

CITY OF MILFORD
NOTICE OF ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN that the following ordinance was adopted during a meeting of Milford City Council on January 24, 2022:

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 disposed 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.~~ **street front building line as**
- (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.~~
- ~~(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.

(65) 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 no 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) 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.~~

DG. 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~~**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~~**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.~~
- ~~(23) Business or Professional offices (nonresident); minimum lot size one acre.~~
- ~~(4) Medical clinics.~~
- ~~(35) Sanatoriums or nursing homes; minimum lot size one acre.~~
- (46) 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.~~
- ~~(27) 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.~~
- ~~(310) Libraries, museums, art galleries and public information centers.~~
- ~~(411) Churches and other places of worship.~~
- ~~(512) 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.~~
- ~~(617) Publishing, printing and reproduction establishments.~~
- ~~(18) Repair and servicing as an accessory activity of any article for sale in the same establishment.~~
- ~~(719) Indoor storage facilities as an accessory use to any of the permitted uses in this district.~~
- ~~(820) 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.~~
- ~~(922) 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 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.~~

- (24) Motels and hotels.
- (35) Instructional, business or trade stores.
- (46) 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.~~
- (540) All dwellings other than single-family with a maximum density of ~~16~~ 42 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.~~
- ~~(28) Libraries, museums, art galleries and public information centers.~~
- ~~(39) 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.~~
- ~~(412) 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) 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.~~

~~(23)~~ (3) Fast-food or franchised food service operated restaurants.

~~(4) Day care centers.~~

~~(5) Community residential treatment program.~~

~~(36)~~ (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) Outdoor commercial recreational facilities, not motorized vehicles.
 - ~~(10) Swimming club.~~
 - ~~(11) Indoor facility for amusement or assembly.~~
 - ~~(12) Bus station.~~
- C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-2 zoning district and 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)~~ 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.~~
 - ~~[23]~~ The minimum distance between accessways and a residential district shall be 50 feet.
 - ~~[34]~~ 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)~~ 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.~~

~~(913) Car wash, all types (staffed, automatic, self service, etc.).~~

~~(14) Convenience stores with gas pumps.~~

~~(15) Community residential treatment program.~~

~~(1016) 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.**

~~(1147) Business, commercial or industrial uses that do not adversely affect neighboring properties.~~

~~(1218) 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, petrochemical, 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** ~~the~~ the 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.~~
- ~~(13)~~ 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.
- ~~(24)~~ 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.~~
- ~~(37)~~ All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
- ~~(48)~~ 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.
- ~~(59)~~ 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).
- ~~(610)~~ 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.~~
- ~~(712)~~ All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
- ~~(813)~~ 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.~~

E.F. 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) 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, petrochemical, 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** 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.~~
- (13)** 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.
- (749) 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.~~

E.F. 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.~~
- DE. 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, petrochemical, 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.~~

DE. 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.~~
- ~~(12) 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.~~
- ~~(25) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.~~
- ~~(36) 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.~~
- ~~(47) 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).~~
- ~~(58) 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.~~

~~(610)~~ 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.

~~(711)~~ 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.~~

EF. 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 from 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.~~
- ~~(45)~~ (5) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
- ~~(56)~~ (6) Pharmacies.
- ~~(67)~~ (7) Heliports.
- ~~(78)~~ (8) Private education institutions and training centers.
- ~~(89)~~ (9) Nursing facilities, convalescent homes, and a continued-care retirement communities.
- ~~(940)~~ (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.
- ~~(1041)~~ (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.
- ~~(1142)~~ (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.
- ~~(1243)~~ (13) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
- ~~(1344)~~ (14) Ambulance and emergency rescue services.
- ~~(1445)~~ (15) Maintenance and laundry facilities.
- ~~(1546)~~ (16) Libraries
- ~~(1647)~~ (17) Places of worship.
- ~~(1748)~~ (18) Parking areas, including parking facilities.
- ~~(1849)~~ (19) Publicly owned and/or health-related recreation facilities.
- ~~(1920)~~ (20) Rehabilitation facilities.

~~(2021)~~ 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.

~~(2122)~~ Auditoriums.

~~(2223)~~ Modular office units.

~~(2324)~~ 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.

~~(2427)~~ 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) F. 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:~~

~~(51)~~ ~~Front yard depth: 25 feet.~~ **Minimum front yard setback shall be 50 feet.**

~~(62)~~ ~~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.**

~~(73)~~ ~~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.~~
- (911) 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.
- (1012) Public and private elementary, junior or senior high schools and colleges.

- (1113) 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.
- (1214) Pharmacies.
- (1315) 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.**
- (42) 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:~~

- (51) 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~~ Districts 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.~~

(23) Business or Professional offices (nonresident); minimum lot size one acre.

~~(4) Medical clinics; minimum lot size one acre.~~

(35) Sanatoriums or ~~n~~**N**ursing homes; minimum lot size one acre.

(46) 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 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 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.

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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:

<u>Caliper Dimension of Trees Removed</u>	<u>Number of Trees Required</u>	<u>Caliper dimension at Planting</u>
<u>25" or larger</u>	<u>5 trees</u>	<u>3"</u>
<u>17" to 24"</u>	<u>3 trees</u>	<u>3"</u>
<u>9" to 16"</u>	<u>3 trees</u>	<u>3"</u>
<u>8" or less</u>	<u>2 trees</u>	<u>3"</u>

* 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.

<u>Zoning Category</u>	<u>Minimum Lot Area</u>
<u>R-1</u>	<u>10,000 square feet</u>
<u>R-2</u>	<u>8,000 square feet</u>
<u>R-3</u>	<u>3,630 square feet</u>
<u>R-8</u>	<u>3,630 square feet</u>

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.~~

AB. Parking space size. Parking space sizes shall be in accordance with § 230-21.

BC. 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.

- CD.** 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.
- DE.** 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.
- EF.** 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.~~
- FG.** ~~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.
- GH.** 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.** 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. **Non-residential** 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 curbing 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 properly 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
90°	9	18	As required by State Fire Marshal <u>20 feet (one-way)</u> <u>24 feet (two-way)</u>
60°	9	20	As required by State Fire Marshal <u>18 feet (one-way)</u> <u>22 feet (two-way)</u>
45°	9	18	As required by State Fire Marshal <u>14 feet (one-way)</u> <u>22 feet (two-way)</u>
Parallel	10	20	As required by State Fire Marshal <u>14 feet (one-way)</u> <u>22 feet (two-way)</u>

(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

<u>Types and Uses</u>	<u>Required Off-Street Parking Spaces</u>
<u>Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center</u>	<u>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</u>
<u>Automotive Repair</u>	<u>3 spaces per service bay</u>
<u>Automotive or Outdoor Sales</u>	<u>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</u>
<u>Bed and Breakfast</u>	<u>1 space per guestroom plus required parking for family residence</u>
<u>Community Residential Treatment Program</u>	<u>1 space per 4 residents plus 1 space per employee</u>
<u>Daycare, Nursery School or Kindergarten</u>	<u>1 space per 10 children plus 1 space per employee on the shift of greatest employment</u>
<u>Elementary or Junior High School</u>	<u>1 space for each 8 seats in auditorium, cafeteria or gymnasium</u>
<u>High School, Technical School, College or University</u>	<u>1 space for each classroom plus 1 parking space for each employee or 1 space for each 5 auditorium seats, whichever is greater</u>

<u>Fire station</u>	<u>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</u>
<u>General Offices</u>	<u>1 space per 250 square feet of gross floor area</u>
<u>Medical and Dental Offices</u>	<u>1 space per 200 square feet of gross floor area</u>
<u>Hospitals, Nursing Home or Sanatorium</u>	<u>1 space per 3 beds</u>
<u>Hotel and motel</u>	<u>1 space for each guest room plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.)</u>
<u>Indoor and commercial outdoor recreation</u>	<u>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</u>
<u>Industrial, manufacturing or wholesaling establishment</u>	<u>1 space per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales</u>
<u>Museum, Art Gallery, Library and similar use</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>Places of Worship</u>	<u>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</u>
<u>Professional Home Occupation</u>	<u>1 space per 300 square feet of floor area devoted to a business plus 1 space per each outside employee, if there is one</u>
<u>Restaurants, fast food, taverns and similar uses</u>	<u>1 space per 3 seating accommodations</u>
<u>Retail or Service</u>	<u>1 space per 200 square feet of gross floor area</u>
<u>Rooming and boarding house or converted unit</u>	<u>1 space per bedroom</u>
<u>Dwelling, single-family detached, semi-detached, townhouse, mobile home, or multi-family dwelling unit</u>	<u>2 ½ spaces per dwelling unit</u>
<u>Accessory Dwelling Unit</u>	<u>1 ½ spaces per dwelling unit</u>
<u>Social club and fraternal, social service, union and civic organization building</u>	<u>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</u>
<u>Undertaker or Funeral Home</u>	<u>1 space per 4 seats in the largest assembly room plus 1 space per employee</u>

- (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 ~~3,500~~ **5,000** 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 no 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 ~~Office Building/Complex~~ Business Park Districts: H-1, IM, IS, I-1, ~~I-2, I-3, OB-1 and BPOC-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/m^2 , 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.

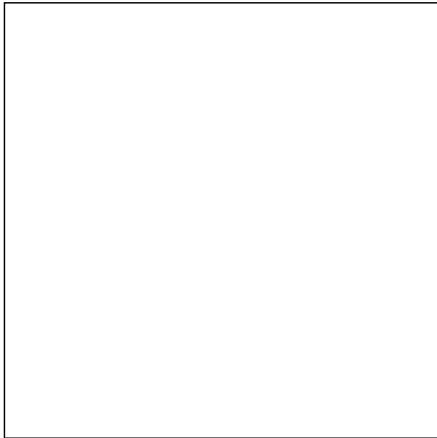
WALL OR FASCIA SIGN — A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such 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.

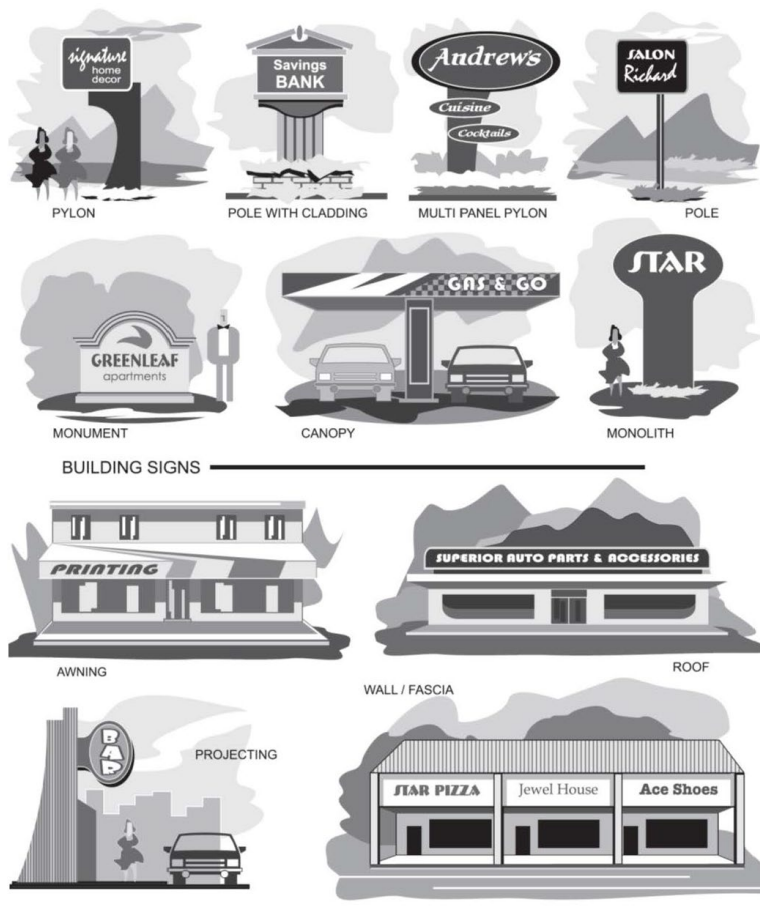
WAYFINDING SIGN — A sign, frequently off-premise, specifically designed to provide directional or destination information and installed or maintained by the City or another government agency.

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.

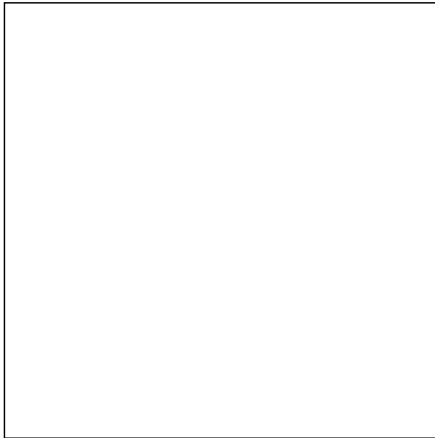
The purpose of this section is to provide visual examples of certain types of signs.

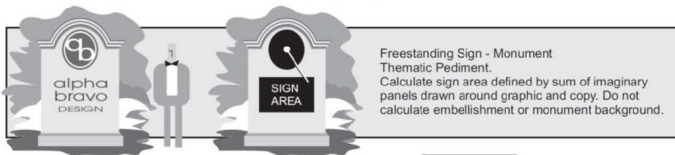
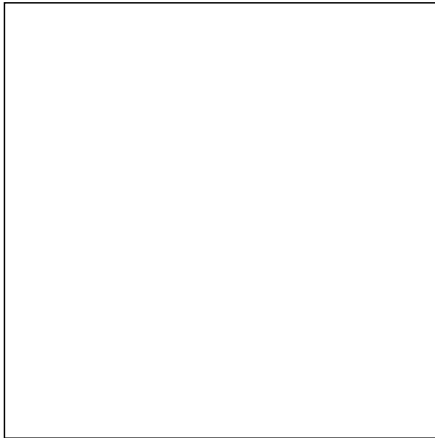




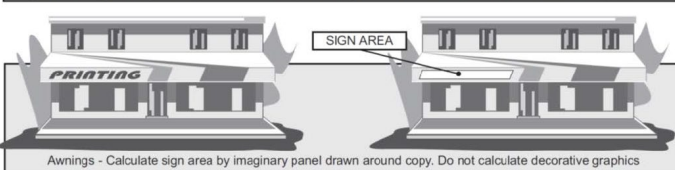
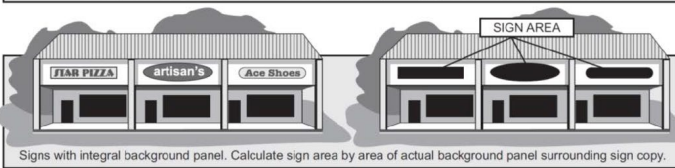
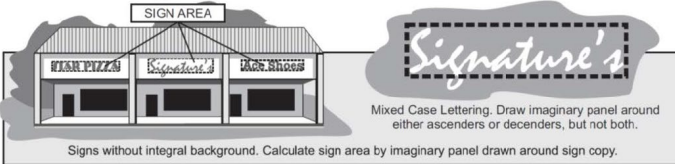
§ 230-24.4. - Sign area computational methodology.

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.



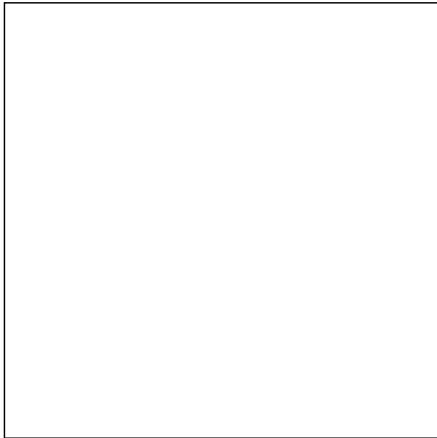


Wall / Fascia Signs

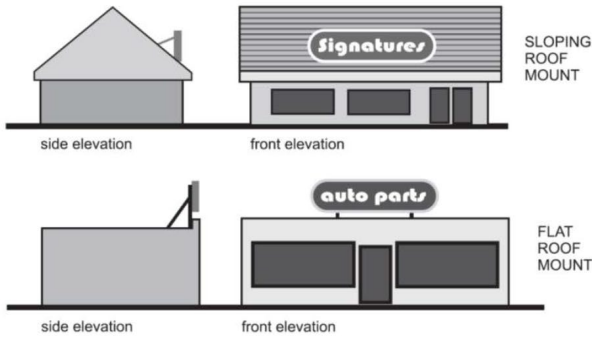


§ 230-24.5. - Comparison: roof and wall sign distinctions.

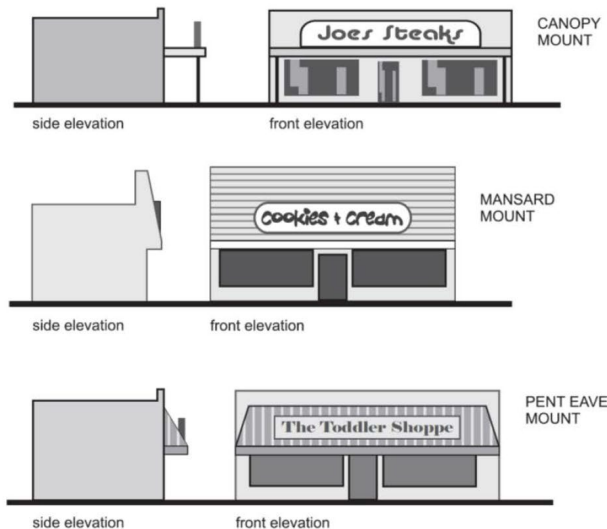
The following diagrams demonstrate visual examples of distinctions between roof signs and wall signs.



ROOF SIGNS



Fascia Signs on Roof-Like Projections NOT ROOF 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.

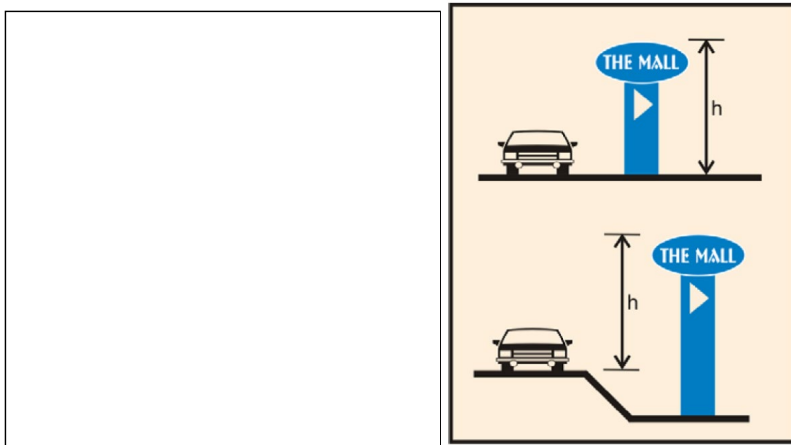


Figure A

§ 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. 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** 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 ~~do~~ 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 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 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.~~

AC. 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.

BD. 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.

§ 230-414. - 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 turpentine; 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.

§ 230-425. - 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.~~

§ 230-435.2 - 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 wetlands 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.

§ 230-45.3 - 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.~~ E. 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~~¹². - 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.~~
- (45) 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.~~
- (57) 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 plans 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.~~

BC. 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.

CD. ~~Zoning permit after an Appeal~~ 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.

DE. 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

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ZONING
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 22 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

Effective: February 3, 2022

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office at cityclerk@milford-de.gov or by accessing the city website at www.cityofmilford.com.