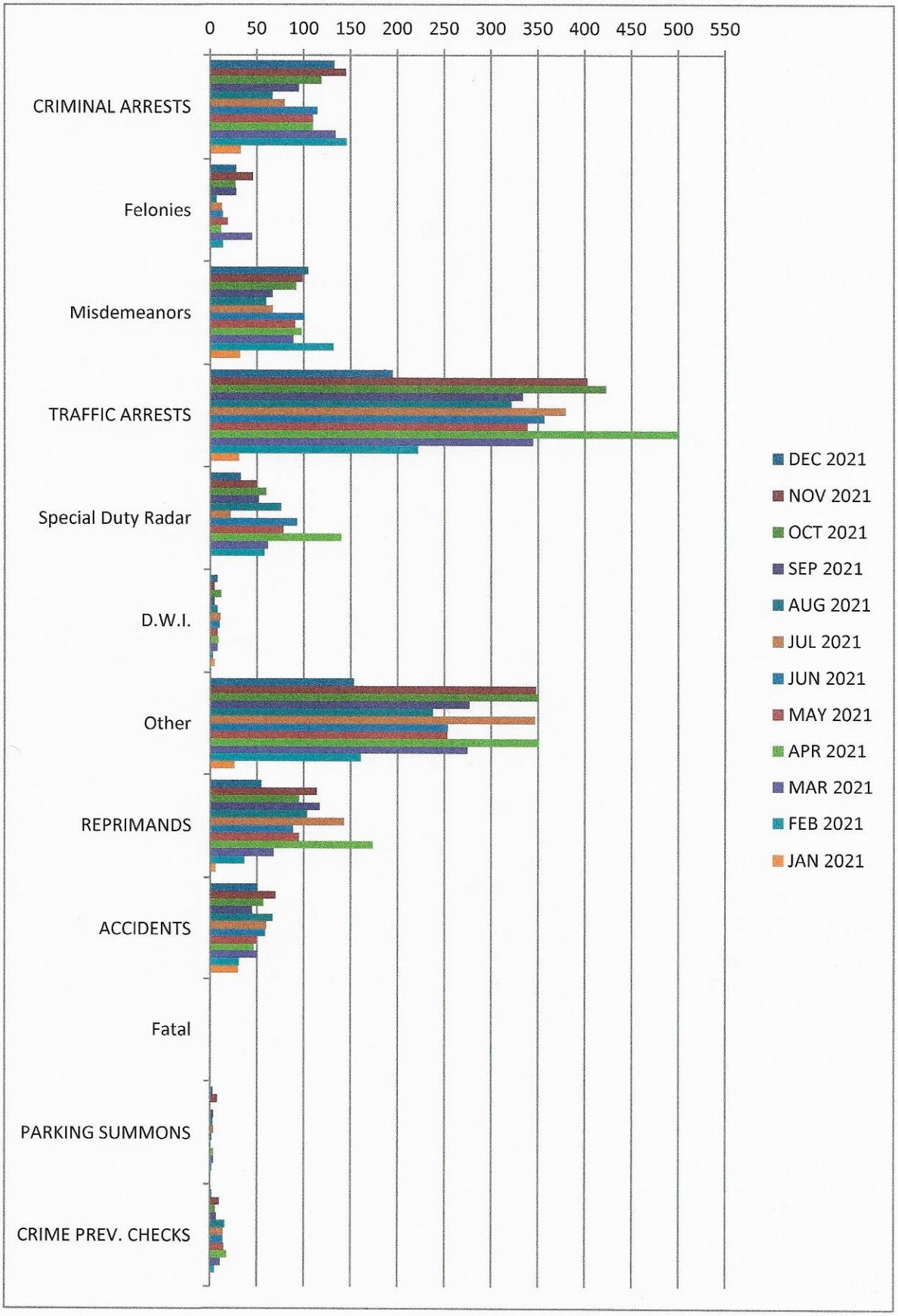
For the month of December 2021, K9-1 spent two weeks preparing for and then taking his Annual NPCA Certification Course. Proud to report that K9 Mason certified in all categories.

K9-1 (Mason)

- Building Search 1
- CP/Demo 1
- No Bite Apprehensions 1

DECEMBER 2021 ACTIVITY REPORT

	DEC 2021	TOTAL 2021	DEC 2020	TOTAL 2020
COMPLAINTS	1035	13666	899	11512
CRIMINAL ARRESTS	133	1287	43	1128
Felonies	28	254	7	182
Misdemeanors	105	1033	36	910
TRAFFIC ARRESTS	195	3851	176	3094
Special Duty Radar	33	724	76	635
D.W.I.	8	92	6	65
Other	154	3035	94	2394
REPRIMANDS	55	1097	61	998
ACCIDENTS	51	618	50	404
Fatal	0	1	0	1
PARKING SUMMONS	3	36	3	60
CRIME PREV. CHECKS	2	118	4	104
FINES RECEIVED	$6,436.07	$ 65,411.32	$4,958.37	$71,625.38


0
50
100
150
200
250
300
350
400
450
500
550
CRIMINAL ARRESTS
Felonies
Misdemeanors
TRAFFIC ARRESTS
Special Duty Radar
D.W.I.
Other
REPRIMANDS
ACCIDENTS
Fatal
PARKING SUMMONS
CRIME PREV. CHECKS
DEC 2021
NOV 2021
OCT 2021
SEP 2021
AUG 2021
JUL 2021
JUN 2021
MAY 2021
APR 2021
MAR 2021
FEB 2021
JAN 2021

Dates	Hours Worked	Meetings Attended/Hosted	Trainings Attended	# of NEW Contacts	New Contact Notes	# of Diversions from Arrest	# of Diversions from ER	# of Follow-Up's
December 6-December 12, 2021	77.25	DPA Homeless Outreach Meeting, Delaware Delegation Grants Seminar, Narcan POD Event, Smryna Christmas Parade, Bi-Weekly Check-In Meeting w/ Amy, Jenna, & Greg	Compassionate Domestic Violence Advocacy Training, Strengthening First Responder Resilience and Wellness in Turbulent Times Training	15	**Referrals to Services:** Overdose Trespassing Shoplifting Assist Other Agency Disorderly Physical Domestic 10-81	2	2	14
December 13-December 19, 2021	85.25	CORAS Wellness Meeting, Housing Alliance Meeting	Narcan Training, De-Escalation Training	21	**Referrals to Services:** 10-10 Domestic 10-81 Public assist Shoplifting Assist Other Agency	0	2	15
December 20-December 26, 2021	78	N/A	Critical Decision Marking Training, Suicide Prevention Training, Suicide Intervention Training	18	**Referrals to Services:** AED response Disorderly DUI Victim Services Domestic Check the Welfare Public Assistance	1	1	20
December 27-January 2, 2022	84.5	Housing Alliance Continuity of Care (COC) Meeting	Professional Wellness Training	19	**Referrals to Services:** Disorderly Victim Services Domestic Check the Welfare Public Assistance	0	2	16
Totals:	325			73		3	7	65

Milford Police Department - December 2021 BHU Statistics
Jenna Haines, LMSW, MSW, DE-CMHS
Gregory Bisset, LCSW, MSW, C-AADC
Danielle Blackwell, BA

PUBLIC WORKS FACILITY
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Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

DIRECTOR MICHAEL J. SVABY
O 302.422.1110, EXT 1173
C 302.387.9389
msvaby@milford-de.gov

TO: Mayor and City Council

THRU: Mark Whitfield, City Manager

FROM: Michael Svaby, Director, Public Works

DATE: January 7, 2022

RE: December 2021 - Public Works Department Staff Report

The following input represents a high-level list of activities and accomplishments for the month of December 2021.

Director's Office

1. Kicked off Milford Street/Paving evaluation with KCI
2. Attended monthly Kent County Sewer Advisory Board Meeting
3. Worked with Community Engagement Coordinator on Public Utility Education for newsletter
4. Interviewed 1 Electric Superintendent Candidate, 2 Public Works Equipment Operator Candidates and 1 Line Tech Candidate
5. Attended 4th Quarter DEWARN meeting
6. Conducted Multiple briefings and answered pay study questions with PW employees
7. Oversaw DelDOT conducting field reviews, developing traffic survey base files and updating cost estimates for signal upgrade and takeover
8. Attended ICMA Training

Administration/PW Operations

1. Obtained a quote for repairs and repaint of cornice at City Hall. Work will begin as soon as sustained warm weather occurs.
2. Met with various vendors for the security project at Public Works

Engineering Division

1. Continued inspections at Cypress Hall
2. Completed Sidewalk program notices to be mailed beginning January
3. Supervised work on Fisher Ave as part of 2020 Streets Project
4. Continued revisions to the City Standard Specifications.
5. Completed I&I investigation within the Truitt Drainage area and finished initial investigation within the Washington St Drainage area.

<u>Public Services Division</u> - Streets/ Utilities/Water/Sewer/Solid Waste Section

1. Conducted housekeeping and preparation for downtown Holiday Stroll
2. Replaced 2" meter pit at Atlantic Concrete
3. Replaced 10" flow meter at Truitt pumping station
4. Continued leaf pick up during all weather permitting days in December
5. Replaced hydrant that was hit on SE.5th & Fisher
6. Completed Lead Service Line Inventory Best Practices training for Water Operator Steve Ellingsworth

<u>Electric/Tech Services Division</u>

- Coordinated equipment transfer in anticipation of Arborist hire
- Supported Director in vendor negotiation for traffic signal maintenance and repair
- Renewed Price quote for Meadows of Shawnee Entrance lighting
- Christmas Lights – Finished Christmas Light decoration

Public Works Department -Dec 2021	Dec 2020	Dec 2021	FY21 YTD *(07/01/20-12/31/20)*	FY22 YTD *(07/01/21-12/31/21)*
Electric Division				
Trouble Service Call	*11*	22	*101*	125
Work Orders Completed	33	42	*201*	218
Outages	*6*	6	*48*	43
LED Street Lights Replaced	*X*	4	*X*	51
New Service Install	*X*	9	*X*	40
Poles Replaced	*3*	2	*31*	9
After Hours Calls	*9*	10	*53*	61
Trees Trimmed (Streets)	*4*	1	*39*	8
Technical Services Division				
New Electric Service Installed/Meter Set	*33*	52	*137*	141
New Water Service Installed/Meter Set	*42*	5	*126*	38
Electric Meter Replacement	*2*	4	*47*	21
Water Meter Replacement	*12*	56	*173*	213
Work Orders Completed	*768*	597	*4,256*	3,945
After Hours Calls	*7*	4		24
Streets/Utility Division				
Signs Installed/Replaced	*6*	12	*76*	105
Curb Miles Swept	*158*	1,200	*793*	1,910
Sewer Lines Flushed (in feet)	*3,000*	3,200	*14,030*	14,650
Sewer Back-up Response	*2*	4	*14*	18
Sewer Line Repaired	*1*	0	*3*	4
Water Hydrants Flushed	*6*	5	*149*	215
Fire Hydrants Replaced/Installed	*1*	2	*1*	8
Water Line Repair	*3*	1	*12*	11
Water Valves Exercised	*7*	18	*84*	135
De-icing Salt Used (tons)	*0*	2	*0*	2
Potholes Filled - Cold Patch	*30*	27	*250*	297
Potholes Filled/Spray Patch - Gallons Emulsion Used	*0*	0	*102*	7
Leaves Collected (Tons)	*25*	38	*31*	84
After Hours Calls	*7*	4	*26*	25

Crack Sealing (pounds of sealant used)	*0*	0	*650*	100
Work Orders Completed	*7*	17	*137*	122
Storm Sewer Inlets Cleaned	*130*	37	*547*	422
Street Closures/Festivals	*4*	2	*20*	22
Engineering Division				
Utility Locates Completed	*X*	156	*1,154*	805
Infrastructure Work Orders Completed	*X*	X	*X*	63
Backfill Inspection Work Orders Completed	*X*	13	*X*	51
Operations Division				
Fleet Work Orders Completed	*20*	32	*158*	87
Fuel Use-Diesel (Gallons)	*2,636*	2,402	*15,979*	12,413
Fuel Use-Gas (Gallons)	*6,478*	3,485	*28,545*	19,607
Solid Waste & Facilities Division				
Refuse Collected (Tons)	*X*	314.17	*1,001*	1,543
Recycle Collected (Tons)	*X*	74.62	*208*	367
Yard Waste Collected (Tons)	*X*	56.74	*166*	354.27
Diversion Percentage (%)	*X*	X	*30.00*	0.31
Bulk/Brush Collection Requests Completed	*X*	49.00	*344*	373
Containers Delivered	*X*	27.00	*231*	259
Containers Serviced (Swap, Replacement, Removed)	*X*	18.00	*174*	153
Water & Waste Water Facilities Division				
Water Treated (Millions of Gallons)	*82,464,600*		*1,018,566,200*	916,793,400
Waste Water Transferred (Millions of Gallons)	*99,765,000*		*947,230,620*	884,837,000
Work Orders Completed	*47*	54	*216*	166
Pump Stations Cleaned	*0*		*7*	5
After Hours Calls	*4*	1	*43*	9

Public Works Projects -Dec 2021	Planning Stage	Bid/PO Award	In Progress	Complete
Electric				
DEL2 Substation Testing				
Traffic Signal Head Refurbish. - Church/Walnut/Washington				
Water				
Install Automated Blow-off Valves 2 in stock	X			
Protection Upgrades Caulk & 10th Street Towers	X			
Water Tower Altitude Valve at Caulk Tower			X	
Tenth St Water Treatment Facility Test Well, etc.	X			
Water Trtmnt Monitoring & Process Control Upgrades (4&5)	X			
City-wide Valve & Hydrant Replacement/Improvements	X			
Standardized Water Treatment Facility Controls	X			
SE 2nd Street Lead Service Line Replacement				X
NE Front Street Water Lines			X	
DNREC Water Allocation Permit				
Washington Street WTF Lot Consolidation				
Sewer				
Truitt Avenue PS Groundwater Investigation & Repair				
SCADA Instrumentation Upgrades & Integration				
Targeted Inflow and Infiltration Investigation & Repair				
SE 2nd Street Sewer Line Replacement				
North Shore Pump Station Hatch Replacement				
Streets				
Mispillion, McColley, Marshall Streets Reconstruct/Paving			X	
Fisher Ave			X	
Financing for Private Sidewalk Improvements	X			
Street Resurfacing and Rehabilitation, ADA Ramps			X	
Installation of ADA Compliant Ramps			X	
Walnut Street Pedestrian Crossing (Landscaping)	X			
Truck Turning Study	X			

PARKING				
BUILDINGS				
Council Chambers Recording System Upgrade				
Monitors in Council Chambers				
City Hall Basement Renovation Phase 2-Training Rm/Ofc				
PW-Complex Security				
City Wide-LED Replacement Project				
DMI Project (BEING SOLD)				
Customer Service-Basement Waterproofing				
Customer Service-Concrete Repair Drive-Thru				
Facilities Management Binder				
PW - Bldg 100 Paint/Flooring (fall 2021 project)				

PW Facility Air Infiltration				
PW Facility Roof Drainage Repair/Replacment				
Public Works Equipment & Vehicles - Nov 2021	Planning Stage	Bid/PO Award	In Progress	Complete
ELECTRIC				
Replacing Vermer Trencher (E128)				
TECHNICAL SERVICES				
WATER				
Replace W-16 IR Compressor				
Replace W-8 ford F250 2022				
Replace W-15 pick up 2022				
Replace W-10 FN 150 Pump & MGS Trailer				
Replace S-5 Kod C70 Dump Truck				
Replace S-9 GMC Dump with Hook truck				
New fence at Kenton's plant Wells 4&5				
Replace W-14 Chevy Astro Van				
SEWER				
Replace SE-2 Ford F250 Pickup 2022				
Replace S-4 with Hook Truck with Dump/Flatbed & Plow				

New fence at Lighthouse Pump Station				
STREETS				
SOLID WASTE				
GARAGE				
Active Developments -Nov 2021	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
Hearthstone Manor I				
Lighthouse Estates II				
Brookstone Trace				
Brookstone Trace II		X	X	
Orchard Hill			X	
West Shores at New Milford			X	
Watergate		X	X	
Walnut Village			X	
Milford Ponds Phase I		X	X	
Hearthstone Manor II	X			
Milford Ponds Phase II		X		
Simpson's Crossing Phase 1a			X	
Simpson's Crossing Phase 1b		X		
Cypress Hall Phase I		X		
Wichersham	X			
Mispillion Landing	X			

Riverwalk Villas	X			
Windward on the River			X	
Cypress Hall Phase II	X			
Milford Ponds Phase III	X			
200 NW Front				X
Hickory Glen	X			
Knights Crossing	X			
Reserves at Sawmill	X			

Commercial Developments -Nov 2021	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
Microtel				
Lot 8 Independence Commons				
Food Bank				
Draper Farms				
Laundry Mat-24 Milford-Harrington Hwy				
Delaware Mini Storage				
La Kramer				

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: January 3, 2022

RE: December 2021 – Planning Department Staff Report

- During the 2021 calendar year, the City issued 119 new residential construction permits and five permits for 120 new apartment units. The total construction investment in Milford during the 2021 calendar year based on issued building permits was $41,627,997.
- The City of Milford has seen 111 projects with a committed investment of over $24.2 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over $2.62 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over $515,000 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.
- The Planning Commission will review two conditional use applications, a preliminary site plan and four ordinance amendments at the January meeting.
- The Board of Adjustment will not meet during the month of January.
- Staff is preparing the 2022 Amendment to the 2018 Comprehensive Plan which will be presented for informational purposes at the January 10, 2022 City Council workshop. The amendment includes several proposed future land use map revisions and text amendments to the transportation chapter.
- The City received the resubmission for the Pest Pro Preliminary Site Plan application and scheduled the application for review by the Planning Commission in January.
- The City received the resubmission for the Helmick Milford, LLC Preliminary Site Plan and scheduled the application for review by the Planning Commission in January.
- The City received the resubmission for the William Allen Property Management Site Plan located along Silicato Parkway and scheduled the application for review by the Planning Commission in February.
- The City received the resubmission for an expansion of the parking lot for First Baptist Church of Milford and scheduled the application for review by the Planning Commission in February.
- The City provided plan review comments for the resubmission for the Westwood Preliminary Major Subdivision and Planned Unit Development.
- The City provided plan review comments for the preliminary site plan application for the redevelopment of the Buccaneer Carwash site on N. Dupont Boulevard.
- The City received the resubmission for the Wickersham Final Major Subdivision application and is currently reviewing.
- The City received the resubmission for the Cypress Hall Phase III Preliminary Major Subdivision and revised Planned Unit Development applications and is currently reviewing.

- Staff received a conditional use application for a professional home occupation for Lands of Shelley Maloney located along E. Clarke Avenue which has been scheduled for Planning Commission review in February.
- Staff has prepared draft updates to the City's building code which would adopt the 2018 version of the International Residential Code and International Building Code. A City Council workshop will be held on January 10, 2022 to discuss the proposed revisions and present information regarding residential sprinkler systems.
- Rental, contractor's and business license renewals are coming in and the office will be processing nearly 3,000 licenses during the month of January. Landlords and business owners have until January 31, 2022 to submit renewal applications and payment.
- Code Enforcement Officials completed several foot inspections of the town center area.
- Attended the 2021 APA Delaware Fall Conference which was held virtually.
- Staff continues to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan (see below links).
    - **2018 Comprehensive Plan & SE Master Plan (Click Here to View)**
    - **Downtown Development District Plan (Click Here to View)**
    - **Rivertown Rebirth Master Plan (Click Here to View)**
    - **Strategic Plan – Press Play: Vision 2023 (Click Here to View)**

Case Activity:

	Total
New Cases	55
Closed Cases	195
Open Cases at Start of Period	397
Open Cases at End of Period	255

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	6
Dangerous Tree	4
Furniture Violation	5
Generic Violation	6
Property Maintenance Violation	24
Rubbish & Garbage	9
Weeds & Grass	0
Zoning Use Violation	1
Total	55

Rental Licenses Issued: 218
Vendor Licenses Issued: 0
Contractors Licenses Issued: 121
Business Licenses Issued: 11

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	0
Commercial Foundation	0
Commercial Building Permit	6
Construction Trailer	0
Residential Demolition	0
Residential Building New Construction	2
Residential Renovation/Accessory	8
Roof/Siding Permit	7
Sign Permit	3
Solar Panel Permit	2
Utility Permit	5
Total	33

Inspections Performed:

Inspections Performed by Type	Count
Footer	22
Foundation	15
Framing	21
Insulation	17
Final	36
Residential Rental	0
Total	111

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963

PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

TO: Mayor and City Council

FROM: Brad Dennehy-Parks and Recreation Director

DATE: January 5th, 2022

RE: December 2021 – Parks and Recreation Staff Report

- The Department continued with Covid-19 precautions with social distancing, mask wearing and enforcing non-vaccinated staff get weekly testing.
- Weekly trash pick-up continued through December of all municipal owned trash receptables by Park staff.
- Several City owned Storm water ponds had the overgrown vegetation cutback.
- Staff assisted the holiday stroll by setting up and taking down a light tower for the event, and doing an extra trash run before and after the event in that location.
- Several bushes and areas of beach grass were cut back and trimmed at various locations.
- A new zero turn mower was picked up which had been purchased as part of the CIP plan.
- Several mowers and a trailer were taken to the City mechanic for servicing.
- Some minor repairs were made to the climbing wall at the Can-Do playground.
- Some areas at the dog park were filled in along the fence where dogs had been digging, along with some vehicle ruts in the grass by the North side sign. Shrubbery was also trimmed at this location.
- Park Superintendent Ralph "RJ" Skinner was featured in the monthly utility newsletter.
- Recreation staff were excited to begin Winter recreation programs. Basketball tryouts were held for our youth league, along with a draft and a coaches meeting. Practices and games will begin in January. We had more people wanting to coach than we had teams for which was an encouraging sign.
- Rec. staff met with our soccer coach about teams, game times, and rules for the indoor season. They discussed different options to run the program and finalized those details.
- We revived "Little Buc Wrestling" and it began with a new coaching staff, held at Milford High School.
- We took registrations for our Taekwondo program and it is at full capacity.
- Staff designed some new youth programs and they were a big success. We knew the kids had winter break, so decided to plan programs for them to participate in during the day. The parents were thankful for the programs and we received positive feedback.

- The first activity was a Christmas painting for families who followed along our program coordinator. Participants were getting creative by adding in their own touches. Some people made new friends while others got to see old friends.
- The second activity was a bowling day where the kids met at the Milford Bowling Lanes for 2 games and lunch. Kids were put on lanes by ages which was helpful for skill and to be with people they knew or could meet.
- Third activity was a kid “Funday”. This day was full of games, arts and crafts, lunch, and music. Kids were laughing, talking, and did not want to leave. The kids mentioned we need to do this again during spring break and were even talking about doing it every year.
- Director met with the Landscape designer and toured all the potential properties of the Deep Branch Herring Branch Greenway.
- Director prepared for the Parks and Recreation advisory board meeting and a board meeting was held December 15th.
- Director met with Public Works Director to discuss equipment needs for the arborist position.
- Director met with Economic Development and Community engagement Administrator, and Recreation staff regarding social media policies and posting updates.
- Facebook stats. for the month of December were; 19 new likes (2,538 total), 665 post engagements, 3,117 post reached, 244-page views.















Milford
PARKS&RECREATION
play • connect • grow

Before and After photos of retention pond maintenance













HUMAN RESOURCES
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.424.5142
FAX 302.424.5932
www.cityofmilford.com

TO: Mayor and City Council

FROM: Jamesha C. Williams, MBA, MSL- Human Resources Director

DATE: January 3, 2022

RE: December 2021 –Human Resources Department Staff Report

- Onboarded new hire for the position of Payroll Coordinator.
- Interviews were conducted for the positions of Public Works Equipment Operator, Billing Clerk I, Cash Operations Clerk I, Electric Superintendent, Technical Support Specialist, and Electric Line Technician.
- Job offers extended and accepted for the positions of Public Works Equipment Operator (2), Billing Clerk I (1), Cash Operations Clerk I (2), Technical Support Specialist (1), and Electric Line Technician (2).
- Internal Job Change: Lucas David, Cash Operations Clerk I to Billing Clerk I.
- Interviews are scheduled for the position of Arborist/Urban Forestry Coordinator for the first week of January 2022.
- Scheduled to participate in the interview process with the City of Dover to select their next Human Resources Director.
- Special thanks to the Reward & Recognition Committee Members: Katrina White, Charles Nordberg, Melody Barger, Shelly Muise, Ralph Skinner and Mimi Velazquez for their hard work to ensure the 2021 Holiday party was a success.
- Special thanks to all City employees that participated in the 2021 Adopt-A-Family for the holiday program. This is the City's third year partnering with the Greater Milford Boys & Girls Club.

CITY HALL
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

COMMUNITY ENGAGEMENT DEPARTMENT
Economic Development, Public Information,
and Community Engagement Office
O: 302-725-2068

To: City Council and Mayor
From: Sara Pletcher, Economic Development & Community Engagement Administrator
Subject: December Monthly Report
Date: Jan. 10, 2021

Economic Development

- Continuing to finalize the growinmilford.com economic development website.
- Working with a retail tenant to fill unit 5 in Cypress Hall. Showed space twice and client is finalizing a lease.
- Met with DE Prosperity Partnership and other Sussex County economic developers regarding large investor looking at our industrial park land.
- Welcomed new tenant to new construction mixed-use building on Washington St. across from TADA
- Met with City Manager, Planning Director, City Solicitor and potential industrial park partners
- Met with Euphoric Herbals business owner to review current city practices on how to open a business
- Attended Kay's Kitchen n' Krafts ribbon cutting
- Attended Ultrasound Express Grand Re-Opening & Ribbon Cutting
- Met with City Manager, Planning Director, and Bayhealth representatives regarding their commercial property
- Met with City Manager, Planning Director, and potential engineering firm to discuss industrial park master plan

Community Engagement

- SeeClickFix app design is well underway and on track to launch by the end of January. Included in this report is a mock-up of the app design. An opaque white background will be added behind the MyMilford logo on the homepage design. Key staff attended one of two trainings in December.
- Shared Milford DelmarvaLife episode on City social channels and website
- Participated in two Downtown Milford, Inc. Program Manager position interviews and committee has decided to make an offer to one of the candidates.

Meetings/Trainings

- Met with Lauren Swain of the Sussex County office of the Division of Small Business
- Met with Public Works staff for monthly Public Utility Working Group meeting. Topic: water
- Met with Rhiannon Slater to finalize Key Account survey to be sent in January
- Met with Parks and Rec staff to review social media policies and procedures
- Attended Recover Delaware Roundtable #7: Inclusive Downtown Revitalization
- Attended Google Analytics – new website analytics provider – Q&A Session with CivicPlus
- Met with City Manager for monthly Manager Update
- Attended quarterly DE Prosperity Partnership Partners meeting
- Attended Kent County Tourism Board Meeting
- Met the new Milford Wellness Village Executive Director and Site Director

Social Media/Website

- December 2021 Insights:
    - City of Milford Facebook: 25 new likes (total: 2,373); 16,684 reached; 2,324 post engagement
    - Parks & Rec Facebook: 21 new likes (total: 2,535); 9,056 reached; 523 post engagement
    - Instagram: 43 new likes (total: 838); 569 accounts reached; 93 accounts engaged
    - Twitter: 4 tweets, 506 impressions, 111 profile visits, 1 mention, 1,332 followers
    - Website: 16,238 visits (14,391 last month); 25,773 pageviews (25,635 last month)
    - ChatBot: 103 self-service resolutions; 66% self-service resolution rate; $515 cost savings

Email Campaigns

- Dec. utility newsletter to customers who receive e-bills (3,670): 39.5% open
- Dec. business newsletter (audience: business license holders, 608): 31.9% open

Press Releases & Coverage

- Understanding the Upcoming City of Milford Power Cost Adjustment (Dec. 21)
    - Milford Live: Understanding the Upcoming City of Milford Power Cost Adjustment (Dec. 21)
    - TV Delmarva: Milford Electric Rates Going Up In 2022 (Dec. 21)
    - Delaware State News: Milford to implement power cost adjustment (Dec. 22)


myMilford
Carrier
3:43 PM
65%
myMilford
10,000
Issues Fixed All Time
Enter an optional text to be displayed as a banner here
This can be a quick message to users.
Button
Button
Button
Button
Place
Notices
Issues
Profile

iOS


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Issues Fixed All Time
Enter an optional text to be displayed as a banner here
This can be a quick message to users.
Button
Button
Button
Button
Place
Notices
Issues
Profile

Android

THE CITY of Milford DELAWARE

River Town • Art Town • Home Town

January 2022 • Vol. II • Issue 1

Happy New Year!

The City of Milford wishes you and yours a Happy New Year! A friendly reminder you can always access your utility bill online and sign up to receive these newsletters on the first of each month directly to your inbox. Visit www.cityofmilford.com for more information.

Jan. Community Happenings

- Every Tuesday, 7:30pm: Adult Basketball Open Gym
- Monday, Jan. 10, 7pm: City Council Meeting
- Monday, Jan. 17: City Offices Closed due to Holiday
- Monday, Jan. 24, 7pm: City Council Meeting
- Friday, Jan. 28, 6pm: Bingo Night

Women's Community Club

This club is for women who want to meet new people, socialize, and have some fun! The club is for ages 21+ and the cost is $20 for all four weeks (every Friday, 6-7:30pm in February).

Registration and schedule online. Link available on the City of Milford Parks & Recreation Dept. web page or call the office at 302-422-1104.

Snow Removal & Routes

Property owners are responsible for ensuring the sidewalk adjacent to their property is maintained in safe condition and free of hazards to either pedestrian or vehicular traffic. Please ensure that your sidewalks are cleared of snow as soon after snowfall stops - as possible. Snow Routes in Milford are as follows: NE and NW Front Streets (SR 14), SE Front St. (SR 36), Lakeview Ave. (SR 36) and N. and S. Walnut Streets. No parking is permitted after one hour of snowfall on these roads and the MPD will tow vehicles if necessary.

Christmas Tree Collection

Christmas trees will be collected on the following dates:
Monday, January 3, 2022
Monday, January 10, 2022
Monday, January 24, 2022
Trees should be left on the curb for collection.

Power Cost Adjustment

The City will be implementing a $0.00396 per kilowatt-hour (kWh) Power Cost Adjustment beginning in February. The Power Cost Adjustment (PCA) is a required pass-through of DEMEC's wholesale power cost increase billed to all member cities effective Jan. 1 through the end of 2022. DEMEC's power cost increase is primarily due to the global increase in natural gas prices. The $0.00396 increase will result in a 3.1 percent increase in electric bills for the average households and small business accounts in Milford.

Read the full release online http://cityofmilford.com/CivicAlerts.aspx?AID=937

Date	Fixed Fee	Usage Rate ($/kWh)	PCA	Residential Bill (950kWh Avg)	Cumulative Decrease ($)	Cumulative Decrease (%)
7/1/2017	$ 8.00	$ 0.1325	$ -	$ 133.88	$ -	
7/1/2018	$ 12.00	$ 0.1283	$ -	$ 133.84	$ 0.05	0.0%
8/1/2018	$ 12.00	$ 0.1283	$ (0.00130)	$ 132.60	$ 1.28	-1.0%
4/1/2019	$ 12.00	$ 0.1283	$ (0.00340)	$ 130.61	$ 3.28	-2.4%
7/1/2019	$ 16.00	$ 0.1259	$ (0.00340)	$ 132.35	$ 1.54	-1.1%
3/1/2020	$ 16.00	$ 0.1259	$ (0.00403)	$ 131.75	$ 2.14	-1.6%
6/1/2020	$ 19.00	$ 0.1056	$ -	$ 119.32	$ 14.56	-10.9%
7/1/2020	$ 19.00	$ 0.1056	$ -	$ 119.32	$ 14.56	-10.9%
7/1/2021	$ 20.00	$ 0.1046	$ -	$ 119.33	$ 14.55	-10.9%
2/1/2022	$ 20.00	$ 0.1046	$ 0.00396	$ 123.09	$ 10.79	-8.1%
7/1/2022	$ 21.00	$ 0.1035	$ 0.00396	$ 123.12	$ 10.77	-8.0%

National Citizen Survey

The City of Milford is excited to announce the launch of Polco (www.polco.us), an innovative online engagement platform that lets residents provide direct input to the local government decision-making process. By using Polco, the city is making public participation easier for residents. Officials will post questions directly to residents on Polco's website, where residents answer and comment on the questions.

Select residents can expect to receive a mailed postcard with the survey link by late January.

Low Income Household Water Assistance Program (LIHWAP)

The Low Income Household Water Assistance Program (LIHWAP) is a federally-funded program that provides funds to assist low-income households with water and wastewater bills. Applications will be available in January at https://dhss.delaware.gov/dhss/dph/hsp/lihwap.html

Public Utility Education

We will highlight a different public utility each month. The goal is to educate our customers on preventative measures to lower their utility bill, as well as create a more flawless system for all users. This month we're featuring our water system. Some tips for you, the water user:

- Water costs money... Don't waste it! A dripping faucet or fixture can waste 3 gallons a day, a total of 1,095 gallons a year.

Waste per quarter at 60 psi water pressure

Diameter of stream	Gallons	Cubic Feet	Cubic Meters
¼"	1,181,500	158,000	4,475
3/16"	666,000	89,031	2,521
⅛"	296,000	39,400	1,115
1/16"	74,000	9,850	280

A continuous leak from a hole this size would, over a three month period, waste water in the amounts shown above.

- Make sure your home has a main water shut-off valve. Older homes typically do not have one, so if you're getting any plumbing work done, have one installed. This may be the most important plumbing feature in your entire house. In case of a plumbing emergency, you'll want to know where it's located so you can turn off the water right away and avoid a big, expensive mess.
- An easy way to detect if your toilet is leaking is to add food coloring to the tank. If the water in your bowl turns that color, you know you have a leak!
- During warmer months, make sure to turn your hose off at the bib to avoid hose leaks. During colder months, disconnect your hose all together to avoid freezing temperatures.
- Utilize the City of Milford's Customer Utility Portal (https://milf-de-web.amppartners.org/) to access usage data in graphical and tabular formats, manage multiple accounts from a single sign-on, access utility billing history, set up budget notifications, and track usage via scheduled reports. Have your account number and meter number ready when logging in. After clicking register, look for a confirmation email. Please note it may take up to 48 hours for usage to appear. Contact Customer Service at (302) 422-6616 for support.

Employee Spotlight



Ralph (RJ) Skinner, Jr.

Park Superintendent

1. How long have you worked for the City of Milford? 10 years
2. Have you always worked in this role? I originally started as a temporary employee through the Best Temp Agency in the Sanitation Department in 2011. Shortly afterward, I was reassigned and given the opportunity to join the Parks and Recreation Department. From there, I worked diligently, and in 2014 I became a full time Park Coordinator and shortly afterward I was promoted to Park Superintendent.
3. What is your favorite thing about working for the City? While, much of what we do is behind the scenes, my position awards me with the satisfaction of families, children, and those visiting Milford, enjoying the work my dedicated team and I put in on a daily basis to keep Milford clean, safe, and attractive year around.
4. What do you enjoy doing in your free time? When I am not working, you can find me court side at one of my kid's basketball games, or any of their sporting events, playing corn hole with my corn hole family, or relaxing at home with my wife and kids.

"RJ is a dedicated positive employee who always has a smile on his face and takes pride in making Milford look 'good.'"

- Brad Dennehy, Director, Parks and Recreation

Council Spotlight



Brian Baer

Ward 3 Councilmember

1. How long have you been a member of the City Council? First elected in June 2020, defeating a 38-year incumbent.
2. What previous city roles have you held? None officially. I just wanted to get more involved with our new home town. We moved here from MD in 2017.
3. What is your favorite thing about being a Councilmember? Improving the walk-ability, bike-ability, quality of available housing, and beauty of our city.
4. What is your full time job? Dog care for our two dogs, occasional taxi service provider/coordinator for our son, fix-it dude, while exploring job opportunities.
5. What do you enjoy doing in your free time? Playing guitar, watching a good movie/series, reading, outdoor exercise and travel.

INFORMATION TECHNOLOGY
201 South Walnut Street
Milford, DE 19963

PHONE: 302-422-1098
www.cityofmilford.com

Date: January 3, 2022

To: Mayor and City Council

From: Dale Matthews, IT Director

Re: December 2021 Information Technology Department Staff Report

Below are updates for IT open projects:

- Security:
  - 5 people still need to take the cybersecurity training. Completion of this training is required to maintain access to City of Milford systems.
  - Two-factor authentication has been implemented, and the related policy has been submitted for review.
  - Phishing tests will begin in 2022.
- M365 and Cloud:
  - All shared files have been migrated to the cloud. Completing this migration has allowed us to significantly reduce the vulnerabilities presented by the old on-premise servers.
- Council Livestreaming:
  - Planning for the Livestreaming project has begun. Based on the required bandwidth, this will need to coincide with the network upgrades
- Policies and Procedures:
  - This project has been moved to January / February 2022. While important, the criticality isn't as high as the other projects.
- ERP Implementation:
  - We've identified the internal project teams, and we are drafting a high-level schedule. The official kick-off will still be in February.
- Network:
  - The fiber upgrade (for external internet connection) is still scheduled for completion by the end of January.

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

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To: Mayor and City Council
From: Louis C. Vitola, Finance Director
Date: January 7, 2022
Re: December 2021 Finance Department Staff Report

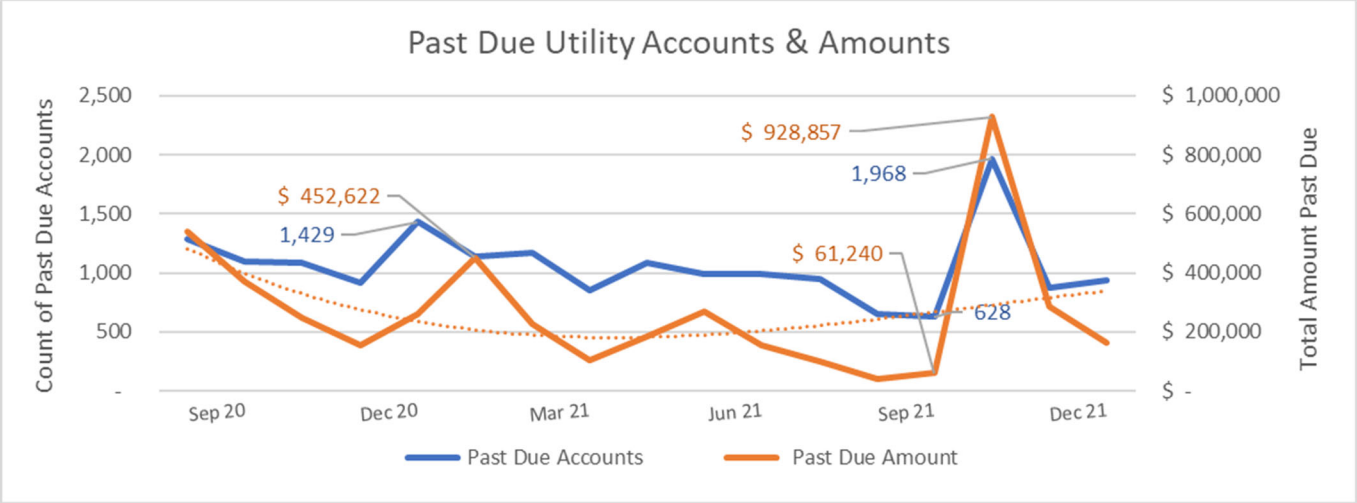
- Monthly Financial Reporting
  - The Finance Report for the period ended 11/30/21 was distributed to Council
- Training and other Improvement Efforts
  - Sandra Peck completed certain continuing professional education (CPE) requirements to maintain her certified public accountant (CPA) designation
- Staffing
  - Katti Murphy, the City's new Accountant III and payroll processor, started on December 13, 2021 and has been participating in the payroll processing activities while training alongside Accountant Sandra Peck
  - Tanikka Miller joined us in the Customer Service division on January 3, 2022, representing the first of two new hires emerging from a successful recruitment process before the end of the year
  - Our two newest Cash Operations Clerks represent the final two hires on the Customer Service team, and we look forward to introducing them to City Council
    - While the achievement of reaching full staffing should be celebrated, the department has been once again impacted significantly by the resurgence of the pandemic
    - As little as one or two people have staffed the office several days in late December and early January
    - Most of the month featured staffing levels around 50%
    - Weather and staffing impacted collection efforts most of December and into the first week of January, though past due balances have not suffered proportionately
- Police Facility Project – Planning and Design
  - The Bond Anticipation Note (BAN) is serving the City's interim financing needs
  - With the closing of the BAN behind us, attention has turned to the USDA financing process
  - Discussions kicked off in late December and the Finance team will work with the departments and the City's design and construction management teams to facilitate the application process
- FY21 Audit Process
  - Having fallen behind on the audit process due to staffing challenges, we continue working on the audit requirements and look forward to completing and publishing a successful audit, which has emerged as the department's highest priority
- Billing & Customer Service Department (See Page 2)

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- Billing & Customer Service Department, Continued
  - The graph below exhibits past due accounts and balances over the last five quarters



  - The sharp reduction back to past due counts and amounts more consistent with averages reflects the speed with which an external force can disrupt operations, but also the ability for the customer service team to rebound
    - Last month's rebound continued into December with respect to the dollar amount past due ***(solid orange line)***, though the count of accounts having any amount past due ***(blue line)*** slightly increased
  - A breakdown of property taxes outstanding follows below with differentiation between the current tax levy and previous tax levies.
  - The past due amounts compare favorably to the past due amounts reported one year ago:

Property Tax Levy	Past Due ($000) as of:		
	11/1/21	12/1/21	1/3/22
2021 ***(FY22)***	$279	$189	$145
2020 & Prior	$213	$185	$173
Total	**$491**	**$374**	**$319**

Property Tax Levy	Past Due ($000) as of:		
	11/5/20	12/11/20	1/8/21
2020 (FY21)	$229	$133	$108
2019 & Prior	$250	$230	$221
Total	**$479**	**$362**	**$329**

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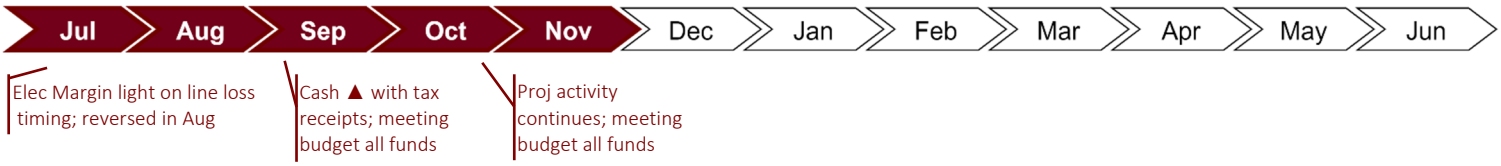
To: Mayor and City Council
Cc: Mark Whitfield, City Manager; Finance Department
From: Louis C. Vitola, Finance Director
Date: January 7, 2021
Re: November 2021 Financial Reporting Package

The Financial Reporting Package for the fiscal year through November 2021 (FY22 YTD) is enclosed. The following executive summary highlights this month's notable developments and recaps any changes to the report. The "Quick Reference" section of this memo recaps important financial highlights and modifications made in FY22 to help shorten the executive summaries.

YTD results continue to exceed budget expectations through November. Operating expenditures remain below even the seasonalized budget across funds for the fifth consecutive month, which is not surprising given our well-documented and undiscriminating staffing challenges. While understaffing results in unintended savings, we welcome what we hope is an end to that trend as we approach the halfway point of the fiscal year. Results in the electric and water funds, however, continue to fall short of stronger performance through the same period last year. In the electric fund, power supply costs were higher than expected given retail sales volume, pushing gross margin $287m lower than the same period last year and driving the unfavorable variance reported on line 17 of the Enterprise Fund P&L on page 3. The water fund transfer to the general fund drives the variance to prior year; water volumes and margin are only slightly down vs FY21. Cash balances remain high with property tax receipts, and capital spending remained active this month on NE & NW Front, Second and Mispillion Streets.

Quick Reference for FY22 Financial Developments and Report Upgrades

Recap FY22 Financial Highlights



Summary of FY22 Modifications (no changes this month)

- P.1 – Cash Rollforward
  - New Solid Waste Reserves Acct created by FY22 Water Fund interfund loan forgiveness; new variance indicators
- P.2 – Restricted Cash Reserves Report
  - The MSA and RTT reserves were combined into one shared summary to make room for Solid Waste Fund
  - Lines 3 & 17 added to show additions & interest earnings in the capital reserve accounts
  - Lines 12, 13, 24 & 25 feature updated MCR & ERR calculations for FY22 pursuant to cash reserve policy
- P.3 – The Enterprise Funds "P&L Style" Report features a new comparative column and four new rows
  - The rightmost column compares current vs prior FYTD periods by revenue and expense lines and subtotals
  - Rows 16 & 17 compare current & prior FYTD periods net surplus by fund
  - Rows 18 & 19 compare actual surplus vs seasonalized budget surplus for the current FYTD period
  - Variance indicators added for quick reference to both P&L reports; refined in October 2021
- P.4 – The General Fund "P&L Style" Report was created to complement the existing Enterprise Funds P&L Report
  - The new statement presents the same general fund financial performance available in the legacy Revenue and Expenditure Reports in a one-page consolidated executive summary
  - The scaled, common-size columns at right match the prior year comparability goals featured in the Enterprise Fund version of the report, while also putting general fund revenues and expenses in context for the first time in the monthly financial reporting package
  - Rows 19 & 20 allow for a comparison of the current and prior year FYTD periods by major function
  - Rows 21-22 show comparison of actual surplus vs seasonalized budget surplus for the current FYTD period
- P.5 (prev p.10) – Planned Use of ARPA Funding by Category compared to Actual Spending added in Sept 2021
- P.6-10 – Revenue (p.6) & Expenditure/Inter-dept Reports (p.7-10) will be produced indefinitely as "legacy" reports



Financial Reporting Package

As of and For the Period Ended November 30, 2021

Cash & Investment Balance Rollforward

Restricted Cash Reserves Report

Enterprise Funds YTD Revenue & Expenditure Report

General Fund YTD Revenue & Expenditure Report

Appendix: ARPA Funding Plan vs Actual Expenses

Legacy Revenue Report with MTD & YTD vs Annual Budget

Legacy Expenditure Report with MTD & YTD vs Annual Budget

Legacy Interservice Department Cost Allocation

City of Milford, Delaware

Cash and Investment Balance[1] Rollforward

For the Period Ended November 30, 2021

Operating Cash Balances

▼*Marks Ref Closing Bal*[4]

Description	Opening Balance (Oct 31, 2021)	Receipts	Interest Earned	Disbursements	Closing Balance (Nov 30, 2021)
General Fund	$ 5,844,478	$ 998,757	$ 769	$ (1,366,465)	$ 5,477,538
Electric Fund	3,554,024	2,827,008	1,985	(2,074,695)	4,308,322
Water Fund	1,740,253	326,541	1,325	(154,079)	1,914,041
Sewer Fund	609,317	861,889	624	(286,317)	1,185,513
Solid Waste Fund	491,605	138,873	66	(93,710)	536,835
Operating Cash Totals[4]	**$ 12,239,678**	**$ 5,153,069**	**$ 4,769**	**$ (3,975,266)**	**$ 13,422,250**

Federal, State and Other Special Purpose Cash Balances

Description	Opening Balance (Oct 31, 2021)	Receipts[3]	Interest Earned	Disbursements[2]	Closing Balance (Nov 30, 2021)
General Improvement	$ 326,914	$ 236,181	$ 66	$ (26,202)	$ 536,959
Municipal Street Aid (MSA)	692,766	-	85	(191,404)	692,851
Realty Transfer Tax (RTT)	3,984,278	295,328	524	(113,333)	4,246,796
Economic Development	681,714	-	-	-	681,714
ARPA Grant Fund	2,579,561	-	-	(3,463)	2,576,098
Special Purpose Cash Totals[4]	**$ 8,265,234**	**$ 531,508**	**$ 675**	**$ (334,403)**	**$ 8,734,419**

Reserve Fund Cash Balances[1]

Description	Opening Balance (Oct 31, 2021)	Receipts[3]	Interest Earned	Disbursements[2]	Closing Balance (Nov 30, 2021)
General Fund Capital Reserves	$ 1,949,538	$ 272,197	$ 8	$ (391,923)	$ 1,829,820
Water Fund Capital Reserves	9,411,672	-	50	-	9,411,722
Sewer Fund Capital Reserves	3,884,110	-	22	-	3,884,132
Solid Waste Fund Capital Reserves	71,286	-	1	-	71,287
Electric Fund Capital Reserves	14,050,169	-	59	-	14,050,228
Reserve Fund Cash Totals[4]	**$ 29,366,776**	**$ 272,197**	**$ 140**	**$ (391,923)**	**$ 29,247,189**

Impact Fees and Police/General Facilities Cash Balances

Description	Opening Balance (Oct 31, 2021)	Receipts[3]	Interest Earned	Disbursements	Closing Balance (Nov 30, 2021)
Police & General Gov't Facilities	$ 526,500	$ 14,440	$ -	$ (25,158)	$ 515,783
Carlisle Fire Co Permit Fund	528,781	4,813	-	-	533,595
Water Impact Fee Reserves	4,653,615	49,523	-	-	4,703,138
Sewer Impact Fee Reserves	2,670,194	26,164	-	-	2,696,358
Electric Impact Fee Reserves	1,068,790	10,200	-	-	1,078,990
Impact Fees & Police/GF Totals[4]	**$ 9,447,880**	**$ 105,140**	**$ -**	**$ (25,158)**	**$ 9,527,863**

Grand Totals[4]	**$ 59,319,567**	**$ 6,061,914**	**$ 5,584**	**$ (4,726,749)**	**$ 60,931,720**

[1]Balances are not indicative of funding availability; see enclosed Restricted Cash Reserves Report for reserve funding commitments

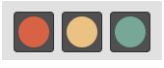
[2]Please see Appendix for ARPA Spend vs Plan Detail. Disbursements from General Fund Reserves (line 19) include Mispillion St. Project Expenditures & City Hall Building Construction. Disbursements from MSA & RTT (lines 12-13) include the monthly recurring PD support and Mispillion St project

[3]Receipts in line 11 include state grant proceeds to pre-fund Parks & Rec initiatives. Receipts in line 13 are inflated with October RTT received in November, while line 19 receipts represent cash transfers from MSA and RTT funds to reimburse the account for Mispillion St. Group activity. Lines 27-31 include ordinary / expectedly low levels of permit-generated revenue.

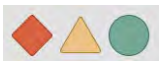
[4]Closing Balance Indicator sets ***Red,*** ***Yellow*** and ***Green*** signify month-to-month cash variance as follows:



-10% ≤ Variance ≤ 10%



-5% ≤ Variance ≤ 5%



-2.5% ≤ Variance ≤ 2.5%

City of Milford, Delaware

Restricted Cash Reserves Report

As of November 30, 2021

General Fund Capital Reserves		Amount
Cash/Investment Balance (11/30/21)	$	1,829,820
Expected Contributions & Interest		658,799
Restricted Funds:		
Vehicle & Equipment Replacement		(324,100)
Building Upgrades		(286,076)
Parking Enhancements		(200,000)
Parkland, Trails & Recreation		(656,595)
2020 Combined Utilities		(22,396)
OpEx Support (Tax R/A & PD R/M)		(497,000)
Support Policy with RTT[1]		2,000,000
Draft Reserve (MCR) Policy[2]		(1,236,356)
Equipment Replacement Reserve[2]		(764,100)
Uncommitted Reserve Balance	**$**	**501,997**

Water Fund Capital Reserves		Amount
Cash/Investment Balance (11/30/21)	$	9,411,722
Expected Contributions & Interest		608,070
Restricted Funds:		
Vehicle & Equipment Replacement		(201,953)
Streets 2020 Utility Engineering		(122,765)
SE Second Street - Lead Gooseneck		(2,554)
Milford Business Campus		(6,500,000)
Balance of FY20-21 Projects		(146,508)
Draft Reserve (MCR) Policy[3]		(2,695,121)
Equipment Replacement Reserve[3]		(201,953)
Uncommitted Reserve Balance	**$**	**148,938**

Sewer Fund Capital Reserves		Amount
Cash/Investment Balance (11/30/21)	$	3,884,132
Expected Contributions & Interest		78,232
Restricted Funds:		
Sewer Vehicles & Equipment		(169,503)
Citywide Projects & Engineering		(29,256)
Utility Engineering		(231)
NE/NW Front St Sewer Rehab, net of Impact Fee Transfer		(185,676)
Draft Reserve (MCR) Policy[3]		(3,327,000)
Equipment Replacement Reserve[3]		(235,000)
Uncommitted Reserve Balance	**$**	**15,698**

Electric Fund Capital Reserves		Amount
Cash/Investment Balance (11/30/21)	$	14,050,228
Expected Contributions & Interest		1,999,821
Restricted Funds:		
Electric Vehicles & Equipment		(96,026)
Lighting & System Improvements		(593,628)
Traffic Signal Upgrades		(350,000)
Citywide Projects[6]		(1,433,194)
Redeem / Defease Bond (Jan 2022)		(4,060,000)
Draft Reserve (MCR) Policy[3]		(6,345,238)
Equipment Replacement Reserve[3]		(85,400)
Uncommitted Reserve Balance	**$**	**3,086,563**

Solid Waste Reserves		Amount
Cash/Investment Balance (11/30/21)	$	71,287
Expected Contributions & Interest		218,781
Restricted Funds:		
Draft Reserve (MCR) Policy[4]		-
Equipment Replacement Reserve[4]		(290,068)
Uncommitted Reserve Balance	**$**	**-**

MSA & RTT Reserves	Amount
RTT Balance (11/30/21)	4,246,796
MSA Balance (11/30/21)	692,851
MSA & RTT Est Receipts thru FY22:	612,368
MSA: Street & Bridge Improvements	(415,958)
RTT: Transfer to Police Dept	(233,333)
RTT: Sidewalk Project Funding	(140,000)
MSA & RTT: Mispillion Street Group	(219,036)
MSA & RTT: 2020 Combined Utilities	(404,316)
RTT: Support GF Policies[1]	(2,000,000)
RTT: Draft Reserve Policy[5]	(1,041,454)
Uncommitted Reserve Balance	**$ 1,097,918**

[1]Approved GF Reserve Policies permit support from an eligible funding source; portion of RTT balance pledged to support GF Reserves for forseeable future

[2]Approved GF Reserve Policies recommend MCR of 45 days OpEx & Equip Repl Res minimum of 110% of upcoming CIP budget

[3]Approved Reserve Policies split Minimum Cash Req'd from COS study into new MCR & Equip Repl Reserve (20% of CIP)

[4]Solid Waste Reserves initiated in FY22 with seed funding from interfund loan forgiveness. Through at least FY23, 100% of balance will be reserved for purchase of new vehicle per FY22-26 approved CIP

[5]Approved Reserve Policies recommend dynamic MCR based on average of trailing-three-year RTT receipts

[6]This $1.4 million funding restriction includes the $0.9 million in FY22 CIP projects as well as the $0.55 million restriction targeted for the open space parcel, which settled in November.

City of Milford, Delaware

Enterprise Funds: Statement of Revenues & Expenditures

For the YTD Period Ended November 30, 2021 vs Prior FYTD & Current Budget (in thousands)

	Enterprise Funds Profit & Loss (P&L) Statement	Electric	Water	Sewer	Solid Waste	Total	FY22 Total (as % of Rev)	FY21 Total (as % of Rev)
1	Operating Revenue	$ 10,614	$ 1,323	$ 2,032	$ 606	$ 14,575	100.0%	100.0%
2	Cost of Revenue[1]	(7,451)	(116)	(1,067)	(151)	(8,785)	-60.3%	-59.8%
3	Gross Margin	3,163	1,207	966	455	5,790	39.7%	40.2%
4	Operating Expenses							
5	Operations & Maintenance	(941)	(422)	(350)	(305)	(2,018)	-13.8%	-13.7%
6	Personnel	(431)	(130)	(127)	(98)	(786)	-5.4%	-5.7%
7	Total Operating Expenses	(1,373)	(552)	(477)	(403)	(2,804)	-19.2%	-19.5%
8	**Operating Income**	**$ 1,790**	**$ 655**	**$ 489**	**$ 52**	**$ 2,986**	**20.5%**	**20.8%**
9	Non-Operating Revenue (Expense)	20	6	3	0	28	0.2%	0.1%
10	Surplus (Deficit) for debt service & capital	1,810	661	492	52	3,015	20.7%	20.9%
11	Debt Service - Principal & Interest	-	(136)	(46)	-	(182)	-1.2%	-1.2%
12	Capital Spending / Contributions from (to) Reserves	(4)	-	(59)	-	(64)	-0.4%	-0.4%
13	Surplus (deficit) available for transfers	1,806	525	386	52	2,769	19.0%	19.3%
14	Transfers Out	(1,042)	(125)	-	-	(1,167)	-8.0%	-7.2%
15	**Net Surplus (Deficit) - FYTD through Nov 2021**	**$ 764**	**$ 400**	**$ 386**	**$ 52**	**$ 1,603**	**11.0%**	**12.1%**
16	***Net Surplus (Deficit) - FYTD through Nov 2020***	*$ 990*	*$ 563*	*$ 153*	*$ 55*	*$ 1,761*	12.1%	
17	*Current vs Prior - Favorable (Unfavorable)*[2]	*$ (226)*	*$ (163)*	*$ 233*	*$ (3)*	*$ (159)*	*-1.1%*	
18	***Net Surplus (Deficit) - Current FYTD Budget***	*$ 6*	*$ 189*	*$ 80*	*$ 9*	*$ 285*	2.0%	
19	*Current vs Budget - Favorable (Unfavorable)*[2]	*$ 758*	*$ 211*	*$ 306*	*$ 43*	*$ 1,318*	*9.0%*	

[1]Cost of Revenue reported in the electric fund reflects wholesale cost of power and serves as an ideal revenue offset to arrive at gross margin. Cost of revenue in the water, sewer and solid waste funds are estimated based on a limited set of known, direct inputs to the cost of providing the utility services billed. Aside from Kent County sewer treatment charges, costs of revenue in the water, sewer and solid waste funds are likely understated.

[2]Comparative Indicators ***Green*** , ***Yellow*** and ***Red*** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

City of Milford, Delaware

General Fund: Statement of Revenues & Expenditures[1]

For the YTD Period Ended November 30, 2021 vs Prior FYTD & Current Budget (in thousands)

	General Fund Sources and Uses of Funding	Admin & Council	Public Safety	Parks & Rec	Planning & All Other	Total	FY22 Total (as % of Rev)	FY21 Total[3] (as % of Rev)
1	***Sources of Funding:***							
2	Real Estate (Property) Taxes	$ 4,675	$ -	$ -	$ -	$ 4,675	66.9%	62.8%
3	Permits, Licensing & Franchise Fees	114	-	-	148	262	3.7%	3.4%
4	Fines, Fees & Misc Revenue	18	172	-	-	190	2.7%	4.8%
5	General Revenue Subtotal	4,807	172	0	148	5,127	73.3%	71.0%
6	Utility Transfers & Cost Allocation	1,640	-	-	-	1,640	23.5%	21.6%
7	Grant Revenue	46	11	-	-	57	0.8%	0.0%
8	Application of Reserve Balances	-	167	-	-	167	2.4%	7.4%
9	General Fund Operating Support	1,686	178	0	0	1,864	26.7%	29.0%
10	**Total Sources of Funding**	**$ 6,493**	**$ 350**	**$ -**	**$ 148**	**$ 6,991**	**100.0%**	**100.0%**
11	***Uses of Funding:***							
12	Operations & Maintenance	390	297	210	177	1,073	15.3%	11.9%
13	Personnel	536	1,890	204	291	2,921	41.8%	42.7%
14	Total Operating Expenses[2]	926	2,187	413	468	3,993	57.1%	54.6%
15	**Surplus (Deficit) for Debt Svc & Capital**	**$ 5,567**	**$ (1,836)**	**$ (413)**	**$ (320)**	**$ 2,998**	**42.9%**	**45.4%**
16	Debt Service - Principal & Interest	-	-	-	-	-	0.0%	0.0%
17	Capital Spending / Transfers from (to) Reserves	-	-	-	2	2	0.0%	3.4%
18	**Net Surplus (Deficit) - FYTD through Nov 2021**	**$ 5,567**	**$ (1,836)**	**$ (413)**	**$ (322)**	**$ 2,995**	**42.8%**	**41.9%**
19	***Net Surplus (Deficit) - FYTD through Nov 2020[3]***	*$ 5,605*	*$ (1,805)*	*$ (458)*	*$ (515)*	*$ 2,827*	41.9%	
20	*Current vs Prior - Favorable (Unfavorable)[4]*	*$ (37)*	*$ (32)*	*$ 45*	*$ 193*	*$ 169*	*0.9%*	
21	***Net Surplus (Deficit) - Current FYTD Budget***	*$ 5,921*	*$ (2,291)*	*$ (450)*	*$ (408)*	*$ 2,772*	40.0%	
22	*Current vs Budget - Favorable (Unfavorable)[4]*	*$ (353)*	*$ 455*	*$ 36*	*$ 85*	*$ 223*	*2.9%*	

23 [1]This Statement presents the same general fund financial performance available in the legacy Revenue and Expenditure Reports in a one-page consolidated executive summary. The common size reporting (two rightmost columns) benefits readers in two ways; first, each line is scaled with total revenue to add context, and second, the common size format is comparable across fiscal years and budgets. This report should be considered a working draft that will be improved over time to improve its usefulness to readers.

24 [2]The General Fund Operating Expenses totaling $3.3 million reported in row 14 ties to the legacy expenditure report in row 58.

25 [3]This format presents expeditures in the context of funding sources while comparing subtotals (rightmost column) and the net surplus (deficit) to the prior YTD period (rows 19 & 20)

26 [4]Comparative Indicators ***Green*** , ***Yellow*** and ***Red*** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

City of Milford, Delaware

Legacy Revenue Report: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended November 30, 2021

41.7% of Year Elapsed

	Account / Function	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget
1	**General Fund:**				
2	Economic Development Fund	$ 105,860	$ -	$ -	0.0%
3	General Fund Reserves	1,967,500	-	-	0.0%
4	ARPA Funding - Operating Support	568,233	-	59,688	10.5%
5	Realty Transfer Tax - Police	400,000	33,334	166,667	41.7%
6	Real Estate Tax	4,770,043	2,279	4,675,273	98.0%
7	Business License	72,000	1,090	5,965	8.3%
8	Rental License	103,000	3,200	7,975	7.7%
9	Building Permits	316,300	16,556	62,151	19.6%
10	Planning & Zoning	52,200	33,030	65,260	125.0%
11	Grasscutting Revenue	16,000	1,333	6,667	41.7%
12	Police Revenues	431,500	13,352	172,341	39.9%
13	Misc. Revenues	418,111	59,651	119,700	28.6%
14	Transfers In	3,835,178	328,014	1,640,067	42.8%
15	**Total General Fund Revenue**	**$ 13,055,925**	**$ 491,839**	**$ 6,981,754**	**53.5%**
16	**Enterprise Funds:**				
17	Water Fund Revenues	$ 2,824,888	$ 255,998	$ 1,331,897	47.1%
18	Sewer Fund Revenues	2,893,047	215,802	1,164,311	40.2%
19	Kent County Sewer	1,974,629	154,833	870,593	44.1%
20	Solid Waste Fund Revenues	1,479,370	121,852	606,180	41.0%
21	Electric Fund Revenues	25,250,410	1,775,840	10,627,757	42.1%
22	**Total Enterprise Fund Revenue**	**$ 34,422,344**	**$ 2,524,325**	**$ 14,600,738**	**42.4%**
23	Other Enterprise Revenue	$ -	$ 8,861	$ 22,566	
24	Other Enterprise Expense	-	(1,364)	(30,767)	
25	**Total General & Enterprise Fund Revenue**	**$ 47,478,269**	**$ 3,023,661**	**$ 21,574,291**	**45.4%**

City of Milford, Delaware

Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended November 30, 2021

41.7% of Year Elapsed

	Fund / Account / Divisional Groupings	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
1	**General Fund**					
2	City Administration					
3	Personnel	$ 715,791	$ 52,225	$ 266,095	37.2%	$ 449,696
4	Operation & Maintenance (O&M)	492,929	16,476	71,318	14.5%	421,611
5	Capital	230,000	-	-	0.0%	230,000
6	Subtotal: City Administration	1,438,720	68,701	337,413	23.5%	1,101,307
7	Planning & Zoning; Code					
8	Personnel	493,285	40,190	174,085	35.3%	319,200
9	O&M	138,135	4,442	54,230	39.3%	83,905
10	Capital	-	-	-		-
11	Subtotal: Planning & Zoning; Code	631,420	44,632	228,315	36.2%	403,105
12	Council					
13	Personnel	35,934	2,401	12,488	34.8%	23,446
14	Legal	35,000	-	-	0.0%	35,000
15	City Hall Building Expense	17,424	1,452	7,260	41.7%	10,164
16	Insurance	25,745	-	7,630	29.6%	18,115
17	Christmas Decorations	5,000	-	-	0.0%	5,000
18	Council Expense	35,000	2,802	15,656	44.7%	19,344
19	Employee Recognition	28,000	1,243	3,122	11.2%	24,878
20	Codification	15,000	-	4,897	32.6%	10,103
21	Carlisle Fire Company	140,000	-	-	0.0%	140,000
22	Museum	30,000	-	30,000	100.0%	-
23	Downtown Milford, Inc.	45,860	-	45,860	100.0%	-
24	Milford Public Library	25,000	-	-	0.0%	25,000
25	Transcription Service	15,000	-	-	0.0%	15,000
26	Armory Expenses	23,600	-	18,981	80.4%	4,619
27	Vehicle & Equipment Repl	6,500	-	-	0.0%	6,500
28	Resident Survey	18,500	-	17,300	93.5%	1,200
29	Election - Wages	6,000	-	-	0.0%	6,000
30	Election - Supplies	2,800	-	-	0.0%	2,800
31	Community Festivals	60,000	-	-	0.0%	60,000
32	Subtotal: Council	570,363	7,898	163,194	28.6%	407,169

City of Milford, Delaware

Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended November 30, 2021

41.7% of Year Elapsed

	Fund / Account / Divisional Groupings	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
33	Finance					
34	Personnel	456,230	28,514	143,802	31.5%	312,428
35	O&M	49,970	4,050	18,081	36.2%	31,889
36	Capital	-	-	-		-
37	Subtotal: Finance	506,200	32,564	161,883	32.0%	344,317
38	Information Technology					
39	Personnel	382,258	23,090	113,455	29.7%	268,803
40	O&M	228,241	7,241	149,619	65.6%	78,622
41	Capital	96,400	-	-	0.0%	96,400
42	Subtotal: Information Technology	706,899	30,331	263,074	37.2%	443,825
43	Police Department					
44	Personnel	5,129,212	382,892	1,889,951	36.8%	3,239,261
45	O&M	974,498	47,332	296,634	30.4%	677,864
46	Capital	108,100	-	-	0.0%	108,100
47	Subtotal: Police Department	6,211,810	430,224	2,186,585	35.2%	4,025,225
48	Streets & Grounds Division					
49	Personnel	382,587	23,073	117,012	30.6%	265,575
50	O&M	508,931	20,444	122,509	24.1%	386,422
51	Capital	73,000	-	2,431	3.3%	70,569
52	Subtotal: Streets & Grounds Division	964,518	43,517	241,952	25.1%	722,566
53	Parks & Recreation					
54	Personnel	589,633	41,481	203,936	34.6%	385,697
55	O&M	473,362	26,393	209,550	44.3%	263,812
56	Capital	963,000	-	-	0.0%	963,000
57	Subtotal: Parks & Recreation	2,025,995	67,874	413,486	20.4%	1,612,509
58	**Total General Fund Expenditures**	**$ 13,055,925**	**$ 725,741**	**$ 3,995,902**	**30.6%**	**$ 9,060,023**

City of Milford, Delaware

Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended November 30, 2021

41.7% of Year Elapsed

	Fund / Account / Divisional Groupings	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
59	**Enterprise Funds:**					
60	Water Division					
61	Personnel	$ 328,260	$ 23,801	$ 129,895	39.6%	$ 198,365
62	O&M	1,644,327	103,094	537,651	32.7%	1,106,676
63	Transfer to General Fund	300,000	25,000	125,000	41.7%	175,000
64	Capital	187,028	-	47,776	25.5%	139,252
65	Debt Service	365,273	-	136,137	37.3%	229,136
66	Subtotal: Water Division	2,824,888	151,895	976,459	34.6%	1,848,429
67	Sewer Division					
68	Personnel	$ 319,977	23,375	126,661	39.6%	193,316
69	O&M	1,993,116	135,762	546,618	27.4%	1,446,498
70	Capital	168,528	42,772	43,642	25.9%	124,886
71	Debt Service	411,426	-	45,604	11.1%	365,822
72	Subtotal: Sewer Division (excl. Kent County)	2,893,047	201,909	762,525	26.4%	2,130,522
73	Kent County Sewer	1,974,629	154,833	870,347	44.1%	1,104,282
74	Subtotal: Sewer Division (Comprehensive)	4,867,676	356,742	1,632,872	33.5%	3,234,804
75	Solid Waste Division					
76	Personnel	334,276	13,986	98,453	29.5%	235,823
77	O&M	1,086,019	81,740	455,768	42.0%	630,251
78	Capital	59,075	-	-	0.0%	59,075
79	Subtotal: Solid Waste Division	1,479,370	95,726	554,221	37.5%	925,149
80	Subtotal: Water, Sewer & Solid Waste	9,171,934	604,363	3,163,552	34.5%	6,008,382
81	Electric Division					
82	Personnel	1,275,540	80,863	431,326	33.8%	844,214
83	O&M	2,759,848	169,957	941,219	34.1%	1,818,629
84	Transfer to General Fund	2,500,000	208,334	1,041,667	41.7%	1,458,333
85	Capital	1,549,021	-	4,189	0.3%	1,544,832
86	Debt Service	321,615	-	-	0.0%	321,615
87	Subtotal: Electric Division (excl. Power)	8,406,024	459,154	2,418,401	28.8%	5,987,623
88	Power Purchased	16,844,386	1,295,611	7,451,099	44.2%	9,393,287
89	Subtotal: Electric Division (Comprehensive)	25,250,410	1,754,765	9,869,500	39.1%	15,380,910
90	**Total Enterprise Fund Expenditures**	**$ 34,422,344**	**$ 2,359,128**	**$ 13,033,052**	**37.9%**	**$ 21,389,292**
91	**Grand Total Operating Budget**	**$ 47,478,269**	**$ 3,084,869**	**$ 17,028,954**	**35.9%**	**$ 30,449,315**

City of Milford, Delaware

Legacy Interservice Department Expenditures: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended November 30, 2021

41.7% of Year Elapsed

Account / Divisional Groupings	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
Interservice Departments					
Garage					
Personnel	$ 123,933	$ 6,899	$ 34,310	27.7%	$ 89,623
Operation & Maintenance (O&M)	120,813	4,879	44,848	37.1%	75,965
Capital	-	-	-		-
Subtotal: Garage	244,746	11,778	79,158	32.3%	165,588
Public Works					
Personnel	750,563	53,998	284,517	37.9%	466,046
O&M	293,510	14,402	71,891	24.5%	221,619
Capital	-	-	-		-
Subtotal: Public Works	1,044,073	68,400	356,408	34.1%	687,665
Tech Services					
Personnel	271,033	24,054	118,862	43.9%	152,171
O&M	472,729	35,395	155,440	32.9%	317,289
Capital	-	-	-		-
Subtotal: Tech Services	743,762	59,449	274,302	36.9%	469,460
Billing & Collections					
Personnel	632,304	44,212	222,730	35.2%	409,574
O&M	644,405	25,867	96,731	15.0%	547,674
Capital	-	-	-		-
Subtotal: Billing & Collections	1,276,709	70,079	319,461	25.0%	957,248
City Hall Cost Allocation					
O&M	45,000	4,419	17,924	39.8%	27,076
Capital	-	-	129,081		(129,081)
Subtotal: City Hall Cost Allocation	45,000	4,419	147,005	326.7%	(102,005)
Interdepartmental Cost Allocation	**$ (3,354,290)**	**$ (214,125)**	**$ (1,176,334)**	**35.1%**	**$ (2,177,956)**
Net Interdepartmental Costs[1]	**$ -**	**$ -**	**$ -**		**$ -**

[1]All costs reported here are allocated to and entirely funded by the various departments that use the services provided internally by these shared departments.

Appendix: Planned Use of Funding vs Spending by Category
American Rescue Plan Act of 2021 ("ARPA")

Actual Spending by Category vs Plan, as Amended					
ARPA Eligibility Categories	**Plan (10/31)**	**Plan (11/30)**	**Actual 11/30/2021**	**Remaining**	**Notes**
COVID-19 Health Impact	**$ 396,280**	**$ 1,178,212**	**$ 33,743**	**$ 1,144,469**	
Operational Facilities	50,000	491,776	-	491,776	Revised Plan Reflects Take-Home Vehicle Program @ 50%
Air Quality & Ventilation	147,450	147,450	-	147,450	
Behavioral Health Care	170,000	180,000	33,145	146,855	Primarily Personnel Costs
Administering COVID-19 Response	27,154	358,388	-	358,388	
COVID-19 Mitigation	1,676	598	598	-	Vaccination Incentive; COVID test kits
COVID-19 Economic Impact	**$ 936,798**	**$ 879,286**	**$ 102,830**	**$ 776,457**	
Assistance to Community (Annual)	324,460	324,460	45,860	278,600	DMI Funding
Critical Ops Staffing / Retention	285,392	269,790	-	269,790	December 2021 Initiative
Assistance to Community & Households	256,929	256,929	46,500	210,429	MHDC Affortability Grant
Aid Tourism Recovery	27,392	25,483	7,845	17,638	Signage / Banner Upgrade
Parks & Rec Programming	2,625	2,625	2,625	-	Signage cost share with DMI
Rehiring Public Safety Staff	40,000	-	-	-	
Infrastructure	**$ 4,807,042**	**$ 4,171,632**	**$ 454,275**	**$ 3,717,357**	
Water Quality	3,048,582	2,902,074	382,080	2,519,994	Mispillion St Project; NE Front St Water Line Replacement
Flood/Pollution Control	724,600	724,600	63,565	661,035	4th St Drainage & Mispillion St Project
Improve Resilience to Disasters	310,000	310,000	-	310,000	
Improve Wastewater Treatment	723,860	234,958	8,630	226,328	Sewer component of Mispillion St Project
Revenue Recovery	**$ 193,773**	**$ 104,762**	**$ -**	**$ 104,762**	
Parks & Rec Programming	97,000	97,000	-	97,000	
Economic Development	7,762	7,762	-	7,762	
Public Safety Operations	89,011	-	-	-	
Grand Total	**$ 6,333,893**	**$ 6,333,893**	**$ 590,848**	**$ 5,743,045**	

Sussex County Association of Towns

37 The Circle, Georgetown, Delaware 19947

Town of Bethany Beach
Town of Bethel
Town of Blades
Town of Bridgeville
Town of Dagsboro
Town of Delmar
Town of Dewey Beach
Town of Ellendale
Town of Fenwick Island
Town of Frankford
Town of Georgetown
Town of Greenwood
Town of Henlopen Acres
Town of Laurel
City of Lewes
City of Milford
Town of Millsboro
Town of Millville
Town of Milton
Town of Ocean View
City of Rehoboth Beach
City of Seaford
Town of Selbyville
Town of Slaughter Beach
Town of South Bethany
Sussex County Council

S.C.A.T. Dinner for Wednesday, February 2, 2022

LOCATION:

TIME: 6:00 pm – Guest Social Hour
6:30 pm – Dinner

HOST: Town of Georgetown

SPEAKER: Legislative Night

COST: $30.00 per person

MENU: Tossed Salad
Baked Chicken
Roasted Pork Loin
Roasted Red Potatoes
Macaroni and Cheese
Seasoned Green Beans
Assorted Deserts

For reservations, please contact Kristen Dabrowski at (302) 856-7391 or by email: kdabrowski@georgetowndel.com no later than January 26, 2022 BY NOON

Please make checks payable to **Town of Georgetown**
Mail to: Town of Georgetown
Attn: Kristen Dabrowski
37 The Circle
Georgetown, DE 19947

Reminder: S.C.A.T. Steering Committee Breakfast

SPEAKER: Senator Sarah McBride

Friday, February 4, 2022 at 9AM, $11 per person

Location: First State Community Action Agency

308 North Railroad Avenue, Georgetown, DE 19947

RSVP to Kristen Dabrowski kdabrowski@georgetowndel.com

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

052A181

Change Order No. 2

Date of Issuance: November 4, 2021	Effective Date: November 4, 2021
Owner: City of Milford	Owner's Contract No.: N/A
Contractor: Pleasants Construction, Inc.	Contractor's Project No.: 2571-20-63
Engineer: Davis, Bowen & Friedel, Inc.	Engineer's Project No.: 052A181
Project: NW-NE Front Street Sanitary Sewer Rehabilitation	Contract Name: NW-NE Front Street Sanitary Sewer Rehabilitation

The Contract is modified as follows upon execution of this Change Order:

Description: Balancing change order to adjust quantities bid verse quantities installed.

Attachments: *Attachment A-Balancing Change Order Worksheet*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: $ 1,362,218.00	Original Contract Times: Substantial Completion: 90 days – February 14, 2021 Ready for Final Payment: 120 days – March 16, 2021
Increase/Decrease from previously approved Change Order No. 1: $ 0.00	Increase from previously approved Change Order No. 1: Substantial Completion: 49 days Ready for Final Payment: 49 days
Contract Price prior to this Change Order: $ 1,362,218.00	Contract Times prior to this Change Order: Substantial Completion: 139 days – April 4, 2021 Ready for Final Payment: 169 days – May 4, 2021
Decrease of this Change Order: $ 379,637.00	Increase of this Change Order: Substantial Completion: 0 days Ready for Final Payment: 0 days
Contract Price incorporating this Change Order: $ 982,581.00	Contract Times with all approved Change Orders: Substantial Completion: 139 days – April 4, 2021 Ready for Final Payment: 169 days – May 4, 2021

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By:	By:	By: Stephen Thomas
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Principal	Title City Manager	Title Project Manager
Date: 11/4/2021	Date 1/6/2022	Date 12/22/2021

Approved by Funding Agency (if applicable)

By: _____ Date: _____

Title: _____

ATTACHMENT A
Balancing Change Order Worksheet
NW-NE Front Street Sanitary Sewer Rehabilitation

Item No.	Description	Size/ Depth	Unit	Est. Qty	As-Bid		Actual		Variance	
					Unit Price	Total Price	Units	Extension	Units	Extension
1	Mobilization, Bonds, Insurance, and Demobilization (maximum 5% of Base Bid)	--	LS	1	$64,868.00	$64,868.00	1	$64,868.00	0	$0.00
2	By-Pass Pumping Operations	--	LS	1	$21,600.00	$21,600.00	1	$21,600.00	0	$0.00
3	Manhole Rehabilitation and Interior Lining	48"	VF	300	$330.00	$99,000.00	189	$62,452.50	-111	-$36,547.50
4	Manhole Rehabilitation and Interior Lining Using Hydrogen Sulfide Resistant Liner Material	48"	VF	300	$330.00	$99,000.00	0	$0.00	-300	-$99,000.00
5a	CIPP (Cured-In-Place Pipe) Liner	8"	LF	400	$57.00	$22,800.00	138	$7,866.00	-262	-$14,934.00
5b		10"	LF	400	$74.00	$29,600.00	319	$23,576.40	-81	-$6,023.60
5c		12"	LF	700	$57.00	$39,900.00	631	$35,967.00	-69	-$3,933.00
5d		15"	LF	550	$74.00	$40,700.00	521	$38,524.40	-29	-$2,175.60
5e		18"	LF	700	$66.00	$46,200.00	945	$62,389.80	245	$16,189.80
5f		21"	LF	1,300	$87.00	$113,100.00	1,053	$91,637.10	-247	-$21,462.90
5g		24"	LF	2,200	$124.00	$272,800.00	2,117	$262,532.80	-83	-$10,267.20
5h		36"	LF	100	$275.00	$27,500.00	0	$0.00	-100	-$27,500.00
6	Trenchless Removal of Protruding Service Connection	--	EA	20	$433.00	$8,660.00	0	$0.00	-20	-$8,660.00
7a	Cleaning and Video Inspection of Gravity Sewer Main Pipe	12"	LF	400	$9.00	$3,600.00	289	$2,601.00	-111	-$999.00
7b		18"	LF	700	$5.00	$3,500.00	0	$0.00	-700	-$3,500.00
7c		21"	LF	1,000	$4.00	$4,000.00	0	$0.00	-1,000	-$4,000.00
7d		24"	LF	50	$67.00	$3,350.00	0	$0.00	-50	-$3,350.00
7e		36"	LF	100	$34.00	$3,400.00	0	$0.00	-100	-$3,400.00
8	Video Inspect of Sewer Lateral Pipe	--	LF	1,500	$18.00	$27,000.00	1,147	$20,646.00	-353	-$6,354.00
9	CIPP (Cured-In-Place Pipe) Lateral Liner	--	LF	1,000	$60.00	$60,000.00	388	$23,280.00	-612	-$36,720.00
10	Reinstatement of Active Lateral Connections After Lining	--	EA	66	$100.00	$6,600.00	53	$5,300.00	-13	-$1,300.00
11	CIP (Cured-In-Place) Service Connection Seal	--	EA	66	$4,440.00	$293,040.00	51	$226,440.00	-15	-$66,600.00
	Sub-Total Base Bid					**$1,290,218.00**		**$949,681.00**		**-$340,537.00**
	Contingencies									
12	Wall and Base Section Pressure Sealing Per Joint (Precast Concrete MH)	--	EA	20	$240.00	$4,800.00	0	$0.00	-20	-$4,800.00
13	Wall and Base Section Pressure Sealing Per 2 Foot Section of Brick Manhole	--	EA	10	$360.00	$3,600.00	10	$3,600.00	0	$0.00
14	Pipe Penetration Pressure Sealing (Precast or Brick MH)	--	EA	10	$360.00	$3,600.00	10	$3,600.00	0	$0.00
15	Chemical Sealant for Sealing Manhole Wall Joints, Base Sections, and Pipe Penetrations	--	GAL	200	$300.00	$60,000.00	35	$10,500.00	-165	-$49,500.00
	Sub-Total Contingencies					**$72,000.00**		**$17,700.00**		**-$54,300.00**
	Original Contract Total					**$1,362,218.00**		**$967,381.00**		**-$394,837.00**
	Change Orders									
	No. 1 - Time Extension	--	LS	0	$0.00	$0.00	1	$0.00	1	$0.00
	Sewer Segment with Concrete - Additional Flagging Operations	--	Day	0	$1,050.00	$0.00	4	$4,200.00	4	$4,200.00
	Sewer Segment with Concrete - CCTV & Cleaning Crew (first day)	--	Day	0	$3,875.00	$0.00	1	$3,875.00	1	$3,875.00
	Sewer Segment with Concrete - CCTV & Cleaning Crew (additional days after first)	--	Day	0	$2,375.00	$0.00	3	$7,125.00	3	$7,125.00
	Total Change Orders					**$0.00**		**$15,200.00**		**$15,200.00**
	Totals of all Change Order plus Original Contact Amt.					**$1,362,218.00**		**$982,581.00**		**-$379,637.00**
	Net Change to the Contract					**-$379,637.00**				

Change Order

Contractor/Vendor	Pleasants Construction, Inc.

Date	PCI Job #	Contract #	Change Order #
3/19/2021	2571-20-63	052A181	2

The following changes are hereby made to the Subcontract Documents per revised pricing dated

Item No.	Description	Unit	Quantity	Unit Price	Extended
1	Flagging Operations	DY	4	$ 1,050.00	$ 4,200.00
2	CCTV & Cleaning Crew Day # 1	DY	1	$ 3,875.00	$ 3,875.00
3	CCTV & Cleaning Crew Per Day After Day #1	DY	3	$ 2,375.00	$ 7,125.00
	TOTAL:				$ 15,200.00

Execution of this change order signifies full acceptance of the changes to the subcontract listed above. All previous prices and quantities quoted for items above are hereby overwritten. This change order becomes part of, and in conformance with, the Subcontract Agreement signed

Ryan Smith

Pleasants Construction, Inc. Signature

Ryan Smith / Project Manager

Printed Name and Title

19-Mar-21

Date

Subcontractor Signature

Printed Name and Title

Date

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

TO: Mayor and City Councilmembers

FROM: Rob Pierce, AICP - Planning Director

DATE: January 10, 2022

RE: Chapter 19 – Economic Development and Redevelopment – Citywide Affordable Housing Assistance Program

---

The enclosed ordinance would provide financial relief from City sewer, water and electric impact fees and building permit fees associated with the construction of low-income housing for home-ownership that is overseen by a non-profit or governmental agency.

Staff recommends adoption of Ordinance 2021-28 to provide relief of permitting fees for authorized citywide affordable housing programs that are overseen by a non-profit or governmental agency that provides housing for low-income families for homeownership.

CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW & DETERMINATION
BY CITY COUNCIL

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) and time(s) so indicated, including the acceptance of public comments:

ORDINANCE 2021-28
Amending the Code of the City of Milford
Chapter 19 - ECONOMIC DEVELOPMENT AND REDEVELOPMENT
ARTICLE III - Specific Economic Development Incentive Programs

WHEREAS, the City desires to provide relief to participants of housing assistance programs in the form of impact and permit fee waivers that are cost prohibitive to the completion of housing assistance projects; and

WHEREAS, Milford City Council has a goal of providing reasonable housing assistance for qualifying residents of the City of Milford; and

WHEREAS, certain construction requires and fees have proven prohibitive for home buyers who obtain housing through housing assistance programs; and

WHEREAS, Article III of Chapter 19 of the Milford Municipal Code allows Specific Economic Development Incentive Programs (SEDIP) by waiving some or all impact and permit fees for economic development within the city limits of Milford; and

WHEREAS, there is a need to encourage the development of affordable housing by reducing or waiving these fees for qualifying projects; and

WHEREAS, public comment will be taken prior to the scheduled adoption by City Council on the meeting date noticed in Section 3.

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

Section 1.
Amends Chapter 19 by adding a new section entitled 19-11 Citywide Affordable Housing Assistance Program.

Section 2. Section 19-11 will include subsections 19-11A Eligibility, 19-11B Target Area and 19-11C Development Incentives and paragraphs 19-11C(1) Impact Fee Waivers and 11C(2) Permit and Other Fee Waivers and subparagraphs 19-11C(1)(a) and 19-11C(2)a, 19-11C(2)(b) and 19-11C(2)(c), to read as follows:

§ 19-11 – Citywide Affordable Housing Assistance Program.

- *A. Eligibility. Eligible projects shall include any residential project done within the city limits that is part of an authorized citywide affordable housing program. Authorized citywide affordable housing program shall be defined as a program overseen by a non-profit or governmental agency that provides housing for low-income families for homeownership as defined by the U.S. Department of Housing and Urban Development. The incentive beneficiary shall provide the necessary documentation to prove participation in such a program. Eligible projects shall be limited to a maximum of two dwelling units per property.*
- *B. Target Area – Citywide. The corporate limits of the City of Milford. A copy of the municipal boundary map shall be on file at City Hall, 201 S. Walnut Street, Milford, Delaware.*
- *C. Development Incentives.*
  - *(1) Impact Fee Waivers.*
    - *(a) Incentive Beneficiaries shall qualify for a full waiver of impact fees.*
  - *(2) Permit and Other Fee Waivers.*

(a) *The City shall provide a one-time waiver of permits and fees identified under § 19-6(b)(1).*
(b) *The Incentive Beneficiary is responsible for obtaining all required local, State, County and Federal permits and approvals as may be required to complete the project.*
(c) *The Incentive Beneficiary shall be responsible for the Carlisle Enhancement Fee as outlined in the City of Milford Code.*

Section 3. Dates.
City Council Introduction: Monday, December 13, 2021
City Council Public Comment & Council Review: Monday, January 10, 2022

Section 4. This Ordinance is Effective 10 Days following the Date of Adoption.

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

Advertised: *Milford Beacon 12.01.2021*
Milford Beacon 12.22.2021

Richard Y. Johnson & Son, Inc.
General Contractors & Construction Managers
Serving Delaware Since 1946
www.ryjson.com

18404 Johnson Rd
PO Box 105
Lincoln, DE 19960
Phone 302-422-3732
Fax 302-422-4696

TO: Mayor and City Council

THRU: Mark Whitfield, City Manager

FROM: Dean Johnson, R. Y. Johnson

DATE: January 7, 2022

RE: Recommendation for Release of Bid Packs for the Police Department's New Headquarters

As awarded Construction Manager (CM) on behalf of the team of the City of Milford, the Becker Morgan Group and ourselves, are requesting permission from Council to move forward with advertising and oversight of a bid process for all of the trade work associated with the PD Building.

There are a total of 17 bid packs associated with this work. Trades are aggregated as follows:

1: Site Work
2: Concrete work
3: Masonry
4: Steel Work
5: Carpentry and General Work
6: Roofing
7: Furnish Hollow Metal/Doors Hardware
8: Storefront/Glass
9: Drywall/Metal Stud
10: Acoustical Work
11: Floor Coverings
12: Caulking and Painting
13: Casework
14: Mechanical
15: Sprinkler System
16: Electrical
17: Pre-Engineered Metal Building

We respectfully request Council's permission to proceed with advertising this work.

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

RYJ

Milford Police Department

PROGRESS MEETING 1.10.2022

BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING

RYJ

Agenda

1. Project history
    1. BMG involvement
    2. CM Solicitation/RYJ Award
    3. CAC Establishment and Role
    4. Discuss PD/SD and DD – design details/levels of estimate
2. Path Forward
    1. Advertise of Bid Packs
    2. Review of Responses
    3. Award
    4. Next CAC Meeting

Milford Police Department

PROGRESS MEETING 1.10.2022









BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING

THE CITY of Milford DELAWARE

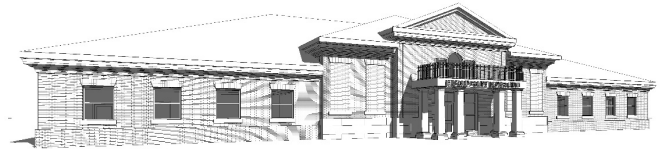
PRECEDENTS


MILFORD


MILFORD

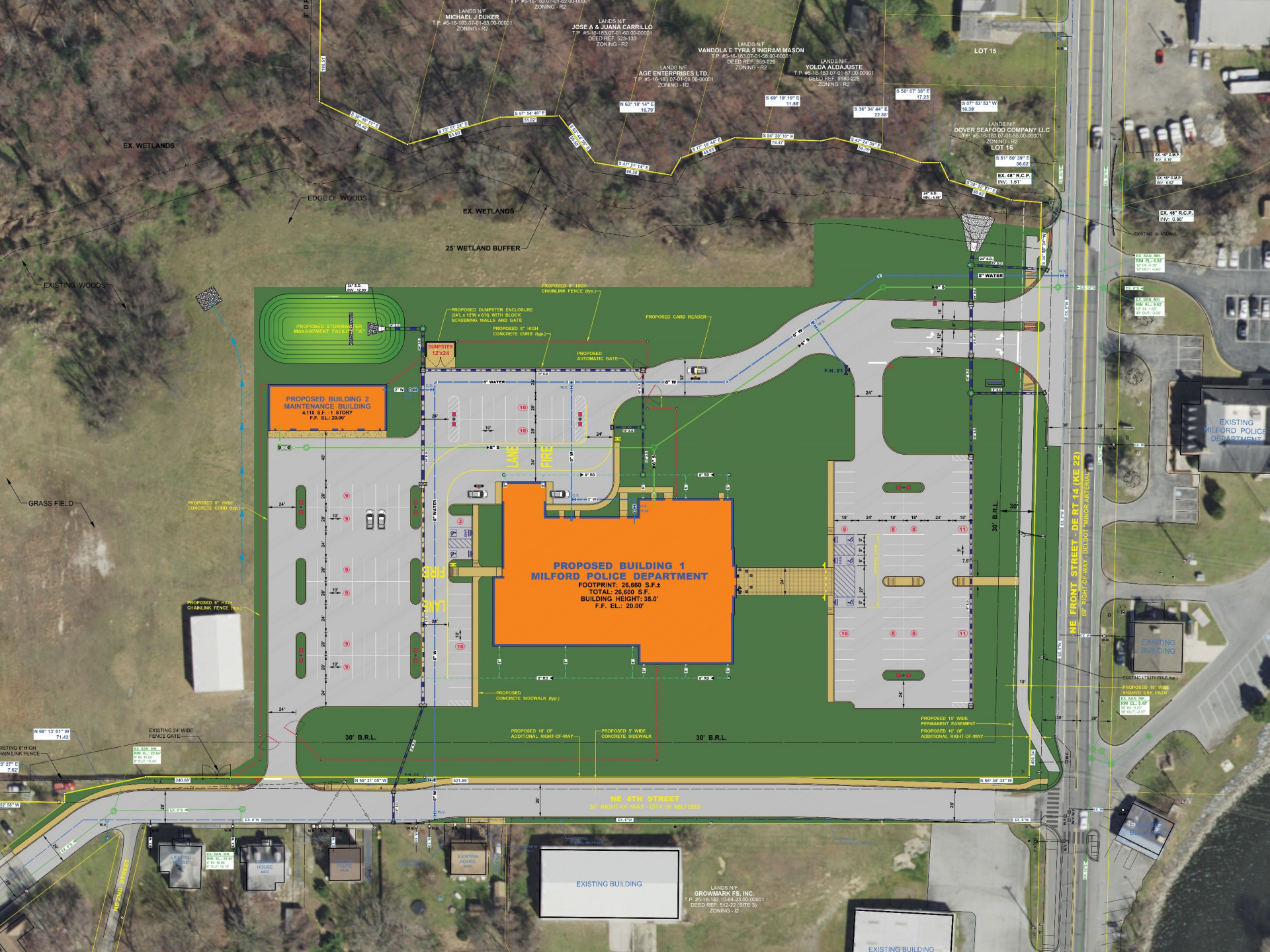



MILFORD POLICE DEPARTMENT




MILFORD POLICE DEPARTMENT


MILFORD POLICE


LANDS N/F
MICHAEL J DUKER
T.P. #5-16-183.07-01-63.00-00001
ZONING - R2
LANDS N/F
JOSE A & JUANA CARRILLO
T.P. #5-16-183.07-01-60.00-00001
DEED REF. 523-130
ZONING - R2
LANDS N/F
VANDOLA E TYRA S INGRAM MASON
T.P. #5-16-183.07-01-58.00-00001
DEED REF. 559-029
ZONING - R2
LANDS N/F
AGE ENTERPRISES LTD.
T.P. #5-16-183.07-01-59.00-00001
ZONING - R2
LANDS N/F
YOLDA ALDAJUSTE
T.P. #5-16-183.07-01-57.00-00001
DEED REF. 9180-225
ZONING - R2
LOT 15
LANDS N/F
DOVER SEAFOOD COMPANY LLC
T.P. #5-16-183.07-01-55.00-00001
ZONING - R2
LOT 16
EX. WETLANDS
EDGE OF WOODS
EX. WETLANDS
25' WETLAND BUFFER
EXISTING WOODS
GRASS FIELD
PROPOSED STORMWATER MANAGEMENT FACILITY
PROPOSED DUMPSTER ENCLOSURE (24'L x 12'W x 6'H) WITH BLOCK SCREENING WALLS AND GATE
DUMPSTER 12'x24'
PROPOSED 6" HIGH CHAINLINK FENCE (typ.)
PROPOSED 6" HIGH CONCRETE CURB (typ.)
PROPOSED CARD READER
PROPOSED AUTOMATIC GATE
PROPOSED BUILDING 2
MAINTENANCE BUILDING
4,110 S.F. - 1 STORY
F.F. EL.: 20.00'
PROPOSED BUILDING 1
MILFORD POLICE DEPARTMENT
FOOTPRINT: 26,660 S.F.±
TOTAL: 26,600 S.F.
BUILDING HEIGHT: 35.0'
F.F. EL.: 20.00'
LANE
FIRE
8" WATER
8" W
8" S
8" RD
F.H. #1
F.H. #2
30' B.R.L.
PROPOSED CONCRETE SIDEWALK (typ.)
PROPOSED 10' OF ADDITIONAL RIGHT-OF-WAY
PROPOSED 5' WIDE CONCRETE SIDEWALK
PROPOSED 15' WIDE PERMANENT EASEMENT
PROPOSED 16' OF ADDITIONAL RIGHT-OF-WAY
NE FRONT STREET - DE RT 14 (KE 22)
60' RIGHT-OF-WAY - DELDOT MINOR ARTERIAL
PROPOSED 10' WIDE SHARED USE PATH
EXISTING MILFORD POLICE DEPARTMENT
EXISTING BUILDING
EXISTING UTILITY POLE (typ.)
EXISTING GUARDRAIL
EXISTING 24' WIDE FENCE GATE
EXISTING 6' HIGH CHAIN LINK FENCE
N 68° 13' 01" W 71.43'
N 56° 31' 05" W 240.68'
N 56° 36' 33" W 521.89'
NE 4TH STREET
30' RIGHT-OF-WAY - CITY OF MILFORD
NE 2ND STREET
EXISTING HOUSE
HOUSE 8400
HOUSE 8439
EXISTING BUILDING
LANDS N/F
GROWMARK FS, INC.
T.P. #5-16-183.10-64-23.00-00001
DEED REF. 512-22 (SITE 3)
ZONING - I2
EXISTING BUILDING

Milford Police Station
DD Budget

1/5/2022

Project Grand Total		Base Bid	Base Bid	Alternate 1	Alternate 2	Alternate 3	Total
			NE 4th St Upgrades	Maintenance Building	Mobile Storage System	Additional Parking	Base + Alternates
Basic Building Cost	Sub-Total	$ 13,419,486.00	$ 343,313.00	$ 899,373.00	$ 215,000.00	$ 57,163.00	$ 14,934,335.00
Management Fees	RYJ						
CM Pre-Construction Fees		$ -					
CM Fees	3.00%	$ 402,584.58					
CM General Conditions		$ 266,260.00					
Management Fees	Sub -Total	$ 668,844.58					
Technology-Comp/Smart Board							
Technology-Comp/Smart Board	Owner Supplied Allowance	$ 150,000.00					
Phone System	Owner Supplied Allowance	$ 75,000.00					
Technology	Sub- Total	$ 225,000.00					
Fixtures / Furniture / Equipment							
FF & E Allowance	Owner Supplied Allowance	$ 350,000.00					
Fixtures / Furniture / Equipment	Sub-Total	$ 350,000.00					
Project Cost	Grand Total	$ 14,663,330.58					
Possible VE Items							
Flat roof on rear of building with roof top units. Delete mezz. size		$ (100,000.00)					
Deduct Locker Rm. space by 490 sf		$ (196,000.00)					
Deduct Toilets, locker, detectives, briefing rms. space by 710 sf		$ (284,000.00)					
Use EIFS in lieu of Metal Panel Siding		$ (100,000.00)					
Eliminate FRP Cornice at front of building (use alternative material)		$ (150,000.00)					
Raise grade on site 12", As per design there is now an export of 19,000 CY of cuts from site.		$ (250,000.00)					
Create landscape berms to eliminate hauling off the excess topsoil. There is currently 8,000 CY of excess topsoil being hauled off the site		$ (110,000.00)					
Eliminate the pavers and use concrete walks		$ (40,000.00)					
Total VE Savings		$ (1,230,000.00)					
CM Fee Reduction from VE Savings		$ (36,900.00)					
Basic Project Cost w/ VE Items	Grand Total	$ 13,396,430.58					
Funding Goal Base Bid		$ 13,500,000.00					
Funding Goal vs. Basic Building Cost		$ (103,569.42)					

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

Date: Friday, January 7, 2022

To: Mayor and City Council

Through: Mark A. Whitfield, City Manager
Mike Svaby, Public Works Director

Subject: SW Front Street and Walnut Intersection

The Public Works Department wishes to improve the flow of traffic in the Downtown District in conjunction with DelDOT. The intersection at SW Front and Walnut is currently a traffic light controlled intersection with one way traffic heading west on SW Front Street. The Department wishes to engage a third party engineering firm to evaluate the potential to remove the traffic light at this location and replace it with other traffic control measures as well as convert traffic on SW Front back to two-way. Two-way traffic on SW Front will be necessary with the future replacement of the SW Front Street bridge by DelDOT as previously approved by council. A request for proposals was sent out to three engineering firms and two responded, of which Century engineering was the lower bidder at $27,500.

Recommendation:

We recommend that City Council approve the award of a contract to Century Engineering to investigate the removal of the traffic light control at SW Front and Walnut, resumption of two-way traffic on SW Front with funds to be allocated from Real Estate Transfer Taxes in the amount of $27,500.


Bridge to be Replaced
Traffic light to be removed
N Church St
Front St
S Walnut St
S Washington St
Causey Ave
SE 2nd St
SE 3rd St
Church St
Private Dr
Pearl Alley
36
Meri J. Montague, RN
Davis, Bowen & Friedel, Inc
The Well CoffeeHouse
Takeout
Park Place Restaurant & Lounge
Takeout
Bridging the Gap Thrift Store
Thrift store
Social Services Department
La Hacienda Milford
Takeout · Delivery
Riverwalk Farmers Market
Mispillion Riverwalk
Milford Tavern
Milford Public Library
Stone Nation
My Sister's Fault
Pastries · $
First Presbyterian Church - Milford Delaware
Jesus Love Temple Evangelismania!
Connections Csp
Milford Electric Department
Lifecycle
Bicycle store
New Century Club
Liberty Gas Station - Sweet Mart
Milford Museum
Causey Mansion Bed & Breakfast
City of Milford Finance Office

CENTURY ENGINEERING

550 Bay Road
Dover, DE 19901
t 302.734.9188 centuryeng.com

November 1, 2021

Mr. James Puddicombe, P.E.
City Engineer
City of Milford
180 Vickers Drive
Milford, DE 19963

RE: **SW Front Street**
Alternative Intersection Control Assessment & Two-Way Traffic Conversion Concepts
Scope of Services and Cost Proposal

Dear Mr. Puddicombe:

Century Engineering, Inc. (Century) is pleased to submit this proposal to provide professional engineering services for **Alternative Intersection Control Assessment and Two-Way Traffic Conversion** for SW Front Street, from Walnut Street to Church Street in Milford, Delaware.

The following is a detailed explanation of scope and services:

I. SCOPE OF SERVICES:

Based on our discussions with you, Century proposes to provide professional engineering services to:

- Develop a **Concept Plan for conversion of SW Front Street from a One-Way Traffic to Two-Way Traffic Street** for the City of Milford from Walnut Street to Church Street.
- **Assess and Analyze Alternative Intersection Control** for the intersection of Walnut Street with Front Street and Marshall Street with 2nd Street. Develop preliminary concepts (maximum of three) for roundabout and all-way stop control if applicable.
- Re-time any of the preceding two intersections depending on the results of the **Alternative Intersection Control Analysis**.
- Re-time the three signalized intersections – NW Front Street with Church Street and with Walnut Street, and NE Front Street with Washington Street.

Data Collection:

- Perform intersection traffic turning movement counts.
- Process traffic counts for use in analyses.
- Coordinate with DelDOT to obtain 3-year crash history.
- Coordinate with DelDOT to obtain existing signal timing sheets.

- Field review of existing intersection features, control equipment and signal operation.
- Field review of existing signing and striping.

Analysis:

- Assessment of the applicability of AWSC.
- Develop roundabout and AWSC (if applicable) conceptual plans for the intersection of Walnut Street with Front Street and Marshall Street with 2nd Street.
- Develop preliminary signing and striping plan for SW Front from Walnut Street to Church Street.
- Three-year crash history evaluation, charts / figures summary.
- Assessment with AASHTO Highway Safety Manual (HSM) methodology of the safety implications of Alternative intersection controls (roundabout and AWSC if applicable).
- Signal removal justification study, to include signal warrant analysis for intersection.
- Develop proposed signal timing sheets for applicable intersections.
- Analyze measures of effectiveness (LOS queues and volume to capacity ratios as applicable) of existing and alternative intersection control type(s).
- Preliminary cost estimates will be developed for all proposed concepts.

Deliverable:

Century will provide the proposed preliminary Two-Way Traffic Signing and Striping Plan and preliminary estimate for SW Front Street and the Alternative Intersection Control Concepts to the City of Milford.

Century will provide a summary report of the Alternative Intersection Control assessment and analyses to the City of Milford.

Century will also attend one public workshop with the City of Milford to present the conceptual findings to the public. After the meeting, Century will compile comments received from the public and submit the summary to the City. This will conclude the Concept Design Services.

II. EXCLUSIONS AND ASSUMPTIONS:

The Scope is based on the following:

1. The plans will be developed in Microstation format for DelDOT Submittals and will be converted to AutoCAD and/or GIS format for the coordination with the City (if required).

2. It is assumed that the existing Right of Way and property lines are based on desktop analysis. No deed research or property corner investigation is part of this scope of work.

3. Per discussion with the City and past experience, there are no historic districts within the corridor.

4. All concept plan submissions are conceptual only and should not be presumed to be detailed engineering design.

5. Measures of effectiveness within this scope are preliminary only.

III. FEES AND PAYMENTS:

Century shall provide services on a "Fixed Rate plus Expenses" basis. The total cost includes the cost for Century's time expended on this project, which includes direct salary costs; overhead; and, profit. Reimbursable expenses will be billed at cost. Reimbursable expenses are the actual out-of-pocket direct expenses incurred by Century in connection with the project, such as mileage, printing, and reproduction, and will be based on Century's company policy in effect at the time the reimbursable costs are incurred. Any fees associated with agency reviews or applications are not included and will be billed directly for reimbursement.

The proposed "Fee and Payment" conditions are listed below:

1. Century will perform the work on a "Fixed Rate plus Expenses" basis for an estimated Not to Exceed Fee of **Twenty-Seven Thousand Five Hundred Dollars ($27,500.00)**.

2. The performance of any work or the rendering of any services not included within the Scope of Services of this proposal is extra work, which will not be initiated without written authorization from a representative of the **City of Milford** referred to hereafter as "Client". Fees for extra work will be negotiated and agreed upon by the Client prior to initiation.

3. Efforts identified as extra work shall be negotiated with the Client. Century's Fees for the efforts (as negotiated) shall be based upon the following Rate Schedule (Rates include Overhead and Profit):

Principal	= $228.00/hour
Project Manager	= $188.00/hour
Senior Project Engineer	= $169.00/hour
Project Engineer	= $140.50/hour
Engineer	= $124.00/hour
Sr. Designer/Planner	= $118.00/hour
Designer	= $ 88.00/hour

CADD/Technician	= $ 78.30/hour
Survey Manager	= $175.00/hour
Survey Party Chief	= $ 80.50/hour
Survey Instrument Person	= $ 52.50/hour
Construction Inspector	= $ 78.30/hour

The above fees are based on current salaries and operational costs and shall be subject to escalation if work is negotiated on or after twelve (12) months from the date of this proposal.

4. Century will render invoices monthly or as phases of the work progress. Said invoices will be due in full within 30 days from the date of billing. If fees are not paid within 30 days, we reserve the right to pursue all appropriate remedies, including stopping work and retaining drawings without recourse.

IV. GENERAL PROVISIONS:

The following is a list of General Provisions that will be in effect if this proposal is accepted:

1. All submittals will be provided to the Client or their authorized representative. Should the Client and/or their authorized representative request additional information after the Client has approved the above-mentioned submissions, Century shall be compensated for the amount of time necessary to provide such information as an extra work item.

2. It is understood and agreed that once work is started on this project by Century, only the undersigned Client or their duly authorized agent, has the authority to order the work stopped on its behalf and only upon giving Century 10 days notice, in writing, as to when the work shall stop. The Client further agrees to be liable and to pay Century for all labor done, work performed, material furnished, and expenses incurred up to and including the day work stopped in accordance with the notice.

3. It is further understood and agreed that, after a work stoppage has been instituted by the Client or its duly authorized agent, within a reasonable time, they may order work to resume on this project, provided that Century is given 10 days notice in writing as to when work shall resume, and further provided that all money due and owed by the Client to Century shall have been paid in full.

4. Century agrees that this proposal shall remain open for 20 calendar days, the first day of that 20-day period to be the date of this proposal. Acceptance of the proposal after the end of the 20-day period is valid if Century elects, in writing, to reaffirm the proposal and waive its right to re-evaluate and resubmit the proposal.

5. Century reserves the right to renegotiate the contract which this proposal, if accepted, will comprise, on or after twelve (12) months from the date of this proposal, provided the Client is given 30 days notice in writing, if salaries or operational costs increase in a significant amount. This proposal is based on current salaries and operational costs.

6. All documents prepared or furnished by Century, and Century's independent professional associates and consultants, pursuant to this Agreement are the property of the Client. Any reuse without written verification or adaptation by Century for the specific purpose intended will be at the Client's sole risk and without liability or legal exposure to Century, or Century's independent professional associates and consultants, and the Client shall indemnify and hold harmless Century and Century's independent professional associates and consultants from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Century to further compensation at rates to be agreed upon by the Client and Century.

7. Neither the Client nor Century shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Century from employing such independent professional associates and consultants, as Century may deem appropriate to assist in the performance of services hereunder.

8. Client hereby agrees, to the fullest extent permitted by law, the total liability, in the aggregate, of Century and Century's officers, directors, employees, agents, and independent professional associates and consultants, and any of them, to Client and anyone claiming by, through or under Client, for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to Century's services, the project or this agreement from any cause or causes whatsoever, including but not limited to the negligence, errors, omissions, strict liability or breach of contract of Century or Century's officers, directors, employees, agents, or independent professional associates or consultants, or any of them, shall not exceed the total compensation received by Century under this agreement.

If this proposal is satisfactory and acceptable, and fully sets forth all terms of our understanding, please signify your acceptance by signing in the space provided below. This document will then constitute our complete contract.

We look forward to working with you on this project. The Point of Contact for this Proposal or for information on this Project shall be Bret Martine. Please feel free to call with your questions or comments.

Very truly yours,
CENTURY ENGINEERING, INC.



Bret A. Martine, P.E., PTOE
Vice President

ACCEPTANCE

WE, **City of Milford**, in consideration of the terms, and conditions of the proposal, which are fully set forth herein, do hereby accept this proposal as our complete agreement, and further agree to comply with all covenants herein.

Witness:_____ **Signed:**_____

Date:_____ **Title:**_____

Date:_____

cc: Scott L. Rathfon, P.E., Century Engineering
File

CITY OF MILFORD
NOTICE OF PUBLIC HEARING
Planning Commission Hearing: Tuesday, January 18, 2022 @ 7:00 PM
City Council Hearing: Monday, January 24, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

ORDINANCE 2022-01
Helmick Milford LLC – Conditional Use
1.024 +/- acres of land located at the southwest
corner of Warner Road & US Route 113
Address: 997 North DuPont Boulevard
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present Use: Vacant
Proposed Use: Fast Food Restaurant & Drive-in Restaurant
Tax Parcel: MD-16-174.14-01-03.02

WHEREAS, Chapter 230-45, "in any and all districts, multiple permitted uses or mixed uses of a property shall be deemed a conditional use subject to special requirements" and are subject to approval from City Council; and

WHEREAS, the applicant is constructing a 4,812 square foot, 2-unit commercial structure on the above described parcel; and

WHEREAS, the City of Milford Planning Commission reviewed the application during their regular meeting on Tuesday, January 18, 2022, at which time interested parties publicly commented on the application; and

WHEREAS, Milford City Council held a Public Hearing on Monday, January 24, 2022, allowing for additional public comment after which the majority of the City Council voted to approve the Conditional Use by adopting this ordinance; and

WHEREAS, the notice as required by Chapter 230, was published in the Milford Beacon on December 22, 2021, and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this ordinance becomes effective ten days following the date of its adoption by City Council.

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

Section 1. Upon adoption of this ordinance, a conditional use permit is hereby granted to Helmick Milford LLC to allow a 4,812 square foot, 2-unit commercial structure at the southwest corner of Warner Road and US Route 113 as described herein.

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

Section 3. Dates.
City Council Introduction: Monday, January 10, 2022
Planning Commission Review & Public Hearing: Tuesday, January 18, 2022
City Council Public Hearing: Monday, January 24, 2022

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

12.10.2021
Published*: Milford Beacon 122221*

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

DATA SHEET FOR HELMICK MILFORD – FAST FOOD

Development Advisory Committee: October 20, 2021

Planning Commission Meeting: January 18, 2022

Application Number / Name	:	21-041 / Helmick Milford – Fast Food
Applicant	:	Helmick Milford, LLC PO Box 162 Montchanin, DE 19710
Owner	:	Same
Application Type	:	Preliminary Site Plan & Conditional Use
Comprehensive Plan Designation	:	Commercial
Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant
Proposed Use	:	Fast Food Restaurant & Drive-in Restaurant
Area and Location	:	1.024 +/- acres of land located at the southwest corner of Warner Road and US Route 113, addressed as 997 N. Dupont Blvd.
Property Identification Numbers	:	MD-16-174.14-01-03.02

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Preliminary Site Plan

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

STAFF ANALYSIS REPORT
December 23, 2021

Application Number / Name	**:**	21-041 / Helmick Milford – Fast Food
Application Type	**:**	Preliminary Site Plan & Conditional Use
Comprehensive Plan Designation	**:**	Commercial
Zoning District	**:**	C-3 (Highway Commercial District)
Present Use	**:**	Vacant
Proposed Use	**:**	Fast Food Restaurant & Drive-in Restaurant
Property Identification Numbers	**:**	MD-16-174.14-01-03.02
Area and Location	**:**	1.024 +/- acres of land located at the southwest corner of Warner Road and US Route 113, addressed as 997 N. Dupont Blvd.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a 4,812 square foot, 2-unit commercial structure on the above referenced parcel as shown on the provided preliminary site plan. The applicant proposes a fast-food restaurant in one tenant space and a drive-in restaurant in the second tenant space.

- The location is the site of the previous Wendy's fast-food restaurant which was demolished within the past few years.

- Per Chapter 230-45, "in any and all districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements." It should be noted "fast-food restaurants and drive-in restaurants" are permitted uses within the C-3 zoning district.

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 Preliminary Site Plan and Conditional Use approval:

- The site plan design is consistent with Chapter 230 Zoning and Chapter 200 Subdivision of Land.

- The plans have been reviewed for general compliance with the City's Standard Construction Specifications. The applicant acknowledged plan review comments from the City Engineer and agrees to address these during the Final Site Plan submission process.

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

  A. The presence of adjoining similar uses.

     The property is bound on the north and east by State maintained roads. The property to the west contains a movie theater and church and the property to the south contains a multiple tenant office building.

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

     The proposed uses are permitted by-right within the C-3 zoning district when constructed individually.

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

     The Comprehensive Plan designates the property as commercial for which the C-3 Highway Commercial zoning district is permissible. The purpose of the C-3 zoning district is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.

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

     The property is surrounded by other similar commercial uses and does not need screening.

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

     The proposed use is consistent with the purpose and intent of the C-3 Highway Commercial zoning district and should not detract from similar adjacent commercial uses.

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

     The subject parcel is the site of a former fast-food restaurant which was demolished within the past few years. The proposed redevelopment would not require screening from adjacent similar commercial uses and the preliminary site plan meets the minimum parking and setback requirements. The site would be served by existing entrances on Route 113 and Warner Road which are State maintained.

- The following comments must be addressed prior to final site plan approval;
  - Final Site Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office, and Kent Conservation District;
  - Applicant must address Preliminary Site Plan review comments dated October 14, 2021 (a copy is provided 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:

- **DelDOT Planning, Development Coordination**
  No comments provided

- **Delaware Health and Social Services – Division of Public Health**
  No comments provided.

- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
  No comments provided.

- **Kent Conservation District**
  No comments provided.

- **Delaware State Fire Marshal's Office**
  See attached comments.

- **Carlisle Fire Company**
  No comments provided.

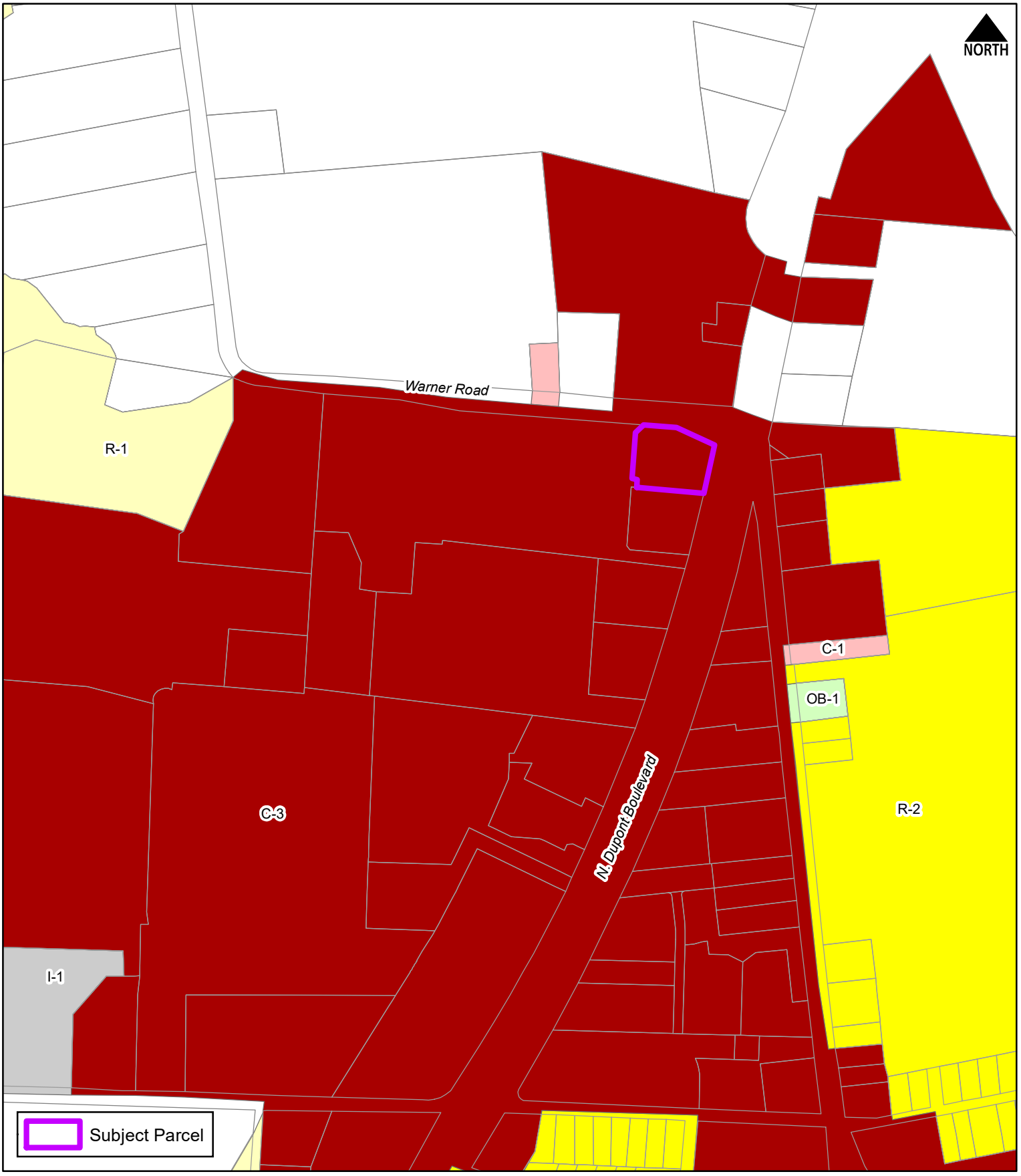
- **City Engineer**
  See attached Preliminary Site Plan review comments dated October 14, 2021 and the applicant's response.

- **City of Milford Public Works Department**
  No comments provided.

- **City of Milford Parks and Recreation Department**
  No comments provided.

- **City of Milford Police Department**
  No comments provided.

- **Milford School District**
  No comments provided.



THE CITY of Milford DELAWARE

Scale: 0 200 400 Feet

Drawn by: WRP

Date: 10/01/21

Filepath: PreSitePlan_HelmickMilford_FastFood.mxd

Title:

Preliminary Site Plan

Helmick Milford, LLC - Fast Food

Location & Zoning Map

PLAN PURPOSE

THE PURPOSE OF THIS PLAN IS TO DEVELOP THE PARCEL WITH A FAST-FOOD AND DRIVE-IN RESTAURANT WITH ASSOCIATED DRIVE AISLES AND PARKING.

GENERAL NOTES

1. THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY HILLCREST ASSOCIATES, INC, ON AUGUST 2021.
2. A TOPOGRAPHIC SURVEY WAS PERFORMED BY HILLCREST ASSOCIATES, INC OF HOCKESSIN, DELAWARE ON AUGUST 2021. ELEVATIONS ARE BASED ON CONTROL BENCHMARK OF THE STORM MANHOLE, WITH AN ELEVATION OF 31.51 NGVD88.
3. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS LEICA SMARTNET VIRTUAL RTK-VRN.
4. HYDRIC SOILS ARE NOT 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 BACKFILLING 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 WATERTIGHT 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 DRAINPIPE 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 ENCASING THE PIPE IN CONCRETE.
17. BASED UPON F.E.M.A. FLOOD INSURANCE RATE MAP 10005C0041K, WITH EFFECTIVE DATE ON MARCH 16, 2015, THIS SITE IS NOT LOCATED WITHIN A FEMA FLOOD ZONE.
18. ALL ROADWAYS ARE TO BE SWEPT 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, CULVERTS, 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.
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.
21. ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
22. 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.
23. 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.
24. 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.
25. THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENTLY 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.
26. THE OWNER SHALL BE RESPONSIBLE FOR THE SHORT-TERM MAINTENANCE OF THE ANY AND ALL STORMWATER MANAGEMENT FACILITIES AND STORM SEWER SYSTEMS UNTIL SUCH TIME THAT THE LONG-TERM MAINTENANCE RESPONSIBILITIES CAN BE TRANSFERRED TO A LEGALLY-ESTABLISHED HOMEOWNERS ASSOCIATION OR OTHER RESPONSIBLE ENTITY.
27. 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:
A. ALL ITEMS HAVE PASSED CITY INSPECTION;
B. THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AND
C. THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
28. 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.
29. 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.
30. 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.
31. 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 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.
32. 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.
33. 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 IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY 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.
34. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED 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.
35. 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 APPROVED 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:
A. ALL PROPERTY MONUMENTS/MARKERS;
B. SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCEMAIN INVERT ELEVATIONS EVERY 50 FEET, FORCEMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
C. WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
D. STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
E. ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
36. 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.
37. ACCORDING TO KENT COUNTY ONLINE MAPPING NO WATER RESOURCE PROTECTION AREA EXISTS ON THIS PARCEL.
38. ACCORDING TO KENT COUNTY ONLINE MAPPING NO STATE OR FEDERAL WETLANDS EXIST ON THE PARCEL, HOWEVER NO WETLAND DELINEATION WAS PERFORMED AS PART OF PREPARING THIS PLAN.

DRAWING INDEX:

DWG #	PLAN
1	PRELIMINARY SITE PLAN
2	EXISTING CONDITIONS/DEMOLITION PLAN

Not Published: All Rights Reserved.

Drawings and Specifications as instruments of service are and shall remain the property of the architect and/or engineer whether the project for which they are made is executed or not. They are not to be used by the client or others on other projects except by agreement in writing.

Any change or deviation from this plan by the owner, contractor, or surveyor shall release the architect and/or engineer from any and all liability relating thereof unless said change has been approved by the architect and/or engineer in writing.

It is the responsibility of the owner, developer and/or contractor to obtain any and all permits or approvals required for the construction of the house and utility improvements shown on this plan, including but not limited to the required NPDES Permit if cumulative disturbance over the life of the project is 1.0 acres or more. Any decisions made by the owner, developer and/or contractor to circumvent the normal permitting process shall be at their sole risk and shall release Hillcrest Associates, Inc. from any liability resulting therefrom.

Completeness or accuracy of location and depth of underground utilities or structures shown on this plan is not guaranteed. The contractor shall verify the location and depth of all underground utilities and facilities prior to beginning any construction.

It is the intent of the grades shown on this plan to provide positive drainage to specific drainage structures. The contractor, owner or surveyor shall notify Hillcrest Assoc., Inc. prior to the commencement of such work if a perceived grade would create an impoundment of water or an undesirable condition.

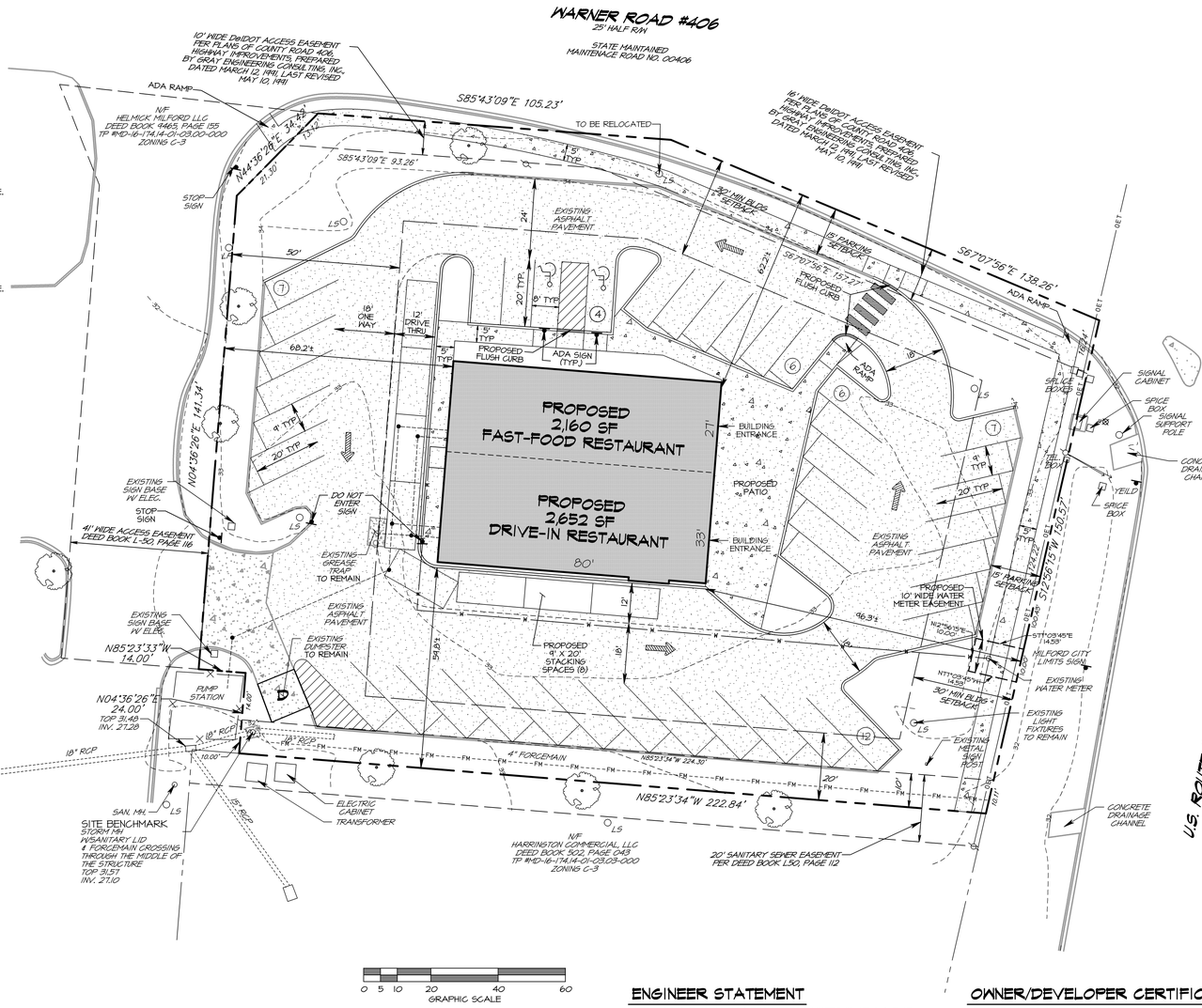
Contractor/Builder may find variations in "Existing Grades" due to cut and fill operations performed during road and utility construction. Hillcrest Associates, Inc. assumes no responsibility for any such grading adjustments.

The contractor, owner, or surveyor shall contact Hillcrest Assoc., Inc. immediately if any questions arise whatsoever regarding the intent of the construction plans. Hillcrest Associates, Inc. shall not be liable or responsible for any assumptions made by the owner, contractor, or surveyor.

Hillcrest Associates, Inc. and/or its employees assume no liability for any malfunctioning septic systems due to fluctuations in the water table, faulty installation, or lack of maintenance.

LEGEND

- PROPERTY BOUNDARY
- ADJOINING PROPERTY
- EXISTING EASEMENT
- EXISTING EDGE OF PAVEMENT
- EXISTING FENCE
- BUILDING SETBACK LINE
- EXISTING CURB
- EXISTING PAVEMENT
- EXISTING FORCE MAIN (FM)
- EXISTING STORM PIPE WITH INLET
- EXISTING TREES
- PROPOSED BUILDING
- PROPOSED EDGE OF PAVEMENT
- PROPOSED SIDEWALK
- PROPOSED CURB
- PROPOSED PARKING COUNT (7)



0 5 10 20 40 60
GRAPHIC SCALE

BEFORE YOU DIG
ANYWHERE IN *DELAWARE*
STOP CALL 1-800-282-8555
OUTSIDE DELAWARE CALL 1-800-441-8355
REQUIRES 3 WORKING DAYS NOTICE BEFORE YOU EXCAVATE
MISS UTILITY OF DELMARVA

ENGINEER STATEMENT

I HEREBY STATE 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 AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

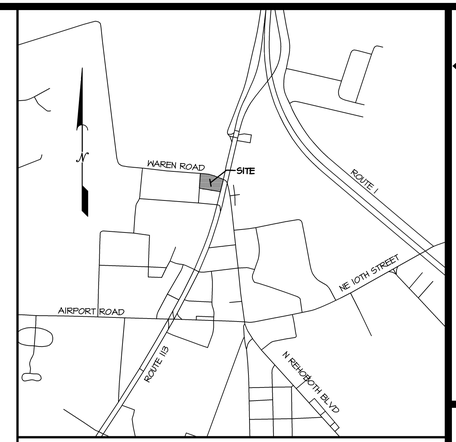
11-12-21

COLIN M. KRAUCUNAS, P.E. — DE LICENSE NO. 14308 — DATE

OWNER/DEVELOPER CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

NAME: ART HELMICK
TITLE: MANAGING MEMBER
FOR: HELMICK MILFORD LLC



LOCATION MAP — SCALE: 1"= 2000'

DATA COLUMN

1.	TAX PARCEL NUMBER(S):	MD-16-174.14-01-03.02-000
	SITE ADDRESS	987 N DUPONT BLVD MILFORD, DE 19963
	DEED REFERENCE:	DEED BOOK 4742, PAGE 248
	OWNER/ DEVELOPER:	MD-16-174.14-01-03.02-000 HELMICK MILFORD LLC PO BOX 162 MONTCHANIN, DE 19710 (302) 530-5151
2.	TOTAL TRACT AREA:	1.024 ACRES
3.	CURRENT ZONING DISTRICT:	C3 (HIGHWAY COMMERCIAL DISTRICT)
4.	EXISTING USE:	DRIVE-IN RESTAURANT
5.	PROPOSED USE:	FAST-FOOD RESTAURANT AND DRIVE-IN RESTAURANT

AREA AND BULK TABULATION

		REQUIRED (C3)	PROPOSED
A.	MINIMUM LOT AREA:	1 ACRE	1.024 ACRES
B.	MAXIMUM LOT COVERAGE:	80%	1.024 ACRES X 80% = 0.819 [35,684 SF]
			TOTAL LOT COVERAGE: 32,432 SF (72.1%)
C.	MINIMUM LOT WIDTH: INTERIOR:	150 FT	170 FT
	CORNER:	170 FT	
D.	MAXIMUM HEIGHT OF BUILDING:	35 FT OR THREE STORIES	20 FT.
E.	MINIMUM BUILDING SETBACK:	30 FT	62.2FT ±
F.	MINIMUM SIDE YARD:	20 FT MIN. 50 FT AGG.	59.8 FT ±
G.	MINIMUM REAR YARD:	50 FT	68.2 FT ±
H.	PARKING SETBACK: STREET LINE:	15 FT	15 FT

PARKING TABULATION

REQUIRED OFF-STREET PARKING:

RESTAURANT: 1 SPACE PER 3 SEATING ACCOMODATIONS + 1 SPACE PER 2 EMPLOYEES ON SHIFT OF THE GREATEST EMPLOYMENT

102 SEATS/3 = 34 SPACES + 16 EMPLOYEES/2 = 8 SPACES
42 REQUIRED SPACES (MINIMUM 2 ADA SPACES WITH 1 VAN ACCESSIBLE)

42 TOTAL PARKING SPACES PROVIDED
(2 TOTAL HANDICAP SPACES + 1 VAN ACCESSIBLE)
(8 STACKING SPACES)

WASTEWATER GENERATION

RESTAURANTS AND EATING PLACES, WITH RESTROOMS

1 EDU + (4 FUs/6) = 2.5 EDU'S PER TENANT
2 TENANTS X 2.5 = 5 EDU'S

UTILITY PROVIDERS

CITY OF MILFORD
ELECTRIC
WATER
WASTEWATER
VERIZON
CHESAPEAKE UTILITIES

CITY OF MILFORD APPROVAL

MARK WHITFIELD — 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

HILLCREST ASSOCIATES
ARCHITECTURE • ENGINEERING • LAND PLANNING • SURVEYING
P.O. BOX 1180
HOCKESSIN, DE 19707
PH: 610.274.8813
FAX: 610.274.0567

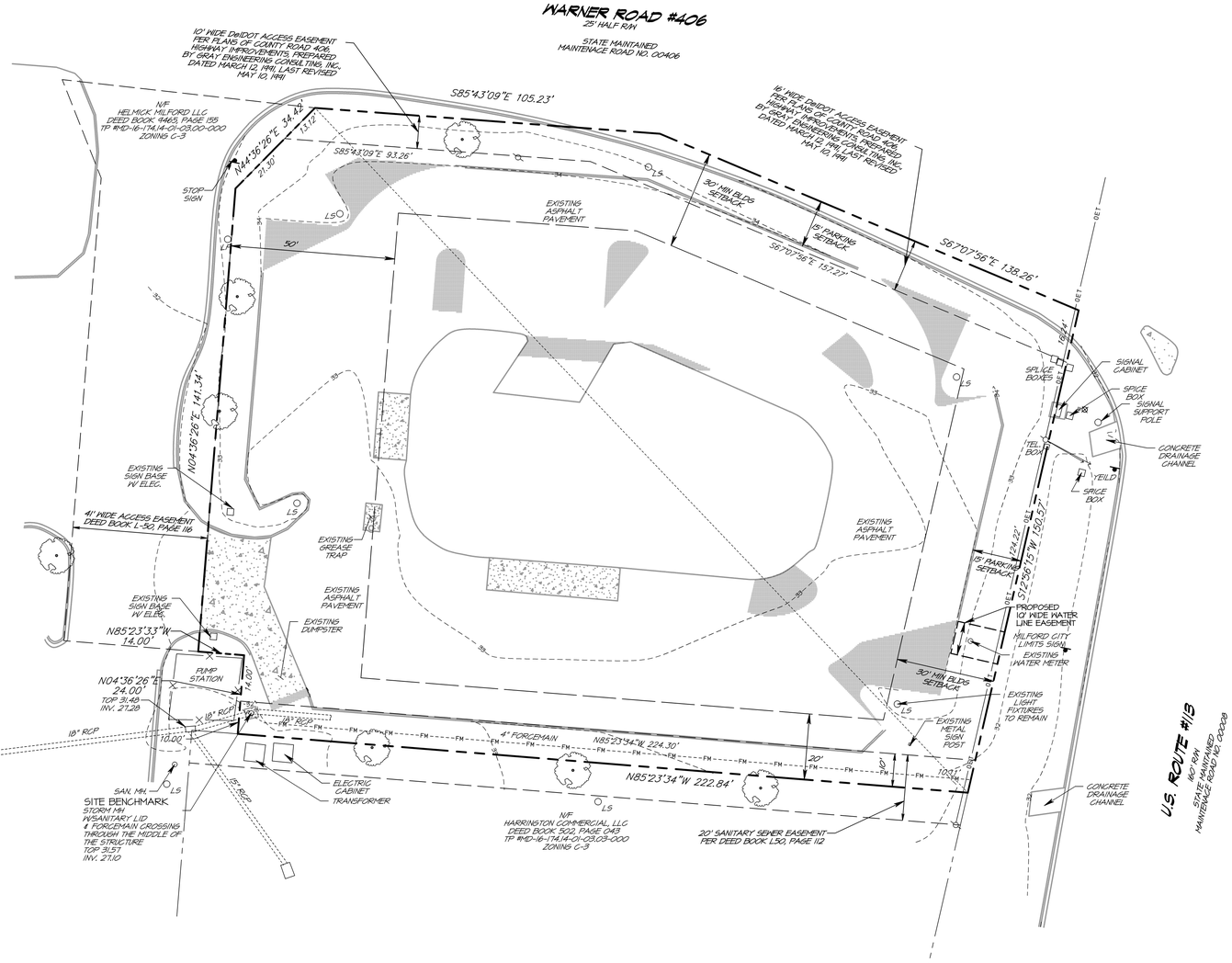
SEAL

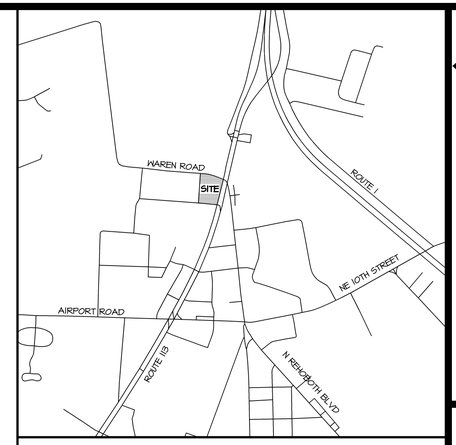
REVISION	DATE
REV. PER CITY COMMENT	11-12-21

DATE: 9-17-21
DRAWN BY: AHH
CHECKED BY: RTN
PROJ. NO.: 4707
SCALE: 1"=20'
CAD FILE NAME: 4707SDEV.PRO

PRELIMINARY SITE PLAN
997 N DUPONT BLVD
CITY OF MILFORD
KENT COUNTY, DELAWARE

DWG. NO. 1





LOCATION MAP SCALE: 1"= 2000'

DATA COLUMN

1.	TAX PARCEL NUMBER(S):	MD-16-174.14-01-03.02-000
	SITE ADDRESS	997 N DUPONT BLVD MILFORD, DE 19963
	DEED REFERENCE:	DEED BOOK 4742, PAGE 248
	OWNER/ DEVELOPER:	MD-16-174.14-01-03.02-000 HELMICK MILFORD LLC PO BOX 162 MONTCHANIN, DE 19710 (302) 530-5151
2.	TOTAL TRACT AREA:	1.024 ACRES
3.	CURRENT ZONING DISTRICT:	C3 (HIGHWAY COMMERCIAL DISTRICT)
4.	EXISTIING USE:	DRIVE-IN RESTAURANT

AREA AND BULK TABULATION

		REQUIRED (C3)
A.	MINIMUM LOT AREA:	1 ACRE
B.	MAXIMUM LOT COVERAGE:	80%
C.	MINIMUM LOT WIDTH: INTERIOR: CORNER:	 150 FT 170 FT
D.	MAXIMUM HEIGHT OF BUILDING:	35 FT OR THREE STORIES
E.	MINIMUM BUILDING SETBACK:	30 FT
F.	MINIMUM SIDE YARD:	20 FT MIN. 50 FT AGG.
G.	MINIMUM REAR YARD:	50 FT
H.	PARKING SETBACK: STREET LINE:	 15 FT

LEGEND

- PROPERTY BOUNDARY
- ADJOINING PROPERTY
- EXISTING EASEMENT
- EXISTING EDGE OF PAEMENT
- EXISTING FENCE
- BUILDING SETBACK LINE
- EXISTING CURB
- EXISTING PAVEMENT
- EXISTING FORCE MAIN (FM)
- EXISTING STORM PIPE WITH INLET
- EXISTING TREES
- EXISTING PAVEMENT TO BE REMOVED

0 10 20 30 60 90
GRAPHIC SCALE
1"=30'

HILLCREST ASSOCIATES
ARCHITECTURE • ENGINEERING • LAND PLANNING • SURVEYING
P.O. BOX 1180 HOCKESSIN, DE 19707
PH: 610.274.8613 FAX: 610.274.0567

SEAL

EXISTING CONDITIONS/ DEMOLITION PLAN
997 N DUPONT HWY
CITY OF MILFORD
KENT COUNTY, DELAWARE

DATE	REVISION

DATE: 11-12-21
DRAWN BY: TAS
CHECKD. BY: AJH
PROJ. NO.: 4107
SCALE: 1"=30'
CAD FILE NAME: 4107EDP.PRO

DWG. NO.
2

HILLCREST ASSOCIATES

ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
SURVEYING

November 12, 2021

Via Email Only

City of Milford
Attention: Rob Pierce
201 South Walnut Street
Milford, Delaware 19963

Subject: Conditional Use Narrative
997 N Dupont Boulevard
Tax Parcel No.: 5-16-174.14-01-03.02-000

Dear Mr. Pierce,

The above referenced is seeking a conditional use pursuant to Section 230.45, which states that in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

997 N Dupont Boulevard is currently proposing a re-development of a former single tenant fast food restaurant, whereas the proposal is to have a fast-food restaurant and a drive-in restaurant within the same building. Our current site plans depict a layout that utilizes several areas of existing curbing with improvements to parking lot layout and circulation. Our goal is to create an aestheticly pleasing site with attractive landscaping and appealing architecture, as it is located along a main corridor. At this time the tenant is not defined and therefore we are limited to information pertaining to signage, hours of operation, number of employees, etc. However, it is our assumption, based upon other uses alike that signage will be placed on the building facades facing the road frontages, as well as a free-standing sign along the corridor of Route 113. Typical hours of operation for uses alike are from 10 am to 10 pm with approximately 8 employees on the largest shift for each tenant. Below is a summary table of the area and bulk requirements as set forth within the C3 zoning district and off-street parking.

Section 230-14.D

	Required	Proposed
Minimum Lot Area	1 Acre	1.024 Acres
Maximum Lot Coverage	80%	72.7%
Minimum Lot Width	170 Ft. (Corner Lot)	394 Ft.
Maximum Height of Building	35 Ft. or 3 Stories	20 Ft.
Minimum Building Setback	30 Ft.	62.2 Ft.
Minimum Side Yard	20 Ft. Min./ 50 Ft. Agg.	59.8 Ft.
Minimum Rear Yard	50 Ft.	68.2 Ft.
Parking Setback (Street)	15 Ft.	15 Ft.

Section 230-21.B
Restaurants, taverns and similar uses: 1 parking space per 3 seating accommodations, plus 1 parking space per 2 employees on the shift of greatest employment.

41 Seats per tenant (102 total seats)/ 3 = 34 required parking spaces
8 Employees per tenant (16 total employees) / 2 = 8 required parking spaces
42 Total required parking spaces

42 provides spaces (2 handicap spaces) + 8 stacking spaces

With this information we hope that you feel this proposal is desirable for this location and utilizes the property in manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. If you have any questions or need additional information, please feel free to contact me immediately by phone at (610) 274-8613 or by email at Tom@HillcrestAssoc.com.

Sincerely,

T. Schr

Thomas Schreier, RLA
Vice President, Hillcrest Associates

C. Helmick Milford, LLC
H/C file #4707

KCI TECHNOLOGIES
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 2, 2021

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: **Fast Food Restaurant (997 N Dupont Boulevard) – Preliminary Site Plan**
KCI Job No. 131803632 – Task 39

Dear Mr. Pierce,

As requested, KCI Technologies performed a review of the Preliminary Site Plan for the Fast Food Restaurant located at 997 North Dupont Boulevard. This review was performed on the basis of the City of Milford's Standard Specifications, Codes and general engineering best practices. The plan was submitted by Hillcrest Associates and is dated November 12, 2021.

We find the plans generally acceptable, subject to the comments below. These comments may be addressed when final plans are submitted.

1. Address the following to the general notes:
    a. Add the note "A topographic survey was performed by _____ of _____, Delaware on _____. Elevations are based on control monument _____, with an elevation of _____ NGVD88." **Addressed.**
    b. There are two notes within note 16. Revise general note 16 on the plan to be two separate notes. **Addressed.**
2. Update the City of Milford approval block. The City Manager is now Mark Whitfield. **Addressed.**
3. Provide an existing conditions/demolition plan. **Addressed with Comment – Address the following to the existing conditions/demolition plan:**
    a. **Add all of the existing utilities to the plan (water, sanitary sewer, storm).**
    b. **Remove the "Proposed 10' wide waterline easement" from the existing conditions/demolition plan. This should only be on the proposed sheet.**

4. Add an Index of Sheets to the cover sheet. **Addressed.**
5. Revise the projected sanitary sewer flow per Chapter 128 of the Kent County Code. **Addressed.**
6. Verify if gas will service the building and list the gas provider on the plan. **Addressed.**
7. Per Chapter 230-45, "In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements." Since there appears to be two tenant spaces within the building, please submit a conditional use application to accompany the preliminary site plan application. Due to the project being a conditional use, the project will be subject to public hearings with both the Planning Commission and City Council. **Addressed.**
8. Delineate the stacking spaces of the drive thru on the site plan and list the number of stacking spaces in the parking tabulation. **Addressed.**
9. Add the proposed building height to the plan. **Addressed.**
10. Add ADA signage for the ADA parking spaces. **Addressed.**
11. Currently, there is a dashed line represented two tenants of the building. Revise the plan accordingly to label each tenant and the square footage of each tenant. **Addressed.**
12. Show the building entrances on the plan. The ADA parking spaces shall be close to the entrances for convenience. **Comment Remains – Per ADA Standards, handicap parking spaces that service a particular building shall be located on the shortest accessible route from parking to the entrance. We recommend reconsidering the location of the handicap parking spaces and entrances to comply with ADA Standards.**
13. Label the 15' parking lot setback on the plan. **Addressed.**
14. Add traffic flow arrows to the parking lot to demonstrate the flow of traffic. **Addressed.**
15. Add a stop sign to the exit of the site and a "do not enter" sign for traffic entering the site that want to turn left. **Addressed.**
16. Clarify if the existing business sign is to remain or if a new sign will be proposed. The Planning Commission has the ability to approve a comprehensive signage plan as a part of the site plan review process, otherwise, any business signage on the building will have to meet the City Code or the applicant may need to revisit the Planning Commission and City Counsel for any deviations from the code.
17. Clarify what landscaping will remain and if there will be any proposed landscaping on the plan. **Comment Remains – Provide a Landscape Plan when final plans are submitted.**
18. Currently, the proposed dumpster pad is within the 20' sanitary sewer easement. Revise the location of the dumpster pad to be outside of the easement. In addition, details on the

dumpster pad and screening will have to be provided when construction plans are submitted. **Addressed with Comment – Provide the screening of the dumpster pad when final plans are submitted.**

19. Provide sidewalk along Warner Road and Route 113. The sidewalk shall extend to the site's property boundaries and shall provide direct pedestrian access to the proposed building. Keep in mind that there appears to be two existing drainage channels along Route 113 and an existing swale that runs along the grass area east of the site. This work will have to be approved by DelDOT. **Addressed with Comment – Provide DelDOT approval for the disturbance and proposed work in DelDOT's right-of-way. Verify whether or not DelDOT will require a Shared Use Path along Route 113.**
20. All sidewalk shall be ADA compliant. Handicap ramps will have to be provided where sidewalk leads pedestrians to the edge of pavement around the building. **Addressed.**
21. Dimension all sidewalk widths. **Addressed.**
22. Warner Road is labeled as a county road. However, there are DelDOT easements along the right-of-way. Verify that this is a county road. **Addressed.**
23. Specify whom owns/maintains Route 113 and Warner Road (i.e. State Maintained) on the plan. **Addressed.**
24. Add all existing and proposed utilities to the plan. This includes the water, sanitary, and storm sewer on site and where the proposed utilities tie into the existing utilities. **Comment Remains – Add the existing water main along Route 113 to the plan.**
25. There is an existing storm drain pipe adjacent to the dumpster pad that abruptly ends. Verify if this is correct or show the rest of the storm drain pipe on the plan. **Comment Remains.**
26. Currently, it appears that there is an existing water meter on the plan. Clarify if there will be one water service to the building and then split to each tenant inside the building. If there are two separate water services outside of the building, then a water meter will have to be provided for each tenant. In addition, an easement will have to be provided for the water meter if the location is to remain the same since it is not within the right-of-way. **Addressed with Comment – Provide an update on the water meter situation when final plans are submitted.**
27. Clarify if the existing lighting fixtures will remain or if there will be new lighting fixtures proposed. A lighting plan will be required for final approval. **Addressed.**
28. Clarify if the grease trap is to remain or if it will be replaced. Also, if there are two tenants in the proposed building, clarify if both tenants will be utilizing the same grease trap when construction plans are submitted. **Addressed with Comment – The existing grease trap is labeled to remain. However, it does not appear that the existing sanitary sewer laterals enter/exit the grease trap properly. Please verify the location**

of the existing sanitary sewer lateral. If there are any proposed sanitary sewer laterals, it should be shown as proposed on the plan.

29. There is an existing grease trap located on the plan. Contact Kent County Public Works Department to register with their grease trap program and provide calculations for review when construction plans are submitted. **Comment Remains.**
30. Provide the following approvals for final approval:
    a. Kent Conservation District. **Comment Remains.**
    b. Fire Marshal. **Comment Remains.**
    c. DelDOT. **Comment Remains.**

If you have any questions or comments regarding this letter, please do not hesitate to contact us any time.

Sincerely,



Eric T. Gibson,
Engineer in Training



Jason McClafferty, P.E.
Project Manager

HILLCREST ASSOCIATES

ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
SURVEYING

November 12, 2021

Via Email Only

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: Fast Food Restaurant (997 N Dupont Boulevard) – Preliminary Site Plan
KCI Job No. 131803632 – Task 39

Dear Mr. Pierce,
We are pleased to provide at this time the following documents for the above referenced project:

- 1 Copy of By-right/ Conditional Use Site Plan, last revised 11-12-21.
- Conditional Use Application
- Conditional Use Narrative

Provided under separate cover.

- $700.00 check made payable to "City of Milford"

Below is our point-by-point response (in bold) to your comments (quoted in italics) per KCI's letter dated October 14, 2021, for the above referenced project.

1. *Address the following to the general notes:*
    a. *Add the note "A topographic survey was performed by__of,_____ Delaware on__. Elevations are based on controlmonument_____, with an elevation of___NGVD88."*
    This above referenced text has been added to General Note No. 2

    b. *There are two notes within note 16. Revise general note 16 on the plan to be twoseparate notes.*
    General Note No. 16 has been split into two notes. These notes are now No. 17 & 18.

2. *Update the City of Milford approval block. The City Manager is now Mark Whitfield.*
The City Manager has been updated.

3. *Provide an existing conditions/demolition plan.*
An existing conditions/ demolition plan has been enclosed with this submission.

4. *Add an Index of Sheets to the cover sheet.*
An index of sheets has been added to the Cover Sheet.

5. *Revise the projected sanitary sewer flow per Chapter 128 of the Kent County Code.*
The projected sanitary sewer flow has been updated per Chapter 128.

6. *Verify if gas will service the building and list the gas provider on the plan.*
Gas will be provided to the building. We are currently working with Chesapeake Utility to determine the best route for connection. The gas provider has been added to the plan.

7. *Per Chapter 230-45, "In any and all zoning districts, multiple permitted uses or mixed useof a property shall be deemed a conditional use subject to special requirements." Since there appears to be two tenant spaces within the building, please submit a conditional use application to accompany the preliminary site plan application. Due to the project beinga conditional use, the project will be subject to public hearings with both the Planning Commission and City Council.*
   A conditional use application and fee has been enclosed with this submission.

8. *Delineate the stacking spaces of the drive thru on the site plan and list the number ofstacking spaces in the parking tabulation.*
   The stacking spaces have been delineated and the parking tabulations updated to reflect those spaces.

9. *Add the proposed building height to the plan.*
   The building height has been adde

10. *Add ADA signage for the ADA parking spaces.*
    ADA signage has been added to the ADA parking spaces.

11. *Currently, there is a dashed line represented two tenants of the building. Revise the planaccordingly to label each tenant and the square footage of each tenant.*
    The building label has been updated accordingly.

12. *Show the building entrances on the plan. The ADA parking spaces shall be close to theentrances for convenience.*
    The building entrances have been labeled on the plan. As the architectural plans are still being developed these are assumed entrances.

13. *Label the 15' parking lot setback on the plan.*
    The 15' parking lot setback has been added to the plan.

14. *Add traffic flow arrows to the parking lot to demonstrate the flow of traffic.*
    Traffic flow arrows have been added to the plan.

15. *Add a stop sign to the exit of the site and a "do not enter" sign for traffic entering the sitethat want to turn left.*
    A stop sign and do not enter signs have been added to the plan.

16. *Clarify if the existing business sign is to remain or if a new sign will be proposed. The Planning Commission has the ability to approve a comprehensive signage plan as a part of the site plan review process, otherwise, any business signage on the building will haveto meet the City Code or the applicant may need to revisit the Planning Commission andCity Counsel for any deviations from the code.*
    At the current stage of this project, the existing business signs are to remain and will be replaced with proposed tenant signage. If the proposal deviates from this additional information will be provided.

17. *Clarify what landscaping will remain and if there will be any proposed landscaping onthe plan.*
    All landscaping is anticipated to remain, additional landscaping will be provided as part of construction plan stage.

18. *Currently, the proposed dumpster pad is within the 20' sanitary sewer easement. Revise the location of the dumpster pad to be outside of the easement. In addition, details on thedumpster pad and screening will have to be provided when construction plans are submitted.*
    This is an existing dumpster pad; however, it has been relocated to be outside the sanitary sewer easement.

19. *Provide sidewalk along Warner Road and Route 113. The sidewalk shall extend to the site's property boundaries and shall provide direct pedestrian access to the proposed building. Keep in mind that there appears to be two existing drainage channels along Route 113 and an existing swale that runs along the grass area east of the site. This workwill have to be approved by DelDOT.*
    Sidewalk along Warner Road and Route 113 has been added to the plan with direct pedestrian access to the proposed building.

20. *All sidewalk shall be ADA compliant. Handicap ramps will have to be provided wheresidewalk leads pedestrians to the edge of pavement around the building.*
    Handicap ramps have been added to the plan.

21. *Dimension all sidewalk widths.*
    Dimensions to all sidewalks have been added.

22. *Warner Road is labeled as a county road. However, there are DelDOT easements alongthe right-of-way. Verify that this is a county road.*
    Warner Road label has been revised.

23. *Specify whom owns/maintains Route 113 and Warner Road (i.e. State Maintained) on theplan.*
    Maintenance labels have been added to each road label.

24. *Add all existing and proposed utilities to the plan. This includes the water, sanitary, and storm sewer on site and where the proposed utilities tie into the existing utilities.*
    All utilities have been added to the site. As we are reducing impervious coverage, no storm sewer is proposed.

25. *There is an existing storm drain pipe adjacent to the dumpster pad that abruptly ends.Verify if this is correct or show the rest of the storm drain pipe on the plan.*
    We are working with our survey department to determine where this pipe runs to.

26. *Currently, it appears that there is an existing water meter on the plan. Clarify if there willbe one water service to the building and then split to each tenant inside the building. If there are two separate water services outside of the building, then a water meter will haveto be provided for each tenant. In addition, an easement will have to be provided for the water meter if the location is to remain the same since it is not within the right-of-way.*
    We are working with the water provider to determine how many services we can have. At this time

it is proposed to have a single service that will split within the building. An easement has been provided around the water meter pit.

27. *Clarify if the existing lighting fixtures will remain or if there will be new lighting fixturesproposed. A lighting plan will be required for final approval.*
Existing lighting fixtures are to remain, with the exception of one pole which will need to be relocated due to the installation of the sidewalk along Warner Road.

28. *Clarify if the grease trap is to remain or if it will be replaced. Also, if there are two tenants in the proposed building, clarify if both tenants will be utilizing the same greasetrap when construction plans are submitted.*
Existing grease trap is to remain with both tenants utilizing the same.

29. *There is an existing grease trap located on the plan. Contact Kent County Public Works Department to register with their grease trap program and provide calculations for reviewwhen construction plans are submitted.*
We will work with Kent County Public Works Department to register the existing grease trap.

30. *Provide the following approvals for final approval:*
    a. *Kent Conservation District.*
    b. *Fire Marshal.*
    c. *DelDOT.*

    Approvals from the above are forthcoming.

If you have any questions or need additional information, please feel free to contact me immediately by phone at (610) 274-8613 or by email at Tom@HillcrestAssoc.com.

Sincerely,

T. Schr

Thomas Schreier, RLA
Vice President, Hillcrest Associates

C. Helmick Milford, LLC
H/C file #4707

KENT CONSERVATION DISTRICT

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901• (302) 608-5370 • WWW.KENTCD.ORG

CITY OF MILFORD
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
OCTOBER 20, 2021

APPLICATION: Helmick Milford – Fast Food

FILE #: 21-041

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Kate Owens
PHONE: (302) 608 – 5370
EMAIL: stormwater@delaware.gov

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. As the disturbance for this site will exceed 5,000 square feet, a sediment and stormwater plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.). This plan qualifies as a Non-Residential Standard Plan.
2. A complete and signed application for a Non-Residential Standard Plan with application fee are due at the time of plan submittal to the District's office.
3. The following notes must appear on the record plan:
   - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
   - The Kent Conservation District reserves the right to add, modify, of delete any erosion or sediment control measure, as it deems necessary.
   - A clear statement of defined maintenance responsibility for stormwater management facilities.

ADVISORY COMMENTS TO THE APPLICANT:

1. The Non-Residential Standard Plan application form and the most current fee schedule can be accessed through the District's website at www.kentcd.org.
2. The approved application is the permit for the project and must be kept on site at all times during construction.

City of Milford, Delaware
Development Advisory Committee

Comment Sheet

****

DATE OF REVIEW: October 5, 2021

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

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
William C. Kelly, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-739-4394, Fax: 302-739-3696**

RE: HELMICK MILFORD – FAST FOOD (21-041)

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. (Assembly)
   - 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
   - NFPA 101 now requires all restaurants to be protected throughout by an automatic sprinkler system.

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 Warner Road 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

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

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

A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.

B. Permitted uses. Permitted uses for the C-3 District shall be as follows:

(1) Those uses permitted in the C-2 District.

(2) Warehouses.

(3) Large retail outlets.

(4) Indoor storage accessory building.

(5) Fast-food restaurants and drive-in restaurants.

(6) Supermarkets.

(7) Truck and trailer rentals.

(8) Roadside produce market.

(9) Memorial stone shop.

(10) Outdoor commercial recreational facilities, not motorized vehicles.

(11) Swimming club.

(12) Indoor facility for amusement or assembly.

(13) Bus station.

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

[Amended 10-12-1998 by Ord. No. 10-1998]

(1) Motels or hotels with a minimum lot size of three acres.

(2) Commercial greenhouse.

(3) Wholesale establishment.

(4) Newspaper publishing or printing establishment.

(5) Contractors', craftsmen's or general service shops, including welding and similar shops.

(6) Laboratory, testing and research.

(7) Car repair shops.

(8) Used car lots.

(9) Telephone central office or television cable central office.

(10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:

(a) All facilities shall be located and all services shall be conducted on the lot.

(b) All repair work shall be conducted within an entirely enclosed building.

(c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.

(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.

(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

(11) Shopping center, subject to site plan review and the following site requirements:

(a) The total shall not be less than one acre.

(b) The site must be served by public water, sewer and electricity.

(c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.

(d) Traffic and parking.

[1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.

[2] Access to state highways shall be controlled by the State Department of Transportation.

[3] The minimum distance between accessways and a residential district shall be 50 feet.

[4] Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

[c] From major intersections: 100 to 150 feet.

[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.

[6] Parking lots shall be attractively landscaped as shown on the general site plan.

(e) Setback.

[1] From street right-of-way: 15 feet.

[2] From nonresidential districts: 15 feet.

[3] From residential districts: 100 feet.

(f) Buffering and landscaping.

[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.

[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

(12) Day-care centers, with site plan required.

[Added 10-14-1991]

(13) Car wash, all types (staffed, automatic, self-service, etc.).

[Added 6-14-1993]

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

[Added 9-13-1999 by Ord. No. 6-1999]

(16) All dwellings other than single-family with a maximum density of 12 units per acre.

(17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.

(4) Height of buildings shall not exceed three stories or 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.

(5) Minimum building setback shall be 30 feet.

(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.

(7) Minimum rear yard shall be 50 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

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

[Ord. No. 2008-18, § 3, 8-24-2009; Ord. No. 2009-22, § 2, 9-27-2010; Ord. No. 2016-14, §§ 2, 3, 10-24-2016; Ord. No. 2019-38, § 7, 11-25-2019]

§ 230-45. Multiple permitted uses and mixed uses.

[Added 6-29-1992]

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

§ 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.

CITY OF MILFORD
NOTICE OF PUBLIC HEARING
Planning Commission Hearing: Tuesday January 18, 2022 @ 7:00 PM
City Council Hearing: Monday, January 24, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

ORDINANCE 2022-02
586 MHH, LLC - Conditional Use
0.166 +/- acres of land located at the northwest corner
of North Walnut Street and Northwest Front Street
Address: 1 NW Front Street
Comprehensive Plan Designation: Commercial
Zoning District: C-2 (Central Business District)
Present Use: Single-Occupancy Commercial (former bank)
Proposed Use: Two-Unit Commercial (church and office)
Tax Parcel: MD-16-183.10-03-82.00

WHEREAS, Chapter 230-45 states "in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements" and are subject to approval from City Council; and

WHEREAS, the applicant is converting the existing single-occupancy commercial building to a two-unit commercial building on the above referenced parcel; and

WHEREAS, the City of Milford Planning Commission reviewed the application during their regular meeting on Tuesday, January 18, 2022, at which time interested parties publicly commented on the application; and

WHEREAS, Milford City Council held a Public Hearing on Monday, January 24, 2022, to allow for additional public comment, after which the majority of City Council voted to approve the Conditional Use by adopting this Ordinance; and

WHEREAS, this notice, as required by Chapter 230, was published in the Milford Beacon on December 22, 2021, and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this Ordinance becomes effective ten days following the date of its adoption by City Council.

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

Section 1. Upon adoption of this Ordinance, a conditional use permit is hereby granted to 586 MHH, LLC to allow a two-unit commercial building at the northwest corner of North Walnut Street and Northwest Front Street as described herein.

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

Section 3. Dates.
City Council Introduction: Monday, January 10, 2022
Planning Commission Review & Public Hearing: Tuesday, January 18, 2022
City Council Public Hearing: Monday, January 24, 2022

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

12.10.2021
Published*: Milford Beacon 122221*

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

DATA SHEET FOR 586 MHH, LLC

Planning Commission Meeting: January 18, 2022

Application Number / Name	:	21-049 / 586 MHH, LLC
Applicant	:	586 MHH, LLC 586 Milford-Harrington Highway Milford, DE 19963
Owner	:	Same
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-2 (Central Business District)
Present Use	:	Single-Occupancy Commercial (former bank)
Proposed Use	:	Two-Unit Commercial (church and office)
Size and Location	:	0.166 +/- acres of land located at the northwest corner of N. Walnut Street and NW Front Street, addressed as 1 NW Front Street.
Tax Map & Parcel	:	MD-16-183.10-03-82.00

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

PUBLIC WORKS FACILITY
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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

STAFF REPORT
December 22, 2021

Application Number / Name	**:**	21-049 / 586 MHH, LLC
Present Comprehensive Plan Designation	**:**	Commercial
Present Zoning District	**:**	C-2 (Central Business District)
Present Use	**:**	Single-Occupancy Commercial (former bank)
Proposed Use	**:**	Two-Unit Commercial (church and office)
Tax Map & Parcel	**:**	MD-16-183.10-03-82.00
Size and Location	**:**	0.166 +/- acres of land located at the northwest corner of N. Walnut Street and NW Front Street, addressed as 1 NW Front Street.

I. BACKGROUND INFORMATION:

- The applicant proposes to convert the existing single-occupancy commercial building on the above referenced parcel to a two-unit commercial building. The building was formerly occupied as an M&T Bank and has been vacant for the past few years. The applicant proposes to create two tenant spaces that would be utilized as a church and office space as shown on the provided floor plan.

- Chapter 230-45 states "in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements."

II. STAFF ANALYSIS:

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

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

The Central Business District has several buildings with multiple permitted uses located within a single structure, including several buildings on N. Walnut Street and NW Front Street.

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

The proposed multiple tenant arrangement is consistent with the purpose and intent of the C-2 Central Business District.

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

The Comprehensive Plan designates the property as commercial, which permits the property to be zoned C-2 Central Business District. The purpose of the C-2 zoning category is to create an atmosphere that encourages the preservation and revitalization of the central business district and encouraging the development and opening of new businesses.

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

The property is bound on the north and west by a municipal parking lot and there is no need to screen the proposed use from the adjacent property.

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

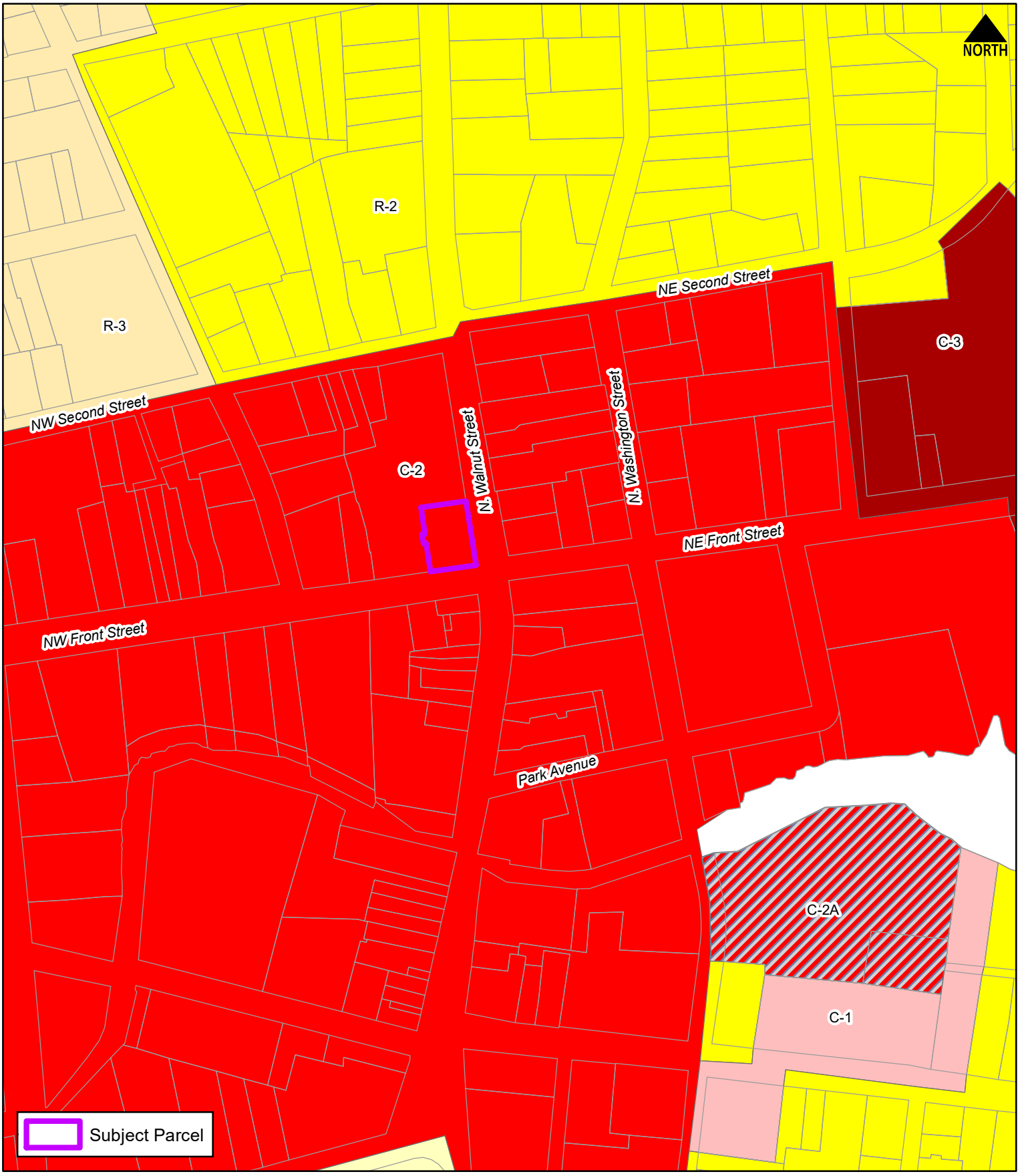
The proposed use is consistent with the purpose and intent of the C-2 Central Business District and should not detract from similar adjacent commercial structures.

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

The subject parcel is located within the Central Business District which does not require off-street parking for permitted uses. The property is located adjacent to a municipal parking lot that would serve the proposed uses. The proposed uses would be located within the existing structure and no additions are being proposed, therefore there would be no change in building setbacks from the current conditions. No screening is proposed nor needed since the proposed use is consistent with other uses in the neighborhood.

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:

    - The applicant must obtain a building permit from the Planning Department and obtain approval from the State Fire Marshal's Office and State Plumbing Office.
    - The applicant should consider maintaining the historic character of the building and work with the State of Delaware Division of Cultural Affairs and local resources to maintain an appearance consistent with the historic downtown area.



THE CITY of Milford DELAWARE

Scale: 0 100 200 Feet

Drawn by: WRP

Date: 12/22/21

Filepath: CU_586MHH.mxd

Title:

Conditional Use

586 MHH, LLC

Location & Zoning Map

LEGEND:

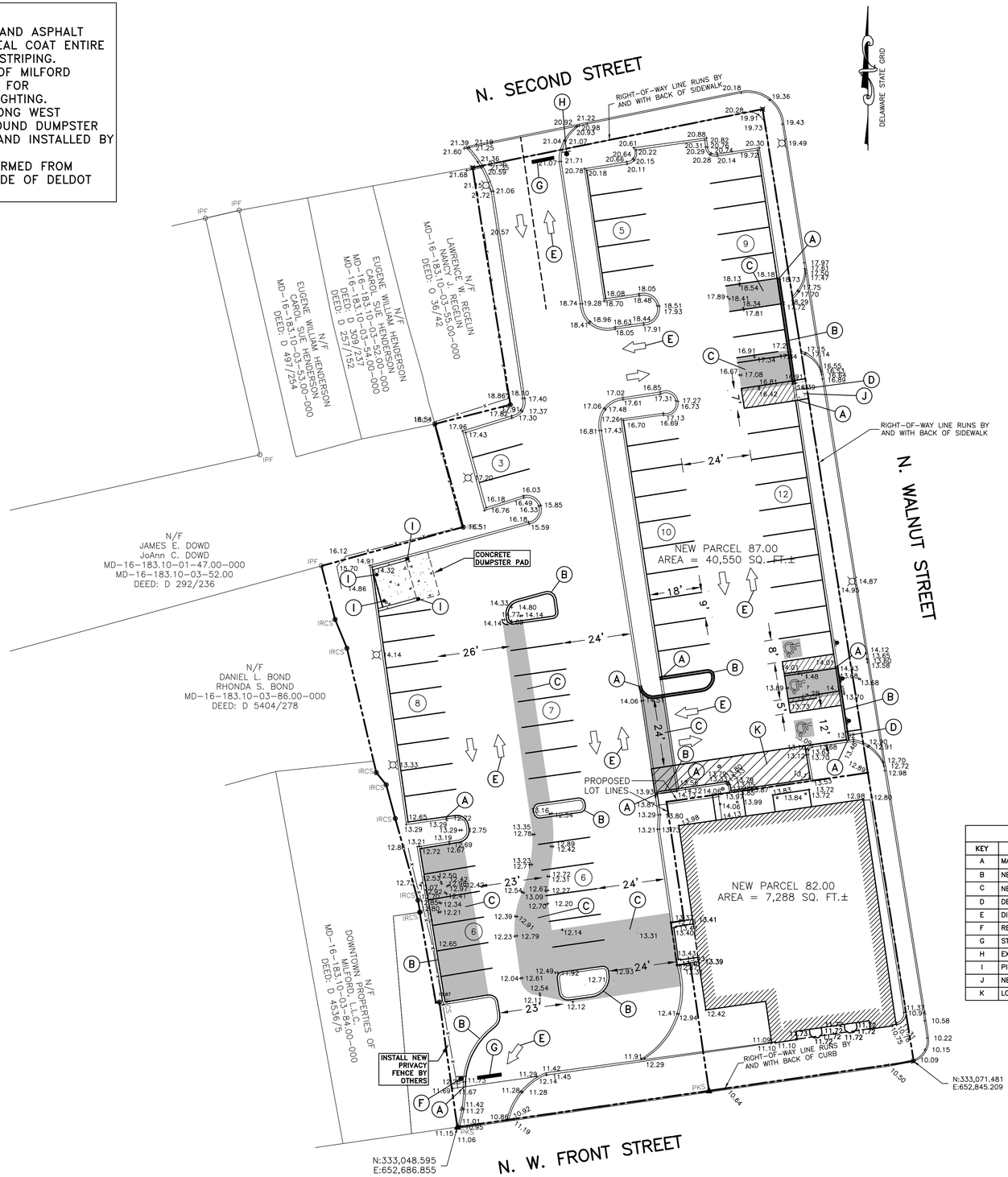
- IPF — IRON PIPE FOUND
- PKS — PK NAIL SET
- IRCS — IRON ROD WITH CAP SET
- CHISEL MARK SET
- UNMARKED PROPERTY CORNER
- POWER POLE
- LIGHT POLE
- PROPERTY LINE
- ABANDONED PROPERTY LINE
- ADJACENT PROPERTY LINE
- X——X FENCE
- NEW ASPHALT PAVEMENT SECTION
- NEW 6" CONCRETE CURB (MATCH TO EXISTING)

NOTE:

HORIZONTAL DATUM IS DELAWARE STATE GRID, NAD 83 BASED ON GNSS OBSERVATIONS.

CONSTRUCTION NOTES:

1. ONCE CONCRETE, CURB AND ASPHALT PAVING IS COMPLETE, SEAL COAT ENTIRE PARKING LOT PRIOR TO STRIPING.
2. COORDINATE WITH CITY OF MILFORD ELECTRICAL DEPARTMENT FOR INSTALLATION OF SITE LIGHTING.
3. NEW PRIVACY FENCE ALONG WEST PROPERTY LINE AND AROUND DUMPSTER PAD TO BE FURNISHED AND INSTALLED BY THE CITY OF MILFORD.
4. ALL WORK TO BE PERFORMED FROM PARKING LOT AND OUTSIDE OF DELDOT RIGHT-OF-WAY.



SITE PLAN LEGEND	
KEY	DESCRIPTION
A	MATCH NEW CURB TO EXISTING
B	NEW CONCRETE CURB
C	NEW ASPHALT PAVING(SEE DETAIL THIS SHEET)
D	DEPRESS CURB
E	DIRECTIONAL ARROW, TYP.
F	RELOCATE STOP SIGN FROM N. WALNUT STREET ENTRANCE
G	STOP BAR, SEE DETAIL
H	EXISTING STOP SIGN TO REMAIN
I	PIPE BOLLARD, SEE DETAIL
J	NEW CONCRETE SIDEWALK
K	LOADING SPACE STRIPING

0' 20' 40' 60'

SCALE 1" = 20'

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.

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ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

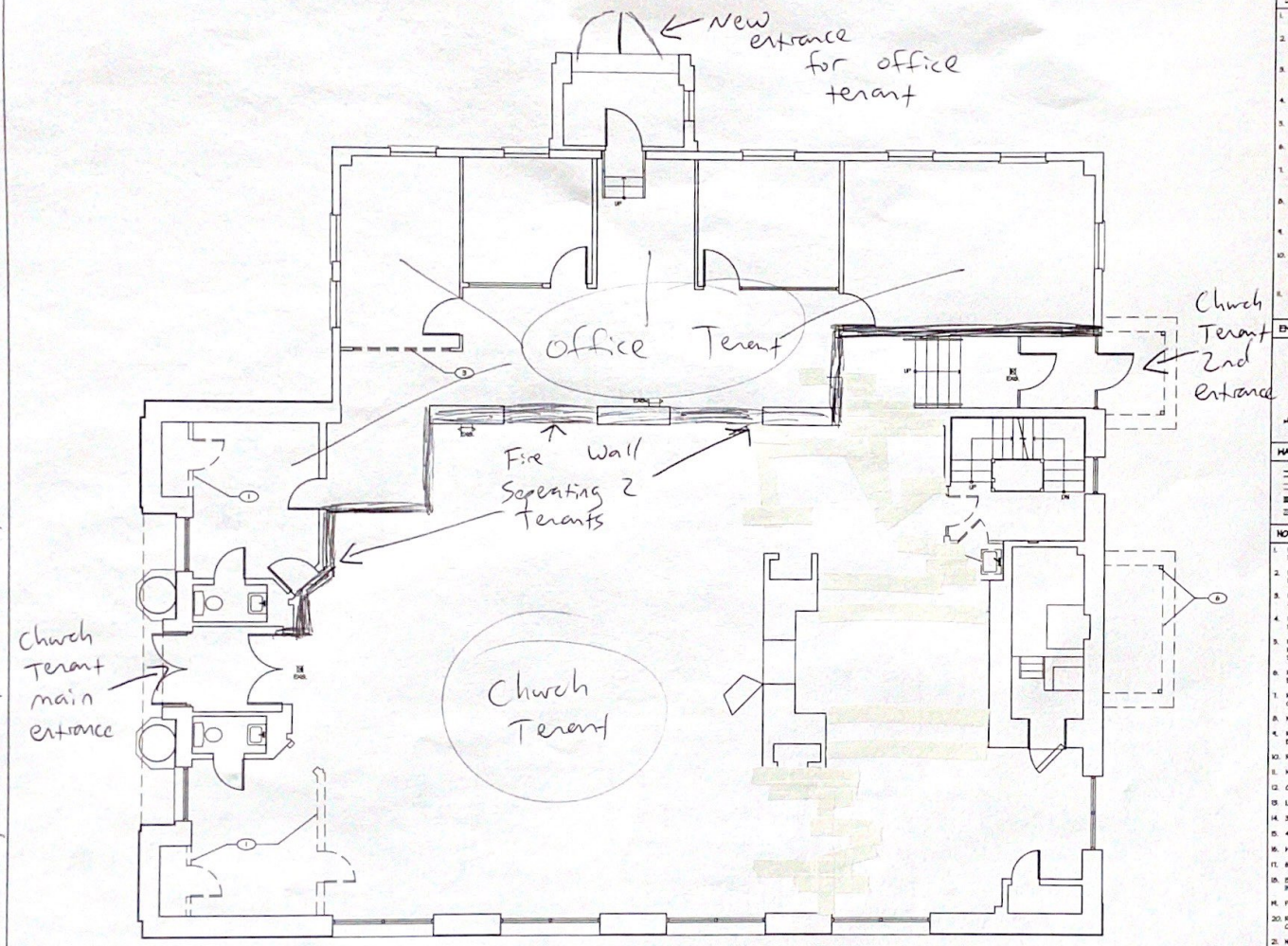
PAVING AND STRIPING PLAN

M&T PARKING LOT REHABILITATION
Lands of
THE CITY OF MILFORD
KENT COUNTY, DELAWARE

Revisions:

Date: OCT. 2016
Scale: 1"=20'
Dwn.By: JMJ
Proj.No.: 0052A175.A01
Dwg.No.: P-1

P:\MILFORD\0052A175 M&T Bank\Paving Plan.dwg Nov 02, 2016 - 10:34am



SELECTIVE DEMOLITION NOTES

1. PROTECT WALLS, CEILINGS, FLOORS, AND OTHER EXISTING FINISH WORK THAT ARE TO REMAIN AND ARE EXPOSED DURING SELECTIVE DEMOLITION OPERATIONS.
2. PROVIDE AND MAINTAIN INTERIOR AND EXTERIOR SHORING, BRACING, OR STRUCTURAL SUPPORT TO PRESERVE STABILITY AND PREVENT MOVEMENT OR SETTLEMENT.
3. CLEAN ADJACENT STRUCTURES AND IMPROVEMENTS OF DUST, DIRT, AND DEBRIS CAUSED BY SELECTIVE DEMOLITION OPERATIONS. RETURN ADJACENT AREAS TO CONDITION EXISTING BEFORE START OF SELECTIVE DEMOLITION OPERATIONS.
4. DEMOLISH AND REMOVE EXISTING CONSTRUCTION ONLY TO THE EXTENT REQUIRED BY NEW CONSTRUCTION AND AS INDICATED.
5. PROMPTLY PATCH AND REPAIR HOLES AND DAMAGED SURFACES CAUSED TO ADJACENT CONSTRUCTION BY SELECTIVE DEMOLITION OPERATIONS.
6. WHERE REPAIRS TO EXISTING SURFACES ARE REQUIRED, PATCH TO PROVIDE SURFACES SUITABLE FOR NEW MATERIALS.
7. RESTORE EXPOSED FINISHES OF PATCHED AREAS AND EXTEND FINISH RESTORATION INTO ADJOINING CONSTRUCTION TO REMAIN IN A MANNER THAT ELIMINATES EVIDENCE OF PATCHING AND REFINISHING.
8. PATCH AND REPAIR FLOOR AND WALL SURFACES IN THE NEW SPACE WHERE DEMOLISHED WALLS OR PARTITIONS EXTEND ONE FINISHED AREA INTO ANOTHER. PROVIDE A FLUSH AND EVEN SURFACE OF UNIFORM COLOR AND APPEARANCE.
9. PATCH AND REPAIR EXISTING CEILINGS AS NECESSARY TO PROVIDE AND EVEN-PLANE SURFACE OF UNIFORM APPEARANCE.
10. DISPOSAL: PROMPTLY DISPOSE OF DEMOLISHED MATERIALS. DO NOT ALLOW DEMOLISHED MATERIALS TO ACCUMULATE ON-SITE. DO NOT BURN DEMOLISHED MATERIALS. TRANSPORT DEMOLISHED MATERIALS OFF OWNER'S PROPERTY AND LEGALLY DISPOSE OF THEM.
11. CONTRACTOR TO VERIFY THROUGH THIRD PARTY THE STRENGTH OF EXIS. CONCRETE WALLS FOR FLOOR STRUCTURE ABOVE.

EMERGENCY FIXTURE LEGEND

- COMBINATION EMERGENCY EXIT SIGN /EMERGENCY EXIT LIGHT
- EMERGENCY EXIT LIGHT
- EMERGENCY LIGHTING WITH BATTERY BACKUP
- COMBINATION EMERGENCY EXIT SIGN /EMERGENCY EXIT LIGHT WITH REMOTE HEAD

WALL LEGEND

- EXIS. WALL TO REMAIN
- EXIS. WALL TO BE REMOVED
- NEW WALL
- NEW PARTIAL HEIGHT WALL

NOTE LEGEND (1)

1. REMOVE EXISTING INTERIOR PARTITION INCLUDING ANY ASSOCIATED DOOR UNIT. PATCH ANY EXPOSED SURFACES TO MATCH EXISTING ADJACENT SURFACES. - TYP.
2. REMOVE EXISTING DOOR UNIT AND PREP OPENING FOR NEW CASED OPENING. PATCH AND EXPOSED SURFACES TO MATCH EXISTING ADJACENT SURFACES. - TYP.
3. REMOVE EXISTING WINDOW UNIT AND INFILL OPENING TO MATCH EXISTING ADJACENT SURFACES. - TYP.
4. REMOVE EXISTING INTERIOR PARTITION AS NEEDED FOR NEW DOOR UNIT OPENING. REFER TO FLOOR PLAN FOR DOOR SIZE AND LOCATION. - TYP.
5. REMOVE EXISTING PLUMBING FIXTURE AND CAP PLUMBING LINES BACK TO WALL/FLOOR. PATCH ANY EXPOSED SURFACES TO MATCH EXISTING ADJACENT SURFACES.
6. REMOVE EXISTING EXTERIOR COLUMNS AND EXTERIOR CANOPY. PATCH ANY EXPOSED SURFACES TO MATCH ANY EXISTING ADJACENT SURFACES.
7. REMOVE EXISTING CASEWORK INCLUDING ANY ASSOCIATED PLUMBING FIXTURES. CAP EXISTING PLUMBING LINES TO FLOOR. - TYP.
8. NOT USED.
9. REMOVE EXISTING HOOD FAN. PATCH ANY EXPOSED SURFACES TO MATCH EXISTING ADJACENT SURFACES. - TYP.
10. REMOVE EXISTING DOOR UNIT WITH CARE FOR FUTURE USE.
11. NEW INTERIOR PARTITION, REFER TO TYPICAL WALL TYPES FOR DETAILS. - TYP.
12. CASEWORK PER OWNERS SPECIFICATIONS - TYP.
13. LINE OF CASED OPENING IN PLACE OF EXISTING DOOR UNIT. - TYP.
14. 36" HIGH COPPER COUNTERTOP ON CUSTOM METAL BASE. - TYP.
15. 42" HIGH COPPER BAR COUNTERTOP WITH CUSTOM METAL SUPPORTS. - TYP.
16. HOOD SHELF AND ROD FOR COATS.
17. 6' HIGH PARTIAL HEIGHT WALL. REFER TO TYPICAL WALL TYPE FOR DETAILS. - TYP.
18. BASEMENT TO INCLUDE STORAGE, EXISTING MECHANICAL, AND JANITOR'S SERVICES INCLUDING NEW MOP SINK TO BE PROVIDED.
19. PROVIDE STOP AT EXISTING VAULT DOOR TO MAKE DOOR IMMOBILE.
20. REPLACE EXISTING ATTIC DOOR AND FRAME 1 HR. F.R. DOOR AND FRAME WITH CLOSER.
21. NOT USED
22. PROVIDE 42" HIGH RAILING WITH 4" MAX. CLEAR SPACE BETWEEN BALUSTERS AROUND MEZZANINE. - TYP.
23. SEAL OFF EXISTING DOOR, NOT TO BE USED. - TYP.
24. WALL MOUNT DETACHED DOORS ON EITHER SIDE OF EXISTING OPENING. - TYP.

All designs, concepts, ideas and arrangements shown on these drawings are the property of Hornickel Architecture Inc. and are intended to be used for this project only and shall not be used in whole or in part for any other purpose whatsoever without the written consent of Hornickel Architecture Inc. No alterations shall be made to these drawings without the written consent of Hornickel Architecture Inc.

CONSTRUCTION DOCUMENTS FOR THE:
586 MAIN LLC
FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

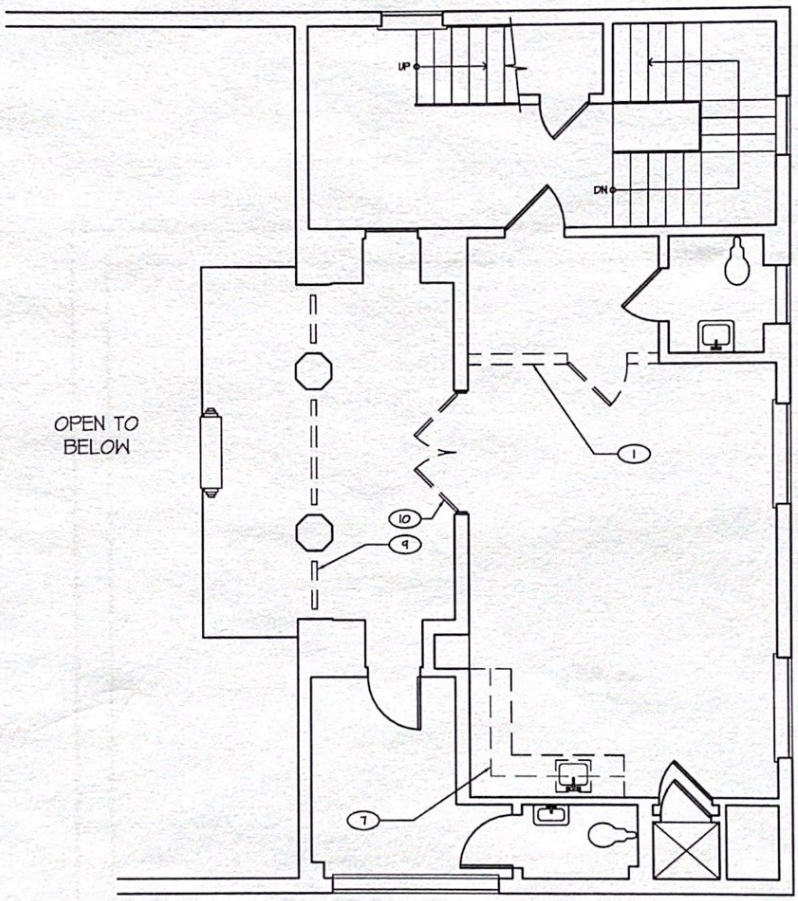
PROJECT #: 16058

SCALE: 3/8" = 1'-0"
DATE: 04/02/2021

FIRST FLOOR DEMOLITION PLAN

SHEET #: A-1

A1	FIRST FLOOR DEMOLITION PLAN
1/4" = 1'-0"	KEY



A1	MEZZANINE FLOOR
1/4" = 1'-0"	KEY

1 NW Front Street

The conditional use application is the allow the division of the former M&T Bank building into two sections. The purpose is to temporarily utilize the building to house two separate tenants. As the building has traditionally been used for only one business, we wish to seek approval of this conditional use.

The multiple year plan for the building is to renovate it and construct an upscale venue/ event space. The new owners of the property own easySpeak, and the Alcohauler a craft beverage events business. They have a great deal of experience with events, weddings, and high end venues.

For the upcoming 1-2 years the owners wish to utilize the building to temporarily relocate 1 or 2 tenants they currently have at 39 North Walnut Street. The 39 N Walnut project requires tenants to move to complete renovations in separate areas. 1 NW front street having two tenant spaces will allow this temporary relocation.

1 NW Front Street will be divided appropriately to comply with Fire Marshall regulations on means of egress, and City building code standards.

§ 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:

[Amended 9-30-1991; 6-29-1992; 10-12-1998 by Ord. No. 10-1998; 11-27-2006 by Ord. No. 2006-15]

(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.

[Amended 6-29-1992]

(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.

[Added 9-30-1991]

(8) Small convenience grocery shops with gas pumps.

[Added 10-12-1998 by Ord. No. 10-1998]

(9) Community residential treatment program.

[Added 9-13-1999 by Ord. No. 6-1999]

(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.

[Ord. No. 2008-18, § 2, 8-24-2009; Ord. No. 2019-31, § 2, 9-23-2019; Ord. No. 2019-38, § 5, 11-25-2019]

§ 230-45. Multiple permitted uses and mixed uses.

[Added 6-29-1992]

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

§ 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.

CITY OF MILFORD PUBLIC NOTICE
NOTICE OF ORDINANCE REVIEW

The following ordinance is under review by the City Council of the City of Milford. Public comments will be accepted during a regular session of City Council on Monday, January 24, 2022 that begins at 7:00 p.m.

ORDINANCE NO. 2022-03
AN ORDINANCE OF THE CITY OF MILFORD TO AMEND THE CITY OF MILFORD CODE BY DELETING IN ITS ENTIRETY CHAPTER 100 CAR WASHES

WHEREAS, the City Council of the City of Milford desires to update the City of Milford City Code; and

WHEREAS, it has been determined that the requirements in Chapter 100 Car Washes are no longer applicable; and

WHEREAS, any regulations related to car wash operations are provided in Chapter 230 Zoning Code of the City of Milford; and

WHEREAS, Chapter 100 is therefore made available for consideration to accommodate future provisions and expansion of the City Code.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. The Code of the City of Milford is hereby amended by repealing Chapter 100 entitled Car Washes in its entirety.

Section 2. The Title of Chapter 100 Car Washes is hereby revoked and is shown by strikeout type.

Section 3. Section 100-1 Definitions, Section 100-2 Hours of Operation, and Section 100-3 Violations and Penalties, is omitted entirely as shown by strikeout type.

~~Chapter 100 - CAR WASHES~~

~~§ 100-1. - Definitions.~~

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

~~UNATTENDED CAR WASH — An establishment for the washing and cleaning of various types of vehicles which operates in a self-service manner not requiring the presence of a full- or part-time attendant or attendants.~~

~~§ 100-2. - Hours of operation.~~

~~Any establishment as described in § 100-1 of this chapter in the City of Milford is permitted to operate only during the following hours:~~

~~A. — From 7:00 a.m. to 10:00 p.m. Sunday through Thursday.~~
~~B. — From 7:00 a.m. to 11:00 p.m. Friday and Saturday.~~

~~§ 100-3. - Violations and penalties.~~

~~Any person or persons found guilty of violating the provisions of this chapter shall forfeit to the City of Milford a fine of not less than $25 nor more than $300, plus costs of prosecution.~~

Section 4. Dates
Council Introduction: January 10, 2022
Council Proposed Adoption: January 24, 2022

Section 5. Effective
This ordinance becomes effective ten days following its adoption by City Council.

Published: Milford Beacon 12.22.2021

CITY OF MILFORD PUBLIC NOTICE
NOTICE OF ORDINANCE REVIEW

The following ordinance is under review by the City Council of the City of Milford. Public comments will be accepted during a regular session of City Council on Monday, January 24, 2022 that begins at 7:00 p.m.

ORDINANCE NO. 2022-04
AN ORDINANCE OF THE CITY OF MILFORD TO AMEND THE CITY OF MILFORD CODE BY DELETING IN ITS ENTIRETY CHAPTER 182 SATELLITE DISHES

WHEREAS, the City Council of the City of Milford desire to update the City of Milford City Code; and

WHEREAS, it has been determined that the requirements in Chapter 182 Satellite Dishes is no longer applicable; and

WHEREAS, any regulations related to the use and placement of satellite dishes is provided in Chapter 230 Zoning Code of the City of Milford; and

WHEREAS, Chapter 182 is therefore made available for consideration to accommodate future provisions and expansion of the City of Milford Code.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. The Code of the City of Milford is hereby amended by repealing Chapter 182 entitled Satellite Dishes in its entirety.

Section 2. The Title of Chapter 182 Satellite Dishes is hereby revoked as shown by strikeout type.

Section 3. Section 182-1 Requirements is hereby rescinded as shown by strikeout type.

Section 4. Section 182-1(A), 182-1(B), 182-1(C), and 182-1(D) are hereby rescinded as shown by strikeout type.

~~Chapter 182 - SATELLITE DISHES~~

~~§ 182-1. - Requirements.~~

~~In the interest of protecting residential neighborhoods and open spaces and to prevent aesthetic impact on such, a satellite dish antenna shall be subject to the following requirements.~~

~~A. Satellite dishes shall only be located in rear yards or side yards behind the primary structure.~~
~~B. All efforts must be made to limit the visual impact on the adjoining properties to the greatest extent possible.~~
~~C. If it is necessary to locate a satellite dish where it is visible from the street or from adjoining properties, reasonable screening, by landscaping, or other reasonable measures to reduce the visual impact, will be required.~~
~~D. Persons in violation of this chapter at the time of its adoption must comply within 90 days of its effective date.~~
~~§ 182-2. - Violations and penalties.~~

~~For violations of this chapter, the penalties set forth in Chapter 1, General Provisions, Article II, General Penalty, shall apply.~~

Section 5. Dates
Council Introduction: January 10, 2022
Council Proposed Adoption: January 24, 2022

Section 6. Effective
This ordinance becomes effective ten days following its adoption by City Council.

Published: Milford Beacon 12.22.2021

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

TO: Planning Commissioners/Mayor and City Councilmembers

FROM: Rob Pierce, AICP - Planning Director

DATE: January 18, 2022

RE: Chapter 230 & Chapter 200 – Code Update

The Process

Over the past several months, the Planning Commission, City Solicitor, and Planning Director have reviewed Chapter 230 Zoning and Chapter 200 Subdivision of Land to address the following;

- Implement the goals and recommendations from the 2018 Comprehensive Plan update;
- Reduce the number of Board of Adjustment applications that are being reviewed and approved;
- Standardize Site Plan, Subdivision and Conditional Use application review procedures and expiration provisions; and,
- Eliminate contradictory statements, address erroneous or missing language, and address items that cause confusion in the administration of the code;

The Planning Commission dedicated time prior to each regularly scheduled Planning Commission meeting to review these two chapters in workshop sessions. The workshops reviewed each Article of the code, grouping like topics together for discussion purposes. Notes and comments from Commissioners were taken and added to the draft amendments, which were reviewed at the following meeting in order to gain a general consensus from Commission members.

Below is a summary of the meetings held to review Chapter 230 Zoning and Chapter 200 Subdivision of Land;

- *January 19, 2021 – Planning Commission - Introductory Meeting*
- *February 16, 2021 – Planning Commission - Chapter 230*
  - *Article VII - Board of Adjustment*
  - *Article IX - Conditional Uses*
  - *Article X - Site Plan Review*
  - *Article XI - Administration*
  - *Article XII - Amendments*
  - *Article XIII - Permits and Certificates*
- *March 16, 2021 – Planning Commission - Chapter 230*
  - *Article IV - Off-Street Parking and Loading*
  - *Article V – Landscape Screening*
  - *Article VIII - Miscellaneous Provisions*

- *April 20, 2021 – Planning Commission - Chapter 230*
    - *Article III - Use and Area Regulations*
    - *Article I - General Provisions*
- *May 18, 2021 – Planning Commission - Chapter 230*
    - *Article III - Use and Area Regulations*
    - *Article I - General Provisions*
- *June 15, 2021 – Planning Commission - Chapter 230*
    - *Article III - Use and Area Regulations*
    - *Open Space, Recreation & Other Public Facilities*
    - *Tree Planting and Preservation*
    - *Planned Unit Development*
    - *Article I - General Provisions*
- *August 12, 2021 – Board of Adjustment – Chapter 230 – Reviewed Draft Edits*
- *August 17, 2021 – Planning Commission - Chapter 200*
    - *Chapter 200-8 - General Requirements and Design Standards*
- *September 9, 2021 – Board of Adjustment – Chapter 230 – Reviewed Draft Edits*
- *September 21, 2021 – Planning Commission - Chapter 200*
- *October 25, 2021 – City Council Workshop*

The City provided a copy of the draft zoning code revisions to the American Council of Engineering Companies of Delaware (ACEC) and the Home Builders Association of Delaware (HBA) on September 13, 2021 and draft subdivision code revisions to both groups on September 22, 2021.

Executive Summary of Code Revisions

Below is an executive summary of proposed code revisions for Chapter 230 Zoning and Chapter 200 Subdivision of Land organized by articles and sections.

Chapter 230 - Article I - General Provisions

Added definitions for accessory dwelling units (ADUs) and home occupations, provided a definition for lot coverage and adjusted the definition for impervious coverage, refined the definition for building height to better identify the upper limits of the measurement, revised the definitions for open space and recreational uses, added a definition for Development Advisory Committee and removed some definitions that have no references in the zoning code.

Chapter 230 - Article II - Designation of Districts

Removed the requirement to record the City's Official Zoning Map with Kent and Sussex County Recorder of Deeds. The zoning map is on file with the City and can be viewed on the City website.

Chapter 230 - Article III – Use and Area Regulations

Article III Use and Area Regulations provides regulations pertaining to permitted uses and conditional uses, lot size, setbacks, lot coverage and other requirements that impact the development of property. The article provides a section for each zoning district along with requirements for open space, planned unit developments, source water protection areas and tree preservation.

The proposed revisions intend to standardize the code format for each zoning district, providing a purpose statement, listing out permitted and conditional uses, describing any design requirements and outlining area regulations.

The proposed revisions aim to eliminate any redundant language that may be covered by other State agencies, the building code, parking requirements, landscape screening requirements, or language found in other sections of the City code.

Below is a table summarizing the changes related to the area regulations for each zoning category. "E" means existing and "P" means proposed. The items that are grayed out are not changing, while the items that are green are proposed to be less restrictive while the items that are red would be more restrictive.

Zoning District	Lot Area		Lot Width		Lot Coverage		Height		Front		Rear		Side		Density		Units/Bldg	
	E	P	E	P	E	P	E	P	E	P	E	P	E	P	E	P	E	P
R-1	10,000	10,000	80	80	30	40	35	35	25	25	25	25	12	12	n/a	n/a	n/a	n/a
R-2																		
SFD	8,000	8,000	80	80	30	40	35	35	30	30	15	15	8	8	n/a	n/a	n/a	n/a
Duplex	4,000	4,000	40	40	30	40	35	35	30	30	15	15	8	8	n/a	n/a	n/a	n/a
R-3																		
SFD	7,500	7,500	60	60	45	40	35	35	30	30	15	15	8	8	n/a	n/a	n/a	n/a
Duplex	4,000	4,000	40	40	30	40	35	35	30	30	15	15	8	8	n/a	n/a	n/a	n/a
Townhouse	2,000	2,000	?	20	60	60	35	35	?	30	?	30	?	10\30	12	12	n/a	n/a
Apartment	1 acre	1 acre	50	50	20	80	?	35	?	30	?	30	?	20	16	16	12	24
R-8	Same as R-3																	
C-1	3,630	10,000	30	80	80	80	35	35	10	25	25	25	5	12	n/a	n/a	n/a	n/a
C-2	2,500	2,500	50	50	n/a	n/a	35	35	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
C-2A	5,000	5,000	50	50	60	60	50	50	15	15	20	20	6\14	6\14	16	16	n/a	n/a
C-3	1 acre	1 acre	150	150	80	80	35	35	30	30	50	50	20\50	20\50	n/a	n/a	n/a	n/a
OB-1	0.5 acre	0.5 acre	100	100	50	50	35	35	30	30	30	30	15	15	n/a	n/a	n/a	n/a
OC-1	1 acre	1 acre	100	100	75	75	70	70	50	50	25	25	15\40	15\40	n/a	n/a	n/a	n/a
H-1	1 acre	1 acre	150	150	70	80	50	50	30	30	20	20	20	20	n/a	n/a	n/a	n/a
IM	20 acres	20 acres	?	150	60	75	50	50	varied	30	25	50	varied	20\50	n/a	n/a	n/a	n/a
IS	20 acres	20 acres	?	150	85	75	140	140	25	50	25	50	10	50	n/a	n/a	n/a	n/a
BP	1 acre	1 acre	150	150	75	75	50	50	30	30	25	25	15	15	n/a	n/a	n/a	n/a
I-1	2 acres	2 acres	150	150	60	75	50	50	75	75	45	45	40	40	n/a	n/a	n/a	n/a
I-2	2.5 acres	2.5 acres	150	150	50	75	50	50	75	75	50	50	50	50	n/a	n/a	n/a	n/a

The code update provides additional guidance related to residential and non-residential accessory buildings. Residential accessory buildings would be limited to a percentage of the rear and side yard area as opposed to a fixed 150 square feet. This should eliminate a large percentage of variance applications to the Board of Adjustment. Non-residential accessory buildings would need to meet the principal setbacks in most non-residential districts.

The code update proposes to move prohibited uses within individual zoning districts to the Prohibited Use Section under the Miscellaneous provisions. Any use not specifically listed in the code is

prohibited anyway. The code update also eliminates language within individual zoning districts related to mandatory site plan review requirements.

Below is a summary of proposed changes for each of the zoning districts in Chapter 230 Article III Use and Area Regulations.

R-1 Single-Family Residential District

Revisions would better define what constitutes a permitted use (minor) home occupation and a conditional use (major) home occupation and provides specific criteria for each of the two types of home occupations. Also provides a list of uses that are not permitted as home occupations.

Added language to allow accessory dwelling units, including accessory apartments and cottages. Both options require that the owner of the property live in one of the units.

Added funeral home or undertaker as a conditional use within residential zoning districts.

R-2 Residential District

Conditional uses allowed in the R-1 district would be allowed in the R-2 district subject to the R-1 area regulations.

R-3 Garden Apartment & Townhouse District

C-1 Community (Neighborhood) District

Revised the permitted uses to provide consistency within the commercial zoning categories. Added daycare centers and undertakers as conditional uses.

C-2 Central Business District

Removed permitted and conditional uses that are listed within the C-1 district since the C-2 zone allows for C-1 uses.

C-2A Riverfront Development District

Removed permitted and conditional uses that are listed within the C-1 district since the C-2A zone allows for C-1 uses.

C-3 Highway Commercial District

Added language to allow conditional uses from the C-2 zoning district in the C-3 zoning district.

Revised permitted and conditional uses for consistency throughout the commercial zones. Better defined automotive sales and automotive repair businesses.

Updated conditional use statement pertaining to “all dwellings other than single family” with “all uses permitted within the R-3 zoning district subject to its area regulations.”

H-1 Institutional Development District

I-1 Limited Industrial District

Added language allowing conditional uses within the OC-1 and BP zoning categories to be allowed by conditional use approval in the I-1 district.

I-2 General Industrial District

Added language allowing conditional uses within the I-1 zoning categories to be permitted by conditional use approval in the I-2 district.

OC-1 Office Complex District

Revised the uses to reflect current uses within the Independence Commons Business Park, including outdoor recreation and nursing homes.

OB-1 Office Building District

BP Business Park District

Removed general conditional use statement "any use not permitted in any other zoning districts." Added indoor or outdoor recreation as a conditional use.

IS Institutional Service District

Moved residential uses from a permitted use to a conditional use subject to the R-8 requirements, similar to IM district.

IM Institutional Medical District

R-8 Garden Apartment & Townhouse District

Open Space, Recreation and Other Public Facilities

The proposed language would create a new section within the zoning code for passive and recreational open space and would eliminate language pertaining to open space & public facilities found within Chapter 200 Subdivision of Land.

The current zoning code only requires open space be provided within R-3 and R-8 zoned developments and Planned Unit Developments at a rate of 400 square feet per unit. Recreational open space is currently required to be 50% of the required open space area (200 square feet per unit).

The proposed code amendment would require 275 square feet of recreational open space per dwelling unit, which is an increase of 75 square feet per unit. It would permit the requirement of up to 5% of the gross area of the development be dedicated to passive open space and would also provide a cash in lieu option for smaller projects.

The proposed code amendment would also permit the dedication of land for the construction of public facilities, but would require the governing agency to negotiate the purchase with the property owner.

Tree Planting and Preservation

The proposed language would create a new section within the zoning code and would eliminate language within Chapter 200 Subdivision of Land related to woodland preservation. The proposed language would also expand upon regulations outlined in Chapter 211 Trees and aims to protect existing woodland areas by providing the City the ability to preserve established woodlands and incorporate these areas into development plans.

Planned Unit Developments

The Planned Unit Development language was moved from the conditional use section of the ordinance to Article III. The approval authority has been changed from the Planning Commission to City Council to reflect current procedures for conditional use applications. The open space requirements have been updated to reflect the proposed open space section of the zoning code.

Revised the language related to hours of operation for Neighborhood Commercial uses to provide City Council the ability to approve different hours as part of the conditional use review process. Removed the density reduction clause for PUDs proposing neighborhood commercial uses. Increased the parking reduction allowance from 50% to 80% of the required parking for neighborhood commercial uses.

Chapter 230 - Article IV – Off-Street Parking and Loading

The proposed revisions would consolidate existing off-street parking and loading language that was found throughout the zoning code into existing Article IV Off-Street Parking and Loading.

Provided specific requirements related to width, material and location of residential driveways. Revised language related to commercial entrances by providing different dimensions for one and two-way traffic and entrances on State Maintained roadways. Added a requirement that all parking lots shall provide upright concrete curbing, except where necessary for pedestrian access and stormwater conveyance, at which point parking bumpers and bollards would be required.

Provided specific language related to parking lot landscaping, including mandatory islands and peninsulas to break up asphalt areas and calculations for landscaping and tree plantings.

Added a requirement for bicycle parking facilities, parking lot illumination and dumpster pads/enclosures

Adjusted the parking stall and aisle width dimensions for various parking arrangements.

Updated the required off-street parking calculations based on standards used by other local jurisdictions and national standards provided in publications from the American Planning Association. Several calculations have been added to the table that were not previously listed.

Added more specific language related to the size and location of truck loading spaces.

Chapter 230 - Article V – Landscape Screening

The proposed revisions would consolidate existing landscape screening language that was found throughout the zoning ordinance into existing Article V Landscape Screening.

Added specific landscape screening requirements for development proposals along arterial streets to provide a better buffer between neighborhoods and heavily traveled roadways.

Updated the commercial and industrial landscape screening requirements to be consistent with other local jurisdictions. The updated language defines additional barrier options.

Chapter 230 - Article VII - Board of Adjustment

Reorganized the section to provide clearer guidance on the responsibilities and duties of the Board of Adjustment. Added specific evaluation criteria for use and area variance applications that are currently outlined in the Board's separately adopted procedures.

Better defines the procedures for an administrative appeal and a variance application. A requirement to physically post the property has been added to better inform the public of a pending land use application.

Chapter 230 - Article VIII – Miscellaneous Provisions

Miscellaneous Provisions address a wide range of topics, including non-conforming uses, accessory structures, fences, exceptions to area regulations, prohibited uses, wetland areas and riparian buffers.

Removed the language pertaining to a non-conforming use or a non-conforming building's ability to expand on the same lot. This would be covered by a variance application to the Board of Adjustment.

Updated language related to accessory structures, including what constitutes an accessory structure/use. Provided specific guidance to where swimming pools can be located on a property. Added language pertaining to the use and location of storage containers.

Provided for additional exceptions to area regulations and setbacks for the construction of architectural features and handicap ramps. Better defined the requirements or allowances for open, unenclosed porches, patios and decks.

Consolidated prohibited use language from other portions of the zoning code into a single section. Removed alcohol establishment distance restriction. Prohibited the use of recreational vehicles for permanent habitation.

Clarified the wetland buffer area may be encroached upon if it is in conjunction with a State or Federal permit to fill and/or eliminate wetland areas.

Chapter 230 - Article IX - Conditional Uses

Separate procedures were added for standalone conditional use applications, conditional use site plans and conditional use major subdivisions. The criteria for a Planned Unit Development was moved to Article III.

Added a requirement to physically post the property with a notice to inform the public of a pending land use application.

Chapter 230 - Article X - Site Plan Review

Provided separate procedures for permitted use site plans and conditional use site plans. Permitted use site plans would be reviewed by the Planning Commission while conditional use site plans would be reviewed by the Planning Commission and City Council. Final site plans would be reviewed and approved administratively by the Planning Department. The site plan procedures would add a requirement for physically posting the property with a notice to inform the public of a pending land use application.

A minimum disturbance threshold of 5,000 square feet has been added to determine what warrants a formal site plan review by the Planning Commission.

Language is also added to address amendments and additions to site plans, establishing thresholds for administrative reviews.

Added language related to construction procedures, including acceptance of improvements and bonding of site improvements, open space and recreational amenity requirements.

Chapter 230 - Article XI - Administration

Removed reference to special exceptions. Replaced references to Code Official with Planning Director or designee.

Chapter 230 - Article XII - Amendments

Updated the procedures for zoning map and text amendments to be consistent with proposed revisions to other public hearings, including reducing the advertising period from 15 days to 10 days and requiring the City to physically post the property.

Chapter 230 - Article XIII - Permits and Certificates

Removed reference to special exceptions. Replaced references to Code Official with Planning Director or designee. Updated language pertaining to Certificate of Occupancies, specifically the City's ability to withhold the issuance of a certificate if the requirements outlined in their land use approval or any other City or State regulation have not been met.

Added a section pertaining to certificates of use. The City currently requires all non-residential uses to obtain zoning compliance from the Planning Department before beginning operation.

Removed reference to permit applications and issuance of certificates of occupancy since these are covered by Chapter 88 Building Construction. Also removed expiration references since each particular permit has an established expiration in other sections of the City Code.

Chapter 200-3 – Definitions

Added a definition for Development Advisory Committee, removed definitions for open space and recreational uses since these are now governed by the Zoning Code, adjusted definition for Standard Construction Specifications.

Chapter 200-4 – Application Procedure

Adjusted the application procedures to reflect our current operations. Added more detail to notification requirements, reduced advertising deadline from 15 days to 10 days, extended the preliminary approval expiration from 12 months to 24 months and added construction procedures for turning over right-of-way improvements and bonding requirements for infrastructure and open space amenities.

Chapter 200-8 – General Requirements and Design Standards

Revised the right-of-way cross-sections. Collector streets were expanded from 28 feet in width to 38 feet in width to accommodate traffic and parking on both sides of the street. A minimum road width of 24 feet is proposed for local residential streets, cul-de-sacs and dead ends, and marginal access roads. If on-street parking is warranted, the street would be widened by 6 feet on each side where parking is needed. Local commercial streets would be a minimum of 26 feet to accommodate larger vehicles and would be expanded by the same 6 feet if parking was needed on one or both sides of the street.

The revisions would tie the road pavement width to the lot widths on the street, assuming larger lots would accommodate more off-street parking. A street abutting lots with lot widths less than 60 feet would be required to provide on-street parking for the side where the lots are located.

Revised the sidewalk and curb section to require a grass reserve strip between rolled curb and the sidewalk to prevent residents from parking on the sidewalk. Areas with upright curb could have sidewalk installed against the curb with no reserve strip.

Added requirements for dedicated easements in subdivision along the front, rear and sides of the property for drainage and underground utility installation.

Set a minimum block length of 500 feet.

Removed references to playgrounds, parks, open space, school sites and natural features since this is now located in the Zoning Code.

Added a reference to the DelDOT Manual on Uniform Traffic Control Devices in the street sign section. Removed reference to a City Arborist with regards to street tree plan review and recommends requiring a Registered Landscape Architect provide a landscaping plan with subdivision applications.

Removed references to swales and mandated water and sewer services be made available to all adjacent parcels as part of the subdivision review process.

Additional Ordinances

In addition to the proposed Chapter 230 and Chapter 200 zoning amendments, planning staff recommends deleting the below Chapters in their entirety;

- Chapter 100 – Carwashes
    - This chapter should be covered in the zoning regulations for the City.
- Chapter 182 – Satellite Dishes
    - This chapter violates the Telecommunications Act of 1996.

Staff recommends City Council adopt of Ordinance 2022-03, 2022-04, 2022-05 & 2020-06 to amend Chapter 200 Zoning and Chapter 200 Subdivision of Land and repeal Chapter 100 Carwash and Chapter 182 Satellite Dishes.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission: Tuesday, January 18, 2022 @ 7:00 PM
City Council: Monday, January 24, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Ordinance 2022-06
Amendment to City of Milford Code
Chapter 230/Zoning Code

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to update the City of Milford Code Chapter 230 Zoning Code to implement the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of Board of Adjustment applications, standardize site plan, subdivision, and conditional use review procedures, and eliminate contradictory statements, erroneous language, and other items to improve the administration of Chapter 230 Zoning; and

WHEREAS, the Planning Commission of the City of Milford, along with the City Solicitor and Planning Director, reviewed each section of Chapter 230 Zoning Code during several workshops in 2021; and

WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, January 18, 2022, at which time interested parties publicly commented on the amendments; and

WHEREAS, Milford City Council held a Public Hearing on January 24, 2022, to allow for additional public comment and further review of the amendments; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Milford Beacon on December 29, 2021; and

WHEREAS, City Council found that the amendments to Chapter 230 Zoning Code are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is hereby amended to modify/clarify specific requirements within the City Code, Chapter 230, ZONING CODE.

Section 2. Sections 230-3, 230-4, 230-9, 230-10, 230-11, 230-12, 230-13, 230-13.1, 230-14, 230-15, 230-16, 230-17, 230-18, 230-19, 230-19.1, 230-19.2, 230-19.3, 230-19.4, 230-19.5, 230-19.6, 230-19.7, 230-19.8, 230-19.9, 230-20, 230-21, 230-22, 230-24.18, 230-27, 230-29, 230-30, 230-31, 230-32, 230-33, 230-34, 230-35, 230-36, 230-37, 230-38, 230-38.5, 230-39, 230-40, 230-41, 230-42, 230-43, 230-44, 230-45, 230-45.1, 230-45.2, 230-45.3, 230-47, 230-48.1, 230-49, 230-51, 230-52, 230-52.1, 230-52.2, 230-53, 230-54, 230-55, 230-56, 230-58, 230-59, 230-61, 62, and 230-63, are hereby amended and/or renumbered.

Section 3. Articles XII and XIV are renamed.

Section 4. Strikethrough text denotes a deletion; underlined, and bold text denotes an addition.

Chapter 230 - ZONING CODE

ARTICLE I - General Provisions

§ 230-1. - Purpose.

The purpose of this chapter is to classify, regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, use and extent of use of buildings, structures and land for residence, trade, industry and other purposes; create districts for said purpose and establish a Board of Adjustment; and impose penalties for violations, so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent undue concentration of population and overcrowding of land; facilitate the adequate provision of transportation, water, sewage, school, park and other public requirements; conserve the value of buildings and encourage the most appropriate use of land; and promote the health, safety, morals and general welfare of the City of Milford.

§ 230-2. - Title.

A. Long title. An ordinance to establish zoning regulations for the use of land and structures, the area of lots, the bulk of buildings and other structures, the density of population, the provision of off-street parking spaces and similar accessory regulations for the City of Milford, Delaware, and for such purposes to divide the City into districts and, further, to provide for the administrative enforcement and amendments thereof, in accordance with the provisions of the laws of the State of Delaware.

B. Short title. This chapter shall be known and may be cited by the title as the "Zoning Code of the City of Milford, Delaware."

§ 230-3. - Zoning Map.

The Zoning Map of the City of Milford is not set forth in this chapter but has been saved from repeal and may be found on file in the City Hall **and on the City's website**~~, where it may be examined during normal business hours~~.

§ 230-4. - Definitions and word usage.

A. Definitions. For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

ABOVEGROUND STORAGE TANK (AST) — An AST is a single containment vessel greater than 250 gallons as defined in the Delaware Regulations Governing Aboveground Storage Tanks. ASTs with a storage capacity greater than 12, 499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene, are subject to the design, construction, operation, and maintenance requirements of the Delaware AST regulations.

ACCESSORY APARTMENT – A separate complete housekeeping unit that is contained within the structure of a single-family detached dwelling.

ACCESSORY COTTAGE – A separate and subordinate dwelling unit that is located on the same lot as a single-family detached dwelling but is contained in a detached garage or other outbuilding.

ACCESSORY DWELLING – An accessory apartment or accessory cottage.

ACCESSORY USE OR STRUCTURE — A use or building structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.
ALCOHOLIC BEVERAGE — Any fermented liquor or malt beverage, such as wine, beer, or distilled spirit that contains ethyl alcohol, or ethanol, as an intoxicating agent.
ALLEY — A public or private way affording only secondary means of access to abutting property. This definition is not intended to include utility alleys, which are easements not open to public traffic and intended solely for the placement and maintenance of utilities.
APPLICANT — A person, firm, or government agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated.
AQUIFER — A geological formation, group of formations or part of a formation composed of rock, sand, or gravel capable of storing and yielding groundwater to wells.
BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room.
BED-AND-BREAKFAST — A private owner/owner representative occupied residence with one to six guestrooms. The bed-and-breakfast is subordinate and incidental to the main residential use of the building.
BEDROOM — A room not less than 80 square feet which, because of limited access and separation from the living areas, is intended or may be used for sleeping.
BERTH (LOADING) — A space for an automotive vehicle or truck to load or unload its cargo.
BUILDING — Any structure having a roof supported by columns or walls used for the shelter, housing or enclosure of persons, animals or property.
BUILDING, ACCESSORY — A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.
~~BUILDING COVERAGE, MAXIMUM — The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located, including covered porches, carports and breezeways but excluding open patios.~~
BUILDING HEIGHT — ~~The vertical distance of a building measured from the average level of the highest and lowest portion of the building site covered by the building to the ceiling of the uppermost story.~~ **The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the mean height between the eave and ridge for other types of roofs.**
BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which it is situated.
~~CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.~~
CERCLA HAZARDOUS SUBSTANCES — Defined in terms of either those substances specifically designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), otherwise known as the "Superfund Law," or those substances identified under other laws. In all, the Superfund Law includes references to four other laws to designate more than 800 substances as hazardous and identify many more as potentially hazardous due to their characteristics and the circumstances of their release.
COMMISSION — The Planning Commission of the City of Milford, Delaware.

COMMUNITY RESIDENTIAL TREATMENT PROGRAM — A planned program of care consisting of full-time or part-time programmatic supervision, counseling and/or therapy; such residence program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are persons who have disabilities with aging. A community residential program does not include skilled nursing care.

CONDITIONAL USE — A use which is not appropriate in a particular zoning district as a matter of right but which may be suitable in certain locations within the district only when specific conditions or requirements prescribed for such cases within this chapter are met. Conditional uses are allowed or denied by the City Council after recommendation by the Planning Commission.

CONTAMINATION — Any physical, chemical, biological, or radiological substance that enters the hydrological cycle through human action and may cause a deleterious effect on groundwater resources; it shall include but is not limited to hazardous waste, limiting nutrients, and sanitary sewage.

DECK — A roofless, floored structure, typically with a railing, that adjoins a residence.

DELINEATION — The process of defining and/or mapping a boundary that approximates the areas that contribute water to a particular water source used as a public water supply.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DEVELOPMENT ADVISORY COMMITTEE -– A committee comprising of City Department staff, representatives of the Delaware Department of Transportation, Delaware Department of Natural Resources and Environmental Control, Conservation District, State Fire Marshal, and such other professional and technical representatives as may be deemed necessary by the Planning Director. The Committee shall function as an advisory body to the Planning Department with regard to design requirements, improvement specifications and other applicable standards relating to the design and construction of subdivisions and land developments.

DWELLING — Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed to include an automobile court, rooming house, tourist home, hotel, hospital, nursing home, dormitory or fraternity or sorority house.

(1) APARTMENT — A room or suite of rooms in a multifamily structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

(2) SINGLE-FAMILY DETACHED DWELLING — A dwelling unit accommodating a single family and having two side yards.

(3) SINGLE-FAMILY SEMIDETACHED DWELLING **or DUPLEX** — Two units accommodating two families, which units are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.

(4) TWO-FAMILY DETACHED DWELLING — Two dwelling units accommodating two families, which units are located one over the other, and having two side yards.

(5) **SINGLE-FAMILY ATTACHED OR TOWNHOUSE DWELLING – A single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two sides.** ~~TWO-FAMILY SEMIDETACHED DWELLING — Four dwelling units accommodating four families and consisting of two units located directly over the other two units, being a combination of both the single-family semidetached and two-family detached structures.~~

(6) MULTIFAMILY DWELLING — A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units. **Includes garden or low-rise apartments.** ~~Such buildings shall consist of the following types:~~

~~(a) GARDEN OR LOW-RISE APARTMENT — A multifamily dwelling containing six to 12 dwelling units and not exceeding three stories in height.~~

~~(b) TOWNHOUSE — A multifamily dwelling containing three to eight dwelling units and not exceeding 2 1/2 stories in height, having a solid masonry fire wall between each unit and individual separate access from the outside to each unit.~~

DWELLING UNIT — One or more rooms, including a kitchen or kitchenette and sanitary facilities, in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

~~EFFICIENCY UNIT — An apartment dwelling unit which features a combination of certain uses in order to lessen total living area required. An efficiency unit shall not include any apartment dwelling unit of three or more rooms.~~

ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) — A report required by this chapter that assesses the environmental characteristics of a source water protection area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action that would increase impervious cover beyond the recommended twenty-percent threshold.

~~ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except telephone central office buildings and telephone booths, which shall also be considered as essential service facilities hereunder.~~

EXCELLENT GROUNDWATER RECHARGE POTENTIAL AREA — Those areas with high percentages of sand and gravel that have "excellent" potential for recharge as determined through a stack unit mapping analysis delineated by the Delaware Geological Survey and presented in the Report of Investigations No. 66, Groundwater Recharge Potential Mapping in Kent and Sussex Counties, Delaware, Geological Survey, 2004.

FAMILY — One or more persons related by blood or marriage or adoption or a group of no more than five unrelated persons living together as a household in a dwelling.

FIREWOOD — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, not including hallways, stairways, cellars, attics, utility rooms, bathrooms, closets, unheated areas, rooms without at least one window or skylight opening to an outside yard or court, garage space or accessory building space. Habitable floor area shall be measured from the inside face of exterior walls or the center line of walls separating two dwelling units. Every area designated as habitable floor area shall have a ceiling height of not less than seven feet.

GARAGE, PRIVATE PARKING — A building or portion thereof used only for storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

GARAGE, PUBLIC PARKING — A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

GARAGE, STORAGE — A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.
GASOLINE SERVICE STATION — Any area of land, including structures, that is used for the sale of gasoline or other motor vehicle fuel or for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.
GEOLOGIST — An individual who is registered in the State of Delaware to practice the profession of geology.
GOVERNING BODY — The City of Milford Council.
GROUNDWATER — The water contained in interconnected pores located below the water table in an unconfined aquifer or located in a confined aquifer.
HABITABLE ROOM — A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.
HAZARDOUS SUBSTANCE UST SYSTEM — Underground storage tank system that contains a hazardous substance defined in 101(14) of the CERCLA (but not including any substance regulated as a hazardous waste under RCRA Subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.
HAZARDOUS WASTE — A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential a hazard to human health or the environment when improperly treated, stored, transported, or dispose of, or otherwise managed. Without limitation, included within this definition are those hazardous wastes described in Sections 261.31, 261.32, and 261.33 of the Delaware Regulations Governing Hazardous Waste.
HOME OCCUPATION, MAJOR – A home occupation that does not meet one or more of the criteria for a minor home occupation.
HOME OCCUPATION**, MINOR** — A profession or occupation~~, including a day-care center with up to six children,~~ that is carried on within a **residential property**~~dwelling~~ that is incidental and secondary to the residential use. ~~It is carried on only by the residents, who may employ one additional nonresident for the conduct of the home occupation. There shall be no exterior evidence of the home occupation, except a sign, and adequate off-street parking must be provided as stipulated in this chapter.~~
~~HOSPITAL — Unless otherwise specified, includes a sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments and is limited to places for the diagnosis, treatment or other care of human ailments.~~
IMPERVIOUS COVER — Surfaces providing negligible infiltration such as pavement, concrete, graded aggregate, **and** buildings, **exclusive of swimming pool water surfaces**~~recreation facilities (e.g., tennis courts, swimming pools, etc.)~~.
JUNK — Includes scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition but subject to being dismantled. Automobiles in operable condition or bearing a current inspection sticker are not included as junk.
JUNKYARD — Buildings, structures or premises where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including

automobile wrecking yards, house wrecking and structural steel materials and equipment yards but not including the purchase or storage of used furniture and household equipment or used cars in operable condition or bearing a current inspection sticker or recycling facilities.
LOT — A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this chapter.

(1) LOT, CORNER — A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.
(2) LOT DEPTH — The mean horizontal distance between the front and rear lot lines.
(3) LOT LINES — The property lines bounding a lot.

(a) LOT LINE, FRONT — The line separating the lot from a street.
(b) LOT LINE, REAR — The lot line opposite and most distant from the front lot line.
(c) LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."
(d) LOT LINE, STREET OR ALLEY — A lot line separating the lot from a street or alley.

(4) LOT WIDTH — The width of the lot between side lot lines at the **street** ~~front building line as prescribed by the front yard regulations~~.
(5) LOT AREA — The computed area contained within the lot lines.
(6) LOT COVERAGE - The percent of a lot which is covered, or planned to be covered, with impervious surfaces.

MOBILE HOME — A transportable single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and is constructed so that it may be used without a permanent foundation, but excluding prefabricated homes or sections thereof which, when assembled, are over 19 feet in width.
~~MUNICIPALITY — The municipal corporation known as the "City of Milford, State of Delaware."~~
NATURAL CONDITION — Open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use.
~~NEIGHBORHOOD COMMERCIAL — Combination of smaller and professional space specifically targeted toward the local neighborhood. The maximum size and configuration of such space shall be determined by the reviewing process on a project-by-project basis. All neighborhood commercial uses shall comply with the following standards and shall only be permitted in planned unit developments.~~
NONCONFORMING LOT — A lot of record which conformed to the lawful minimum width and minimum area requirements for the zone in which it is located prior to the adoption or amendment of this chapter but which fails to conform to the requirements of this chapter for the zone in which it is located by reason of such adoption or amendment.
NONCONFORMING USE OR BUILDING — A building, structure or use legally existing at the effective date of this chapter, or any amendment thereto, or a building, structure or use planned and the construction of which has begun in compliance with existing laws prior to the effective date of this chapter, or amendment thereto, and which does not conform to the use regulations of the district in which located.
~~NURSING HOME — Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.~~

OPEN SPACE — **Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provisions of this Chapter. Open space excludes areas in lots, street rights-of-way and parking.** ~~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, and trails;~~
~~(5) Buffers or forested areas; and or~~
~~(6) Recreational uses as defined herein.~~

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

~~(1) Wetlands or storm water management facilities;~~
~~(2) Drainage easements;~~
~~(3) Flagpole areas, including a 20-foot radius around the flagpole;~~
~~(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; and or~~
~~(10) Utility facilities for uses such as sewer, water, gas or electric.~~

OUTDOOR WOODBURNING FURNACE — An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.
PARKING AREA, PRIVATE — An open area for the same uses as a private garage.
PARKING LOT — An area, other than a street or other public way, which contains more than one parking space and is used for the storage or parking of automobiles for any period of time.
PARKING SPACE — A paved accommodation used for parking motor vehicles~~, the area of which is not less than 200 square feet~~ and to which there is access from a street or alley.
PASSIVE RECREATION — **Recreational uses, areas or activities oriented to noncompetitive activities which either require no special equipment or are natural areas.** ~~Recreation that involves existing natural resources and has a minimal impact because it does not require the alteration of existing topography. Such passive recreation shall include but not be limited to nonmotorized vehicles, hiking, bicycling, picnicking, and bird-watching.~~
PERMITTED USE — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.
PLANNED UNIT ~~RESIDENTIAL~~ DEVELOPMENT — 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 area of land required for a planned unit ~~residential~~ development shall be at least 10 contiguous acres except in the City Core area where the required

area shall be two acres. For purposes of this definition the City Core area shall be identified as follows:

Starting at the location of the intersection of the center line of US 113 and the center line of DE 14 (also known as NW Front Street in Milford, Delaware), and
Proceeding east along the center line of DE Route 14 (NW Front Street) to the intersection of the center line of DE Route 14 (NW Front Street) and the center line of Truitt Avenue, and
Proceeding north along the center line of Truitt Avenue to the intersection of the center line of Truitt Ave and North Third Street, and
Proceeding east along the center line of North Third Street to the intersection of the center line of North Third Street and the center line of West Street, and
Proceeding north along the center line of West Street to the intersection of the center line of West Street and the center line of North Fourth Street, and
Proceeding east along the center line of North Fourth Street to the intersection of the center line of North Second Street, and
Hence approximately 290 feet N 50° W along the nearest property lines and hence approximately 1,470 feet N 35° E along the nearest property lines to the center line of Business Route 1 (also known as Rehoboth Boulevard), and
Proceeding southeast along the center line of Business Route 1 to the intersection of the center line of Business Route 1 and South East Front Street, and
Proceeding west along the center line of South East Front Street to the intersection of the center line of South East Front Street and the center line of Walnut Street, and
Proceeding south along the center line of Walnut Street to the intersection of the center line of Walnut Street and the center line of Causey Avenue, and
Proceeding west along the center line of Causey Avenue to the interception of the center line of Causey Avenue and center line of the railroad right-of-way (also known as the Norfolk Southern tracks), and
Hence approximately 3,280 feet N 70° W along the north shore of Silver Lake as mapped by a solid blue line on the 1993 US Geological Survey Milford DE 7 1/2 minute quadrangle map, to the center line of the north- bound lanes on the US Route 113 bridge over Silver Lake, and
Proceeding north along the center line of the northbound lanes of US Route 113 to the point of beginning at the intersection of the center line of the northbound lands of US Route 113 and the center line of DE Route 14 (also known as Northwest Front Street).

PROFESSIONAL OFFICE — Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, ~~City~~ planner, engineer, insurance agent, **financial advisor,** realtor, accountant, lawyer, author or similar professional activity.
PUBLIC DRINKING WATER SYSTEM — A community, noncommunity, or nontransient, noncommunity water system which provides piped water to the public for human consumption. The system must have at least 15 service connections or regularly serve at least 25 individuals daily for at least 60 days.
PUBLIC USE — Includes governmental-owned uses such as schools, parks, civic centers, historical properties, fire stations, municipal buildings, essential public utilities that require enclosure within a building, airports and easements for alleys, streets and public utility rights-of-way.
PUBLIC WATER SUPPLY WELL — Any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.

~~RECREATIONAL USES — 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.~~

RECREATIONAL VEHICLE — **A vehicle that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a mobile home. Such structures shall not be considered dwelling units to be occupied for long term or permanent occupation.** ~~Any vehicle used for recreational purposes, including but not limited to, antique or classic autos, drag or race cars, motorcycles, boats, boat trailers, jet skis, campers, camper trailers, motor/mobile homes, snowmobiles, ATVs, all-terrain vehicles and utility trailers.~~

REDEVELOPMENT — Any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility.

~~RESIDENTIAL CONVERSION — A structural alteration and/or internal remodeling of a previously single-family home to one that may accommodate two or more families in independent, self-contained units. Each unit should provide at least 500 square feet of habitable floor area. The change to a two-family or multifamily structure must be done in accordance with special requirements enumerated in this chapter.~~

RIGHT-OF-WAY — Land reserved for use as a street, alley or interior walk or for other public purpose.

ROOMING OR BOARDING HOUSE — A building or portion of a building that is arranged or used for the sheltering and feeding of more than three individuals.

RUNOFF — That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on land or impervious surfaces and discharges to a swale, ditch or stream.

~~SANATORIUM — An institution for the care and treatment of invalids and convalescents.~~

~~SANITARY LANDFILL — A land site at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal, except that it will not include any facility that has been approved for the disposal of hazardous waste under the Delaware Regulations Governing Hazardous Waste.~~

~~SITE PLAN APPROVAL — A process for the review and approval of a development or redevelopment plan prior to the issuance of a development.~~

SKEWING — The design of a lot where a straight lot line is not practical. Therefore, a lot line or lines will run at a slant, and the lot will not be perfectly equal on all sides.

SOURCE WATER — Any aquifer from which water is drawn either periodically or continuously by a public water system.

SOURCE WATER ASSESSMENT AND PROTECTION PROGRAM (SWAPP) — Created by Congress as part of the Safe Drinking Water Act Amendments of 1996. The goal of the SWAPP is to better protect public drinking water resources by providing local and state governments and the public

more information about those resources. The susceptibility of each source of public drinking water to various types of contamination will be determined and published.
SOURCE WATER ASSESSMENT AREA — The area delineated by the DNREC Source Water Assessment and Protection Program that contributes water to a public water supply system.
SOURCE WATER ASSESSMENT PLAN — The October 1999 U.S. EPA-approved plan for evaluating the sources of public drinking water in Delaware for their vulnerability and susceptibility to contamination.
SOURCE WATER ASSESSMENT REPORT (SWAP) — The identification and evaluation of the sources of water within the state used by public water systems in an effort to determine their vulnerability and susceptibility to contamination.
SOURCE WATER PROTECTION AREA — Wellhead protection areas and excellent groundwater recharge potential areas.
~~SPECIAL EXCEPTION — The granting of a modification of the provisions of this chapter as authorized in specific instances listed and under the terms, procedures and conditions prescribed herein. Special exceptions are administered by the Board of Adjustment.~~
STACK or CHIMNEY — Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.
STORMWATER — The runoff of water from the surface of the land resulting from precipitation or snow or ice melts.
STORMWATER MANAGEMENT

(1) For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land-disturbing activities or activities upon the land; and
(2) For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land-disturbing activities or activities upon the land.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

(1) STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
(2) STORY, FIRST — The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.
STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.
STRUCTURE — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including stationary and portable carports.
~~TRAVEL TRAILER — A vehicle less than 30 feet in length and used for temporary living or sleeping purposes and standing on wheels.~~

UNDERGROUND STORAGE TANK (UST) — A UST is one or a combination of tanks, including underground pipes, the volume of which is 10% or more belowground, as defined in the Delaware Regulations Governing Underground Storage Tank Systems. The following USTs are not subject to the design, construction, operation, and maintenance requirements of the Delaware UST Regulations: residential heating fuel, agricultural, and residential motor fuel USTs less than 1,100 gallons and any UST less than 110 gallons.
VACANT PROPERTY — Lands or buildings that are not actively used for any purpose as designated in the underlying zoning district/overlay for one year.
VARIANCE — The Board of Adjustment's authorized departure to a minor degree from the text of this chapter in direct regard to a hardship or exceptional practical difficulty peculiar to an individual lot, in accordance with the procedures set forth in this chapter.
VEHICLE HEIGHT — A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.
VEHICLE LENGTH — A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.
WASTEWATER — Solid, semi-solid or water-carried waste from septic tanks, water closets, residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, subsurface water, and mixtures of industrial wastes or other wastes as may be present.
WATER QUALITY — Those characteristics of stormwater runoff from an impervious surface or a land-disturbing activity that relate to the chemical, physical, biological, or radiological integrity of water.
WATER QUANTITY

(1) Those characteristics of stormwater runoff that relate to the volume of stormwater runoff to downstream-gradient areas resulting from land-disturbing activities.
(2) Those characteristics of stormwater that relate to the volume of stormwater that infiltrates the land surface and enters the underlying aquifer.

WELLHEAD — The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.
WELLHEAD PROTECTION AREAS (WHPA) — Surface and subsurface areas surrounding public water supply wells or well fields where the quantity or quality of groundwater moving toward the wells or well fields may be adversely affected by land use activity.
WELLHEAD PROTECTION PLAN — The March 1990 U.S. EPA-approved plan for protecting the quality of drinking water derived from public water supply wells in Delaware.
YARD — An open space as may be required by this chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted in this chapter.

(1) YARD, FRONT — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter. The front yard is measured from the right-of-way line.
(2) YARD, REAR — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

(3) YARD, SIDE — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

YARD SALE or GARAGE SALE — A permitted temporary sales activity principally involving household items and/or consumer goods, conducted by the owner (or residential tenant) of real property upon said property which is residentially zoned and used primarily for residential purposes. A yard sale is typically limited to a one-day event but not longer than two consecutive days. Provided however, that such temporary sales activity shall, under no circumstances, last more than four total days during any particular calendar year upon any real property.

ZONING MAP — The Official Zoning Map of the City of Milford, Delaware.

B. Words not defined in Subsection A. Words not defined above shall have the meanings given in Webster's Unabridged Dictionary.

C. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure"; the word "occupied" includes the words "designed or intended to be occupied"; and the word "used" includes the words "arranged or intended to be used."

ARTICLE II - Designation of Districts

§ 230-5. - Types of districts.

For the purpose of this chapter, the portions of the City of Milford included within the Zoning Map adopted under this chapter are divided into 16 types of districts as follows:

Designation	**Characteristic Description**
R-1	Single-Family Residential District
R-2	Residential District
R-3	Garden Apartment and Townhouse District
C-1	Community (Neighborhood) Commercial District
C-2	Central Business District
C-2A	Riverfront Development District
C-3	Highway Commercial District
H-1	Institutional Development District
I-1	Limited Industrial District
I-2	General Industrial District
OC-1	Office Complex District
OB-1	Office Building District
BP	Business Park District
IS	Institutional Service District
IM	Institutional Medical District
R-8	Garden Apartment and Townhouse District

§ 230-6. - Adoption of Zoning Map.

The Official Zoning Map shall consist of a scaled map of the City, which shall be prepared and adopted separately. The Zoning Map shall be filed in the City Hall ~~and with both the Kent County Recorder of Deeds and the Sussex County Recorder of Deeds~~. The Official Zoning Map and all explanatory information that it contains are made a part of this chapter by reference.

§ 230-7. - Applicability.

A. After the date of adoption of the Zoning Map and of this chapter, with any changes or amendments, no building or premises or any part of any building in any section of the City to which the Zoning Map shall apply shall be used or maintained for any purpose other than a use permitted by this chapter for the district in which the building or premises is located.
B. Existing nonconforming uses and nonconforming buildings are exempt from these provisions to the extent provided in this chapter.
C. Where any already improved lot is hereafter divided, the division must be effected in such a manner as not to violate the provisions of this chapter applicable to such lot.

§ 230-8. - District boundary lines.

A. The zoning districts shall be shown on the Official Zoning Map, with the scale of the map and dimensions to serve as guides. In general, along any particular street, districts shall be of uniform depth and their boundaries shall parallel the street line at the distance shown on the Zoning Map. In other cases, they are intended to follow existing lot lines and street lines.
B. Uncertainty as to boundaries. Where uncertainty exists as to the boundaries of zoning districts or overlay zones as shown on the Official Zoning Map, the following rules shall apply:

    (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
    (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
    (3) Boundaries indicated as approximately following City or county limits shall be construed as following municipal or county limits.
    (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
    (5) Boundaries indicated as approximately following the center lines of streams, lakes, or other bodies of water shall be construed as following such center lines.
    (6) Boundaries indicated as parallel to or extensions of features described in this subsection shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
    (7) Where physical or cultural features existing on the ground differ from those shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the determination shall solely lie with the City Council after consultation and review by the designated Administrator.

C. All public streets not otherwise zoned shall have the same zoning district to the center line of the street as the adjacent zoning district.
D. Errors or omissions.

(1) If because of error or omission, the Zoning District Map does not show a property as being in a zoning district, such property shall be classified in the least intense zoning district until changed by amendment.

(2) Parcels split by zoning districts. Where a zoning district boundary divides a lot tract, parcel or property, the location of the district boundary, unless the Zoning Map indicates its dimensions, shall be determined by applying the map scale shown on the zoning map scaled to the nearest foot.

ARTICLE III - Use and Area Regulations
§ 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 **residential** accessory uses, such as private garages, swimming pools and storage sheds, **may be located in any required side or rear yard provided:** ~~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.~~ **All such buildings in the aggregate shall not occupy more than 30 percent of the area of the required rear and side yard.**

(c) ~~Residential storage sheds or related outbuildings shall not exceed 150 square feet.~~ **An accessory structure may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter with the inclusion of attached garages.**

(d) Such buildings shall be setback five feet from any lot line and shall not be located less than five feet from a principal structure.

(6) Home occupational/office (subject to the following special requirements):

(a) ~~All employees are to be of the immediate family.~~ **The business activity shall be compatible with the residential zoning of the property and surrounding uses.**

(b) ~~The appearance of the dwelling shall not be inconsistent with the primary use of the structure.~~ **The use is carried on entirely by the inhabitants of the dwelling, and shall employ no employees other than family members residing in the dwelling.**

(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.~~ **The use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.**

(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.~~ **Such use involves no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with the residential use.**

(e) ~~Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.~~ **There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.**

(f) ~~The occupation will not cause excessive vehicular traffic or noise.~~ **There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.**

(g) ~~The occupation will not involve animal boarding and/or care.~~ **The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.**

(h) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(i) The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 30 percent of the total floor area for the principal residential structure.

(j) As long as all other criteria is met, more than one home occupation shall be permitted per lot or dwelling.

(k) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.

(l) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character.

(m) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.

(n) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation.

(o) Prohibited minor home occupations. Minor home occupations shall not include the following uses:

[1] Animal shelter, commercial kennel or veterinary office;

[2] Rooming or boarding home;

[3] Bed and Breakfast;

[4] Funeral home;

[5] Restaurant;

[6] Outdoor café;

[7] Club or lodge;

[8] Medical or dental office;

[9] Retail shop;

[10] Rental business;

[11] Furniture stripping;

[12] Auto or small engine repair;

[13] Painting of vehicles, trailers, or boats;

[14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;

[15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;

[16] Welding shop;

[17] Other uses of similar character to those listed above.

(7) Family day care home. An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children with a maximum of three children allowed for after school care. Such child care facility shall be permitted as an accessory use.

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 **facilities, including large family day cares involving more than six children** ~~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.~~

(c~~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) Accessory dwelling units. Accessory dwelling units include accessory apartments and accessory cottages and are subject to the following requirements;

(a) One dwelling unit on the property shall be owner-occupied. A notice and declaration of land use restriction to this effect shall be signed and recorded prior to issuance of a certificate of use and/or building permit for the accessory dwelling unit.

(b) Only one accessory dwelling unit (either apartment or cottage) shall be permitted per property.

(c) Accessory Apartments.

[1] Accessory apartments are only permitted within single-family detached dwellings.

[2] The floor area of an accessory apartment shall not exceed 35% of the single-family detached dwelling.

(d) Accessory Cottages.

[1] An accessory cottage shall contain at least 220 square feet of floor area. The floor area of an accessory cottage shall not exceed 40% of the floor area of the single-family detached dwelling to which it is accessory or 1,200 square feet, whichever is greater.

[2] For an accessory cottage which will be a new structure, the exterior materials, roof form, and window spacing and proportions of the accessory cottage shall approximate those of the existing or proposed single-family detached dwelling.

[3] For an accessory cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family detached dwelling, but any exterior modification should be consistent with the architectural style of that structure unless the building is upgraded per the requirements for new structures.

[4] Accessory cottages shall comply with the principal structure setbacks for the respective zoning district, unless the accessory cottage is located within an existing garage or other outbuilding, for which the structure must meet the accessory structure setbacks for the respective zoning district.

(6~~5~~) ~~Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:~~ **Major Home Occupation. A home occupation that does not meet one or more of the criteria for a minor home occupation shall be defined as a major home occupation and subject to the following requirements:**

(a) ~~There shall be three off-street parking spaces in addition to those otherwise required.~~ **Major home occupations shall be permitted only in single-family detached dwellings or an accessory structure to a single-family detached dwelling**

(b) ~~No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.~~ **The area used for a major home occupation shall not exceed 30 percent or 600 square feet of the total floor area of the principal residential structure or accessory structure.**

(c) ~~No storage of materials or products outside the dwelling shall be permitted unless completely housed.~~ **No more than one person, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of nonresident employees must have prior approval from City Council.**

(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.~~ **No more than two clients at any one given time shall be permitted to visit the premises to conduct business related to the major home occupation.**

(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.~~ **No articles shall be sold or offered for sale except those produced on the premises. Such sales must have prior approval from City Council.**

(f) ~~No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.~~ **Where employees or customer visits are anticipated, off-street parking shall be provided in a sufficient capacity to prevent interference with normal residential parking in the neighborhood. Minimum off-street parking shall apply as outlined in Article IV Off-street Parking and Loading Standards.**

(g) ~~No display of products shall be visible from outside the building.~~ **Beauty parlors and barber shops may be permitted as a major home occupation provided that no more than two stylist or barber chairs are provided and all other provisions of this ordinance are met.**

(h) Instructional services may be permitted as a major home occupation provided that a maximum of three students may be instructed at any one time, and there shall be no more than two trips per hour.

(i) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.

(j) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character.

(k) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.

(l) Deliveries from major commercial suppliers which may be disruptive to the neighborhood shall not be made between the hours of 8:00 pm prevailing time and 8:00 am prevailing time.

(m) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.

(n) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation.

(o) All commercial vehicles shall be parked on the same lot as the home occupation, and only one commercial vehicle may be parked outside of a garage, enclosed structure, or screened parking space within the lot boundaries. Such a commercial vehicle shall have no more than two axles. There shall be not storage of tractor-trailers on the lot on which the home occupation is located.

(p) Prohibited major home occupations. Major home occupations shall not include the following uses:

[1] Animal shelter, commercial kennel or veterinary office;
[2] Rooming or boarding home;
[3] Bed and Breakfast;
[4] Funeral home;
[5] Restaurant;
[6] Outdoor café;
[7] Club or lodge;
[8] Medical or dental clinic (two or more doctors or dentists);
[9] Retail shop;
[10] Rental business;
[11] Furniture stripping;
[12] Auto or small engine repair;
[13] Painting of vehicles, trailers, or boats;

[14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;

[15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;

[16] Welding shop;

[17] Other uses of similar character to those listed above.

~~(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**, see requirements in Chapter 230-19.9**.

~~(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).~~

(**11**~~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.~~

(12) Funeral Home or undertaker

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 **40**~~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 **yard** ~~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.~~

(10) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(11) Open space and recreational requirements shall comply with Chapter 230-19.7.
(12) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(13) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 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 **permitted** uses ~~permitted~~ in the R-1 District.
C. Conditional uses: all uses specified as conditional uses in the R-1 District **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 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.~~

D~~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 **40**~~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 **yard** ~~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 **40**~~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 **yard** ~~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.~~

(3) Parking shall comply with the requirements provided in Article IV of this chapter.

(4) Signs shall comply with the requirements of Article VI of this chapter.

(5) Landscape screening shall comply with the requirements of Article V of this chapter.

(6) Open space and recreational amenities shall comply with Chapter 230-19.7.

(7) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(8) Accessory structures for non-residential uses shall be located in the side and rear lot areas.

(9) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 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 **permitted** uses ~~permitted~~ in an R-2 District ~~and subject to its area regulations, unless otherwise indicated in this section as provided below:~~

(2) Single-family semidetached dwellings.

(3) Two-family dwellings.

(4) Townhouses.

(5) Garden Apartments.

~~(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.

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 **and are subject to the area regulations for the R-1 zoning district unless otherwise noted below**:

(1) Rooming or boarding houses.

~~(2) Business offices for administrative purposes only.~~

(2~~3~~) **Business or** Professional offices (nonresident)**; minimum lot size one acre**.

~~(4) Medical clinics.~~

(3~~5~~) ~~Sanatoriums or n~~**N**ursing homes**; minimum lot size one acre**.

(4~~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.~~

D. Area regulations.

(1) Single-family and two-family dwellings shall be subject to the following area regulations:

(a) Minimum lot area shall be 7,500 square feet.

(b) Maximum lot coverage shall be 40%.

(c) Minimum lot width shall be 60 feet.

(d) Minimum front yard setback line shall be 30 feet.

(e) 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.

(f) 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.

(2) Single-family semidetached

(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 40%.

(c) Minimum lot width shall be 40 feet.

(d) Minimum front yard setback line shall be 30 feet.

(e) 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.

(f) 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.

(3) Townhouses or row dwellings, subject to the following requirements:

(a) Minimum townhouse project size shall be one acre.

(b) Minimum lot area shall be 2,000 square feet.

(c) Maximum lot coverage shall be 60%.

(d) Minimum lot width shall be 20 feet.

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

(f) Minimum rear yard setback shall be 30 feet.

(g) Minimum side yard setback shall be 10 feet, aggregate 30 feet.

(h) The number of dwelling units per group shall not exceed eight nor be fewer than three.

(i) The number of dwelling units per acre shall not exceed 12.

(j) 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.

(4) Garden or low-rise apartments, subject to the following requirements:

(a) Minimum apartment project size shall be one acre, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(b) Maximum lot coverage shall be 80%.
(c) Minimum lot width shall be 50 feet.
(d) Minimum front yard setback shall be 30 feet.
(e) Minimum rear yard setback shall be 30 feet.
(f) Minimum side yard setback shall be 20 feet.
(g) The maximum number of dwelling units per building shall be 24.
(h) The number of dwelling units per acre shall not exceed 16.
(i) 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.

(5) Heights of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
(6) Parking shall comply with the requirements provided in Article IV of this chapter.
(7) Signs shall comply with the requirements provided in Article VI of this chapter.
(8) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(9) Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.
(10) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(11) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
(12) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 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 **detached** dwellings~~.~~
(2) ~~Offices for professional services and administrative activities.~~ **Professional Offices.**
(3) ~~Branch offices only of financial institutions and banks.~~ **Financial institutions, loan companies and banks.**
(4) ~~Barbershops and beauty shops.~~ **Personal service establishments.**
(5) Studio ~~– workshop~~ **for artists, designers, photographers, musicians, sculptors and related uses,** 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.~~

(12~~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.

(13~~14~~) Community recreation center, as a nonprofit community service.

(14~~15~~) Laundromats.

(15~~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.

(a) These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.

[1] Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.

[2] The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.

[3] The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.

[4] The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.

[5] The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.

[6] The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.

[7] Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.

[8] The following documentation will be required to be submitted with the application:

[a] Site plan, including parking area and landscaped area.

[b] Floor plan, with elevation drawings or photographs of existing building.

[c] List of board members, proprietors or governmental officials to whom staff are responsible.

[d] Written neighborhood relations plan.

[e] Complaint recording and resolution plan.

(3) ~~All dwellings other than single family with a maximum density of 12 units per acre.~~ **Daycare Centers.**

(4) Undertaker or funeral home.

D. Area regulations.

(1) Minimum lot area shall be **10,000** ~~3,630~~ square feet.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be **80**~~30~~ feet.

(4) Height of buildings shall not exceed ~~three stories or~~ 35 feet.

(5) Minimum **front yard** ~~building~~ setback shall be **25**~~10~~ feet.

(6) Side yards shall be at least **12** ~~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.

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 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 **permitted** 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.~~

(**2**~~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.~~

(**3**~~10~~) Libraries, museums, art galleries and public information centers.

(**4**~~11~~) Churches and other places of worship.

(**5**~~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.~~

(**6**~~17~~) Publishing, printing and reproduction establishments.

~~(18) Repair and servicing as an accessory activity of any article for sale in the same establishment.~~

(**7**~~19~~) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

(**8**~~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 **Planning Director or designee** ~~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.~~

(**9**~~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:

[1]~~i.~~ Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2]~~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.

[3]~~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.

[4]~~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.

[5]~~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.

[6]~~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.

[7]~~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. **All uses specified as conditional uses in the C-1 zoning district and** ~~T~~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.~~

(2~~4~~) Motels and hotels.

(3~~5~~) Instructional, business or trade stores.

(4~~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.~~

(5~~10~~) All dwellings other than single-family with a maximum density of **16** ~~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 **front, rear or side yard** setback~~, rear yard or side yard~~.

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

(6) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(7) Parking shall comply with the requirements provided in Article IV of this chapter.

(8) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(9) Accessory structures shall be located in the side and rear lot areas.

(10) Accessory structures for residential and non-residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

§ 230-13.1. - C-2A Riverfront Development District.

In a C-2A 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 Riverfront Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units. The district shall be limited to those properties adjacent to the Mispillion River and shall be prohibited along North and South Walnut Street, Northwest Front Street and shall not be allowed within any of the historic districts.

B. Permitted uses. In a C2-A district, land, buildings or premises shall be used by right for one or more of the following:

(1) ~~General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.~~ **Those uses permitted in the C-1 District.**

~~(2) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, beer, wine or liquor, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.~~

~~(3) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.~~

~~(4) Financial institutions, loan companies and banks.~~

~~(5) Restaurants, excluding fast-food or franchised food service operated restaurants.~~

~~(6) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.~~

~~(7) 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.~~

(2~~8~~) Libraries, museums, art galleries and public information centers.

(3~~9~~) Fraternal, social service, union or civic organization.

~~(10) Studio for artists, designers, photographers, musicians, sculptors and related uses.~~

~~(11) Municipal and public services and facilities, including City Hall, municipal parking lots, 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~~12~~) 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:

[1]~~i.~~ Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2]~~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.

[3]~~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.

[4]~~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.

[5]~~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.

[6]~~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.

[7]~~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. **All uses specified as conditional uses in the C-1 zoning district and** ~~T~~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.~~

(2~~3~~) Fast-food or franchised food service operated restaurants.

~~(4) Day-care centers.~~

~~(5) Community residential treatment program.~~

(3~~6~~) Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.

D. Area **regulations** ~~and bulk requirements~~.

(1) Maximum number of units per acre shall be 16.

(2) Minimum lot area shall be 5,000 square feet.

(3) Minimum lot width shall be 50 feet.
(4) Maximum **lot** ~~building~~ coverage shall be 60%
(5) **Minimum** ~~F~~**f**ront yard setback shall be 15 feet minimum
(6) Side yard setback shall be 14 feet aggregate total with a minimum of 6 feet.
(7) **Minimum** ~~R~~**r**ear yard setback shall be 20 feet.
(8) Height of buildings shall not exceed ~~four stories or~~ 50 feet.
(9) Minimum separation distance between dwelling structures on the same lot shall not be less than 15 feet.
(10) Parking shall comply with the requirements provided in Article IV of this chapter.
(11) Signs shall comply with the requirements provided in Article VI of this chapter.
(12) For mixed use residential and commercial projects, 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.
(13) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(14) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(15) Accessory structures shall be located in the side and rear lot areas.
(16) Accessory structures for residential and non-residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

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

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

A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
B. Permitted uses. Permitted uses for the C-3 District shall be as follows:

(1) Those **permitted** uses ~~permitted~~ in the C-2 District.
(2) Warehouses.
(3) Large retail outlets.
(4) Indoor storage accessory building.
(5) Fast-food restaurants and drive-in restaurants.
(6) Supermarkets.
(7) Truck and trailer rentals.
(8) Roadside produce market.
~~(9) Memorial stone shop.~~
(**9**~~10~~) Outdoor commercial recreational facilities, not motorized vehicles.
(**10**~~11~~) Swimming club.

(1112) Indoor facility for amusement or assembly.
(1213) Bus station.

C. Conditional uses subject to special requirements. **All uses specified as conditional uses in the C-2 zoning district and** ~~T~~the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

(1) Motels or hotels ~~with a minimum lot size of three acres~~.
(2) Commercial greenhouse.
(3) Wholesale establishment.
~~(4) Newspaper publishing or printing establishment.~~
(45) Contractors', craftsmen's or general service shops, including welding and similar shops.
(56) Laboratory, testing and research.
~~(7) Car repair shops.~~
(68) ~~Used car lots.~~ **Automotive sales.**
~~(9) Telephone central office or television cable central office.~~
(710) ~~Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars~~ **Automotive repair**, subject to the following special requirements:

(a) All facilities shall be located and all services shall be conducted on the lot.
(b) All repair work shall be conducted within an entirely enclosed building.
(c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

(811) Shopping center, subject to ~~site plan review and~~ the following site requirements:

(a) The total shall not be less than one acre.
~~(b) The site must be served by public water, sewer and electricity.~~
~~(c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.~~
(b~~d~~) Traffic and parking.

[1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
~~[2] Access to state highways shall be controlled by the State Department of Transportation.~~
[2~~3~~] The minimum distance between accessways and a residential district shall be 50 feet.
[3~~4~~] Spacing of accessway.

[a] From adjoining property: 50 feet.
[b] From minor intersections: 50 feet.
[c] From major intersections: 100 to 150 feet.

~~[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.~~
~~[6] Parking lots shall be attractively landscaped as shown on the general site plan.~~

(c~~e~~) Setback.

[1] From street right-of-way: 15 feet.
[2] From nonresidential districts: 15 feet.
[3] From residential districts: 100 feet.

~~(f) Buffering and landscaping.~~

~~[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.~~
~~[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.~~

~~(12) Day-care centers, with site plan required.~~
(9~~13~~) Car wash~~, all types (staffed, automatic, self-service, etc.)~~.
~~(14) Convenience stores with gas pumps.~~
~~(15) Community residential treatment program.~~
(10~~16~~) ~~All dwellings other than single-family with a maximum density of 12 units per acre.~~ **All uses permitted in the R-3 Zoning District subject to its area regulations.**
(11~~17~~) Business, commercial or industrial uses that do not adversely affect neighboring properties.
(12~~18~~) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.
(2) Maximum lot coverage shall be 80%.
(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
(4) Height of buildings shall not exceed ~~three stories or~~ 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height ~~of over three stories, but not over five stories, and~~ not exceeding 60 feet.
(5) Minimum **front yard** ~~building~~ setback shall be 30 feet.
(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
(7) Minimum rear yard shall be 50 feet.
(8) Parking shall comply with the requirements provided in Article IV of this chapter.
(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(10) Signs shall comply with the requirements provided in Article VI of this chapter.
(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(12) Accessory structures shall be located in the side and rear lot areas.
(13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 10 feet from a principal structure.
(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-15. - H-1 Institutional Development District.

In an H-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 H-1 Institutional Development District is to encourage the development of institutional uses in accordance with an approved plan of development. This district is to provide suitable areas and adequate safeguards for such uses to serve the City of Milford and the surrounding region.

B. Permitted uses. Permitted used for the H-1 District shall be as follows:

(1) Medical and surgical hospitals~~, subject to site plan review~~.
(2) Medical and dental centers, excluding drug abuse centers and freestanding detoxification centers.
(3) Medical arts offices and buildings.
(4) Accessory uses incidental to the permitted uses.
(5) 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.

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 of Article IX of this chapter:

(1) Nursing homes.
(2) Sanatoriums.
(3) Multilevel parking facilities.
(4) Community residential treatment program.

(a) These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.

[1] Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.

[2] The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.

[3] The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.

[4] The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the

program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.

[5] The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.

[6] The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.

[7] Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.

[8] The following documentation will be required to be submitted with the application:

[a] Site plan, including parking area and landscaped area.

[b] Floor plan, with elevation drawings or photographs of existing building.

[c] List of board members, proprietors or governmental officials to whom staff are responsible.

[d] Written neighborhood relations plan.

[e] Complaint recording and resolution plan.

D. Area regulations.

(1) Minimum lot area shall be one acre.
(2) Maximum lot coverage shall be **80**~~70~~%.
(3) Minimum lot width shall be 150 feet.
(4) Height of buildings shall not exceed 50 feet.
(5) Minimum **front yard** ~~building~~ setback shall be as follows:

(a) Thirty feet for the first 15 feet of height.
(b) An additional 10 feet for the second 15 feet of height.
(c) Twenty feet for each additional 15 feet of height.

(6) Each side yard shall equal 20 feet for each 15 feet of height.
(7) A rear yard shall be provided to equal 20 feet for each 15 feet of height.
(8) Signs shall comply with the requirements provided in Article VI of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Parking shall comply with the requirements provided in Article IV of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-16. - I-1 Limited Industrial District.

In an I-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

B. Permitted uses. Permitted uses of the I-1 District shall be as follows:

(1) All permitted uses of the OC-1 District and BP District.

(2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.

(3) ~~Research, design, testing and development laboratories.~~ **Wholesale storage, warehousing and distribution centers.**

~~(4) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.~~

~~(5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.~~

~~(6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be closer than 500 feet to any school or building(s) used for assembly.~~

~~C. Prohibited uses. The following are expressly prohibited in an I-1 District:~~

~~(1) Residences, except those in existence at the time of adoption of this amendment.~~

~~(2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.~~

~~(3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automotive or other machine parts.~~

~~(4) Operations involving slaughterhouses, stockyards or slag piles.~~

~~(5) Storage of explosives and bulk or wholesale storage of gasoline above ground.~~

~~(6) Quarries, stone crushers, screening plants and all associated uses.~~

~~(7) The following processes: large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.~~

C~~D~~. Conditional uses. **All uses specified as conditional uses in the OC-1 and BP zoning districts and** ~~T~~**t**he following uses are permitted in the I-1 District, in accordance with the provisions within Article IX ~~(conditional use portion)~~ of this chapter:

(1) Airfields or airpark facilities.

(2) Mini-warehouses or public storage facilities.

(3) Radio-television facilities.

(4) 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:

[1]~~i.~~ Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2]~~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.

[3]~~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.

[4]~~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.

[5]~~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.

[6]~~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.

[7]~~vii.~~ Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

D~~E~~. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the **City Council** ~~Planning Commission~~.

~~(1) Accessory uses shall not be permitted without a principal use.~~

~~(2) Any uses not permitted, as previously listed, are prohibited.~~

(**1**~~3~~) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.

(**2**~~4~~) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.

~~(5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.~~

~~(6) All fencing shall be properly maintained.~~

(**3**~~7~~) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(**4**~~8~~) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(**5**~~9~~) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(**6**~~10~~) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.

~~(11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.~~

(**7**~~12~~) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(**8**~~13~~) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(914) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

~~(15) All I-1 District projects and proposals are subject to site plan review by the Planning Commission.~~

EF. Area ~~and height~~ regulations.

(1) Minimum lot area shall be two acres.
(2) Maximum lot coverage shall be 75~~60%, with the remainder being that of grass and landscape areas. Parking areas shall be landscaped~~.
(3) Minimum lot width shall be 150 feet.
(4) Maximum building height shall be 50 feet.
(5) Minimum front yard setback shall be 75 feet.
(6) Minimum side yard setback shall be 40 feet.
(7) Minimum rear yard setback shall be 45 feet.
(8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**

(9) ~~Landscape screening. See Article V of this chapter.~~ **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.
(11) Accessory structures **in aggregate** shall occupy no more than 10~~%~~ **percent** of the **required rear and side yard of the** lot ~~area~~ **and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter**.
(12) Accessory structures shall be located in the rear yard/lot area.
(13) Accessory structures shall **meet the principal use setbacks and shall not be located less than 5 feet from a principal structure** ~~be located at least 45 feet from the rear lot line~~.

§ 230-17. - I-2 General Industrial District.

In an I-2 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of the I-2 General Industrial District shall be to provide locations for the development of large or heavy manufacturing, warehousing, wholesale and research establishments, which may include those that may produce some objectionable conditions, and also to concentrate the more intensive industrial uses in areas that would least impact neighboring zoning districts or uses.
B. Permitted uses. Permitted uses for the I-2 District shall be as follows:

(1) All **permitted uses** ~~items allowed~~ in the I-1 District.
(2) Heavy manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling or storage of products or materials, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
(3) Research, design and development laboratories.
~~(4) Wholesale storage and warehousing.~~

~~(5) Building contractors' yards.~~

(~~4~~6) Large public utility facilities, or major uses thereof.

~~C. Prohibited uses. The following are expressly prohibited in an I-2 District:~~

~~(1) Residences.~~

~~(2) Manufacturing uses involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: carbide, ammonia, aniline dyes, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, gelatin, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); soaps, including fat rendering; and starch.~~

~~(3) Dumps, junkyards, automobile salvage and dismantling plants/yards, public storage areas or operations for the storage or resale of used automotive or other machine parts.~~

~~(4) Operations involving slaughterhouses, stockyards or slag piles.~~

~~(5) Quarries, stone crushers, screening plants and all associated uses.~~

~~(6) The following processes: nitrating of cotton or other materials; magnesium foundry; milling or processing of flour; large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including paper mill operations and sawmills.~~

~~(7) Storage of explosives and bulk or wholesale storage of gasoline above ground.~~

C~~D~~. Conditional uses. **All uses specified as conditional uses in the I-1 zoning district and** ~~T~~the following uses are permitted in the I-2 District in accordance with the provisions within Article IX (conditional use portion) of this chapter:

(1) Airfields or airpark facilities.
(2) Tractor-trailer storage and parking facilities.
(3) Farm machinery and truck manufacture, sales, storage and repairs.
(4) Fertilizer storage and distribution centers.
(5) Heating, ventilating, cooling and refrigeration manufacturing.
(6) Trash compaction: transfer station and solid waste management system, not to include hazardous waste.
(7) Recycling or collection facilities for paper, glass, plastics and metal.
(8) Grain storage and processing.
(9) Meat processing, chicken processing and seafood processing.
(10) Aluminum recycling and smelting (small scale).
(11) Food and vegetable cleaning, canning and freezing.

D~~E~~. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by **City Council** ~~the Planning Commission~~.

~~(1) Accessory uses shall not be permitted without a principal use.~~

~~(2) Any uses not permitted, as previously listed, are prohibited.~~

(1~~3~~) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except in areas approved by the Planning Commission during the site plan review hearing.

(24) In a planned industrially zoned I-2 District, no building/structure, accessory structure or sign shall be located closer than 250 feet to any existing nonindustrial district boundary.

~~(5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.~~

(36) Fencing is required in any and all areas which would pose a threat to public safety and the security of the facility. ~~All fencing shall be properly maintained.~~

(47) All front yard areas shall be maintained in a neat and attractive condition. All side and rear yard areas shall be kept uncluttered and free from any conditions that would constitute a safety hazard for employees or anyone visiting the site.

(58) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(69) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks or chimneys and internal combustion engines must comply with the requirements set forth by the DNREC, State of Delaware.

(710) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of DNREC, State of Delaware.

~~(11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.~~

(812) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(913) The proposed use shall not endanger the surrounding facilities or communities to the possibility of fire or explosion. All uses shall comply with state regulations which control or govern their operation. There shall be no allowances for the storage of radioactive materials or those materials deemed to be toxic or dangerous.

(1014) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties.

~~(15) All I-2 District projects and proposals are subject to site plan review by the Planning Commission.~~

EF. Area ~~and height~~ regulations.

(1) Minimum lot area shall be 2 1/2 acres.

(2) Maximum lot coverage shall be 75~~50%, with the remainder being that of grass and landscaped areas. Parking areas shall be landscaped~~.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 50 feet.

(7) Minimum rear yard setback shall be 50 feet.

(8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**

(9) ~~Landscape screening. See Article V of this chapter.~~ **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.
(11) Accessory structures **in aggregate** shall occupy no more than 10~~%~~ **percent** of the **required rear and side yard of the** lot ~~area~~ **and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter**.
(12) Accessory structures shall be located in the side and rear lot areas.
(13) Accessory structures shall **meet the principal use setbacks and shall not be located less than 5 feet from a principal structure** ~~be located at least 50 feet from the rear lot line~~.

§ 230-18. - OC-1 Office Complex District.

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
B. Permitted uses. Permitted uses for the OC-1 District shall be as follows:

(1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
(2) Television and radio studios (without towers).
(3) Professional schools (nonindustrial).
(4) Health centers and clinics (medical or dental).

C. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:

(1) Charitable and philanthropic organizations.
(2) Day-care centers.
(3) Civic and/or conference centers.
(4) Indoor **or outdoor** recreation ~~(tennis, racquetball, handball, swimming, etc.)~~.
(5) Private clubs or organizations.
(6) Medical/dental laboratories.
(7) Nursing homes.

~~D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.~~

~~(1) Accessory uses shall not be permitted without a principal use.~~
~~(2) The premises shall be suitably landscaped.~~
~~(3) All driveways shall meet width requirements of the State Fire Marshal's Office.~~
~~(4) Any uses not permitted, as previously listed, are prohibited.~~
~~(5) All internal roads, driveways and parking areas (for public, in-house employee or vehicular traffic) shall be paved.~~
~~(6) All OC-1 District projects and proposals are subject to site plan review by the Planning Commission.~~
~~(7) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.~~

D~~E~~. Area ~~and height~~ regulations.

(1) Minimum lot area shall be one acre.
(2) Maximum lot coverage shall be 75%~~, with the remainder being that of grass and landscape areas~~.
(3) Minimum lot width shall be 100 feet.
(4) Maximum building height shall be 70 feet.
(5) Minimum front yard setback shall be 50 feet.
(6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.
(7) Minimum rear yard setback shall be 25 feet.
(8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**
(9) ~~Landscape screening.~~ **Landscape screening shall comply with the requirements provided in Article V of this chapter.**

~~(a) There shall be a one-hundred-foot buffer from all residential areas or districts.~~
~~(b) Planted screening shall be at least six feet in height.~~
~~(c) There shall be a ten-foot buffer along all nonresidential lot lines.~~
~~(d) Each planted area of buffering shall:~~

~~[1] Retain natural vegetation.~~
~~[2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.~~

(10) Signs shall comply with the requirements provided in Article VI of this chapter.
(11) ~~Accessory structures shall occupy no more than 10% of the lot area.~~ **Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.**
(12) ~~Accessory structures shall be located in the rear yard/lot area.~~ **Accessory structures shall be located in the side and rear lot areas.**
(13) ~~Accessory structures shall be located at least 25 feet from the rear lot line.~~ **Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.**

§ 230-19. - OB-1 Office Building District.

In an OB-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of the OB-1 Office Building District shall be to provide locations for the operation of professional offices of a low-profile, low-traffic category in areas of a residential nature where existing nonresidential buildings/structures are present. In short, this district will provide such locations that will not detract from the surrounding residential atmosphere of the neighborhood but allow viable businesses to operate in existing buildings/structures.
B. Permitted uses. Permitted uses for the OB-1 District shall be as follows:

(1) Professional services and administrative activities, including but not limited to architects, engineers, brokers, insurance agents, realtors, physicians, dentists, artists and attorneys, within a single occupancy setting.

(2) Branch libraries and public information centers.

C. Conditional uses. Conditional uses shall be as follows:

(1) Medical and dental **offices in a multiple occupancy setting** ~~clinics~~.

(2) Day-care **centers** ~~facilities (group and day-care centers only)~~.

(3) Civic or fraternal organizations.

(4) Government offices serving the public.

~~(5) Churches and other places of worship.~~

~~(6) New facilities proposed for vacant properties (see lot requirements).~~

~~(7) Any use which would necessitate dual-occupancy settings within the single building/structure.~~

~~(8) Musicians.~~

~~D. Prohibited uses. Any and all uses which would alter the residential nature of the neighborhood or cause such activity to occur which would deteriorate said residential atmosphere shall be prohibited.~~

~~E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater control than those of the permitted use variety and are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.~~

~~(1) Accessory uses shall not be allowed without a principle use.~~

~~(2) The premises shall be suitably landscaped; most landscaping is present at existing sites.~~

~~(3) All driveways shall meet width requirements of the State Fire Marshal's regulations.~~

~~(4) All requirements set forth by the state guidelines for sediment and erosion control shall be complied with in all respects. Further, if any federal rulings are applicable, said property shall likewise comply in all respects.~~

~~(5) All sites shall be made to comply with the requirements set forth by the Americans with Disabilities Act, and all such needed modifications to the building or premises shall require sealed architectural plans submitted to the City Inspections Office for approval.~~

~~(6) All internal driveways and parking areas (for public, in-house staff or other vehicular traffic) shall be paved.~~

~~(7) All OB-1 District projects and proposals are subject to site plan review in such cases where expansion to an existing facility may be requested or if any upgrades required by the aforementioned codes or requirements deem any major alterations to occur. This review shall be held by the City Planning Commission.~~

~~(8) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.~~

D~~F~~. Area ~~and height~~ regulations ~~shall be as follows:~~

(1) Minimum lot area.

(a) Existing buildings/structures on site: none.

(b) New construction (conditional use): 1/2 acre.

(2) Maximum lot coverage (building/structure and paved area) shall be no greater than 50%, with the remainder being utilized for plantings and landscaping (new construction, with conditional use). Existing facilities shall not decrease any existing planted or landscaped areas on the site without obtaining a variance for said decrease from the Board of Adjustment.

(3) Minimum lot width.

(a) New construction, with conditional use: 100 feet.
(b) Existing facilities: existing dimension accepted.

(4) Maximum building/structure heights shall not exceed the requirements set forth within this chapter for the residential zoning district in which the building/structure exists.

(5) Minimum front yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the front yard area(s) if the setback is less than 30 feet.

(6) Minimum side yard setback (new construction, with conditional use): 15 feet. Existing facilities shall not be allowed to encroach further into the side yard area(s) if the setback is less than 15 feet.

(7) Minimum rear yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the rear yard area if the setback is less than 30 feet.

(8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**

(9) ~~Landscape screening.~~ **Landscape screening shall comply with the requirements provided in Article V of this chapter.**

~~(a) Existing structures/facilities shall maintain existing screening and plantings (as per requirements stated previously within this subsection).~~

~~(b) Planted screening shall be provided at all boundaries where adjacent residential properties exist.~~

~~(c) There shall be a ten-foot buffer area along all parking areas and adjacent residential properties, in which natural screening shall be placed.~~

~~(d) Each planted area of screening/buffering shall:~~

~~[1] Retain natural vegetation.~~

~~[2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.~~

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

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

~~G. Additional requirements.~~

~~(1) Space requirement per office staff: 200 square feet (minimum).~~

~~(2) Accessory structure installation shall be reviewed by the Director of Planning, and if said unit shall exceed 150 square feet in area, the proposal shall be submitted to the Planning Commission for site plan review. Total accessory structure allowance shall not exceed 10% of the property area.~~

~~(3) Accessory structures shall be located within the rear yard area.~~

~~(4) Accessory structures shall not be located closer than 15 feet to the rear property line.~~

§ 230-19.1. - BP Business Park District.

In a BP District, no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements indicated:

A. The purpose of a Business Park District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas while still providing attractive landscaping, on-site recreation and a better working environment. The emphasis will be on employment rather than warehouse space. Also, the purpose is to provide guidelines and performance standards, which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

B. Permitted uses. Permitted uses of the BP District shall be as follows:

(1) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices and cafeterias for the exclusive use of in-house staff and employees.
(2) Research, design, testing and development laboratories.
(3) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
(4) Business, professional or administrative offices.
(5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
(6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be any closer than 500 feet from existing residence, residential district, school or building(s) used for assembly.
(7) Farm machinery manufacture, sales, storage and repairs.
(8) Heating, ventilating, cooling and refrigeration manufacturing.
(9) Building contractor yards.
(10) Veterinary clinics.
(11) Beverage blending, bottling (all types).
(12) Boat manufacture and repair (vessels less than five tons), boat sales and service.
(13) Dairy operations and dairy products, ice cream and cheese.
(14) Fruit and vegetable processing, including canning, preserving, drying and freezing.
(15) Greenhouses, commercial, wholesale or retail.
(16) Ice manufacture, including dry ice.
(17) Sign fabrication and painting shops.
(18) Wood product manufacture, including baskets, boxes, crates, barrels and veneer.

C. Conditional uses. The following uses are permitted in the BP District in accordance with the provisions within Article IX (conditional use portion) of this chapter:

(1) Public, private or professional schools.
(2) Schools for vocational training.
(3) Day-care centers.
(4) Radio-television facilities.

(5) ~~Any use not permitted in any other zoning districts.~~ **Indoor or outdoor recreation.**

(6) 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.

~~D. Prohibited uses. The following are expressly prohibited in the BP District:~~

~~(1) Residences.~~

~~(2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.~~

~~(3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automobile or other machine parts.~~

~~(4) Operations involving slaughterhouses, stockyards or slag piles.~~

~~(5) Storage of explosives and bulk or wholesale storage of gasoline above ground.~~

~~(6) Quarries, stone crushers, screening plants and all associated uses.~~

~~(7) The following processes: refining, smelting and alloying of metal or metal ores; refining petroleum products such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.~~

~~(8) Drilling for the removal of any hydrocarbon substances.~~

D~~E~~. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by **City Council** ~~the Planning Commission~~.

~~(1) Accessory uses shall not be permitted without a principal use.~~

(**1**~~2~~) All uses must be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen that may include a fence or wall.

~~(3) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.~~

~~(4) All fencing and landscaping shall be properly maintained.~~

(**2**~~5~~) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(**3**~~6~~) All loading and unloading operations shall be conducted at the side or rear of the building. In the loading and unloading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(**4**~~7~~) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements

set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(5~~8~~) Dust or particle debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

~~(9) Internal roads, driveways and parking areas for public, in-house employee or truck/vehicular traffic shall be paved. All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.~~

(6~~10~~) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(7~~11~~) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

(8) Walls.

(a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:

[1] Architectural masonry units, excluding concrete block and cinder block.
[2] Natural stone.
[3] Precast concrete.
[4] Steel.
[5] Aluminum.
[6] Glass materials or their equivalent.

(b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.

(9) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission and/or City Council during site plan or conditional use review.

~~(12) All BP District projects and proposals are subject to site plan review by the Planning Commission.~~

~~(13) Installation of a berm will be required adjacent to any residentially zoned area. The berm shall be constructed as follows: 10 feet from any residential property line, then 60 feet with a six-foot-high berm at 4 to 1 slope, with three rows of trees, including evergreens spaced 15 feet on center along the berm slope adjacent to the residential district, one row of evergreens spaced at 48 feet on center along the toe of the berm and deciduous trees, spaced 192 feet on center~~

~~along the opposite toe of the berm. The berm may not be required in areas contiguous to residential districts that have an existing mature wooded area that has a minimum depth of 10 feet or where adjacent to road frontage that has a combined right-of-way width of 75 feet.~~

E~~F~~. Area ~~and height~~ regulations.

(1) Minimum area for a business park will be 40 acres.
(2) Minimum lot area shall be one acre (43,560 square feet).
(3) Maximum impervious lot coverage shall be 75%~~, with the remainder being that of grass and landscaped area~~.
(4) Minimum lot width shall be 150 feet.
(5) Maximum building height shall be 50 feet.
(6) Minimum front yard setback shall be 30 feet.
(7) Minimum side yard setback shall be 15 feet. The setback shall be computed from the berm line, not the property line.
(8) Minimum rear yard shall be 25 feet. The setback shall be computed form the berm line, not the property line.
(9) ~~Parking may be permitted in the setback area but may not be located any closer than five feet from any property line and 15 feet from the right-of-way line. No parking may be permitted within a berm area or a landscaped area. No parking will be permitted on the streets or between public street pavement and the property line.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**
(10) ~~Landscape screening. Where adjacent to residential districts, the buffer shall include a landscape screen not less than six feet high. Each planted area of buffer shall retain as much natural vegetation as possible and be planted with indigenous evergreens, deciduous and ornamental trees or shrubs. All landscaping shall be installed within 90 days of occupancy of building, or as soon as weather will allow if such period falls within the winter months. All landscaping shall be properly maintained throughout the life of any use on the lot.~~ **Landscape screening shall comply with the requirements provided in Article V of this chapter.**
~~(11) City water and sewerage shall serve the park. Mains shall be in place at the time of construction on the lot. Service to the lot shall be installed by the City to the property line of the lot after site plan approval.~~
~~(12) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission during site plan review.~~
(**11**~~13~~) ~~Site will be served by a central stormwater management system. Each lot shall be reviewed by the City Engineer to access the central stormwater area.~~ **Signs shall comply with the requirements provided in Article VI of this chapter.**
(**12**~~14~~) ~~Walls.~~ **Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.**

~~(a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:~~

~~[1] Architectural masonry units, excluding concrete block and cinder block.~~

~~[2] Natural stone.~~
~~[3] Precast concrete.~~
~~[4] Steel.~~
~~[5] Aluminum.~~
~~[6] Glass materials or their equivalent.~~

~~(b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.~~

(13) Accessory structures shall be located in the side and rear lot areas.

(14) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

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

~~H. Off-street parking and loading.~~

~~(1) Off-street parking and loading shall have a buffer strip of at least five feet wide between it and any adjacent lot.~~

~~(2) A parking space shall not be less than 162 square feet, with a minimum of nine feet wide.~~

~~(3) All parking spaces shall be set back 15 feet from any street line.~~

~~(4) Ground cover, shrubs, trees and landscaped screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.~~

~~(5) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).~~

~~(6) Aisleway width shall be as required by the Office of the State Fire Marshal.~~

~~(7) All parking spaces for use in conjunction with public parking areas, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.~~

~~(8) Required off-street parking spaces shall be as per Article IV.~~

~~(9) No building or structure shall be erected in any district for the uses listed in Article IV unless loading space for the accommodation of trucks is provided on the premises in accordance with requirements stated in Article IV.~~

~~(10) Loading spaces shall not be permitted in any front yard of any property.~~

~~(11) Areas designated for exterior storage in trailers shall be shown on the site plan. The area will be dimensioned and include the number of units located within the area. Storage will not exceed 30 days.~~

~~(12) Trash containers and dumpsters must be properly screened and shall be designated on the site plan.~~

~~I. Antennas and satellites shall be shown on the site plan.~~

~~J. Mailbox receptacles will be placed as required by the Postmaster, Milford, Delaware, and shall be shown on the site plan.~~

~~K. Chain link fencing may be used in the park.~~

~~L. No parcel may be subdivided.~~

~~M. In the event that any purchaser of any parcel of land within the business park shall not commence construction of a building thereon within two years from the date of settlement, the City of Milford~~

~~shall have the option of purchasing said land from the owner at any time prior to the commencement of said construction, at the purchase price paid therefor as shown on the owner's settlement sheet.~~

~~N. Each owner of any parcel, by acceptance of a deed, agrees to pay to the City of Milford an annual fee for the maintenance of stormwater management areas, open space, landscaping and berms. Said easement fee must be fixed at a uniform rate based upon the assessment of the parcel and the improvements thereon. The assessments levied by the City of Milford pursuant to this Zoning Code shall be used exclusively for said purposes and for such other purposes as the City deems appropriate.~~

§ 230-19.2. - IS Institutional Service District.

A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.

~~B. District Area. The minimum area to request an Institutional Service District shall be 20 acres.~~

B~~C~~. Permitted uses.

(1) Hospital and all other health-care facilities, including any and all support services related thereto.

(2) Outpatient health-care centers and health-care facilities.

(3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.

~~(4) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.~~

(**4**~~5~~) Medical laboratories utilized for the diagnosis, treatment, and care of humans.

(**5**~~6~~) Pharmacies.

(**6**~~7~~) Heliports.

(**7**~~8~~) Private education institutions and training centers.

(**8**~~9~~) Nursing facilities, convalescent homes, and a continued-care retirement communities.

(**9**~~10~~) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.

(**10**~~11~~) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.

(**11**~~12~~) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.

(**12**~~13~~) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.

(**13**~~14~~) Ambulance and emergency rescue services.

(**14**~~15~~) Maintenance and laundry facilities.

(15~~16~~) Libraries

(16~~17~~) Places of worship.

(17~~18~~) Parking areas, including parking facilities.

(18~~19~~) Publicly owned and/or health-related recreation facilities.

(19~~20~~) Rehabilitation facilities.

(20~~21~~) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.

(21~~22~~) Auditoriums.

(22~~23~~) Modular office units.

(23~~24~~) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.

~~(25) Any and all uses and/or structures which are of the same general character as those listed above.~~

~~(26) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.~~

(24~~27~~) Public and private elementary, junior or senior high schools and colleges.

~~(28) All uses permitted in the R-8 Zoning District.~~

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) All residential uses permitted in the R-8 Zoning District subject to its area regulations.

(2) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.

D. ~~Uses prohibited: Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilizing equipment and similar devices are not classified as incinerators for purposes of this prohibition.~~ **Area regulations.**

(1) The minimum area to request an Institutional Service District shall be 20 acres.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 150 feet.

(4)~~E. Height regulations. The height of any structure~~ **Height of buildings**, including any hospital structure existing as of the date of enactment of this section, shall not be greater than 140 feet, excluding smokestacks and/or other rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, enclosed mechanical rooms and similar appurtenances).

~~F. Yard regulations. In the Institutional Service District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:~~

(5~~1~~) ~~Front yard depth: 25 feet.~~ **Minimum front yard setback shall be 50 feet.**

(6~~2~~) ~~Side yard width: 10 feet. On a corner lot, the side yard abutting the street shall be a minimum of 10 feet but may be increased in order to ensure clear visibility at the intersection of the two streets. There shall be one side yard for each single-family semidetached dwelling, which shall be not less than 10 feet in width. The requirement for side yard setbacks may be decreased upon the request of the property owner to the interior of the lots when lots have been combined into~~

~~common ownership for a project which includes two or more lots.~~ **Side yards shall be a minimum of 50 feet.**

(7~~3~~) ~~Rear yard width: 25 feet.~~ **Minimum rear yard setback shall be 50 feet.**

~~G. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 85% of the area of the lot.~~

~~H. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.~~

(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.

~~I.~~ **(10)** Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.3. - IM Institutional Medical District.

A. Purpose. The Institutional Medical District is intended to achieve the following:

(1) To encourage a harmonious pattern of institutional development which can mutually benefit the City of Milford and the institutions themselves.

(2) To encourage the development of institutional medical uses in accordance with approved standards and to promote the planning for the location of future health institutional uses serving a regional population.

~~B. District area. The minimum area to request an Institutional Medical Zoning District shall be 20 acres.~~

B~~C~~. Permitted uses.

(1) Outpatient health-care clinics.

(2) Professional offices, medical offices, and medical laboratories involving the diagnosis, treatment and care of humans, including any and all support services related thereto.

(3) Private education institutions and training centers related to health care (but not including other trade schools).

(4) Nursing facilities and/or convalescent homes.

(5) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.

(6) Data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.

(7) Parking areas, including parking facilities.

(8) Rehabilitation facilities and fitness centers related to health-care fitness and wellness.

~~(9) Any and all uses and/or structures which are of the same general character as those listed above.~~

~~(10) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.~~

(9~~11~~) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping

stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas and telephone facilities.

(10~~12~~) Public and private elementary, junior or senior high schools and colleges.

(11~~13~~) Cafeteria facilities, snack and gift shops, banking facilities, restaurants, retail, personal service shops, and laundry facilities primarily for the use of health-care employees, patients and visitors.

(12~~14~~) Pharmacies.

(13~~15~~) Hospitals and all other health-care facilities, including any and all support services related thereto.

C~~D~~. 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) All **residential** uses permitted in the R-8 Zoning District **subject to its area regulations**.

(2) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, and/or health-care employers and their employees as well as overnight accommodations for patient families and individuals that are receiving treatment from a hospital or other health-care facility.

~~E. Uses prohibited. Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilization equipment and similar devices are not classified as incinerators for purposes of this prohibition.~~

D~~F~~. **Area** ~~Height~~ regulations.

(1) ~~The height of all buildings utilized or intended to be utilized for residential purposes shall not be greater than four stories measured from ground level in conformity with the provisions concerning yard regulations set forth below.~~ **The minimum area to request an Institutional Service District shall be 20 acres.**

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 150 feet.

(4~~2~~) **Height of buildings** ~~The height of all buildings utilized for nonresidential purposes~~ shall not be greater than 50 feet measured from ground level at the building's main entrance, excluding rooftop ancillary services (such as heating and air conditioning equipment, staircases or walkways, elevator shafts, and similar appurtenances).

~~G. Yard regulations. In the Institutional Medical District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:~~

(5~~1~~) ~~Front yard and side yard depth. Any building constructed in the Institutional Medical District shall be in conformity with a 60° lineal plane measured at the bottom of such plane at the applicable front and/or side property line. No portion of the building shall be permitted to break such lineal plane excepting such portions of the building which constitute gables, gabled dormers, rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, and similar appurtenances), signage, and/or facades. The requirement for side yard setbacks shall be decreased to the interior of the lots when lots have been combined into common ownership for a project which includes two or more lots.~~ **Minimum front yard setback shall be 30 feet**

(6) Side yards shall be a minimum of 20 feet with an aggregate of 50 feet.

(72) ~~Rear yard width: 25 feet.~~ **Minimum rear yard setback shall be 50 feet.**

~~H. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 60% of the area of the lot.~~

~~I. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.~~

(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.

~~J.~~ **(10)** Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.4. - R-8 Garden Apartment and Townhouse District.

In an R-8 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-8 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-8 District shall be as follows:

(1) All uses permitted in an ~~R-1,~~ R-2 ~~and R-3~~ District~~, subject to its area regulations, unless otherwise indicated in this section as provided below:~~

(2) Single-family semidetached dwellings.

(3) Two-family dwellings.

(4) Townhouses.

(5) Garden Apartments.

~~(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.~~

~~(2) Garden, low-rise apartments, and condominiums subject to site plan review and the following requirements:~~

~~(a) The number of dwelling units per acre shall not exceed eight.~~

~~(b) Building coverage shall be a maximum of 20% for any lot developed for garden apartments, low-rise apartments and condominiums.~~

~~(c) Distance between groups of buildings shall be as follows:~~

~~[1] Each group of buildings shall be at least 25 feet from any other group of buildings.~~

~~[2] The distance between individual condominium buildings shall be a minimum of 16 feet.~~

~~(d) Minimum lot width on any public street shall be at least 50 feet.~~

~~(e) 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.~~

~~(f) A minimum of 40% of the total area developed for garden apartments shall be designated as open space. The Mayor and Council shall have the option to require all or a portion of the open space to be public open space or dedicated open space, with appropriate conditions for maintenance and use.~~

~~(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 eight.~~

~~(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 to any boundary line of a designated townhouse area of which the group is a part.~~

~~(e) There shall be within any contiguous group different architectural facades having varied 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 unless the Planning Commission and City Council approve an alternative design such as adjacent to a conservation easement, watercourse or other natural feature.~~

~~(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 40% of the total area developed for townhouses shall be designated as open space. The Mayor and Council shall have the option to require all or a portion of the open space to be public open space or dedicated open space, with appropriate conditions for maintenance and use.~~

C. Conditional uses subject to special regulations. The following uses and any conditional use allowed in R-1~~, R-2, and R-3~~ District~~s~~ 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 **and are subject to the area regulations for the R-1 zoning district unless otherwise noted below**:

(1) Rooming or boarding houses.

~~(2) Business offices for administrative purposes only.~~

(2~~3~~) **Business or** ~~P~~**p**rofessional offices (nonresident); minimum lot size one acre.

~~(4) Medical clinics; minimum lot size one acre.~~

(~~3~~5) ~~Sanatoriums or n~~Nursing homes; minimum lot size one acre.

(~~4~~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) Signs shall comply with the requirements provided in Article VI of this chapter.

(h) 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.

(i) 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 Manufactured 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 submitted with the final major subdivision application. All requests or recommendations shall be adhered to.~~

~~(8) Planned unit residential development.~~

D. ~~District~~ **Area** regulations.

~~(1) Allowable density shall be based upon the net developable land for any given parcel. Net developable land shall be equal to the gross acreage of the parcel minus nondevelopable acreage, including regulated state and federal wetland areas, the one-hundred-year floodplain as depicted on the most current FEMA panels and conservation easement areas.~~

~~(2) If a conflict arises between these regulations and any other part of the City of Milford's Code, as amended or the City of Milford's Subdivision Ordinance, [3] the more restrictive density requirement shall apply.~~

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

(1) Single-family and two-family dwellings shall be subject to the following area regulations:

(a) Minimum lot area shall be 7,500 square feet.

(b) Maximum building coverage shall be 40%.

(c) Minimum lot width shall be 60 feet.

(d) Minimum front yard setback line shall be 30 feet.

(e) Side yards shall be provided as follows: Each lot shall have at least two side yards eight feet in width.

(f) 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.

(2) Single-family semi-detached.

(a) Minimum interior lot area shall be 4,000 squar efeet and minimum corner lot area shall be 6,500 square feet.

(b) Maximum lot coverage shall be 40%.

(c) Minimum lot width shall be 40 feet.

(d) Minimum front yard setback line shall be 30 feet.

(e) Side yards shall be provided as follows: each lot shall have at least one side yard setback per lot eight feet in width.

(f) 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.

(3) Townhouse.

(a) Minimum townhouse project size shall be one acre.

(b) Minimum lot area shall be 2,000 square feet.

(c) Maximum lot coverage shall be 60%.

(d) Minimum lot width shall be 20 feet.

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

(f) Minimum rear setback shall be 30 feet.

(g) Minimum side yard setback shall be 10 feet, aggregate of 30 feet.

(h) The number of dwelling units per group shall not exceed eight nor be fewer than three.

(i) The number of dwelling units per acre shall not exceed 8.

(j) 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.

(4) Garden or low-rise apartments.

(a) Minimum apartment project size shall be one acre, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(b) Maximum lot coverage shall be 80%.

(c) Minimum lot width shall be 50 feet.

(d) Minimum front yard setback shall be 30 feet.

(e) Minimum rear yard setback shall be 30 feet.

(f) Minimum side yard setback shall be 20 feet.

(g) The maximum number of dwelling units per building shall be 24.

(h) The number of dwelling units per acre shall not exceed 8.

(i) Distance between buildings or group of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or groups of buildings.

(5) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.

(6) Parking shall comply with the requirements provided in Article IV of this chapter.

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

(8) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(9) Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.

(10) Accessory structures for non-residential uses in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(11) Accessory structures for non-residential uses shall be located in the side and rear lot areas.

(12) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.5. - Source Water Protection District.

A. The purpose of the Source Water Protection District is to protect public health and safety in the City of Milford by minimizing contamination of aquifers, preserving, and protecting existing and potential sources of drinking water supplies. The district shall be established in delineated wellhead protection areas around all public water wells and excellent groundwater recharge potential areas located within the corporate limits of the City of Milford.

B. Superimposed district; effect on other provisions.

(1) To enable the Source Water Protection District to operate in harmony with the land use component of the City's Comprehensive Plan, subdivision and zoning regulations, the Source Water Protection District is created as a special district to be superimposed on other districts contained in the City of Milford's Zoning Ordinance.

(2) The requirements and provisions established in this district shall prevail over conflicting requirements of the zoning and subdivision ordinances.

C. Source water protection area maps

(1) Overlay maps prepared or provided by the Department of Natural Resources and Environmental Control (DNREC) delineating wellhead protection and excellent groundwater recharge potential areas in the City of Milford are included as a part of the City's Official Zoning Map and shall be designated as the Source Water Protection District.

(2) The maps shall be utilized by the administrative official in determining whether a lot or parcel lies within the source water protection district as described in Subsection D of this section. The lack of an indication on this map as to whether certain property is within or outside of the boundaries of this overlay district shall not be constructed as a conclusive determination that said property is within or outside the boundaries of the source water protection overlay district.

Rather, the controlling factor in making such a determination shall be the description contained in Subsection E of this section.

D. Source water protection standards.

(1) For a confined wellhead, the wellhead protection area shall be 150 feet from the wellhead.

(2) For an unconfined wellhead generating fewer than 50,000 gallons a day, the wellhead protection area shall be 150 feet from the wellhead.

(3) For an unconfined wellhead generating greater than 50,000 gallons a day, the wellhead protection area shall be delineated by the State of Delaware, Department of Natural Resources and Environmental Control, Division of Water Resources, Source Water Assessment and Protection Program.

(4) The area contained within a source water protection area shall be divided into zones:

(a) Zone 1: a surface area extending in a radius of 150 feet around the wellhead.

(b) Zone 2: the remaining surface area of a delineated wellhead protection area outside of Zone 1.

(c) Zone 3: excellent groundwater recharge areas.

(5) Zone 1 requirements.

(a) Permitted uses.

[1] Infrastructure, equipment, buildings, access and other uses associated with the well, distribution and treatment facilities of the water system and their maintenance.

[2] Wells existing prior to December 31, 2007. No other structures or uses shall be permitted in Zone 1 unless the application, which shall demonstrate the proposed structure or use will not harm or potentially harm the public drinking water supply, is approved as a conditional use by City Council.

(b) Prohibited uses.

[1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas

(6) Zone 2 requirements.

(a) Permitted uses.

[1] Uses permitted in the underlying zoning district may be permitted under an approved conditional use that protects the public drinking water supply for the City and meets the minimum requirements for stormwater management, impervious cover, above ground and underground storage tanks.

(b) Prohibited uses.

[1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas

(c) Stormwater management.

[1] Stormwater shall be treated by an approved stormwater quality management practice in accordance with current requirements of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.

[2] For all new construction, all structures shall be required to discharge roof drains into recharge systems. Recharge systems shall be in accordance with section 10.0 of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.

(d) Impervious cover.

[1] Wellhead protection areas should not exceed 20% impervious cover. New development in this zone may exceed the 20% impervious cover threshold within wellhead protection areas, but shall be no more than 50% impervious cover, provided the applicant submits an environmental assessment impact report as provided for in Subsection 230-19.5F indicating the additional impervious area will not have an adverse impact on the drinking water supply.

(e) Underground storage tanks (UST).

[1] Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and residential and agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems, or as later revised. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

[2] Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA § 101(14) shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

(f) Above ground storage tanks.

[1] Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in a delineated wellhead area if the ASTs are designed, constructed, operated and maintained with the applicable requirements in the Delaware Regulations Governing Aboveground Storage Tanks.

(7) Zone 3 requirements.

(a) Permitted uses.

[1] Uses permitted within the underlying zoning district unless prohibited by this section.

[2] Hazardous waste storage, treatment, and disposal facilities, hazardous waste generators, sanitary and industrial facilities as defined in the Delaware Regulations Governing hazardous waste, vehicle repair, salvage operations, waste sludge storage or application, solid waste landfills, tire piles and dredge spoil sites shall not be permitted in Zone 3.

(b) Prohibited uses.

[1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas

(c) Stormwater management and impervious cover.

[1] There are no requirements contained in this section in order for the development to occur provided the impervious cover of that portion of the parcel within the excellent recharge area is 35% or less.

[2] Impervious cover of that portion of the parcel within the excellent recharge area that is greater than 35% but no more than 60% is allowed provided the applicant demonstrates through a report prepared by a registered professional geologist or registered professional engineer familiar with the hydro geologic characteristics of the City of Milford and the surrounding areas using climatic water budget that post-development recharge quantity will meet or exceed the existing (pre-development) recharge quantity. Efforts to mitigate discharges to pervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges. These practices shall address water quality as well as overall water quantity.

[3] For all new construction, infill, and redevelopment within the town center as defined in Figure 14D, Neighborhood Map-Town Center, as it is delineated in the 2008 Comprehensive Plan impervious cover may exceed 60%. All structures are required to discharge roof drains into underground recharge systems or permeable surfaces that allow discharges to infiltrate into the ground. The site plan is to consist of BMPs that include such items as pervious pavers, pervious concrete and infiltration practices designed to assure that recharge is maximized. The practices shall address water quality as well as overall water quantity.

[4] Discharge from roof drains, containment areas or impoundments that have run-off from an area that may contain contaminants from mechanical systems shall be segregated and treated prior to discharge.

(d) Underground storage tanks (UST).

[1] Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and residential and agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems, or as later revised. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

[2] Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA §101(14) shall be permitted in Zone 3 if the USTs are designed, constructed, maintained and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

(e) Above ground storage tanks.

[1] Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than

39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in Zone 3 if the ASTs are designed, constructed, operated and maintained with the applicable requirements in the Delaware Regulations Governing Aboveground Storage Tanks.

Table 01: Land Use Restrictions and Uses Source Water Protections Areas.

Activities shall be subject to the land use restrictions contained within this [article] that will protect the quality and quantity of ground water supplies. All uses not permitted in the underlying zone district are prohibited.
No - Prohibited
Yes - Allowed
C - Conditional

Land Use	Well Head Protection Area		Excellent Ground-Water Recharge Potential Area
	Zone 1	Zone 2	Zone 3
Aboveground Storage Tanks	NO	C	C
Automobile body/repair shop	NO	NO	C
Chemical processing/storage facilities	NO	NO	C
Dredge Spoil Sites	NO	NO	C
Dry cleaner	NO	NO	NO
Electrical/electronic manufacturing facility	NO	NO	C
Equipment maintenance/fueling areas	NO	NO	C
Fleet/trucking/bus terminal	NO	NO	C
Gas station	NO	C	C
Hazardous Waste: Treatment, Storage & Disposal Facilities	NO	NO	C
† Dry Wells/sumps	NO	C	YES
†† Injection wells	NO	C	C
Junk/scrap/salvage yard	NO	NO	NO
Machine shop	NO	NO	C
Metal plating/finishing/fabricating facility	NO	NO	C
Mines/gravel pits	NO	NO	C
On-Site wastewater treatment and disposal systems	NO	NO	C
Salvage operations	NO	NO	NO
Sanitary and Industrial Landfills	NO	NO	NO
Tire Piles	NO	NO	NO

Underground storage tanks	NO	C	C
Vehicle repair	NO	NO	C
Vessel storage	NO	NO	C
Waste sludge storage or application	NO	NO	C
Wood preserving/treating facility	NO	NO	NO

† Dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell
†† Injection wells other than those used in the remediation of ground water contamination that inject oxygen-releasing compounds

E. Boundary determination for source water protection areas.

(1) All subdivision and land development plans depicting development or land disturbance submitted for City review shall be evaluated for the existence of source water protection areas. All such areas are as depicted on source water protection area maps maps/overlays are available from Delaware Department of Natural Resources and Environmental Control (DNREC), Division of Water Resources, Source Water Assessment and Protection Program (SWAPP). If a SWPA exists within a proposed development site, the boundaries of these areas shall be delineated on the plan by the applicant's State of Delaware professional engineer or professional geologist.

(2) DNREC SWAPP may, when based on sound science and information, revise and update the overlay maps of wellhead protection areas.

(3) The Delaware Geological Survey (DGS) may, when based on sound science and information, revise and update the overlay maps of good or excellent groundwater recharge potential areas.

(4) When there appears to be a conflict between the mapped boundary and actual site conditions, the applicant may engage the services of professional geologist to prepare a report intended to determine more accurately the precise boundary of the source water protection area. The Report shall include:

(a) A detailed topographic layout of the subdivision and/or area to be developed and prepared by a state-registered professional land surveyor or professional geologist;

(b) Evidence derived from a site-specific investigation that may include aquifer testing, test borings, test pits, observation wells, groundwater elevations, and topography surveys as appropriate for the type of source water protection area that clearly demonstrates that the area in question does not meet the definition of a source water protection area as defined.

(c) Any challenges to the delineations of the good or excellent groundwater recharge potential areas must follow the methods used in the Delaware Geological Survey publication: Report of Investigations No. 66, Groundwater Recharge Potential Mapping in Kent and Sussex Counties, Delaware. The challenge must be approved by DGS and DNREC SWAPP.

(d) Notwithstanding any other section of this chapter, if an owner initiates a precise boundary delineation pursuant to this section, any and all time review limitations shall be stayed pending the submission of the complete report contemplated by this section. Following submission of the report and all supporting documents, DNREC shall have 90 days to finally approve or disapprove the exploratory sketch plan submission or such further time as deemed necessary by the Department, but not to exceed an additional 90 days.

F. Environmental impact assessment report.

(1) New development may exceed the 20% impervious cover threshold within the Source Water Protection Area Zone 2, but be no more than 50% impervious, provided the applicant submits an environmental assessment report including a climatic water budget and systems to augment recharge that assure water quality as well as quantity. The environmental impact assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

(2) Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey pretreated rooftop runoff for infiltration to groundwater. Refer to Supplement 1, entitled Groundwater Recharge Design Methodology, for the details of how to design recharge facilities in Delaware source water protection areas.

(3) A Delaware registered professional engineer and/or professional geologist prepares an environmental assessment report, usually containing the following elements of planning, design, construction, and maintenance of groundwater recharge facilities:

(a) Site description of proposed development within the water resource protection area.
(b) Climatic water balance comparing predevelopment and postdevelopment recharge potential.
(c) Subsurface exploration, including borings, test pits, and infiltration tests.
(d) Design of groundwater recharge facilities that assure water quality as well as quantity.
(e) Construction and maintenance considerations.
(f) Recommended groundwater monitoring plan.
(g) Water management agreement between the applicant and the town, city, or county providing for monitoring and maintenance of the recharge system. The applicant will abide by the Groundwater Management Agreement as written in DNREC Supplement 1 to the Source Water Protection Guidance Manual for the Local Governments of Delaware: Groundwater Recharge Design Methodology, dated May 2005 or as later revised.

G. Nonconforming uses. Nonconforming uses may continue in a source water protection area in the form in which they existed at the time of the adoption of this section, unless they pose a direct hazard to the City's water supply, as determined by the Water and Wastewater Department upon advice from the Delaware Division of Public Health, or are causing some foreign substances (oil, salts, chemicals, or other substances) to be introduced into the City's water supply, as determined by the Water and Wastewater Department upon advice from DNREC's Division of Air and Waste Management and/or Division of Water Resources. In the latter case, the Building Department shall issue a mandatory cease and desist to stop the offending activity within the area. Nonconforming existing underground or aboveground storage of oil, petroleum, and petroleum products shall require secondary containment pursuant to the State of Delaware regulations governing underground storage tanks or for aboveground storage of petroleum products secondary containment facilities capable of capturing the material stored on the site, for existing facilities that are proposed either to be upgraded or replaced.

H. Replacement and new wells.

(1) The replacement of any existing public water supply well that was not required to meet this wellhead protection requirement at the date of its original installation and that has failed shall be exempt from meeting this wellhead protection requirement.

(2) All public water supply wells within a housing development, subdivision, or strip development recorded on or after the implementation of the Delaware Regulations Governing the

Construction and Use of Wells, dated April 6, 1997, or as later revised, shall be located at least 150 feet within the subdivision's or development's outermost property lines.

§ 230-19.6. - Transfer of development rights.

A. In recognition of the pressure to develop rural agricultural areas where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive and architecturally and culturally significant land threatens the character and quality of life that residents of the Milford area expect, a Transfer of Development Rights Program has been established.
B. Areas considered to be sending areas for transferred development rights are identified in the Comprehensive Plan and SE Master Plan as TDR Sending Areas, and are outlined in Section 200-10 Paragraph D.
C. Areas considered to be receiving areas for transferred development rights are identified in the Comprehensive Plan and SE Master Plan as TDR Receiving Areas, and are outlined in Section 200-10 Paragraph E.
D. The Official Map may be amended by City Council to allow Receiving Areas to be zoned R-8 Garden Apartment and Townhouse District if the developer participates in the TDR program and purchases TDR credits. Amendments to the zoning map shall follow the procedures outlined in Chapter 230-58.

§ 230-19-7. – Open space, recreation and other public facilities.

The City of Milford shall require the reservation of open space, recreation and other public facilities in accordance with the provisions of this section as a condition of approval for all one-family dwelling, two-family dwelling and multiple-family dwelling residential developments requiring major subdivision or site plan approval from the City Planning Commission or City Council.

A. Recreation areas.

(1) Purpose. The purpose of this section is to ensure that active recreation areas are provided as an integral design element within residential developments and that such facilities are of an adequate scale in relation to the size of the residential development and which provide residents with a variety of active recreational pursuits.

(2) Dedication required. The City shall require the dedication or reservation of recreation areas, and the subsequent construction of recreation facilities of a character, extent and location suitable to the needs created by a development for recreation facilities as defined and in accordance with the design guidelines set forth.

(3) Definition. The following are illustrative of the types of recreation areas and subsequent facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the recreation area requirements of this section: tennis courts, handball courts, racquetball courts, swimming pools, saunas and exercise rooms, meeting or activity rooms within clubhouses, baseball and soccer fields, basketball courts, volleyball courts, swings, slides and play apparatus, and developed walking, jogging or biking trails.

(4) Design guidelines.

(a) Accessible. Recreation areas shall be accessible within the development and arranged in a manner which affords reasonable access to all residents within the development. When warranted, recreation areas can be dispersed

throughout the development, provided that each remote location is accessible.

(b) Pedestrian oriented. Recreation areas shall be pedestrian oriented and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

(c) Age oriented. The nature and scope of planned recreation areas shall reflect an awareness of, and sensitivity toward, the anticipated age groups that would reside within the proposed development.

(d) Parking. Designs consider the need for parking facilities associated with recreation areas.

(e) Walking, jogging and biking trails. Recreation trails shall only be counted toward the recreation area requirement when constructed as an accessory to central recreation facilities. The developed trail shall be the only area counted toward the area requirement.

(f) Setbacks. No structure, equipment or game court surface required under this section shall be located nearer than 30 feet to any lot line of a lot to be used for residential purposes, nor nearer than 25 feet from any right-of-way line.

(g) Landscaping. Where warranted, visual screening of parking areas, game courts, playground areas and other features as necessary to preserve and protect the interests of adjoining residential properties may be required.

(h) Area. The minimum area of a remote recreation area shall be 2,000 square feet.

(5) Area required. All residential developments shall provide recreational areas in a size equal to 275 square feet per dwelling unit or one-half acre of land, whichever is greater. In no case shall the City require that more than ten percent of the gross area of the development be so dedicated or reserved when the gross area is greater than five acres.

(6) Cash in lieu of recreation area construction.

(a) Determination of suitability for cash donation. If the City determines that the construction of recreation is not practical due to close proximity to existing available recreation facilities or infeasible due to natural characteristics of the land or will not benefit the residents of the development, the City shall require a full or partial cash in lieu of areas of donation to be made by the developer in lieu of a full or partial dedication of land.

(b) Separate recreation account. The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

(c) Amount of cash donation. The total amount of cash-in-lieu of active recreation open space shall be equivalent to the appraised pre-improvement value of the land area required. The appraised pre-improvement value shall be based upon an appraisal of the subject property completed at the applicant's expense within six months prior to the date of request for consideration of cash in lieu of recreation area. If the City and/or the applicant do not agree on the land value estimate established by the appraisal, a new appraisal shall be performed by an independent third-party professional real estate appraiser at the applicant's expense. This appraisal shall be awarded on a competitive bid

basis to a qualified, certified appraiser that submits the lowest bid. The City shall manage the bid process.

(d) Payment of cash donation. One hundred percent cash donation provided under this section shall be collected prior to issuing the first building permit for the development.

B. Passive Open space.

(1) Purpose. The purpose of this [sub]section is to preserve areas of open space within residential developments which are designed to provide buffer spaces between developing areas, to preserve existing natural and historic features and to establish a network of open spaces within the built environment to provide a balance between developed and undeveloped lands, wildlife habitat conservation, the preservation of scenic view corridors, and to provide residents opportunities to engage in passive recreation activities.

(2) Dedication required. The City shall require the dedication of open space for the purpose of buffering, landscaping and preservation of natural features which add value to the residential development and to the surrounding community.

(3) Definition. Open space shall include land or an area of water, or combination of land and water, within a development site, and designed and available for the use and enjoyment of residents of the development, not including off-street parking, areas set aside for public facilities and rights-of-way, and areas to be preserved as wetlands and floodplains as required. The following are illustrative of the types of open space areas that shall be deemed to serve buffering and preservation of natural features to count toward satisfaction of the open space requirements of this [sub]section: mature forests and groves, hedge rows, water courses, riparian buffers, historic landmarks and resources, landscaped buffers and berming designed to promote privacy, open landscaped areas suitable for being used and enjoyed for purposes of informal and unstructured recreation and relaxation, stormwater detention ponds when suitably designed to emulate natural features by incorporating irregular shapes, gradual slopes (no greater than 1:4) and appropriate landscape plantings, and irreplaceable environmental assets with values that have been adequately documented.

(4) Design guidelines.

(a) Width. Land areas shall be at least 20 feet in width.

(b) Clearing. Selective clearing of natural vegetation may be permitted to form trails and clearings within woodland areas in accordance with the provisions of Chapter 230-19.8 (tree planting and preservation).

(c) Linked. Open spaces shall attempt to be contiguous and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

(5) Area required. In no case shall the City require that more than five percent of the gross area of the development be so dedicated or reserved.

C. Public facilities.

(1) Purpose. The purpose of this [sub]section is to afford the City the opportunity to reserve lands within developing areas which represent important and strategic locations for the distribution of essential public goods and services, such as potential educational facilities, emergency services, and recreational facilities. The Parks and Recreation Department shall advise City Council of any proposed subdivision or site plan that includes lands proposed for use as public parks to be operated by the City.

(2) Dedication optional. Where public facilities are shown or proposed in the City comprehensive plan, or in any other plan or study accepted by the City Council or other public body, and are located in whole or in part in a proposed subdivision or site plan, the City may require the dedication or reservation of the area required in lieu of the requirements of [sub]section 19.7(A).

(3) Definition. The following are illustrative of the types of public facilities that may be considered for reservation or dedication by this [sub]section: schools, utility service lines, future road rights-of-way (other than those planned to serve the proposed development), public buildings, parks, public trails, and recreation facilities.

(4) Area required. In no case shall the City require that more than five percent of the gross area of the development be dedicated for the public facility. Area dedications shall only be allowed when the facility is to be dedicated to the City of Milford for facilities to be operated by the City.

(5) Reservation. Any areas required by any other public bodies or any remaining areas beyond the five percent dedicated to the City under this [sub]section may be set aside by the City for a period of one year to allow the proper authority the opportunity to purchase the area. Upon failure of the proper authorities to purchase such site within one year after the date of the final approval of the project, the developer, upon application, shall be relieved of the responsibility of reserving such land for public purposes.

D. Management and maintenance of common open space and recreational areas.

(1) Management and maintenance required. There shall be provisions which ensure that the common open space land and all public facilities not dedicated to the City of Milford shall continue as such and be properly maintained. These provisions shall be in a form acceptable to the City of Milford. The developer shall either (a) retain ownership and responsibility for maintenance of such open land; or (b) provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of (b) above, each organization shall be a nonprofit homeowners' corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

(2) Homeowners' association requirements. If a homeowners' association or open space trust is formed, it shall be governed according to the following:

(a) Membership mandatory. Membership in the organization is mandatory for all purchasers of homes therein and their successors. The members of the organization shall share equitably the costs of maintaining and developing common open space and recreation areas, in accordance with procedures established by them.

(b) Responsibilities. The organization shall be responsible for maintenance, insurance and taxes on common open space, recreation facilities and open

public facilities, including but not limited to roads, gutters, sidewalks, curbs, drainage systems, water distribution systems and sewer facilities not dedicated to the City of Milford.

E. Exemption to recreation area and open space dedication.

(1) Exemptions for small developments.

(a) Residential developments with less than five acres of land and less than ten dwelling units. These developments shall be exempt from the land requirements set forth in [sub]sections A and B, but shall require a full cash donation to be made by the developer in lieu of a dedication of land.

(b) Residential developments with less than five acres of land and between 10 and 20 dwelling units. These developments may be exempt from the one-half acre minimum requirement for recreation areas, but may be required to provide a lesser amount as recommended by the City Council. The City shall require a full or partial donation in lieu of a full or partial dedication of land.

(c) Residential phases. Phases or sections within developments that are commonly owned or commonly proposed for development shall not be considered as individual residential developments qualified for exemptions under this [sub]section.

(2) Amount of cash donation. The total amount of cash-in-lieu of active recreation open space shall be equivalent to the appraised pre-improvement value of the land area required. The appraised pre-improvement value shall be based upon an appraisal of the subject property completed at the applicant's expense within six months prior to the date of request for consideration of cash in lieu of recreation area. If the City and/or the applicant do not agree on the land value estimate established by the appraisal, a new appraisal shall be performed by an independent third-party professional real estate appraiser at the applicant's expense. This appraisal shall be awarded on a competitive bid basis to a qualified, certified appraiser that submits the lowest bid. The City shall manage the bid process.

(3) Separate recreation account. The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

(4) Payment of cash donation. One hundred percent cash donation provided under this [sub]section shall be collected prior to issuing the first building permit for the development.

F. Construction phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that 100 percent of the recreation and open space areas shall be completed prior to issuing building permits for the final 20 percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

§ 230-19-8. – Tree Planting and Preservation.

A. *Purpose.* The purpose of this section is to establish standards and requirements for the protection and planting of trees and woodlands because it is recognized that woodlands and trees are not only desirable, but are essential to the health, safety, and welfare of the

population in that they provide oxygen, reduce carbon dioxide, stabilize soil, cleanse the air by transpiring clean water into the atmosphere, cleanse water passing into the ground through the root system, provide protection for wildlife and their habitats, provide shade, reduce noise and glare, increase property values, and provide an important physical, aesthetic, and psychological balance to the built environment.

B. *Definitions.*

Caliper dimension. The term "caliper dimension" means an outside diameter measurement of the trunk of a tree measured at a vertical distance of three feet above grade.

Clearing. The removal of trees from an area of 5,000 square feet or greater, whether by cutting or other means. The term "clearing" shall not include the removal of trees for landscaping purposes by individual lot owners.

Development area. The area containing all new site features (buildings, parking and drive areas, pedestrian walks, stormwater management areas, buffer areas etc. but not underground utilities) proposed by a plan. The development area shall be delineated using property lines and lines run straight across the property from one property line to another without bending or curving.

Design professional. The term "design professional" shall be any person licensed as a landscape architect or architect, or Delaware certified nursery professional.

Dripline. A line on the ground established by a vertical plane extending from a tree's outermost branch tips to the ground, i.e., the line enclosing the area directly beneath the tree's crown, from which rainfall would drip.

Tree. Any self-supporting, woody perennial plant, usually having a main stem or trunk and many branches and at maturity normally attaining a trunk diameter greater than three inches at any point and height of over ten feet.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this section. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Woodland. An area of contiguous wooded vegetation (7,500 square feet or greater), where trees exist at a density of at least one tree with a caliper dimension of six inches or greater per 375 square feet of land and where the tree branches form a contiguous canopy.

C. *Applicability.* The terms and provisions of this section shall apply to any activity on real property which requires conditional use, site plan or subdivision approval of the Planning Commission or City Council as set forth in Chapter 200 and Chapter 230, except the provisions in [sub]section 19.8(D) which shall apply to all real property.

D. *Tree preservation.*

(1) *Trees required by the City to be replaced.* Trees required by the City as a part of a conditional use, subdivision, or site plan approval shall not be removed unless they are diseased or infested, or present a danger to life and property. In cases where such trees are removed, they must be replaced with a tree planting in accordance with the table of trees standards kept in the Planning Department.

(2) *Trees of special value.* Trees having a historic value, as determined by the state historic preservation officer, or that are of an outstanding nature due to type or species, age, or other professional criteria, may be required by the City to be preserved. Such trees may be prohibited from being removed by the Planning Director until such time that the City has granted approval to remove such trees.

(3) *Tree preservation in wetlands.* No portions of wetland areas shall be developed or cleared of vegetation unless granted permission under state and/or federal permit; and they shall remain as essentially undisturbed areas protected under the provisions set forth in Chapter 230.

(4) *Clearing prohibited without approval.* Clearing, as defined by this section, for any purpose whatsoever, except the establishment of trails and pathways (not greater than eight feet in width) and open yard areas, shall be prohibited unless approved by the City through the site plan, conditional use, or subdivision review process.

E. *Woodland preservation.*

(1) *Tree preservation and selective clearing plan required.* All site development proposals which involve the development of woodland areas and require City approval shall include a tree preservation and selective clearing plan as part of the preliminary submission plan. The tree preservation and selective clearing plan shall be prepared in accordance with the provisions of subsection 19.8(E), subsection 19.8(G) and subsection 19.8(H) of this section.

(2) *Limited clearing for site development allowed.* Generally, site development plans for the construction of a new building within existing woodland areas shall limit clearing of the land to those areas necessary to provide for the placement of the building or group of buildings, adequate access onto the property and to the proposed building or group of buildings, utility placement, off-street parking and yard areas to allow for daylight infiltration and building maintenance. When woodland areas are proposed to be cleared to allow for new construction, clearing within the area of the proposed construction shall be limited to an area of 30 feet from proposed building foundation, and 15 feet from off-street parking lots, and utility placement.

(3) *Maximum clearing requirement.* Specifically, no more than 50 percent of a lot, parcel or tract of land occupied by woodland vegetation may be cleared for any purpose.

F. *Tree preservation and planting in nonwoodlands.*

(1) *Tree preservation and planting plan required.* All developments requiring approval of the City shall be required to submit, with its application and plans, a tree preservation and planting plan as set forth in subsection 19.8(H), and shall conform with the following provisions.

(2) *Tree density.* For each property required to submit a tree preservation and planting plan, a development area as defined in this section shall be delineated within the nonwoodland area of the property. Within this development area, existing trees may be retained and new trees shall be planted such that the development area shall attain or exceed a tree density of one tree per 3,000 square feet or fraction thereof.

(3) *Minimum standards for new trees.* For new trees to be counted toward the required tree density, they must be of a species and size as set forth in the table of trees approved by the City and kept on file in the office of the Planning Director, or be of an alternate species found acceptable by the City.

(4) *Minimum standards for existing trees.* For existing trees to be counted toward the required tree density, the tree shall have a minimum caliper dimension of two inches. No trees over eight inches in caliper dimension shall be removed unless within an area

of 30 feet from the proposed building foundation, off-street parking lot, and utility placement.

G. *Tree protection and planting requirements.*

(1) *Application.* The following guidelines and standards shall apply to activities regulated under Chapter 200 or Chapter 230:

(2) *Protection required.* To protect the required trees or woodland and their critical root zone, a tree protection area delineated by the dripline of a tree or group of trees to be retained, shall be established. The protection area shall not be disturbed by site utility and grading work, by construction activities such as parking, material storage, concrete washout, sedimentation intrusion or erosion, or other activity. Damage to trees or woodlands and their critical root zones shall require tree plans to be revised to compensate for the loss as determined by the City Arborist or a qualified professional/consultant.

(3) *Protection measures.* Tree protection areas shall be protected by fencing, staking, or continuous ribbon and, where necessary, silt screens which shall be situated to coincide with the dripline of the tree or group of trees to be preserved. Protection measures shall be erected prior to construction, and must remain until final landscaping is installed.

(4) *Planting requirements.* New trees proposed to be planted for credit toward the density requirement shall have spacing that is compatible with the spatial site limitations and with responsible consideration toward species size when mature. Species selected for planting must be ecologically compatible with the specifically intended growing site. Trees selected for planting shall be free from injury, pest, disease, and disorders.

H. *Tree preservation, planting and selective clearing plans.*

(1) *Plan specifications.* A tree preservation and planting plan or a preservation and selective clearing plan, prepared by or in conjunction with a design professional, shall be shown on a copy of a preliminary major subdivision plat, or site plan, as appropriate to the proposed development, drawn to the same scale and covering the same area as the other plan documents prepared for the Planning Commission or City Council meeting. The plan may be combined with a required buffer and landscape plan for the project, at the option of the developer. The plan shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this section will be fully satisfied.

I. *Tree mitigation.*

(1) *City Council or Planning Commission waiver.* The City Council or Planning Commission may waive the provisions of subsections 19.8(E)(2), 19.8(E)(3), and 19.8(F)(2), and require replacement planting for mitigation purposes should the City Council or Planning Commission determine, after demonstration by the applicant, that due to physical limitations of the land which would otherwise prohibit the reasonable use of the land, or for purposes of preserving, protecting and promoting the interest of public health, safety, welfare and/or public convenience. All tree mitigation plantings

must occur within the corporate limits of the City of Milford. Tree mitigation may occur off-site in accordance with the provisions listed below in this ordinance:

(a) If a waiver is sought from the provisions of subsection 19.8(F)(2), new tree plantings are required at a rate of 1:1. All new tree plantings shall meet the minimum size at planting requirements of the City of Milford table of trees.

(b) If a waiver is sought from the provisions of subsection 19.8(E)(2) and/or subsection 19.8(E)(3), then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for the consideration of the City Council or Planning Commission.

(c) All tree mitigation must occur on-site unless an off-site location is specifically approved by the City Council or Planning Commission. When considering off-site locations for tree mitigation, the City Council or Planning Commission shall consider:

[1] A physical hardship related to the land which would otherwise prohibit compliance on the subject site.

[2] Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quality, or aesthetic qualities compared to strict compliance with the ordinance on-site.

(2) *Tree mitigation required for unauthorized clearing.* In the event that trees or woodland areas to be preserved under this ordinance or as a condition of a site plan, subdivision, or conditional use approval are illegally removed, tree mitigation shall be required. All tree mitigation plantings must be placed on the same lot, parcel, or tract on which the illegal clearing occurred. All replacement trees must be of the same or a similar variety as the trees illegally removed.

(a) If trees have been removed from non-woodland areas, new tree plantings shall be provided in accordance with the table below:

Caliper Dimension of Trees Removed	Number of Trees Required	Caliper dimension at Planting
25″ or larger	5 trees	3″
17″ to 24″	3 trees	3″
9″ to 16″	3 trees	3″
8″ or less	2 trees	3″

* *Note*—All trees replanted must be guaranteed to survive a minimum of one year.

(b) If trees have been removed from woodland areas, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.75 times the amount of woodlands that were illegally removed.

The woodland unlawfully removed must be replanted to satisfy a portion of this requirement. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for review and approval by the Planning Director.

(c) If the applicant wishes to provide replacement plantings on any property other than the one on which illegal clearing occurred, the mitigation plan must be reviewed and approved by the City Council or Planning Commission. When considering off-site locations for tree mitigation, the City Council or Planning Commission shall consider:

[1] A physical hardship related to the land which would otherwise prohibit compliance on the subject site.

[2] Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quality, or aesthetic qualities compared to strict compliance with the ordinance on-site.

(3) The City Council or Planning Commission may require tree mitigation areas to be planted in permanent conservation through deed restrictions, conservation easements, or donations to land trusts.

§ 230-19.9 – Planned Unit 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 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.

C. Density. A planned unit 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 as outlined in the below table.

Zoning Category	Minimum Lot Area
R-1	10,000 square feet
R-2	8,000 square feet
R-3	3,630 square feet
R-8	3,630 square feet

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 City Council.

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 City Council. Maximum height shall not exceed 48 feet and four stories maximum.

E. A planned unit 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, unless otherwise specifically approved by City Council as part of the conditional use approval.

(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 80% 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.

G. Planned Unit Developments are subject to the Recreation, Open Space and other Public Facilities sections of this Chapter.

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

~~A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:~~

~~(1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.~~
~~(2) Be attractively landscaped and screened from neighboring residential lots.~~
~~(3) Not extend into any required front yard areas, except for the driveways.~~
~~(4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.~~

A~~B~~. Parking space size. Parking space sizes shall be in accordance with § 230-21.

B~~C~~. Parking spaces in **residential** driveways **and garages**. Driveways **and garages** shall be considered as constituting off-street parking space for one-family detached, semidetached**,** ~~or~~ townhouse **and multi-family** dwellings ~~in residential districts~~, provided that **the driveway shall be a minimum of 10 feet in width with a curb cut no greater than 20 feet in width and such driveways and garages meet the minimum requirements for off-street parking outlined in this section. Residential driveways must be constructed with an approved dustless surface such as asphalt, concrete, pavers or other material that will not wash away or emit dust into the air.** ~~sufficient space is available in such driveways to meet the requirements of this section.~~ **Residential driveways shall provide a minimum of two feet of separation between the driveway and the side property line, unless a cross-access easement agreement is provided between property owners for a shared driveway. Driveways for corner lots shall be located off of the street with a lesser road classification as determined by the Planning Director and shall be located as far away from the intersection as practically possible. Curb cuts shall be constructed as required by the City Construction Standards and shall be limited to the frontage of the lot served.**

C~~D~~. Location of parking spaces **within parking lots**. All parking spaces shall be set back 15 feet from any street line **and 5 feet from any property line**. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

D~~E~~. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.

E~~F~~. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking **in this zoning district.** ~~areas for downtown shoppers. The location of the municipal parking lots are:~~

~~(1) North Walnut Street and Northeast Front Street.~~
~~(2) Park Avenue and Northeast Front Street and Denney Row.~~
~~(3) Park Avenue and North Washington Street.~~
~~(4) Southeast Front Street between South Walnut Street and Church Street.~~
~~(5) Southeast Front Street and South Washington Street.~~

F~~G~~. ~~Parking lot and garage maintenance.~~ **Parking lots. Whenever a parking lot is located across the street from a residential use, it shall be edged with low-profile evergreen hedge planting located along a line drawn parallel to the street and a distance of 10 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street.** Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.

G~~H~~. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.

H~~I~~. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from

the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.

I~~J~~. **Non-residential** ~~P~~**p**oints of ingress and egress. ~~When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress.~~ Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than ~~25~~ **24** feet and not more than 32 feet in width **when the entrance requires two-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road. Such accessway shall not be less than 12 feet in width when the entrance is for one-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road**. No two accessways on the same lot shall be placed within 75 feet of each other. **The entrance shall be setback 5 feet from any adjoining property line unless otherwise noted under the conditional use requirements.**

J. All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.

K. All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The Planning Director may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Parking blocks are required at the head of all parking spaces where curb is not provided. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence. Buildings and sidewalk shall be protected by upright concrete curing at least six inches in height, bollards or other object approved by the Planning Director that demonstrates protection of pedestrians and property.

L. Parking Lots: Interior Landscaping. To reduce the visual impact of large expanses of parking and to create a more pedestrian-friendly environment, interior parking lot landscaping is required. Green space in the form of landscape islands and/or peninsulas are required to break up rows of parking spaces as follows:

(1) If the total number of parking spaces is less than 100, the minimum requirement is:

(a) Islands at both ends of each row of parking (minimum of 9' x 18').

(b) One island or peninsula (minimum of 9' x 18') for every 10 contiguous spaces.

(c) No more than two (2) contiguous bays (four total rows) without a 9' wide island separating the two (2) bays from additional parking bays or drive aisles.

(d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.

(2) If the total number of parking spaces is 100 or greater, the minimum requirement is:

(a) Islands at both ends of each row of parking (minimum of 9' x 18').

(b) One island or peninsula (minimum of 9' x 18') for every 12 contiguous spaces.

(c) No more than three (3) contiguous bays (six total rows) without a 9' wide island separating the three (3) bays from additional parking bays or drive aisles.

(d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.

M. Bicycle Parking Facilities. All parking facilities containing less than ten (10) parking spaces shall provide one bicycle rack with no less than five (5) spaces. For parking facilities with ten (10) or more parking spaces, five (5) bicycle spaces plus one (1) per every twenty (20) parking spaces shall be provided, not to exceed more than twenty (20) bicycle parking spaces in any one facility. The Planning Commission or City Council may waive the requirement for the bicycle parking if it is

demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.

N. Illumination. Parking lots shall be property illuminated per the most recent version of the Illuminating Engineering Society (IES) Standards.

O. Parking of vehicles on unpaved surfaces within the front yard of all districts shall be prohibited. Exception: emergency vehicles.

P. Garbage Enclosure. Commercial, industrial, institutional or residential multi-family sites shall provide trash enclosures to adequately serve the proposed uses. Enclosures shall be conveniently placed on the site for commercial or residential tenants to use and shall be no farther than 300 feet from the intended users. Trash enclosures shall be constructed with similar materials to other buildings on the site. Receptacles shall be situated at an appropriate location as to not constitute a nuisance for users of the property and adjoining property owners and shall be appropriately screened to improve the appearance of the area.

§ 230-21. - Parking and loading standards.

A. Design standards ~~(general)~~.

(1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
90º	9	18	~~As required by State Fire Marshal~~ **20 feet (one-way)** **24 feet (two-way)**
60º	9	20	~~As required by State Fire Marshal~~ **18 feet (one-way)** **22 feet (two-way)**
45º	9	18	~~As required by State Fire Marshal~~ **14 feet (one-way)** **22 feet (two-way)**
Parallel	10	20	~~As required by State Fire Marshal~~ **14 feet (one-way)** **22 feet (two-way)**

(2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).

~~(3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.~~

~~(4) Exceptions to the design standards shall be permitted as follows.~~

B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

~~Types and Uses~~	~~Required Off Street Parking Spaces~~
~~Retail stores and shops, all types, supermarkets, retail food stores and undertakers~~	~~1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees~~
~~New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions~~	~~4 per salesperson, plus 1 per per 2 employees during the period of greatest employment~~
~~Personal service establishments, laundromats and dry cleaning~~	~~1 per 200 square feet of gross floor area~~
~~Banks and other financial institutions~~	~~1 per 200 square feet of gross floor area, plus 1 for each employee~~
~~Business, governmental and professional offices~~	~~1 per 100 square feet of gross floor area~~
~~Medical and dental offices or clinics~~	~~1 per 150 square feet of gross floor area for medical and dental offices or clinics~~
~~Hospitals~~	~~1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment~~
~~Sanatorium or nursing home~~	~~1 for every 4 beds~~
~~Churches and other places of worship~~	~~1 per 5 seats~~
~~Indoor and commercial outdoor recreation~~	~~1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility~~
~~Restaurants, taverns and similar uses~~	~~1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment~~
~~Dwelling, one-family detached, semidetached or mobile home~~	~~2 1/2 per dwelling unit~~
~~Dwelling, townhouse, garden apartment or multifamily dwelling~~	~~2 1/2 per dwelling unit~~
~~Rooming and boarding house or converted unit~~	~~1 per rented unit~~
~~Museum, art gallery and similar use~~	~~1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment~~
~~Public library~~	~~1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment~~

~~Fire station~~	~~25~~
~~Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center~~	~~1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility~~
~~Social club and fraternal, social service, union and civic organization building~~	~~1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses~~
~~Public or private school~~	~~3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public~~
~~Industrial, manufacturing or wholesaling establishment~~	~~1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales~~
~~Hotel and motel~~	~~1 for each guest room plus 1 for each 3 employees~~

Types and Uses	Required Off-Street Parking Spaces
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 space per 4 seats or 1 space per each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Automotive Repair	3 spaces per service bay
Automotive or Outdoor Sales	1 space per 200 square feet of floor area in the main display room plus 1 space per each 1,500 square feet of outdoor display area plus 1 space for each employee on the shift of greatest employment
Bed and Breakfast	1 space per guestroom plus required parking for family residence
Community Residential Treatment Program	1 space per 4 residents plus 1 space per employee
Daycare, Nursery School or Kindergarten	1 space per 10 children plus 1 space per employee on the shift of greatest employment
Elementary or Junior High School	1 space for each 8 seats in auditorium, cafeteria or gymnasium
High School, Technical School, College or University	1 space for each classroom plus 1 parking space for each employee or 1 space for each 5 auditorium seats, whichever is greater

Fire station	1 space per employee on the maximum shift or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever is greater
General Offices	1 space per 250 square feet of gross floor area
Medical and Dental Offices	1 space per 200 square feet of gross floor area
Hospitals, Nursing Home or Sanatorium	1 space per 3 beds
Hotel and motel	1 space for each guest room plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.)
Indoor and commercial outdoor recreation	1 space for each 150 square feet of gross floor area or 1 per 4 seats of facilities available for patron use, whichever is applicable
Industrial, manufacturing or wholesaling establishment	1 space per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Museum, Art Gallery, Library and similar use	1 space per 300 square feet of gross floor area
Places of Worship	1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Professional Home Occupation	1 space per 300 square feet of floor area devoted to a business plus 1 space per each outside employee, if there is one
Restaurants, fast food, taverns and similar uses	1 space per 3 seating accommodations
Retail or Service	1 space per 200 square feet of gross floor area
Rooming and boarding house or converted unit	1 space per bedroom
Dwelling, single-family detached, semi-detached, townhouse, mobile home, or multi-family dwelling unit	2 ½ spaces per dwelling unit
Accessory Dwelling Unit	1 ½ spaces per dwelling unit
Social club and fraternal, social service, union and civic organization building	1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Undertaker or Funeral Home	1 space per 4 seats in the largest assembly room plus 1 space per employee

(1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

(1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:

(a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:

[1] Five thousand to 7,999 square feet of floor area: one berth.
[2] Eight thousand to 19,999 square feet of floor area: two berths.
[3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.

(b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:

[1] Eight thousand to 20,000 square feet of floor area: one berth.
[2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.

(c) Each manufacturing, office research and industrial establishment with a total of **5,000** ~~3,500~~ square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

(2) ~~Loading spaces shall not be allowed in any front yard of any property.~~ **Loading berths must be functionally related to the building, and be situated where actual loading and unloading activities are intended to occur. Loading berths located remotely from the building will not be permitted, unless the applicant can demonstrate the utility of such berths. Loading berths**

are not permitted between the street and building, except where a property fronts three or more streets. This section of the ordinance shall not preclude the designation of an area in front of the building for parcel pick-up, mail deliveries, or passenger loading.

(3) One required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. If more than one loading berth is required, subsequent berths may have minimum dimensions of 12 feet wide and 40 feet long. At not time shall any part of a truck or van be allowed to extend into a public right-of-way or thoroughfare while the truck or van is being loaded or unloaded.

(4) Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

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.

(3) Buffers along arterial streets. Where development proposals front on an arterial street, a landscape buffer shall be required along the arterial road frontage. These buffer areas shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street, and shall, at the time of development of the property, be planted with a variety of trees, shrubs and ground cover so as to create a distinctive and consistent visual character of the arterial street. The landscape design and planting plan for these arterial street buffer areas shall be subject to the approval of the Planning Commission or City Council as an integral part of the site development plan. When it can be demonstrated to the satisfaction of the Commission or City Council through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, compliance with this section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the Commission or City Council may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.

B. Commercial districts. In any C-1, **OB-1, OC-1,** C-2 or C-3 District, a fifteen-foot **visual and sound** buffer area shall be provided **on non-residential use properties (other than agricultural uses) when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height accompanied by landscaping.** ~~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~~.

(1) Opaque barrier options. The requirement for the opaque barrier may be met by choosing one of the following:

(a) An opaque wooden fence.

(b) A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete.

(c) An earthen berm (4:1 maximum side slopes).

(d) Dense, durable and continuous evergreen tree planted screen of at least six feet in height at the time of planting and arranged to effectively achieve an opaque visual buffer.

(e) Any combination of fencing, landscaping and/or berming that achieves a six-foot-high opaque barrier.

C. Institutional, Industrial and **Business Park**~~Office Building/Complex~~ Districts: H-1, **IM, IS,** I-1, **I-2**~~I-1~~, ~~OB-1~~ and **BP**~~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.~~ **Each use established in these districts shall provide a 50-foot visual and sound buffer area on non-residential use properties (other than agricultural uses) when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height accompanied by landscaping.**

(a) Opaque barrier options. The requirement for the opaque barrier may be met by choosing one of the following:

[1] An opaque wooden fence.

[2] A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete.

[3] An earthen berm (4:1 maximum side slopes).

[4] Dense, durable and continuous evergreen tree planted screen of at least six feet in height at the time of planting and arranged to effectively achieve an opaque visual buffer.

[5] Any combination of fencing, landscaping and/or berming that achieves a six-foot-high opaque barrier.

~~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 VI - Signs

§ 230-24. - Purpose.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

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

§ 230-24.1. - Hierarchy of regulations.

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

§ 230-24.2. - Definitions.

For purpose of this article, certain words and phrases shall be interpreted and defined as follows:
ABANDONED OFF-PREMISE SIGN — A sign that, for 180 days or more, no longer:

(1) Directs attention to a business commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained; and
(2) No longer markets, advertises, or promotes the sign for sale or rent.

ABANDONED ON-PREMISE SIGN — A sign or sign structure that, for 180 days or more, no longer identifies an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located or on a property adjacent to the property on which the sign is located when the adjacent property has a recorded easement for access on or along the property on which the sign is located.
ALTERATION — A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.
ANIMATED SIGN — A sign employing actual motion, the illusion of motion, or light and color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

(1) ENVIRONMENTALLY ACTIVATED — Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and other devices or displays that respond to naturally occurring external motivation.
(2) MECHANICALLY ACTIVATED — Animated signs characterized by repetitive motion or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
(3) ELECTRICALLY ACTIVATED — Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input or illumination capable of simulating movement through employment of the characteristics of one or both of the classification notes below:

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

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

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

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

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

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

BANNER — A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN — A sign utilizing a banner as its display surface.

BENCH SIGN — A sign applied or affixed to the seat or back of a bench.

BILLBOARD — See Off-Premise Sign and Commercial Outdoor Advertising Sign.

BUILDING FAÇADE — That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

BUILDING SIGN — A sign that is applied or affixed to a building.

CANDELA — The basic unit of measurement of light in SI (metric) units.

CANDELA PER SQUARE METER (cd/m2) — The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

CANDLE or CANDLEPOWER — Synonymous with Candela, but in English, not SI, terms.

CANOPY (ATTACHED) — A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

CANOPY (FREESTANDING) — A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN -A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign.

CHANGEABLE SIGN — A sign with the capability of content by means of manual or remote input, includes the following types:

(1) MANUALLY ACTIVATED — Changeable sign whose message copy or content can be changed manually on a display surface.

(2) ELECTRONICALLY ACTIVATED — Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also Electronic Message Center.

CHANNEL LETTER (OPEN FACED) — A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

CHANNEL LETTER (INTERNALLY ILLUMINATED) — A dimensional letter with a back, sides, and a translucent front face capable of transmitting light from an internal light source within the letter.

CHANNEL LETTER (REVERSE) — A dimensional letter with a face and sides but no back, opposite to an Open-Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

CLADDING — A non-structural covering designed to conceal the actual structural supports of a sign. See also Pole or Pylon Cover.

COMMERCIAL OUTDOOR ADVERTISING SIGN — A permanent off-premise sign erected, maintained or used in the outdoor environment for the purposes of providing copy area for commercial or noncommercial messages.

CONFORMING SIGN — A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

COPY — The graphic content or message of a sign.

COPY AREA OF SIGN — The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background.

DIMENSIONAL LETTER, SYMBOL, OR GRAPHIC — A letter, symbol, or graphic that is three dimensional in character, containing height, width, and depth.

DIRECTIONAL SIGN — Any sign that is designed and erected for the purpose of providing direction or orientation for pedestrian or vehicular traffic.

DISPLAY TIME — The amount of time a message or graphic is displayed on an Electronic Message Sign.

DISSOLVE — A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

DOUBLE-FACED SIGN — A sign with two faces, back to back.

DYNAMIC FRAME EFFECT — An Electronic Message Sign frame effect in which the illusion of motion or animation is used.

ELECTRIC SIGN — Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE CENTER OR SIGN (EMC) -An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a

lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)
EXTERNALLY ILLUMINATED SIGN — See Illuminated Sign.
EXTERIOR SIGN — Any sign placed outside a building.
FAÇADE — See Building Façade.
FADE — A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
FASCIA SIGN — See Wall Sign.
FLASHING SIGN — See Animated Sign, Electrically Activated.
FONT — A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.
FOOT CANDLE — An English unit of measurement of the amount of light falling upon a surface (Illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.
FOOT LAMBERT — An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.
FRAME — A complete, static display screen on an Electric Message Sign.
FRAME EFFECT — A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.
FREESTANDING SIGN — A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Section 230-24.3 for visual reference examples.
FRONTAGE (PROPERTY) — The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
FRONTAGE (Building) — The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.
GROUND SIGN — See Freestanding Sign.
ILLUMINANCE — The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination." Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.
ILLUMINATED SIGN — A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].
INTERNALLY ILLUMINATED SIGN — See Illuminated Sign.
INTERIOR SIGN — Any sign placed within a building, but not including window signs as defined by this article. Interior signs, with the exception of window signs as defined, are not regulated by this article.
LISTED SIGN — A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and the National Electric Code (NEC).
LUMINANCE — The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units). Expressed in Si units as cd/m2, and in English units as foot lamberts. Sometimes also expressed as "nits", a colloquial reference to SI units. Can be measured by means of a luminance meter.
LUX — the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.
MANSARD — A roof-like façade comparable to an exterior building wall.
MARQUEE — See Canopy (Attached).

MARQUEE SIGN — See Canopy Sign.
MULTIPLE-FACED SIGN — A sign containing 3 or more faces.
NIT — A photometric unit of measurement referring to luminance. One nit is equal to one cd/m2.
NON-CONFORMING SIGN — A sign that was legally installed by permit in conformance with municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.
NON-CONFORMING USE — A continued and lawful use of property, including a sign or signs lawfully installed in accordance with laws or ordinances prevailing at the time of installation.
OFF-PREMISE SIGN — See Outdoor Advertising Sign. See Also, Wayfinding Sign.
ON-PREMISE SIGN — A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed or on a property adjacent to the property on which the sign is located when the adjacent property has a recorded easement for access on or along the property on which the sign is located.
ORIGINAL ART MURAL — A hand produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to, an exterior wall of a building or structure. Original Art Mural does not include: mechanically produced or computer-generated prints or images, including but not limited, to digitally printed vinyl, murals containing electrical or mechanical components, or changing image murals.
OUTDOOR ADVERTISING SIGN — A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.
PARALLEL SIGN — See Wall Sign.
PARAPET — The extension of a building façade above the line of the structural roof.
PERMITTED ORIGINAL ART MURAL — An Original Art Mural for which a permit has been issued by the City of Milford pursuant to this article.
PERPENDICULAR SIGN — See also Freestanding Sign; See also Projecting Sign.
POLE COVER OR PYLON COVER — An enclosure designed to conceal poles or other structural supports of a sign. See also Cladding.
POLE SIGN — See Freestanding Sign.
POLITICAL SIGN — A temporary sign intended to advance a political statement, cause, ballot, issue, or candidate for office.
PORTABLE SIGN — Any sign not permanently attached to the ground and can be removed without the use of tools.
PROJECTING SIGN — A sign other than a Wall Sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.
PYLON SIGN — See Freestanding Sign.
REAL ESTATE SIGN — A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.
REVOLVING SIGN — A sign that has the capability to revolve 360 about an axis. See also: Animated Sign, Mechanically Activated.
ROOF LINE — The uppermost line of the roof of a building or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

ROOF SIGN — A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.
SCROLL — A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.
SI (INTERNATIONAL SYSTEM OF UNITS) — The modern metric system of measurement abbreviated Sis for the French term "Le Systeme International d'Unites."
SIGN — Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.
SIGN AREA — The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the area of all faces of the sign.
SIGN COPY — The letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.
SIGN FACE — The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

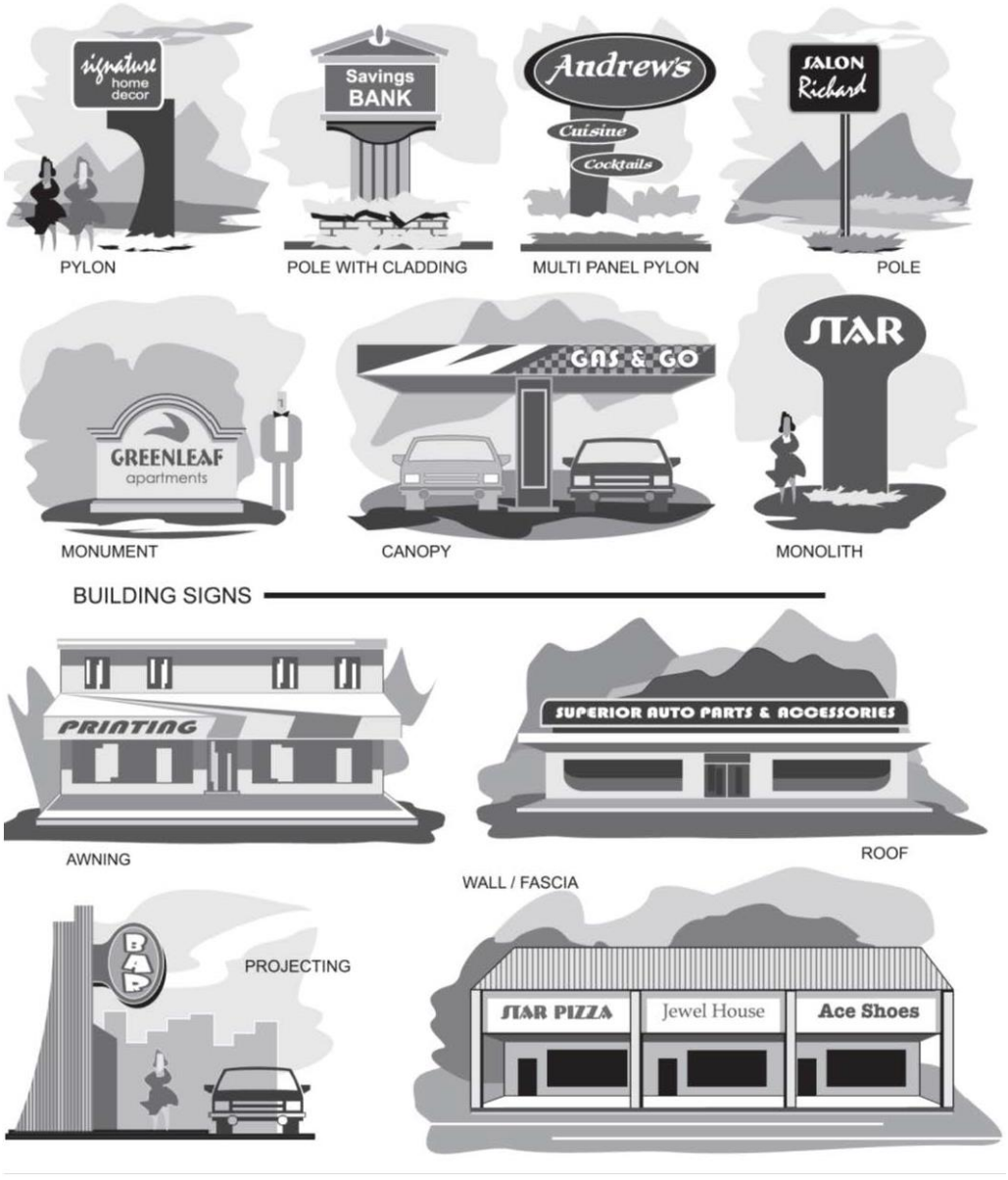
(1) In the case of panel or cabinet signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
(2) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
(3) In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE — Any structure designed for the support of a sign.
SITE — The ground area legally designated as a zoning lot, which may be categorized as a permanent parcel (a lot of record), multiple lots of record, or a portion of a lot of record.
SPECIAL EVENT SIGN — A temporary sign pertaining to any civic, patriotic, or special event of general public interest.
TEMPORARY SIGN — A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is not permanently embedded in the ground, are considered temporary signs.
TRANS-ILLUMINATED SIGN — See Internally Illuminated Sign.
TRANSITION — A visual effect used on an Electronic Message Sign to change from one message to another.

TRAVEL — A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.
UNDER CANOPY OR UNDER MARQUEE SIGN — A sign attached to the underside of a canopy or marquee.
V SIGN — A sign containing two faces of equal size, positioned at an interior angle subtending less than 179 degrees at the point of juncture of the individual faces.
WALL OR FASCIA SIGN — A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.
WAYFINDING SIGN — A sign, frequently off-premise, specifically designed to provide directional or destination information and installed or maintained by the City or another government agency.
WINDOW SIGN — A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

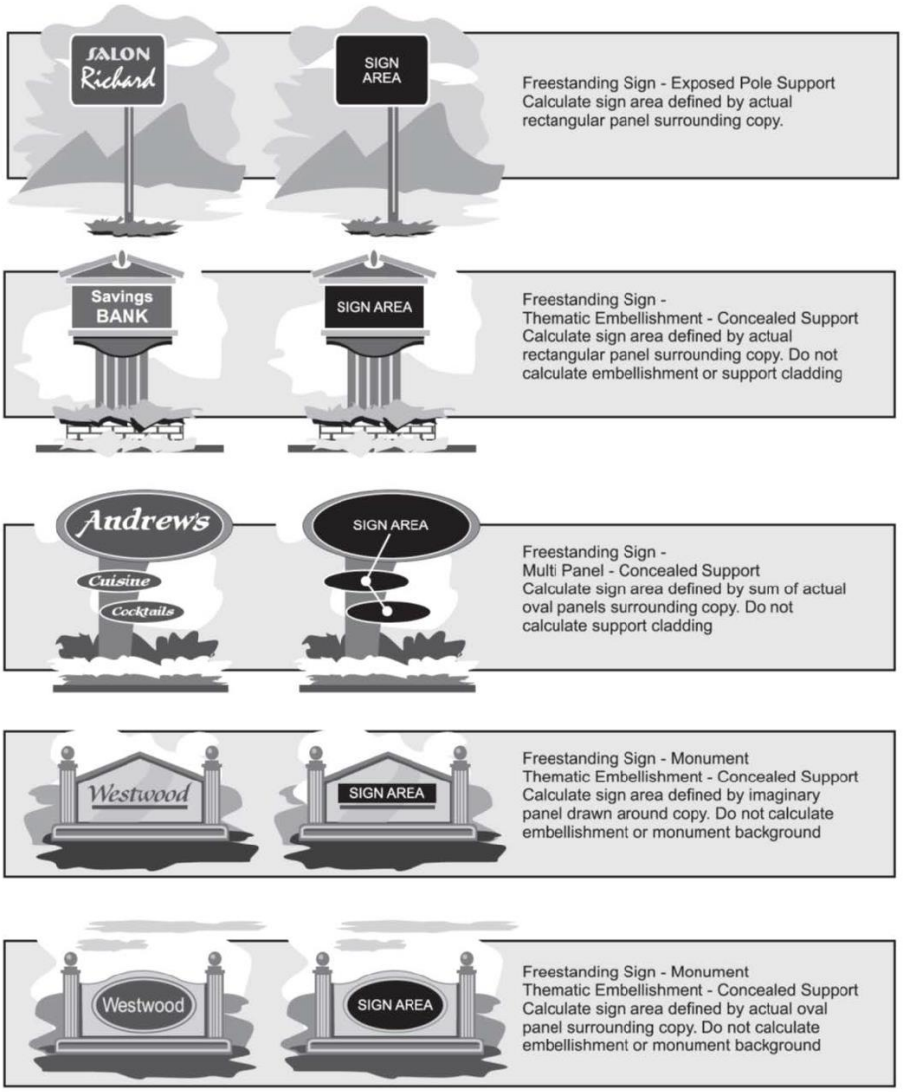
§ 230-24.3. - Typical on-premise sign types.

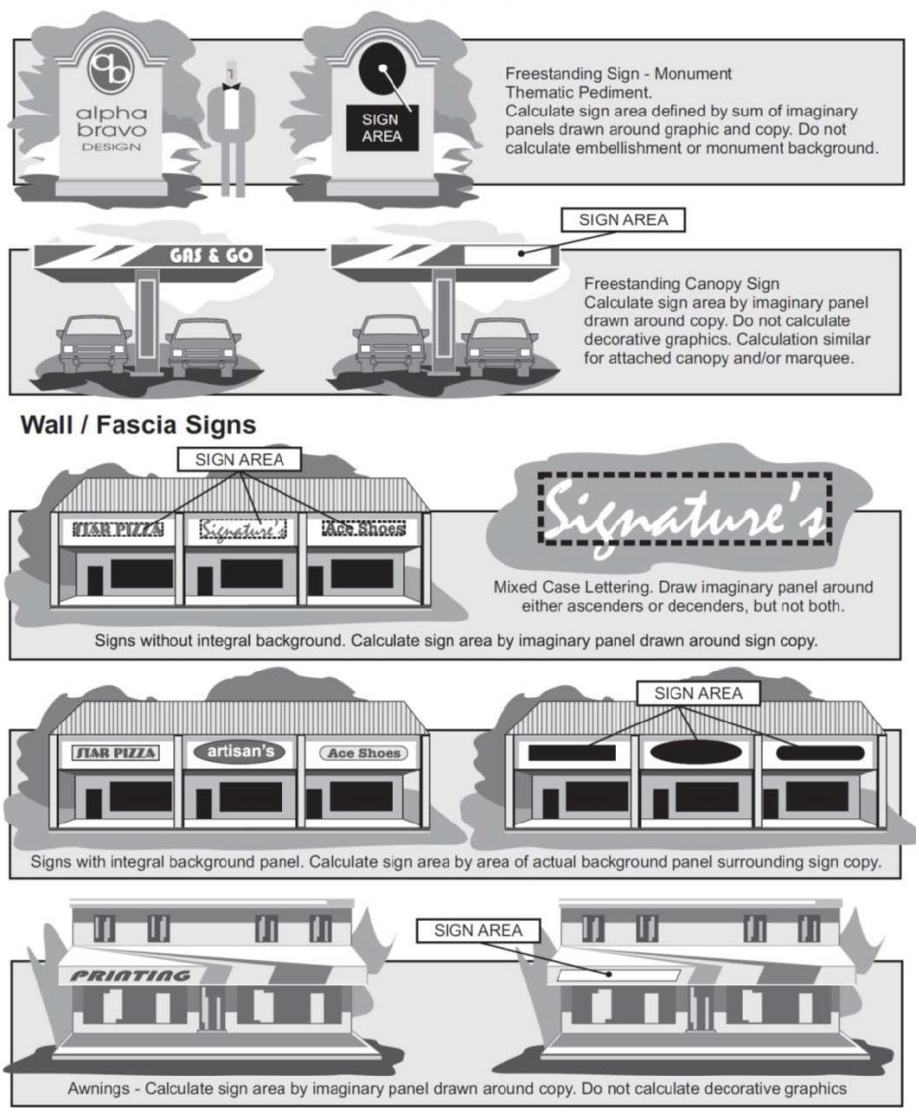
The purpose of this section is to provide visual examples of certain types of signs.



§ 230-24.4. - Sign area computational methodology.

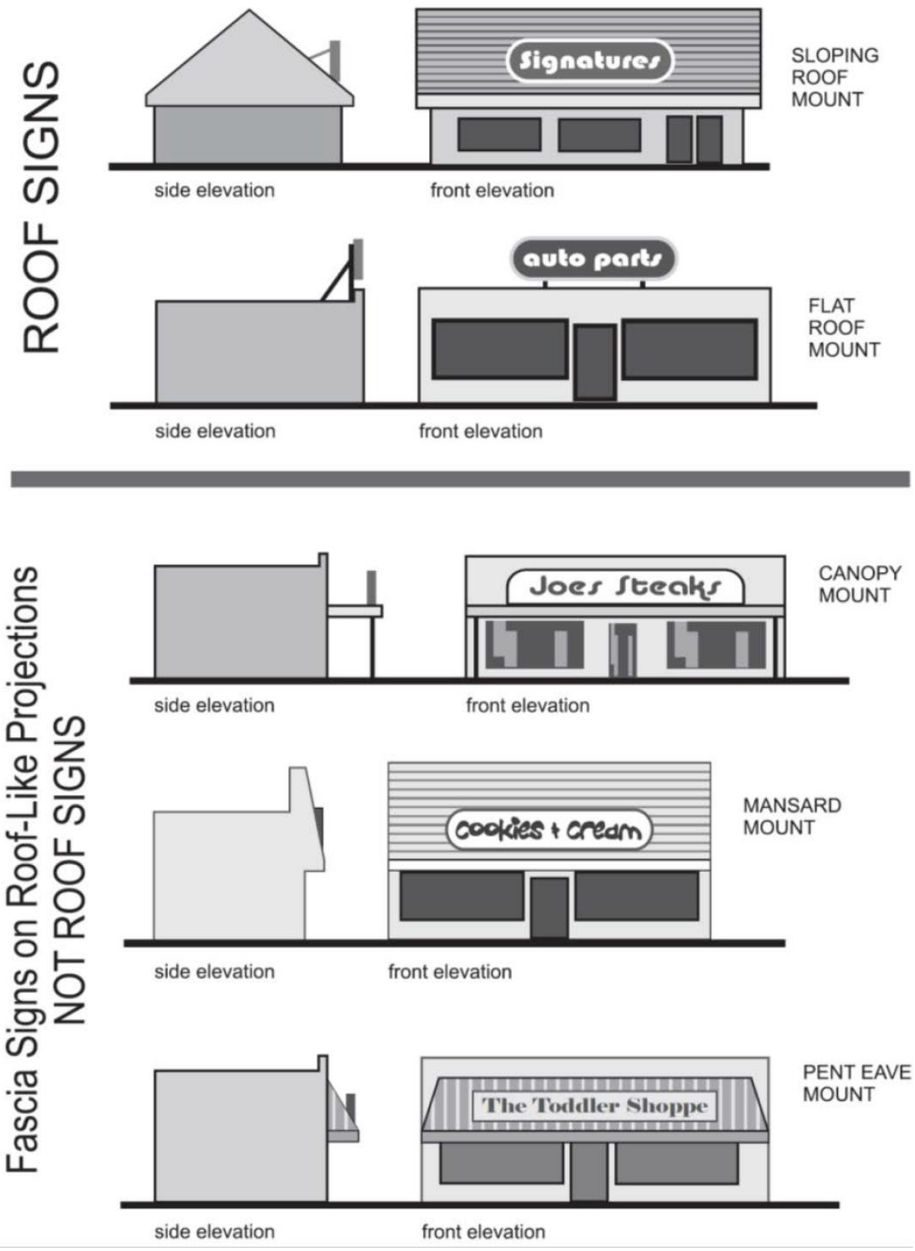
Sign areas shall be calculated using the methodology set forth in this section, except that embellishment or support cladding is not included in the sign area unless it contains copy.


SALON Richard
SIGN AREA
Freestanding Sign - Exposed Pole Support
Calculate sign area defined by actual rectangular panel surrounding copy.
Savings BANK
SIGN AREA
Freestanding Sign -
Thematic Embellishment - Concealed Support
Calculate sign area defined by actual rectangular panel surrounding copy. Do not calculate embellishment or support cladding
Andrew's
Cuisine
Cocktails
SIGN AREA
Freestanding Sign -
Multi Panel - Concealed Support
Calculate sign area defined by sum of actual oval panels surrounding copy. Do not calculate support cladding
Westwood
SIGN AREA
Freestanding Sign - Monument
Thematic Embellishment - Concealed Support
Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background
Westwood
SIGN AREA
Freestanding Sign - Monument
Thematic Embellishment - Concealed Support
Calculate sign area defined by actual oval panel surrounding copy. Do not calculate embellishment or monument background



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

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



§ 230-24.6. - Sign face area.

A. Sign Cabinets. The area of sign faces enclosed in frames or cabinets shall be determined based on the outer dimensions of the frame or cabinet.

B. Double-sided signs. Only one side of a double-sided sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than 91 degrees shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.

C. Round, Oval, and Irregularly shaped signs shall be measured based on the appropriate mathematical formula to obtain the sign area for the shape of the sign.

D. Calculating Sign Area.

(1) Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

(2) Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

E. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

§ 230-24.7. - Height of signs.

A. Except as otherwise provided in this section, the overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.

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

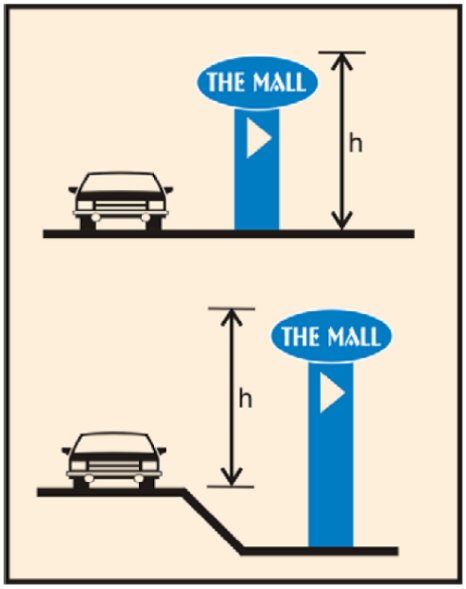


Figure A

§ 230-24.8. - Signs permitted in all zones—Exempt from permit.

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

A. Signs inside a building and not visible from outside the building.
B. Signs carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade and a part of the physical construction of the building materials comprising the façade in order to qualify for relief under this provision. Letters or signs that are merely attached to the exterior façade of the building, even if the same finish and color, shall not qualify for this exemption.
C. Signs required by federal, state, county, or City of Milford law or regulation.
D. Painted or applied wall accents and decorations, provided that the accents and decorations are typically not associated with the brand or company that owns or occupies the building, site, or tenant space.
E. Illuminated building accents and decorations, provided the accents and decorations are typically associated with the brand or company that owns or occupies the building, site, or tenant space.
F. Public Art, including Permitted Original Art Murals.
G. Name and Address — Up to two signs indicating address, number or name of occupants of the premises, that do not exceed two square feet in area per side, and do not include any commercial advertising or other identification.
H. Decals — Decals or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
I. Americans with Disabilities Act Parking Space — Signs not exceeding two square feet in area reserving parking for handicapped individuals.
J. Private Drive Signs — On-premise private drive signs are limited to one per driveway entrance, not exceeding two square feet in area.
K. Public Signs — Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the City of Milford.
L. Security and Warning Signs — On-premise regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed one sign consisting of two square feet in area per side in residential areas and one sign consisting of five square feet in area per side in commercial and industrial zones. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.
M. Vehicles — The use of business logos, identification, or advertising on vehicles primarily and actively used for business or personal transportation shall be permitted.

§ 230-24.9. - Permit.

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

§ 230-24.10. - Prohibitions.

The following signs are prohibited:

A. Signs containing strobe lights.
B. Abandoned sign structures.
C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed under this article. Except as otherwise provided in this article, any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity, whether on-premise or off-premise shall be prohibited. This regulation shall not prohibit the use of business logos, identification, or advertising on vehicles primarily and actively used for business or personal transportation.
D. Mechanically Moving Signs — An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.
E. Flashing Signs.
F. Inflatable Signs and Other Permanent Objects — Signs and other objects which are inflated, including but not limited to, balloons except that balloons may be permitted in temporary non-commercial situations such as for special occasions at a residence, which are permitted.
G. Posters and Handbills — Signs affixed to any structure, utility or sign pole, trees, or other natural vegetation, rocks or poles.
H. Roof Signs.
I. Simulated Traffic Signs and Obstructions — Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
J. A-frame/Wheeled Signs — Any portable "A" frame or similar portable sign is prohibited except as described under Temporary Signs.
K. Signs Adversely Affecting Safety — Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.
L. Sign Emissions — No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
M. Mirrors — No mirror device shall be used as part of a sign.
N. Animated Signs.
O. Any sign located or projecting into the public right-of-way except as otherwise expressly permitted in this article.
P. Permanent Banners — Banners used as permanent signs.
Q. Temporary Signs placed within any right-of-way.

§ 230-24.11. - Standards in residential zones.

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

(1) R-1 Single-Family Residential District
(2) R-2 Residential District
(3) R-3 Garden Apartment and Townhouse District
(4) R-8 Garden Apartment and Townhouse District

B. Subdivisions, apartments, multi-family dwellings, and condominium complexes are permitted the following:

(1) One freestanding sign not to exceed 64 square feet of sign area per side and four feet in height and further provided that one such sign shall be permitted for each separate entrance.
(2) Other directional, incidental, or accessory signs located within the subdivision, complex, or multi-family residential development provided that such signs shall not exceed six square feet of sign area per side and four feet in height, if freestanding.

C. For properties located in a Residential Zone as described in subsection B above, other directional, incidental or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed six square feet in sign area per side and four feet in height, if freestanding.

D. Home Occupation — One non-illuminated on-premise sign not to exceed six square feet of sign area per side, identifying a permitted home occupation on the premises. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback five feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines, and shall not exceed four feet in height.

E. Properties in a Residential Zone which are used for permitted non-residential uses are permitted a freestanding sign not to exceed 48 square feet of sign area and 10 feet in height, and further provided that one such sign shall be permitted for each separate street frontage occupied by the permitted use. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback of 10 feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines.

F. Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses:

(1) Public and private schools
(2) Churches and other places of worship
(3) Social clubs or fraternal, social service, union, or civic organizations

§ 230-24.12. - Standards in Downtown commercial zones.

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

(1) C-2 Central Business District
(2) C-2A Riverfront Development District

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

(1) Freestanding Signs.

(a) Freestanding signs shall be limited to one per street frontage.
(b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs.

(a) Except as otherwise stated herein, projecting signs shall not be permitted in addition to any permitted freestanding sign. Projecting signs shall be limited to one per building façade

on which any such sign is mounted except for a use that fronts on more than one street, in which case, one such sign shall be permitted per façade for each separate street frontage.

(b) A projecting sign shall have a sign area of no greater than 20 square feet per side.

(c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.

(d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.

(e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.

(f) Projecting signs should be located above the storefront windows and below the sills under the second-floor windows.

(3) Building Signs.

(a) Building signs include wall or fascia signs, and signs otherwise permanently applied to walls or other building surfaces. Building signs should be placed directly over the storefront.

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

(c) Window Coverings — A maximum of 20% of storefront windows may be covered with signage or decals.

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

(a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.

(b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs.

(a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(b) Graphic treatment and embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the

building, site or suite, and the area of any allowed such graphic treatment and embellishment shall not be calculated as a component of permitted copy area.

(c) Awning signs should add variety and color to the streetscape.

(6) Electronic Message Centers: Prohibited.

(7) Signs within the Downtown Commercial Zone are subject to the following standards and guidelines.

(a) Overall Design.

[1] Historically significant signs shall be retained, repaired, and reused.

[2] Signs shall reflect simplicity, using graphics and minimum information.

[3] Signs should employ a style consistent with the age of the building and should fit into the size and proportions of the building.

[4] When multiple signs are used on one property, the signs should be compatible with one another and part of an overall sign plan for the building.

(b) Size and Shape.

[1] Signs should be scaled and oriented to relate to pedestrians and passing motorists.

[2] Buildings signs should be typically horizontal.

[3] Projecting signs should be typically vertical.

[4] Nonrectangular shapes add variety and interest and can be appropriate, but the use of strange or highly irregular shapes, where not rationalized by the nature of the business, should be avoided.

(c) Colors.

[1] Sign colors should be chosen to complement the color of the building.

[2] It is preferred to use no more than three colors on a sign. A fourth color might be used for illustrations if applicable.

[3] It is preferred that dark or medium colors be used for the main background of the sign and that light colors be used for the lettering. The use of the following color types is encouraged for signage; nature blending, earth tone colors, neutral colors, pastel colors. Bright colors, primary colors, and metallic colors are generally best limited to accent areas. Background colors should be burgundy red, forest green, chocolate brown, black, charcoal, or navy blue. Suggested letter colors should be ivory, white, or gold.

(d) Sign Illumination.

[1] Illuminated signs shall use an indirect lighting method, such as overhead or gooseneck lights.

[2] Signs may be externally illuminated by one or more shielded, stationery bulbs projecting onto the sign.

[3] Neon signs, exposed tubes filled with a gas that glows when electrified, are permitted if located behind the storefront glass.

[4] Internally lit signs, fluorescent lighting, or spotlights are prohibited for signs on the exterior of buildings.

(e) Materials.

[1] Metal and wood are traditional materials that are preferred and appropriate for historic buildings.

(f) Typefaces.

[1] Typefaces should be harmonious with the building and the nature of the building and should be easily legible.

§ 230-24.13. - Standards in neighborhood commercial zones.

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

(1) OB-1 Office Building District.
(2) C-1 Community (Neighborhood) Commercial District.

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

(1) Freestanding Signs.

(a) Freestanding signs shall be limited to one per street frontage.
(b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs.

(a) Projecting signs shall be limited to one per building façade on which any such sign is mounted except for a use that fronts on more than one street, in which case, one such sign shall be permitted per façade for each separate street frontage.
(b) The sign area of any projecting sign shall be no greater than 20 square feet per side.
(c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.
(d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.
(e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.

(3) Building Signs.

(a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 10% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

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

(a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.

(b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs.

(a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(b) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any allowed such graphic treatment or embellishment shall not be calculated as a component of permitted copy area.

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

(a) Public and private schools.
(b) Churches and other places of worship.
(c) Social clubs or fraternal, social service, union, or civic organizations

§ 230-24.14. - Standards in business park and office zones.

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

(1) BP Business Park District
(2) OC-1 Office Complex District

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

(1) Freestanding Signs

(a) Freestanding signs shall be limited to one per street frontage.
(b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 48 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs: Prohibited.
(3) Building Signs.

(a) Building signs include wall or fascia signs, and signs otherwise permanently applied to walls or other building surfaces.
(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 10% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(4) Canopy Signs: Prohibited.
(5) Awning Signs: Prohibited.
(6) Electronic Message Centers are prohibited except that electronic message centers may be permitted by conditional use approval from City Council on properties used for any of the following uses

(a) Public and private schools.
(b) Churches and other places of worship.
(c) Social clubs or fraternal, social service, union, or civic organizations.

§ 230-24.15. - Standards in institutional zones.

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

(1) H-1 Institutional Development District.
(2) IM Institutional Medical District.
(3) IS Institutional Service District.

B. Subject to the regulations in this section, Institutional Zone properties as regulated by reference to types noted below are limited to a combination of two signs per street frontage.

(1) Freestanding Signs.

(a) Freestanding signs shall be limited to one per street frontage.
(b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 120 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 25 feet from adjacent property lines.

(2) Projecting Signs: Prohibited.
(3) Building Signs.

(a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 5% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(4) Canopy Signs: Prohibited.
(5) Awning Signs: Prohibited.
(6) Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses.

(a) Public and private schools.
(b) Churches and other places of worship.
(c) Social clubs or fraternal, social service, union, or civic organizations.

§ 230-24.16. - Standards in commercial and industrial zones.

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

(1) C-3 Highway Commercial District.
(2) I-1 Limited Industrial District.
(3) I-2 General Industrial District.

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

(1) Freestanding Signs.

(a) Freestanding signs shall be limited to one per street frontage. In the case of shopping centers with separate buildings or pad sites, one additional freestanding sign will be permitted for each separate building or pad site.
(b) Freestanding signs shall not exceed 28 feet in height and shall not exceed 225 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 25 feet from adjacent property lines.
(d) Shared Freestanding Signs.

[1] For adjoining nonresidential properties, a freestanding sign structure may be shared among adjoining property owners or tenants solely for the purpose of identification of the adjoining property or business located thereon.
[2] The permit application for a shared freestanding sign shall be accompanied by an agreement regarding ownership and maintenance obligations for the shared sign executed by the adjacent property owners or tenants, as the case may be.

(2) Projecting Signs.

(a) Projecting signs shall be limited to one per building façade on which any such sign is mounted per each separate street frontage.
(b) The area of any projecting sign shall be no larger in area than 20 square feet per side.
(c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.
(d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.
(e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.

(3) Building Signs.

(a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 15% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(c) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.

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

(a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.

(b) Signs affixed or applied in an essentially flat plan to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(c) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.

(d) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs.

(a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(b) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.

(c) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any allowed such graphic treatment or embellishment shall not be calculated as a component of permitted copy area.

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

§ 230-24.17. - Additional standards.

A. Applicability. These regulations apply to all signs regulated by this Code.
B. Sign placement. All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, behind any applicable legal right of way.
C. Signs extending into the right-of-way. Except as otherwise provided herein, no sign may be erected, placed, project, or extend over or into a right-of-way.

(1) Projecting, awning, and marquee signs in the Downtown Commercial Zone, projecting over a public sidewalk are permitted provided that no sign shall project farther than two-thirds of the width of the sidewalk.

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

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

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

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

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

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

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

[1] Transit stop areas;

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

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

[4] Building exits including fire escapes.

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

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

F. Fascia or Wall Signs.

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

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

G. Projecting Signs

(1) Placement: Projecting signs are not allowed on rooftops or on pitched roofs.

(2) Projecting signs may not extend over a right-of-way unless they are located in the Downtown Commercial Zone. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.

H. Directional Signs.

(1) General standards: Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent sign allowed on any property or site.

(2) Size: Freestanding directional signs may consist of up to six square feet in area per side and eight feet in height. Fascia directional signs may consist of up to 16 square feet in area per side.

(3) Directional signs in any zone may have internal or external illumination.

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

§ 230-24.18. - Temporary signage.

A. Signs that meet the standards of this section are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on any particular property or site. Signs that do not meet the standards of this section are subject to the standards for permanent signs.
B. Temporary signs may have external or internal illumination.
C. Temporary signs and banners shall be anchored or have adequate base weight to prevent blowing away or blowing over.
D. Temporary banners: Temporary banners are subject to the following regulations:

(1) In all Residential Zones, temporary banners are prohibited on properties used for residential purposes except that the following temporary banners are permitted for the following:

(a) Holidays.
(b) Religious commemoration.
(c) Special family events.
(d) New development home sales and model homes.

(2) In all other zones and for non-residential uses in Residential Zones, temporary banners may be permitted by the **Planning Director or designee**~~Code Official~~ after obtaining a Special Event Sign Permit and meeting the following standards:

(a) Permits may be issued for Special Events, including but not limited to Festivals, Grand Openings, Closing Sales, and Holiday Sales.
(b) Three Special Event Sign Permits may be issued in a calendar year for each property or, on a multi-use property, each storefront. Each Special Event Sign Permit is limited to 30 days for each permit period.
(c) Only two temporary banners shall be permitted for each property and shall be limited to a maximum of 32 square feet each.
(d) Temporary banners shall have a minimum setback of 10 feet from the front lot line, a minimum setback of 25 feet from the right of way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines.
(e) Exceptions:

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

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

E. Temporary Wall or Fascia Signs.

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

(a) One temporary wall sign is allowed per property or, on a multi-use property, per storefront in these Zones and is not counted in the total square footage of permanent signage allowed on the site.
(b) Temporary wall signs may be up to 20 square feet in area.
(c) Temporary wall signs may not extend above roof lines.

(d) Extensions into the right-of-way are prohibited.
(e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

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

(a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per road frontage.
(c) Temporary wall signs may not extend above roof lines.
(d) Extensions into the right-of-way are prohibited.
(e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

F. Temporary Freestanding or Portable Signs.

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

(a) One temporary freestanding sign is allowed per property or, on a multi-use property, per storefront in these Zones and is not counted in the total square footage of permanent signage allowed on the site.
(b) Temporary freestanding signs may be up to 20 square feet in area.
(c) A sign shall not contain more than two sides or facings, back to back, and shall have a minimum setback of 10 feet from the front lot line, a minimum setback of 25 feet from the right of way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines. Extensions into the right-of-way are prohibited.
(d) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

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

(a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per road frontage.
(b) A sign shall contain no more than two sides or facings, back to back, and shall have a minimum setback of five feet from the front lot line, a minimum setback of 25 feet from the right-of-way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines.
(c) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

§ 230-24.19. - Off-premise signs.

Off premises signs are prohibited.

§ 230-24.20. - Electronic message centers.

A. General Electronic Message Center regulations

(1) An Electronic Message Center may consist of a portion of a building sign or freestanding sign, subject to the following limitations;

(a) For a sign with a sign area of 32 square feet or less, all of the sign can be comprised of an Electronic Message Center.
(b) For a sign with a sign area of greater than 32 square feet, the electronic message center portion of the sign cannot exceed 70% of the sign area or 100 square feet per sign, whichever is less.

(2) All Electronic Message Centers shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the Electronic Message Center lighting level at night into compliance with Section 230-24.21, Sign Illumination Standards. The owner

of the Electronic Message Center shall provide a certification by an independent contractor of the lumens showing compliance with the Illumination Standards at the time of building permit issuance.

(3) The owner of the Electronic Message Center shall provide the City with contact information for a person who is available at any time to turn off the Electronic Message Center promptly if a malfunction occurs.

(4) All Electronic Message Center display features and functions are permitted, except that the following features and functions are prohibited:

(a) Flashing.

(b) Full motion video or film display via an electronic file imported into the Electronic Message Center software or streamed in real time into the Electronic Message Center.

§ 230-24.21. - Sign illumination standards.

Signs may be illuminated consistent with the following standards:

A. A sign in any Zone may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m2 or Nits, regardless of the method of illumination.

B. The following signs are prohibited:

(1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of any roadway or residential area.

(2) Signs which are of such intensity or brilliance as to cause glare or to impair the vision of any resident or the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle.

(3) Signs which are so illuminated that they interfere with the effectiveness of or obscures an official traffic sign, device or signal.

C. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded to focus light only on the sign.

D. All illuminated signs must comply with the maximum luminance level of 750 cd/m2 or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

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

Sign Area (in square feet)	Measurement Distance (in feet)
10	32
50	71

100	100
200	141
300	173

Notes: For signs with a sign area in square feet other than those measurements specifically listed in the table above, the measurement distance shall be calculated with the following formula:

Measurement Distance = Sign Area in Square Feet x 100

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

§ 230-24.22. - Nonconforming signs.

A. Except as otherwise provided in this article, nonconforming signs may remain on the property where located.
B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations except that nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in a cabinet style may also be changed by right and such change does not constitute a structural alteration nor trigger a loss of nonconforming status.
C. Ownership. The status of a nonconforming sign is not affected by changes in ownership of the sign or of the property where the sign is located.
D. Except as otherwise provided in this article, once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
E. If an on-premises sign or an off-premises sign is abandoned, as defined by this article, the sign shall no longer be considered a nonconforming sign and shall be removed from the property or otherwise brought into compliance with this article.
F. Nothing in this subsection shall require any change in the plans, construction, or designated use of any sign or part thereof, the construction of which shall be lawfully in progress at the time of passage of this article or for which a permit shall have been issued pursuant to law, provided that construction shall be promptly and diligently pursued.
G. In any case where a district boundary line crosses a sign which existed at the time such boundary was established, a sign permitted in the less restricted of the two districts may be extended as a nonconforming sign during the life of said sign into that part of the sign situated within the more restricted district.
H. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards.

(1) Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.
(2) Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign

and sign structure may be rebuilt to the same size and height using the same materials as long as the work is completed within 12 months of the destruction.

§ 230-24.23. - Construction and structural requirements.

A. Structural Standards.

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

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

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

B. Engineering Standards.

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

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

C. Clearances.

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

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

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

(4) Clearances from fire escapes, means of egress, or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or awnings to a fire escape are prohibited.

(5) Obstruction of windows and ventilation. Signs, sign structures, and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by either Chapter 88 Building Construction or Chapter 174 Property Maintenance.

D. Signs, sign structures, supports, foundations, panels, and methods to attach the sign to the structure shall be removed when the principal structure on the lot is demolished.

§ 230-24.24. - Maintenance requirements.

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

B. Dangerous Structures and Equipment.

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

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

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

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

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

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

§ 230-24.25. - Comprehensive signage for major subdivisions and complexes.

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

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

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

(2) Planned unit developments;

(3) Shopping centers;

(4) Groups of three or more nonresidential principal structures under common management and located on one or more contiguous properties; or

(5) Any institutional complex, professional office, medical or educational campus, or business park.

C. Standards. Comprehensive signage plans shall comply with the following standards:

(1) If approved, comprehensive signage plans may not be held to the size, height, numbers, and area regulations for signs found in other sections of this article provided that the number, type, and size of signs proposed shall not be excessive and must be in proportion to the scale of the buildings and the uses planned for the site.

(2) All proposed signage shall be designed and coordinated with the overall architectural concept for the buildings on the site. Sign type, color scheme, size, and illumination shall be coordinated

and compatible with the architecture of the development so as to formulate a thematic sign plan for the site.

(3) Wall-mounted signs shall be coordinated with the overall design theme of the site and designed as an integral component of the facades of buildings.

(4) Site landscaping shall be designed to complement and not conflict with sign placements.

(5) No off-premises signage will be permitted as part of an application for a comprehensive signage plan.

D. Approval process.

(1) Comprehensive signage plans shall be submitted for review by the Planning Commission for the purpose of providing commentary and recommendation to the City Council, if applicable. The City Council shall have authority to approve or deny the comprehensive signage plans, except for applications that are not required to be reviewed by City Council, in which case the Planning Commission shall have the authority to approve or deny the comprehensive signage plans.

(2) Applicants may submit a comprehensive signage plan in conjunction with, and as a component of, any Preliminary Site Plan or Preliminary Major Subdivision application, for review and consideration by the Planning Commission and City Council, if applicable.

(3) Owners of existing developments or previously approved but not completed developments, or successors in interest thereto, including but not limited to legally created homeowners associations, that own and control subdivision identification signage in subdivision that meet the qualifications of Chapter 230-24.25(B) may submit a comprehensive signage plan for consideration as a conditional use site plan in accordance with the procedures set forth in Chapter 230 of this Code.

(4) Sign permits shall be obtained for each sign approved for installation as part of a comprehensive signage plan prior to the installation or placement of the sign.

E. Submission requirements. The following minimum submission materials shall accompany any request for consideration of a comprehensive signage plan.

(1) A site plan which details the signage proposed to include the physical location of all existing and proposed signs on the property and their relationship to all existing and proposed buildings, structures, streets, parking areas, stormwater management ponds, and all other physical features of the site.

(2) Fully dimensioned elevation drawings of each proposed sign. Proposed wall-mounted signs shall be illustrated as a component of the architectural elevation drawing of the building façade.

(3) Colored renderings of each proposed sign.

(4) Miscellaneous specifications to include proposed illumination type, mounting details, and materials proposed.

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

§ 230-24.26. - Severability.

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

§ 230-24.27. - Substitution.

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

§ 230-25. - Reserved.
§ 230-26. - Reserved.
ARTICLE VII - Board of Adjustment
§ 230-27. - Powers and duties.

The Board of Adjustment shall have the following powers:

A. **Appeal of administrative order, requirement, decision, or determination.** The Board of Adjustment shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made in the administration of **the zoning ordinance**~~this chapter~~.

B. **Variance.** The Board of Adjustment shall authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties and so that the spirit of the chapter shall be observed and substantial justice done.

(1) Area variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the zoning ordinance that address lot layout, buffers, and dimensions, In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

(a) The nature of the zone in which the property lies;

(b) The character of the immediate vicinity and the contained uses therein;

(c) Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring properties and uses; and

(d) Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the provisions of the zoning ordinance.

(2) Use Variance. A variance shall be considered a use variance if it would permit a use of the subject property that would otherwise not be permitted on the subject property. In considering a request for a use variance, the board shall determine that the following criteria exist and document them in their findings of fact:

(a) The property cannot yield a reasonable return when used only for the permitted use;

(b) The need for the variance is due to unique circumstances and not general conditions in the neighborhood;

(c) The use sought will not alter the essential character of the locality; and

(d) All uses permitted on the land under the existing zoning are economically unfeasible.

~~C. The Board of Adjustment shall have original jurisdiction and powers to grant a permit for a special exception use only under the terms and conditions established by this chapter, under the following stipulations and guiding principles:~~

~~(1) The use for which application is being made is specifically authorized as a special exception use for the zone in which it is located.~~

~~(2) The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:~~

~~(a) Character of the neighborhood.~~

~~(b) Conservation of property values.~~

~~(c) Health and safety of residents and workers on adjacent properties and in the surrounding neighborhood.~~

~~(d) Potential congestion of vehicle traffic or creation of undue hazard.~~

~~(e) Stated principles and objectives of this chapter and the Comprehensive Master Plan of the City of Milford.~~

C~~D~~. The Board of Adjustment shall have the responsibility for the interpretation of this chapter.

§ 230-28. - Authority.

In exercising its powers the Board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made in the administration and enforcement of this chapter. Any order, requirement, decision or determination of the Board which requires or permits a specific act to be undertaken shall, as a condition, prescribe a reasonable time limit within which such act shall be completed, if applicable.

§ 230-29. – **Administrative** Appeals.

A. Appeals to the Board may be taken by any person aggrieved or by any other officer, department, board or commission of the City of Milford affected by a decision of the **Planning** ~~Director~~Code Official of the City of Milford in the administration of this chapter. Such appeal shall be taken within **60**~~30~~ days of the aggrieved decision by filing with the **Planning Director**~~Code Official~~ a letter of appeal specifying the reason for appeal. ~~The Chairman shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.~~

B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies, after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Planning Director for due cause shown.

C. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties of interest and notify by mail the registered owners of all property within 200 feet of the property upon which the appeal centers. The appeal shall be decided within a reasonable time not to exceed 60 days from the date of the filing of such appeal. Failure of the Board to decide within 60 days shall constitute denial. Upon the hearing, any party may appear in person, by agent or by attorney, provided that said agent or attorney produces authorization from his principal for acting in such a capacity.

D. A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57. 6 []

§ 230-30. - ~~Filing fee~~**Use and Area Variances**.

~~A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57.~~

A. Variance applications may be submitted to the Planning Department for review by the Board.

B. Notice of matters to be heard by the Board shall be published in a newspaper of general circulation for the City of Milford at least 10 days before the date of the hearing and shall specify the date, place and times at which the application may be examined. The notice shall set forth the date, time and place of the public hearing and shall describe in a general way the nature of the application.

C. The Planning Department shall provide a copy of the public notice by mail to the registered owners of all property within 200 feet of the property upon which the variance application is being sought.

D. The Planning Department will also post a notice at least 10 days before the hearing outlining the date, time, place and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps, and plans for the proposal may be examined.

E. A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57.

F. Variance approvals associated with site plans shall expire with the expiration of the site plan approval. Variances associated with subdivisions shall expire with the expiration of the subdivision approval. All other variances shall become null and void unless work is commenced and diligently prosecuted within one year of the date of the granting of a variance by the Board.

G. Whenever the Board of Adjustment denies an application for variance, such application for variance, or an application on the same property which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial.

~~§ 230-31. - Effect of appeal upon proceedings.~~

~~An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies, after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Code Official for due cause shown.~~

~~§ 230-32. - Hearing.~~

~~The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties of interest and notify by mail the registered owners of all property within 200 feet of the property upon which the appeal centers. The appeal shall be decided within a reasonable time not to exceed 60 days from the date of the filing of such appeal. Failure of the Board to decide within sixty days shall constitute denial. Upon the hearing, any party may appear in person, by agent or by attorney, provided that said agent or attorney produces authorization from his principal for acting in such a capacity.~~

§ 230-31~~3~~. - **Administrative Appeal and Variance Decisions.** Petition to court.

Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or commission of the City of Milford may present to a court of record a

petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds for the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision. The court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe the time within which a return must be made and served upon the petitioner attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application or notice to the Board and on due cause shown, grant a restraining order.

~~§ 230-34. - Duties in case of writ of certiorari.~~

~~The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies of such portions as may be called for such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.~~

§ 230-32~~5~~. - Composition and terms of office.

The Board of Adjustment shall be established as provided in 22 Del. C. § 322(d).

§ 230-33~~6~~. - Making and adopting rules.

The Board of Adjustment shall make and adopt rules in accordance with the provisions of this chapter.

~~§ 230-37. - Meetings.~~

~~Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his/her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, and the Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed in the City Hall and shall be a public record.~~

§ 230-34~~8~~. - Referrals to Planning Commission.

The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.

§ 230-38~~.5~~. - Salaries and compensation.

Each member of the Board of Adjustment shall be paid $50.00 per regular or special meeting s/he attends and may be reimbursed for actual expenses incurred in connection with their official duties.

ARTICLE VIII - Miscellaneous Provisions

§ 230-36~~9~~. - Nonconforming uses, structures and buildings.

A. A building, structure or use which is not in conformity with the provisions of this chapter at the effective date of its adoption may be continued in this present location, provided that no subsequent alteration or addition is made which would extend said building, structure or use for more than 20% of the cubicle content of the building or buildings or structure or structures existing and used for the nonconforming use or for more than 20% of the lot area existing and used for the nonconforming use. Any building or structure addition shall conform to the area and height regulations of the district where it is located.

B. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not be reestablished, and any further use shall be in conformity with the provisions of this chapter, except that when such discontinuance is on account of any cause beyond the control of the owner or tenant, the period of abandonment shall, for the purpose of this chapter, date from the termination of such cause.

C. Nothing in this chapter shall require any change in the plans, construction or designated use of any building or part thereof, the construction of which shall be lawfully in progress at the time of passage of this chapter or for which a permit shall have been issued pursuant to law, provided that construction shall be promptly and diligently pursued.

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

E. When in the public interest and where loss or damage has occurred to property, to include land and/or buildings occupied by nonconforming uses, and where such loss or damage has occurred through the action of a governmental agency, the Board of Adjustment, as provided in Article VII of this chapter, may grant as a **variance**~~special exception~~, after a public hearing, continuance of the nonconforming use. The Board of Adjustment may further limit but not extend such nonconforming use, to include the size and location on the land of any reconstructed buildings, the modification of existing buildings and the use of the property either on the same lot or on a contiguous lot under the same ownership at the time of enactment of this chapter.

~~F. A nonconforming use of a building or a nonconforming use of a nonconforming building may be extended either on the same lot or to a contiguous lot under the same ownership at the time of enactment of this chapter if granted as a special exception by the Board of Adjustment, as provided in Article VII of this chapter, subject to the following special requirements:~~

~~(1) The extension is for a use which is necessarily incident to the existing use;~~

~~(2) The estimated cost of any extension involved does not exceed 50% of the replacement value, as appraised by the Kent County or Sussex County Assessor, of the existing building to which it is incident;~~

~~(3) Such extension shall have a floor area not to exceed 25% of the floor area of the existing building to which it is incident;~~

~~(4) It will not impair the value of the adjoining property or adversely affect the character of the neighborhoods; and~~

~~(5) Provided that only one extension shall be permitted by the Board of Adjustment during the life of a nonconforming use.~~

§ 230-**37**~~40~~. - Restoration of existing **non-conforming structures**~~buildings~~.

Nothing in this chapter shall prevent the restoration of a building destroyed less than 75% of its current sound value, exclusive of the foundation, ~~by fire, explosion, act of God or act of the public enemy, subsequent to the passage of this chapter,~~ provided that the restoration shall begin within 12 months from the time of such destruction. **If the restoration of such building does not commence within the said one-year period, the non-conforming use of such building shall be deemed to have been discontinued unless such non-conforming use is carried on without interruption in the undamaged portion of such structure.**

§ 230-**38**~~41~~. - Accessory uses **or structures**.

A. Accessory **structures**~~uses~~ shall be permitted only on the same lot with the building to which they are accessory. All accessory **structures** ~~uses~~ **shall not dominate the principal building** and shall be such as ~~d~~**t**o not alter the character of the premises on which they are located or impair the neighborhood.

B. Accessory structures~~buildings~~ and uses attached to a principal building**, including attachment by means of a breezeway or roof passage,** shall comply in all respects with the yard requirements for the principal building. ~~Detached accessory buildings and uses shall be located to the rear of the building setback line of the principal building.~~

C. **Accessory structures which are not part of the main building shall be located in the rear or side yard area. Detached accessory structures shall not be located less than 5 feet from the principal building. Exception: Wood frame decks on pier foundations without a roof shall not be considered part of the principal structure for the purpose of this Chapter.**~~Accessory buildings which are not part of the main building may be constructed in a rear yard, provided that such accessory building does not contain more than 600 square feet of area, and may be located five feet from a side lot line and five feet from a rear lot line.~~

D. A private aboveground swimming pool or at grade swimming pool that is permitted as an accessory use on a residential lot shall be located so that the edge of the facility, including any deck or patio is at least 10 feet from each property line.

E. Each community recreational facility such as a tennis court, basketball court or at-grade swimming pool shall be located at least 25 feet from each lot line, structure, dwelling unit and any right-of-way.

F. Storage containers.

(1) Storage container means any factory-built container or part thereof designed or used for freight or storage and includes, but is not limited to, Conex boxes and sea-land containers. Such containers are typically originally designed for transport, but when intended to be used in a fixed location for more than six months are considered accessory structures for the purposes of this chapter.

(2) Storage containers shall not be used as principal structures in any zone.

(3) Storage containers may be permitted as a permanent accessory structure within the BP, I-1 and I-2 zones and shall meet the requirements for accessory structures within those zoning categories.

(4) Storage containers may be permitted as a permanent accessory structure within the C-3, IM, IS and H-1 zones subject to receiving a conditional use approval from City Council.

(5) Storage containers for use as permanent accessory structures are prohibited in the R-1, R-2, R-3, R-8, C-1, OB-1, OC-1, C-2 and C-2A zoning districts.

~~D. Outdoor woodburning furnaces.~~

~~(1) Prohibited.~~

~~(a) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.~~

~~(2) Nonconforming uses.~~

~~(a) All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011 and be removed by the property owner from the subject premise no later than October 31, 2011.~~

~~This will allow sufficient time for an alternate source of heat to be established. During the transition, such use shall conform with the following provisions:~~

~~(1) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.~~

~~(2) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.~~

§ 230-3942. - Fences.

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

§ 230-403. - Exceptions to area regulations.

~~A. Minimum lot area; exceptions for existing lot.~~

~~(1) In the case of a lot with a building on it at the date of adoption of this chapter but with an area less than that prescribed for the district in which it is located, such building may be altered or a new building erected, provided that it complies with all other provisions of this chapter.~~

~~(2) In case of a lot unimproved at the date of adoption of this chapter and not adjoining either an unimproved lot or an improved lot owned or controlled by the owner of the lot in question, a building may be erected if the lot in question is at least 75% the size of that prescribed for the district in which it is located, provided that the building complies with all other provisions of this chapter.~~

~~(3) In the case of any lot unimproved at the date of adoption of this chapter shown on a subdivision plot approved by the Milford City Council prior to the date of adoption of this chapter, a building may be erected irrespective of the lot area, provided that said building complies with all other provisions of this chapter.~~

~~B. Minimum lot widths; exceptions for existing lot.~~

~~(1) In the case of a lot with a building on it at the date of adoption of this chapter but with a width less than that prescribed to the district in which it is located, such building may be altered or a new building erected, provided that it complies with all other provisions of this chapter.~~

~~(2) In the case of a lot unimproved at the date of adoption of this chapter and not adjoining either another unimproved lot or an improved lot owned or controlled by the owner of the lot in question, a building may be erected if the width of the lot in question is at least 80% of that prescribed for the district in which it is located, provided that the building complies with all other provisions of this chapter.~~

A~~C~~. Height of buildings; exceptions to height limitations. In any district the maximum height provisions shall not apply to spires, domes, cupolas, belfries, chimneys, smokestacks, flagpoles, water tanks or towers, observation towers, transmission towers, lofts, silos, antennas and the necessary supports; solar collectors, defined as any device or combination of devices, structures or part of a device or structure that transforms direct solar energy and that contributes to a structure's energy supply; or a parapet wall extending not more than four feet above the limit of the height of the building on which it rests, nor shall these provisions apply to elevator enclosures, water tanks on roofs or scenery lofts which occupy an aggregate of not over 25% of the ground floor area of the building.

B~~D~~. Building setback lines.

(1) In any district, when the average setback of existing buildings within 200 feet of the side lot lines and within the same block format **on the same side of the street** and zoning district is less than such required distance, such building need not be set back from the front street line any further than such average setback, provided that where any business or industrial building is erected within 50 feet along the same street frontage of a residential district, such building shall be set back a distance of 75% of the setback required for that residential district.

(2) Corner lots. On a corner lot, each story or part of a building, exclusive of cornices, uncovered steps and uncovered porches, shall be set back from the side street line the same distance as the required setback from the front street line as required in that district.

(3) **Architectural features such as windows, sills, chimneys, cornices, eaves or bay windows may project no more than three feet into a required yard area and no closer than five feet from any lot line. The sum of the bay window projections on a wall may not exceed 1/4 of the length of the wall.** ~~Exceptions for plots recorded prior to adoption of chapter. In case of a lot on an approved subdivision plot, no rear yard need have a depth greater than 25% of the depth of the lot.~~

(4) An open unenclosed porch, patio, or deck may project into required side and rear setback areas, provided that all such structures shall observe a minimum setback of 10 feet from the rear property line and be no closer to the side property line than the principal dwelling setback or 10 feet, whichever is less. Any enclosed porch, patio, or deck, or porch having a roof and capable of being enclosed, shall be considered a part of the principal structure in the determination of the size of the setback or the amount of lot coverage.

(5) Handicapped ramps open, unenclosed and not covered by a roof or canopy may extend into the required front, side and rear yard setbacks, but in no case can any portion of the ramp extend into the right-of-way or onto a side or rear property line.

§ 230-41~~4~~. - Prohibited uses.

The following uses and activities shall be specifically prohibited in any zone in the City of Milford:

A. Automobile wrecking yards, junkyards or the sorting and baling of scrap metal, paper, rags, glass or other scrap material.

B. The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle, to include, but not limited to cars, boats, boat trailers, campers, tractors or any parts thereof unless within an enclosed building. All vehicles requiring tags/registration must be valid at all times and vehicles maintained in its original configuration. All boats requiring a trailer for transportation must be stored on a registered trailer.

C. Any uses not permitted by this chapter.

D. ~~All establishments involving the sale of alcoholic beverages either on or off premises which are located within 1,000 feet of any public or private school, day care or child care center or church, unless food is prepared and served for consumption on site or for takeout, or alcoholic beverages are produced in said location. Approval to sell alcoholic beverages at special events or gatherings for a period of time, not to exceed three days, may be granted if approved by City Council.~~ **Outdoor woodburning furnaces.**

(1) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.

(2) Nonconforming uses. All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011 and be removed by the property owner from the subject premise no later than October 31, 2011. This will allow sufficient time for an alternate source of heat to be established. During the transition, such use shall conform with the following provisions:

(3) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.

(4) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.

E. Manufacturing uses involving production of the following products from raw materials; asphalt, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon

yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal): linoleum and oil cloth, matches, paint, varnishes and lurpentine; rubber (natural and synthetic); and soaps, including fat rendering.

F. Storage of explosives and bulk or wholesale storage of gasoline above ground.

G. Quarries, screening plants and all associated uses.

H. The following processes: large scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.

I. Recreational Vehicle Prohibited Activities.

(1) Recreational Vehicles shall not be considered dwelling units intended for permanent habitation.

(2) For purposes of this section, evidence of habitation shall include activities such as sleeping, setting up housekeeping or cooking, eating, recreating, and/or any other activity where it reasonably appears, in light of all the circumstances, that the vehicle is being used as a living accommodation.

(3) Running electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time is prohibited.

(4) Making a sewer connection with a recreational vehicle or dumping wastes from a recreational vehicle onto public or private land other than a designated RV dump is prohibited.

§ 230-42~~5~~. - Multiple permitted uses and mixed uses.

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

~~§ 230-45.1. - Community residential treatment programs.~~

~~A. These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.~~

~~(1) Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.~~

~~(2) The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.~~

~~(3) The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.~~

~~(4) The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.~~

~~(5) The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.~~

~~(6) The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.~~

~~(7) Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.~~

~~(8) The following documentation will be required to be submitted with the application:~~

~~(a) Site plan, including parking area and landscaped area.~~

~~(b) Floor plan, with elevation drawings or photographs of existing building.~~

~~(c) List of board members, proprietors or governmental officials to whom staff are responsible.~~

~~(d) Written neighborhood relations plan.~~

~~(e) Complaint recording and resolution plan.~~

~~B. Off-street parking design standards shall be as follows:~~

~~(1) Two per employee during the period of greatest employment.~~

~~(2) One per four clients.~~

~~(3) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).~~

~~(4) Have a buffer strip at least five feet wide between it and any adjacent residential lot.~~

~~(5) Be attractively landscaped and screened from neighboring residential lots.~~

~~(6) Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.~~

~~(7) Not extend into any required front yard area, except for driveways.~~

~~(8) Parking spaces shall be a minimum of 15 feet from any street line.~~

~~(9) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.~~

~~(10) Parking space size shall be a minimum of nine feet by 18 feet.~~

§ 230-43~~5.2~~ - Wetland areas.

A. A wetlands investigation shall be performed by a qualified wetlands specialist at the expense of the applicant in preparation for any activity on real property, which requires conditional use, site plan or subdivision plan approval by the Planning Commission and/or City Council as set forth in this chapter and Chapter 200 Subdivision of Land.

B. The limits of all wetlands determined to be present on the subject property shall be flagged by the wetlands specialist and identified on the subject property by customary survey markers and shall be delineated on the plan. Wetlands areas shall be tabulated on the plan in acres.

C. No portions of wetland~~s~~ areas shall be subdivided, filled, developed, or cleared of vegetation unless granted permission to fill and/or eliminate the wetlands area under state and/or federal permit, including nationwide permits authorized by the United States Army Corps of Engineers; they shall remain as essentially undisturbed natural areas.

D. No buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area. The placement of fill, regrading, or other obstructions to surface sheet flow, or the clearing or removal of natural vegetation within this setback area, shall be prohibited**, unless in conjunction with a permit to fill and/or eliminate the wetland areas under State and/or federal permit, including nationwide permits authorized by the United States Army Corps of Engineers**. Notwithstanding all of the foregoing, limited cuts into the surface area of this twenty-five-foot setback area in conjunction with the placement of outfall

stabilization facilities therein (such as stone rip-rap, turf stabilization, or other geosynthetic materials) may be permitted for the purpose of stabilizing and/or installing stormwater management outfalls, thus providing for a non-erosive flow condition at the outfall, provided that such encroachments into the twenty-five-foot setback area shall be limited to a maximum distance into the wetland buffer of 15 feet measured from the twenty-five-foot wetland buffer line, and shall be limited to a maximum width of 20 feet.

§ 230-44~~5.3~~ - Water bodies, streams and other watercourses; riparian buffers.

A. Lakes, ponds, rivers, and streams shall be left as permanent open space. No filling, piping or diverting of water bodies, lakes, ponds, or streams shall be permitted except for required roads, to be approved by the U.S. Army Corps of Engineers, DelDOT, and/or DNREC as appropriate.

B. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks shall be permitted to be constructed under naturally occurring riparian buffer conditions nearer than:

(1) Twenty-five feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or

(2) Fifty feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

C. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks with a combined area of 200 square feet or less, shall be permitted to be constructed under redevelopment conditions in previously disturbed or removed riparian buffers nearer than:

(1) Ten feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or

(2) Ten feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

D. For projects located within a promulgated total maximum daily load basin, the preservation or reestablishment of riparian buffers facilitating the reduction of nutrients and other pollutants to the level necessary to ensure compliance with promulgated load reductions shall be required. The clearing or removal of natural vegetation within this setback area shall be prohibited. Existing riparian buffers shall either be preserved or planted to the limits as provided above under paragraphs B. or C. respectively.

§ 230-45. - Reserved.

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.~~ **Conditional Use Site Plans shall follow the procedures for application and review outlined in Article X Site Plan Review of this Chapter.**

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.~~ **Conditional Use Major Subdivisions shall follow the procedures for application and review outlined in Chapter 200 Subdivision of Land**

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.~~ **Standalone Conditional Use applications that do not require site plan review or major subdivision review shall be subject to the following procedures:**

(1) A conditional use application and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.

(2) A public hearing on the conditional use shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council approval of the application with or without conditions, denial of the application, or table the application. The conditional use shall be reviewed based on the requirements set forth in the zoning ordinance. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.

(3) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:

(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.

(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.

(4) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application. The conditional use shall be reviewed based on the requirements set forth in the zoning ordinance.

§ 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.~~ **A conditional use approval in conjunction with a Site Plan review shall expire upon expiration of the associated Site Plan.**

C. A conditional use approval in conjunction with a Major Subdivision application shall expire upon expiration of the associated Major Subdivision.

D. A standalone conditional use permit shall expire within eighteen months of the date of issuance unless construction or operation of said use has commenced.

E~~C~~. A reapplication for a **conditional** use permit for the same lot or use shall not be considered by the City Council within a period of **one-year** ~~365 days~~ from its last consideration. This provision, however, shall not impair the right of the Council to propose a **conditional** 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.~~

ARTICLE X - Site Plan Review

§ 230-50. - Purpose.

The site plan review has a twofold purpose. It is to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures; assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter.

~~§ 230-51. - Guidelines.~~

~~Guidelines for determining what site plans shall be reviewed by the Planning Commission shall be as follows:~~

~~A. Automatic determination of review. Certain types of developments, due to the nature of their impact on the entire community, shall automatically have their site plans reviewed by the Planning Commission, including the following:~~

~~(1) Residential:~~

~~(a) Townhouses.~~
~~(b) Garden apartments.~~
~~(c) Planned unit developments.~~
~~(d) Mobile home parks.~~

~~(2) Commercial: shopping centers.~~
~~(3) Institutional: hospitals.~~
~~(4) Industrial: all industrial developments.~~

~~B. Discretionary determination of a review. The Code Official shall have discretion in determining what proposed developments other than those enumerated above shall have their site plans reviewed by the Planning Commission. When making such a decision, the Code Official shall consider but not be limited to the following factors:~~

~~(1) If the traffic flow will be greatly altered. Flow includes:~~

~~(a) Pattern.~~
~~(b) Volume.~~
~~(c) Hazard involved.~~
~~(d) Time involved.~~

~~(2) If parking on a large scale is required.~~
~~(3) If public utilities or works must be expanded to accommodate the development.~~
~~(4) If there is a change in the existing land use pattern.~~
~~(5) If there are incompatible uses within the proposed development or in relation to the abutting districts.~~
~~(6) If there may be difficulty in meeting existing performance standards.~~

§ 230-51~~2~~. - Review procedure.

A. ~~Preliminary approval.~~ **Preliminary Review of Permitted Use Site Plans.**

(1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the **Planning Director** ~~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 **Planning Director** ~~City Planner~~. **The application shall be reviewed by the Planning Director and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances.** Upon confirmation by the City Planner that all DAC issues and **plan review comments** 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 shall approve the application with or without conditions, deny the application, or table the application.

(4) Preliminary approval from the Planning Commission shall be void after **24 months** ~~one year~~, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

B. ~~Final approval.~~ **Preliminary Review of Conditional Use Site Plans.**

(1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, 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 Planning Director. The application shall be reviewed by the Planning Department and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the Planning Director that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.

(3) A public hearing on the preliminary plan shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, deny the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.

(4) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:

(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.

(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted

notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.

(5) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.

(6) Preliminary approval from City Council shall be void after 24 months unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

C. Final Permitted Use or Conditional Use Site Plan

(1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by **Planning Director** ~~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.~~ The final plan shall ~~also~~ be reviewed by the **Planning Director** ~~City Planner~~ for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City **along with the specifications of the City Council or Planning Commission preliminary approval**. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan~~, if applicable,~~ and in accordance with the **City Standard Construction Specifications** ~~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 shall approve the application with or without conditions, deny the application, or table the application.~~ **Upon confirmation by the City Planner and City Engineer that all agency approvals have been obtained and all plan review comments have been addressed satisfactorily, the application may be administratively approved by the Planning Director.**

~~(4) Prior to receiving final site plan approval, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.~~

(**4**~~5~~) Within 90 days of final approval from **the City Director** ~~Planning Commission~~, the applicant shall record the plat at the County Recorder of Deeds office and provide the **Planning Director** ~~City Planner~~ a receipt of the recordation including the deed book and page number. Prior to recording the plat, **at least three** ~~five~~ copies of the plat must be submitted to the **Planning Director** ~~City Planner~~ for stamping and signing. ~~Three~~ **Two** sets will be **retained by the City.** ~~returned to the applicant.~~ **The City Manager, Planning Director and City Engineer shall sign the approved record plats and construction plans.**

~~(6) Upon recordation of the plat, the applicant shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.~~

(**5**~~7~~) Failure to record the plat within 90 days of Planning Commission approval will result in the approval being voided. **In order to obtain final approval after it has been voided, the applicant must make application for preliminary approval again.**

~~C. The site plan review by the Planning Commission shall be limited to those proposed developments enumerated by this chapter and to those proposed developments that require a site plan review as determined by the City Planner. No other site plans shall be considered by the Planning Commission for review.~~

~~§ 230-52.1. - Site plan expiration.~~

(6) If construction of approved buildings and improvements is not substantially undertaken within **eighteen months** ~~one year~~ of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant a**n** ~~one year~~ extension for good cause.

230-52. – Amendments and additions to site plans.

A. For minor changes or alterations to approved site plans (conditional use and by-right), formal site plan review by the Planning Commission and/or City Council may be waived at the discretion of the Director or designee for conforming uses which have previously received formal site plan approval and are applying to expand their gross floor area by up to 5,000 square feet, provided that such changes or amendments:

(1) Do not negatively affect the original conditions for approval;

(2) Involve no changes in use;

(3) Do not conflict with specific requirements of this Chapter and Chapter 200 Subdivision of Land;

(4) Do not change the general character or content of an approved development plan or use;

(5) Have no appreciable effect on adjoining or surrounding property;

(6) Do not result in any substantial change of major external access points;

(7) Do not increase the approved number of dwelling units or height of buildings;

(8) Do not decrease the minimum specified yards and open spaces or minimum or maximum parking and loading spaces; and

(9) Do not have adverse effects on traffic operations.

B. The Planning Director or designee may determine that the administrative changes outlined in this section must also be reviewed and approved by any applicable Development Advisory Committee agencies.

C. Site plan revisions which do not meet the criteria outlined in this section shall be subject to the same application and review process enumerated in Chapter 230-51.

230-52.1. – Exemptions.

The following shall be exempt from the provisions for formal site plan review:

A. Projects involving an aggregate impervious cover of less than 5,000 square feet will be excluded from the formal site plan review requirement. Such plans may be approved administratively at the discretion of the Planning Director.

B. Expansion of existing and zoning compliant land development for which there is no existing approved site plan, provided the expansion involves less than 5,000 square feet of impervious cover. Such plans may be approved administratively by the Planning Director or designee. Plot plans may be submitted in lieu of engineered drawings. Any further expansion must be reviewed by the Planning Commission and/or City Council as applicable. All such expansions shall be cumulative. If conditional use approval is required, the application shall be processed without requiring formal engineered plans.

C. The Planning Director may require letters of no objection from applicable agencies for new or expanded development exempted from formal site plan review.

230-52.2. – Construction Procedures.

A. Prior to commencement of construction, the developer shall request a pre-construction meeting with the City Engineer. Payment of the required development inspection fee, as adopted by City Council and found in the City Fee Schedule, shall be made prior to the scheduling of the pre-construction meeting.

B. Improvements within the development shall be constructed per the approved construction plans and the City's Standard Construction Specifications. Any deviations from the construction plans must be submitted to the City Engineer in writing for review and approval.

C. A performance bond in the amount of 125% of the cost of installation shall be required for the construction of recreational and open space amenities, including but not limited to community buildings, playgrounds, walking paths, landscaping and landscape screening. The performance bond shall be posted prior to the issuance of the first building permit.

D. Conditional Acceptance of Infrastructure by City Engineer.

(1) Prior to the issuance of building permits, the developer shall obtain conditional acceptance from the City Engineer as outlined in the City's Standard Construction Specifications.

(2) A maintenance bond shall be provided by the developer in the amount of 10% of the improvements to be taken over and maintained by the City.

(3) A performance bond shall be provided by the developer in the amount of 125% of the cost for any item that has not been satisfactorily completed as approved by the City Engineer.

(D) Final Acceptance of Infrastructure by City Council.

(1) Final top coat shall be paved after 75% of building permits have been issued for a project or phase of a project and prior to 90% of building permits having been issued for a project or phase of a project.

(2) Final acceptance of utilities shall not occur until after the paving top coat has been completed.

(3) Upon completion of the top coat paving, the City Engineer may release the top coat performance bond. The 10% maintenance bond will remain in place until one-year after acceptance of the final top coat paving.

(4) Upon completion of the required one-year maintenance period, the right-of-way improvements may be accepted by City Council by resolution.

(5) Upon acceptance by City Council, the maintenance bond may be released by the City Engineer in its entirety.

ARTICLE XI - Administration

§ 230-53. - Interpretation and application.

A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity or general welfare; for the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads; for securing safety from fire and other danger, providing adequate light and air and preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement; for promoting such distribution of land development and utilization as will tend to facilitate and provide adequate provision for public requirements, transportation, water and flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility and food supply; and for protection of the tax base, securing economy in governmental expenditures and fostering the state's agricultural and other industries and the protection of both urban and nonurban developments.

B. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing law or any rules or regulations regulating the use or construction of buildings, the provision of yards, courts or other open spaces or the provision of sanitary facilities; provided, however, that where the provisions of this chapter require large yards or courts, lesser heights or bulk of buildings or more excessive sanitary facilities than do the aforementioned laws, rules or regulations, the provision of this chapter shall govern.

~~C. Special exceptions from the requirements of this chapter shall be permitted only for lots zoned residential, provided that the Board of Adjustment grants a special exception and as further provided that in the case of any lot zoned residential with a building on it at the date of adoption of this chapter but with a lot area, lot width, building setback, rear yard or side yards less than that prescribed for the district in which it is located, such building may be altered or a new building may be constructed, provided that it complies with all other provisions of this chapter.~~

§ 230-54. - Enforcement.

A. This chapter shall be enforced by the **Planning Director or designee** ~~Code Official of the City of Milford appointed by the City Manager~~.

B. Powers and duties. **Planning Director or designee** ~~The Code Official~~ shall:

(1) Examine all applications for permits, issue permits only for construction and uses which are in accordance with the requirements of this chapter or refuse permits or refer said application to the appropriate body. ~~Such permits for construction and uses which are a special exception or variance to the requirements of this chapter shall be issued only upon order of the Board of Adjustment.~~

(2) Record and file all applications for permits with accompanying plans and documents, record all certificates of occupancy, receive all required fees and issue necessary stop-work orders.

(3) Inspect nonconforming uses and keep a record of such nonconforming uses and prepare a **annual** ~~monthly~~ record for the City Council and Planning Commission summarizing for the period since the last report all building permits issued ~~and certificates countersigned by him~~.

C. Notification of violation. If the **Planning Director or designee** ~~Code Official~~ finds that any provisions of this chapter are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation, and order the action necessary to correct it.

D. Appeals from the **Planning Director or designee** ~~Code Official~~. Any appeal from a decision or action of the **Planning Director or designee** ~~Code Official~~ that concerns this chapter shall be made directly to the Board of Adjustment.

E. Relation to the Planning Commission. When requested by the **Planning Director or designee** ~~Code Official~~, the Planning Commission may provide recommendations to that office on any matter concerning this chapter. The **Planning Director or designee** ~~Code Official~~ may also present recommendations and reports to the Commission on zoning issues, when requested by the Commission.

§ 230-55. - Certificate of occupancy.

It shall be unlawful to use or permit the use of any building, structure or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged, wholly or partly, in use or structure, except for minor alterations involving no change in floor area or use, until a certificate of occupancy is issued by the **Planning Director or designee** ~~Code Official~~ which shows that the building, structure, or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter or an order by the Board of Adjustment.

§ 230-56. - Violations and penalties.

A. In case any building is erected, constructed, reconstructed, altered, repaired or converted or any building or land is used in violation of this chapter, the **Planning Director or designee** ~~Code Official~~ is authorized and directed to institute any appropriate action to put an end to such violations.

B. Any person who shall violate this chapter, or do any act or thing prohibited, or refuse or fail to do any act required to be done, or refuse or fail to comply with an order of the **Planning Director or designee** ~~City Code Official~~ or an order of the Board of Adjustment shall, upon conviction thereof, be subject for each violation to forfeit a fine as set forth in Chapter 1, General Provisions, Article II, General Penalty. Whenever such person shall have been officially notified by the **Planning Director or designee** ~~City Code Official~~ or by service of a summons in a prosecution or in any other official manner that he is committing a violation, each day's continuance of such violation after such notice shall constitute a separate offense, punishable by a like fine or penalty.

§ 230-57. - Planning, zoning and engineering fees.

Planning, zoning and engineering fees shall be set by resolution adopted by City Council and maintained by the City Clerk's office.

ARTICLE XII – **Zoning** 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.~~ **No hearing shall be held until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:**
(1) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10- days prior to the hearing.
(2) The Planning Department shall provide notice to the general public of the public hearing by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(3) The Planning Department will also post a notice outlining the date, time, place and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and pans for the proposal may be examined.

E. 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. – **Reserved.** ~~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.~~

§ 230-60. - Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

ARTICLE XIII - Permits and Certificates
§ 230-61. - Required zoning permits and certification.

Prior to any new construction, structural alteration or change in the use of a building or lot, the following permits or certificates shall be issued for any of its purposes so stated in this chapter.

A. Permitted uses. A zoning permit for any permitted use may be issued by the **Planning Director or designee** ~~Code Official~~ on his/her own authority if the use meets all of the applicable requirements for the district in which the use is to be located. No other review procedures are required.

~~B. Special exception uses. A zoning permit for a special exception may be issued by the Code Official after a review and upon the order of the Board of Adjustment.~~

B~~C~~. Conditional uses. A zoning permit for a conditional use may be issued by the **Planning Director or designee** ~~Code Official~~ after review by the Planning Commission and upon the order of the City Council.

C~~D~~. ~~Zoning permit after an a~~**A**ppeal or a request for variance. A zoning permit may be issued by the **Planning Director or designee** ~~Code Official~~ upon the order of the Board of Adjustment and after a public hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

D~~E~~. Certificate of occupancy. An occupancy permit **may** ~~shall~~ be issued by the **Planning Director or designee** ~~Code Official~~ upon completion and inspection of any building or lot prior to occupation. A certificate of occupancy **may be withheld by the City if only** ~~be issued when all~~ requirements set

forth by the site plan, **subdivision,** ~~or~~ conditional use**, variance or any other City or State regulation** have **not** been met **in order to protect the health, safety and welfare of the residents of the City**.

E. Certificate of use. No non-residential use shall commence operation without first submitting a certificate of use application to the Planning Department for review. Such application shall be reviewed by the Planning Director or designee to determine if the proposed use complies with this Chapter, Chapter 88 Building Construction and other City ordinances and State regulations. A certificate of use may be withheld by the City if requirements set forth by any City or State regulation have not been met in order to protect the health, safety and welfare of the residents of the City.

~~§ 230-62. - Application and issuance.~~

~~A. Permit application. Application for permits shall be made, in writing, to the Code Official on the forms furnished by the City. Such application shall contain all the information necessary for such official to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this chapter.~~

~~B. Permit issuance. No zoning permit or certificate shall be issued until the Code Official has certified that the proposed work meets all the requirements of the applicable codes and ordinances, except after written order from the Board of Adjustment or the courts.~~

~~C. Certificate of occupancy issuance. Upon completion of the construction, erection or alteration of any building or lot, and prior to any occupancy or use, an occupancy permit shall be secured from the Code Official.~~

F~~D~~. No zoning permits, certificates of occupancy, licenses or building permits shall be issued nor shall any applications for changes of zoning, conditional uses, variances or special exceptions be accepted unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

~~§ 230-63. - Expiration.~~

~~A permit for any proposed work shall not be valid after one year from the date of issuance thereof and shall thereafter be considered void unless the work authorized by the permit has been substantially commenced and proceeded with due diligence.~~

ARTICLE XIV - Floodplain Management

See Chapter 130 of this Code for floodplain management regulations.

~~**City of Milford**~~ ~~**Sign Types and Allowable Dimensions**~~ ~~**and Restrictions**~~

City of Milford
Sign Types and Allowable Dimensions and Restrictions

Zoning District	Types of Signs												
	Wall or Mailbox (residence/occupant ID)		Freestanding [mounted on post(s)]		Fascia: Commercial (wall, roof edge, etc.) (of wall square feet)	Hanging/Projecting (extended from wall) (square feet)	Marquee (movable letters)		Illuminated (nonflashing)		EMB	Mobile (mounted, trailer, etc.)	Billboard
	Height (inches)	Square feet	Height	Square feet			Height	Square feet	Height	Square feet	Square feet		Prohibited
R-1	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
R-2	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
R-3	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
C-1	42 in	2	48 in	4	10%	15	48 in	9	48 in	4	Prohibited	N/A	Prohibited
C-2	N/A	N/A	48 in	4	10%	20	48 in	9	48 in	4	Prohibited	N/A	Prohibited
C-3	N/A	N/A	28 ft	225	10%	20	10 ft	48	28 ft	225	Height ÷ greater than 2', max 5' Width : max 12' Max 32 sq ft total	N/A	Conditional use per DelDOT standards
H-1	N/A	N/A	25 ft	70	5%	N/A	N/A	N/A	25 ft	70	Prohibited	N/A	Prohibited
OC-1	N/A	N/A	28 ft	225	5%	N/A	10 ft	48	28 ft	225	Prohibited	N/A	Prohibited

~~I-1~~	~~N/A~~	~~N/A~~	~~28 ft~~	~~200~~	~~5%~~	~~N/A~~	~~10 ft~~	~~48~~	~~28 ft~~	~~200~~	~~Prohibited~~	~~N/A~~	~~Prohibited~~
~~I-2~~	~~N/A~~	~~N/A~~	~~28 ft~~	~~200~~	~~5%~~	~~N/A~~	~~10 ft~~	~~48~~	~~28 ft~~	~~200~~	~~Prohibited~~	~~N/A~~	~~Prohibited~~

Section 5. Dates.
Introduction to City Council: January 10, 2022
Planning Commission Review/Recommendation/Public Hearing: January 18, 2022
City Council Review/Public Hearing/Determination: January 24, 2022

Section 6. Effective.
This Ordinance is effective ten days following its adoption.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission: Tuesday, January 18, 2022 @ 7:00 PM
City Council: Monday, January 24, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

Ordinance 2022-05
Amendment to City of Milford Code
Chapter 200/Subdivision Code

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to update the City of Milford Code Chapter 200 Subdivision of Land to implement the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of Board of Adjustment applications, standardize site plan, subdivision, and conditional use review procedures, and eliminate contradictory statements, erroneous language, and other items to improve the administration of Chapter 200 Subdivision of Land; and

WHEREAS, the Planning Commission of the City of Milford, along with the City Solicitor and Planning Director, reviewed each section of Chapter 200 Subdivision of Land during various workshops in 2021; and

WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, January 18, 2022, at which time interested parties publicly commented on the amendments; and

WHEREAS, Milford City Council held a Public Hearing on January 24, 2022, to allow for additional public comment and further review of the amendments; and

WHEREAS, the Public Notice was published in the Milford Beacon on December 29, 2021; and

WHEREAS, City Council found that the amendments to Chapter 200 Subdivision of Land are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is amended to modify/clarify specific requirements within the City Code, Chapter 200, SUBDIVISION OF LAND.

Section 2. Sections 200-3, 200-4, and 200-8 are hereby amended.

Section 3. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Chapter 200 - SUBDIVISION OF LAND

§ 200-1. - Purpose.

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

§ 200-2. - Title.

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

§ 200-3. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:
ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
COMMISSION — The Planning Commission of the City of Milford, Delaware.
DEVELOPMENT ADVISORY COMMITTEE – A committee comprising of City Department staff, representatives of the Delaware Department of Transportation, Delaware Department of Natural Resources and Environmental Control, Conservation District, State Fire Marshal, and such other professional and technical representatives as may be deemed necessary by the Planning Director. The Committee shall function as an advisory body to the Planning Department with regard to design requirements, improvement specifications and other applicable standards relating to the design and construction of subdivisions and land developments.
~~OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:~~

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

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

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

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and which is submitted to the County Recorder of Deeds for recording.
~~PROPERTY~~ **HOME**OWNERS' ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.
~~RECREATIONAL USE — Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:~~

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

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.
ROADWAY — The paved portion of the street primarily used for vehicular traffic.

A. ARTERIAL STREET and HIGHWAY — A street primarily used for fast and/or heavy traffic.
B. COLLECTOR STREET — A street carrying traffic from **local**~~minor~~ streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
C. ~~MINOR~~ **LOCAL** STREET — A street primarily used for access to the abutting properties.
D. MARGINAL ACCESS STREET — A **local**~~minor~~ street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.
F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

~~STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN~~**STANDARD CONSTRUCTION SPECIFICATIONS** — The current specifications regulating subdivision design and **street, curbing, driveway, sidewalk, water utility, sewer utility, stormwater utility and general** construction~~ as adopted by the City~~.
STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.
SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.
SUBDIVISION**, MAJOR** — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development **not meeting the definition of Minor Subdivision**.
SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, Chapter 230, Zoning, or this chapter; limited to five lots.
SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

§ 200-4. - Application procedure.

A. Preliminary **Major Subdivision Review**~~approval~~.

(1) **A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.** ~~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 Planning Director. The application shall be reviewed by the Planning Department and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the Planning Director that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.** ~~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) **A public hearing on the preliminary plan shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, denial of the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.** ~~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) **No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:**

(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.

(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined. ~~City Council shall grant preliminarily approval of the application with or without conditions, deny the application, or table the application.~~

(5) **City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.** ~~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.~~

(6) Preliminary approval from City Council shall be void after 24 months unless final major subdivision approval is obtained or an extension is requested by the owner and approved for good cause by the City Council prior to the expiration.

B. Final **Major Subdivision Review**~~approval~~.

(1) A final plat and **construction** documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by **Planning Director**~~City Planner~~, along with the appropriate fees, as specified in § 230-57.

(2) **The application shall be reviewed by the Planning Department and the City Engineer for compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. At this time, the applicant shall provide a digital copy of the subdivision plan to the City electric division in order for the City to begin designing the electric infrastructure for the subdivision.** ~~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) **A public hearing on the final major subdivision shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, denial of the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.** ~~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) **No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:**

(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.

(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined. ~~City Council shall approve the application with or without conditions, deny the application, or table the application.~~

(5) **City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.** ~~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) **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 Planning Director a receipt of the recordation including the deed book and page number. Prior to recording the plat, at least three copies of the record plat and three copies of the final construction plans must be submitted to the Planning Director for stamping and signing. Two sets will be retained by the City. The City Manager, Planning Director and City Engineer shall sign the approved record plats and construction plans.** ~~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 **90 days**~~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 **preliminary**~~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.~~

C. Construction Procedures.

(1) Prior to commencement of construction, the developer shall request a pre-construction meeting with the City Engineer. Payment of the required development inspection fee, as adopted by City Council and found in the City Fee Schedule, shall be made prior to the scheduling of the pre-construction meeting.

(2) Improvements within the development shall be constructed per the approved construction plans and the City's Standard Construction Specifications. Any deviations from the construction plans must be submitted to the City Engineer in writing for review and approval.

(3) A performance bond in the amount of 125% of the cost of installation shall be required for the construction of recreational and open space amenities, including but not limited to community buildings, playgrounds, walking paths, landscaping and landscape screening. The performance bond shall be posted prior to the issuance of the first building permit.

(4) Conditional Acceptance of Infrastructure by City Engineer.

(a) Prior to the issuance of building permits, the developer shall obtain conditional acceptance from the City Engineer as outlined in the City's Standard Construction Specifications.

(b) A maintenance bond shall be provided by the developer in the amount of 10% of the improvements to be taken over and maintained by the City.

(c) A performance bond shall be provided by the developer in the amount of 125% of the cost of the top coat and any other item that has not been satisfactorily completed as approved by the City Engineer.

(5) Final Acceptance of Infrastructure by City Council.

(a) Final top coat shall be paved after 75% of building permits have been issued for a project or phase of a project and prior to 90% of building permits having been issued for a project or phase of a project.

(b) Final acceptance of utilities shall not occur until after the paving top coat has been completed.

(c) Upon completion of the top coat paving, the City Engineer may release the top coat performance bond. The 10% maintenance bond will remain in place until one-year after acceptance of the final top coat paving.

(d) Upon completion of the required one-year maintenance period, the right-of-way improvements may be accepted by City Council by resolution.

(e) Upon acceptance by City Council, the maintenance bond shall be released by the City Engineer in its entirety.

§ 200-5. - Administrative approvals.

The following land use actions may be approved administratively, unless otherwise determined by the Planning Director or designee.

A. Minor subdivision.

(1) A minor subdivision is one that creates a total of five or fewer parcels of land (including any residual) either on an existing public roadway or on a private road and may be approved administratively, provided:

(a) Minor subdivision shall be subject to the process and procedures in Section 200-8(E).
(b) Minor subdivision plans shall contain all information as required by Section 200-8(E).

B. Minor lot line adjustment.

(1) Minor lot line adjustments or the sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries may be approved administratively, provided:

(a) The total area of the adjustment does not exceed 10% of the combined area of the lots affected by the adjustment;
(b) No additional lots are created;
(c) The adjusted lot line is approximately parallel with the original lot line, when appropriate, or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved;
(d) The owner submits a survey plan for review and approval by the Planning Director.

(2) Approval of the record plan does not automatically transfer a property. A separate deed must also be recorded simultaneously to transfer the property being conveyed.

(3) The Planning Director may permit an increase in the percentage of the combined area of the lots affected by the lot line adjustment following a request for such with justification from the applicant.

C. Consolidation of lots.

(1) The consolidation of two or more lots may be approved administratively, provided;

(a) Any conditions applicable to any applicable original subdivision remain in full force and effect;

(b) The consolidation of lots, including those within major subdivisions, shall be recorded as provided in in Section 200-8(E) below and may not be re-subdivided except through minor subdivision.
(c) A revised deed must also be recorded simultaneously with the consolidation describing the lots as one lot; and
(d) The owner submits a survey record plan for review and approval by the Planning Director.

D. Change in ownership, mortgage, or lease line.

(1) The creation of mortgage, or lease line within a commercial, industrial or multifamily residential lot does not require the approval of a new subdivision plan. At the owner's discretion, a plan depicting the creation or deletion of internal lots to reflect a new mortgage or lease line may be recorded after administrative approval, provided:

(a) All prior conditions of approval for the original subdivision remain in full force and effect;
(b) Any necessary cross-easements, covenants, or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat;
(c) The owner submits a survey plan for review and approval by the Planning Department.

E. Process and procedures.

(1) The application must be submitted by the legal owner of the subject property, or a representative authorized by the legal owner, to the Department and must consist of the following:

(a) Two paper prints of the subdivision plan and any attachments, including the approved checklist;
(b) A review fee, as outlined in Chapter 230-57;
(c) Parcels created that do not meet the minimum requirements for building lots must be incorporated into an adjacent property. Such incorporation must be indicated on the plan and the following note shall be added to the plan: "The approval of this subdivision plan does not constitute a separate building lot but is intended to be combined with an adjacent property;"
(d) Neither landlocked parcels nor parcels not meeting the requirements for a buildable lot according to Chapter 230, Zoning, may be created without designation of conveyance to another parcel. A deed for the conveyance must be submitted with the record plan and recorded simultaneously with the plan;
(e) For minor subdivisions, letters of "no objection to recordation" may be required or a stamp of approval may be required on the record plat from, but not limited to, the following agencies:

1. The Kent or Sussex Conservation District; and
2. The Delaware Department of Transportation.

(f) A set of deed restrictions and/or perpetual maintenance agreement that clarifies and controls the operation and maintenance of any private facilities (private streets, access easements, etc.); and
(g) Any additional information that the Department deems pertinent to this subdivision plan.

(2) If the subdivision plan is approved by the Department, the plan will be signed by the City Manager, City Engineer and Planning Director and returned to the applicant for recordation. Two copies of the approved plan will be retained by the City.
(3) A final record plat must be submitted to Department within 90 days of approval or the approval is no longer valid.
(4) Transactions involving acquisitions of public rights-of-way pursuant to 17 Del. C. 137 and all land acquired by the exercise of the power of eminent domain or by voluntary agreement in lieu of the exercise of the power of eminent domain are exempt from the provisions of this article.

§ 200-6. - Revisions to recorded subdivision plats.

A. For rerecordation of previously subdivided and recorded major subdivision and minor subdivision, the revised plat must be signed by all lot owners within the subdivision who are adjacent to or share a common boundary line with the area of proposed change in addition to 75% of all lot owners within the entire subdivision. The adjacent property owners shall be included as a part of the required 75% of required signatures.

(1) A copy of the subdivision deed restrictions must accompany the application to revise a recorded subdivision plat. If there are procedures regarding revisions to the subdivision outlined in the deed restrictions, the applicant must meet the stricter of the two requirements.

B. Prior to seeking approval of any rerecordation, the owner/applicant shall give notice to all persons indicated by assessment records to be lot owners within the subdivision. The owner/applicant shall provide proof of notification in the form of certified mail receipts for each lot owner to the Department.
C. With the exception of Subsections D and E below, new letters of "No objection" from all agencies granting original approval of a project must be submitted.
D. The following are exempt from the rerecordation signature requirements:

(1) Administratively approved applications such as lot line adjustments where no additional lots are proposed; and
(2) Cases where utility easements are added to a subdivision plan.

E. For minor changes or alterations to recorded subdivision plats, in lieu of formal plan review by the Planning Commission and City Council, said minor changes may be administratively approved at the discretion of the Planning Director or designee, provided that such changes or amendments:

(1) Do not increase density;
(2) Do not substantially alter the road design or layout;
(3) Do not substantially alter the original conditions for approval;
(4) Involve no changes in permitted use of the property;
(5) Do not conflict with the specific requirements of this chapter or Chapter 230, Zoning;
(6) Do not change the general character or content of an approved plan in a material way;
(7) Have no adverse effect on adjoining or surrounding property;
(8) Do not result in any substantial change of major external access points;
(9) Do not decrease the minimum specified yards, setbacks, and open spaces; and
(10) Have no adverse effects on traffic operations.

§ 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~~**Local** 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 **interconnected streets**~~dead-end or loop streets and superblocks~~ will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.

(9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.

(10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.

(11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than **500**~~750~~ feet on arterial streets, 300 feet on collector streets and 100 feet on **local**~~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.~~**Street rights-of-way and roadway widths shall be as shown on the official map or development plan and, if not shown thereon, said widths for the various street types, shall not be less than as follows:**

(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)~~		Pavement Width with Parking One-Side (feet)	Pavement Width with Parking Both Sides (feet)
	Right-of-Way Width (feet)	Pavement Width (feet)		
Arterial	80 to 110	~~As required by DelDOT~~60 to 80	N/A	N/A
Collector	60	38~~28~~	38	38
~~Minor, for townhouses and apartments~~ Local for all residential areas	60	24~~30~~	30	36
~~Minor, for other residences~~ Local for commercial areas	60~~50~~	26~~25~~	32	38
Cul-de-sac and Dead-ends	60~~50~~	24~~22~~	30	36
Marginal access	60~~30~~	24~~16~~	30	36
*Alley, one-way	20	12	18	24

Note:
* ~~If utilities are present in an alley, t~~The City reserves the right to modify the minimum right-of-way and roadway widths where utilities or other items exist which would necessitate a wider access.

(b) Proposed subdivision streets serving lots with a lot width of less than 60 feet shall be required to provide on-street parking as outlined Chapter 200-8(A)(14)(a). On-street parking for each side of the street shall be determined based on the proposed minimum lot width for each side of the street. ~~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 80~~76~~

feet and a street right-of-way diameter of 100 feet. **Dead-end streets are prohibited in alleys where public services are to be provided.**

(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
Arterial Streets shall be named Boulevards		

~~(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 **City** ~~s~~**S**tandard **Construction** ~~s~~**S**pecifications ~~as issued by the City Engineer~~.

B. Sidewalks ~~and~~**,** curbs **and shared-use paths**.

(1) Sidewalks shall be required in all subdivisions on both sides of the street **and shall have a minimum width of 5 feet**. ~~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 **to ensure proper drainage of stormwater**.

(a) Where rolled curb is proposed, a minimum 3-foot-wide reserve grass strip shall be required between the sidewalk and the curb.

(b) Sidewalk may be placed directly against upright curb.

(3) All required sidewalks shall be constructed in accordance with **the City** ~~s~~**S**tandard **Construction** ~~s~~**S**pecifications ~~as issued by the City Engineer~~.

(4) Shared-use paths shall be connected with existing paths and shall be consistent with the City's Bicycle Master Plan and Comprehensive Plan.

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.~~

(1) A stormwater or drainage right-of-way with adequate width shall be provided where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream. Parallel streets, parkways or greenways may be required in relation thereto.

(2) Each lot in a proposed subdivision shall provide a 5-foot-wide general utility easement on each side lot line, a 10-foot-wide general utility easement along the rear property line, and a 15-foot general utility easement along the frontage of the lot for the installation of City utilities and conveyance of drainage.

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 **or be less than 500 feet in length between street lines**.

(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 **those adjacent to**~~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 **five**~~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 **meeting the minimum lot width requirements of the zoning code**.

(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 **by the 100-year flood elevation** 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~~**F**. General grading.

(1) 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~~**G**. Improvements.

(1) In major subdivisions the following improvements are required:

(a) Paved streets.

(b) Street signs **meeting the State of Delaware, Department of Transportation, Manual on Uniform Traffic Control Devices, latest edition**.

(c) Curbs and gutters~~, or roadside swales~~. Curbs shall be required **on both sides of proposed streets as per the City Standard Construction Specifications.** ~~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 **or shared use paths located on both sides of the street**.

(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 **a Registered Landscape Architect**~~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. **Permanent m**~~M~~onuments shall be **placed on each corner of any building lot by the developer and along the project boundary and the right-of-way at all corners and tangent points prior to final settlement for the property.** ~~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] **Water and sewer services shall be made available to all adjacent properties.** ~~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.

[4] No underground utility installation shall be covered until inspected and approved by the City.

~~(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 **City Council**~~the Commission~~ in accordance with **the City** ~~s~~**S**tandard **Construction** ~~s~~**S**pecifications ~~as issued by the City Engineer~~ and with any additional requirements specified by the **City Council.** ~~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.

§ 200-9. - Variances and waivers.

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

§ 200-10. - Transfer of development rights.

A. Purpose and intent. This section is intended to promote more efficient utilization of land resources through the creation of a transfer of development rights program available to land owners. The transfer of development rights program enables developers of land within receiving areas the ability to purchase development credits to be used to increase the number of residential units per acre for development within the receiving areas. Funds paid by developers of land within receiving areas would be utilized to purchase the development rights of property owners of certain land designated as sending areas. This option was conceived in response to increasing pressure to develop rural agricultural areas where essential infrastructure and support services necessary to sustain suburban and urban land uses do not exist and are not planned. This section endeavors to achieve well designed and efficient communities inside the City of Milford while preserving, protecting and enhancing precious agricultural lands and rural and natural landscapes from encroachment by sprawl development that threatens the unique character and quality of life that Milford citizens enjoy and expect. The purpose of this section is further described as follows;

   (1) Enables the purchase of transfer credits by developers of land within designated receiving areas;
   (2) Enables the purchase of development rights for willing land owners within designated sending areas;
   (3) Provides for farmland, open space and natural resource preservation through the transfer of development rights that permits an increased density on a receiving parcel and preservation of a sending parcel;
   (4) Provides transit oriented, pedestrian friendly communities with parks, greenways, mixed uses and interconnectivity thereby reinforcing community character;
   (5) Provides adequate and efficient density to support infrastructure investment within the City.
   (6) To further discourage sprawling of urban development into rural areas; and
   (7) Ensures that development credits be utilized for properties that are in areas that have adequate support facilities, including, but not limited to, transportation, water, sewer, employment, recreation and commercial services to accommodate additional development.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

   DEVELOPMENT RIGHTS — The rights of the owner of a parcel of land to develop or use the parcel in accordance with Chapters 230 and 200 of the City of Milford Code.

RECEIVING AREA — One or more designated areas within which the development credits from sending areas may be purchased for use within development projects.
RECEIVING PARCEL — A parcel of land in a receiving area that is the recipient of development credits for the purpose of development with an increase in the number of dwelling units equivalent to the number of development credits purchased in addition to the number of dwelling units that would otherwise be permitted on the parcel.
SENDING AREA — One or more areas in which the development rights of parcels may be purchased from for the use in one or more receiving areas.
SENDING PARCEL — A parcel of land in a sending area from which development rights are being transferred for use on a parcel within a designated receiving area, and upon which a legally binding and irrevocable preservation easement has been placed and recorded that would prohibit the future development of such parcel.
TRANSFER OF DEVELOPMENT RIGHTS — The procedure prescribed by this section whereby the owner of a parcel in the sending area may convey development rights in perpetuity to the City and State of Delaware, Department of Agriculture, and the owner of a parcel in a receiving area may purchase development credits from the City to be utilized on the receiving parcel in addition to the development rights already existing on the parcel.

C. General Provisions.

(1) A system of transferable development rights credit for properties situated within designated sending areas is established in Subsection D, Sending areas.
(2) A system of limitations on the quantity of development rights credits that may be imported into designated receiving areas is established in Subsection E, Receiving areas.
(3) The designation, tabulation, tracking, recordkeeping, management and transfer of development rights shall be under the direction of the City Manager or designee in accordance with the provisions of this section, and procedures established by the Planning Department.
(4) All sending parcels shall be encumbered in perpetuity by an irrevocable preservation easement of the development rights. Such preservation easement shall be recorded and become codicil to the property deed of the sending parcel, and shall have the effect of limiting in perpetuity the future construction of dwellings on the sending parcel to a maximum allowed by the State of Delaware, Department of Agriculture preservation program.
(5) All properties to which development rights are planned to be transferred shall comply with the provisions of Subsection E Receiving Areas, of this section and shall be subject to the plan review and approval processes set forth in Chapter 200 and Chapter 230 of the City Code.

D. Sending areas.

(1) All areas designated as TDR Sending Areas in the adopted City of Milford Comprehensive Plan shall be considered sending areas.
(2) Sending area value. Sending areas are assigned a value of transferable development right credits that may be transferred for utilization within a designated receiving area. The sending area value is determined by the development potential based on the property's current zoning classification, exclusive of undevelopable land such as wetlands, floodplain or other natural features.
(3) Sending parcels shall convey all of their available transfer credits at the time of preservation easement dedication.
(4) Lands for which the State of Delaware, or any other entity, such as the federal government, a nature conservancy, or any other nongovernmental agency has purchased or otherwise secured the development rights, either through fee simple acquisition, condemnation, eminent domain,

deed restriction, easement or any other legal means for the expressed purpose of preventing the development of such lands, shall be ineligible for participation in the City's Transfer of Development Rights Program. Examples of such lands include any state or federal owned property and lands on which agricultural preservation easements have been purchased.

(5) Property owners who have transferred development rights from their land forfeit the ability to use the land for any purpose or use other than those permitted by right in the underlying zoning district, except that such property shall not be subdivided for residential development.

E. Receiving areas.

(1) All areas designated as TDR Receiving Areas in the adopted City of Milford Comprehensive Plan shall be considered receiving areas. The receiving area acreage and number of TDR credits shall be limited to what is provided in the Comprehensive Plan; however, the City of Milford shall have the flexibility to determine the exact location on the receiving parcel where the TDR credits may be applied based on the availability of public utilities, road and traffic considerations, availability of public transportation, environment considerations, proximity to public services and existing density.

(2) Receiving area value. The maximum gross development densities shall be limited to eight dwelling units per acre.

(3) Receiving areas may be rezoned to R-8 Garden Apartment and Townhouse District in accordance with Chapter 230-58 if the developer participates in the TDR program and purchases TDR credits.

(4) Developers may purchase available credits from the TDR bank at a value per transfer credit established by the City in accordance with Section G.

F. Irrevocable preservation easement.

(1) Preparation of irrevocable preservation easement. Prior to the purchase of transfer credits, the State of Delaware, Department of Agriculture shall prepare an irrevocable preservation easement for the purposes of establishing a perpetual restriction upon the sending area property from which development credits are being purchased. The irrevocable preservation easement shall be prepared by and at the expense of the State of Delaware, Department of Agriculture and shall be subject to review and approval of the Planning Department.

(2) Recordation of irrevocable preservation easement. Such preservation easement shall be recorded in the Office of the Recorder of Deeds for the County at the time of purchase of any development credits, and shall become a permanent, perpetual preservation easement on the deed of the sending property. No such preservation easement shall be recorded without the signature of the City Manager and Planning Director.

G. Administration.

(1) A value for each transfer credit shall be established by a licensed and certified Delaware real estate appraiser and adopted by resolution by the City Council. The value shall be reviewed every two years.

(2) The City may include the cost of administering the TDR program, including but not limited to, the performance of appraisals, in the value per unit established by City Council.

Section 4. Dates.
Introduction to City Council: January 10, 2022
Planning Commission Review/Recommendation/Public Hearing: January 18, 2022
City Council Review/Public Hearing/Determination: January 24, 2022

Section 5. Effective.
This Ordinance is effective ten days following its adoption.

CITY OF MILFORD PUBLIC NOTICE
NOTICE OF ORDINANCE REVIEW

The following ordinance is under review by the City Council of the City of Milford. Public comments will be accepted during a regular session of City Council on Monday, January 24, 2022 that begins at 7:00 p.m.

ORDINANCE NO. 2022-03
AN ORDINANCE OF THE CITY OF MILFORD TO AMEND THE CITY OF MILFORD CODE BY DELETING IN ITS ENTIRETY CHAPTER 100 CAR WASHES

WHEREAS, the City Council of the City of Milford desires to update the City of Milford City Code; and

WHEREAS, it has been determined that the requirements in Chapter 100 Car Washes are no longer applicable; and

WHEREAS, any regulations related to car wash operations are provided in Chapter 230 Zoning Code of the City of Milford; and

WHEREAS, Chapter 100 is therefore made available for consideration to accommodate future provisions and expansion of the City Code.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. The Code of the City of Milford is hereby amended by repealing Chapter 100 entitled Car Washes in its entirety.

Section 2. The Title of Chapter 100 Car Washes is hereby revoked and is shown by strikeout type.

Section 3. Section 100-1 Definitions, Section 100-2 Hours of Operation, and Section 100-3 Violations and Penalties, is omitted entirely as shown by strikeout type.

~~Chapter 100 - CAR WASHES~~

~~§ 100-1. - Definitions.~~

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

~~UNATTENDED CAR WASH — An establishment for the washing and cleaning of various types of vehicles which operates in a self-service manner not requiring the presence of a full- or part-time attendant or attendants.~~

~~§ 100-2. - Hours of operation.~~

~~Any establishment as described in § 100-1 of this chapter in the City of Milford is permitted to operate only during the following hours:~~

~~A. — From 7:00 a.m. to 10:00 p.m. Sunday through Thursday.~~
~~B. — From 7:00 a.m. to 11:00 p.m. Friday and Saturday.~~

~~§ 100-3. - Violations and penalties.~~

~~Any person or persons found guilty of violating the provisions of this chapter shall forfeit to the City of Milford a fine of not less than $25 nor more than $300, plus costs of prosecution.~~

Section 4. Dates
Council Introduction: January 10, 2022
Council Proposed Adoption: January 24, 2022

Section 5. Effective
This ordinance becomes effective ten days following its adoption by City Council.

Published: Milford Beacon 12.22.2021

CITY OF MILFORD PUBLIC NOTICE
NOTICE OF ORDINANCE REVIEW

The following ordinance is under review by the City Council of the City of Milford. Public comments will be accepted during a regular session of City Council on Monday, January 24, 2022 that begins at 7:00 p.m.

ORDINANCE NO. 2022-04
AN ORDINANCE OF THE CITY OF MILFORD TO AMEND THE CITY OF MILFORD CODE BY DELETING IN ITS ENTIRETY CHAPTER 182 SATELLITE DISHES

WHEREAS, the City Council of the City of Milford desire to update the City of Milford City Code; and

WHEREAS, it has been determined that the requirements in Chapter 182 Satellite Dishes is no longer applicable; and

WHEREAS, any regulations related to the use and placement of satellite dishes is provided in Chapter 230 Zoning Code of the City of Milford; and

WHEREAS, Chapter 182 is therefore made available for consideration to accommodate future provisions and expansion of the City of Milford Code.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. The Code of the City of Milford is hereby amended by repealing Chapter 182 entitled Satellite Dishes in its entirety.

Section 2. The Title of Chapter 182 Satellite Dishes is hereby revoked as shown by strikeout type.

Section 3. Section 182-1 Requirements is hereby rescinded as shown by strikeout type.

Section 4. Section 182-1(A), 182-1(B), 182-1(C), and 182-1(D) are hereby rescinded as shown by strikeout type.

~~Chapter 182 - SATELLITE DISHES~~

~~§ 182-1. - Requirements.~~

~~In the interest of protecting residential neighborhoods and open spaces and to prevent aesthetic impact on such, a satellite dish antenna shall be subject to the following requirements.~~

~~A. Satellite dishes shall only be located in rear yards or side yards behind the primary structure.~~
~~B. All efforts must be made to limit the visual impact on the adjoining properties to the greatest extent possible.~~
~~C. If it is necessary to locate a satellite dish where it is visible from the street or from adjoining properties, reasonable screening, by landscaping, or other reasonable measures to reduce the visual impact, will be required.~~
~~D. Persons in violation of this chapter at the time of its adoption must comply within 90 days of its effective date.~~
~~§ 182-2. - Violations and penalties.~~

~~For violations of this chapter, the penalties set forth in Chapter 1, General Provisions, Article II, General Penalty, shall apply.~~

Section 5. Dates
Council Introduction: January 10, 2022
Council Proposed Adoption: January 24, 2022

Section 6. Effective
This ordinance becomes effective ten days following its adoption by City Council.

Published: Milford Beacon 12.22.2021

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission: Tuesday, January 18, 2022 @ 7:00 PM
City Council: Monday, January 24, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

Ordinance 2022-05
Amendment to City of Milford Code
Chapter 200/Subdivision Code

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to update the City of Milford Code Chapter 200 Subdivision of Land to implement the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of Board of Adjustment applications, standardize site plan, subdivision, and conditional use review procedures, and eliminate contradictory statements, erroneous language, and other items to improve the administration of Chapter 200 Subdivision of Land; and

WHEREAS, the Planning Commission of the City of Milford, along with the City Solicitor and Planning Director, reviewed each section of Chapter 200 Subdivision of Land during various workshops in 2021; and

WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, January 18, 2022, at which time interested parties publicly commented on the amendments; and

WHEREAS, Milford City Council held a Public Hearing on January 24, 2022, to allow for additional public comment and further review of the amendments; and

WHEREAS, the Public Notice was published in the Milford Beacon on December 29, 2021; and

WHEREAS, City Council found that the amendments to Chapter 200 Subdivision of Land are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is amended to modify/clarify specific requirements within the City Code, Chapter 200, SUBDIVISION OF LAND.

Section 2. Sections 200-3, 200-4, and 200-8 are hereby amended.

Section 3. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Chapter 200 - SUBDIVISION OF LAND

§ 200-1. - Purpose.

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

§ 200-2. - Title.

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

§ 200-3. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:
ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
COMMISSION — The Planning Commission of the City of Milford, Delaware.
DEVELOPMENT ADVISORY COMMITTEE – A committee comprising of City Department staff, representatives of the Delaware Department of Transportation, Delaware Department of Natural Resources and Environmental Control, Conservation District, State Fire Marshal, and such other professional and technical representatives as may be deemed necessary by the Planning Director. The Committee shall function as an advisory body to the Planning Department with regard to design requirements, improvement specifications and other applicable standards relating to the design and construction of subdivisions and land developments.
~~OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:~~

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

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

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

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and which is submitted to the County Recorder of Deeds for recording.
~~PROPERTY~~ **HOME**OWNERS' ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.
~~RECREATIONAL USE — Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:~~

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

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.
ROADWAY — The paved portion of the street primarily used for vehicular traffic.

A. ARTERIAL STREET and HIGHWAY — A street primarily used for fast and/or heavy traffic.
B. COLLECTOR STREET — A street carrying traffic from **local**~~minor~~ streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
C. ~~MINOR~~ **LOCAL** STREET — A street primarily used for access to the abutting properties.
D. MARGINAL ACCESS STREET — A **local**~~minor~~ street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.
F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

~~STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN~~**STANDARD CONSTRUCTION SPECIFICATIONS** — The current specifications regulating subdivision design and **street, curbing, driveway, sidewalk, water utility, sewer utility, stormwater utility and general** construction~~ as adopted by the City~~.
STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.
SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.
SUBDIVISION**, MAJOR** — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development **not meeting the definition of Minor Subdivision**.
SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, Chapter 230, Zoning, or this chapter; limited to five lots.
SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

§ 200-4. - Application procedure.

A. Preliminary **Major Subdivision Review**~~approval~~.

(1) **A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.** ~~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 Planning Director. The application shall be reviewed by the Planning Department and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the Planning Director that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.** ~~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) **A public hearing on the preliminary plan shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, denial of the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.** ~~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) **No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:**

(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.

(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined. ~~City Council shall grant preliminarily approval of the application with or without conditions, deny the application, or table the application.~~

(5) **City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.** ~~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.~~

(6) Preliminary approval from City Council shall be void after 24 months unless final major subdivision approval is obtained or an extension is requested by the owner and approved for good cause by the City Council prior to the expiration.

B. Final **Major Subdivision Review**~~approval~~.

(1) A final plat and **construction** documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by **Planning Director**~~City Planner~~, along with the appropriate fees, as specified in § 230-57.

(2) **The application shall be reviewed by the Planning Department and the City Engineer for compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. At this time, the applicant shall provide a digital copy of the subdivision plan to the City electric division in order for the City to begin designing the electric infrastructure for the subdivision.** ~~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) **A public hearing on the final major subdivision shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, denial of the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.** ~~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) **No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:**

(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.

(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined. ~~City Council shall approve the application with or without conditions, deny the application, or table the application.~~

(5) **City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.** ~~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) **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 Planning Director a receipt of the recordation including the deed book and page number. Prior to recording the plat, at least three copies of the record plat and three copies of the final construction plans must be submitted to the Planning Director for stamping and signing. Two sets will be retained by the City. The City Manager, Planning Director and City Engineer shall sign the approved record plats and construction plans.** ~~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 **90 days**~~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 **preliminary**~~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.~~

C. Construction Procedures.

(1) Prior to commencement of construction, the developer shall request a pre-construction meeting with the City Engineer. Payment of the required development inspection fee, as adopted by City Council and found in the City Fee Schedule, shall be made prior to the scheduling of the pre-construction meeting.

(2) Improvements within the development shall be constructed per the approved construction plans and the City's Standard Construction Specifications. Any deviations from the construction plans must be submitted to the City Engineer in writing for review and approval.

(3) A performance bond in the amount of 125% of the cost of installation shall be required for the construction of recreational and open space amenities, including but not limited to community buildings, playgrounds, walking paths, landscaping and landscape screening. The performance bond shall be posted prior to the issuance of the first building permit.

(4) Conditional Acceptance of Infrastructure by City Engineer.

(a) Prior to the issuance of building permits, the developer shall obtain conditional acceptance from the City Engineer as outlined in the City's Standard Construction Specifications.

(b) A maintenance bond shall be provided by the developer in the amount of 10% of the improvements to be taken over and maintained by the City.

(c) A performance bond shall be provided by the developer in the amount of 125% of the cost of the top coat and any other item that has not been satisfactorily completed as approved by the City Engineer.

(5) Final Acceptance of Infrastructure by City Council.

(a) Final top coat shall be paved after 75% of building permits have been issued for a project or phase of a project and prior to 90% of building permits having been issued for a project or phase of a project.

(b) Final acceptance of utilities shall not occur until after the paving top coat has been completed.

(c) Upon completion of the top coat paving, the City Engineer may release the top coat performance bond. The 10% maintenance bond will remain in place until one-year after acceptance of the final top coat paving.

(d) Upon completion of the required one-year maintenance period, the right-of-way improvements may be accepted by City Council by resolution.

(e) Upon acceptance by City Council, the maintenance bond shall be released by the City Engineer in its entirety.

§ 200-5. - Administrative approvals.

The following land use actions may be approved administratively, unless otherwise determined by the Planning Director or designee.

A. Minor subdivision.

(1) A minor subdivision is one that creates a total of five or fewer parcels of land (including any residual) either on an existing public roadway or on a private road and may be approved administratively, provided:

(a) Minor subdivision shall be subject to the process and procedures in Section 200-8(E).
(b) Minor subdivision plans shall contain all information as required by Section 200-8(E).

B. Minor lot line adjustment.

(1) Minor lot line adjustments or the sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries may be approved administratively, provided:

(a) The total area of the adjustment does not exceed 10% of the combined area of the lots affected by the adjustment;
(b) No additional lots are created;
(c) The adjusted lot line is approximately parallel with the original lot line, when appropriate, or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved;
(d) The owner submits a survey plan for review and approval by the Planning Director.

(2) Approval of the record plan does not automatically transfer a property. A separate deed must also be recorded simultaneously to transfer the property being conveyed.

(3) The Planning Director may permit an increase in the percentage of the combined area of the lots affected by the lot line adjustment following a request for such with justification from the applicant.

C. Consolidation of lots.

(1) The consolidation of two or more lots may be approved administratively, provided;

(a) Any conditions applicable to any applicable original subdivision remain in full force and effect;

(b) The consolidation of lots, including those within major subdivisions, shall be recorded as provided in in Section 200-8(E) below and may not be re-subdivided except through minor subdivision.
(c) A revised deed must also be recorded simultaneously with the consolidation describing the lots as one lot; and
(d) The owner submits a survey record plan for review and approval by the Planning Director.

D. Change in ownership, mortgage, or lease line.

(1) The creation of mortgage, or lease line within a commercial, industrial or multifamily residential lot does not require the approval of a new subdivision plan. At the owner's discretion, a plan depicting the creation or deletion of internal lots to reflect a new mortgage or lease line may be recorded after administrative approval, provided:

(a) All prior conditions of approval for the original subdivision remain in full force and effect;
(b) Any necessary cross-easements, covenants, or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat;
(c) The owner submits a survey plan for review and approval by the Planning Department.

E. Process and procedures.

(1) The application must be submitted by the legal owner of the subject property, or a representative authorized by the legal owner, to the Department and must consist of the following:

(a) Two paper prints of the subdivision plan and any attachments, including the approved checklist;
(b) A review fee, as outlined in Chapter 230-57;
(c) Parcels created that do not meet the minimum requirements for building lots must be incorporated into an adjacent property. Such incorporation must be indicated on the plan and the following note shall be added to the plan: "The approval of this subdivision plan does not constitute a separate building lot but is intended to be combined with an adjacent property;"
(d) Neither landlocked parcels nor parcels not meeting the requirements for a buildable lot according to Chapter 230, Zoning, may be created without designation of conveyance to another parcel. A deed for the conveyance must be submitted with the record plan and recorded simultaneously with the plan;
(e) For minor subdivisions, letters of "no objection to recordation" may be required or a stamp of approval may be required on the record plat from, but not limited to, the following agencies:

1. The Kent or Sussex Conservation District; and
2. The Delaware Department of Transportation.

(f) A set of deed restrictions and/or perpetual maintenance agreement that clarifies and controls the operation and maintenance of any private facilities (private streets, access easements, etc.); and
(g) Any additional information that the Department deems pertinent to this subdivision plan.

(2) If the subdivision plan is approved by the Department, the plan will be signed by the City Manager, City Engineer and Planning Director and returned to the applicant for recordation. Two copies of the approved plan will be retained by the City.
(3) A final record plat must be submitted to Department within 90 days of approval or the approval is no longer valid.
(4) Transactions involving acquisitions of public rights-of-way pursuant to 17 Del. C. 137 and all land acquired by the exercise of the power of eminent domain or by voluntary agreement in lieu of the exercise of the power of eminent domain are exempt from the provisions of this article.

§ 200-6. - Revisions to recorded subdivision plats.

A. For rerecordation of previously subdivided and recorded major subdivision and minor subdivision, the revised plat must be signed by all lot owners within the subdivision who are adjacent to or share a common boundary line with the area of proposed change in addition to 75% of all lot owners within the entire subdivision. The adjacent property owners shall be included as a part of the required 75% of required signatures.

(1) A copy of the subdivision deed restrictions must accompany the application to revise a recorded subdivision plat. If there are procedures regarding revisions to the subdivision outlined in the deed restrictions, the applicant must meet the stricter of the two requirements.

B. Prior to seeking approval of any rerecordation, the owner/applicant shall give notice to all persons indicated by assessment records to be lot owners within the subdivision. The owner/applicant shall provide proof of notification in the form of certified mail receipts for each lot owner to the Department.
C. With the exception of Subsections D and E below, new letters of "No objection" from all agencies granting original approval of a project must be submitted.
D. The following are exempt from the rerecordation signature requirements:

(1) Administratively approved applications such as lot line adjustments where no additional lots are proposed; and
(2) Cases where utility easements are added to a subdivision plan.

E. For minor changes or alterations to recorded subdivision plats, in lieu of formal plan review by the Planning Commission and City Council, said minor changes may be administratively approved at the discretion of the Planning Director or designee, provided that such changes or amendments:

(1) Do not increase density;
(2) Do not substantially alter the road design or layout;
(3) Do not substantially alter the original conditions for approval;
(4) Involve no changes in permitted use of the property;
(5) Do not conflict with the specific requirements of this chapter or Chapter 230, Zoning;
(6) Do not change the general character or content of an approved plan in a material way;
(7) Have no adverse effect on adjoining or surrounding property;
(8) Do not result in any substantial change of major external access points;
(9) Do not decrease the minimum specified yards, setbacks, and open spaces; and
(10) Have no adverse effects on traffic operations.

§ 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~~**Local** 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 **interconnected streets**~~dead-end or loop streets and superblocks~~ will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.

(9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.

(10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.

(11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than **500**~~750~~ feet on arterial streets, 300 feet on collector streets and 100 feet on **local**~~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.~~**Street rights-of-way and roadway widths shall be as shown on the official map or development plan and, if not shown thereon, said widths for the various street types, shall not be less than as follows:**

(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)~~		Pavement Width with Parking One-Side (feet)	Pavement Width with Parking Both Sides (feet)
	Right-of-Way Width (feet)	Pavement Width (feet)		
Arterial	80 to 110	~~As required by DelDOT~~60 to 80	N/A	N/A
Collector	60	38~~28~~	38	38
~~Minor, for townhouses and apartments~~ Local for all residential areas	60	24~~30~~	30	36
~~Minor, for other residences~~ Local for commercial areas	60~~50~~	26~~25~~	32	38
Cul-de-sac and Dead-ends	60~~50~~	24~~22~~	30	36
Marginal access	60~~30~~	24~~16~~	30	36
*Alley, one-way	20	12	18	24

Note:
* ~~If utilities are present in an alley, t~~The City reserves the right to modify the minimum right-of-way and roadway widths where utilities or other items exist which would necessitate a wider access.

(b) Proposed subdivision streets serving lots with a lot width of less than 60 feet shall be required to provide on-street parking as outlined Chapter 200-8(A)(14)(a). On-street parking for each side of the street shall be determined based on the proposed minimum lot width for each side of the street. ~~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 80~~76~~

feet and a street right-of-way diameter of 100 feet. **Dead-end streets are prohibited in alleys where public services are to be provided.**

(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
Arterial Streets shall be named Boulevards		

~~(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 **City** ~~s~~**S**tandard **Construction** ~~s~~**S**pecifications ~~as issued by the City Engineer~~.

B. Sidewalks ~~and~~**,** curbs **and shared-use paths**.

(1) Sidewalks shall be required in all subdivisions on both sides of the street **and shall have a minimum width of 5 feet**. ~~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 **to ensure proper drainage of stormwater**.

(a) Where rolled curb is proposed, a minimum 3-foot-wide reserve grass strip shall be required between the sidewalk and the curb.

(b) Sidewalk may be placed directly against upright curb.

(3) All required sidewalks shall be constructed in accordance with **the City** ~~s~~**S**tandard **Construction** ~~s~~**S**pecifications ~~as issued by the City Engineer~~.

(4) Shared-use paths shall be connected with existing paths and shall be consistent with the City's Bicycle Master Plan and Comprehensive Plan.

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.~~

(1) A stormwater or drainage right-of-way with adequate width shall be provided where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream. Parallel streets, parkways or greenways may be required in relation thereto.

(2) Each lot in a proposed subdivision shall provide a 5-foot-wide general utility easement on each side lot line, a 10-foot-wide general utility easement along the rear property line, and a 15-foot general utility easement along the frontage of the lot for the installation of City utilities and conveyance of drainage.

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 **or be less than 500 feet in length between street lines**.

(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 **those adjacent to**~~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 **five**~~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 **meeting the minimum lot width requirements of the zoning code**.

(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 **by the 100-year flood elevation** 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] [H] ~~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~~**F**. General grading.

(1) 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~~**G**. Improvements.

(1) In major subdivisions the following improvements are required:

(a) Paved streets.

(b) Street signs **meeting the State of Delaware, Department of Transportation, Manual on Uniform Traffic Control Devices, latest edition**.

(c) Curbs and gutters~~, or roadside swales~~. Curbs shall be required **on both sides of proposed streets as per the City Standard Construction Specifications.** ~~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 **or shared use paths located on both sides of the street**.

(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 **a Registered Landscape Architect**~~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. **Permanent m**~~M~~onuments shall be **placed on each corner of any building lot by the developer and along the project boundary and the right-of-way at all corners and tangent points prior to final settlement for the property.** ~~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] **Water and sewer services shall be made available to all adjacent properties.** ~~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.

[4] No underground utility installation shall be covered until inspected and approved by the City.

~~(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 **City Council**~~the Commission~~ in accordance with **the City** ~~s~~**S**tandard **Construction** ~~s~~**S**pecifications ~~as issued by the City Engineer~~ and with any additional requirements specified by the **City Council.** ~~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.

§ 200-9. - Variances and waivers.

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

§ 200-10. - Transfer of development rights.

A. Purpose and intent. This section is intended to promote more efficient utilization of land resources through the creation of a transfer of development rights program available to land owners. The transfer of development rights program enables developers of land within receiving areas the ability to purchase development credits to be used to increase the number of residential units per acre for development within the receiving areas. Funds paid by developers of land within receiving areas would be utilized to purchase the development rights of property owners of certain land designated as sending areas. This option was conceived in response to increasing pressure to develop rural agricultural areas where essential infrastructure and support services necessary to sustain suburban and urban land uses do not exist and are not planned. This section endeavors to achieve well designed and efficient communities inside the City of Milford while preserving, protecting and enhancing precious agricultural lands and rural and natural landscapes from encroachment by sprawl development that threatens the unique character and quality of life that Milford citizens enjoy and expect. The purpose of this section is further described as follows;

   (1) Enables the purchase of transfer credits by developers of land within designated receiving areas;
   (2) Enables the purchase of development rights for willing land owners within designated sending areas;
   (3) Provides for farmland, open space and natural resource preservation through the transfer of development rights that permits an increased density on a receiving parcel and preservation of a sending parcel;
   (4) Provides transit oriented, pedestrian friendly communities with parks, greenways, mixed uses and interconnectivity thereby reinforcing community character;
   (5) Provides adequate and efficient density to support infrastructure investment within the City.
   (6) To further discourage sprawling of urban development into rural areas; and
   (7) Ensures that development credits be utilized for properties that are in areas that have adequate support facilities, including, but not limited to, transportation, water, sewer, employment, recreation and commercial services to accommodate additional development.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

   DEVELOPMENT RIGHTS — The rights of the owner of a parcel of land to develop or use the parcel in accordance with Chapters 230 and 200 of the City of Milford Code.

RECEIVING AREA — One or more designated areas within which the development credits from sending areas may be purchased for use within development projects.
RECEIVING PARCEL — A parcel of land in a receiving area that is the recipient of development credits for the purpose of development with an increase in the number of dwelling units equivalent to the number of development credits purchased in addition to the number of dwelling units that would otherwise be permitted on the parcel.
SENDING AREA — One or more areas in which the development rights of parcels may be purchased from for the use in one or more receiving areas.
SENDING PARCEL — A parcel of land in a sending area from which development rights are being transferred for use on a parcel within a designated receiving area, and upon which a legally binding and irrevocable preservation easement has been placed and recorded that would prohibit the future development of such parcel.
TRANSFER OF DEVELOPMENT RIGHTS — The procedure prescribed by this section whereby the owner of a parcel in the sending area may convey development rights in perpetuity to the City and State of Delaware, Department of Agriculture, and the owner of a parcel in a receiving area may purchase development credits from the City to be utilized on the receiving parcel in addition to the development rights already existing on the parcel.

C. General Provisions.

(1) A system of transferable development rights credit for properties situated within designated sending areas is established in Subsection D, Sending areas.
(2) A system of limitations on the quantity of development rights credits that may be imported into designated receiving areas is established in Subsection E, Receiving areas.
(3) The designation, tabulation, tracking, recordkeeping, management and transfer of development rights shall be under the direction of the City Manager or designee in accordance with the provisions of this section, and procedures established by the Planning Department.
(4) All sending parcels shall be encumbered in perpetuity by an irrevocable preservation easement of the development rights. Such preservation easement shall be recorded and become codicil to the property deed of the sending parcel, and shall have the effect of limiting in perpetuity the future construction of dwellings on the sending parcel to a maximum allowed by the State of Delaware, Department of Agriculture preservation program.
(5) All properties to which development rights are planned to be transferred shall comply with the provisions of Subsection E Receiving Areas, of this section and shall be subject to the plan review and approval processes set forth in Chapter 200 and Chapter 230 of the City Code.

D. Sending areas.

(1) All areas designated as TDR Sending Areas in the adopted City of Milford Comprehensive Plan shall be considered sending areas.
(2) Sending area value. Sending areas are assigned a value of transferable development right credits that may be transferred for utilization within a designated receiving area. The sending area value is determined by the development potential based on the property's current zoning classification, exclusive of undevelopable land such as wetlands, floodplain or other natural features.
(3) Sending parcels shall convey all of their available transfer credits at the time of preservation easement dedication.
(4) Lands for which the State of Delaware, or any other entity, such as the federal government, a nature conservancy, or any other nongovernmental agency has purchased or otherwise secured the development rights, either through fee simple acquisition, condemnation, eminent domain,

deed restriction, easement or any other legal means for the expressed purpose of preventing the development of such lands, shall be ineligible for participation in the City's Transfer of Development Rights Program. Examples of such lands include any state or federal owned property and lands on which agricultural preservation easements have been purchased.

(5) Property owners who have transferred development rights from their land forfeit the ability to use the land for any purpose or use other than those permitted by right in the underlying zoning district, except that such property shall not be subdivided for residential development.

E. Receiving areas.

(1) All areas designated as TDR Receiving Areas in the adopted City of Milford Comprehensive Plan shall be considered receiving areas. The receiving area acreage and number of TDR credits shall be limited to what is provided in the Comprehensive Plan; however, the City of Milford shall have the flexibility to determine the exact location on the receiving parcel where the TDR credits may be applied based on the availability of public utilities, road and traffic considerations, availability of public transportation, environment considerations, proximity to public services and existing density.

(2) Receiving area value. The maximum gross development densities shall be limited to eight dwelling units per acre.

(3) Receiving areas may be rezoned to R-8 Garden Apartment and Townhouse District in accordance with Chapter 230-58 if the developer participates in the TDR program and purchases TDR credits.

(4) Developers may purchase available credits from the TDR bank at a value per transfer credit established by the City in accordance with Section G.

F. Irrevocable preservation easement.

(1) Preparation of irrevocable preservation easement. Prior to the purchase of transfer credits, the State of Delaware, Department of Agriculture shall prepare an irrevocable preservation easement for the purposes of establishing a perpetual restriction upon the sending area property from which development credits are being purchased. The irrevocable preservation easement shall be prepared by and at the expense of the State of Delaware, Department of Agriculture and shall be subject to review and approval of the Planning Department.

(2) Recordation of irrevocable preservation easement. Such preservation easement shall be recorded in the Office of the Recorder of Deeds for the County at the time of purchase of any development credits, and shall become a permanent, perpetual preservation easement on the deed of the sending property. No such preservation easement shall be recorded without the signature of the City Manager and Planning Director.

G. Administration.

(1) A value for each transfer credit shall be established by a licensed and certified Delaware real estate appraiser and adopted by resolution by the City Council. The value shall be reviewed every two years.

(2) The City may include the cost of administering the TDR program, including but not limited to, the performance of appraisals, in the value per unit established by City Council.

Section 4. Dates.
Introduction to City Council: January 10, 2022
Planning Commission Review/Recommendation/Public Hearing: January 18, 2022
City Council Review/Public Hearing/Determination: January 24, 2022

Section 5. Effective.
This Ordinance is effective ten days following its adoption.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission: Tuesday, January 18, 2022 @ 7:00 PM
City Council: Monday, January 24, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Ordinance 2022-06
Amendment to City of Milford Code
Chapter 230/Zoning Code

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to update the City of Milford Code Chapter 230 Zoning Code to implement the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of Board of Adjustment applications, standardize site plan, subdivision, and conditional use review procedures, and eliminate contradictory statements, erroneous language, and other items to improve the administration of Chapter 230 Zoning; and

WHEREAS, the Planning Commission of the City of Milford, along with the City Solicitor and Planning Director, reviewed each section of Chapter 230 Zoning Code during several workshops in 2021; and

WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, January 18, 2022, at which time interested parties publicly commented on the amendments; and

WHEREAS, Milford City Council held a Public Hearing on January 24, 2022, to allow for additional public comment and further review of the amendments; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Milford Beacon on December 29, 2021; and

WHEREAS, City Council found that the amendments to Chapter 230 Zoning Code are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is hereby amended to modify/clarify specific requirements within the City Code, Chapter 230, ZONING CODE.

Section 2. Sections 230-3, 230-4, 230-9, 230-10, 230-11, 230-12, 230-13, 230-13.1, 230-14, 230-15, 230-16, 230-17, 230-18, 230-19, 230-19.1, 230-19.2, 230-19.3, 230-19.4, 230-19.5, 230-19.6, 230-19.7, 230-19.8, 230-19.9, 230-20, 230-21, 230-22, 230-24.18, 230-27, 230-29, 230-30, 230-31, 230-32, 230-33, 230-34, 230-35, 230-36, 230-37, 230-38, 230-38.5, 230-39, 230-40, 230-41, 230-42, 230-43, 230-44, 230-45, 230-45.1, 230-45.2, 230-45.3, 230-47, 230-48.1, 230-49, 230-51, 230-52, 230-52.1, 230-52.2, 230-53, 230-54, 230-55, 230-56, 230-58, 230-59, 230-61, 62, and 230-63, are hereby amended and/or renumbered.

Section 3. Articles XII and XIV are renamed.

Section 4. Strikethrough text denotes a deletion; underlined, and bold text denotes an addition.

Chapter 230 - ZONING CODE

ARTICLE I - General Provisions

§ 230-1. - Purpose.

The purpose of this chapter is to classify, regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, use and extent of use of buildings, structures and land for residence, trade, industry and other purposes; create districts for said purpose and establish a Board of Adjustment; and impose penalties for violations, so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent undue concentration of population and overcrowding of land; facilitate the adequate provision of transportation, water, sewage, school, park and other public requirements; conserve the value of buildings and encourage the most appropriate use of land; and promote the health, safety, morals and general welfare of the City of Milford.

§ 230-2. - Title.

A. Long title. An ordinance to establish zoning regulations for the use of land and structures, the area of lots, the bulk of buildings and other structures, the density of population, the provision of off-street parking spaces and similar accessory regulations for the City of Milford, Delaware, and for such purposes to divide the City into districts and, further, to provide for the administrative enforcement and amendments thereof, in accordance with the provisions of the laws of the State of Delaware.
B. Short title. This chapter shall be known and may be cited by the title as the "Zoning Code of the City of Milford, Delaware."

§ 230-3. - Zoning Map.

The Zoning Map of the City of Milford is not set forth in this chapter but has been saved from repeal and may be found on file in the City Hall **and on the City's website**~~, where it may be examined during normal business hours~~.

§ 230-4. - Definitions and word usage.

A. Definitions. For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

ABOVEGROUND STORAGE TANK (AST) — An AST is a single containment vessel greater than 250 gallons as defined in the Delaware Regulations Governing Aboveground Storage Tanks. ASTs with a storage capacity greater than 12, 499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene, are subject to the design, construction, operation, and maintenance requirements of the Delaware AST regulations.

ACCESSORY APARTMENT – A separate complete housekeeping unit that is contained within the structure of a single-family detached dwelling.

ACCESSORY COTTAGE – A separate and subordinate dwelling unit that is located on the same lot as a single-family detached dwelling but is contained in a detached garage or other outbuilding.

ACCESSORY DWELLING – An accessory apartment or accessory cottage.

ACCESSORY USE OR STRUCTURE — A use or building structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.
ALCOHOLIC BEVERAGE — Any fermented liquor or malt beverage, such as wine, beer, or distilled spirit that contains ethyl alcohol, or ethanol, as an intoxicating agent.
ALLEY — A public or private way affording only secondary means of access to abutting property. This definition is not intended to include utility alleys, which are easements not open to public traffic and intended solely for the placement and maintenance of utilities.
APPLICANT — A person, firm, or government agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated.
AQUIFER — A geological formation, group of formations or part of a formation composed of rock, sand, or gravel capable of storing and yielding groundwater to wells.
BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room.
BED-AND-BREAKFAST — A private owner/owner representative occupied residence with one to six guestrooms. The bed-and-breakfast is subordinate and incidental to the main residential use of the building.
BEDROOM — A room not less than 80 square feet which, because of limited access and separation from the living areas, is intended or may be used for sleeping.
BERTH (LOADING) — A space for an automotive vehicle or truck to load or unload its cargo.
BUILDING — Any structure having a roof supported by columns or walls used for the shelter, housing or enclosure of persons, animals or property.
BUILDING, ACCESSORY — A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.
~~BUILDING COVERAGE, MAXIMUM — The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located, including covered porches, carports and breezeways but excluding open patios.~~
BUILDING HEIGHT — ~~The vertical distance of a building measured from the average level of the highest and lowest portion of the building site covered by the building to the ceiling of the uppermost story.~~ **The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the mean height between the eave and ridge for other types of roofs.**
BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which it is situated.
~~CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.~~
CERCLA HAZARDOUS SUBSTANCES — Defined in terms of either those substances specifically designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), otherwise known as the "Superfund Law," or those substances identified under other laws. In all, the Superfund Law includes references to four other laws to designate more than 800 substances as hazardous and identify many more as potentially hazardous due to their characteristics and the circumstances of their release.
COMMISSION — The Planning Commission of the City of Milford, Delaware.

COMMUNITY RESIDENTIAL TREATMENT PROGRAM — A planned program of care consisting of full-time or part-time programmatic supervision, counseling and/or therapy; such residence program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are persons who have disabilities with aging. A community residential program does not include skilled nursing care.

CONDITIONAL USE — A use which is not appropriate in a particular zoning district as a matter of right but which may be suitable in certain locations within the district only when specific conditions or requirements prescribed for such cases within this chapter are met. Conditional uses are allowed or denied by the City Council after recommendation by the Planning Commission.

CONTAMINATION — Any physical, chemical, biological, or radiological substance that enters the hydrological cycle through human action and may cause a deleterious effect on groundwater resources; it shall include but is not limited to hazardous waste, limiting nutrients, and sanitary sewage.

DECK — A roofless, floored structure, typically with a railing, that adjoins a residence.

DELINEATION — The process of defining and/or mapping a boundary that approximates the areas that contribute water to a particular water source used as a public water supply.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DEVELOPMENT ADVISORY COMMITTEE -– A committee comprising of City Department staff, representatives of the Delaware Department of Transportation, Delaware Department of Natural Resources and Environmental Control, Conservation District, State Fire Marshal, and such other professional and technical representatives as may be deemed necessary by the Planning Director. The Committee shall function as an advisory body to the Planning Department with regard to design requirements, improvement specifications and other applicable standards relating to the design and construction of subdivisions and land developments.

DWELLING — Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed to include an automobile court, rooming house, tourist home, hotel, hospital, nursing home, dormitory or fraternity or sorority house.

(1) APARTMENT — A room or suite of rooms in a multifamily structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

(2) SINGLE-FAMILY DETACHED DWELLING — A dwelling unit accommodating a single family and having two side yards.

(3) SINGLE-FAMILY SEMIDETACHED DWELLING **or DUPLEX** — Two units accommodating two families, which units are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.

(4) TWO-FAMILY DETACHED DWELLING — Two dwelling units accommodating two families, which units are located one over the other, and having two side yards.

(5) **SINGLE-FAMILY ATTACHED OR TOWNHOUSE DWELLING – A single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two sides.** ~~TWO-FAMILY SEMIDETACHED DWELLING — Four dwelling units accommodating four families and consisting of two units located directly over the other two units, being a combination of both the single-family semidetached and two-family detached structures.~~

(6) MULTIFAMILY DWELLING — A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units. **Includes garden or low-rise apartments.** ~~Such buildings shall consist of the following types:~~

~~(a) GARDEN OR LOW-RISE APARTMENT — A multifamily dwelling containing six to 12 dwelling units and not exceeding three stories in height.~~

~~(b) TOWNHOUSE — A multifamily dwelling containing three to eight dwelling units and not exceeding 2 1/2 stories in height, having a solid masonry fire wall between each unit and individual separate access from the outside to each unit.~~

DWELLING UNIT — One or more rooms, including a kitchen or kitchenette and sanitary facilities, in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

~~EFFICIENCY UNIT — An apartment dwelling unit which features a combination of certain uses in order to lessen total living area required. An efficiency unit shall not include any apartment dwelling unit of three or more rooms.~~

ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) — A report required by this chapter that assesses the environmental characteristics of a source water protection area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action that would increase impervious cover beyond the recommended twenty-percent threshold.

~~ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except telephone central office buildings and telephone booths, which shall also be considered as essential service facilities hereunder.~~

EXCELLENT GROUNDWATER RECHARGE POTENTIAL AREA — Those areas with high percentages of sand and gravel that have "excellent" potential for recharge as determined through a stack unit mapping analysis delineated by the Delaware Geological Survey and presented in the Report of Investigations No. 66, Groundwater Recharge Potential Mapping in Kent and Sussex Counties, Delaware, Geological Survey, 2004.

FAMILY — One or more persons related by blood or marriage or adoption or a group of no more than five unrelated persons living together as a household in a dwelling.

FIREWOOD — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, not including hallways, stairways, cellars, attics, utility rooms, bathrooms, closets, unheated areas, rooms without at least one window or skylight opening to an outside yard or court, garage space or accessory building space. Habitable floor area shall be measured from the inside face of exterior walls or the center line of walls separating two dwelling units. Every area designated as habitable floor area shall have a ceiling height of not less than seven feet.

GARAGE, PRIVATE PARKING — A building or portion thereof used only for storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

GARAGE, PUBLIC PARKING — A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

GARAGE, STORAGE — A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.
GASOLINE SERVICE STATION — Any area of land, including structures, that is used for the sale of gasoline or other motor vehicle fuel or for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.
GEOLOGIST — An individual who is registered in the State of Delaware to practice the profession of geology.
GOVERNING BODY — The City of Milford Council.
GROUNDWATER — The water contained in interconnected pores located below the water table in an unconfined aquifer or located in a confined aquifer.
HABITABLE ROOM — A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.
HAZARDOUS SUBSTANCE UST SYSTEM — Underground storage tank system that contains a hazardous substance defined in 101(14) of the CERCLA (but not including any substance regulated as a hazardous waste under RCRA Subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.
HAZARDOUS WASTE — A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential a hazard to human health or the environment when improperly treated, stored, transported, or dispose of, or otherwise managed. Without limitation, included within this definition are those hazardous wastes described in Sections 261.31, 261.32, and 261.33 of the Delaware Regulations Governing Hazardous Waste.
HOME OCCUPATION, MAJOR – A home occupation that does not meet one or more of the criteria for a minor home occupation.
HOME OCCUPATION**, MINOR** — A profession or occupation~~, including a day-care center with up to six children,~~ that is carried on within a **residential property**~~dwelling~~ that is incidental and secondary to the residential use. ~~It is carried on only by the residents, who may employ one additional nonresident for the conduct of the home occupation. There shall be no exterior evidence of the home occupation, except a sign, and adequate off-street parking must be provided as stipulated in this chapter.~~
~~HOSPITAL — Unless otherwise specified, includes a sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments and is limited to places for the diagnosis, treatment or other care of human ailments.~~
IMPERVIOUS COVER — Surfaces providing negligible infiltration such as pavement, concrete, graded aggregate, **and** buildings, **exclusive of swimming pool water surfaces**~~recreation facilities (e.g., tennis courts, swimming pools, etc.)~~.
JUNK — Includes scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition but subject to being dismantled. Automobiles in operable condition or bearing a current inspection sticker are not included as junk.
JUNKYARD — Buildings, structures or premises where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including

automobile wrecking yards, house wrecking and structural steel materials and equipment yards but not including the purchase or storage of used furniture and household equipment or used cars in operable condition or bearing a current inspection sticker or recycling facilities.
LOT — A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this chapter.

(1) LOT, CORNER — A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.
(2) LOT DEPTH — The mean horizontal distance between the front and rear lot lines.
(3) LOT LINES — The property lines bounding a lot.

(a) LOT LINE, FRONT — The line separating the lot from a street.
(b) LOT LINE, REAR — The lot line opposite and most distant from the front lot line.
(c) LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."
(d) LOT LINE, STREET OR ALLEY — A lot line separating the lot from a street or alley.

(4) LOT WIDTH — The width of the lot between side lot lines at the **street** ~~front building line as prescribed by the front yard regulations~~.
(5) LOT AREA — The computed area contained within the lot lines.
(6) LOT COVERAGE - The percent of a lot which is covered, or planned to be covered, with impervious surfaces.

MOBILE HOME — A transportable single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and is constructed so that it may be used without a permanent foundation, but excluding prefabricated homes or sections thereof which, when assembled, are over 19 feet in width.
~~MUNICIPALITY — The municipal corporation known as the "City of Milford, State of Delaware."~~
NATURAL CONDITION — Open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use.
~~NEIGHBORHOOD COMMERCIAL — Combination of smaller and professional space specifically targeted toward the local neighborhood. The maximum size and configuration of such space shall be determined by the reviewing process on a project-by-project basis. All neighborhood commercial uses shall comply with the following standards and shall only be permitted in planned unit developments.~~
NONCONFORMING LOT — A lot of record which conformed to the lawful minimum width and minimum area requirements for the zone in which it is located prior to the adoption or amendment of this chapter but which fails to conform to the requirements of this chapter for the zone in which it is located by reason of such adoption or amendment.
NONCONFORMING USE OR BUILDING — A building, structure or use legally existing at the effective date of this chapter, or any amendment thereto, or a building, structure or use planned and the construction of which has begun in compliance with existing laws prior to the effective date of this chapter, or amendment thereto, and which does not conform to the use regulations of the district in which located.
~~NURSING HOME — Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.~~

OPEN SPACE — **Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provisions of this Chapter. Open space excludes areas in lots, street rights-of-way and parking.** ~~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, and trails;~~
~~(5) Buffers or forested areas; and or~~
~~(6) Recreational uses as defined herein.~~

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

~~(1) Wetlands or storm water management facilities;~~
~~(2) Drainage easements;~~
~~(3) Flagpole areas, including a 20-foot radius around the flagpole;~~
~~(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; and or~~
~~(10) Utility facilities for uses such as sewer, water, gas or electric.~~

OUTDOOR WOODBURNING FURNACE — An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.
PARKING AREA, PRIVATE — An open area for the same uses as a private garage.
PARKING LOT — An area, other than a street or other public way, which contains more than one parking space and is used for the storage or parking of automobiles for any period of time.
PARKING SPACE — A paved accommodation used for parking motor vehicles~~, the area of which is not less than 200 square feet~~ and to which there is access from a street or alley.
PASSIVE RECREATION — **Recreational uses, areas or activities oriented to noncompetitive activities which either require no special equipment or are natural areas.** ~~Recreation that involves existing natural resources and has a minimal impact because it does not require the alteration of existing topography. Such passive recreation shall include but not be limited to nonmotorized vehicles, hiking, bicycling, picnicking, and bird-watching.~~
PERMITTED USE — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.
PLANNED UNIT ~~RESIDENTIAL~~ DEVELOPMENT — 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 area of land required for a planned unit ~~residential~~ development shall be at least 10 contiguous acres except in the City Core area where the required

area shall be two acres. For purposes of this definition the City Core area shall be identified as follows:

Starting at the location of the intersection of the center line of US 113 and the center line of DE 14 (also known as NW Front Street in Milford, Delaware), and
Proceeding east along the center line of DE Route 14 (NW Front Street) to the intersection of the center line of DE Route 14 (NW Front Street) and the center line of Truitt Avenue, and
Proceeding north along the center line of Truitt Avenue to the intersection of the center line of Truitt Ave and North Third Street, and
Proceeding east along the center line of North Third Street to the intersection of the center line of North Third Street and the center line of West Street, and
Proceeding north along the center line of West Street to the intersection of the center line of West Street and the center line of North Fourth Street, and
Proceeding east along the center line of North Fourth Street to the intersection of the center line of North Second Street, and
Hence approximately 290 feet N 50° W along the nearest property lines and hence approximately 1,470 feet N 35° E along the nearest property lines to the center line of Business Route 1 (also known as Rehoboth Boulevard), and
Proceeding southeast along the center line of Business Route 1 to the intersection of the center line of Business Route 1 and South East Front Street, and
Proceeding west along the center line of South East Front Street to the intersection of the center line of South East Front Street and the center line of Walnut Street, and
Proceeding south along the center line of Walnut Street to the intersection of the center line of Walnut Street and the center line of Causey Avenue, and
Proceeding west along the center line of Causey Avenue to the interception of the center line of Causey Avenue and center line of the railroad right-of-way (also known as the Norfolk Southern tracks), and
Hence approximately 3,280 feet N 70° W along the north shore of Silver Lake as mapped by a solid blue line on the 1993 US Geological Survey Milford DE 7 1/2 minute quadrangle map, to the center line of the north- bound lanes on the US Route 113 bridge over Silver Lake, and
Proceeding north along the center line of the northbound lanes of US Route 113 to the point of beginning at the intersection of the center line of the northbound lands of US Route 113 and the center line of DE Route 14 (also known as Northwest Front Street).

PROFESSIONAL OFFICE — Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, ~~City~~ planner, engineer, insurance agent, **financial advisor,** realtor, accountant, lawyer, author or similar professional activity.
PUBLIC DRINKING WATER SYSTEM — A community, noncommunity, or nontransient, noncommunity water system which provides piped water to the public for human consumption. The system must have at least 15 service connections or regularly serve at least 25 individuals daily for at least 60 days.
PUBLIC USE — Includes governmental-owned uses such as schools, parks, civic centers, historical properties, fire stations, municipal buildings, essential public utilities that require enclosure within a building, airports and easements for alleys, streets and public utility rights-of-way.
PUBLIC WATER SUPPLY WELL — Any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.

~~RECREATIONAL USES — 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.~~

RECREATIONAL VEHICLE — **A vehicle that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a mobile home. Such structures shall not be considered dwelling units to be occupied for long term or permanent occupation.** ~~Any vehicle used for recreational purposes, including but not limited to, antique or classic autos, drag or race cars, motorcycles, boats, boat trailers, jet skis, campers, camper trailers, motor/mobile homes, snowmobiles, ATVs, all-terrain vehicles and utility trailers.~~

REDEVELOPMENT — Any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility.

~~RESIDENTIAL CONVERSION — A structural alteration and/or internal remodeling of a previously single-family home to one that may accommodate two or more families in independent, self-contained units. Each unit should provide at least 500 square feet of habitable floor area. The change to a two-family or multifamily structure must be done in accordance with special requirements enumerated in this chapter.~~

RIGHT-OF-WAY — Land reserved for use as a street, alley or interior walk or for other public purpose.

ROOMING OR BOARDING HOUSE — A building or portion of a building that is arranged or used for the sheltering and feeding of more than three individuals.

RUNOFF — That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on land or impervious surfaces and discharges to a swale, ditch or stream.

~~SANATORIUM — An institution for the care and treatment of invalids and convalescents.~~

~~SANITARY LANDFILL — A land site at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal, except that it will not include any facility that has been approved for the disposal of hazardous waste under the Delaware Regulations Governing Hazardous Waste.~~

~~SITE PLAN APPROVAL — A process for the review and approval of a development or redevelopment plan prior to the issuance of a development.~~

SKEWING — The design of a lot where a straight lot line is not practical. Therefore, a lot line or lines will run at a slant, and the lot will not be perfectly equal on all sides.

SOURCE WATER — Any aquifer from which water is drawn either periodically or continuously by a public water system.

SOURCE WATER ASSESSMENT AND PROTECTION PROGRAM (SWAPP) — Created by Congress as part of the Safe Drinking Water Act Amendments of 1996. The goal of the SWAPP is to better protect public drinking water resources by providing local and state governments and the public

more information about those resources. The susceptibility of each source of public drinking water to various types of contamination will be determined and published.
SOURCE WATER ASSESSMENT AREA — The area delineated by the DNREC Source Water Assessment and Protection Program that contributes water to a public water supply system.
SOURCE WATER ASSESSMENT PLAN — The October 1999 U.S. EPA-approved plan for evaluating the sources of public drinking water in Delaware for their vulnerability and susceptibility to contamination.
SOURCE WATER ASSESSMENT REPORT (SWAP) — The identification and evaluation of the sources of water within the state used by public water systems in an effort to determine their vulnerability and susceptibility to contamination.
SOURCE WATER PROTECTION AREA — Wellhead protection areas and excellent groundwater recharge potential areas.
~~SPECIAL EXCEPTION — The granting of a modification of the provisions of this chapter as authorized in specific instances listed and under the terms, procedures and conditions prescribed herein. Special exceptions are administered by the Board of Adjustment.~~
STACK or CHIMNEY — Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.
STORMWATER — The runoff of water from the surface of the land resulting from precipitation or snow or ice melts.
STORMWATER MANAGEMENT

(1) For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land-disturbing activities or activities upon the land; and
(2) For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land-disturbing activities or activities upon the land.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

(1) STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
(2) STORY, FIRST — The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.
STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.
STRUCTURE — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including stationary and portable carports.
~~TRAVEL TRAILER — A vehicle less than 30 feet in length and used for temporary living or sleeping purposes and standing on wheels.~~

UNDERGROUND STORAGE TANK (UST) — A UST is one or a combination of tanks, including underground pipes, the volume of which is 10% or more belowground, as defined in the Delaware Regulations Governing Underground Storage Tank Systems. The following USTs are not subject to the design, construction, operation, and maintenance requirements of the Delaware UST Regulations: residential heating fuel, agricultural, and residential motor fuel USTs less than 1,100 gallons and any UST less than 110 gallons.
VACANT PROPERTY — Lands or buildings that are not actively used for any purpose as designated in the underlying zoning district/overlay for one year.
VARIANCE — The Board of Adjustment's authorized departure to a minor degree from the text of this chapter in direct regard to a hardship or exceptional practical difficulty peculiar to an individual lot, in accordance with the procedures set forth in this chapter.
VEHICLE HEIGHT — A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.
VEHICLE LENGTH — A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.
WASTEWATER — Solid, semi-solid or water-carried waste from septic tanks, water closets, residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, subsurface water, and mixtures of industrial wastes or other wastes as may be present.
WATER QUALITY — Those characteristics of stormwater runoff from an impervious surface or a land-disturbing activity that relate to the chemical, physical, biological, or radiological integrity of water.
WATER QUANTITY

(1) Those characteristics of stormwater runoff that relate to the volume of stormwater runoff to downstream-gradient areas resulting from land-disturbing activities.
(2) Those characteristics of stormwater that relate to the volume of stormwater that infiltrates the land surface and enters the underlying aquifer.

WELLHEAD — The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.
WELLHEAD PROTECTION AREAS (WHPA) — Surface and subsurface areas surrounding public water supply wells or well fields where the quantity or quality of groundwater moving toward the wells or well fields may be adversely affected by land use activity.
WELLHEAD PROTECTION PLAN — The March 1990 U.S. EPA-approved plan for protecting the quality of drinking water derived from public water supply wells in Delaware.
YARD — An open space as may be required by this chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted in this chapter.

(1) YARD, FRONT — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter. The front yard is measured from the right-of-way line.
(2) YARD, REAR — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

(3) YARD, SIDE — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

YARD SALE or GARAGE SALE — A permitted temporary sales activity principally involving household items and/or consumer goods, conducted by the owner (or residential tenant) of real property upon said property which is residentially zoned and used primarily for residential purposes. A yard sale is typically limited to a one-day event but not longer than two consecutive days. Provided however, that such temporary sales activity shall, under no circumstances, last more than four total days during any particular calendar year upon any real property.
ZONING MAP — The Official Zoning Map of the City of Milford, Delaware.

B. Words not defined in Subsection A. Words not defined above shall have the meanings given in Webster's Unabridged Dictionary.

C. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure"; the word "occupied" includes the words "designed or intended to be occupied"; and the word "used" includes the words "arranged or intended to be used."

ARTICLE II - Designation of Districts
§ 230-5. - Types of districts.

For the purpose of this chapter, the portions of the City of Milford included within the Zoning Map adopted under this chapter are divided into 16 types of districts as follows:

Designation	**Characteristic Description**
R-1	Single-Family Residential District
R-2	Residential District
R-3	Garden Apartment and Townhouse District
C-1	Community (Neighborhood) Commercial District
C-2	Central Business District
C-2A	Riverfront Development District
C-3	Highway Commercial District
H-1	Institutional Development District
I-1	Limited Industrial District
I-2	General Industrial District
OC-1	Office Complex District
OB-1	Office Building District
BP	Business Park District
IS	Institutional Service District
IM	Institutional Medical District
R-8	Garden Apartment and Townhouse District

§ 230-6. - Adoption of Zoning Map.

The Official Zoning Map shall consist of a scaled map of the City, which shall be prepared and adopted separately. The Zoning Map shall be filed in the City Hall ~~and with both the Kent County Recorder of Deeds and the Sussex County Recorder of Deeds~~. The Official Zoning Map and all explanatory information that it contains are made a part of this chapter by reference.

§ 230-7. - Applicability.

A. After the date of adoption of the Zoning Map and of this chapter, with any changes or amendments, no building or premises or any part of any building in any section of the City to which the Zoning Map shall apply shall be used or maintained for any purpose other than a use permitted by this chapter for the district in which the building or premises is located.
B. Existing nonconforming uses and nonconforming buildings are exempt from these provisions to the extent provided in this chapter.
C. Where any already improved lot is hereafter divided, the division must be effected in such a manner as not to violate the provisions of this chapter applicable to such lot.

§ 230-8. - District boundary lines.

A. The zoning districts shall be shown on the Official Zoning Map, with the scale of the map and dimensions to serve as guides. In general, along any particular street, districts shall be of uniform depth and their boundaries shall parallel the street line at the distance shown on the Zoning Map. In other cases, they are intended to follow existing lot lines and street lines.
B. Uncertainty as to boundaries. Where uncertainty exists as to the boundaries of zoning districts or overlay zones as shown on the Official Zoning Map, the following rules shall apply:
    (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
    (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
    (3) Boundaries indicated as approximately following City or county limits shall be construed as following municipal or county limits.
    (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
    (5) Boundaries indicated as approximately following the center lines of streams, lakes, or other bodies of water shall be construed as following such center lines.
    (6) Boundaries indicated as parallel to or extensions of features described in this subsection shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
    (7) Where physical or cultural features existing on the ground differ from those shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the determination shall solely lie with the City Council after consultation and review by the designated Administrator.
C. All public streets not otherwise zoned shall have the same zoning district to the center line of the street as the adjacent zoning district.
D. Errors or omissions.

(1) If because of error or omission, the Zoning District Map does not show a property as being in a zoning district, such property shall be classified in the least intense zoning district until changed by amendment.

(2) Parcels split by zoning districts. Where a zoning district boundary divides a lot tract, parcel or property, the location of the district boundary, unless the Zoning Map indicates its dimensions, shall be determined by applying the map scale shown on the zoning map scaled to the nearest foot.

ARTICLE III - Use and Area Regulations
§ 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 **residential** accessory uses, such as private garages, swimming pools and storage sheds, **may be located in any required side or rear yard provided:** ~~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.~~ **All such buildings in the aggregate shall not occupy more than 30 percent of the area of the required rear and side yard.**

(c) ~~Residential storage sheds or related outbuildings shall not exceed 150 square feet.~~ **An accessory structure may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter with the inclusion of attached garages.**

(d) Such buildings shall be setback five feet from any lot line and shall not be located less than five feet from a principal structure.

(6) Home occupational/office (subject to the following special requirements):

(a) ~~All employees are to be of the immediate family.~~ **The business activity shall be compatible with the residential zoning of the property and surrounding uses.**

(b) ~~The appearance of the dwelling shall not be inconsistent with the primary use of the structure.~~ **The use is carried on entirely by the inhabitants of the dwelling, and shall employ no employees other than family members residing in the dwelling.**

(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.~~ **The use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.**

(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.~~ **Such use involves no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with the residential use.**

(e) ~~Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.~~ **There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.**

(f) ~~The occupation will not cause excessive vehicular traffic or noise.~~ **There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.**

(g) ~~The occupation will not involve animal boarding and/or care.~~ **The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.**

(h) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(i) The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 30 percent of the total floor area for the principal residential structure.

(j) As long as all other criteria is met, more than one home occupation shall be permitted per lot or dwelling.

(k) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.

(l) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character.

(m) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.

(n) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation.

(o) Prohibited minor home occupations. Minor home occupations shall not include the following uses:

[1] Animal shelter, commercial kennel or veterinary office;
[2] Rooming or boarding home;
[3] Bed and Breakfast;
[4] Funeral home;
[5] Restaurant;
[6] Outdoor café;
[7] Club or lodge;
[8] Medical or dental office;

[9] Retail shop;
[10] Rental business;
[11] Furniture stripping;
[12] Auto or small engine repair;
[13] Painting of vehicles, trailers, or boats;
[14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;
[15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;
[16] Welding shop;
[17] Other uses of similar character to those listed above.

(7) Family day care home. An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children with a maximum of three children allowed for after school care. Such child care facility shall be permitted as an accessory use.

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 **facilities, including large family day cares involving more than six children** ~~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.~~
(c~~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) Accessory dwelling units. Accessory dwelling units include accessory apartments and accessory cottages and are subject to the following requirements;
(a) One dwelling unit on the property shall be owner-occupied. A notice and declaration of land use restriction to this effect shall be signed and recorded prior to issuance of a certificate of use and/or building permit for the accessory dwelling unit.

(b) Only one accessory dwelling unit (either apartment or cottage) shall be permitted per property.

(c) Accessory Apartments.

[1] Accessory apartments are only permitted within single-family detached dwellings.

[2] The floor area of an accessory apartment shall not exceed 35% of the single-family detached dwelling.

(d) Accessory Cottages.

[1] An accessory cottage shall contain at least 220 square feet of floor area. The floor area of an accessory cottage shall not exceed 40% of the floor area of the single-family detached dwelling to which it is accessory or 1,200 square feet, whichever is greater.

[2] For an accessory cottage which will be a new structure, the exterior materials, roof form, and window spacing and proportions of the accessory cottage shall approximate those of the existing or proposed single-family detached dwelling.

[3] For an accessory cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family detached dwelling, but any exterior modification should be consistent with the architectural style of that structure unless the building is upgraded per the requirements for new structures.

[4] Accessory cottages shall comply with the principal structure setbacks for the respective zoning district, unless the accessory cottage is located within an existing garage or other outbuilding, for which the structure must meet the accessory structure setbacks for the respective zoning district.

(6~~5~~) ~~Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:~~ **Major Home Occupation. A home occupation that does not meet one or more of the criteria for a minor home occupation shall be defined as a major home occupation and subject to the following requirements:**

(a) ~~There shall be three off-street parking spaces in addition to those otherwise required.~~ **Major home occupations shall be permitted only in single-family detached dwellings or an accessory structure to a single-family detached dwelling**

(b) ~~No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.~~ **The area used for a major home occupation shall not exceed 30 percent or 600 square feet of the total floor area of the principal residential structure or accessory structure.**

(c) ~~No storage of materials or products outside the dwelling shall be permitted unless completely housed.~~ **No more than one person, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of nonresident employees must have prior approval from City Council.**

(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.~~ **No more than two clients at any one given time shall be permitted to visit the premises to conduct business related to the major home occupation.**

(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.~~ **No articles shall be sold or offered for sale except those produced on the premises. Such sales must have prior approval from City Council.**

(f) ~~No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.~~ **Where employees or customer visits are anticipated, off-street parking shall be provided in a sufficient capacity to prevent interference with normal residential parking in the neighborhood. Minimum off-street parking shall apply as outlined in Article IV Off-street Parking and Loading Standards.**

(g) ~~No display of products shall be visible from outside the building.~~ **Beauty parlors and barber shops may be permitted as a major home occupation provided that no more than two stylist or barber chairs are provided and all other provisions of this ordinance are met.**

(h) Instructional services may be permitted as a major home occupation provided that a maximum of three students may be instructed at any one time, and there shall be no more than two trips per hour.

(i) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.

(j) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character.

(k) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.

(l) Deliveries from major commercial suppliers which may be disruptive to the neighborhood shall not be made between the hours of 8:00 pm prevailing time and 8:00 am prevailing time.

(m) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.

(n) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation.

(o) All commercial vehicles shall be parked on the same lot as the home occupation, and only one commercial vehicle may be parked outside of a garage, enclosed structure, or screened parking space within the lot boundaries. Such a commercial vehicle shall have no more than two axles. There shall be not storage of tractor-trailers on the lot on which the home occupation is located.

(p) Prohibited major home occupations. Major home occupations shall not include the following uses:

[1] Animal shelter, commercial kennel or veterinary office;
[2] Rooming or boarding home;
[3] Bed and Breakfast;
[4] Funeral home;
[5] Restaurant;
[6] Outdoor café;
[7] Club or lodge;
[8] Medical or dental clinic (two or more doctors or dentists);
[9] Retail shop;
[10] Rental business;
[11] Furniture stripping;
[12] Auto or small engine repair;
[13] Painting of vehicles, trailers, or boats;

[14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;

[15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;

[16] Welding shop;

[17] Other uses of similar character to those listed above.

~~(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**, see requirements in Chapter 230-19.9**.

~~(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).~~

(11~~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.~~

(12) Funeral Home or undertaker

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 **40**~~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 **yard** ~~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.~~

(10) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(11) Open space and recreational requirements shall comply with Chapter 230-19.7.
(12) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(13) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 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 **permitted** uses ~~permitted~~ in the R-1 District.
C. Conditional uses: all uses specified as conditional uses in the R-1 District **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 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.~~

D~~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 **40**~~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 **yard** ~~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 **40**~~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 **yard** ~~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.~~

(3) Parking shall comply with the requirements provided in Article IV of this chapter.

(4) Signs shall comply with the requirements of Article VI of this chapter.

(5) Landscape screening shall comply with the requirements of Article V of this chapter.

(6) Open space and recreational amenities shall comply with Chapter 230-19.7.

(7) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(8) Accessory structures for non-residential uses shall be located in the side and rear lot areas.

(9) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 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 **permitted** uses ~~permitted~~ in an R-2 District ~~and subject to its area regulations, unless otherwise indicated in this section as provided below:~~

(2) Single-family semidetached dwellings.

(3) Two-family dwellings.

(4) Townhouses.

(5) Garden Apartments.

~~(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.

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 **and are subject to the area regulations for the R-1 zoning district unless otherwise noted below**:

(1) Rooming or boarding houses.
~~(2) Business offices for administrative purposes only.~~
(2~~3~~) **Business or** Professional offices (nonresident)**; minimum lot size one acre**.
~~(4) Medical clinics.~~
(3~~5~~) ~~Sanatoriums or n~~**N**ursing homes**; minimum lot size one acre**.
(4~~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.~~

D. Area regulations.

(1) Single-family and two-family dwellings shall be subject to the following area regulations:

(a) Minimum lot area shall be 7,500 square feet.

(b) Maximum lot coverage shall be 40%.

(c) Minimum lot width shall be 60 feet.

(d) Minimum front yard setback line shall be 30 feet.

(e) 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.

(f) 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.

(2) Single-family semidetached

(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 40%.

(c) Minimum lot width shall be 40 feet.

(d) Minimum front yard setback line shall be 30 feet.

(e) 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.

(f) 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.

(3) Townhouses or row dwellings, subject to the following requirements:

(a) Minimum townhouse project size shall be one acre.

(b) Minimum lot area shall be 2,000 square feet.

(c) Maximum lot coverage shall be 60%.

(d) Minimum lot width shall be 20 feet.

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

(f) Minimum rear yard setback shall be 30 feet.

(g) Minimum side yard setback shall be 10 feet, aggregate 30 feet.

(h) The number of dwelling units per group shall not exceed eight nor be fewer than three.

(i) The number of dwelling units per acre shall not exceed 12.

(j) 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.

(4) Garden or low-rise apartments, subject to the following requirements:

(a) Minimum apartment project size shall be one acre, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(b) Maximum lot coverage shall be 80%.
(c) Minimum lot width shall be 50 feet.
(d) Minimum front yard setback shall be 30 feet.
(e) Minimum rear yard setback shall be 30 feet.
(f) Minimum side yard setback shall be 20 feet.
(g) The maximum number of dwelling units per building shall be 24.
(h) The number of dwelling units per acre shall not exceed 16.
(i) 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.

(5) Heights of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
(6) Parking shall comply with the requirements provided in Article IV of this chapter.
(7) Signs shall comply with the requirements provided in Article VI of this chapter.
(8) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(9) Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.
(10) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(11) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
(12) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 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 **detached** dwellings~~.~~
(2) ~~Offices for professional services and administrative activities.~~ **Professional Offices.**
(3) ~~Branch offices only of financial institutions and banks.~~ **Financial institutions, loan companies and banks.**
(4) ~~Barbershops and beauty shops.~~ **Personal service establishments.**
(5) Studio ~~— workshop~~ **for artists, designers, photographers, musicians, sculptors and related uses,** 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.~~

(12~~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.

(13~~14~~) Community recreation center, as a nonprofit community service.

(14~~15~~) Laundromats.

(15~~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.

(a) These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.

[1] Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.

[2] The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.

[3] The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.

[4] The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.

[5] The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.

[6] The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.

[7] Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.

[8] The following documentation will be required to be submitted with the application:

[a] Site plan, including parking area and landscaped area.

[b] Floor plan, with elevation drawings or photographs of existing building.

[c] List of board members, proprietors or governmental officials to whom staff are responsible.

[d] Written neighborhood relations plan.

[e] Complaint recording and resolution plan.

(3) ~~All dwellings other than single family with a maximum density of 12 units per acre.~~ **Daycare Centers.**

(4) Undertaker or funeral home.

D. Area regulations.

(1) Minimum lot area shall be **10,000** ~~3,630~~ square feet.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be **80**~~30~~ feet.

(4) Height of buildings shall not exceed ~~three stories or~~ 35 feet.

(5) Minimum **front yard** ~~building~~ setback shall be **25**~~10~~ feet.

(6) Side yards shall be at least **12** ~~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.

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 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 **permitted** 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.~~

(2~~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.~~

(3~~10~~) Libraries, museums, art galleries and public information centers.

(4~~11~~) Churches and other places of worship.

(5~~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.~~

(6~~17~~) Publishing, printing and reproduction establishments.

~~(18) Repair and servicing as an accessory activity of any article for sale in the same establishment.~~

(7~~19~~) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

(8~~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 **Planning Director or designee** ~~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.~~

(9~~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:

[1]~~i.~~ Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2]~~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.

[3]~~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.

[4]~~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.

[5]~~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.

[6]~~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.

[7]~~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. **All uses specified as conditional uses in the C-1 zoning district and** ~~T~~**t**he 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.~~

(2~~4~~) Motels and hotels.

(3~~5~~) Instructional, business or trade stores.

(4~~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.~~

(5~~10~~) All dwellings other than single-family with a maximum density of **16** ~~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 **front, rear or side yard** setback~~, rear yard or side yard~~.

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

(6) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(7) Parking shall comply with the requirements provided in Article IV of this chapter.

(8) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(9) Accessory structures shall be located in the side and rear lot areas.

(10) Accessory structures for residential and non-residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

§ 230-13.1. - C-2A Riverfront Development District.

In a C-2A 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 Riverfront Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units. The district shall be limited to those properties adjacent to the Mispillion River and shall be prohibited along North and South Walnut Street, Northwest Front Street and shall not be allowed within any of the historic districts.

B. Permitted uses. In a C2-A district, land, buildings or premises shall be used by right for one or more of the following:

(1) ~~General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.~~ **Those uses permitted in the C-1 District.**

~~(2) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, beer, wine or liquor, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.~~

~~(3) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.~~

~~(4) Financial institutions, loan companies and banks.~~

~~(5) Restaurants, excluding fast-food or franchised food service operated restaurants.~~

~~(6) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.~~

~~(7) 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.~~

(2~~8~~) Libraries, museums, art galleries and public information centers.

(3~~9~~) Fraternal, social service, union or civic organization.

~~(10) Studio for artists, designers, photographers, musicians, sculptors and related uses.~~

~~(11) Municipal and public services and facilities, including City Hall, municipal parking lots, 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~~12~~) 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:

[1]~~i.~~ Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2]~~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.

[3]~~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.

[4]~~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.

[5]~~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.

[6]~~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.

[7]~~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. **All uses specified as conditional uses in the C-1 zoning district and** ~~T~~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.~~

(2~~3~~) Fast-food or franchised food service operated restaurants.

~~(4) Day-care centers.~~

~~(5) Community residential treatment program.~~

(3~~6~~) Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.

D. Area **regulations** ~~and bulk requirements~~.

(1) Maximum number of units per acre shall be 16.

(2) Minimum lot area shall be 5,000 square feet.

(3) Minimum lot width shall be 50 feet.
(4) Maximum **lot** ~~building~~ coverage shall be 60%
(5) **Minimum** ~~F~~front yard setback shall be 15 feet minimum
(6) Side yard setback shall be 14 feet aggregate total with a minimum of 6 feet.
(7) **Minimum** ~~R~~rear yard setback shall be 20 feet.
(8) Height of buildings shall not exceed ~~four stories or~~ 50 feet.
(9) Minimum separation distance between dwelling structures on the same lot shall not be less than 15 feet.
(10) Parking shall comply with the requirements provided in Article IV of this chapter.
(11) Signs shall comply with the requirements provided in Article VI of this chapter.
(12) For mixed use residential and commercial projects, 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.
(13) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(14) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(15) Accessory structures shall be located in the side and rear lot areas.
(16) Accessory structures for residential and non-residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

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

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

A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
B. Permitted uses. Permitted uses for the C-3 District shall be as follows:

(1) Those **permitted** uses ~~permitted~~ in the C-2 District.
(2) Warehouses.
(3) Large retail outlets.
(4) Indoor storage accessory building.
(5) Fast-food restaurants and drive-in restaurants.
(6) Supermarkets.
(7) Truck and trailer rentals.
(8) Roadside produce market.
~~(9) Memorial stone shop.~~
(**9**~~10~~) Outdoor commercial recreational facilities, not motorized vehicles.
(**10**~~11~~) Swimming club.

(11~~12~~) Indoor facility for amusement or assembly.
(12~~13~~) Bus station.

C. Conditional uses subject to special requirements. **All uses specified as conditional uses in the C-2 zoning district and** ~~T~~the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

(1) Motels or hotels ~~with a minimum lot size of three acres~~.
(2) Commercial greenhouse.
(3) Wholesale establishment.
~~(4) Newspaper publishing or printing establishment.~~
(4~~5~~) Contractors', craftsmen's or general service shops, including welding and similar shops.
(5~~6~~) Laboratory, testing and research.
~~(7) Car repair shops.~~
(6~~8~~) ~~Used car lots.~~ **Automotive sales.**
~~(9) Telephone central office or television cable central office.~~
(7~~10~~) ~~Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars~~ **Automotive repair**, subject to the following special requirements:

(a) All facilities shall be located and all services shall be conducted on the lot.
(b) All repair work shall be conducted within an entirely enclosed building.
(c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

(8~~11~~) Shopping center, subject to ~~site plan review and~~ the following site requirements:

(a) The total shall not be less than one acre.
~~(b) The site must be served by public water, sewer and electricity.~~
~~(c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.~~
(b~~d~~) Traffic and parking.

[1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
~~[2] Access to state highways shall be controlled by the State Department of Transportation.~~
[2~~3~~] The minimum distance between accessways and a residential district shall be 50 feet.
[3~~4~~] Spacing of accessway.

[a] From adjoining property: 50 feet.
[b] From minor intersections: 50 feet.
[c] From major intersections: 100 to 150 feet.

~~[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.~~
~~[6] Parking lots shall be attractively landscaped as shown on the general site plan.~~

(c~~e~~) Setback.

[1] From street right-of-way: 15 feet.
[2] From nonresidential districts: 15 feet.
[3] From residential districts: 100 feet.

~~(f) Buffering and landscaping.~~

~~[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.~~
~~[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.~~

~~(12) Day care centers, with site plan required.~~
(9~~13~~) Car wash~~, all types (staffed, automatic, self-service, etc.)~~.
~~(14) Convenience stores with gas pumps.~~
~~(15) Community residential treatment program.~~
(10~~16~~) ~~All dwellings other than single-family with a maximum density of 12 units per acre.~~ **All uses permitted in the R-3 Zoning District subject to its area regulations.**
(11~~17~~) Business, commercial or industrial uses that do not adversely affect neighboring properties.
(12~~18~~) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.
(2) Maximum lot coverage shall be 80%.
(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
(4) Height of buildings shall not exceed ~~three stories or~~ 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height ~~of over three stories, but not over five stories, and~~ not exceeding 60 feet.
(5) Minimum **front yard** ~~building~~ setback shall be 30 feet.
(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
(7) Minimum rear yard shall be 50 feet.
(8) Parking shall comply with the requirements provided in Article IV of this chapter.
(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(10) Signs shall comply with the requirements provided in Article VI of this chapter.
(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(12) Accessory structures shall be located in the side and rear lot areas.
(13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 10 feet from a principal structure.
(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-15. - H-1 Institutional Development District.

In an H-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 H-1 Institutional Development District is to encourage the development of institutional uses in accordance with an approved plan of development. This district is to provide suitable areas and adequate safeguards for such uses to serve the City of Milford and the surrounding region.

B. Permitted uses. Permitted used for the H-1 District shall be as follows:

(1) Medical and surgical hospitals~~, subject to site plan review~~.
(2) Medical and dental centers, excluding drug abuse centers and freestanding detoxification centers.
(3) Medical arts offices and buildings.
(4) Accessory uses incidental to the permitted uses.
(5) 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.

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 of Article IX of this chapter:

(1) Nursing homes.
(2) Sanatoriums.
(3) Multilevel parking facilities.
(4) Community residential treatment program.

(a) These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.

[1] Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.

[2] The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.

[3] The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.

[4] The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the

program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.

[5] The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.

[6] The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.

[7] Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.

[8] The following documentation will be required to be submitted with the application:

[a] Site plan, including parking area and landscaped area.

[b] Floor plan, with elevation drawings or photographs of existing building.

[c] List of board members, proprietors or governmental officials to whom staff are responsible.

[d] Written neighborhood relations plan.

[e] Complaint recording and resolution plan.

D. Area regulations.

(1) Minimum lot area shall be one acre.
(2) Maximum lot coverage shall be **80**~~70~~%.
(3) Minimum lot width shall be 150 feet.
(4) Height of buildings shall not exceed 50 feet.
(5) Minimum **front yard** ~~building~~ setback shall be as follows:

(a) Thirty feet for the first 15 feet of height.
(b) An additional 10 feet for the second 15 feet of height.
(c) Twenty feet for each additional 15 feet of height.

(6) Each side yard shall equal 20 feet for each 15 feet of height.
(7) A rear yard shall be provided to equal 20 feet for each 15 feet of height.
(8) Signs shall comply with the requirements provided in Article VI of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Parking shall comply with the requirements provided in Article IV of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-16. - I-1 Limited Industrial District.

In an I-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

B. Permitted uses. Permitted uses of the I-1 District shall be as follows:

(1) All permitted uses of the OC-1 District and BP District.

(2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.

(3) ~~Research, design, testing and development laboratories.~~ **Wholesale storage, warehousing and distribution centers.**

~~(4) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.~~

~~(5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.~~

~~(6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be closer than 500 feet to any school or building(s) used for assembly.~~

~~C. Prohibited uses. The following are expressly prohibited in an I-1 District:~~

~~(1) Residences, except those in existence at the time of adoption of this amendment.~~

~~(2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.~~

~~(3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automotive or other machine parts.~~

~~(4) Operations involving slaughterhouses, stockyards or slag piles.~~

~~(5) Storage of explosives and bulk or wholesale storage of gasoline above ground.~~

~~(6) Quarries, stone crushers, screening plants and all associated uses.~~

~~(7) The following processes: large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.~~

C~~D~~. Conditional uses. **All uses specified as conditional uses in the OC-1 and BP zoning districts and** ~~T~~**t**he following uses are permitted in the I-1 District, in accordance with the provisions within Article IX ~~(conditional use portion)~~ of this chapter:

(1) Airfields or airpark facilities.

(2) Mini-warehouses or public storage facilities.

(3) Radio-television facilities.
(4) 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:

[1]~~i.~~ Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
[2]~~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.
[3]~~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.
[4]~~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.
[5]~~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.

[6]~~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.

[7]~~vii.~~ Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

D~~E~~. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the **City Council** ~~Planning Commission~~.

~~(1) Accessory uses shall not be permitted without a principal use.~~

~~(2) Any uses not permitted, as previously listed, are prohibited.~~

(1~~3~~) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.

(2~~4~~) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.

~~(5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.~~

~~(6) All fencing shall be properly maintained.~~

(3~~7~~) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(4~~8~~) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(5~~9~~) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(6~~10~~) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.

~~(11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.~~

(7~~12~~) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(8~~13~~) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(914) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

~~(15) All I-1 District projects and proposals are subject to site plan review by the Planning Commission.~~

EF. Area ~~and height~~ regulations.

(1) Minimum lot area shall be two acres.
(2) Maximum lot coverage shall be 7560%~~, with the remainder being that of grass and landscape areas. Parking areas shall be landscaped~~.
(3) Minimum lot width shall be 150 feet.
(4) Maximum building height shall be 50 feet.
(5) Minimum front yard setback shall be 75 feet.
(6) Minimum side yard setback shall be 40 feet.
(7) Minimum rear yard setback shall be 45 feet.
(8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**

(9) ~~Landscape screening. See Article V of this chapter.~~ **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.
(11) Accessory structures **in aggregate** shall occupy no more than 10~~%~~ **percent** of the **required rear and side yard of the** lot ~~area~~ **and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter**.
(12) Accessory structures shall be located in the rear yard/lot area.
(13) Accessory structures shall **meet the principal use setbacks and shall not be located less than 5 feet from a principal structure** ~~be located at least 45 feet from the rear lot line~~.

§ 230-17. - I-2 General Industrial District.

In an I-2 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of the I-2 General Industrial District shall be to provide locations for the development of large or heavy manufacturing, warehousing, wholesale and research establishments, which may include those that may produce some objectionable conditions, and also to concentrate the more intensive industrial uses in areas that would least impact neighboring zoning districts or uses.
B. Permitted uses. Permitted uses for the I-2 District shall be as follows:

(1) All **permitted uses** ~~items allowed~~ in the I-1 District.
(2) Heavy manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling or storage of products or materials, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
(3) Research, design and development laboratories.
~~(4) Wholesale storage and warehousing.~~

~~(5) Building contractors' yards.~~

(~~4~~6) Large public utility facilities, or major uses thereof.

~~C. Prohibited uses. The following are expressly prohibited in an I-2 District:~~

~~(1) Residences.~~

~~(2) Manufacturing uses involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: carbide, ammonia, aniline dyes, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, gelatin, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); soaps, including fat rendering; and starch.~~

~~(3) Dumps, junkyards, automobile salvage and dismantling plants/yards, public storage areas or operations for the storage or resale of used automotive or other machine parts.~~

~~(4) Operations involving slaughterhouses, stockyards or slag piles.~~

~~(5) Quarries, stone crushers, screening plants and all associated uses.~~

~~(6) The following processes: nitrating of cotton or other materials; magnesium foundry; milling or processing of flour; large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including paper mill operations and sawmills.~~

~~(7) Storage of explosives and bulk or wholesale storage of gasoline above ground.~~

C~~D~~. Conditional uses. **All uses specified as conditional uses in the I-1 zoning district and** ~~T~~the following uses are permitted in the I-2 District in accordance with the provisions within Article IX (conditional use portion) of this chapter:

(1) Airfields or airpark facilities.
(2) Tractor-trailer storage and parking facilities.
(3) Farm machinery and truck manufacture, sales, storage and repairs.
(4) Fertilizer storage and distribution centers.
(5) Heating, ventilating, cooling and refrigeration manufacturing.
(6) Trash compaction: transfer station and solid waste management system, not to include hazardous waste.
(7) Recycling or collection facilities for paper, glass, plastics and metal.
(8) Grain storage and processing.
(9) Meat processing, chicken processing and seafood processing.
(10) Aluminum recycling and smelting (small scale).
(11) Food and vegetable cleaning, canning and freezing.

D~~E~~. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by **City Council** ~~the Planning Commission~~.

~~(1) Accessory uses shall not be permitted without a principal use.~~

~~(2) Any uses not permitted, as previously listed, are prohibited.~~

(1~~3~~) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except in areas approved by the Planning Commission during the site plan review hearing.

(24) In a planned industrially zoned I-2 District, no building/structure, accessory structure or sign shall be located closer than 250 feet to any existing nonindustrial district boundary.

~~(5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.~~

(36) Fencing is required in any and all areas which would pose a threat to public safety and the security of the facility. ~~All fencing shall be properly maintained.~~

(47) All front yard areas shall be maintained in a neat and attractive condition. All side and rear yard areas shall be kept uncluttered and free from any conditions that would constitute a safety hazard for employees or anyone visiting the site.

(58) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(69) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks or chimneys and internal combustion engines must comply with the requirements set forth by the DNREC, State of Delaware.

(710) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of DNREC, State of Delaware.

~~(11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.~~

(812) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(913) The proposed use shall not endanger the surrounding facilities or communities to the possibility of fire or explosion. All uses shall comply with state regulations which control or govern their operation. There shall be no allowances for the storage of radioactive materials or those materials deemed to be toxic or dangerous.

(1014) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties.

~~(15) All I-2 District projects and proposals are subject to site plan review by the Planning Commission.~~

EF. Area ~~and height~~ regulations.

(1) Minimum lot area shall be 2 1/2 acres.
(2) Maximum lot coverage shall be 75~~50%, with the remainder being that of grass and landscaped areas. Parking areas shall be landscaped~~.
(3) Minimum lot width shall be 150 feet.
(4) Maximum building height shall be 50 feet.
(5) Minimum front yard setback shall be 75 feet.
(6) Minimum side yard setback shall be 50 feet.
(7) Minimum rear yard setback shall be 50 feet.
(8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**
(9) ~~Landscape screening. See Article V of this chapter.~~ **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.
(11) Accessory structures **in aggregate** shall occupy no more than 10~~%~~ **percent** of the **required rear and side yard of the** lot ~~area~~ **and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter**.
(12) Accessory structures shall be located in the side and rear lot areas.
(13) Accessory structures shall **meet the principal use setbacks and shall not be located less than 5 feet from a principal structure** ~~be located at least 50 feet from the rear lot line~~.

§ 230-18. - OC-1 Office Complex District.

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
B. Permitted uses. Permitted uses for the OC-1 District shall be as follows:

(1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
(2) Television and radio studios (without towers).
(3) Professional schools (nonindustrial).
(4) Health centers and clinics (medical or dental).

C. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:

(1) Charitable and philanthropic organizations.
(2) Day-care centers.
(3) Civic and/or conference centers.
(4) Indoor **or outdoor** recreation ~~(tennis, racquetball, handball, swimming, etc.)~~.
(5) Private clubs or organizations.
(6) Medical/dental laboratories.
(7) Nursing homes.

~~D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.~~

~~(1) Accessory uses shall not be permitted without a principal use.~~
~~(2) The premises shall be suitably landscaped.~~
~~(3) All driveways shall meet width requirements of the State Fire Marshal's Office.~~
~~(4) Any uses not permitted, as previously listed, are prohibited.~~
~~(5) All internal roads, driveways and parking areas (for public, in-house employee or vehicular traffic) shall be paved.~~
~~(6) All OC-1 District projects and proposals are subject to site plan review by the Planning Commission.~~
~~(7) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.~~

D~~E~~. Area ~~and height~~ regulations.

(1) Minimum lot area shall be one acre.
(2) Maximum lot coverage shall be 75%~~, with the remainder being that of grass and landscape areas~~.
(3) Minimum lot width shall be 100 feet.
(4) Maximum building height shall be 70 feet.
(5) Minimum front yard setback shall be 50 feet.
(6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.
(7) Minimum rear yard setback shall be 25 feet.
(8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**
(9) ~~Landscape screening.~~ **Landscape screening shall comply with the requirements provided in Article V of this chapter.**

~~(a) There shall be a one-hundred-foot buffer from all residential areas or districts.~~
~~(b) Planted screening shall be at least six feet in height.~~
~~(c) There shall be a ten-foot buffer along all nonresidential lot lines.~~
~~(d) Each planted area of buffering shall:~~

~~[1] Retain natural vegetation.~~
~~[2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.~~

(10) Signs shall comply with the requirements provided in Article VI of this chapter.
(11) ~~Accessory structures shall occupy no more than 10% of the lot area.~~ **Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.**
(12) ~~Accessory structures shall be located in the rear yard/lot area.~~ **Accessory structures shall be located in the side and rear lot areas.**
(13) ~~Accessory structures shall be located at least 25 feet from the rear lot line.~~ **Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.**

§ 230-19. - OB-1 Office Building District.

In an OB-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of the OB-1 Office Building District shall be to provide locations for the operation of professional offices of a low-profile, low-traffic category in areas of a residential nature where existing nonresidential buildings/structures are present. In short, this district will provide such locations that will not detract from the surrounding residential atmosphere of the neighborhood but allow viable businesses to operate in existing buildings/structures.
B. Permitted uses. Permitted uses for the OB-1 District shall be as follows:

(1) Professional services and administrative activities, including but not limited to architects, engineers, brokers, insurance agents, realtors, physicians, dentists, artists and attorneys, within a single occupancy setting.

(2) Branch libraries and public information centers.

C. Conditional uses. Conditional uses shall be as follows:

(1) Medical and dental **offices in a multiple occupancy setting** ~~clinics~~.

(2) Day-care **centers** ~~facilities (group and day care centers only)~~.

(3) Civic or fraternal organizations.

(4) Government offices serving the public.

~~(5) Churches and other places of worship.~~

~~(6) New facilities proposed for vacant properties (see lot requirements).~~

~~(7) Any use which would necessitate dual occupancy settings within the single building/structure.~~

~~(8) Musicians.~~

~~D. Prohibited uses. Any and all uses which would alter the residential nature of the neighborhood or cause such activity to occur which would deteriorate said residential atmosphere shall be prohibited.~~

~~E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater control than those of the permitted use variety and are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.~~

~~(1) Accessory uses shall not be allowed without a principle use.~~

~~(2) The premises shall be suitably landscaped; most landscaping is present at existing sites.~~

~~(3) All driveways shall meet width requirements of the State Fire Marshal's regulations.~~

~~(4) All requirements set forth by the state guidelines for sediment and erosion control shall be complied with in all respects. Further, if any federal rulings are applicable, said property shall likewise comply in all respects.~~

~~(5) All sites shall be made to comply with the requirements set forth by the Americans with Disabilities Act, and all such needed modifications to the building or premises shall require sealed architectural plans submitted to the City Inspections Office for approval.~~

~~(6) All internal driveways and parking areas (for public, in-house staff or other vehicular traffic) shall be paved.~~

~~(7) All OB-1 District projects and proposals are subject to site plan review in such cases where expansion to an existing facility may be requested or if any upgrades required by the aforementioned codes or requirements deem any major alterations to occur. This review shall be held by the City Planning Commission.~~

~~(8) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.~~

D~~F~~. Area ~~and height~~ regulations ~~shall be as follows:~~

(1) Minimum lot area.

(a) Existing buildings/structures on site: none.

(b) New construction (conditional use): 1/2 acre.

(2) Maximum lot coverage (building/structure and paved area) shall be no greater than 50%, with the remainder being utilized for plantings and landscaping (new construction, with conditional use). Existing facilities shall not decrease any existing planted or landscaped areas on the site without obtaining a variance for said decrease from the Board of Adjustment.

(3) Minimum lot width.

(a) New construction, with conditional use: 100 feet.
(b) Existing facilities: existing dimension accepted.

(4) Maximum building/structure heights shall not exceed the requirements set forth within this chapter for the residential zoning district in which the building/structure exists.

(5) Minimum front yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the front yard area(s) if the setback is less than 30 feet.

(6) Minimum side yard setback (new construction, with conditional use): 15 feet. Existing facilities shall not be allowed to encroach further into the side yard area(s) if the setback is less than 15 feet.

(7) Minimum rear yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the rear yard area if the setback is less than 30 feet.

(8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**

(9) ~~Landscape screening.~~ **Landscape screening shall comply with the requirements provided in Article V of this chapter.**

~~(a) Existing structures/facilities shall maintain existing screening and plantings (as per requirements stated previously within this subsection).~~
~~(b) Planted screening shall be provided at all boundaries where adjacent residential properties exist.~~
~~(c) There shall be a ten-foot buffer area along all parking areas and adjacent residential properties, in which natural screening shall be placed.~~
~~(d) Each planted area of screening/buffering shall:~~

~~[1] Retain natural vegetation.~~
~~[2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.~~

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

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

~~G. Additional requirements.~~

~~(1) Space requirement per office staff: 200 square feet (minimum).~~
~~(2) Accessory structure installation shall be reviewed by the Director of Planning, and if said unit shall exceed 150 square feet in area, the proposal shall be submitted to the Planning Commission for site plan review. Total accessory structure allowance shall not exceed 10% of the property area.~~
~~(3) Accessory structures shall be located within the rear yard area.~~
~~(4) Accessory structures shall not be located closer than 15 feet to the rear property line.~~

§ 230-19.1. - BP Business Park District.

In a BP District, no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements indicated:

A. The purpose of a Business Park District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas while still providing attractive landscaping, on-site recreation and a better working environment. The emphasis will be on employment rather than warehouse space. Also, the purpose is to provide guidelines and performance standards, which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

B. Permitted uses. Permitted uses of the BP District shall be as follows:

(1) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices and cafeterias for the exclusive use of in-house staff and employees.
(2) Research, design, testing and development laboratories.
(3) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
(4) Business, professional or administrative offices.
(5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
(6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be any closer than 500 feet from existing residence, residential district, school or building(s) used for assembly.
(7) Farm machinery manufacture, sales, storage and repairs.
(8) Heating, ventilating, cooling and refrigeration manufacturing.
(9) Building contractor yards.
(10) Veterinary clinics.
(11) Beverage blending, bottling (all types).
(12) Boat manufacture and repair (vessels less than five tons), boat sales and service.
(13) Dairy operations and dairy products, ice cream and cheese.
(14) Fruit and vegetable processing, including canning, preserving, drying and freezing.
(15) Greenhouses, commercial, wholesale or retail.
(16) Ice manufacture, including dry ice.
(17) Sign fabrication and painting shops.
(18) Wood product manufacture, including baskets, boxes, crates, barrels and veneer.

C. Conditional uses. The following uses are permitted in the BP District in accordance with the provisions within Article IX (conditional use portion) of this chapter:

(1) Public, private or professional schools.
(2) Schools for vocational training.
(3) Day-care centers.
(4) Radio-television facilities.

(5) ~~Any use not permitted in any other zoning districts.~~ **Indoor or outdoor recreation.**

(6) 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.

~~D. Prohibited uses. The following are expressly prohibited in the BP District:~~

~~(1) Residences.~~

~~(2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.~~

~~(3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automobile or other machine parts.~~

~~(4) Operations involving slaughterhouses, stockyards or slag piles.~~

~~(5) Storage of explosives and bulk or wholesale storage of gasoline above ground.~~

~~(6) Quarries, stone crushers, screening plants and all associated uses.~~

~~(7) The following processes: refining, smelting and alloying of metal or metal ores; refining petroleum products such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.~~

~~(8) Drilling for the removal of any hydrocarbon substances.~~

D~~E~~. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by **City Council** ~~the Planning Commission~~.

~~(1) Accessory uses shall not be permitted without a principal use.~~

(1~~2~~) All uses must be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen that may include a fence or wall.

~~(3) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.~~

~~(4) All fencing and landscaping shall be properly maintained.~~

(2~~5~~) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(3~~6~~) All loading and unloading operations shall be conducted at the side or rear of the building. In the loading and unloading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(4~~7~~) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements

set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(5~~8~~) Dust or particle debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

~~(9) Internal roads, driveways and parking areas for public, in-house employee or truck/vehicular traffic shall be paved. All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.~~

(6~~10~~) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(7~~11~~) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

(8) Walls.

(a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:

[1] Architectural masonry units, excluding concrete block and cinder block.
[2] Natural stone.
[3] Precast concrete.
[4] Steel.
[5] Aluminum.
[6] Glass materials or their equivalent.

(b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.

(9) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission and/or City Council during site plan or conditional use review.

~~(12) All BP District projects and proposals are subject to site plan review by the Planning Commission.~~

~~(13) Installation of a berm will be required adjacent to any residentially zoned area. The berm shall be constructed as follows: 10 feet from any residential property line, then 60 feet with a six-foot-high berm at 4 to 1 slope, with three rows of trees, including evergreens spaced 15 feet on center along the berm slope adjacent to the residential district, one row of evergreens spaced at 48 feet on center along the toe of the berm and deciduous trees, spaced 192 feet on center~~

~~along the opposite toe of the berm. The berm may not be required in areas contiguous to residential districts that have an existing mature wooded area that has a minimum depth of 10 feet or where adjacent to road frontage that has a combined right-of-way width of 75 feet.~~

E~~F~~. Area ~~and height~~ regulations.

(1) Minimum area for a business park will be 40 acres.
(2) Minimum lot area shall be one acre (43,560 square feet).
(3) Maximum impervious lot coverage shall be 75%~~, with the remainder being that of grass and landscaped area~~.
(4) Minimum lot width shall be 150 feet.
(5) Maximum building height shall be 50 feet.
(6) Minimum front yard setback shall be 30 feet.
(7) Minimum side yard setback shall be 15 feet. The setback shall be computed from the berm line, not the property line.
(8) Minimum rear yard shall be 25 feet. The setback shall be computed form the berm line, not the property line.
(9) ~~Parking may be permitted in the setback area but may not be located any closer than five feet from any property line and 15 feet from the right-of-way line. No parking may be permitted within a berm area or a landscaped area. No parking will be permitted on the streets or between public street pavement and the property line.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**
(10) ~~Landscape screening. Where adjacent to residential districts, the buffer shall include a landscape screen not less than six feet high. Each planted area of buffer shall retain as much natural vegetation as possible and be planted with indigenous evergreens, deciduous and ornamental trees or shrubs. All landscaping shall be installed within 90 days of occupancy of building, or as soon as weather will allow if such period falls within the winter months. All landscaping shall be properly maintained throughout the life of any use on the lot.~~ **Landscape screening shall comply with the requirements provided in Article V of this chapter.**
~~(11) City water and sewerage shall serve the park. Mains shall be in place at the time of construction on the lot. Service to the lot shall be installed by the City to the property line of the lot after site plan approval.~~
~~(12) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission during site plan review.~~
(11~~13~~) ~~Site will be served by a central stormwater management system. Each lot shall be reviewed by the City Engineer to access the central stormwater area.~~ **Signs shall comply with the requirements provided in Article VI of this chapter.**
(12~~14~~) ~~Walls.~~ **Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.**

~~(a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:~~

~~[1] Architectural masonry units, excluding concrete block and cinder block.~~

~~[2] Natural stone.~~
~~[3] Precast concrete.~~
~~[4] Steel.~~
~~[5] Aluminum.~~
~~[6] Glass materials or their equivalent.~~

~~(b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.~~

(13) Accessory structures shall be located in the side and rear lot areas.

(14) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

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

~~H. Off-street parking and loading.~~

~~(1) Off-street parking and loading shall have a buffer strip of at least five feet wide between it and any adjacent lot.~~

~~(2) A parking space shall not be less than 162 square feet, with a minimum of nine feet wide.~~

~~(3) All parking spaces shall be set back 15 feet from any street line.~~

~~(4) Ground cover, shrubs, trees and landscaped screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.~~

~~(5) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).~~

~~(6) Aisleway width shall be as required by the Office of the State Fire Marshal.~~

~~(7) All parking spaces for use in conjunction with public parking areas, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.~~

~~(8) Required off-street parking spaces shall be as per Article IV.~~

~~(9) No building or structure shall be erected in any district for the uses listed in Article IV unless loading space for the accommodation of trucks is provided on the premises in accordance with requirements stated in Article IV.~~

~~(10) Loading spaces shall not be permitted in any front yard of any property.~~

~~(11) Areas designated for exterior storage in trailers shall be shown on the site plan. The area will be dimensioned and include the number of units located within the area. Storage will not exceed 30 days.~~

~~(12) Trash containers and dumpsters must be properly screened and shall be designated on the site plan.~~

~~I. Antennas and satellites shall be shown on the site plan.~~

~~J. Mailbox receptacles will be placed as required by the Postmaster, Milford, Delaware, and shall be shown on the site plan.~~

~~K. Chain link fencing may be used in the park.~~

~~L. No parcel may be subdivided.~~

~~M. In the event that any purchaser of any parcel of land within the business park shall not commence construction of a building thereon within two years from the date of settlement, the City of Milford~~

~~shall have the option of purchasing said land from the owner at any time prior to the commencement of said construction, at the purchase price paid therefor as shown on the owner's settlement sheet.~~

~~N. Each owner of any parcel, by acceptance of a deed, agrees to pay to the City of Milford an annual fee for the maintenance of stormwater management areas, open space, landscaping and berms. Said easement fee must be fixed at a uniform rate based upon the assessment of the parcel and the improvements thereon. The assessments levied by the City of Milford pursuant to this Zoning Code shall be used exclusively for said purposes and for such other purposes as the City deems appropriate.~~

§ 230-19.2. - IS Institutional Service District.

A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.

~~B. District Area. The minimum area to request an Institutional Service District shall be 20 acres.~~

B~~C~~. Permitted uses.

(1) Hospital and all other health-care facilities, including any and all support services related thereto.

(2) Outpatient health-care centers and health-care facilities.

(3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.

~~(4) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.~~

(4~~5~~) Medical laboratories utilized for the diagnosis, treatment, and care of humans.

(5~~6~~) Pharmacies.

(6~~7~~) Heliports.

(7~~8~~) Private education institutions and training centers.

(8~~9~~) Nursing facilities, convalescent homes, and a continued-care retirement communities.

(9~~10~~) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.

(10~~11~~) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.

(11~~12~~) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.

(12~~13~~) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.

(13~~14~~) Ambulance and emergency rescue services.

(14~~15~~) Maintenance and laundry facilities.

(15~~16~~) Libraries
(16~~17~~) Places of worship.
(17~~18~~) Parking areas, including parking facilities.
(18~~19~~) Publicly owned and/or health-related recreation facilities.
(19~~20~~) Rehabilitation facilities.
(20~~21~~) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
(21~~22~~) Auditoriums.
(22~~23~~) Modular office units.
(23~~24~~) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
~~(25) Any and all uses and/or structures which are of the same general character as those listed above.~~
~~(26) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.~~
(24~~27~~) Public and private elementary, junior or senior high schools and colleges.
~~(28) All uses permitted in the R-8 Zoning District.~~

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) All residential uses permitted in the R-8 Zoning District subject to its area regulations.
(2) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.

D. ~~Uses prohibited: Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilizing equipment and similar devices are not classified as incinerators for purposes of this prohibition.~~ **Area regulations.**

(1) The minimum area to request an Institutional Service District shall be 20 acres.
(2) Maximum lot coverage shall be 75%.
(3) Minimum lot width shall be 150 feet.
(4)~~E. Height regulations. The height of any structure~~ **Height of buildings**, including any hospital structure existing as of the date of enactment of this section, shall not be greater than 140 feet, excluding smokestacks and/or other rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, enclosed mechanical rooms and similar appurtenances).

~~F. Yard regulations. In the Institutional Service District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:~~

(5~~1~~) ~~Front yard depth: 25 feet.~~ **Minimum front yard setback shall be 50 feet.**
(6~~2~~) ~~Side yard width: 10 feet. On a corner lot, the side yard abutting the street shall be a minimum of 10 feet but may be increased in order to ensure clear visibility at the intersection of the two streets. There shall be one side yard for each single-family semidetached dwelling, which shall be not less than 10 feet in width. The requirement for side yard setbacks may be decreased upon the request of the property owner to the interior of the lots when lots have been combined into~~

~~common ownership for a project which includes two or more lots.~~ **Side yards shall be a minimum of 50 feet.**

(~~7~~**8**) ~~Rear yard width: 25 feet.~~ **Minimum rear yard setback shall be 50 feet.**

~~G. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 85% of the area of the lot.~~

~~H. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.~~

(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.

~~I.~~ **(10)** Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.3. - IM Institutional Medical District.

A. Purpose. The Institutional Medical District is intended to achieve the following:

(1) To encourage a harmonious pattern of institutional development which can mutually benefit the City of Milford and the institutions themselves.

(2) To encourage the development of institutional medical uses in accordance with approved standards and to promote the planning for the location of future health institutional uses serving a regional population.

~~B. District area. The minimum area to request an Institutional Medical Zoning District shall be 20 acres.~~

B~~C~~. Permitted uses.

(1) Outpatient health-care clinics.

(2) Professional offices, medical offices, and medical laboratories involving the diagnosis, treatment and care of humans, including any and all support services related thereto.

(3) Private education institutions and training centers related to health care (but not including other trade schools).

(4) Nursing facilities and/or convalescent homes.

(5) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.

(6) Data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.

(7) Parking areas, including parking facilities.

(8) Rehabilitation facilities and fitness centers related to health-care fitness and wellness.

~~(9) Any and all uses and/or structures which are of the same general character as those listed above.~~

~~(10) Any and all uses which are customarily accessory and incidental to any of the above permitted uses.~~

(~~9~~**11**) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping

stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas and telephone facilities.

(10~~12~~) Public and private elementary, junior or senior high schools and colleges.

(11~~13~~) Cafeteria facilities, snack and gift shops, banking facilities, restaurants, retail, personal service shops, and laundry facilities primarily for the use of health-care employees, patients and visitors.

(12~~14~~) Pharmacies.

(13~~15~~) Hospitals and all other health-care facilities, including any and all support services related thereto.

C~~D~~. 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) All **residential** uses permitted in the R-8 Zoning District **subject to its area regulations**.

(2) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, and/or health-care employers and their employees as well as overnight accommodations for patient families and individuals that are receiving treatment from a hospital or other health-care facility.

~~E. Uses prohibited. Outside storage or warehousing of materials, except storage which is incidental and/or customary to the permitted uses, excluding temporary activities such as new construction activities. Incinerators shall not be a permitted use. Autoclaves, sterilization equipment and similar devices are not classified as incinerators for purposes of this prohibition.~~

D~~F~~. **Area** ~~Height~~ regulations.

(1) ~~The height of all buildings utilized or intended to be utilized for residential purposes shall not be greater than four stories measured from ground level in conformity with the provisions concerning yard regulations set forth below.~~ **The minimum area to request an Institutional Service District shall be 20 acres.**

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 150 feet.

(4~~2~~) **Height of buildings** ~~The height of all buildings utilized for nonresidential purposes~~ shall not be greater than 50 feet measured from ground level at the building's main entrance, excluding rooftop ancillary services (such as heating and air conditioning equipment, staircases or walkways, elevator shafts, and similar appurtenances).

~~G. Yard regulations. In the Institutional Medical District, a lot shall have front, side and rear yards of not less than the depth or width indicated below for any land development which involves the construction of a permanent structure:~~

(5~~1~~) ~~Front yard and side yard depth. Any building constructed in the Institutional Medical District shall be in conformity with a 60° lineal plane measured at the bottom of such plane at the applicable front and/or side property line. No portion of the building shall be permitted to break such lineal plane excepting such portions of the building which constitute gables, gabled dormers, rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, and similar appurtenances), signage, and/or facades. The requirement for side yard setbacks shall be decreased to the interior of the lots when lots have been combined into common ownership for a project which includes two or more lots.~~ **Minimum front yard setback shall be 30 feet**

(6) Side yards shall be a minimum of 20 feet with an aggregate of 50 feet.

(~~7~~2) ~~Rear yard width: 25 feet.~~ **Minimum rear yard setback shall be 50 feet.**

~~H. Lot coverage. The lot coverage, excluding areas paved and parking facilities, shall be no more than 60% of the area of the lot.~~

~~I. Off-street parking. Parking shall be provided in accordance with the provisions of the City of Milford Zoning Ordinance.~~

(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.

~~J.~~ **(10)** Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.4. - R-8 Garden Apartment and Townhouse District.

In an R-8 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-8 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-8 District shall be as follows:

(1) All uses permitted in an ~~R-1,~~ R-2 ~~and R-3~~ District~~, subject to its area regulations, unless otherwise indicated in this section as provided below:~~

(2) Single-family semidetached dwellings.

(3) Two-family dwellings.

(4) Townhouses.

(5) Garden Apartments.

~~(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.~~

~~(2) Garden, low-rise apartments, and condominiums subject to site plan review and the following requirements:~~

~~(a) The number of dwelling units per acre shall not exceed eight.~~
~~(b) Building coverage shall be a maximum of 20% for any lot developed for garden apartments, low-rise apartments and condominiums.~~
~~(c) Distance between groups of buildings shall be as follows:~~

~~[1] Each group of buildings shall be at least 25 feet from any other group of buildings.~~
~~[2] The distance between individual condominium buildings shall be a minimum of 16 feet.~~

~~(d) Minimum lot width on any public street shall be at least 50 feet.~~
~~(e) 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.~~
~~(f) A minimum of 40% of the total area developed for garden apartments shall be designated as open space. The Mayor and Council shall have the option to require all or a portion of the open space to be public open space or dedicated open space, with appropriate conditions for maintenance and use.~~

~~(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 eight.~~
~~(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 to any boundary line of a designated townhouse area of which the group is a part.~~
~~(e) There shall be within any contiguous group different architectural facades having varied 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 unless the Planning Commission and City Council approve an alternative design such as adjacent to a conservation easement, watercourse or other natural feature.~~
~~(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 40% of the total area developed for townhouses shall be designated as open space. The Mayor and Council shall have the option to require all or a portion of the open space to be public open space or dedicated open space, with appropriate conditions for maintenance and use.~~

C. Conditional uses subject to special regulations. The following uses and any conditional use allowed in R-1~~, R-2, and R-3~~ District~~s~~ 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 **and are subject to the area regulations for the R-1 zoning district unless otherwise noted below**:

(1) Rooming or boarding houses.
~~(2) Business offices for administrative purposes only.~~
(**2**~~3~~) **Business or** ~~P~~**p**rofessional offices (nonresident); minimum lot size one acre.

~~(4) Medical clinics; minimum lot size one acre.~~

(3~~5~~) ~~Sanatoriums or n~~Nursing homes; minimum lot size one acre.

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

(h) 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.

(i) 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 Manufactured 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 submitted with the final major subdivision application. All requests or recommendations shall be adhered to.~~

~~(8) Planned unit residential development.~~

D. ~~District~~ Area regulations.

~~(1) Allowable density shall be based upon the net developable land for any given parcel. Net developable land shall be equal to the gross acreage of the parcel minus nondevelopable acreage, including regulated state and federal wetland areas, the one-hundred-year floodplain as depicted on the most current FEMA panels and conservation easement areas.~~

~~(2) If a conflict arises between these regulations and any other part of the City of Milford's Code, as amended or the City of Milford's Subdivision Ordinance, [3] [1] the more restrictive density requirement shall apply.~~

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

(1) Single-family and two-family dwellings shall be subject to the following area regulations:

(a) Minimum lot area shall be 7,500 square feet.

(b) Maximum building coverage shall be 40%.

(c) Minimum lot width shall be 60 feet.

(d) Minimum front yard setback line shall be 30 feet.

(e) Side yards shall be provided as follows: Each lot shall have at least two side yards eight feet in width.

(f) 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.

(2) Single-family semi-detached.

(a) Minimum interior lot area shall be 4,000 squar efeet and minimum corner lot area shall be 6,500 square feet.

(b) Maximum lot coverage shall be 40%.

(c) Minimum lot width shall be 40 feet.

(d) Minimum front yard setback line shall be 30 feet.

(e) Side yards shall be provided as follows: each lot shall have at least one side yard setback per lot eight feet in width.

(f) 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.

(3) Townhouse.

(a) Minimum townhouse project size shall be one acre.

(b) Minimum lot area shall be 2,000 square feet.

(c) Maximum lot coverage shall be 60%.

(d) Minimum lot width shall be 20 feet.

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

(f) Minimum rear setback shall be 30 feet.

(g) Minimum side yard setback shall be 10 feet, aggregate of 30 feet.

(h) The number of dwelling units per group shall not exceed eight nor be fewer than three.

(i) The number of dwelling units per acre shall not exceed 8.

(j) 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.

(4) Garden or low-rise apartments.

(a) Minimum apartment project size shall be one acre, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(b) Maximum lot coverage shall be 80%.

(c) Minimum lot width shall be 50 feet.
(d) Minimum front yard setback shall be 30 feet.
(e) Minimum rear yard setback shall be 30 feet.
(f) Minimum side yard setback shall be 20 feet.
(g) The maximum number of dwelling units per building shall be 24.
(h) The number of dwelling units per acre shall not exceed 8.
(i) Distance between buildings or group of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or groups of buildings.

(5) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
(6) Parking shall comply with the requirements provided in Article IV of this chapter.
(7) Signs shall comply with the requirements provided in Article VI of this chapter.
(8) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(9) Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.
(10) Accessory structures for non-residential uses in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(11) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
(12) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.5. - Source Water Protection District.

A. The purpose of the Source Water Protection District is to protect public health and safety in the City of Milford by minimizing contamination of aquifers, preserving, and protecting existing and potential sources of drinking water supplies. The district shall be established in delineated wellhead protection areas around all public water wells and excellent groundwater recharge potential areas located within the corporate limits of the City of Milford.

B. Superimposed district; effect on other provisions.

(1) To enable the Source Water Protection District to operate in harmony with the land use component of the City's Comprehensive Plan, subdivision and zoning regulations, the Source Water Protection District is created as a special district to be superimposed on other districts contained in the City of Milford's Zoning Ordinance.

(2) The requirements and provisions established in this district shall prevail over conflicting requirements of the zoning and subdivision ordinances.

C. Source water protection area maps

(1) Overlay maps prepared or provided by the Department of Natural Resources and Environmental Control (DNREC) delineating wellhead protection and excellent groundwater recharge potential areas in the City of Milford are included as a part of the City's Official Zoning Map and shall be designated as the Source Water Protection District.

(2) The maps shall be utilized by the administrative official in determining whether a lot or parcel lies within the source water protection district as described in Subsection D of this section. The lack of an indication on this map as to whether certain property is within or outside of the boundaries of this overlay district shall not be constructed as a conclusive determination that said property is within or outside the boundaries of the source water protection overlay district.

Rather, the controlling factor in making such a determination shall be the description contained in Subsection E of this section.

D. Source water protection standards.

(1) For a confined wellhead, the wellhead protection area shall be 150 feet from the wellhead.

(2) For an unconfined wellhead generating fewer than 50,000 gallons a day, the wellhead protection area shall be 150 feet from the wellhead.

(3) For an unconfined wellhead generating greater than 50,000 gallons a day, the wellhead protection area shall be delineated by the State of Delaware, Department of Natural Resources and Environmental Control, Division of Water Resources, Source Water Assessment and Protection Program.

(4) The area contained within a source water protection area shall be divided into zones:

(a) Zone 1: a surface area extending in a radius of 150 feet around the wellhead.

(b) Zone 2: the remaining surface area of a delineated wellhead protection area outside of Zone 1.

(c) Zone 3: excellent groundwater recharge areas.

(5) Zone 1 requirements.

(a) Permitted uses.

[1] Infrastructure, equipment, buildings, access and other uses associated with the well, distribution and treatment facilities of the water system and their maintenance.

[2] Wells existing prior to December 31, 2007. No other structures or uses shall be permitted in Zone 1 unless the application, which shall demonstrate the proposed structure or use will not harm or potentially harm the public drinking water supply, is approved as a conditional use by City Council.

(b) Prohibited uses.

[1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas

(6) Zone 2 requirements.

(a) Permitted uses.

[1] Uses permitted in the underlying zoning district may be permitted under an approved conditional use that protects the public drinking water supply for the City and meets the minimum requirements for stormwater management, impervious cover, above ground and underground storage tanks.

(b) Prohibited uses.

[1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas

(c) Stormwater management.

[1] Stormwater shall be treated by an approved stormwater quality management practice in accordance with current requirements of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.

[2] For all new construction, all structures shall be required to discharge roof drains into recharge systems. Recharge systems shall be in accordance with section 10.0 of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.

(d) Impervious cover.

[1] Wellhead protection areas should not exceed 20% impervious cover. New development in this zone may exceed the 20% impervious cover threshold within wellhead protection areas, but shall be no more than 50% impervious cover, provided the applicant submits an environmental assessment impact report as provided for in Subsection 230-19.5F indicating the additional impervious area will not have an adverse impact on the drinking water supply.

(e) Underground storage tanks (UST).

[1] Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and residential and agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems, or as later revised. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

[2] Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA § 101(14) shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

(f) Above ground storage tanks.

[1] Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in a delineated wellhead area if the ASTs are designed, constructed, operated and maintained with the applicable requirements in the Delaware Regulations Governing Aboveground Storage Tanks.

(7) Zone 3 requirements.

(a) Permitted uses.

[1] Uses permitted within the underlying zoning district unless prohibited by this section.

[2] Hazardous waste storage, treatment, and disposal facilities, hazardous waste generators, sanitary and industrial facilities as defined in the Delaware Regulations Governing hazardous waste, vehicle repair, salvage operations, waste sludge storage or application, solid waste landfills, tire piles and dredge spoil sites shall not be permitted in Zone 3.

(b) Prohibited uses.

[1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas

(c) Stormwater management and impervious cover.

[1] There are no requirements contained in this section in order for the development to occur provided the impervious cover of that portion of the parcel within the excellent recharge area is 35% or less.

[2] Impervious cover of that portion of the parcel within the excellent recharge area that is greater than 35% but no more than 60% is allowed provided the applicant demonstrates through a report prepared by a registered professional geologist or registered professional engineer familiar with the hydro geologic characteristics of the City of Milford and the surrounding areas using climatic water budget that post-development recharge quantity will meet or exceed the existing (pre-development) recharge quantity. Efforts to mitigate discharges to pervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges. These practices shall address water quality as well as overall water quantity.

[3] For all new construction, infill, and redevelopment within the town center as defined in Figure 14D, Neighborhood Map-Town Center, as it is delineated in the 2008 Comprehensive Plan impervious cover may exceed 60%. All structures are required to discharge roof drains into underground recharge systems or permeable surfaces that allow discharges to infiltrate into the ground. The site plan is to consist of BMPs that include such items as pervious pavers, pervious concrete and infiltration practices designed to assure that recharge is maximized. The practices shall address water quality as well as overall water quantity.

[4] Discharge from roof drains, containment areas or impoundments that have run-off from an area that may contain contaminants from mechanical systems shall be segregated and treated prior to discharge.

(d) Underground storage tanks (UST).

[1] Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and residential and agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems, or as later revised. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

[2] Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA §101(14) shall be permitted in Zone 3 if the USTs are designed, constructed, maintained and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

(e) Above ground storage tanks.

[1] Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than

39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in Zone 3 if the ASTs are designed, constructed, operated and maintained with the applicable requirements in the Delaware Regulations Governing Aboveground Storage Tanks.

Table 01: Land Use Restrictions and Uses Source Water Protections Areas.

Activities shall be subject to the land use restrictions contained within this [article] that will protect the quality and quantity of ground water supplies. All uses not permitted in the underlying zone district are prohibited.
No - Prohibited
Yes - Allowed
C - Conditional

Land Use	Well Head Protection Area		Excellent Ground-Water Recharge Potential Area
	Zone 1	Zone 2	Zone 3
Aboveground Storage Tanks	NO	C	C
Automobile body/repair shop	NO	NO	C
Chemical processing/storage facilities	NO	NO	C
Dredge Spoil Sites	NO	NO	C
Dry cleaner	NO	NO	NO
Electrical/electronic manufacturing facility	NO	NO	C
Equipment maintenance/fueling areas	NO	NO	C
Fleet/trucking/bus terminal	NO	NO	C
Gas station	NO	C	C
Hazardous Waste: Treatment, Storage & Disposal Facilities	NO	NO	C
† Dry Wells/sumps	NO	C	YES
†† Injection wells	NO	C	C
Junk/scrap/salvage yard	NO	NO	NO
Machine shop	NO	NO	C
Metal plating/finishing/fabricating facility	NO	NO	C
Mines/gravel pits	NO	NO	C
On-Site wastewater treatment and disposal systems	NO	NO	C
Salvage operations	NO	NO	NO
Sanitary and Industrial Landfills	NO	NO	NO
Tire Piles	NO	NO	NO

Underground storage tanks	NO	C	C
Vehicle repair	NO	NO	C
Vessel storage	NO	NO	C
Waste sludge storage or application	NO	NO	C
Wood preserving/treating facility	NO	NO	NO

† Dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell
†† Injection wells other than those used in the remediation of ground water contamination that inject oxygen-releasing compounds

E. Boundary determination for source water protection areas.

(1) All subdivision and land development plans depicting development or land disturbance submitted for City review shall be evaluated for the existence of source water protection areas. All such areas are as depicted on source water protection area maps maps/overlays are available from Delaware Department of Natural Resources and Environmental Control (DNREC), Division of Water Resources, Source Water Assessment and Protection Program (SWAPP). If a SWPA exists within a proposed development site, the boundaries of these areas shall be delineated on the plan by the applicant's State of Delaware professional engineer or professional geologist.

(2) DNREC SWAPP may, when based on sound science and information, revise and update the overlay maps of wellhead protection areas.

(3) The Delaware Geological Survey (DGS) may, when based on sound science and information, revise and update the overlay maps of good or excellent groundwater recharge potential areas.

(4) When there appears to be a conflict between the mapped boundary and actual site conditions, the applicant may engage the services of professional geologist to prepare a report intended to determine more accurately the precise boundary of the source water protection area. The Report shall include:

(a) A detailed topographic layout of the subdivision and/or area to be developed and prepared by a state-registered professional land surveyor or professional geologist;

(b) Evidence derived from a site-specific investigation that may include aquifer testing, test borings, test pits, observation wells, groundwater elevations, and topography surveys as appropriate for the type of source water protection area that clearly demonstrates that the area in question does not meet the definition of a source water protection area as defined.

(c) Any challenges to the delineations of the good or excellent groundwater recharge potential areas must follow the methods used in the Delaware Geological Survey publication: Report of Investigations No. 66, Groundwater Recharge Potential Mapping in Kent and Sussex Counties, Delaware. The challenge must be approved by DGS and DNREC SWAPP.

(d) Notwithstanding any other section of this chapter, if an owner initiates a precise boundary delineation pursuant to this section, any and all time review limitations shall be stayed pending the submission of the complete report contemplated by this section. Following submission of the report and all supporting documents, DNREC shall have 90 days to finally approve or disapprove the exploratory sketch plan submission or such further time as deemed necessary by the Department, but not to exceed an additional 90 days.

F. Environmental impact assessment report.

(1) New development may exceed the 20% impervious cover threshold within the Source Water Protection Area Zone 2, but be no more than 50% impervious, provided the applicant submits an environmental assessment report including a climatic water budget and systems to augment recharge that assure water quality as well as quantity. The environmental impact assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

(2) Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey pretreated rooftop runoff for infiltration to groundwater. Refer to Supplement 1, entitled Groundwater Recharge Design Methodology, for the details of how to design recharge facilities in Delaware source water protection areas.

(3) A Delaware registered professional engineer and/or professional geologist prepares an environmental assessment report, usually containing the following elements of planning, design, construction, and maintenance of groundwater recharge facilities:

(a) Site description of proposed development within the water resource protection area.
(b) Climatic water balance comparing predevelopment and postdevelopment recharge potential.
(c) Subsurface exploration, including borings, test pits, and infiltration tests.
(d) Design of groundwater recharge facilities that assure water quality as well as quantity.
(e) Construction and maintenance considerations.
(f) Recommended groundwater monitoring plan.
(g) Water management agreement between the applicant and the town, city, or county providing for monitoring and maintenance of the recharge system. The applicant will abide by the Groundwater Management Agreement as written in DNREC Supplement 1 to the Source Water Protection Guidance Manual for the Local Governments of Delaware: Groundwater Recharge Design Methodology, dated May 2005 or as later revised.

G. Nonconforming uses. Nonconforming uses may continue in a source water protection area in the form in which they existed at the time of the adoption of this section, unless they pose a direct hazard to the City's water supply, as determined by the Water and Wastewater Department upon advice from the Delaware Division of Public Health, or are causing some foreign substances (oil, salts, chemicals, or other substances) to be introduced into the City's water supply, as determined by the Water and Wastewater Department upon advice from DNREC's Division of Air and Waste Management and/or Division of Water Resources. In the latter case, the Building Department shall issue a mandatory cease and desist to stop the offending activity within the area. Nonconforming existing underground or aboveground storage of oil, petroleum, and petroleum products shall require secondary containment pursuant to the State of Delaware regulations governing underground storage tanks or for aboveground storage of petroleum products secondary containment facilities capable of capturing the material stored on the site, for existing facilities that are proposed either to be upgraded or replaced.

H. Replacement and new wells.

(1) The replacement of any existing public water supply well that was not required to meet this wellhead protection requirement at the date of its original installation and that has failed shall be exempt from meeting this wellhead protection requirement.

(2) All public water supply wells within a housing development, subdivision, or strip development recorded on or after the implementation of the Delaware Regulations Governing the

Construction and Use of Wells, dated April 6, 1997, or as later revised, shall be located at least 150 feet within the subdivision's or development's outermost property lines.

§ 230-19.6. - Transfer of development rights.

A. In recognition of the pressure to develop rural agricultural areas where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive and architecturally and culturally significant land threatens the character and quality of life that residents of the Milford area expect, a Transfer of Development Rights Program has been established.
B. Areas considered to be sending areas for transferred development rights are identified in the Comprehensive Plan and SE Master Plan as TDR Sending Areas, and are outlined in Section 200-10 Paragraph D.
C. Areas considered to be receiving areas for transferred development rights are identified in the Comprehensive Plan and SE Master Plan as TDR Receiving Areas, and are outlined in Section 200-10 Paragraph E.
D. The Official Map may be amended by City Council to allow Receiving Areas to be zoned R-8 Garden Apartment and Townhouse District if the developer participates in the TDR program and purchases TDR credits. Amendments to the zoning map shall follow the procedures outlined in Chapter 230-58.

§ 230-19-7. – Open space, recreation and other public facilities.

The City of Milford shall require the reservation of open space, recreation and other public facilities in accordance with the provisions of this section as a condition of approval for all one-family dwelling, two-family dwelling and multiple-family dwelling residential developments requiring major subdivision or site plan approval from the City Planning Commission or City Council.

A. Recreation areas.

(1) Purpose. The purpose of this section is to ensure that active recreation areas are provided as an integral design element within residential developments and that such facilities are of an adequate scale in relation to the size of the residential development and which provide residents with a variety of active recreational pursuits.
(2) Dedication required. The City shall require the dedication or reservation of recreation areas, and the subsequent construction of recreation facilities of a character, extent and location suitable to the needs created by a development for recreation facilities as defined and in accordance with the design guidelines set forth.
(3) Definition. The following are illustrative of the types of recreation areas and subsequent facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the recreation area requirements of this section: tennis courts, handball courts, racquetball courts, swimming pools, saunas and exercise rooms, meeting or activity rooms within clubhouses, baseball and soccer fields, basketball courts, volleyball courts, swings, slides and play apparatus, and developed walking, jogging or biking trails.
(4) Design guidelines.

(a) Accessible. Recreation areas shall be accessible within the development and arranged in a manner which affords reasonable access to all residents within the development. When warranted, recreation areas can be dispersed

throughout the development, provided that each remote location is accessible.

(b) Pedestrian oriented. Recreation areas shall be pedestrian oriented and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

(c) Age oriented. The nature and scope of planned recreation areas shall reflect an awareness of, and sensitivity toward, the anticipated age groups that would reside within the proposed development.

(d) Parking. Designs consider the need for parking facilities associated with recreation areas.

(e) Walking, jogging and biking trails. Recreation trails shall only be counted toward the recreation area requirement when constructed as an accessory to central recreation facilities. The developed trail shall be the only area counted toward the area requirement.

(f) Setbacks. No structure, equipment or game court surface required under this section shall be located nearer than 30 feet to any lot line of a lot to be used for residential purposes, nor nearer than 25 feet from any right-of-way line.

(g) Landscaping. Where warranted, visual screening of parking areas, game courts, playground areas and other features as necessary to preserve and protect the interests of adjoining residential properties may be required.

(h) Area. The minimum area of a remote recreation area shall be 2,000 square feet.

(5) Area required. All residential developments shall provide recreational areas in a size equal to 275 square feet per dwelling unit or one-half acre of land, whichever is greater. In no case shall the City require that more than ten percent of the gross area of the development be so dedicated or reserved when the gross area is greater than five acres.

(6) Cash in lieu of recreation area construction.

(a) Determination of suitability for cash donation. If the City determines that the construction of recreation is not practical due to close proximity to existing available recreation facilities or infeasible due to natural characteristics of the land or will not benefit the residents of the development, the City shall require a full or partial cash in lieu of areas of donation to be made by the developer in lieu of a full or partial dedication of land.

(b) Separate recreation account. The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

(c) Amount of cash donation. The total amount of cash-in-lieu of active recreation open space shall be equivalent to the appraised pre-improvement value of the land area required. The appraised pre-improvement value shall be based upon an appraisal of the subject property completed at the applicant's expense within six months prior to the date of request for consideration of cash in lieu of recreation area. If the City and/or the applicant do not agree on the land value estimate established by the appraisal, a new appraisal shall be performed by an independent third-party professional real estate appraiser at the applicant's expense. This appraisal shall be awarded on a competitive bid

basis to a qualified, certified appraiser that submits the lowest bid. The City shall manage the bid process.

(d) Payment of cash donation. One hundred percent cash donation provided under this section shall be collected prior to issuing the first building permit for the development.

B. Passive Open space.

(1) Purpose. The purpose of this [sub]section is to preserve areas of open space within residential developments which are designed to provide buffer spaces between developing areas, to preserve existing natural and historic features and to establish a network of open spaces within the built environment to provide a balance between developed and undeveloped lands, wildlife habitat conservation, the preservation of scenic view corridors, and to provide residents opportunities to engage in passive recreation activities.

(2) Dedication required. The City shall require the dedication of open space for the purpose of buffering, landscaping and preservation of natural features which add value to the residential development and to the surrounding community.

(3) Definition. Open space shall include land or an area of water, or combination of land and water, within a development site, and designed and available for the use and enjoyment of residents of the development, not including off-street parking, areas set aside for public facilities and rights-of-way, and areas to be preserved as wetlands and floodplains as required. The following are illustrative of the types of open space areas that shall be deemed to serve buffering and preservation of natural features to count toward satisfaction of the open space requirements of this [sub]section: mature forests and groves, hedge rows, water courses, riparian buffers, historic landmarks and resources, landscaped buffers and berming designed to promote privacy, open landscaped areas suitable for being used and enjoyed for purposes of informal and unstructured recreation and relaxation, stormwater detention ponds when suitably designed to emulate natural features by incorporating irregular shapes, gradual slopes (no greater than 1:4) and appropriate landscape plantings, and irreplaceable environmental assets with values that have been adequately documented.

(4) Design guidelines.

(a) Width. Land areas shall be at least 20 feet in width.

(b) Clearing. Selective clearing of natural vegetation may be permitted to form trails and clearings within woodland areas in accordance with the provisions of Chapter 230-19.8 (tree planting and preservation).

(c) Linked. Open spaces shall attempt to be contiguous and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

(5) Area required. In no case shall the City require that more than five percent of the gross area of the development be so dedicated or reserved.

C. Public facilities.

(1) Purpose. The purpose of this [sub]section is to afford the City the opportunity to reserve lands within developing areas which represent important and strategic locations for the distribution of essential public goods and services, such as potential educational facilities, emergency services, and recreational facilities. The Parks and Recreation Department shall advise City Council of any proposed subdivision or site plan that includes lands proposed for use as public parks to be operated by the City.

(2) Dedication optional. Where public facilities are shown or proposed in the City comprehensive plan, or in any other plan or study accepted by the City Council or other public body, and are located in whole or in part in a proposed subdivision or site plan, the City may require the dedication or reservation of the area required in lieu of the requirements of [sub]section 19.7(A).

(3) Definition. The following are illustrative of the types of public facilities that may be considered for reservation or dedication by this [sub]section: schools, utility service lines, future road rights-of-way (other than those planned to serve the proposed development), public buildings, parks, public trails, and recreation facilities.

(4) Area required. In no case shall the City require that more than five percent of the gross area of the development be dedicated for the public facility. Area dedications shall only be allowed when the facility is to be dedicated to the City of Milford for facilities to be operated by the City.

(5) Reservation. Any areas required by any other public bodies or any remaining areas beyond the five percent dedicated to the City under this [sub]section may be set aside by the City for a period of one year to allow the proper authority the opportunity to purchase the area. Upon failure of the proper authorities to purchase such site within one year after the date of the final approval of the project, the developer, upon application, shall be relieved of the responsibility of reserving such land for public purposes.

D. Management and maintenance of common open space and recreational areas.

(1) Management and maintenance required. There shall be provisions which ensure that the common open space land and all public facilities not dedicated to the City of Milford shall continue as such and be properly maintained. These provisions shall be in a form acceptable to the City of Milford. The developer shall either (a) retain ownership and responsibility for maintenance of such open land; or (b) provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of (b) above, each organization shall be a nonprofit homeowners' corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

(2) Homeowners' association requirements. If a homeowners' association or open space trust is formed, it shall be governed according to the following:

(a) Membership mandatory. Membership in the organization is mandatory for all purchasers of homes therein and their successors. The members of the organization shall share equitably the costs of maintaining and developing common open space and recreation areas, in accordance with procedures established by them.

(b) Responsibilities. The organization shall be responsible for maintenance, insurance and taxes on common open space, recreation facilities and open

public facilities, including but not limited to roads, gutters, sidewalks, curbs, drainage systems, water distribution systems and sewer facilities not dedicated to the City of Milford.

E. Exemption to recreation area and open space dedication.

(1) Exemptions for small developments.

(a) Residential developments with less than five acres of land and less than ten dwelling units. These developments shall be exempt from the land requirements set forth in [sub]sections A and B, but shall require a full cash donation to be made by the developer in lieu of a dedication of land.

(b) Residential developments with less than five acres of land and between 10 and 20 dwelling units. These developments may be exempt from the one-half acre minimum requirement for recreation areas, but may be required to provide a lesser amount as recommended by the City Council. The City shall require a full or partial donation in lieu of a full or partial dedication of land.

(c) Residential phases. Phases or sections within developments that are commonly owned or commonly proposed for development shall not be considered as individual residential developments qualified for exemptions under this [sub]section.

(2) Amount of cash donation. The total amount of cash-in-lieu of active recreation open space shall be equivalent to the appraised pre-improvement value of the land area required. The appraised pre-improvement value shall be based upon an appraisal of the subject property completed at the applicant's expense within six months prior to the date of request for consideration of cash in lieu of recreation area. If the City and/or the applicant do not agree on the land value estimate established by the appraisal, a new appraisal shall be performed by an independent third-party professional real estate appraiser at the applicant's expense. This appraisal shall be awarded on a competitive bid basis to a qualified, certified appraiser that submits the lowest bid. The City shall manage the bid process.

(3) Separate recreation account. The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

(4) Payment of cash donation. One hundred percent cash donation provided under this [sub]section shall be collected prior to issuing the first building permit for the development.

F. Construction phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that 100 percent of the recreation and open space areas shall be completed prior to issuing building permits for the final 20 percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

§ 230-19-8. – Tree Planting and Preservation.

A. *Purpose.* The purpose of this section is to establish standards and requirements for the protection and planting of trees and woodlands because it is recognized that woodlands and trees are not only desirable, but are essential to the health, safety, and welfare of the

population in that they provide oxygen, reduce carbon dioxide, stabilize soil, cleanse the air by transpiring clean water into the atmosphere, cleanse water passing into the ground through the root system, provide protection for wildlife and their habitats, provide shade, reduce noise and glare, increase property values, and provide an important physical, aesthetic, and psychological balance to the built environment.

B. *Definitions.*

Caliper dimension. The term "caliper dimension" means an outside diameter measurement of the trunk of a tree measured at a vertical distance of three feet above grade.

Clearing. The removal of trees from an area of 5,000 square feet or greater, whether by cutting or other means. The term "clearing" shall not include the removal of trees for landscaping purposes by individual lot owners.

Development area. The area containing all new site features (buildings, parking and drive areas, pedestrian walks, stormwater management areas, buffer areas etc. but not underground utilities) proposed by a plan. The development area shall be delineated using property lines and lines run straight across the property from one property line to another without bending or curving.

Design professional. The term "design professional" shall be any person licensed as a landscape architect or architect, or Delaware certified nursery professional.

Dripline. A line on the ground established by a vertical plane extending from a tree's outermost branch tips to the ground, i.e., the line enclosing the area directly beneath the tree's crown, from which rainfall would drip.

Tree. Any self-supporting, woody perennial plant, usually having a main stem or trunk and many branches and at maturity normally attaining a trunk diameter greater than three inches at any point and height of over ten feet.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this section. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Woodland. An area of contiguous wooded vegetation (7,500 square feet or greater), where trees exist at a density of at least one tree with a caliper dimension of six inches or greater per 375 square feet of land and where the tree branches form a contiguous canopy.

C. *Applicability.* The terms and provisions of this section shall apply to any activity on real property which requires conditional use, site plan or subdivision approval of the Planning Commission or City Council as set forth in Chapter 200 and Chapter 230, except the provisions in [sub]section 19.8(D) which shall apply to all real property.

D. *Tree preservation.*

(1) *Trees required by the City to be replaced.* Trees required by the City as a part of a conditional use, subdivision, or site plan approval shall not be removed unless they are diseased or infested, or present a danger to life and property. In cases where such trees are removed, they must be replaced with a tree planting in accordance with the table of trees standards kept in the Planning Department.

(2) *Trees of special value.* Trees having a historic value, as determined by the state historic preservation officer, or that are of an outstanding nature due to type or species, age, or other professional criteria, may be required by the City to be preserved. Such trees may be prohibited from being removed by the Planning Director until such time that the City has granted approval to remove such trees.

(3) *Tree preservation in wetlands.* No portions of wetland areas shall be developed or cleared of vegetation unless granted permission under state and/or federal permit; and they shall remain as essentially undisturbed areas protected under the provisions set forth in Chapter 230.

(4) *Clearing prohibited without approval.* Clearing, as defined by this section, for any purpose whatsoever, except the establishment of trails and pathways (not greater than eight feet in width) and open yard areas, shall be prohibited unless approved by the City through the site plan, conditional use, or subdivision review process.

E. *Woodland preservation.*

(1) *Tree preservation and selective clearing plan required.* All site development proposals which involve the development of woodland areas and require City approval shall include a tree preservation and selective clearing plan as part of the preliminary submission plan. The tree preservation and selective clearing plan shall be prepared in accordance with the provisions of subsection 19.8(E), subsection 19.8(G) and subsection 19.8(H) of this section.

(2) *Limited clearing for site development allowed.* Generally, site development plans for the construction of a new building within existing woodland areas shall limit clearing of the land to those areas necessary to provide for the placement of the building or group of buildings, adequate access onto the property and to the proposed building or group of buildings, utility placement, off-street parking and yard areas to allow for daylight infiltration and building maintenance. When woodland areas are proposed to be cleared to allow for new construction, clearing within the area of the proposed construction shall be limited to an area of 30 feet from proposed building foundation, and 15 feet from off-street parking lots, and utility placement.

(3) *Maximum clearing requirement.* Specifically, no more than 50 percent of a lot, parcel or tract of land occupied by woodland vegetation may be cleared for any purpose.

F. *Tree preservation and planting in nonwoodlands.*

(1) *Tree preservation and planting plan required.* All developments requiring approval of the City shall be required to submit, with its application and plans, a tree preservation and planting plan as set forth in subsection 19.8(H), and shall conform with the following provisions.

(2) *Tree density.* For each property required to submit a tree preservation and planting plan, a development area as defined in this section shall be delineated within the nonwoodland area of the property. Within this development area, existing trees may be retained and new trees shall be planted such that the development area shall attain or exceed a tree density of one tree per 3,000 square feet or fraction thereof.

(3) *Minimum standards for new trees.* For new trees to be counted toward the required tree density, they must be of a species and size as set forth in the table of trees approved by the City and kept on file in the office of the Planning Director, or be of an alternate species found acceptable by the City.

(4) *Minimum standards for existing trees.* For existing trees to be counted toward the required tree density, the tree shall have a minimum caliper dimension of two inches. No trees over eight inches in caliper dimension shall be removed unless within an area

of 30 feet from the proposed building foundation, off-street parking lot, and utility placement.

G. *Tree protection and planting requirements.*

(1) *Application.* The following guidelines and standards shall apply to activities regulated under Chapter 200 or Chapter 230:

(2) *Protection required.* To protect the required trees or woodland and their critical root zone, a tree protection area delineated by the dripline of a tree or group of trees to be retained, shall be established. The protection area shall not be disturbed by site utility and grading work, by construction activities such as parking, material storage, concrete washout, sedimentation intrusion or erosion, or other activity. Damage to trees or woodlands and their critical root zones shall require tree plans to be revised to compensate for the loss as determined by the City Arborist or a qualified professional/consultant.

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(3) *Protection measures.* Tree protection areas shall be protected by fencing, staking, or continuous ribbon and, where necessary, silt screens which shall be situated to coincide with the dripline of the tree or group of trees to be preserved. Protection measures shall be erected prior to construction, and must remain until final landscaping is installed.

(4) *Planting requirements.* New trees proposed to be planted for credit toward the density requirement shall have spacing that is compatible with the spatial site limitations and with responsible consideration toward species size when mature. Species selected for planting must be ecologically compatible with the specifically intended growing site. Trees selected for planting shall be free from injury, pest, disease, and disorders.

H. *Tree preservation, planting and selective clearing plans.*

(1) *Plan specifications.* A tree preservation and planting plan or a preservation and selective clearing plan, prepared by or in conjunction with a design professional, shall be shown on a copy of a preliminary major subdivision plat, or site plan, as appropriate to the proposed development, drawn to the same scale and covering the same area as the other plan documents prepared for the Planning Commission or City Council meeting. The plan may be combined with a required buffer and landscape plan for the project, at the option of the developer. The plan shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this section will be fully satisfied.

I. *Tree mitigation.*

(1) *City Council or Planning Commission waiver.* The City Council or Planning Commission may waive the provisions of subsections 19.8(E)(2), 19.8(E)(3), and 19.8(F)(2), and require replacement planting for mitigation purposes should the City Council or Planning Commission determine, after demonstration by the applicant, that due to physical limitations of the land which would otherwise prohibit the reasonable use of the land, or for purposes of preserving, protecting and promoting the interest of public health, safety, welfare and/or public convenience. All tree mitigation plantings

must occur within the corporate limits of the City of Milford. Tree mitigation may occur off-site in accordance with the provisions listed below in this ordinance:

(a) If a waiver is sought from the provisions of subsection 19.8(F)(2), new tree plantings are required at a rate of 1:1. All new tree plantings shall meet the minimum size at planting requirements of the City of Milford table of trees.

(b) If a waiver is sought from the provisions of subsection 19.8(E)(2) and/or subsection 19.8(E)(3), then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for the consideration of the City Council or Planning Commission.

(c) All tree mitigation must occur on-site unless an off-site location is specifically approved by the City Council or Planning Commission. When considering off-site locations for tree mitigation, the City Council or Planning Commission shall consider:

[1] A physical hardship related to the land which would otherwise prohibit compliance on the subject site.

[2] Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quality, or aesthetic qualities compared to strict compliance with the ordinance on-site.

(2) *Tree mitigation required for unauthorized clearing.* In the event that trees or woodland areas to be preserved under this ordinance or as a condition of a site plan, subdivision, or conditional use approval are illegally removed, tree mitigation shall be required. All tree mitigation plantings must be placed on the same lot, parcel, or tract on which the illegal clearing occurred. All replacement trees must be of the same or a similar variety as the trees illegally removed.

(a) If trees have been removed from non-woodland areas, new tree plantings shall be provided in accordance with the table below:

Caliper Dimension of Trees Removed	Number of Trees Required	Caliper dimension at Planting
25" or larger	5 trees	3"
17" to 24"	3 trees	3"
9" to 16"	3 trees	3"
8" or less	2 trees	3"

* *Note*—All trees replanted must be guaranteed to survive a minimum of one year.

(b) If trees have been removed from woodland areas, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.75 times the amount of woodlands that were illegally removed.

The woodland unlawfully removed must be replanted to satisfy a portion of this requirement. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for review and approval by the Planning Director.

(c) If the applicant wishes to provide replacement plantings on any property other than the one on which illegal clearing occurred, the mitigation plan must be reviewed and approved by the City Council or Planning Commission. When considering off-site locations for tree mitigation, the City Council or Planning Commission shall consider:

[1] A physical hardship related to the land which would otherwise prohibit compliance on the subject site.

[2] Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quality, or aesthetic qualities compared to strict compliance with the ordinance on-site.

(3) The City Council or Planning Commission may require tree mitigation areas to be planted in permanent conservation through deed restrictions, conservation easements, or donations to land trusts.

§ 230-19.9 – Planned Unit 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 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.

C. Density. A planned unit 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 as outlined in the below table.

Zoning Category	Minimum Lot Area
R-1	10,000 square feet
R-2	8,000 square feet
R-3	3,630 square feet
R-8	3,630 square feet

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 City Council.

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 City Council. Maximum height shall not exceed 48 feet and four stories maximum.

E. A planned unit 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, unless otherwise specifically approved by City Council as part of the conditional use approval.

(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 80% 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.

G. Planned Unit Developments are subject to the Recreation, Open Space and other Public Facilities sections of this Chapter.

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

~~A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:~~

~~(1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.~~
~~(2) Be attractively landscaped and screened from neighboring residential lots.~~
~~(3) Not extend into any required front yard areas, except for the driveways.~~
~~(4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.~~

A~~B~~. Parking space size. Parking space sizes shall be in accordance with § 230-21.

B~~C~~. Parking spaces in **residential** driveways **and garages**. Driveways **and garages** shall be considered as constituting off-street parking space for one-family detached, semidetached**,** ~~or~~ townhouse **and multi-family** dwellings ~~in residential districts~~, provided that **the driveway shall be a minimum of 10 feet in width with a curb cut no greater than 20 feet in width and such driveways and garages meet the minimum requirements for off-street parking outlined in this section. Residential driveways must be constructed with an approved dustless surface such as asphalt, concrete, pavers or other material that will not wash away or emit dust into the air.** ~~sufficient space is available in such driveways to meet the requirements of this section.~~ **Residential driveways shall provide a minimum of two feet of separation between the driveway and the side property line, unless a cross-access easement agreement is provided between property owners for a shared driveway. Driveways for corner lots shall be located off of the street with a lesser road classification as determined by the Planning Director and shall be located as far away from the intersection as practically possible. Curb cuts shall be constructed as required by the City Construction Standards and shall be limited to the frontage of the lot served.**

C~~D~~. Location of parking spaces **within parking lots**. All parking spaces shall be set back 15 feet from any street line **and 5 feet from any property line**. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

D~~E~~. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.

E~~F~~. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking **in this zoning district.** ~~areas for downtown shoppers. The location of the municipal parking lots are:~~

~~(1) North Walnut Street and Northeast Front Street.~~
~~(2) Park Avenue and Northeast Front Street and Denney Row.~~
~~(3) Park Avenue and North Washington Street.~~
~~(4) Southeast Front Street between South Walnut Street and Church Street.~~
~~(5) Southeast Front Street and South Washington Street.~~

F~~G~~. ~~Parking lot and garage maintenance.~~ **Parking lots. Whenever a parking lot is located across the street from a residential use, it shall be edged with low-profile evergreen hedge planting located along a line drawn parallel to the street and a distance of 10 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street.** Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.

G~~H~~. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.

H~~I~~. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from

the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.

I~~J~~. **Non-residential** ~~P~~points of ingress and egress. ~~When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress.~~ Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than ~~25~~ 24 feet and not more than 32 feet in width **when the entrance requires two-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road. Such accessway shall not be less than 12 feet in width when the entrance is for one-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road**. No two accessways on the same lot shall be placed within 75 feet of each other. **The entrance shall be setback 5 feet from any adjoining property line unless otherwise noted under the conditional use requirements.**

J. All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.

K. All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The Planning Director may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Parking blocks are required at the head of all parking spaces where curb is not provided. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence. Buildings and sidewalk shall be protected by upright concrete curing at least six inches in height, bollards or other object approved by the Planning Director that demonstrates protection of pedestrians and property.

L. Parking Lots: Interior Landscaping. To reduce the visual impact of large expanses of parking and to create a more pedestrian-friendly environment, interior parking lot landscaping is required. Green space in the form of landscape islands and/or peninsulas are required to break up rows of parking spaces as follows:

(1) If the total number of parking spaces is less than 100, the minimum requirement is:

(a) Islands at both ends of each row of parking (minimum of 9' x 18').

(b) One island or peninsula (minimum of 9' x 18') for every 10 contiguous spaces.

(c) No more than two (2) contiguous bays (four total rows) without a 9' wide island separating the two (2) bays from additional parking bays or drive aisles.

(d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.

(2) If the total number of parking spaces is 100 or greater, the minimum requirement is:

(a) Islands at both ends of each row of parking (minimum of 9' x 18').

(b) One island or peninsula (minimum of 9' x 18') for every 12 contiguous spaces.

(c) No more than three (3) contiguous bays (six total rows) without a 9' wide island separating the three (3) bays from additional parking bays or drive aisles.

(d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.

M. Bicycle Parking Facilities. All parking facilities containing less than ten (10) parking spaces shall provide one bicycle rack with no less than five (5) spaces. For parking facilities with ten (10) or more parking spaces, five (5) bicycle spaces plus one (1) per every twenty (20) parking spaces shall be provided, not to exceed more than twenty (20) bicycle parking spaces in any one facility. The Planning Commission or City Council may waive the requirement for the bicycle parking if it is

demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.

N. Illumination. Parking lots shall be property illuminated per the most recent version of the Illuminating Engineering Society (IES) Standards.

O. Parking of vehicles on unpaved surfaces within the front yard of all districts shall be prohibited. Exception: emergency vehicles.

P. Garbage Enclosure. Commercial, industrial, institutional or residential multi-family sites shall provide trash enclosures to adequately serve the proposed uses. Enclosures shall be conveniently placed on the site for commercial or residential tenants to use and shall be no farther than 300 feet from the intended users. Trash enclosures shall be constructed with similar materials to other buildings on the site. Receptacles shall be situated at an appropriate location as to not constitute a nuisance for users of the property and adjoining property owners and shall be appropriately screened to improve the appearance of the area.

§ 230-21. - Parking and loading standards.

A. Design standards ~~(general)~~.

(1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
90º	9	18	~~As required by State Fire Marshal~~ **20 feet (one-way)** **24 feet (two-way)**
60º	9	20	~~As required by State Fire Marshal~~ **18 feet (one-way)** **22 feet (two-way)**
45º	9	18	~~As required by State Fire Marshal~~ **14 feet (one-way)** **22 feet (two-way)**
Parallel	10	20	~~As required by State Fire Marshal~~ **14 feet (one-way)** **22 feet (two-way)**

(2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).

~~(3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.~~

~~(4) Exceptions to the design standards shall be permitted as follows.~~

B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

~~Types and Uses~~	~~Required Off-Street Parking Spaces~~
~~Retail stores and shops, all types, supermarkets, retail food stores and undertakers~~	~~1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees~~
~~New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions~~	~~4 per salesperson, plus 1 per per 2 employees during the period of greatest employment~~
~~Personal service establishments, laundromats and dry cleaning~~	~~1 per 200 square feet of gross floor area~~
~~Banks and other financial institutions~~	~~1 per 200 square feet of gross floor area, plus 1 for each employee~~
~~Business, governmental and professional offices~~	~~1 per 100 square feet of gross floor area~~
~~Medical and dental offices or clinics~~	~~1 per 150 square feet of gross floor area for medical and dental offices or clinics~~
~~Hospitals~~	~~1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment~~
~~Sanatorium or nursing home~~	~~1 for every 4 beds~~
~~Churches and other places of worship~~	~~1 per 5 seats~~
~~Indoor and commercial outdoor recreation~~	~~1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility~~
~~Restaurants, taverns and similar uses~~	~~1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment~~
~~Dwelling, one-family detached, semidetached or mobile home~~	~~2 1/2 per dwelling unit~~
~~Dwelling, townhouse, garden apartment or multifamily dwelling~~	~~2 1/2 per dwelling unit~~
~~Rooming and boarding house or converted unit~~	~~1 per rented unit~~
~~Museum, art gallery and similar use~~	~~1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment~~
~~Public library~~	~~1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment~~

~~Fire station~~	~~25~~
~~Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center~~	~~1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility~~
~~Social club and fraternal, social service, union and civic organization building~~	~~1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses~~
~~Public or private school~~	~~3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public~~
~~Industrial, manufacturing or wholesaling establishment~~	~~1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales~~
~~Hotel and motel~~	~~1 for each guest room plus 1 for each 3 employees~~

Types and Uses	Required Off-Street Parking Spaces
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 space per 4 seats or 1 space per each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Automotive Repair	3 spaces per service bay
Automotive or Outdoor Sales	1 space per 200 square feet of floor area in the main display room plus 1 space per each 1,500 square feet of outdoor display area plus 1 space for each employee on the shift of greatest employment
Bed and Breakfast	1 space per guestroom plus required parking for family residence
Community Residential Treatment Program	1 space per 4 residents plus 1 space per employee
Daycare, Nursery School or Kindergarten	1 space per 10 children plus 1 space per employee on the shift of greatest employment
Elementary or Junior High School	1 space for each 8 seats in auditorium, cafeteria or gymnasium
High School, Technical School, College or University	1 space for each classroom plus 1 parking space for each employee or 1 space for each 5 auditorium seats, whichever is greater

Fire station	1 space per employee on the maximum shift or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever is greater
General Offices	1 space per 250 square feet of gross floor area
Medical and Dental Offices	1 space per 200 square feet of gross floor area
Hospitals, Nursing Home or Sanatorium	1 space per 3 beds
Hotel and motel	1 space for each guest room plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.)
Indoor and commercial outdoor recreation	1 space for each 150 square feet of gross floor area or 1 per 4 seats of facilities available for patron use, whichever is applicable
Industrial, manufacturing or wholesaling establishment	1 space per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Museum, Art Gallery, Library and similar use	1 space per 300 square feet of gross floor area
Places of Worship	1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Professional Home Occupation	1 space per 300 square feet of floor area devoted to a business plus 1 space per each outside employee, if there is one
Restaurants, fast food, taverns and similar uses	1 space per 3 seating accommodations
Retail or Service	1 space per 200 square feet of gross floor area
Rooming and boarding house or converted unit	1 space per bedroom
Dwelling, single-family detached, semi-detached, townhouse, mobile home, or multi-family dwelling unit	2 ½ spaces per dwelling unit
Accessory Dwelling Unit	1 ½ spaces per dwelling unit
Social club and fraternal, social service, union and civic organization building	1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Undertaker or Funeral Home	1 space per 4 seats in the largest assembly room plus 1 space per employee

(1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

(1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:

(a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:

[1] Five thousand to 7,999 square feet of floor area: one berth.
[2] Eight thousand to 19,999 square feet of floor area: two berths.
[3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.

(b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:

[1] Eight thousand to 20,000 square feet of floor area: one berth.
[2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.

(c) Each manufacturing, office research and industrial establishment with a total of **5,000** ~~3,500~~ square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

(2) ~~Loading spaces shall not be allowed in any front yard of any property.~~ **Loading berths must be functionally related to the building, and be situated where actual loading and unloading activities are intended to occur. Loading berths located remotely from the building will not be permitted, unless the applicant can demonstrate the utility of such berths. Loading berths**

are not permitted between the street and building, except where a property fronts three or more streets. This section of the ordinance shall not preclude the designation of an area in front of the building for parcel pick-up, mail deliveries, or passenger loading.

(3) One required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. If more than one loading berth is required, subsequent berths may have minimum dimensions of 12 feet wide and 40 feet long. At not time shall any part of a truck or van be allowed to extend into a public right-of-way or thoroughfare while the truck or van is being loaded or unloaded.

(4) Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

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.

(3) Buffers along arterial streets. Where development proposals front on an arterial street, a landscape buffer shall be required along the arterial road frontage. These buffer areas shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street, and shall, at the time of development of the property, be planted with a variety of trees, shrubs and ground cover so as to create a distinctive and consistent visual character of the arterial street. The landscape design and planting plan for these arterial street buffer areas shall be subject to the approval of the Planning Commission or City Council as an integral part of the site development plan. When it can be demonstrated to the satisfaction of the Commission or City Council through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, compliance with this section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the Commission or City Council may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.

B. Commercial districts. In any C-1, **OB-1, OC-1,** C-2 or C-3 District, a fifteen-foot **visual and sound** buffer area shall be provided **on non-residential use properties (other than agricultural uses) when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height accompanied by landscaping.** ~~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~~.

(1) Opaque barrier options. The requirement for the opaque barrier may be met by choosing one of the following:

(a) An opaque wooden fence.

(b) A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete.

(c) An earthen berm (4:1 maximum side slopes).

(d) Dense, durable and continuous evergreen tree planted screen of at least six feet in height at the time of planting and arranged to effectively achieve an opaque visual buffer.

(e) Any combination of fencing, landscaping and/or berming that achieves a six-foot-high opaque barrier.

C. Institutional, Industrial and **Business Park**~~Office Building/Complex~~ Districts: H-1, **IM, IS,** I-1, **I-2**~~I-1~~, ~~OB-1~~ and **BP**~~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.~~ **Each use established in these districts shall provide a 50-foot visual and sound buffer area on non-residential use properties (other than agricultural uses) when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height accompanied by landscaping.**

(a) Opaque barrier options. The requirement for the opaque barrier may be met by choosing one of the following:

[1] An opaque wooden fence.

[2] A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete.

[3] An earthen berm (4:1 maximum side slopes).

[4] Dense, durable and continuous evergreen tree planted screen of at least six feet in height at the time of planting and arranged to effectively achieve an opaque visual buffer.

[5] Any combination of fencing, landscaping and/or berming that achieves a six-foot-high opaque barrier.

~~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 VI - Signs

§ 230-24. - Purpose.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

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

§ 230-24.1. - Hierarchy of regulations.

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

§ 230-24.2. - Definitions.

For purpose of this article, certain words and phrases shall be interpreted and defined as follows:
ABANDONED OFF-PREMISE SIGN — A sign that, for 180 days or more, no longer:

(1) Directs attention to a business commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained; and
(2) No longer markets, advertises, or promotes the sign for sale or rent.

ABANDONED ON-PREMISE SIGN — A sign or sign structure that, for 180 days or more, no longer identifies an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located or on a property adjacent to the property on which the sign is located when the adjacent property has a recorded easement for access on or along the property on which the sign is located.
ALTERATION — A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.
ANIMATED SIGN — A sign employing actual motion, the illusion of motion, or light and color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

(1) ENVIRONMENTALLY ACTIVATED — Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and other devices or displays that respond to naturally occurring external motivation.
(2) MECHANICALLY ACTIVATED — Animated signs characterized by repetitive motion or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
(3) ELECTRICALLY ACTIVATED — Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input or illumination capable of simulating movement through employment of the characteristics of one or both of the classification notes below:

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

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

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

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

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

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

BANNER — A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN — A sign utilizing a banner as its display surface.

BENCH SIGN — A sign applied or affixed to the seat or back of a bench.

BILLBOARD — See Off-Premise Sign and Commercial Outdoor Advertising Sign.

BUILDING FAÇADE — That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

BUILDING SIGN — A sign that is applied or affixed to a building.

CANDELA — The basic unit of measurement of light in SI (metric) units.

CANDELA PER SQUARE METER (cd/m2) — The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

CANDLE or CANDLEPOWER — Synonymous with Candela, but in English, not SI, terms.

CANOPY (ATTACHED) — A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

CANOPY (FREESTANDING) — A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN -A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign.

CHANGEABLE SIGN — A sign with the capability of content by means of manual or remote input, includes the following types:

(1) MANUALLY ACTIVATED — Changeable sign whose message copy or content can be changed manually on a display surface.
(2) ELECTRONICALLY ACTIVATED — Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also Electronic Message Center.

CHANNEL LETTER (OPEN FACED) — A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.
CHANNEL LETTER (INTERNALLY ILLUMINATED) — A dimensional letter with a back, sides, and a translucent front face capable of transmitting light from an internal light source within the letter.
CHANNEL LETTER (REVERSE) — A dimensional letter with a face and sides but no back, opposite to an Open-Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.
CLADDING — A non-structural covering designed to conceal the actual structural supports of a sign. See also Pole or Pylon Cover.
COMMERCIAL OUTDOOR ADVERTISING SIGN — A permanent off-premise sign erected, maintained or used in the outdoor environment for the purposes of providing copy area for commercial or noncommercial messages.
CONFORMING SIGN — A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.
COPY — The graphic content or message of a sign.
COPY AREA OF SIGN — The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background.
DIMENSIONAL LETTER, SYMBOL, OR GRAPHIC — A letter, symbol, or graphic that is three dimensional in character, containing height, width, and depth.
DIRECTIONAL SIGN — Any sign that is designed and erected for the purpose of providing direction or orientation for pedestrian or vehicular traffic.
DISPLAY TIME — The amount of time a message or graphic is displayed on an Electronic Message Sign.
DISSOLVE — A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.
DOUBLE-FACED SIGN — A sign with two faces, back to back.
DYNAMIC FRAME EFFECT — An Electronic Message Sign frame effect in which the illusion of motion or animation is used.
ELECTRIC SIGN — Any sign activated or illuminated by means of electrical energy.
ELECTRONIC MESSAGE CENTER OR SIGN (EMC) -An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a

lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)
EXTERNALLY ILLUMINATED SIGN — See Illuminated Sign.
EXTERIOR SIGN — Any sign placed outside a building.
FAÇADE — See Building Façade.
FADE — A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
FASCIA SIGN — See Wall Sign.
FLASHING SIGN — See Animated Sign, Electrically Activated.
FONT — A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.
FOOT CANDLE — An English unit of measurement of the amount of light falling upon a surface (Illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.
FOOT LAMBERT — An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.
FRAME — A complete, static display screen on an Electric Message Sign.
FRAME EFFECT — A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.
FREESTANDING SIGN — A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Section 230-24.3 for visual reference examples.
FRONTAGE (PROPERTY) — The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
FRONTAGE (Building) — The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.
GROUND SIGN — See Freestanding Sign.
ILLUMINANCE — The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination." Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.
ILLUMINATED SIGN — A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].
INTERNALLY ILLUMINATED SIGN — See Illuminated Sign.
INTERIOR SIGN — Any sign placed within a building, but not including window signs as defined by this article. Interior signs, with the exception of window signs as defined, are not regulated by this article.
LISTED SIGN — A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and the National Electric Code (NEC).
LUMINANCE — The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units). Expressed in Si units as cd/m2, and in English units as foot lamberts. Sometimes also expressed as "nits", a colloquial reference to SI units. Can be measured by means of a luminance meter.
LUX — the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.
MANSARD — A roof-like façade comparable to an exterior building wall.
MARQUEE — See Canopy (Attached).

MARQUEE SIGN — See Canopy Sign.
MULTIPLE-FACED SIGN — A sign containing 3 or more faces.
NIT — A photometric unit of measurement referring to luminance. One nit is equal to one cd/m2.
NON-CONFORMING SIGN — A sign that was legally installed by permit in conformance with municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.
NON-CONFORMING USE — A continued and lawful use of property, including a sign or signs lawfully installed in accordance with laws or ordinances prevailing at the time of installation.
OFF-PREMISE SIGN — See Outdoor Advertising Sign. See Also, Wayfinding Sign.
ON-PREMISE SIGN — A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed or on a property adjacent to the property on which the sign is located when the adjacent property has a recorded easement for access on or along the property on which the sign is located.
ORIGINAL ART MURAL — A hand produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to, an exterior wall of a building or structure. Original Art Mural does not include: mechanically produced or computer-generated prints or images, including but not limited, to digitally printed vinyl, murals containing electrical or mechanical components, or changing image murals.
OUTDOOR ADVERTISING SIGN — A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.
PARALLEL SIGN — See Wall Sign.
PARAPET — The extension of a building façade above the line of the structural roof.
PERMITTED ORIGINAL ART MURAL — An Original Art Mural for which a permit has been issued by the City of Milford pursuant to this article.
PERPENDICULAR SIGN — See also Freestanding Sign; See also Projecting Sign.
POLE COVER OR PYLON COVER — An enclosure designed to conceal poles or other structural supports of a sign. See also Cladding.
POLE SIGN — See Freestanding Sign.
POLITICAL SIGN — A temporary sign intended to advance a political statement, cause, ballot, issue, or candidate for office.
PORTABLE SIGN — Any sign not permanently attached to the ground and can be removed without the use of tools.
PROJECTING SIGN — A sign other than a Wall Sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.
PYLON SIGN — See Freestanding Sign.
REAL ESTATE SIGN — A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.
REVOLVING SIGN — A sign that has the capability to revolve 360 about an axis. See also: Animated Sign, Mechanically Activated.
ROOF LINE — The uppermost line of the roof of a building or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

ROOF SIGN — A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.
SCROLL — A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.
SI (INTERNATIONAL SYSTEM OF UNITS) — The modern metric system of measurement abbreviated Sis for the French term "Le Systeme International d'Unites."
SIGN — Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.
SIGN AREA — The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the area of all faces of the sign.
SIGN COPY — The letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.
SIGN FACE — The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

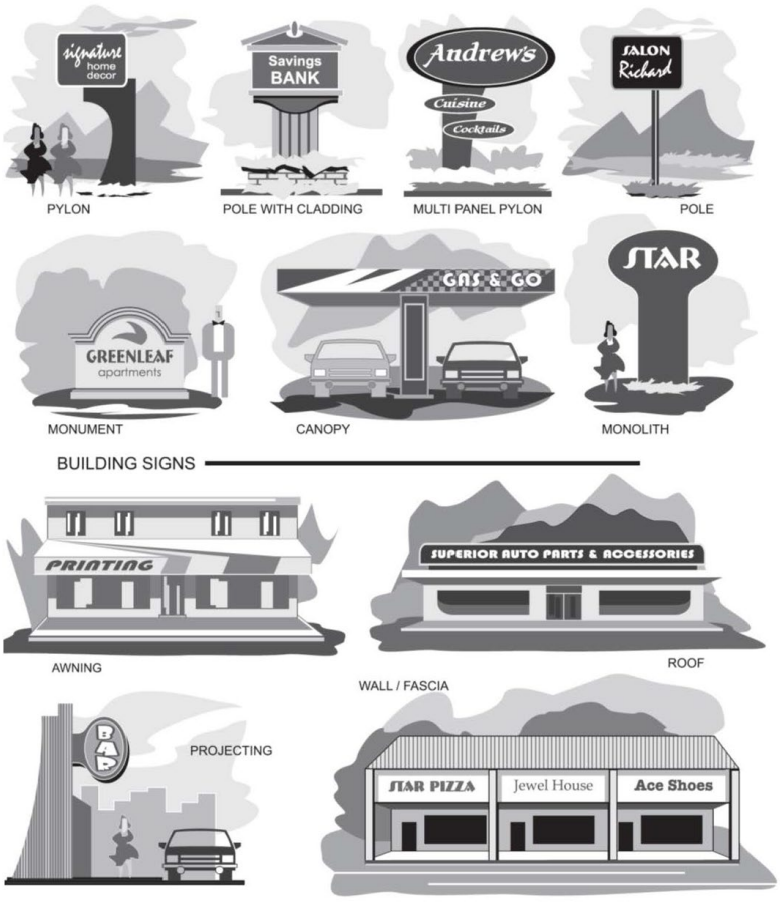
(1) In the case of panel or cabinet signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
(2) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
(3) In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE — Any structure designed for the support of a sign.
SITE — The ground area legally designated as a zoning lot, which may be categorized as a permanent parcel (a lot of record), multiple lots of record, or a portion of a lot of record.
SPECIAL EVENT SIGN — A temporary sign pertaining to any civic, patriotic, or special event of general public interest.
TEMPORARY SIGN — A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is not permanently embedded in the ground, are considered temporary signs.
TRANS-ILLUMINATED SIGN — See Internally Illuminated Sign.
TRANSITION — A visual effect used on an Electronic Message Sign to change from one message to another.

TRAVEL — A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.
UNDER CANOPY OR UNDER MARQUEE SIGN — A sign attached to the underside of a canopy or marquee.
V SIGN — A sign containing two faces of equal size, positioned at an interior angle subtending less than 179 degrees at the point of juncture of the individual faces.
WALL OR FASCIA SIGN — A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.
WAYFINDING SIGN — A sign, frequently off-premise, specifically designed to provide directional or destination information and installed or maintained by the City or another government agency.
WINDOW SIGN — A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

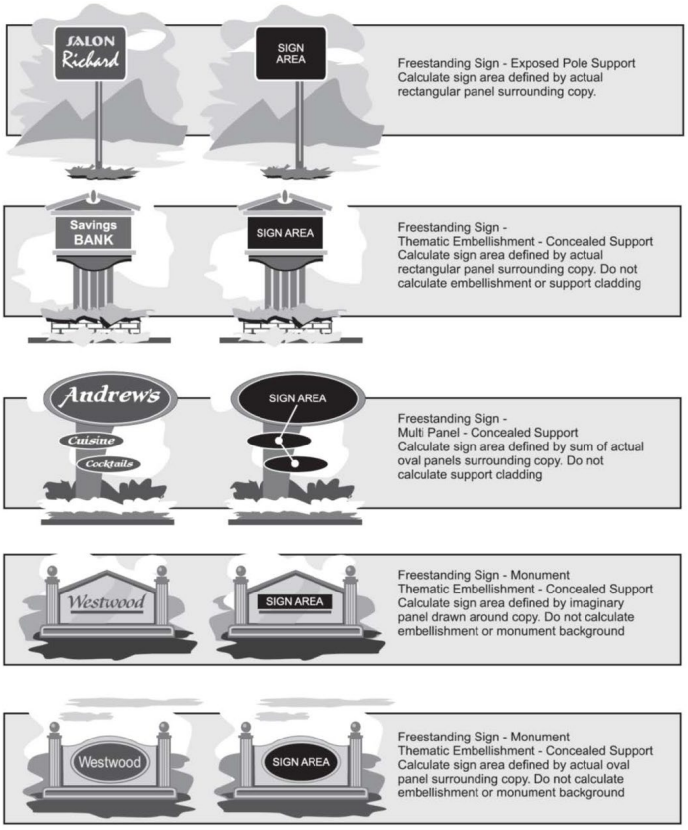
§ 230-24.3. - Typical on-premise sign types.

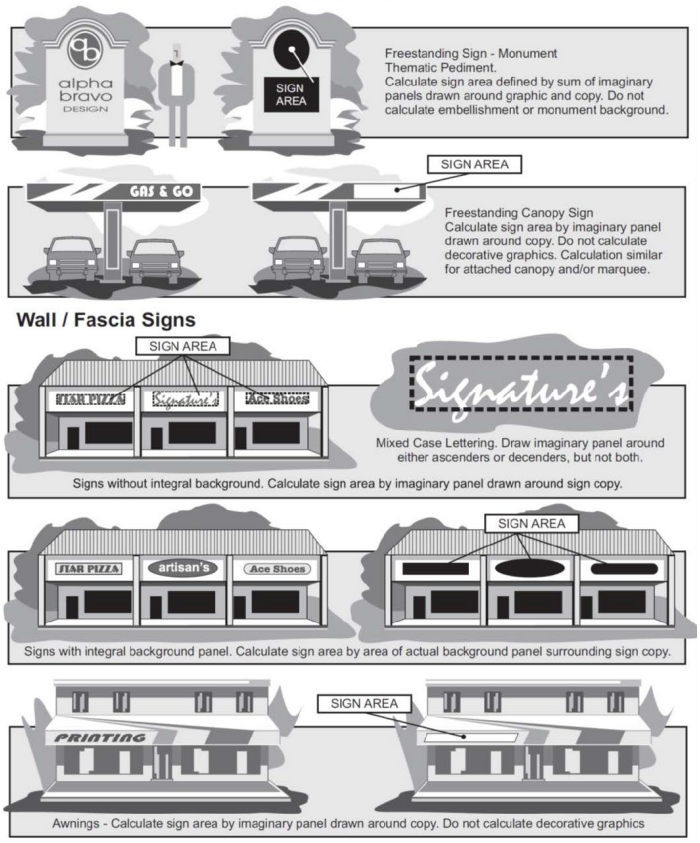
The purpose of this section is to provide visual examples of certain types of signs.



§ 230-24.4. - Sign area computational methodology.

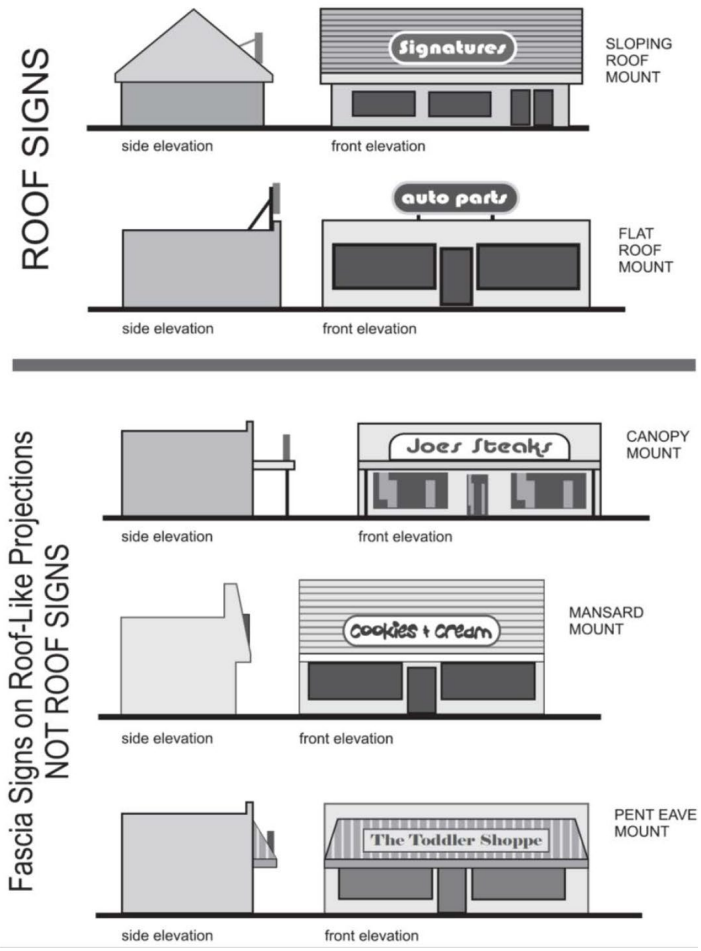
Sign areas shall be calculated using the methodology set forth in this section, except that embellishment or support cladding is not included in the sign area unless it contains copy.


SALON
Richard
SIGN
AREA
Freestanding Sign - Exposed Pole Support
Calculate sign area defined by actual
rectangular panel surrounding copy.
Savings
BANK
SIGN AREA
Freestanding Sign -
Thematic Embellishment - Concealed Support
Calculate sign area defined by actual
rectangular panel surrounding copy. Do not
calculate embellishment or support cladding
Andrew's
Cuisine
Cocktails
SIGN AREA
Freestanding Sign -
Multi Panel - Concealed Support
Calculate sign area defined by sum of actual
oval panels surrounding copy. Do not
calculate support cladding
Westwood
SIGN AREA
Freestanding Sign - Monument
Thematic Embellishment - Concealed Support
Calculate sign area defined by imaginary
panel drawn around copy. Do not calculate
embellishment or monument background
Westwood
SIGN AREA
Freestanding Sign - Monument
Thematic Embellishment - Concealed Support
Calculate sign area defined by actual oval
panel surrounding copy. Do not calculate
embellishment or monument background



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

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



§ 230-24.6. - Sign face area.

A. Sign Cabinets. The area of sign faces enclosed in frames or cabinets shall be determined based on the outer dimensions of the frame or cabinet.

B. Double-sided signs. Only one side of a double-sided sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than 91 degrees shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.

C. Round, Oval, and Irregularly shaped signs shall be measured based on the appropriate mathematical formula to obtain the sign area for the shape of the sign.

D. Calculating Sign Area.

(1) Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

(2) Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

E. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

§ 230-24.7. - Height of signs.

A. Except as otherwise provided in this section, the overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.

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

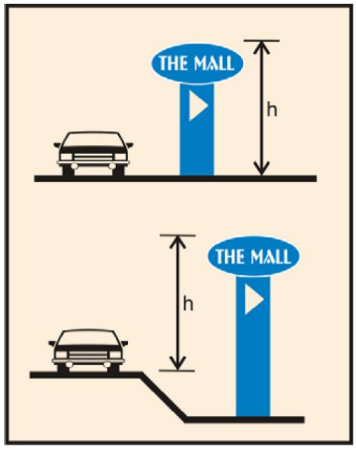


Figure A

§ 230-24.8. - Signs permitted in all zones—Exempt from permit.

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

A. Signs inside a building and not visible from outside the building.
B. Signs carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade and a part of the physical construction of the building materials comprising the façade in order to qualify for relief under this provision. Letters or signs that are merely attached to the exterior façade of the building, even if the same finish and color, shall not qualify for this exemption.
C. Signs required by federal, state, county, or City of Milford law or regulation.
D. Painted or applied wall accents and decorations, provided that the accents and decorations are typically not associated with the brand or company that owns or occupies the building, site, or tenant space.
E. Illuminated building accents and decorations, provided the accents and decorations are typically associated with the brand or company that owns or occupies the building, site, or tenant space.
F. Public Art, including Permitted Original Art Murals.
G. Name and Address — Up to two signs indicating address, number or name of occupants of the premises, that do not exceed two square feet in area per side, and do not include any commercial advertising or other identification.
H. Decals — Decals or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
I. Americans with Disabilities Act Parking Space — Signs not exceeding two square feet in area reserving parking for handicapped individuals.
J. Private Drive Signs — On-premise private drive signs are limited to one per driveway entrance, not exceeding two square feet in area.
K. Public Signs — Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the City of Milford.
L. Security and Warning Signs — On-premise regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed one sign consisting of two square feet in area per side in residential areas and one sign consisting of five square feet in area per side in commercial and industrial zones. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.
M. Vehicles — The use of business logos, identification, or advertising on vehicles primarily and actively used for business or personal transportation shall be permitted.

§ 230-24.9. - Permit.

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

§ 230-24.10. - Prohibitions.

The following signs are prohibited:

A. Signs containing strobe lights.
B. Abandoned sign structures.
C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed under this article. Except as otherwise provided in this article, any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity, whether on-premise or off-premise shall be prohibited. This regulation shall not prohibit the use of business logos, identification, or advertising on vehicles primarily and actively used for business or personal transportation.
D. Mechanically Moving Signs — An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.
E. Flashing Signs.
F. Inflatable Signs and Other Permanent Objects — Signs and other objects which are inflated, including but not limited to, balloons except that balloons may be permitted in temporary non-commercial situations such as for special occasions at a residence, which are permitted.
G. Posters and Handbills — Signs affixed to any structure, utility or sign pole, trees, or other natural vegetation, rocks or poles.
H. Roof Signs.
I. Simulated Traffic Signs and Obstructions — Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
J. A-frame/Wheeled Signs — Any portable "A" frame or similar portable sign is prohibited except as described under Temporary Signs.
K. Signs Adversely Affecting Safety — Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.
L. Sign Emissions — No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
M. Mirrors — No mirror device shall be used as part of a sign.
N. Animated Signs.
O. Any sign located or projecting into the public right-of-way except as otherwise expressly permitted in this article.
P. Permanent Banners — Banners used as permanent signs.
Q. Temporary Signs placed within any right-of-way.

§ 230-24.11. - Standards in residential zones.

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

(1) R-1 Single-Family Residential District
(2) R-2 Residential District
(3) R-3 Garden Apartment and Townhouse District
(4) R-8 Garden Apartment and Townhouse District

B. Subdivisions, apartments, multi-family dwellings, and condominium complexes are permitted the following:

(1) One freestanding sign not to exceed 64 square feet of sign area per side and four feet in height and further provided that one such sign shall be permitted for each separate entrance.
(2) Other directional, incidental, or accessory signs located within the subdivision, complex, or multi-family residential development provided that such signs shall not exceed six square feet of sign area per side and four feet in height, if freestanding.

C. For properties located in a Residential Zone as described in subsection B above, other directional, incidental or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed six square feet in sign area per side and four feet in height, if freestanding.

D. Home Occupation — One non-illuminated on-premise sign not to exceed six square feet of sign area per side, identifying a permitted home occupation on the premises. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback five feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines, and shall not exceed four feet in height.

E. Properties in a Residential Zone which are used for permitted non-residential uses are permitted a freestanding sign not to exceed 48 square feet of sign area and 10 feet in height, and further provided that one such sign shall be permitted for each separate street frontage occupied by the permitted use. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback of 10 feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines.

F. Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses:

(1) Public and private schools
(2) Churches and other places of worship
(3) Social clubs or fraternal, social service, union, or civic organizations

§ 230-24.12. - Standards in Downtown commercial zones.

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

(1) C-2 Central Business District
(2) C-2A Riverfront Development District

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

(1) Freestanding Signs.

(a) Freestanding signs shall be limited to one per street frontage.
(b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs.

(a) Except as otherwise stated herein, projecting signs shall not be permitted in addition to any permitted freestanding sign. Projecting signs shall be limited to one per building façade

on which any such sign is mounted except for a use that fronts on more than one street, in which case, one such sign shall be permitted per façade for each separate street frontage.

(b) A projecting sign shall have a sign area of no greater than 20 square feet per side.

(c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.

(d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.

(e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.

(f) Projecting signs should be located above the storefront windows and below the sills under the second-floor windows.

(3) Building Signs.

(a) Building signs include wall or fascia signs, and signs otherwise permanently applied to walls or other building surfaces. Building signs should be placed directly over the storefront.

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

(c) Window Coverings — A maximum of 20% of storefront windows may be covered with signage or decals.

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

(a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.

(b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs.

(a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(b) Graphic treatment and embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the

building, site or suite, and the area of any allowed such graphic treatment and embellishment shall not be calculated as a component of permitted copy area.

(c) Awning signs should add variety and color to the streetscape.

(6) Electronic Message Centers: Prohibited.

(7) Signs within the Downtown Commercial Zone are subject to the following standards and guidelines.

(a) Overall Design.

[1] Historically significant signs shall be retained, repaired, and reused.

[2] Signs shall reflect simplicity, using graphics and minimum information.

[3] Signs should employ a style consistent with the age of the building and should fit into the size and proportions of the building.

[4] When multiple signs are used on one property, the signs should be compatible with one another and part of an overall sign plan for the building.

(b) Size and Shape.

[1] Signs should be scaled and oriented to relate to pedestrians and passing motorists.

[2] Buildings signs should be typically horizontal.

[3] Projecting signs should be typically vertical.

[4] Nonrectangular shapes add variety and interest and can be appropriate, but the use of strange or highly irregular shapes, where not rationalized by the nature of the business, should be avoided.

(c) Colors.

[1] Sign colors should be chosen to complement the color of the building.

[2] It is preferred to use no more than three colors on a sign. A fourth color might be used for illustrations if applicable.

[3] It is preferred that dark or medium colors be used for the main background of the sign and that light colors be used for the lettering. The use of the following color types is encouraged for signage; nature blending, earth tone colors, neutral colors, pastel colors. Bright colors, primary colors, and metallic colors are generally best limited to accent areas. Background colors should be burgundy red, forest green, chocolate brown, black, charcoal, or navy blue. Suggested letter colors should be ivory, white, or gold.

(d) Sign Illumination.

[1] Illuminated signs shall use an indirect lighting method, such as overhead or gooseneck lights.

[2] Signs may be externally illuminated by one or more shielded, stationery bulbs projecting onto the sign.

[3] Neon signs, exposed tubes filled with a gas that glows when electrified, are permitted if located behind the storefront glass.

[4] Internally lit signs, fluorescent lighting, or spotlights are prohibited for signs on the exterior of buildings.

(e) Materials.

[1] Metal and wood are traditional materials that are preferred and appropriate for historic buildings.

(f) Typefaces.

[1] Typefaces should be harmonious with the building and the nature of the building and should be easily legible.

§ 230-24.13. - Standards in neighborhood commercial zones.

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

(1) OB-1 Office Building District.
(2) C-1 Community (Neighborhood) Commercial District.

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

(1) Freestanding Signs.

(a) Freestanding signs shall be limited to one per street frontage.
(b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs.

(a) Projecting signs shall be limited to one per building façade on which any such sign is mounted except for a use that fronts on more than one street, in which case, one such sign shall be permitted per façade for each separate street frontage.
(b) The sign area of any projecting sign shall be no greater than 20 square feet per side.
(c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.
(d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.
(e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.

(3) Building Signs.

(a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 10% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

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

(a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.

(b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs.

(a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(b) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any allowed such graphic treatment or embellishment shall not be calculated as a component of permitted copy area.

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

(a) Public and private schools.
(b) Churches and other places of worship.
(c) Social clubs or fraternal, social service, union, or civic organizations

§ 230-24.14. - Standards in business park and office zones.

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

(1) BP Business Park District
(2) OC-1 Office Complex District

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

(1) Freestanding Signs

(a) Freestanding signs shall be limited to one per street frontage.
(b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 48 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs: Prohibited.
(3) Building Signs.

(a) Building signs include wall or fascia signs, and signs otherwise permanently applied to walls or other building surfaces.
(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 10% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(4) Canopy Signs: Prohibited.
(5) Awning Signs: Prohibited.
(6) Electronic Message Centers are prohibited except that electronic message centers may be permitted by conditional use approval from City Council on properties used for any of the following uses

(a) Public and private schools.
(b) Churches and other places of worship.
(c) Social clubs or fraternal, social service, union, or civic organizations.

§ 230-24.15. - Standards in institutional zones.

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

(1) H-1 Institutional Development District.
(2) IM Institutional Medical District.
(3) IS Institutional Service District.

B. Subject to the regulations in this section, Institutional Zone properties as regulated by reference to types noted below are limited to a combination of two signs per street frontage.

(1) Freestanding Signs.

(a) Freestanding signs shall be limited to one per street frontage.
(b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 120 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 25 feet from adjacent property lines.

(2) Projecting Signs: Prohibited.
(3) Building Signs.

(a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 5% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(4) Canopy Signs: Prohibited.
(5) Awning Signs: Prohibited.
(6) Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses.

(a) Public and private schools.
(b) Churches and other places of worship.
(c) Social clubs or fraternal, social service, union, or civic organizations.

§ 230-24.16. - Standards in commercial and industrial zones.

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

(1) C-3 Highway Commercial District.
(2) I-1 Limited Industrial District.
(3) I-2 General Industrial District.

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

(1) Freestanding Signs.

(a) Freestanding signs shall be limited to one per street frontage. In the case of shopping centers with separate buildings or pad sites, one additional freestanding sign will be permitted for each separate building or pad site.
(b) Freestanding signs shall not exceed 28 feet in height and shall not exceed 225 square feet of sign area per side.
(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 25 feet from adjacent property lines.
(d) Shared Freestanding Signs.

[1] For adjoining nonresidential properties, a freestanding sign structure may be shared among adjoining property owners or tenants solely for the purpose of identification of the adjoining property or business located thereon.
[2] The permit application for a shared freestanding sign shall be accompanied by an agreement regarding ownership and maintenance obligations for the shared sign executed by the adjacent property owners or tenants, as the case may be.

(2) Projecting Signs.

(a) Projecting signs shall be limited to one per building façade on which any such sign is mounted per each separate street frontage.
(b) The area of any projecting sign shall be no larger in area than 20 square feet per side.
(c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.
(d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.
(e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.

(3) Building Signs.

(a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 15% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(c) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.

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

(a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.

(b) Signs affixed or applied in an essentially flat plan to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(c) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.

(d) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs.

(a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(b) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.

(c) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any allowed such graphic treatment or embellishment shall not be calculated as a component of permitted copy area.

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

§ 230-24.17. - Additional standards.

A. Applicability. These regulations apply to all signs regulated by this Code.
B. Sign placement. All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, behind any applicable legal right of way.
C. Signs extending into the right-of-way. Except as otherwise provided herein, no sign may be erected, placed, project, or extend over or into a right-of-way.

(1) Projecting, awning, and marquee signs in the Downtown Commercial Zone, projecting over a public sidewalk are permitted provided that no sign shall project farther than two-thirds of the width of the sidewalk.

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

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

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

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

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

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

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

[1] Transit stop areas;

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

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

[4] Building exits including fire escapes.

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

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

F. Fascia or Wall Signs.

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

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

G. Projecting Signs

(1) Placement: Projecting signs are not allowed on rooftops or on pitched roofs.

(2) Projecting signs may not extend over a right-of-way unless they are located in the Downtown Commercial Zone. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.

H. Directional Signs.

(1) General standards: Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent sign allowed on any property or site.

(2) Size: Freestanding directional signs may consist of up to six square feet in area per side and eight feet in height. Fascia directional signs may consist of up to 16 square feet in area per side.

(3) Directional signs in any zone may have internal or external illumination.

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

§ 230-24.18. - Temporary signage.

A. Signs that meet the standards of this section are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on any particular property or site. Signs that do not meet the standards of this section are subject to the standards for permanent signs.
B. Temporary signs may have external or internal illumination.
C. Temporary signs and banners shall be anchored or have adequate base weight to prevent blowing away or blowing over.
D. Temporary banners: Temporary banners are subject to the following regulations:

(1) In all Residential Zones, temporary banners are prohibited on properties used for residential purposes except that the following temporary banners are permitted for the following:

(a) Holidays.
(b) Religious commemoration.
(c) Special family events.
(d) New development home sales and model homes.

(2) In all other zones and for non-residential uses in Residential Zones, temporary banners may be permitted by the **Planning Director or designee**~~Code Official~~ after obtaining a Special Event Sign Permit and meeting the following standards:

(a) Permits may be issued for Special Events, including but not limited to Festivals, Grand Openings, Closing Sales, and Holiday Sales.
(b) Three Special Event Sign Permits may be issued in a calendar year for each property or, on a multi-use property, each storefront. Each Special Event Sign Permit is limited to 30 days for each permit period.
(c) Only two temporary banners shall be permitted for each property and shall be limited to a maximum of 32 square feet each.
(d) Temporary banners shall have a minimum setback of 10 feet from the front lot line, a minimum setback of 25 feet from the right of way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines.
(e) Exceptions:

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

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

E. Temporary Wall or Fascia Signs.

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

(a) One temporary wall sign is allowed per property or, on a multi-use property, per storefront in these Zones and is not counted in the total square footage of permanent signage allowed on the site.
(b) Temporary wall signs may be up to 20 square feet in area.
(c) Temporary wall signs may not extend above roof lines.

(d) Extensions into the right-of-way are prohibited.
(e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

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

(a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per road frontage.
(c) Temporary wall signs may not extend above roof lines.
(d) Extensions into the right-of-way are prohibited.
(e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

F. Temporary Freestanding or Portable Signs.

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

(a) One temporary freestanding sign is allowed per property or, on a multi-use property, per storefront in these Zones and is not counted in the total square footage of permanent signage allowed on the site.
(b) Temporary freestanding signs may be up to 20 square feet in area.
(c) A sign shall not contain more than two sides or facings, back to back, and shall have a minimum setback of 10 feet from the front lot line, a minimum setback of 25 feet from the right of way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines. Extensions into the right-of-way are prohibited.
(d) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

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

(a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per road frontage.
(b) A sign shall contain no more than two sides or facings, back to back, and shall have a minimum setback of five feet from the front lot line, a minimum setback of 25 feet from the right-of-way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines.
(c) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

§ 230-24.19. - Off-premise signs.

Off premises signs are prohibited.

§ 230-24.20. - Electronic message centers.

A. General Electronic Message Center regulations

(1) An Electronic Message Center may consist of a portion of a building sign or freestanding sign, subject to the following limitations;

(a) For a sign with a sign area of 32 square feet or less, all of the sign can be comprised of an Electronic Message Center.
(b) For a sign with a sign area of greater than 32 square feet, the electronic message center portion of the sign cannot exceed 70% of the sign area or 100 square feet per sign, whichever is less.

(2) All Electronic Message Centers shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the Electronic Message Center lighting level at night into compliance with Section 230-24.21, Sign Illumination Standards. The owner

of the Electronic Message Center shall provide a certification by an independent contractor of the lumens showing compliance with the Illumination Standards at the time of building permit issuance.

(3) The owner of the Electronic Message Center shall provide the City with contact information for a person who is available at any time to turn off the Electronic Message Center promptly if a malfunction occurs.

(4) All Electronic Message Center display features and functions are permitted, except that the following features and functions are prohibited:

(a) Flashing.

(b) Full motion video or film display via an electronic file imported into the Electronic Message Center software or streamed in real time into the Electronic Message Center.

§ 230-24.21. - Sign illumination standards.

Signs may be illuminated consistent with the following standards:

A. A sign in any Zone may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m2 or Nits, regardless of the method of illumination.

B. The following signs are prohibited:

(1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of any roadway or residential area.

(2) Signs which are of such intensity or brilliance as to cause glare or to impair the vision of any resident or the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle.

(3) Signs which are so illuminated that they interfere with the effectiveness of or obscures an official traffic sign, device or signal.

C. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded to focus light only on the sign.

D. All illuminated signs must comply with the maximum luminance level of 750 cd/m2 or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

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

Sign Area (in square feet)	Measurement Distance (in feet)
10	32
50	71

100	100
200	141
300	173

Notes: For signs with a sign area in square feet other than those measurements specifically listed in the table above, the measurement distance shall be calculated with the following formula:

Measurement Distance = Sign Area in Square Feet x 100

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

§ 230-24.22. - Nonconforming signs.

A. Except as otherwise provided in this article, nonconforming signs may remain on the property where located.
B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations except that nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in a cabinet style may also be changed by right and such change does not constitute a structural alteration nor trigger a loss of nonconforming status.
C. Ownership. The status of a nonconforming sign is not affected by changes in ownership of the sign or of the property where the sign is located.
D. Except as otherwise provided in this article, once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
E. If an on-premises sign or an off-premises sign is abandoned, as defined by this article, the sign shall no longer be considered a nonconforming sign and shall be removed from the property or otherwise brought into compliance with this article.
F. Nothing in this subsection shall require any change in the plans, construction, or designated use of any sign or part thereof, the construction of which shall be lawfully in progress at the time of passage of this article or for which a permit shall have been issued pursuant to law, provided that construction shall be promptly and diligently pursued.
G. In any case where a district boundary line crosses a sign which existed at the time such boundary was established, a sign permitted in the less restricted of the two districts may be extended as a nonconforming sign during the life of said sign into that part of the sign situated within the more restricted district.
H. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards.

(1) Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.
(2) Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign

and sign structure may be rebuilt to the same size and height using the same materials as long as the work is completed within 12 months of the destruction.

§ 230-24.23. - Construction and structural requirements.

A. Structural Standards.

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

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

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

B. Engineering Standards.

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

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

C. Clearances.

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

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

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

(4) Clearances from fire escapes, means of egress, or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or awnings to a fire escape are prohibited.

(5) Obstruction of windows and ventilation. Signs, sign structures, and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by either Chapter 88 Building Construction or Chapter 174 Property Maintenance.

D. Signs, sign structures, supports, foundations, panels, and methods to attach the sign to the structure shall be removed when the principal structure on the lot is demolished.

§ 230-24.24. - Maintenance requirements.

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

B. Dangerous Structures and Equipment.

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

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

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

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

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

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

§ 230-24.25. - Comprehensive signage for major subdivisions and complexes.

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

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

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

(2) Planned unit developments;

(3) Shopping centers;

(4) Groups of three or more nonresidential principal structures under common management and located on one or more contiguous properties; or

(5) Any institutional complex, professional office, medical or educational campus, or business park.

C. Standards. Comprehensive signage plans shall comply with the following standards:

(1) If approved, comprehensive signage plans may not be held to the size, height, numbers, and area regulations for signs found in other sections of this article provided that the number, type, and size of signs proposed shall not be excessive and must be in proportion to the scale of the buildings and the uses planned for the site.

(2) All proposed signage shall be designed and coordinated with the overall architectural concept for the buildings on the site. Sign type, color scheme, size, and illumination shall be coordinated

and compatible with the architecture of the development so as to formulate a thematic sign plan for the site.

(3) Wall-mounted signs shall be coordinated with the overall design theme of the site and designed as an integral component of the facades of buildings.

(4) Site landscaping shall be designed to complement and not conflict with sign placements.

(5) No off-premises signage will be permitted as part of an application for a comprehensive signage plan.

D. Approval process.

(1) Comprehensive signage plans shall be submitted for review by the Planning Commission for the purpose of providing commentary and recommendation to the City Council, if applicable. The City Council shall have authority to approve or deny the comprehensive signage plans, except for applications that are not required to be reviewed by City Council, in which case the Planning Commission shall have the authority to approve or deny the comprehensive signage plans.

(2) Applicants may submit a comprehensive signage plan in conjunction with, and as a component of, any Preliminary Site Plan or Preliminary Major Subdivision application, for review and consideration by the Planning Commission and City Council, if applicable.

(3) Owners of existing developments or previously approved but not completed developments, or successors in interest thereto, including but not limited to legally created homeowners associations, that own and control subdivision identification signage in subdivision that meet the qualifications of Chapter 230-24.25(B) may submit a comprehensive signage plan for consideration as a conditional use site plan in accordance with the procedures set forth in Chapter 230 of this Code.

(4) Sign permits shall be obtained for each sign approved for installation as part of a comprehensive signage plan prior to the installation or placement of the sign.

E. Submission requirements. The following minimum submission materials shall accompany any request for consideration of a comprehensive signage plan.

(1) A site plan which details the signage proposed to include the physical location of all existing and proposed signs on the property and their relationship to all existing and proposed buildings, structures, streets, parking areas, stormwater management ponds, and all other physical features of the site.

(2) Fully dimensioned elevation drawings of each proposed sign. Proposed wall-mounted signs shall be illustrated as a component of the architectural elevation drawing of the building façade.

(3) Colored renderings of each proposed sign.

(4) Miscellaneous specifications to include proposed illumination type, mounting details, and materials proposed.

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

§ 230-24.26. - Severability.

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

§ 230-24.27. - Substitution.

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

§ 230-25. - Reserved.
§ 230-26. - Reserved.
ARTICLE VII - Board of Adjustment
§ 230-27. - Powers and duties.

The Board of Adjustment shall have the following powers:

A. **Appeal of administrative order, requirement, decision, or determination.** The Board of Adjustment shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made in the administration of **the zoning ordinance**~~this chapter~~.

B. **Variance.** The Board of Adjustment shall authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties and so that the spirit of the chapter shall be observed and substantial justice done.

(1) Area variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the zoning ordinance that address lot layout, buffers, and dimensions, In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

(a) The nature of the zone in which the property lies;

(b) The character of the immediate vicinity and the contained uses therein;

(c) Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring properties and uses; and

(d) Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the provisions of the zoning ordinance.

(2) Use Variance. A variance shall be considered a use variance if it would permit a use of the subject property that would otherwise not be permitted on the subject property. In considering a request for a use variance, the board shall determine that the following criteria exist and document them in their findings of fact:

(a) The property cannot yield a reasonable return when used only for the permitted use;

(b) The need for the variance is due to unique circumstances and not general conditions in the neighborhood;

(c) The use sought will not alter the essential character of the locality; and

(d) All uses permitted on the land under the existing zoning are economically unfeasible.

~~C. The Board of Adjustment shall have original jurisdiction and powers to grant a permit for a special exception use only under the terms and conditions established by this chapter, under the following stipulations and guiding principles:~~

~~(1) The use for which application is being made is specifically authorized as a special exception use for the zone in which it is located.~~

~~(2) The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:~~

~~(a) Character of the neighborhood.~~

~~(b) Conservation of property values.~~

~~(c) Health and safety of residents and workers on adjacent properties and in the surrounding neighborhood.~~

~~(d) Potential congestion of vehicle traffic or creation of undue hazard.~~

~~(e) Stated principles and objectives of this chapter and the Comprehensive Master Plan of the City of Milford.~~

C~~D~~. The Board of Adjustment shall have the responsibility for the interpretation of this chapter.

§ 230-28. - Authority.

In exercising its powers the Board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made in the administration and enforcement of this chapter. Any order, requirement, decision or determination of the Board which requires or permits a specific act to be undertaken shall, as a condition, prescribe a reasonable time limit within which such act shall be completed, if applicable.

§ 230-29. – **Administrative** Appeals.

A. Appeals to the Board may be taken by any person aggrieved or by any other officer, department, board or commission of the City of Milford affected by a decision of the **Planning** ~~Director~~Code Official of the City of Milford in the administration of this chapter. Such appeal shall be taken within **60**~~30~~ days of the aggrieved decision by filing with the **Planning** ~~Director~~Code Official a letter of appeal specifying the reason for appeal. ~~The Chairman shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.~~

B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies, after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Planning Director for due cause shown.

C. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties of interest and notify by mail the registered owners of all property within 200 feet of the property upon which the appeal centers. The appeal shall be decided within a reasonable time not to exceed 60 days from the date of the filing of such appeal. Failure of the Board to decide within 60 days shall constitute denial. Upon the hearing, any party may appear in person, by agent or by attorney, provided that said agent or attorney produces authorization from his principal for acting in such a capacity.

D. A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57. 6 []

§ 230-30. - ~~Filing fee~~**Use and Area Variances**.

~~A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57.~~

A. Variance applications may be submitted to the Planning Department for review by the Board.

B. Notice of matters to be heard by the Board shall be published in a newspaper of general circulation for the City of Milford at least 10 days before the date of the hearing and shall specify the date, place and times at which the application may be examined. The notice shall set forth the date, time and place of the public hearing and shall describe in a general way the nature of the application.

C. The Planning Department shall provide a copy of the public notice by mail to the registered owners of all property within 200 feet of the property upon which the variance application is being sought.

D. The Planning Department will also post a notice at least 10 days before the hearing outlining the date, time, place and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps, and plans for the proposal may be examined.

E. A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57.

F. Variance approvals associated with site plans shall expire with the expiration of the site plan approval. Variances associated with subdivisions shall expire with the expiration of the subdivision approval. All other variances shall become null and void unless work is commenced and diligently prosecuted within one year of the date of the granting of a variance by the Board.

G. Whenever the Board of Adjustment denies an application for variance, such application for variance, or an application on the same property which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial.

~~§ 230-31. - Effect of appeal upon proceedings.~~

~~An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies, after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Code Official for due cause shown.~~

~~§ 230-32. - Hearing.~~

~~The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties of interest and notify by mail the registered owners of all property within 200 feet of the property upon which the appeal centers. The appeal shall be decided within a reasonable time not to exceed 60 days from the date of the filing of such appeal. Failure of the Board to decide within sixty days shall constitute denial. Upon the hearing, any party may appear in person, by agent or by attorney, provided that said agent or attorney produces authorization from his principal for acting in such a capacity.~~

§ 230-3~~13~~. - **Administrative Appeal and Variance Decisions.** Petition to court.

Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or commission of the City of Milford may present to a court of record a

petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds for the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision. The court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe the time within which a return must be made and served upon the petitioner attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application or notice to the Board and on due cause shown, grant a restraining order.

~~§ 230-34. - Duties in case of writ of certiorari.~~

~~The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies of such portions as may be called for such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.~~

§ 230-32~~5~~. - Composition and terms of office.

The Board of Adjustment shall be established as provided in 22 Del. C. § 322(d).

§ 230-33~~6~~. - Making and adopting rules.

The Board of Adjustment shall make and adopt rules in accordance with the provisions of this chapter.

~~§ 230-37. - Meetings.~~

~~Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his/her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, and the Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed in the City Hall and shall be a public record.~~

§ 230-34~~8~~. - Referrals to Planning Commission.

The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.

§ 230-38.5. - Salaries and compensation.

Each member of the Board of Adjustment shall be paid $50.00 per regular or special meeting s/he attends and may be reimbursed for actual expenses incurred in connection with their official duties.

ARTICLE VIII - Miscellaneous Provisions

§ 230-36~~9~~. - Nonconforming uses, structures and buildings.

A. A building, structure or use which is not in conformity with the provisions of this chapter at the effective date of its adoption may be continued in this present location, provided that no subsequent alteration or addition is made which would extend said building, structure or use for more than 20% of the cubicle content of the building or buildings or structure or structures existing and used for the nonconforming use or for more than 20% of the lot area existing and used for the nonconforming use. Any building or structure addition shall conform to the area and height regulations of the district where it is located.

B. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not be reestablished, and any further use shall be in conformity with the provisions of this chapter, except that when such discontinuance is on account of any cause beyond the control of the owner or tenant, the period of abandonment shall, for the purpose of this chapter, date from the termination of such cause.

C. Nothing in this chapter shall require any change in the plans, construction or designated use of any building or part thereof, the construction of which shall be lawfully in progress at the time of passage of this chapter or for which a permit shall have been issued pursuant to law, provided that construction shall be promptly and diligently pursued.

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

E. When in the public interest and where loss or damage has occurred to property, to include land and/or buildings occupied by nonconforming uses, and where such loss or damage has occurred through the action of a governmental agency, the Board of Adjustment, as provided in Article VII of this chapter, may grant as a **variance**~~special exception~~, after a public hearing, continuance of the nonconforming use. The Board of Adjustment may further limit but not extend such nonconforming use, to include the size and location on the land of any reconstructed buildings, the modification of existing buildings and the use of the property either on the same lot or on a contiguous lot under the same ownership at the time of enactment of this chapter.

~~F. A nonconforming use of a building or a nonconforming use of a nonconforming building may be extended either on the same lot or to a contiguous lot under the same ownership at the time of enactment of this chapter if granted as a special exception by the Board of Adjustment, as provided in Article VII of this chapter, subject to the following special requirements:~~

~~(1) The extension is for a use which is necessarily incident to the existing use;~~

~~(2) The estimated cost of any extension involved does not exceed 50% of the replacement value, as appraised by the Kent County or Sussex County Assessor, of the existing building to which it is incident;~~

~~(3) Such extension shall have a floor area not to exceed 25% of the floor area of the existing building to which it is incident;~~

~~(4) It will not impair the value of the adjoining property or adversely affect the character of the neighborhoods; and~~

~~(5) Provided that only one extension shall be permitted by the Board of Adjustment during the life of a nonconforming use.~~

§ 230-**37**~~40~~. - Restoration of existing **non-conforming structures**~~buildings~~.

Nothing in this chapter shall prevent the restoration of a building destroyed less than 75% of its current sound value, exclusive of the foundation, ~~by fire, explosion, act of God or act of the public enemy, subsequent to the passage of this chapter,~~ provided that the restoration shall begin within 12 months from the time of such destruction. **If the restoration of such building does not commence within the said one-year period, the non-conforming use of such building shall be deemed to have been discontinued unless such non-conforming use is carried on without interruption in the undamaged portion of such structure.**

§ 230-**38**~~41~~. - Accessory uses **or structures**.

A. Accessory **structures**~~uses~~ shall be permitted only on the same lot with the building to which they are accessory. All accessory **structures** ~~uses~~ **shall not dominate the principal building** and shall be such as ~~d~~**t**o not alter the character of the premises on which they are located or impair the neighborhood.

B. Accessory structures~~buildings~~ and uses attached to a principal building**, including attachment by means of a breezeway or roof passage,** shall comply in all respects with the yard requirements for the principal building. ~~Detached accessory buildings and uses shall be located to the rear of the building setback line of the principal building.~~

C. **Accessory structures which are not part of the main building shall be located in the rear or side yard area. Detached accessory structures shall not be located less than 5 feet from the principal building. Exception: Wood frame decks on pier foundations without a roof shall not be considered part of the principal structure for the purpose of this Chapter.**~~Accessory buildings which are not part of the main building may be constructed in a rear yard, provided that such accessory building does not contain more than 600 square feet of area, and may be located five feet from a side lot line and five feet from a rear lot line.~~

D. A private aboveground swimming pool or at grade swimming pool that is permitted as an accessory use on a residential lot shall be located so that the edge of the facility, including any deck or patio is at least 10 feet from each property line.

E. Each community recreational facility such as a tennis court, basketball court or at-grade swimming pool shall be located at least 25 feet from each lot line, structure, dwelling unit and any right-of-way.

F. Storage containers.

(1) Storage container means any factory-built container or part thereof designed or used for freight or storage and includes, but is not limited to, Conex boxes and sea-land containers. Such containers are typically originally designed for transport, but when intended to be used in a fixed location for more than six months are considered accessory structures for the purposes of this chapter.

(2) Storage containers shall not be used as principal structures in any zone.

(3) Storage containers may be permitted as a permanent accessory structure within the BP, I-1 and I-2 zones and shall meet the requirements for accessory structures within those zoning categories.

(4) Storage containers may be permitted as a permanent accessory structure within the C-3, IM, IS and H-1 zones subject to receiving a conditional use approval from City Council.

(5) Storage containers for use as permanent accessory structures are prohibited in the R-1, R-2, R-3, R-8, C-1, OB-1, OC-1, C-2 and C-2A zoning districts.

~~D. Outdoor woodburning furnaces.~~

~~(1) Prohibited.~~

~~(a) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.~~

~~(2) Nonconforming uses.~~

~~(a) All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011 and be removed by the property owner from the subject premise no later than October 31, 2011.~~

~~This will allow sufficient time for an alternate source of heat to be established. During the transition, such use shall conform with the following provisions:~~

~~(1) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.~~

~~(2) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.~~

§ 230-39~~42~~. - Fences.

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

§ 230-40~~3~~. - Exceptions to area regulations.

~~A. Minimum lot area; exceptions for existing lot.~~

~~(1) In the case of a lot with a building on it at the date of adoption of this chapter but with an area less than that prescribed for the district in which it is located, such building may be altered or a new building erected, provided that it complies with all other provisions of this chapter.~~

~~(2) In case of a lot unimproved at the date of adoption of this chapter and not adjoining either an unimproved lot or an improved lot owned or controlled by the owner of the lot in question, a building may be erected if the lot in question is at least 75% the size of that prescribed for the district in which it is located, provided that the building complies with all other provisions of this chapter.~~

~~(3) In the case of any lot unimproved at the date of adoption of this chapter shown on a subdivision plot approved by the Milford City Council prior to the date of adoption of this chapter, a building may be erected irrespective of the lot area, provided that said building complies with all other provisions of this chapter.~~

~~B. Minimum lot widths; exceptions for existing lot.~~

~~(1) In the case of a lot with a building on it at the date of adoption of this chapter but with a width less than that prescribed to the district in which it is located, such building may be altered or a new building erected, provided that it complies with all other provisions of this chapter.~~

~~(2) In the case of a lot unimproved at the date of adoption of this chapter and not adjoining either another unimproved lot or an improved lot owned or controlled by the owner of the lot in question, a building may be erected if the width of the lot in question is at least 80% of that prescribed for the district in which it is located, provided that the building complies with all other provisions of this chapter.~~

A~~C~~. Height of buildings; exceptions to height limitations. In any district the maximum height provisions shall not apply to spires, domes, cupolas, belfries, chimneys, smokestacks, flagpoles, water tanks or towers, observation towers, transmission towers, lofts, silos, antennas and the necessary supports; solar collectors, defined as any device or combination of devices, structures or part of a device or structure that transforms direct solar energy and that contributes to a structure's energy supply; or a parapet wall extending not more than four feet above the limit of the height of the building on which it rests, nor shall these provisions apply to elevator enclosures, water tanks on roofs or scenery lofts which occupy an aggregate of not over 25% of the ground floor area of the building.

B~~D~~. Building setback lines.

(1) In any district, when the average setback of existing buildings within 200 feet of the side lot lines and within the same block format **on the same side of the street** and zoning district is less than such required distance, such building need not be set back from the front street line any further than such average setback, provided that where any business or industrial building is erected within 50 feet along the same street frontage of a residential district, such building shall be set back a distance of 75% of the setback required for that residential district.

(2) Corner lots. On a corner lot, each story or part of a building, exclusive of cornices, uncovered steps and uncovered porches, shall be set back from the side street line the same distance as the required setback from the front street line as required in that district.

(3) **Architectural features such as windows, sills, chimneys, cornices, eaves or bay windows may project no more than three feet into a required yard area and no closer than five feet from any lot line. The sum of the bay window projections on a wall may not exceed 1/4 of the length of the wall.** ~~Exceptions for plots recorded prior to adoption of chapter. In case of a lot on an approved subdivision plot, no rear yard need have a depth greater than 25% of the depth of the lot.~~

(4) An open unenclosed porch, patio, or deck may project into required side and rear setback areas, provided that all such structures shall observe a minimum setback of 10 feet from the rear property line and be no closer to the side property line than the principal dwelling setback or 10 feet, whichever is less. Any enclosed porch, patio, or deck, or porch having a roof and capable of being enclosed, shall be considered a part of the principal structure in the determination of the size of the setback or the amount of lot coverage.

(5) Handicapped ramps open, unenclosed and not covered by a roof or canopy may extend into the required front, side and rear yard setbacks, but in no case can any portion of the ramp extend into the right-of-way or onto a side or rear property line.

§ 230-41~~4~~. - Prohibited uses.

The following uses and activities shall be specifically prohibited in any zone in the City of Milford:

A. Automobile wrecking yards, junkyards or the sorting and baling of scrap metal, paper, rags, glass or other scrap material.

B. The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle, to include, but not limited to cars, boats, boat trailers, campers, tractors or any parts thereof unless within an enclosed building. All vehicles requiring tags/registration must be valid at all times and vehicles maintained in its original configuration. All boats requiring a trailer for transportation must be stored on a registered trailer.

C. Any uses not permitted by this chapter.

D. ~~All establishments involving the sale of alcoholic beverages either on or off premises which are located within 1,000 feet of any public or private school, day care or child care center or church, unless food is prepared and served for consumption on site or for takeout, or alcoholic beverages are produced in said location. Approval to sell alcoholic beverages at special events or gatherings for a period of time, not to exceed three days, may be granted if approved by City Council.~~ **Outdoor woodburning furnaces.**

(1) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.

(2) Nonconforming uses. All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011 and be removed by the property owner from the subject premise no later than October 31, 2011. This will allow sufficient time for an alternate source of heat to be established. During the transition, such use shall conform with the following provisions:

(3) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.

(4) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.

E. Manufacturing uses involving production of the following products from raw materials; asphalt, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon

yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal): linoleum and oil cloth, matches, paint, varnishes and lurpentine; rubber (natural and synthetic); and soaps, including fat rendering.

F. Storage of explosives and bulk or wholesale storage of gasoline above ground.

G. Quarries, screening plants and all associated uses.

H. The following processes: large scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.

I. Recreational Vehicle Prohibited Activities.

(1) Recreational Vehicles shall not be considered dwelling units intended for permanent habitation.

(2) For purposes of this section, evidence of habitation shall include activities such as sleeping, setting up housekeeping or cooking, eating, recreating, and/or any other activity where it reasonably appears, in light of all the circumstances, that the vehicle is being used as a living accommodation.

(3) Running electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time is prohibited.

(4) Making a sewer connection with a recreational vehicle or dumping wastes from a recreational vehicle onto public or private land other than a designated RV dump is prohibited.

§ 230-42~~5~~. - Multiple permitted uses and mixed uses.

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

~~§ 230-45.1. - Community residential treatment programs.~~

~~A. These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.~~

~~(1) Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.~~

~~(2) The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.~~

~~(3) The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.~~

~~(4) The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.~~

~~(5) The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.~~

~~(6) The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.~~

~~(7) Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.~~

~~(8) The following documentation will be required to be submitted with the application:~~

~~(a) Site plan, including parking area and landscaped area.~~

~~(b) Floor plan, with elevation drawings or photographs of existing building.~~

~~(c) List of board members, proprietors or governmental officials to whom staff are responsible.~~

~~(d) Written neighborhood relations plan.~~

~~(e) Complaint recording and resolution plan.~~

~~B. Off-street parking design standards shall be as follows:~~

~~(1) Two per employee during the period of greatest employment.~~

~~(2) One per four clients.~~

~~(3) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).~~

~~(4) Have a buffer strip at least five feet wide between it and any adjacent residential lot.~~

~~(5) Be attractively landscaped and screened from neighboring residential lots.~~

~~(6) Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.~~

~~(7) Not extend into any required front yard area, except for driveways.~~

~~(8) Parking spaces shall be a minimum of 15 feet from any street line.~~

~~(9) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.~~

~~(10) Parking space size shall be a minimum of nine feet by 18 feet.~~

§ 230-43~~5.2~~ - Wetland areas.

A. A wetlands investigation shall be performed by a qualified wetlands specialist at the expense of the applicant in preparation for any activity on real property, which requires conditional use, site plan or subdivision plan approval by the Planning Commission and/or City Council as set forth in this chapter and Chapter 200 Subdivision of Land.

B. The limits of all wetlands determined to be present on the subject property shall be flagged by the wetlands specialist and identified on the subject property by customary survey markers and shall be delineated on the plan. Wetlands areas shall be tabulated on the plan in acres.

C. No portions of wetland~~s~~ areas shall be subdivided, filled, developed, or cleared of vegetation unless granted permission to fill and/or eliminate the wetlands area under state and/or federal permit, including nationwide permits authorized by the United States Army Corps of Engineers; they shall remain as essentially undisturbed natural areas.

D. No buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area. The placement of fill, regrading, or other obstructions to surface sheet flow, or the clearing or removal of natural vegetation within this setback area, shall be prohibited**, unless in conjunction with a permit to fill and/or eliminate the wetland areas under State and/or federal permit, including nationwide permits authorized by the United States Army Corps of Engineers**. Notwithstanding all of the foregoing, limited cuts into the surface area of this twenty-five-foot setback area in conjunction with the placement of outfall

stabilization facilities therein (such as stone rip-rap, turf stabilization, or other geosynthetic materials) may be permitted for the purpose of stabilizing and/or installing stormwater management outfalls, thus providing for a non-erosive flow condition at the outfall, provided that such encroachments into the twenty-five-foot setback area shall be limited to a maximum distance into the wetland buffer of 15 feet measured from the twenty-five-foot wetland buffer line, and shall be limited to a maximum width of 20 feet.

§ 230-44~~5.3~~ - Water bodies, streams and other watercourses; riparian buffers.

A. Lakes, ponds, rivers, and streams shall be left as permanent open space. No filling, piping or diverting of water bodies, lakes, ponds, or streams shall be permitted except for required roads, to be approved by the U.S. Army Corps of Engineers, DelDOT, and/or DNREC as appropriate.

B. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks shall be permitted to be constructed under naturally occurring riparian buffer conditions nearer than:

(1) Twenty-five feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or

(2) Fifty feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

C. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks with a combined area of 200 square feet or less, shall be permitted to be constructed under redevelopment conditions in previously disturbed or removed riparian buffers nearer than:

(1) Ten feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or

(2) Ten feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

D. For projects located within a promulgated total maximum daily load basin, the preservation or reestablishment of riparian buffers facilitating the reduction of nutrients and other pollutants to the level necessary to ensure compliance with promulgated load reductions shall be required. The clearing or removal of natural vegetation within this setback area shall be prohibited. Existing riparian buffers shall either be preserved or planted to the limits as provided above under paragraphs B. or C. respectively.

§ 230-45. - Reserved.

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.~~ **Conditional Use Site Plans shall follow the procedures for application and review outlined in Article X Site Plan Review of this Chapter.**

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.~~ **Conditional Use Major Subdivisions shall follow the procedures for application and review outlined in Chapter 200 Subdivision of Land**

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.~~ **Standalone Conditional Use applications that do not require site plan review or major subdivision review shall be subject to the following procedures:**

(1) A conditional use application and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.

(2) A public hearing on the conditional use shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council approval of the application with or without conditions, denial of the application, or table the application. The conditional use shall be reviewed based on the requirements set forth in the zoning ordinance. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.

(3) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:

(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.

(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.

(4) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application. The conditional use shall be reviewed based on the requirements set forth in the zoning ordinance.

§ 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.~~ **A conditional use approval in conjunction with a Site Plan review shall expire upon expiration of the associated Site Plan.**

C. A conditional use approval in conjunction with a Major Subdivision application shall expire upon expiration of the associated Major Subdivision.

D. A standalone conditional use permit shall expire within eighteen months of the date of issuance unless construction or operation of said use has commenced.

E~~C~~. A reapplication for a **conditional** use permit for the same lot or use shall not be considered by the City Council within a period of **one-year** ~~365 days~~ from its last consideration. This provision, however, shall not impair the right of the Council to propose a **conditional** 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.~~

§ 230-50. - Purpose.

The site plan review has a twofold purpose. It is to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures; assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter.

~~§ 230-51. - Guidelines.~~

~~Guidelines for determining what site plans shall be reviewed by the Planning Commission shall be as follows:~~

~~A. Automatic determination of review. Certain types of developments, due to the nature of their impact on the entire community, shall automatically have their site plans reviewed by the Planning Commission, including the following:~~

~~(1) Residential:~~

~~(a) Townhouses.~~
~~(b) Garden apartments.~~
~~(c) Planned unit developments.~~
~~(d) Mobile home parks.~~

~~(2) Commercial: shopping centers.~~
~~(3) Institutional: hospitals.~~
~~(4) Industrial: all industrial developments.~~

~~B. Discretionary determination of a review. The Code Official shall have discretion in determining what proposed developments other than those enumerated above shall have their site plans reviewed by the Planning Commission. When making such a decision, the Code Official shall consider but not be limited to the following factors:~~

~~(1) If the traffic flow will be greatly altered. Flow includes:~~

~~(a) Pattern.~~
~~(b) Volume.~~
~~(c) Hazard involved.~~
~~(d) Time involved.~~

~~(2) If parking on a large scale is required.~~
~~(3) If public utilities or works must be expanded to accommodate the development.~~
~~(4) If there is a change in the existing land use pattern.~~
~~(5) If there are incompatible uses within the proposed development or in relation to the abutting districts.~~
~~(6) If there may be difficulty in meeting existing performance standards.~~

§ 230-51~~2~~. - Review procedure.

A. ~~Preliminary approval.~~ **Preliminary Review of Permitted Use Site Plans.**

(1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the **Planning Director** ~~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 **Planning Director** ~~City Planner~~. **The application shall be reviewed by the Planning Director and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances.** Upon confirmation by the City Planner that all DAC issues and **plan review comments** 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 shall approve the application with or without conditions, deny the application, or table the application.

(4) Preliminary approval from the Planning Commission shall be void after **24 months** ~~one year~~, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

B. ~~Final approval.~~ **Preliminary Review of Conditional Use Site Plans.**

(1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, 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 Planning Director. The application shall be reviewed by the Planning Department and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the Planning Director that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.

(3) A public hearing on the preliminary plan shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, deny the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.

(4) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:

(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.

(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted

notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.

(5) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.

(6) Preliminary approval from City Council shall be void after 24 months unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

C. Final Permitted Use or Conditional Use Site Plan

(1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by **Planning Director** ~~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.~~ The final plan shall ~~also~~ be reviewed by the **Planning Director** ~~City Planner~~ for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City **along with the specifications of the City Council or Planning Commission preliminary approval**. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan~~, if applicable,~~ and in accordance with the **City Standard Construction Specifications** ~~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 shall approve the application with or without conditions, deny the application, or table the application.~~ **Upon confirmation by the City Planner and City Engineer that all agency approvals have been obtained and all plan review comments have been addressed satisfactorily, the application may be administratively approved by the Planning Director.**

~~(4) Prior to receiving final site plan approval, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.~~

(~~4~~5) Within 90 days of final approval from **the City Director** ~~Planning Commission~~, the applicant shall record the plat at the County Recorder of Deeds office and provide the **Planning Director** ~~City Planner~~ a receipt of the recordation including the deed book and page number. Prior to recording the plat, **at least three** ~~five~~ copies of the plat must be submitted to the **Planning Director** ~~City Planner~~ for stamping and signing. ~~Three~~ **Two** sets will be **retained by the City.** ~~returned to the applicant.~~ **The City Manager, Planning Director and City Engineer shall sign the approved record plats and construction plans.**

~~(6) Upon recordation of the plat, the applicant shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.~~

(~~5~~7) Failure to record the plat within 90 days of Planning Commission approval will result in the approval being voided. **In order to obtain final approval after it has been voided, the applicant must make application for preliminary approval again.**

~~C. The site plan review by the Planning Commission shall be limited to those proposed developments enumerated by this chapter and to those proposed developments that require a site plan review as determined by the City Planner. No other site plans shall be considered by the Planning Commission for review.~~

~~§ 230-52.1. Site plan expiration.~~

(6) If construction of approved buildings and improvements is not substantially undertaken within eighteen months ~~one year~~ of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant an ~~one-year~~ extension for good cause.

230-52. – Amendments and additions to site plans.

A. For minor changes or alterations to approved site plans (conditional use and by-right), formal site plan review by the Planning Commission and/or City Council may be waived at the discretion of the Director or designee for conforming uses which have previously received formal site plan approval and are applying to expand their gross floor area by up to 5,000 square feet, provided that such changes or amendments:
   (1) Do not negatively affect the original conditions for approval;
   (2) Involve no changes in use;
   (3) Do not conflict with specific requirements of this Chapter and Chapter 200 Subdivision of Land;
   (4) Do not change the general character or content of an approved development plan or use;
   (5) Have no appreciable effect on adjoining or surrounding property;
   (6) Do not result in any substantial change of major external access points;
   (7) Do not increase the approved number of dwelling units or height of buildings;
   (8) Do not decrease the minimum specified yards and open spaces or minimum or maximum parking and loading spaces; and
   (9) Do not have adverse effects on traffic operations.

B. The Planning Director or designee may determine that the administrative changes outlined in this section must also be reviewed and approved by any applicable Development Advisory Committee agencies.

C. Site plan revisions which do not meet the criteria outlined in this section shall be subject to the same application and review process enumerated in Chapter 230-51.

230-52.1. – Exemptions.

The following shall be exempt from the provisions for formal site plan review:

A. Projects involving an aggregate impervious cover of less than 5,000 square feet will be excluded from the formal site plan review requirement. Such plans may be approved administratively at the discretion of the Planning Director.

B. Expansion of existing and zoning compliant land development for which there is no existing approved site plan, provided the expansion involves less than 5,000 square feet of impervious cover. Such plans may be approved administratively by the Planning Director or designee. Plot plans may be submitted in lieu of engineered drawings. Any further expansion must be reviewed by the Planning Commission and/or City Council as applicable. All such expansions shall be cumulative. If conditional use approval is required, the application shall be processed without requiring formal engineered plans.

C. The Planning Director may require letters of no objection from applicable agencies for new or expanded development exempted from formal site plan review.

230-52.2. – Construction Procedures.

A. Prior to commencement of construction, the developer shall request a pre-construction meeting with the City Engineer. Payment of the required development inspection fee, as adopted by City Council and found in the City Fee Schedule, shall be made prior to the scheduling of the pre-construction meeting.

B. Improvements within the development shall be constructed per the approved construction plans and the City's Standard Construction Specifications. Any deviations from the construction plans must be submitted to the City Engineer in writing for review and approval.

C. A performance bond in the amount of 125% of the cost of installation shall be required for the construction of recreational and open space amenities, including but not limited to community buildings, playgrounds, walking paths, landscaping and landscape screening. The performance bond shall be posted prior to the issuance of the first building permit.

D. Conditional Acceptance of Infrastructure by City Engineer.

(1) Prior to the issuance of building permits, the developer shall obtain conditional acceptance from the City Engineer as outlined in the City's Standard Construction Specifications.

(2) A maintenance bond shall be provided by the developer in the amount of 10% of the improvements to be taken over and maintained by the City.

(3) A performance bond shall be provided by the developer in the amount of 125% of the cost for any item that has not been satisfactorily completed as approved by the City Engineer.

(D) Final Acceptance of Infrastructure by City Council.

(1) Final top coat shall be paved after 75% of building permits have been issued for a project or phase of a project and prior to 90% of building permits having been issued for a project or phase of a project.

(2) Final acceptance of utilities shall not occur until after the paving top coat has been completed.

(3) Upon completion of the top coat paving, the City Engineer may release the top coat performance bond. The 10% maintenance bond will remain in place until one-year after acceptance of the final top coat paving.

(4) Upon completion of the required one-year maintenance period, the right-of-way improvements may be accepted by City Council by resolution.

(5) Upon acceptance by City Council, the maintenance bond may be released by the City Engineer in its entirety.

ARTICLE XI - Administration

§ 230-53. - Interpretation and application.

A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity or general welfare; for the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads; for securing safety from fire and other danger, providing adequate light and air and preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement; for promoting such distribution of land development and utilization as will tend to facilitate and provide adequate provision for public requirements, transportation, water and flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility and food supply; and for protection of the tax base, securing economy in governmental expenditures and fostering the state's agricultural and other industries and the protection of both urban and nonurban developments.

B. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing law or any rules or regulations regulating the use or construction of buildings, the provision of yards, courts or other open spaces or the provision of sanitary facilities; provided, however, that where the provisions of this chapter require large yards or courts, lesser heights or bulk of buildings or more excessive sanitary facilities than do the aforementioned laws, rules or regulations, the provision of this chapter shall govern.

~~C. Special exceptions from the requirements of this chapter shall be permitted only for lots zoned residential, provided that the Board of Adjustment grants a special exception and as further provided that in the case of any lot zoned residential with a building on it at the date of adoption of this chapter but with a lot area, lot width, building setback, rear yard or side yards less than that prescribed for the district in which it is located, such building may be altered or a new building may be constructed, provided that it complies with all other provisions of this chapter.~~

§ 230-54. - Enforcement.

A. This chapter shall be enforced by the **Planning Director or designee** ~~Code Official of the City of Milford appointed by the City Manager~~.

B. Powers and duties. **Planning Director or designee** ~~The Code Official~~ shall:

(1) Examine all applications for permits, issue permits only for construction and uses which are in accordance with the requirements of this chapter or refuse permits or refer said application to the appropriate body. ~~Such permits for construction and uses which are a special exception or variance to the requirements of this chapter shall be issued only upon order of the Board of Adjustment.~~

(2) Record and file all applications for permits with accompanying plans and documents, record all certificates of occupancy, receive all required fees and issue necessary stop-work orders.

(3) Inspect nonconforming uses and keep a record of such nonconforming uses and prepare a **annual** ~~monthly~~ record for the City Council and Planning Commission summarizing for the period since the last report all building permits issued ~~and certificates countersigned by him~~.

C. Notification of violation. If the **Planning Director or designee** ~~Code Official~~ finds that any provisions of this chapter are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation, and order the action necessary to correct it.

D. Appeals from the **Planning Director or designee** ~~Code Official~~. Any appeal from a decision or action of the **Planning Director or designee** ~~Code Official~~ that concerns this chapter shall be made directly to the Board of Adjustment.

E. Relation to the Planning Commission. When requested by the **Planning Director or designee** ~~Code Official~~, the Planning Commission may provide recommendations to that office on any matter concerning this chapter. The **Planning Director or designee** ~~Code Official~~ may also present recommendations and reports to the Commission on zoning issues, when requested by the Commission.

§ 230-55. - Certificate of occupancy.

It shall be unlawful to use or permit the use of any building, structure or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged, wholly or partly, in use or structure, except for minor alterations involving no change in floor area or use, until a certificate of occupancy is issued by the **Planning Director or designee** ~~Code Official~~ which shows that the building, structure, or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter or an order by the Board of Adjustment.

§ 230-56. - Violations and penalties.

A. In case any building is erected, constructed, reconstructed, altered, repaired or converted or any building or land is used in violation of this chapter, the **Planning Director or designee** ~~Code Official~~ is authorized and directed to institute any appropriate action to put an end to such violations.

B. Any person who shall violate this chapter, or do any act or thing prohibited, or refuse or fail to do any act required to be done, or refuse or fail to comply with an order of the **Planning Director or designee** ~~City Code Official~~ or an order of the Board of Adjustment shall, upon conviction thereof, be subject for each violation to forfeit a fine as set forth in Chapter 1, General Provisions, Article II, General Penalty. Whenever such person shall have been officially notified by the **Planning Director or designee** ~~City Code Official~~ or by service of a summons in a prosecution or in any other official manner that he is committing a violation, each day's continuance of such violation after such notice shall constitute a separate offense, punishable by a like fine or penalty.

§ 230-57. - Planning, zoning and engineering fees.

Planning, zoning and engineering fees shall be set by resolution adopted by City Council and maintained by the City Clerk's office.

ARTICLE XII – **Zoning** 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.~~ **No hearing shall be held until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:**
(1) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10- days prior to the hearing.
(2) The Planning Department shall provide notice to the general public of the public hearing by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.

(3) The Planning Department will also post a notice outlining the date, time, place and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and pans for the proposal may be examined.

E. 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. – **Reserved.** ~~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.~~

§ 230-60. - Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

ARTICLE XIII - Permits and Certificates

§ 230-61. - Required zoning permits and certification.

Prior to any new construction, structural alteration or change in the use of a building or lot, the following permits or certificates shall be issued for any of its purposes so stated in this chapter.

A. Permitted uses. A zoning permit for any permitted use may be issued by the **Planning Director or designee** ~~Code Official~~ on his/her own authority if the use meets all of the applicable requirements for the district in which the use is to be located. No other review procedures are required.

~~B. Special exception uses. A zoning permit for a special exception may be issued by the Code Official after a review and upon the order of the Board of Adjustment.~~

B~~C~~. Conditional uses. A zoning permit for a conditional use may be issued by the **Planning Director or designee** ~~Code Official~~ after review by the Planning Commission and upon the order of the City Council.

C~~D~~. ~~Zoning permit after an a~~**A**ppeal or a request for variance. A zoning permit may be issued by the **Planning Director or designee** ~~Code Official~~ upon the order of the Board of Adjustment and after a public hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

D~~E~~. Certificate of occupancy. An occupancy permit **may** ~~shall~~ be issued by the **Planning Director or designee** ~~Code Official~~ upon completion and inspection of any building or lot prior to occupation. A certificate of occupancy **may be withheld by the City if only** ~~be issued when all~~ requirements set

forth by the site plan, **subdivision,** ~~or~~ conditional use**, variance or any other City or State regulation** have **not** been met **in order to protect the health, safety and welfare of the residents of the City**.

E. Certificate of use. No non-residential use shall commence operation without first submitting a certificate of use application to the Planning Department for review. Such application shall be reviewed by the Planning Director or designee to determine if the proposed use complies with this Chapter, Chapter 88 Building Construction and other City ordinances and State regulations. A certificate of use may be withheld by the City if requirements set forth by any City or State regulation have not been met in order to protect the health, safety and welfare of the residents of the City.

~~§ 230-62. Application and issuance.~~

~~A. Permit application. Application for permits shall be made, in writing, to the Code Official on the forms furnished by the City. Such application shall contain all the information necessary for such official to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this chapter.~~

~~B. Permit issuance. No zoning permit or certificate shall be issued until the Code Official has certified that the proposed work meets all the requirements of the applicable codes and ordinances, except after written order from the Board of Adjustment or the courts.~~

~~C. Certificate of occupancy issuance. Upon completion of the construction, erection or alteration of any building or lot, and prior to any occupancy or use, an occupancy permit shall be secured from the Code Official.~~

F~~D~~. No zoning permits, certificates of occupancy, licenses or building permits shall be issued nor shall any applications for changes of zoning, conditional uses, variances or special exceptions be accepted unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

~~§ 230-63. Expiration.~~

~~A permit for any proposed work shall not be valid after one year from the date of issuance thereof and shall thereafter be considered void unless the work authorized by the permit has been substantially commenced and proceeded with due diligence.~~

ARTICLE XIV - Floodplain Management

See Chapter 130 of this Code for floodplain management regulations.

~~**City of Milford**~~ ~~**Sign Types and Allowable Dimensions**~~ ~~**and Restrictions**~~

City of Milford
Sign Types and Allowable Dimensions and Restrictions

	Types of Signs												
Zoning District	Wall or Mailbox (residence/occupant ID)		Freestanding (mounted on post(s))		Fascia: Commercial (wall, roof edge, etc.) (of wall square feet)	Hanging/Projecting (extended from wall) (square feet)	Marquee (movable letters)		Illuminated (nonflashing)		EMB	Mobile (mounted, trailer, etc.)	Billboard
	Height (inches)	Square feet	Height	Square feet			Height	Square feet	Height	Square feet	Square feet		Prohibited
R-1	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
R-2	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
R-3	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
C-1	42 in	2	48 in	4	10%	15	48 in	9	48 in	4	Prohibited	N/A	Prohibited
C-2	N/A	N/A	48 in	4	10%	20	48 in	9	48 in	4	Prohibited	N/A	Prohibited
C-3	N/A	N/A	28 ft	225	10%	20	10 ft	48	28 ft	225	Height ÷ greater than 2', max 5' Width ÷ max 12' Max 32 sq ft total	N/A	Conditional use per DelDOT standards
H-1	N/A	N/A	25 ft	70	5%	N/A	N/A	N/A	25 ft	70	Prohibited	N/A	Prohibited
OC-1	N/A	N/A	28 ft	225	5%	N/A	10 ft	48	28 ft	225	Prohibited	N/A	Prohibited

~~I-1~~	~~N/A~~	~~N/A~~	~~28 ft~~	~~200~~	~~5%~~	~~N/A~~	~~10 ft~~	~~48~~	~~28 ft~~	~~200~~	~~Prohibited~~	~~N/A~~	~~Prohibited~~
~~I-2~~	~~N/A~~	~~N/A~~	~~28 ft~~	~~200~~	~~5%~~	~~N/A~~	~~10 ft~~	~~48~~	~~28 ft~~	~~200~~	~~Prohibited~~	~~N/A~~	~~Prohibited~~

Section 5. Dates.
Introduction to City Council: January 10, 2022
Planning Commission Review/Recommendation/Public Hearing: January 18, 2022
City Council Review/Public Hearing/Determination: January 24, 2022

Section 6. Effective.
This Ordinance is effective ten days following its adoption.

MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: Council Workshops and Council Committees
Date: January 7, 2022

Over the course of the past two years, I have observed the workings of Council through the Committee structure and workshops. Based on these observations, I am recommending several changes.

Council Committees

Council committees have several shortcomings. First, through committees, three or four Council person receive more information on subjects than other members. Second, Council Committees have very irregular meeting schedules. And lastly, all the information covered in a committee meeting, is repeated at the Council meeting for all of Council.

Last year, the Mayor reduced Council Committees to just the Finance Committee and Police Committee. In 2021, the Finance Committee met 6 times; the Police Committee met just once.

It is my recommendation the Mayor and Council consider the elimination of Council Committees. In lieu of Council committees, I recommend Council Liaisons be considered. Two liaisons would be assigned to a subject area, which would provide City staff the opportunity to cover subjects in detail to obtain feedback from Council, prior to introducing subject matter on a Council agenda. Because no decisions are being made, the liaisons meeting would not require minutes, and not be subject to FOIA requirements. Council liaisons would be appointed by the Mayor.

I have listed the possible liaisons positions on the attached document.

Workshops

Over the past two year, attempting to cover Workshop Agenda items prior to a scheduled Council meeting has been problematic. First, it appears there is inadequate time to fully discuss topics. Second, subject matter is rushed in order to be completed by 7pm. Third, the workshops combined with the regular Council Meeting often requires up to 4 hours on a Monday to cover everything. More recently, there has been a need to schedule Workshops or Committee meetings as early as 5:30pm, in order to cover all items prior to the 7pm Council meeting. Lastly, the possibility of eliminating Council Committees may necessitate more workshops with all of Council to fully cover pending items.

I recommend Council consider having separate workshop meetings, solely devoted to workshop items. The additional meetings would assist making regular Council meetings more efficient, and less exhausting. Council meetings would start on time at 7pm, which would be a benefit to those people bringing matters before Council, or who wish to provide public comment. A separate workshop meeting would not have time constraints, which would allow Council to fully discuss topics.

I have attached a suggested workshop schedule for Council's consideration.

MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

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Council Liaisons

	Staff	Council
Public Works	Mike Svaby	2 Council Members
Planning/Zoning/Code Enforcement	Rob Pierce	2 Council Members
Police	Kenneth Brown	2 Council Members
Finance & Budget	Lou Vitola	2 Council Members
Community & Economic Development	Sara Pletcher	2 Council Members
DMI & Chamber of Commerce	Sara Pletcher	2 Council Members
Parks & Recreation	Brad Dennehy	2 Council Members
Information Technology	Dale Matthews	2 Council Members
Annexation Committee[1]	Mark W & Rob P	(3 Council members + 1 Planning Comm)
Kent Economic Partnership	Sara P, Rob P	1 Council Member
Executive	Mark W & Terri H	Mayor, Vice Mayor
Cemetery[2]	Mark W & Brad D	Mayor, 1 Council Member

[1] By Charter
[2] By Articles of Incorporation, Milford Community Cemetery

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Council Meetings 7pm	Council Workshops 6pm (except Retreat)
January 10, 24	January 26 (Weds)
February 14, 28	February 23 (Weds)
March 14, 28	March 23 (Weds)
April 11, 25	April 20 (CIP) (Weds)
May 2, 9, 23	May 16, 18, & 19 (Budget) (Mon, Weds, Thurs)
June 13, 27	June 6 (Budget) (Mon)
July 11, 28	(no meeting)
August 8, 22	August 31 (Weds)
September 12, 26	September 28 (Weds)
October 10, 24	October 22 (Retreat?) (Sat 9am – 2pm)
November 14, 28	(no meeting - Thanksgiving)
December 12	December 14 (Weds)

THE CITY of Milford DELAWARE

The governing body has recessed to Executive Session. The regular meeting will resume shortly.

CITY COUNCIL MEETING

Executive Session has concluded. Council has returned to *Open Session*