



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

## CITY COUNCIL AGENDA January 23, 2023

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops will be held in the Council Chambers at City Hall. Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a ®. Virtual attendees may alert the City Clerk that they wish to speak by submitting their name, address, and agenda item via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. Those attending in person may comment when the floor is opened for that purpose.

All written public comments received prior to the meeting will be read into the record.

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

<https://zoom.us/j/94877121629>

*or*

<http://www.cityofmilford.com/553/Watch-Public-Meetings>

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

*Call 301 715 8592 Webinar ID: 948 7712 1629*

**6:00 PM**

### **15-Minute Public Comment Period\***

Virtual attendees must register prior to start time of meeting by calling 302-422-1111 Extension 1300 or 1303, or by sending an email to [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov) and providing your name, address, phone number, and the specific agenda item you wish to comment on.

## COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

New City Employee Recognition

Public Hearings/Public Comments ®

Adoption/Ordinance 2023-01

Code of the City of Milford/Chapter 55

Personnel Code Amendment

Police Special Duty

Adoption/Ordinance 2023-02 - Conditional Use

Application of Collins Bowers Investments, LLC

0.40 +/- acres located along the east side of Lakeview Avenue between Kings Highway and Sussex Avenue

Comprehensive Plan Designation: Low Density Residential

Zoning District: R-1 (Single-family Residential District)

Present Use: Single-family Detached Dwelling

Proposed Use: Single-family Detached Dwelling with an Accessory Dwelling Unit

Tax Parcel: 1-30-3.08-008.00

Adoption/Ordinance 2023-03 - Change of Zone

Application of Growmark FS, Inc.

4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth & East Streets

Comprehensive Plan Designation: Commercial

Present Zoning District: I-2 (General Industrial District) Proposed Zoning District: C-3 (Highway Commercial District)

Present Use: Office Proposed Use: Office and Vacant Lot

Tax Parcel: MD-16-183.10-04-27.00

Adoption/Ordinance 2023-04 - Preliminary Conditional Use

Application of Masten Circle, LLC

2.39 +/- acres of land located along the east side of E. Masten Circle

Comprehensive Plan Designation: Industrial

Zoning District: I-1 (Limited Industrial District)

Present Use: Vacant Proposed Use: Flex Office/Warehouse

Tax Parcel: MD-16-183.00-01-08.00

Communication & Correspondence

Monthly Finance Report – December 2022

Unfinished Business

New Business

Introduction/Ordinance 2023-06/Chapter 26/Enhancement Funds

Authorization/Milford Corporate Center/Becker Morgan Contract

Executive Session

Motion to Recess into Executive Session

Personnel-

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

Return to Open Session

Potential Vote/Administrative Personnel Matter

Adjournment

All items on the Council Meeting Agenda are subject to a potential vote.

**ALL SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING. NO PAPER DOCUMENTS WILL BE ACCEPTED, DISTRIBUTED, OR PRESENTED AT MEETING ONCE PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE. ANY MATERIALS UTILIZED DURING THE MEETING SHALL BE FROM THE COUNCIL PACKET AND REFERENCED BY PRESENTER USING AUDIO AND VISUAL MEANS TO ENSURE VIRTUAL PARTICIPATION BY ALL IN ATTENDANCE.**

Ⓢ Designated Items only; Public Comment, up to three minutes per person will be accepted.

*\*Comments restricted to same date's Council agenda items.*

*The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.*

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CITY OF MILFORD  
NOTICE OF ORDINANCE REVIEW  
City Council Public Comments: Monday, January 23, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN the following Ordinance is under review by the City Council of the City of Milford. Public comments will be accepted during a regular session of Council that begins at 6:00 p.m. on Monday, January 23, 2023. Following, City Council will take action to approve, deny, or modify the Ordinance that amends Chapter 55 of the Code of the City of Milford:

ORDINANCE 2023-01  
Chapter 55 Personnel  
Section 6.6.E Special Duty- Police Lieutenants

WHEREAS, The City Council (“Council”) of the City of Milford, Delaware has enacted and codified the "The Code of the City of Milford"; and

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees; and

WHEREAS, this Chapter is intended to inform employees of important information about the City’s rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and

WHEREAS, Council has determined that every effort should be made to ensure that personnel policies are kept current and amended when needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MILFORD:

Section 1.

The City of Milford hereby ordains that Chapter 55-Personnel SECTION 6 – CLASSIFICATION, PERFORMANCE EVALUATION, AND COMPENSATION

Section 2.

§ 6.6 is hereby amended by inserting a new Subsection 6.6E with the following language indicated in underlined bold text.

Section 3.

§ 6.6.E SPECIAL DUTY – POLICE LIEUTENANTS hereby added to read as follows:

**6.6.E SPECIAL DUTY-POLICE LIEUTENANTS**

**Lieutenants in the Police Department may, at the discretion of the Chief of Police, have the opportunity to work Special Duty. As used herein, “Special Duty” means work done under contract with a third party-vendor that requires police officers for special events or activities that would not be part of the officer’s regular duties. Examples of “special events or activities” include, but are not limited to, events requiring City permits, that involve temporary road or right-of-way closures, and/or active traffic control. The third-party vendor must fund the whole cost to the City of the Lieutenant’s compensation for the work. The rate at which**

**Lieutenants are paid for Special Duty assignments cannot exceed the rate set by Council and paid by the vendor, excluding a processing fee or charge, if any. Special Duty does not include any event or project funded, in whole or in part, by the City. Special Duty assignments must first be offered to police officers covered by the Collective Bargaining Agreement (Sergeants and below) before being offered to Lieutenants. The Chief of Police and Captain are not eligible for Special Duty.**

Section 4. Dates

Introduction: January 9, 2023

Public Comment/Review: January 23, 2023

Section 5.

This Ordinance is effective Ten days following Adoption.

Please contact the City Clerk's Office at 302-422-1111 or by email at [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov) for additional information.

DSN 012023



## DATA SHEET FOR COLLINS BOWERS INVESTMENTS, LLC

Planning Commission Meeting: January 17, 2023

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<b>Application Number / Name</b>	:	22-036 / Collins Bowers Investments, LLC
<b>Applicant</b>	:	Collins Bowers Investments, LLC 16 Fleming Street Harrington, DE 19952
<b>Owner</b>	:	Same
<b>Application Type</b>	:	Conditional Use
<b>Present Comprehensive Plan Map Designation</b>	:	Low Density Residential
<b>Present Zoning District</b>	:	R-1 (Single-family Residential District)
<b>Present Use</b>	:	Single-family Detached Dwelling
<b>Proposed Use</b>	:	Single-family Detached Dwelling with an Accessory Dwelling Unit
<b>Size and Location</b>	:	0.40 +/- acres located along the east side of Lakeview Avenue between Kings Highway and Sussex Avenue, addressed as 304 Lakeview Avenue.
<b>Tax Map &amp; Parcel</b>	:	1-30-3.08-008.00

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



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**STAFF REPORT**  
**December 21, 2022**

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<b>Application Number / Name</b>	:	22-036 / Collins Bowers Investments, LLC
<b>Tax Map &amp; Parcel</b>	:	1-30-3.08-008.00
<b>Size and Location</b>	:	0.40 +/- acres located along the east side of Lakeview Avenue between Kings Highway and Sussex Avenue, addressed as 304 Lakeview Avenue.

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**I. BACKGROUND INFORMATION:**

- The applicant proposes to use convert an existing 20' x 40' two-story detached garage into an accessory cottage.
- Chapter 230-9(C)(5) states accessory dwelling are allowed upon conditional use approval from City Council subject to the conditions outlined in Section II of the staff report.
- Chapter 230 defines an accessory dwelling unit as “an accessory apartment or accessory cottage” and defines an accessory cottage as “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.”

**II. STAFF ANALYSIS:**

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

- Chapter 230-21(B) states that single-family detached dwellings require 2.5 parking spaces per unit and accessory dwelling units require 1.5 parking spaces per unit; therefore, the applicant is required to provide 4 off-street parking spaces on the property. There is adequate space within the existing driveway to accommodate 4 vehicles.
- Evaluation based on the criteria found under Chapter 230-9(C)(5) Accessory Dwelling Units;
  - 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.

*Staff Response: The applicant/owner acknowledges that the property will need to be placed in an individual's name who will reside at the property. The applicant intends on living within the accessory cottage while renting the main dwelling.*

- B. Only one accessory dwelling unit (either apartment or cottage) shall be permitted per property.

*Staff Response: The applicant is only proposing one accessory cottage.*

- C. Accessory Apartments.

*Staff Response: Not applicable.*

- 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.

*Staff Response: According to City assessment records, the existing single-family detached dwelling contains 2,977 square feet of living space (40% equals 1190 square feet). The accessory cottage would need to be at least 220 square feet and no larger than 1,200 square feet based on the zoning ordinance. The applicant is proposing 557 square feet of living space on the second floor and 182 square feet of living space on the first floor, for a total of 739 square feet of living space. There will be approximately 419 square feet of area remaining in the garage for parking and storage.*

- [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.

*Staff Response: The proposed accessory cottage would be located within an existing outbuilding.*

- [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.

*Staff Response: The proposed accessory cottage would be located within an existing outbuilding. Any exterior modification would need to be consistent with the architectural style of the structure.*

- [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.

*Staff Response: The accessory cottage would be located within an existing legal non-conforming detached garage. The setback requirement for an accessory structure within the R-1 zoning district is 5 feet from the rear and side property lines. A variance application for the side yard setback was reviewed by the Board of Adjustment at the January meeting. Approval of the conditional use application would be contingent upon the Board's approval. The wall located less than five feet from the property line would need to meet additional building code requirements related to fire separation.*

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

*The properties along the east side of Lakeview Avenue between Jefferson Avenue and W. Clarke Avenue primarily contain single-family detached dwellings on similarly sized properties. The property immediately adjacent to the subject parcel to the south contains a veterinary office on a property zoned OB-1 (Office Building). The property to the west of the subject parcel, across Lakeview Avenue, is zoned R-1 and contains a legal non-conforming funeral home. The property at the corner of Jefferson Avenue and Lakeview Avenue contains a single-family detached dwelling along with an accessory apartment within the existing garage that predates the current accessory dwelling provision of the current zoning code.*

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

*Accessory Cottages are allowed by conditional use within the residential zoning districts.*

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

*The Comprehensive Plan designates this area as Low Density Residential for which the R-2 zoning district is a permitted zoning category. Allowing accessory dwelling units would provide additional affordable housing options within the City of Milford. Promoting opportunities for the creation of new, clean, safe and affordable housing is a goal of the 2018 Comprehensive Plan.*

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

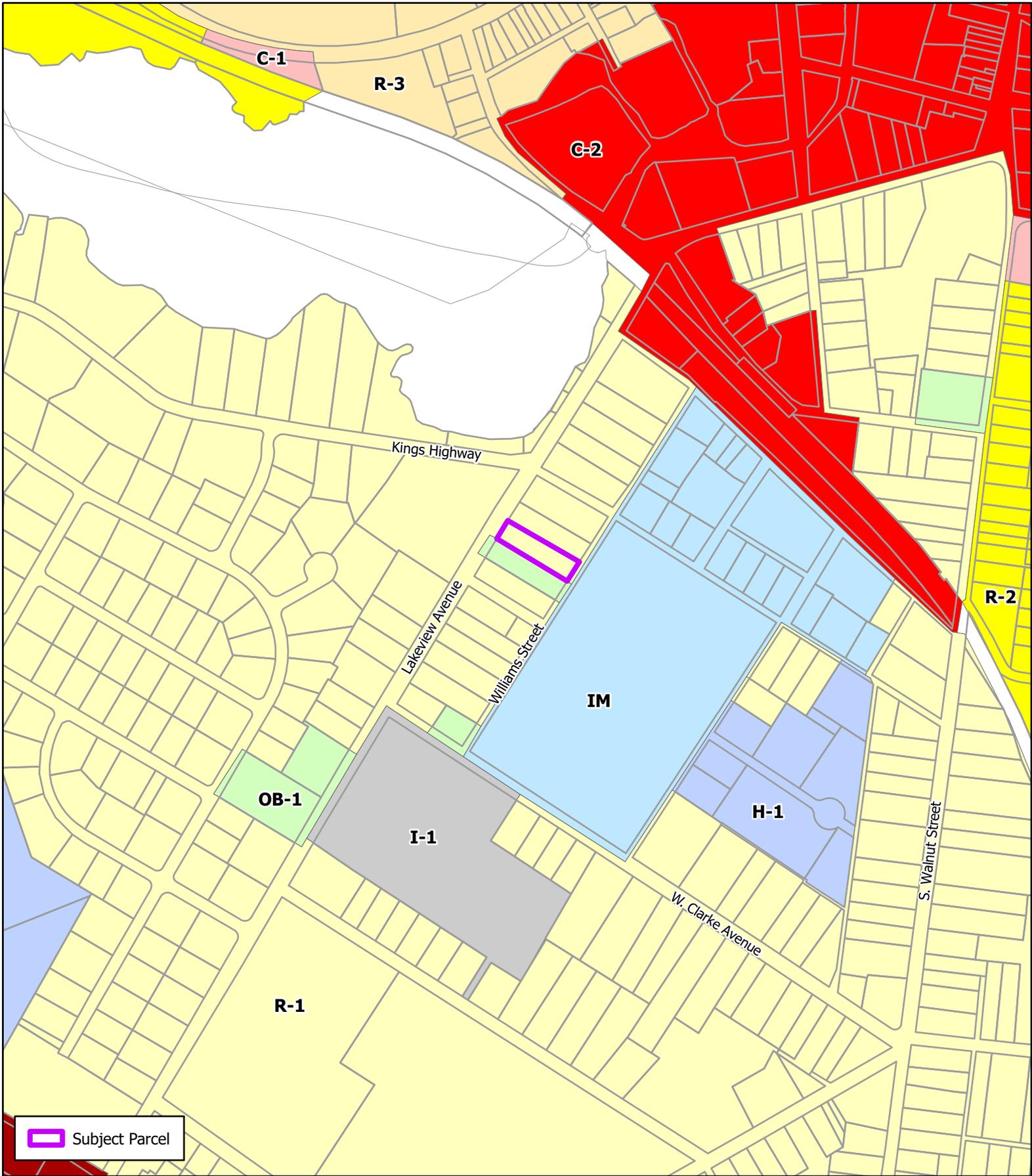
*The proposed accessory dwelling unit would be located within an existing detached accessory building located to the rear of the subject parcel. There are other detached garages and accessory buildings located in the rear yards within the neighborhood. No screening is proposed.*

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

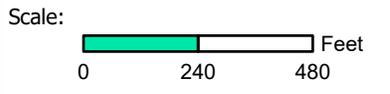
*The proposed use should not detract from permitted uses within the area since this would be the second accessory cottage within the immediate area.*

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

*The proposed accessory dwelling unit would be located within an existing detached accessory building located to the rear of the existing dwelling. The wall located less than five feet from the property line would need to meet additional building code requirements related to fire separation. The applicant has provided enough off-street parking to meet the requirements of Chapter 230 Zoning.*



 Subject Parcel



Drawn by: WRP      Date: 12/21/22

Title:  
**Conditional Use**  
**Collins Bowers Investments, LLC**  
Location & Zoning Map

Filepath: CU\_CollinsBowers.aprx

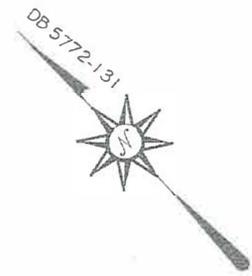
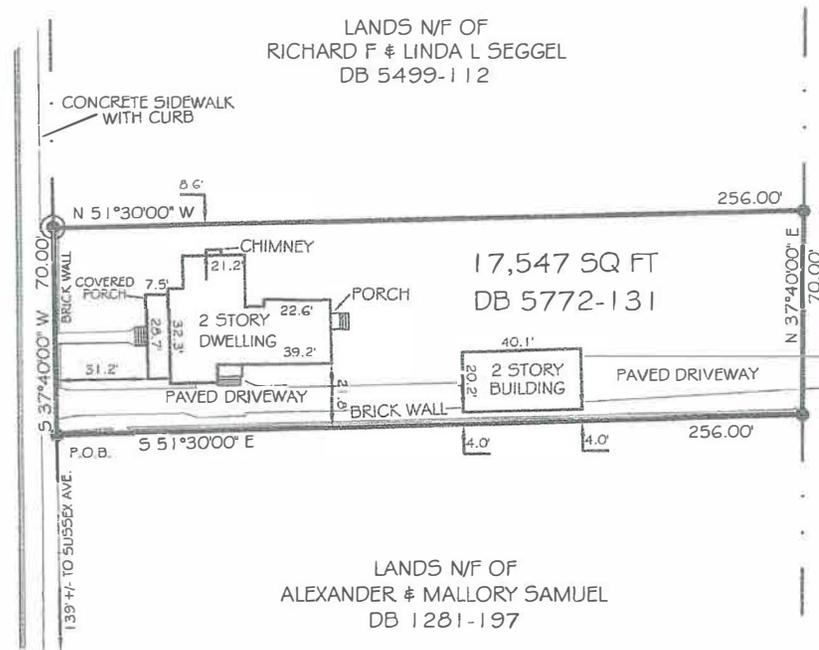
T.M. #130-3.08-8.00

LAKEVIEW AVENUE

WILLIAMS STREET

LANDS N/F OF  
RICHARD F & LINDA L SEGDEL  
DB 5499-112

LANDS N/F OF  
ALEXANDER & MALLORY SAMUEL  
DB 1281-197



LEGEND:

- IRON PIPE (FOUND)
- ⊙ IRON ROD (FOUND)

THIS SURVEY AND PLAN DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

I, DONALD K. MILLER REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

*Donald K. Miller*  
 DONALD K. MILLER PLS 407  
 11/16/22 DATE  
 SURVEY CLASS: SUBURBAN

BOUNDARY SURVEY FOR  
**COLLINS BOWERS INVESTMENTS, LLC**

304 LAKEVIEW AVENUE, MILFORD, DE 19963  
 CITY OF MILFORD  
 CEDAR CREEK HUNDRED SUSSEX COUNTY  
 STATE OF DELAWARE  
 SCALE 1" = 50' NOVEMBER 16, 2022

PREPARED BY:

PH: 302-629-9895  
FAX: 302-629-2391

**MILLER**  
 LAND SURVEYING  
**LEWIS, INC.**

1560 MIDDLEFORD RD.

SEAFORD, DE. 19973

Tanner Bowers  
11/30/22  
304 Lakeview Ave. Milford, DE  
Tax map: 130-3.08-8.00

### Conditional Use Proposal

Contingent upon approval of my request, after renovations to the home and garage at 304 Lakeview Ave. I would like to modify the space above the garage into a studio apartment to use for guests or to rent. There is currently plenty of space (over 700 sq ft) to comfortably fit an apartment and still have a suitable amount of room in the garage below (over 400 sq ft). There is room for over four off street parking spaces in the rear of the property that will service the apartment and room for over five off street parking spaces in the front of the property that will service the main house. Parking areas to garage and home are accessed from different streets so there will be no conflict.

Thank you for your consideration.

- (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:~~
- |                |  |
|----------------|--|
| <del>[1]</del> | <del>Animal shelter, commercial kennel or veterinary office;</del> |
| <del>[2]</del> | <del>Rooming or boarding home;</del>                               |
| <del>[3]</del> | <del>Bed and Breakfast;</del>                                      |
| <del>[4]</del> | <del>Funeral home;</del>   |
| <del>[5]</del> | <del>Restaurant;</del>   |
| <del>[6]</del> | <del>Outdoor café;</del>   |
| <del>[7]</del> | <del>Club or lodge;</del>  |
| <del>[8]</del> | <del>Medical or dental office;</del>                               |

- [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 not storage of tractor-trailers on the lot on which the home occupation is located.
- (p) Prohibited major home occupations. Major home occupations shall not include the following uses:
- [1] Animal shelter, commercial kennel or veterinary office;
  - [2] Rooming or boarding home;
  - [3] Bed and Breakfast;
  - [4] Funeral home;
  - [5] Restaurant;
  - [6] Outdoor café;
  - [7] Club or lodge;
  - [8] Medical or dental clinic (two or more doctors or dentists);
  - [9] Retail shop;
  - [10] Rental business;
  - [11] Furniture stripping;
  - [12] Auto or small engine repair;
  - [13] Painting of vehicles, trailers, or boats;

[14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;

[15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;

[16] Welding shop;

[17] Other uses of similar character to those listed above.

- (6) ~~Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:~~
- (a) ~~The area used for the practice of the home occupation or studio shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located.~~
  - (b) ~~No storage of materials or products outside the dwelling shall be permitted unless completely housed.~~
  - (c) ~~The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.~~
  - (d) ~~No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.~~
  - (e) ~~No display of products shall be visible from outside the building.~~
  - (f) ~~A maximum of two employees shall be permitted in the operation of the home occupation or studio.~~
- (7) Social club or fraternal, social service, union or civic organization.
- (8) Cultural facilities, including a library, museum or art gallery.
- (9) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.
- (10) Planned unit residential development, **see requirements in Chapter 230-19.9.**
- (11) ~~Planned Residential Neighborhood Development.~~
- (a) ~~Planned Residential Neighborhood Development. In order to encourage superior residential environments through a unified planning process, the Planned Residential Neighborhood Development shall be permitted in the R-1 Single Family Residential District Zone as a conditional use subject to the provisions of this chapter and after a determination by the Planning Commission that the proposed planned neighborhood design presents a community design that would not be possible under the conventional zone and is in accordance with the goals and policies of the Comprehensive Plan. The minimum size required for a Planned Residential Neighborhood Development (PRND) shall be 10 acres.~~
  - (b) ~~Review process. The planned neighborhood design option shall involve a three-step review and approval process. In the first step, the developer shall meet with the City Council and present a general sketch plan and a statement documenting the project's compliance with the goals of the Comprehensive Plan for review. The general sketch plan shall reflect the general layout of streets, open space, and housing areas and types. The City Council shall determine whether the proposed project is of such a design and type that it warrants further review by the Planning Commission. If the City Council determines that further review is warranted, the second step shall be the conditional use review process which involves the submission of a conceptual plan which conforms in content to the design standards and requirements specified in this section, as well as the plan submission requirements of this chapter and Subdivision Ordinance. If the conditional use/conceptual~~

~~subdivision plan is approved, the plan would proceed to the third step which involves the submission of a site development plan and preliminary/final subdivision plans for review and approval by the Planning Commission and City Council.~~

~~(c) Maximum density. The gross residential density in a Planned Residential Neighborhood Development shall not exceed four dwelling units per acre, however the density could be increased to eight dwelling units per acre, provided the development provides the amenities listed under the density bonus section. In no case shall the development exceed eight dwellings units per gross acre.~~

~~(d) Design standards. The design standards and dimensional requirements (bulk and parking regulations) shall be in accordance with this chapter.~~

~~{1} Lot coverage. Based on the following type of residential construction, the following is the maximum lot coverage:~~

~~{a} Single family detached dwelling: 35%.~~

~~{b} Single family semidetached dwelling: 35%.~~

~~{c} Single family attached dwelling: 40%.~~

~~{d} Garden apartments/condominiums: 30%.~~

~~{2} Minimum setback areas. New buildings shall observe a twenty five foot minimum front yard, ten foot minimum side yards, and a twenty five foot minimum rear yard.~~

~~{3} Height of buildings. The height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.~~

~~{4} Off street parking. Off street parking shall be provided for residents, visitors and employees of the facility. The applicant shall demonstrate to the satisfaction of the Planning Commission that, based on total potential occupancy load (resident, visitor and employee), a sufficient number of off street parking spaces will be provided.~~

~~(e) Design requirements.~~

~~{1} Common open space.~~

~~{a} The area set aside and preserved for open space shall aggregate no less than 25 percent of the total site area. Common open space shall be provided in the PRND proposals. The common open space shall not include any wetlands, floodways or similar area not suitable for building as determined by the Planning Commission and City Council. Significant natural features shall be incorporated into common open space whenever possible.~~

~~{b} The common open space shall be designed as a contiguous area if possible, and shall be interspersed with residential areas so as to provide pedestrian access and visual amenity. The common open space shall be designed and maintained by the property owner/s or an HOA. Recreational areas shall be constructed and may be located within the 25% of open space set aside.~~

~~{2} Planned neighborhoods. The area set aside and preserved for open space shall aggregate no less than 25% of the total site area.~~

~~{3} Buffers. Buffers shall be required to provide transition between planned residential development and adjacent properties/rights-of-way or changes in land use. Buffers should consist of earth berms and a planting area. No building shall be constructed less than 40 feet from the perimeter property line of the development. This buffer may consist of either common open space, earth berms, planting areas or private yards or~~

~~a combination of both; however, no more than 30% of the required buffer area may be counted toward the minimum common open area requirement.~~

~~[4] Disruption of natural environment. The planned neighborhood design development shall be designed and scheduled so as to minimize earthmoving, erosion, tree clearance and other disruption of the natural environment. Existing vegetation shall be preserved wherever possible. Where extensive natural tree cover and vegetation do not exist or cannot be preserved on the site, landscaping shall be undertaken in order to enhance the appearance of the development and screen streets and parking areas, and enhance privacy of private dwellings. Natural drainage systems shall be preserved wherever possible.~~

~~[5] Privacy. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Recreational and nonresidential uses shall be located and designed so as not to interfere with nearby residential areas. All structures and activities located near the periphery of the site shall be designed so as to harmonize with neighboring areas.~~

~~(f) Density bonus.~~

~~[1] A density bonus may be granted if the developer furnishes improvements that significantly demonstrate to the Planning Commission that the improvements contribute to superior design and which exceed the standard requirements of the city ordinances in accordance with the following schedule:~~

~~[a] Open space. For each increase of 10% in common open space over the minimum requirement of 25%, a density bonus of 10% shall be granted.~~

~~[b] Housing types. Neighborhood design which integrates a variety of housing types to provide architectural diversity and which avoids monotony and segregation by dwelling type in order that single housing type does not dominate the planned neighborhood or section thereof shall be awarded a density bonus of 10%. The term "housing type" refers to each of the following dwelling types: single family detached houses, semidetached and duplex houses, multiplexes, townhouses, and garden apartments.~~

~~[c] Public buildings. The construction and leasing of a public building, including a firehouse, or a library, or a branch library which is necessitated, either wholly or partially, by the development, may increase the permitted density by 10%, if approved by the City, the Planning Commission and the agency to which the building is to be leased.~~

~~[d] School sites. The donation of a school site may increase the permitted density by 25%, if approved by the City, the Planning Commission and the local school board.~~

~~[e] Recreation facilities. Where the developer provides recreation facilities in accordance with recommendations from the City, the Planning Commission, and the Parks and Recreation Department where the facilities are in excess of those required by City ordinances, a density bonus of 5% shall be given. Such facilities may include, but are not limited to walking trails, bike paths, tennis courts, and boating access areas.~~

~~[f] Community gardens. The reservation of additional common land for the establishment of community gardening space for the raising of flowers, fruits and vegetables shall be awarded a 5% of density bonus.~~

- ~~[g]—Community day care facilities. The construction of a building to house a day care center for use primarily by residents of the community shall be awarded a density bonus of 10%.~~
- ~~[h]—Community buildings. The construction of a community building to serve as a meeting hall for various community functions, including, but not limited to, civic meetings, recreational purposes, receptions and special events, shall be awarded a density bonus of 10%.~~
- ~~[i]—Conservation easements. The establishment of a permanent easement for the purpose of conserving and protecting a woodland area, a wetland area, and/or a stream corridor from removal of existing natural vegetation, and/or encroachment by future development shall be awarded a density bonus of 5%.~~
- ~~[j]—Parking lot landscaping. The construction of landscaping in and around parking lots/areas shall be awarded a density bonus of 2%.~~
- ~~[k]—Low level lighting. The construction of low level light within the development and in/around parking lots/areas shall be awarded a density bonus of 3%.~~
- ~~[l]—School bus pull off/school bus shelter. The construction of school bus pull-offs or school bus shelters within the development shall be awarded a density bonus of 5%.~~
- ~~[2]—Note: City Council will have the final determination in determining the amount of the allowable density bonus.~~

~~(g)—Conditional use plan approval.~~

~~[1]—In addition to the minimum conditional use plan requirements listed in this chapter and the minimum conceptual subdivision plan requirements listed in the Land Subdivision Regulations, the following additional items shall be reflected on or shall accompany the conditional use plan:~~

- ~~[a]—Architectural drawings illustrating exterior elevations of typical dwelling units and nonresidential structures to be constructed.~~
- ~~[b]—Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.~~
- ~~[c]—Total acreage of development, land uses in each area, total number of dwelling units, average gross residential density, average lot area and lot width by unit type, and gross residential density in each section.~~
- ~~[d]—Building coverage lines accurately locating all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, and distances to street rights of way and parking areas, with distances accurate to the nearest hundredth of a foot, and total amount and percentage of impervious area.~~
- ~~[e]—Accurate dimensions of common open space areas specifically indicating those areas to be developed for active recreation. Where common space areas are to be developed, the exact location of the structures in common open space will be illustrated.~~
- ~~[f]—Locations and dimensions of parking areas and pedestrian walkways.~~

~~[2]—Each application for a conditional use plan approval shall be accompanied by a fee of \$700 (§ 230-57).~~

~~(h)—Site development preliminary subdivision plan review.~~

~~[1]— Application for site development plan approval shall be made to the Planning Commission in accordance with this chapter and the land subdivision regulations. Such application may be requested in stages. The following additional requirements shall be included for review along with the site development plan submission:~~

~~[a]— A development phasing plan if proposed, which clearly defines the boundaries of each phase of the development and indicates the number of dwelling units to be constructed in each phase. Each phase shall be assigned a number which represents that phase's order in the construction sequence of the development.~~

~~[b]— Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and nonresidential structures to be constructed.~~

~~[c]— Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.~~

~~[d]— All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the City Solicitor as to their legal sufficiency.~~

~~[e]— Restrictions of all types which will run with the land and become covenants in this chapter or in the Land Subdivision Regulations.~~

~~[f]— In the case of a planned neighborhood design which is proposed to be developed over a period of years in specific phases, the site development/preliminary subdivision plan requirements as listed in this section shall apply to the phase or phases for which approval is being sought. The site development plan for each phase must demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.~~

~~[2]— Each application for a preliminary plan approval and final plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).~~

~~(i) Site requirements.~~

~~[1]— All structures shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.~~

~~[2]— All off-street parking shall be provided at the rate of 2.5 spaces for every dwelling unit.~~

~~[3]— Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other facilities.~~

~~[4]— Facilities for temporary trash/refuse storage shall be provided in such manner that is adequate for the dwelling units they support.~~

~~(j) Final subdivision plat approval.~~

~~[1]— Final subdivision plat review and approval for planned neighborhood design projects involving subdivision of land shall follow the requirements pertaining to the review and recordation of final subdivision plats. In the case of projects for which a phasing plan has been approved, the final subdivision plat for each phase shall demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of~~

~~common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.~~

~~[2] Each application for a preliminary plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).~~

**(1112)** 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~~<sup>30</sup>%, 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~~

**CITY OF MILFORD**  
**NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, January 17, 2023 @ 6:00 p.m.  
City Council Hearing: Monday, January 23, 2023 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

**ORDINANCE 2023-02**

Application of Collins Bowers Investments, LLC  
0.40 +/- acres located along the east side  
of Lakeview Avenue between Kings Highway and Sussex Avenue  
Address: 304 Lakeview Avenue  
Comprehensive Plan Designation: Low Density Residential  
Zoning District: R-1 (Single-family Residential District)  
Present Use: Single-family Detached Dwelling  
Proposed Use: Single-family Detached Dwelling with an  
Accessory Dwelling Unit Tax Parcel: 1-30-3.08-008.00

WHEREAS, the applicant proposes to use convert an existing 20' x 40' two-story detached garage into an accessory cottage; and

WHEREAS, Chapter 230-9(C)(5) states accessory dwellings are allowed upon conditional use approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on January 17, 2023, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on January 23, 2023, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, the notice as required by Chapter 230, was published in the Delaware State News on January 3, 2023 and provided to property owners within 200 feet of the subject parcel.

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

Section 1. Upon the adoption of this ordinance by City Council, a conditional use permit will be granted to Collins Bowers Investments, LLC to allow a Single-family Detached Dwelling with an Accessory Dwelling Unit at 304 Lakeview Avenue.

Section 2. Construction shall commence within one year of the date of issuance of the permit, otherwise the Conditional Use becomes void.

Section 3. Dates.

City Council Introduction: January 9, 2023

Planning Commission Review & Public Hearing: January 17, 2023

City Council Public Hearing: January 23, 2023

Section 4. If this ordinance is adopted by City Council, it will become effective 10 days following the date the action is taken. If not adopted, the ordinance becomes null and void unless addressed at a later date. Should that occur, the ordinance would be republished, and new notices mailed to properties within 200 feet of the subject parcel(s).



306 Lakeview Avenue  
Milford DE, 19963

Dear City Council Members,

I am writing this letter in support of Tanner Bowers / Collins Bowers Investments, LLC in his quest for a variance in order to allow and use the detached structure on his property of 304 Lakeview Avenue as an apartment dwelling, including use as an apartment with 4 foot measurement from my property line. I do not anticipate any negative consequences as a result of these variances.

Tanner has gone above and beyond for this once neglected property, and deserves to use the property to its full potential. As his direct neighbor I have had the pleasure of interacting with him frequently as he makes progress rehabbing the home and the detached structure. I am thankful that he chose to invest in this property because it deserves to be rehabbed back to its former glory. Tanner has been completely transparent with his plans, and he shows the utmost respect as a neighbor when it comes to any interference the construction may cause with my business.

As a lifelong Milford resident, and a 24 year resident of Lakeview Avenue I think it is important to allow young entrepreneurs like Tanner the freedom to make adjustments to these properties to allow them to survive and function in the future.

Thank you for your time and consideration in this matter,

1/3/2023

Dr. Mallory Alexander

[Avenueveterinaryclinic@gmail.com](mailto:Avenueveterinaryclinic@gmail.com)

(302)422-5223



**DATA SHEET FOR GROWMARK FS, INC.**

Planning Commission Meeting: January 17, 2023

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<b>Application Number / Name</b>	:	22-037 / Growmark FS, Inc.
<b>Applicant</b>	:	Growmark FS, Inc. 308 NE Front Street Milford, DE 19963
<b>Owner</b>	:	Same
<b>Application Type</b>	:	Change of Zone
<b>Present Comprehensive Plan Map Designation</b>	:	Commercial
<b>Present Zoning District(s)</b>	:	I-2 (General Industrial) portion C-3 (Highway Commercial) portion
<b>Proposed Zoning District(s)</b>	:	C-3 (Highway Commercial)
<b>Present Use</b>	:	Office
<b>Proposed Use</b>	:	Office and Vacant Lot
<b>Size and Location</b>	:	4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth Street and East Street, addressed as 308 NE Front Street.
<b>Tax Map &amp; Parcel(s)</b>	:	MD-16-183.10-04-27.00

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

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**STAFF REPORT**  
**December 6, 2022**

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<b>Application Number / Name</b>	:	22-037 / Growmark FS, Inc.
<b>Size and Location</b>	:	4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth Street and East Street, addressed as 308 NE Front Street.
<b>Tax Map &amp; Parcel(s)</b>	:	MD-16-183.10-04-27.00

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**I. BACKGROUND INFORMATION:**

- The applicant proposes to rezone a portion of the above referenced parcel from I-2 (General Industrial District) to C-3 (Highway Commercial District). The property contains an existing office building. The property owner proposes to subdivide the property into two parcels of land as shown on the attached minor subdivision survey, which will be reviewed administratively by the Planning Department.

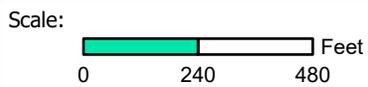
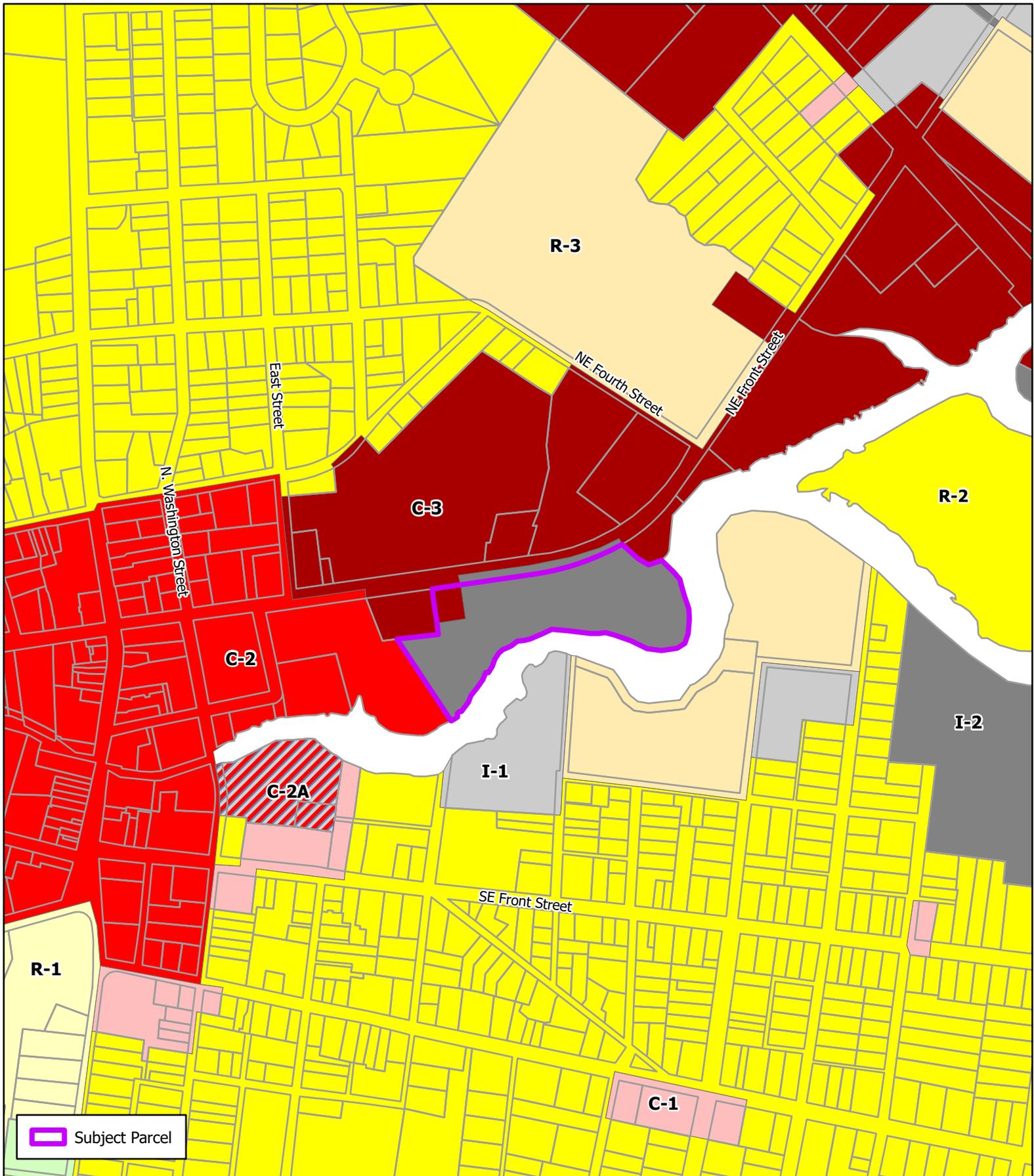
**II. STAFF ANALYSIS:**

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

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps. The Future Land Use designation for the property is Commercial, for which C-3 (Highway Commercial) is a suitable zoning designation.
- Any future use of the property must comply with Chapter 230 and the C-3 (Highway Commercial District) zoning use and area regulations.

**III. AGENCY COMMENTS:**

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



Drawn by: WRP

Date: 12/21/22

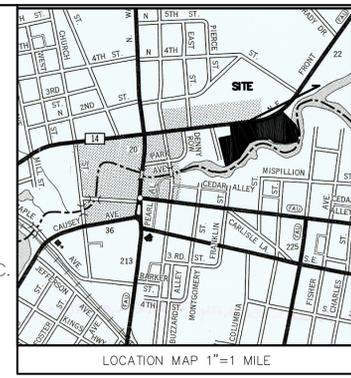
Title:

Change of Zone  
**Growmark FS, Inc.**  
Location & Zoning Map

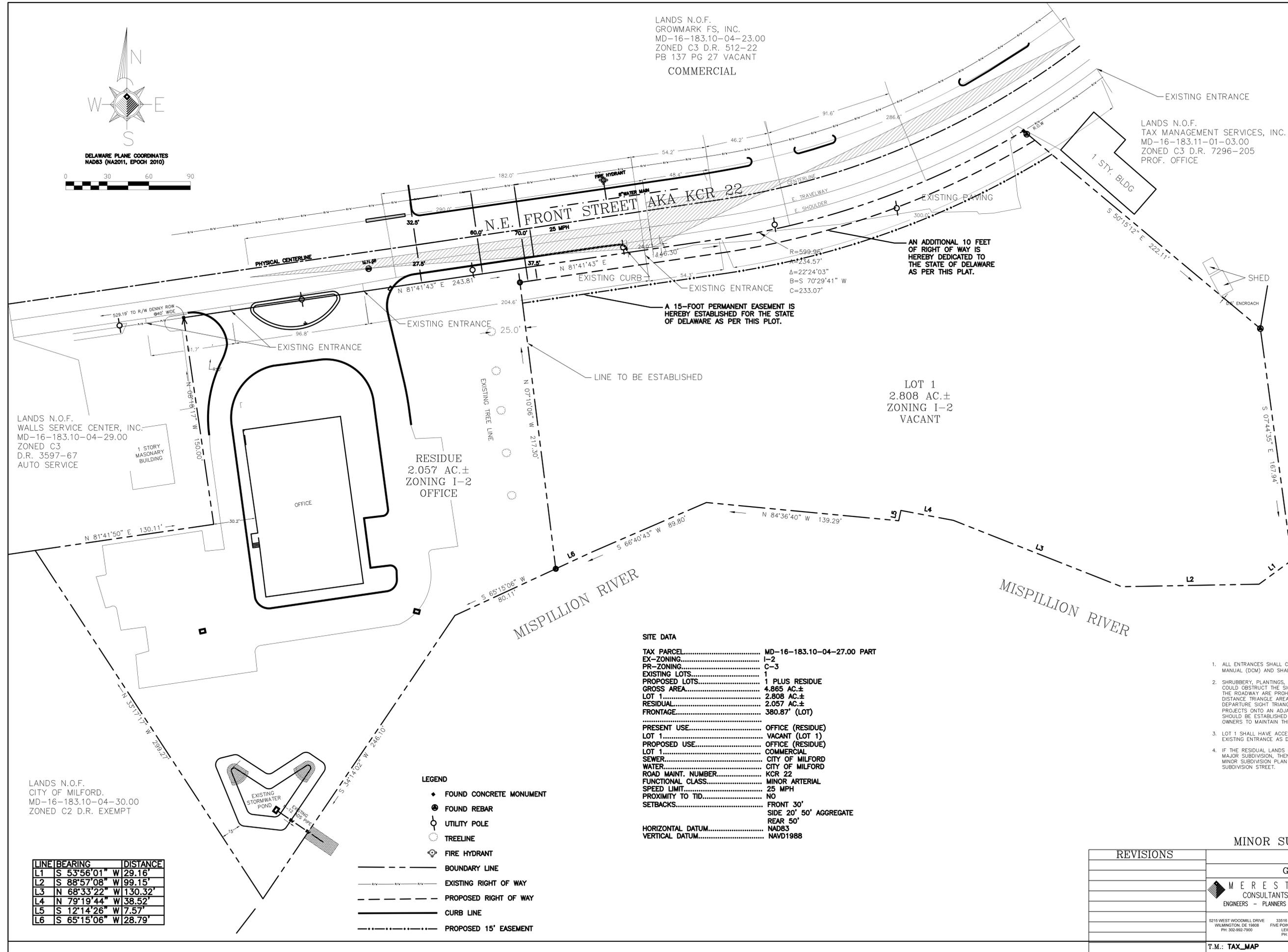
Filepath: COZ\_GrowmarkFS.aprx



LANDS N.O.F.  
GROWMARK FS, INC.  
MD-16-183.10-04-23.00  
ZONED C3 D.R. 512-22  
PB 137 PG 27 VACANT  
COMMERCIAL



EXISTING ENTRANCE  
LANDS N.O.F.  
TAX MANAGEMENT SERVICES, INC.  
MD-16-183.11-01-03.00  
ZONED C3 D.R. 7296-205  
PROF. OFFICE



LANDS N.O.F.  
WALLS SERVICE CENTER, INC.  
MD-16-183.10-04-29.00  
ZONED C3  
D.R. 3597-67  
AUTO SERVICE

RESIDUE  
2.057 AC.±  
ZONING I-2  
OFFICE

LOT 1  
2.808 AC.±  
ZONING I-2  
VACANT

**SITE DATA**

TAX PARCEL.....	MD-16-183.10-04-27.00 PART
EX-ZONING.....	I-2
PR-ZONING.....	C-3
EXISTING LOTS.....	1
PROPOSED LOTS.....	1 PLUS RESIDUE
GROSS AREA.....	4.865 AC.±
LOT 1.....	2.808 AC.±
RESIDUAL.....	2.057 AC.±
FRONTAGE.....	360.87' (LOT)
PRESENT USE.....	OFFICE (RESIDUE)
LOT 1.....	VACANT (LOT 1)
PROPOSED USE.....	OFFICE (RESIDUE)
LOT 1.....	COMMERCIAL
SEWER.....	CITY OF MILFORD
WATER.....	CITY OF MILFORD
ROAD MAINT. NUMBER.....	KCR 22
FUNCTIONAL CLASS.....	MINOR ARTERIAL
SPEED LIMIT.....	25 MPH
PROXIMITY TO TID.....	NO
SETBACKS.....	FRONT 30' SIDE 20' 50' AGGREGATE REAR 50'
HORIZONTAL DATUM.....	NAD83
VERTICAL DATUM.....	NAVD1988

- LEGEND**
- ◆ FOUND CONCRETE MONUMENT
  - FOUND REBAR
  - UTILITY POLE
  - TREELINE
  - ⊕ FIRE HYDRANT
  - BOUNDARY LINE
  - - - EXISTING RIGHT OF WAY
  - - - PROPOSED RIGHT OF WAY
  - CURB LINE
  - - - PROPOSED 15' EASEMENT

LANDS N.O.F.  
CITY OF MILFORD.  
MD-16-183.10-04-30.00  
ZONED C2 D.R. EXEMPT

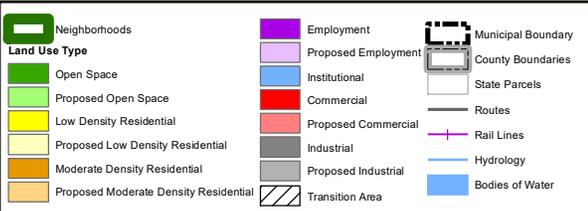
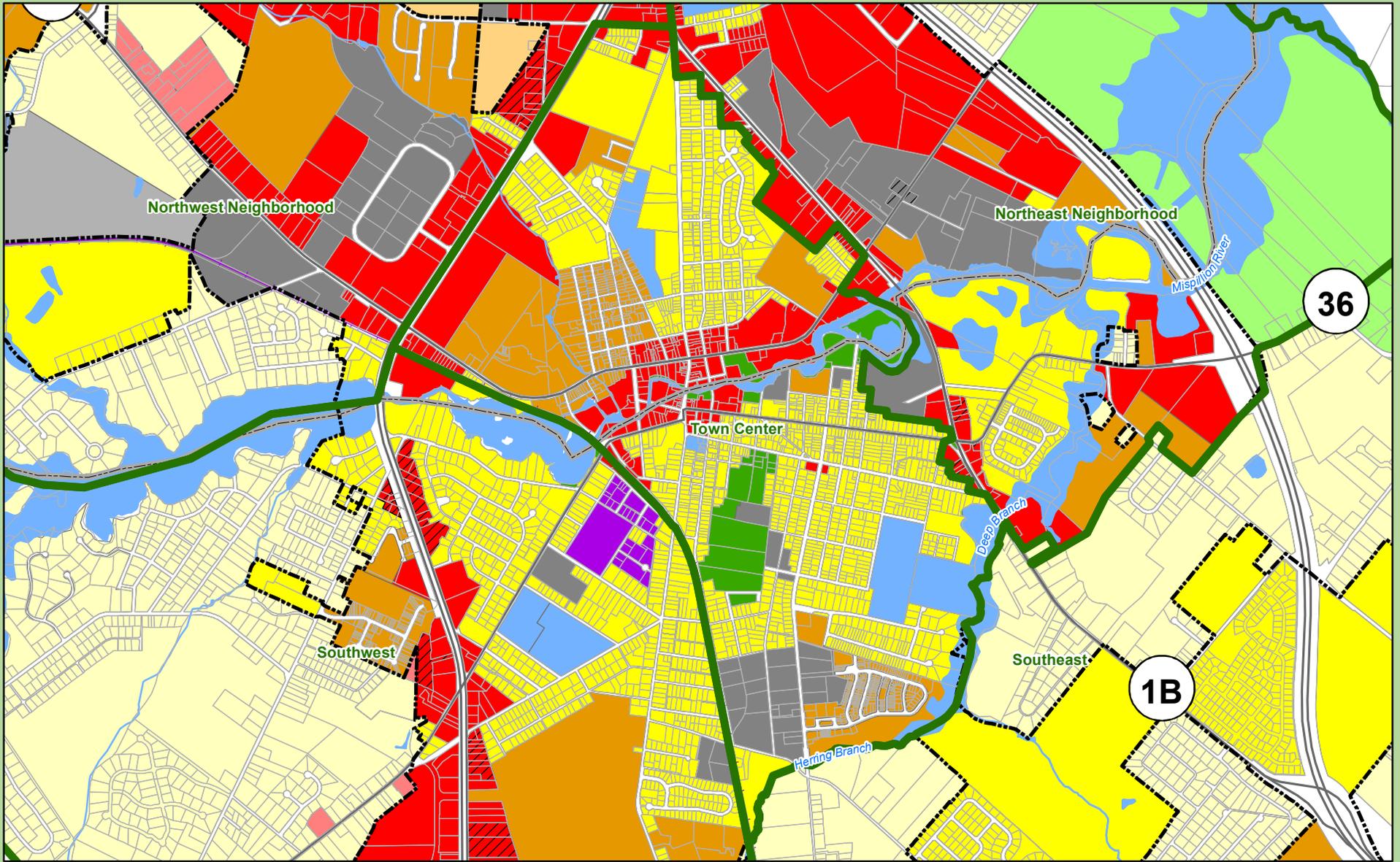
LINE	BEARING	DISTANCE
L1	S 53°56'01" W	29.16'
L2	S 88°57'08" W	99.15'
L3	N 68°33'22" W	130.32'
L4	N 79°19'44" W	38.52'
L5	S 12°14'26" W	7.57'
L6	S 65°15'06" W	28.79'

- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/ OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT DISTANCE TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE OF THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL THE AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- LOT 1 SHALL HAVE ACCESS TO N.E. FRONT STREET a/k/a/ KCR 22 VIA THE EXISTING ENTRANCE AS DEPICTED HEREON.
- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.

OWNER OF RECORD  
GROWMARK FS  
308 NE FRONT ST.  
MILFORD, DE 19963  
302-422-3002

REVISIONS		MINOR SUBDIVISION FOR:	
		LANDS OF: GROWMARK-FS	
		CITY OF MILFORD KENT COUNTY - DELAWARE	
		DATE: 12/1/2022	
		W.O.: 25255L	
		SCALE: 1"=30'	
		F.B.: BOB O	
		DISK: GROWMARK-GPS	
		T.M.: TAX_MAP	

Warning: Original paper plans contain a raised impression of a professional seal. Original mylar plans contain a red ink stamp of a professional seal. Unauthorized copies may contain fraudulent, incorrect, erroneous, or misleading information or omit important and relevant information. Do not use or rely on unauthorized copies.

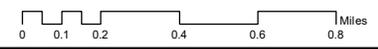


## City of Milford, Delaware

### Future Land Use

#### Town Center

Adopted Jan. 22, 2018, Certified TBD



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

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

THE CITY of  
**Milford**  
 DELAWARE

UNIVERSITY OF  
 DELAWARE

[www.ipa.udel.edu](http://www.ipa.udel.edu)  
 Institute for Public Administration

- (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.~~
  - (910)** Outdoor commercial recreational facilities, not motorized vehicles.
  - (1011)** Swimming club.

~~(1112)~~ Indoor facility for amusement or assembly.

~~(1213)~~ Bus station.

C. Conditional uses subject to special requirements. **All uses specified as conditional uses in the C-2 zoning district and** 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.**~~

~~(1117) 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.**

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.

# CITY OF MILFORD

## NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, January 17, 2023 @ 6:00 p.m.

City Council Hearing: Monday, January 23, 2023 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

### ORDINANCE 2023-03

Legal Owner Growmark FS, Inc. for a Change of Zone from I-2 (General Industrial District) to C-3 (Highway Commercial District) on 4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth Street and East Street.  
Present Use Office; Proposed Use Office and Vacant Lot  
Tax Map & Parcel MD-16-183.10-04-27.00

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from I-2 to C-3, to permit an Office and Vacant Lot on 4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth Street and East Street; and

WHEREAS, the Change of Zone request is consistent with the Adopted 2018 Comprehensive Plan Future Land Use Maps, as amended, whose designation for the property is Industrial/Commercial; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on January 17, 2023, at which time interested parties will publicly comment on the application; and allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council will hold a Public Hearing on January 23, 2023, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on January 3, 2023 and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this Ordinance becomes effective ten days following the date of its adoption.

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

*Section 1.* The adoption of this Ordinance hereby grants Legal Owner Growmark FS, Inc. a Change of Zone from I-2 to C-3 on 4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth Street and East Street, Kent County, Milford, Delaware, Tax Map & Parcel MD-16-183.10-04-27.00.

*Section 2.* Any future use of the property must comply with the City Zoning Code §230-14. C-3 Highway Commercial District.

*Section 3.* Scheduled Dates.

City Council Introduction: Monday, January 9, 2023

Planning Commission Review & Public Hearing: Tuesday, January 17, 2023

City Council Public Hearing: Monday, January 23, 2023

Effective: Ten (10) Days following Adoption

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

Advertised: *Delaware State News 01-03-2023*

## DATA SHEET FOR MASTEN CIRCLE, LLC

Development Advisory Committee: November 16, 2022

Planning Commission Meeting: January 17, 2023

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<b>Application Number / Name</b>	:	22-030 / Masten Circle, LLC
<b>Applicant</b>	:	Masten Circle, LLC 3415 Wrangle Hill Road Bear, DE 19701
<b>Owner</b>	:	Same
<b>Application Type</b>	:	Preliminary Conditional Use Site Plan
<b>Present Comprehensive Plan Map Designation</b>	:	Industrial
<b>Present Zoning District</b>	:	I-1 (Limited Industrial District)
<b>Present Use</b>	:	Vacant
<b>Proposed Use</b>	:	Flex Office/Warehouse
<b>Size and Location</b>	:	2.39 +/- acres of land located along the east side of E. Masten Circle, addressed as 861 E. Masten Circle.
<b>Tax Map &amp; Parcel</b>	:	MD-16-183.00-01-08.00

ENC: Staff Analysis Report  
Exhibit A – Location & Zoning Map  
Exhibit B – Preliminary Site Plan

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**STAFF REPORT**  
**December 27, 2022**

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<b>Application Number / Name</b>	:	22-030 / Masten Circle, LLC
<b>Present Comprehensive Plan Designation</b>	:	Industrial
<b>Present Zoning District</b>	:	I-1 (Limited Industrial District)
<b>Present Use</b>	:	Vacant
<b>Proposed Use</b>	:	Flex Office/Warehouse
<b>Tax Map &amp; Parcel</b>	:	MD-16-183.00-01-08.00
<b>Size and Location</b>	:	2.39 +/- acres of land located along the east side of E. Masten Circle, addressed as 861 E. Masten Circle.

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**I. BACKGROUND INFORMATION:**

- The applicant proposes to construct two (2) 9,400 square foot flex style storage buildings as shown on the provided preliminary site plans.
- Chapter 230-45 states “in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.”

**II. STAFF ANALYSIS:**

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

- The applicant is seeking a waiver from bicycle parking facility requirement outlined under Chapter 230-20(M) due to the property’s industrial nature.
- Other than the bicycle waiver request, the Preliminary Site Plan meets the minimum standards to Chapter 230 Zoning and Chapter 200 Subdivision of Land.
- The plans have been reviewed for general compliance with the City’s Standard Construction Specifications.

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

*The property is located within the West Milford Industrial Park and is surrounded by other industrially zoned land and uses. The property to the south and east contains a self-storage facility. The property to the north contains a 15,000 square foot warehouse building. The property to the west, across Masten Circle, contains a 30,000 square foot warehouse building.*

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

*The proposed uses are permitted by-right if they were constructed individually, however, multiple permitted uses requires a conditional use approval from City Council.*

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

*The Comprehensive Plan designates this area as Industrial. The proposed use is consistent with the land use plan for the Comprehensive Plan and addresses additional goals and objectives related to economic development and business growth.*

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

*The site is located within the existing West Milford Industrial Park and is surrounded by other industrially zoned land and uses. Additional screening is not necessary.*

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

*The site is located within the existing West Milford Industrial Park and is surrounded by other industrially zoned land and uses. The proposed use will not detract from permitted uses within the district and area.*

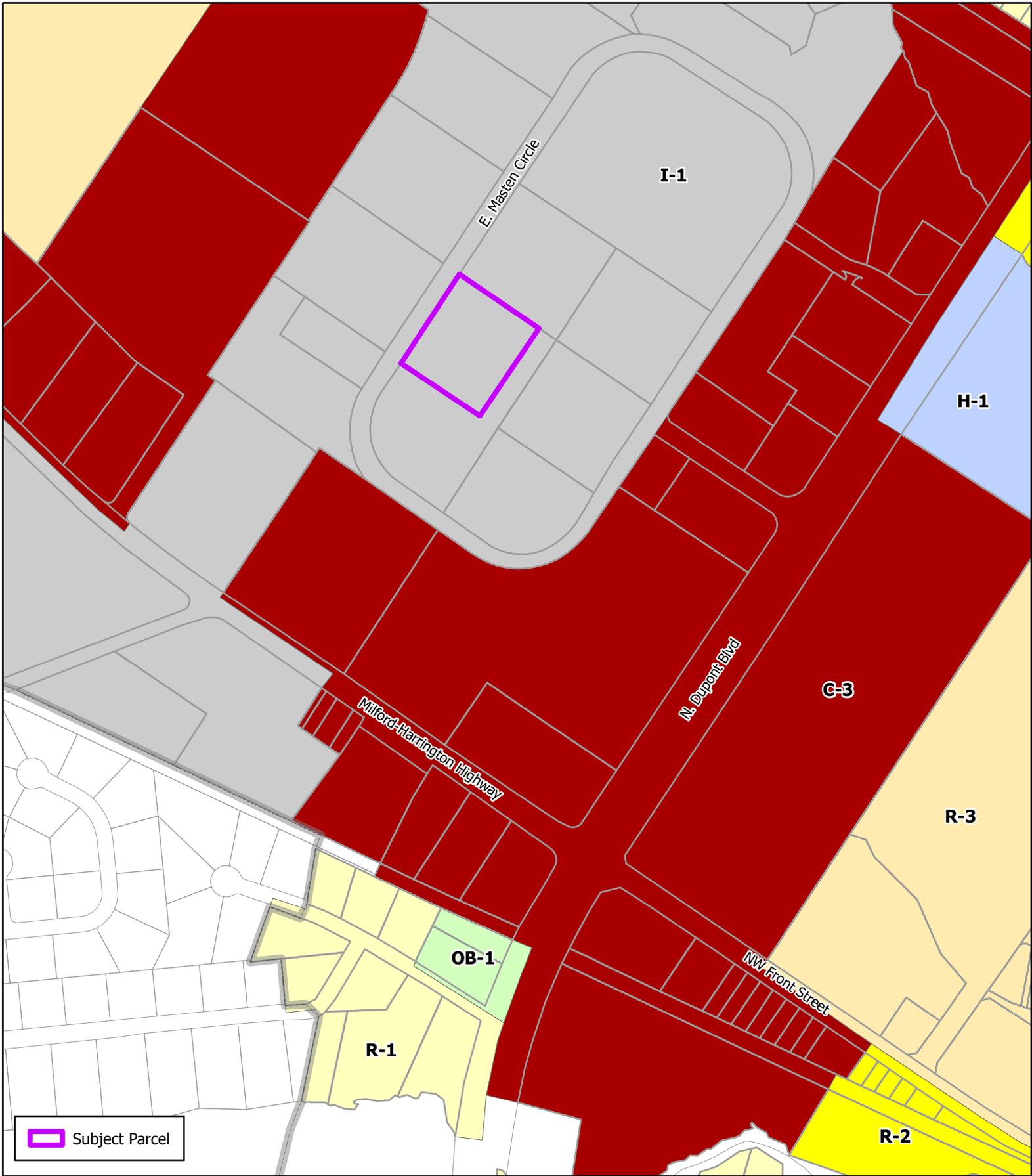
F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

*The site is located within the West Milford Industrial Park. The proposal meets the minimum requirements in Chapter 230 zoning for parking, landscaping and setbacks. There is no screening proposed due to similar adjacent uses. The entrance on Masten Circle will be reviewed by the City of Milford as part of the construction plan review.*

- The following comments must be addressed prior to final site plan approval:
  - Final Site Plan approval will require approvals or no objection letters from the State Fire Marshal's Office and Kent Conservation District;
  - Address Preliminary Site Plan and Conditional Use review comments (a copy of which is provided in the packet);
  - Applicant must obtain final approval of engineering plans from the City Engineer; and,
  - Additional department and agency comments outlined in Section III.

### **III. AGENCY COMMENTS:**

- **Office of State Planning Coordination**  
No comments provided.
- **DelDOT Planning, Development Coordination**  
No comments provided.
- **Delaware Health and Social Services – Division of Public Health**  
No comments provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**  
No comments provided.
- **Kent Conservation District**  
See attached comments.
- **Delaware State Fire Marshal’s Office**  
See attached comments.
- **Carlisle Fire Company**  
No comments provided.
- **City Engineer**  
See attached Preliminary Site Plan review comments dated December 22, 2022 and corresponding responses from the applicant.
- **City of Milford Public Works Department**  
No comments provided.
- **City of Milford Parks and Recreation Department**  
No comments provided.
- **City of Milford Police Department**  
No comments provided.
- **Milford School District**  
No comments provided.



 Subject Parcel



Scale:  Feet  
 0 240 480

Drawn by: WRP      Date: 10/31/22

Title:

**Preliminary Conditional Use Site Plan**  
**Masten Circle, LLC**  
 Location & Zoning Map

Filepath: CUSitePlan\_MastenCircle.aprx

**SITE DATA TABLE**

1. TAX MAP NUMBER:	MD-16-183-00-01-08-00-000
2. DEED/PLAT REFERENCE:	DEED REFERENCE: DB 11716-75, PB 0145-0024
3. OWNER / DEVELOPER NAME:	MASTEN CIRCLE, LLC
4. OWNER / DEVELOPER ADDRESS:	3415 WRANGLE HILL ROAD, SUITE 2 BEAR, DE 19701
5. SITE ADDRESS:	861 E MASTEN CIRCLE MILFORD, DELAWARE 19963
6. CURRENT ZONING:	I-1 (LIMITED INDUSTRIAL DISTRICT)
7. PRESENT USE:	VACANT - UNDISTURBED LOT
8. PROPOSED USE:	PROPOSED "FLEX STYLE" OFFICE/WAREHOUSE
9. REQUIRED SETBACKS (B.R.L.):	(I-1) FRONT - 75 FEET SIDE - 40 FEET REAR - 45 FEET
10. TOTAL AREA (GROSS):	2.39± ACRES
MINIMUM LOT AREA:	2 ACRES
MINIMUM LOT WIDTH:	150 FT
11. NET DEVELOPMENT AREA:	2.39± AC.
12. BUILDING HEIGHT:	50' MAX ALLOWED [PROPOSED 25']
13. PARKING (ARTICLE XXII: OFF-STREET PARKING, CODE SECTION 115-162.B):	REQUIRED SPACES: 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) REQUIRED SPACES = 25 SPACES (60 EMPLOYEES)  BUSINESS, GOVERNMENTAL, PROFESSIONAL OFFICE: 1 SPACE PER 100 SF OF GFA EACH UNIT OFFICE SPACE = 120± SF (TOTAL = 1,440± SF) REQUIRED SPACES = 15 SPACES TOTAL REQUIRED = 40 SPACES  PROVIDED SPACES: 54 SPACES (4 ADA SPACES INCLUDED)
14. WATER SUPPLY:	PUBLIC WATER - CITY OF MILFORD
SECTION 89:	A) SUBJECT PROPERTY IS WITHIN AN AREA OF "GOOD GROUND WATER RECHARGE" B) SUBJECT PROPERTY IS NOT LOCATED IN A WELLHEAD PROTECTION AREA.
15. SEWER SUPPLY:	PUBLIC SEWER - CITY OF MILFORD
16. ELECTRIC PROVIDER:	CITY OF MILFORD
17. NATURAL GAS PROVIDER:	TO BE DETERMINED
18. STATE INVESTMENT AREA (2020):	LEVEL 1
19. LONGITUDE AND LATITUDE:	SITE BENCHMARK: IRON ROD AT NORTHWEST PROPERTY CORNER LONGITUDE: W 75° 26' 38.61" LATITUDE: N 38° 55' 15.42"
20. WETLAND AREA:	NO WETLANDS FOUND ONSITE
21. PROPOSED DISCHARGE LOCATION:	ON SITE EXISTING DRAINAGE SWALE AND PIPE CONVEYANCE SYSTEM TO EXISTING STORMWATER MANAGEMENT FACILITY (SITE IS MEETING REGIONAL STORMWATER COMPLIANCE WITH MAX SITE COVERAGE, NO INDIVIDUAL STORMWATER MANAGEMENT AREA REQUIRED.)
22. SITE CALCULATIONS	BUILDING AREA EX. = 0.00 AC. PR. = 0.43 AC. GRASS AREA EX. = 2.29 AC. PR. = 1.13 AC. PAVEMENT/STONE AREA EX. = 0.00 AC. PR. = 0.81 AC. FORESTED AREA EX. = 0.10 AC. PR. = 0.02 AC. TOTAL EX. = 2.39 AC. PR. = 2.39 AC.
23. EXISTING FORESTED AREA:	0.10 AC. (4.18%)
FORESTED AREA TO REMAIN:	0.02 AC. (0.84%)
24. SPECIFIC IMPERVIOUS BREAKDOWN:	OVERALL IMPERVIOUS: 1.24 AC. (51.88%) MAXIMUM LOT COVERAGE: 1.79 AC. (75.00%)
25. LIMIT OF DISTURBANCE:	2.18 ± AC.
26. DATUM:	HORIZONTAL = NAD83 VERTICAL = NAVD88
27. SURVEY:	BOUNDARY AND TOPOGRAPHIC SURVEY PERFORMED BY PENNONI ASSOCIATES ON MARCH 2022.
28. FIRE DISTRICT:	CARLISLE FIRE CO. (STATION 42)
29. FLOOD ZONE:	FIRM NUMBER 10005C0037J, DATED JANUARY 6, 2005, ZONE "X", UNSHADED
30. WATERSHED:	UPPER MISPELLION RIVER
31. LOCAL GOVERNMENT RESPONSIBLE:	CITY OF MILFORD, FOR LAND USE APPROVAL
32. PROPOSED EDUS:	WAREHOUSE/STORAGE BUILDING = 1 EDU + #FU/S/9 TOILET = 2 FU, WASHSTAND = 1 FU WE HAVE 12 TOILETS AND 12 WASHSTANDS = 36 FU # = 4 EDUS TOTAL = 5 EDUS

# 861 E. MASTEN CIRCLE PRELIMINARY PLAN SET

**TAX MAP: MD-16-183.00-01-08.00-000**  
**LOT 4 - WEST MILFORD INDUSTRIAL PARK**

**MILFORD, DE 19963**

PREPARED FOR

DEVELOPER:

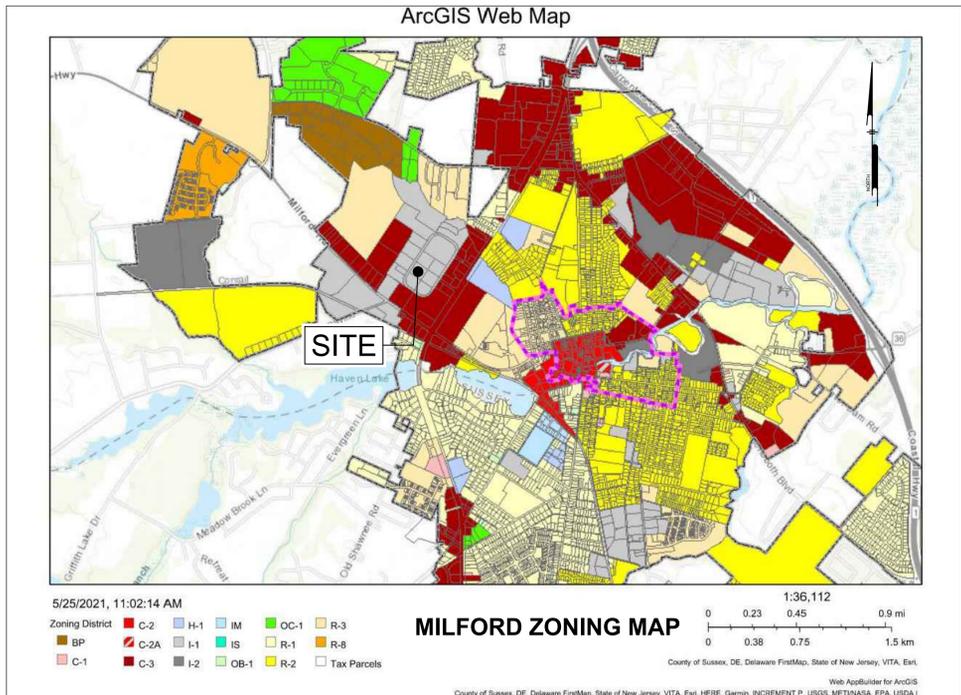
## MASTEN CIRCLE, LLC

3415 WRANGLE HILL ROAD, SUITE 2

BEAR DE 19701

(302) 832-2139

ArcGIS Web Map





**PENNONI ASSOCIATES INC.**  
 18072 Davidson Drive  
 Milton, DE 19968  
 T 302.684.9030 F 302.684.8054

**SITE INFORMATION:**

**SITE ADDRESS:** 861 E MASTEN CIRCLE  
 MILFORD, DELAWARE 19663  
 TAX MAP: MD-16-183.00-01-08.00-000  
**OWNER/DEVELOPER:** MASTEN CIRCLE, LLC.  
 3415 WRANGLE HILL ROAD, SUITE 2  
 BEAR DE 19701  
**ENGINEER / SURVEYOR:** PENNONI ASSOCIATES INC.  
 18072 DAVIDSON DRIVE  
 MILTON, DELAWARE 19968  
 (302) 684-8030

**KEYED NOTES**

- G1 STOP SIGN (R1-1) 36" X 36" BLADE
- G2 LIGHT DUTY PAVEMENT
- G3 16" WIDE THERMOPLASTIC STOP BAR
- G4 EXISTING 10' UTILITY EASEMENT
- G5 EXISTING CHAIN LINK FENCE
- G6 EXISTING FIRE HYDRANT
- G7 12' WIDE OVERHEAD GARAGE DOOR
- G8 EXISTING PAVED AREA
- G9 ADA SPACE WITH SIGN POST
- G10 5' WIDE CONC. SIDEWALK
- G11 PROPOSED PARKING BUMPERS (22)
- G12 DELDOT PCC CURB TYPE 1-6, TYP. REFER TO DELDOT STANDARD DETAIL
- G13 MAN DOOR ACCESS
- G14 LOADING ZONE TYP. 12
- G14A REQUIRED CITY LOADING ZONES, TYP. 2
- G15 PROPOSED BUSINESS SIGN
- G16 EXISTING TREE LINE
- G17 PROPOSED TREE LINE

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

861 E. MASTEN CIRCLE  
 LOT 4 - WEST MILFORD INDUSTRIAL PARK  
 MILFORD, DE 19663

**PRELIMINARY SITE PLAN**

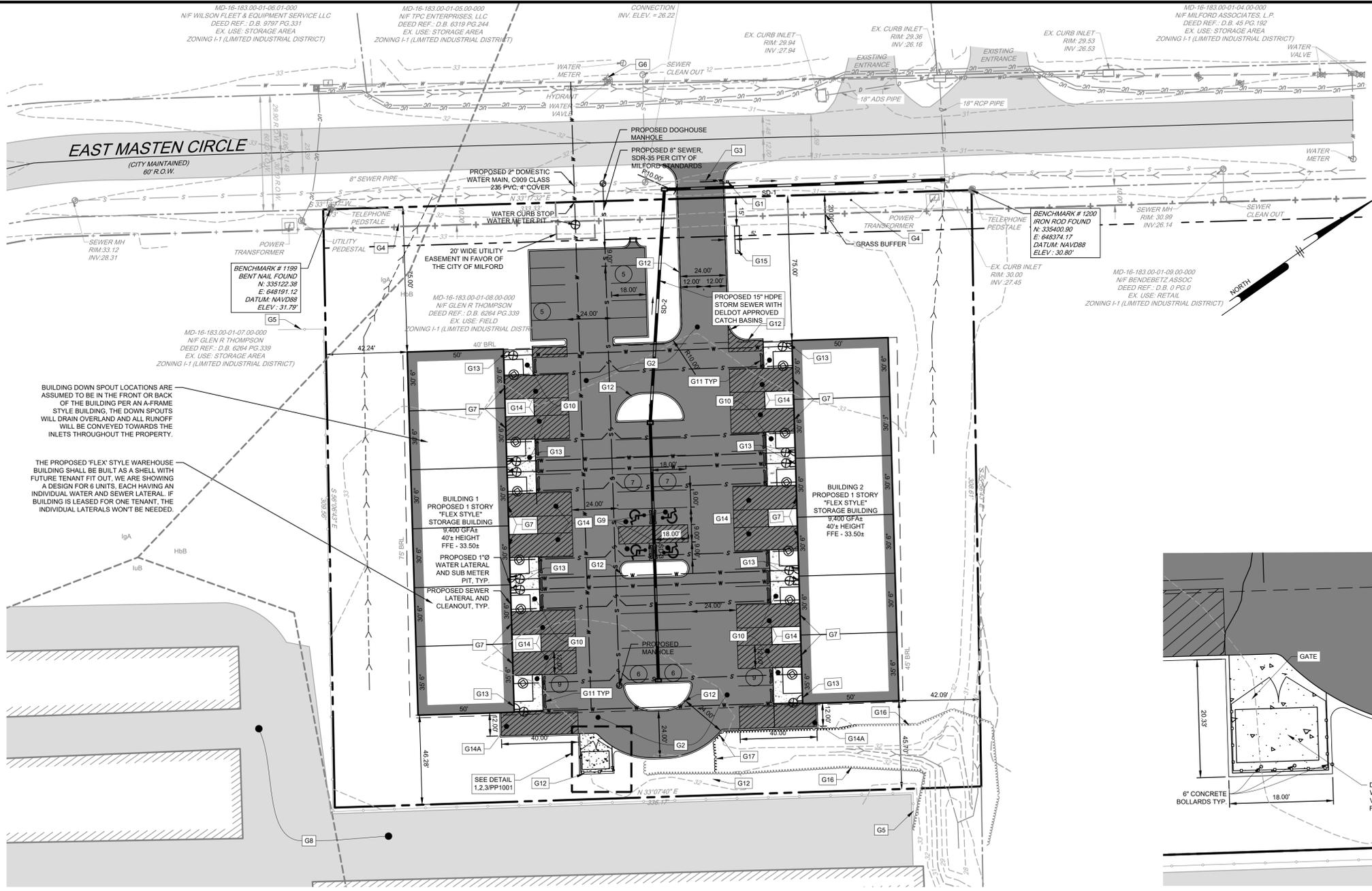
MASTEN CIRCLE, LLC  
 3415 WRANGLE HILL ROAD, SUITE 2  
 BEAR DE 19701

NO.	DATE	REVISIONS	BY
1	11/09/2022	REVISED PER CITY COMMENTS	AMD
2	12/27/2022	REVISED PER CITY COMMENTS	AMD

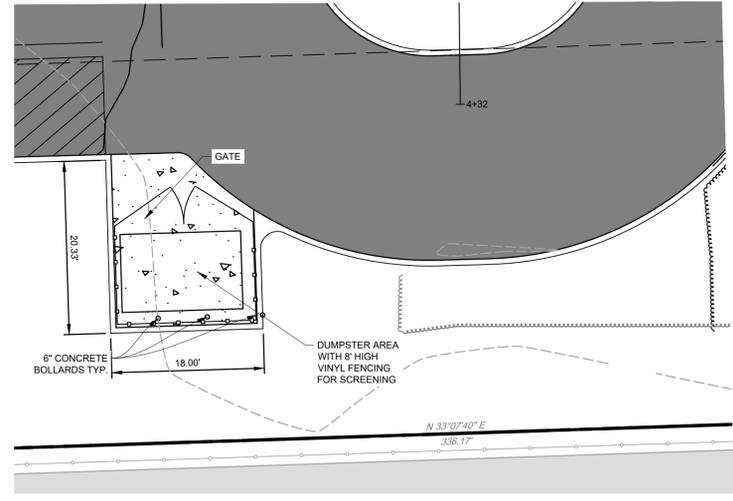
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	THOV21001
DATE	2022-12-08
DRAWING SCALE	AS NOTED
DRAWN BY	LFS, RWS
APPROVED BY	AMD

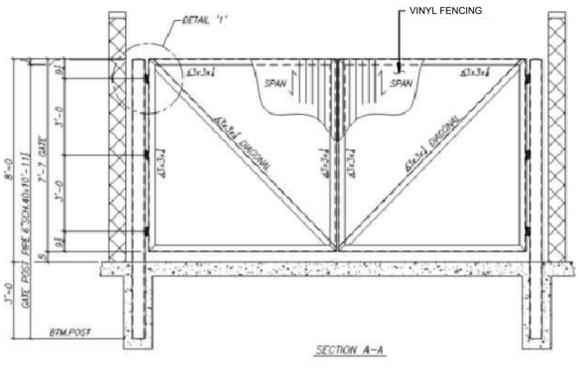
**PP1001**  
 SHEET 2 OF 3



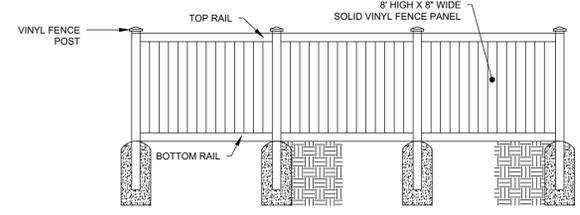
BUILDING	USE	CONSTRUCTION TYPE	SF FOOTPRINT	SPRINKLER
1	PROPOSED FLEX STYLE WAREHOUSE	1-STORY TYPE V (000) (NFPA/ FIRE MARSHALL)	9,400	NO
2	PROPOSED FLEX STYLE WAREHOUSE	1-STORY TYPE V (000) (NFPA/ FIRE MARSHALL)	9,400	NO



**DETAIL- ENLARGED DUMPSTER AREA**  
 SCALE: 1" = 10'  
 1  
 PP1001



**DETAIL- DUMPSTER DETAIL**  
 NOT TO SCALE  
 3  
 PP1001



**DETAIL- SOLID VINYL FENCE**  
 NOT TO SCALE  
 2  
 PP1001

PLOTTED: 12/22/2022 9:05 AM BY: Taha Vahid PROJECT STATUS: PROJECT STATUS: PLOT STYLE: Pennoni V02.dwg

**CITY OF MILFORD GENERAL NOTES:**

- THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY PENNONI ASSOCIATES, INC. IN MARCH 2022 AND INFORMATION TAKEN FROM RECORDED DOCUMENT PLAT BOOK 145, PAGE 24, LOT PREPARED BY KARINS AND ASSOCIATES, DATED SEPTEMBER 28, 2021.
- A TOPOGRAPHIC SURVEY WAS PERFORMED BY PENNONI ASSOCIATES, INC. IN MILTON, DELAWARE ON MARCH 2022. ELEVATIONS ARE BASED ON DATUM NAVD88, BENCHMARK #1199 WITH ELEV. 31.79 OR BENCHMARK #1200 WITH ELEV. 30.83.
- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83.
- HYDRIC SOILS ARE NOT PRESENT ACCORDING TO THE KENT COUNTY SOIL SURVEY. SOILS HAVE BEEN INSPECTED BY MIKE MARRA (No. 3557) A LICENSED WETLANDS SCIENTIST.
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
- USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACKFILLING TRENCHES.
- THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
- ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
- PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
- CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATER TIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
- PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
- SHOP DRAWINGS FOR ANY ITEMS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE ORDERING OF AND/OR INSTALLATION OF THE ITEMS).
- ALL SANITARY SEWER MAINS AND FORCEMANS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.
- THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMANS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMANS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.
- THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.
- BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0037J, EFFECTIVE DATE JANUARY 6, 2005, THE PROPERTY IS LOCATED IN FLOOD ZONE "X" (UNSHADED), WHICH IS AN AREA THAT HAS BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
- ALL ROADWAYS ARE TO BE SWEEP FREE OF SEDIMENT ON A DAILY BASIS.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
- THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
- ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
- THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENTLY RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
- THE OWNER SHALL BE RESPONSIBLE FOR THE SHORT-TERM MAINTENANCE OF THE ANY AND ALL STORMWATER MANAGEMENT FACILITIES AND STORM SEWER SYSTEMS UNTIL SUCH TIME THAT THE LONG-TERM MAINTENANCE RESPONSIBILITIES CAN BE TRANSFERRED TO A LEGALLY ESTABLISHED HOMEOWNERS ASSOCIATION OR OTHER RESPONSIBLE ENTITY.
- THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES, INSTALLED WITHIN CITY RIGHT-OF-WAY AND EASEMENTS DEDICATED TO THE CITY, STORM SEWER PIPES AND CATCH BASINS, INSTALLED FULLY WITHIN CITY RIGHT-OF-WAY, ONCE THE FOLLOWING CONDITIONS HAVE BEEN MET:
  - ALL ITEMS HAVE PASSED CITY INSPECTION;
  - THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AND
  - THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
- SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT AND DISPOSAL.
- PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER TWENTY-FOUR (24) MONTHS, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED, FOR GOOD CAUSE, BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.
- THE APPROVAL OF A CONDITIONAL USE IN CONJUNCTION WITH A SITE PLAN APPLICATION SHALL EXPIRE UPON EXPIRATION OF THE ASSOCIATED SITE PLAN.
- FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN EIGHTEEN (18) MONTHS OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
- THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.

- AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL POST A COMPLETION GUARANTY IN THE AMOUNT OF 125% OF THE COST OF INSTALLATION FOR THE CONSTRUCTION OF RECREATIONAL AND OPEN SPACE AMENITIES, INCLUDING BUT NOT LIMITED TO COMMUNITY BUILDINGS, PLAYGROUNDS, WALKING PATHS, LANDSCAPING AND LANDSCAPE SCREENING. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT.
- A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO OBTAIN CERTIFICATES OF OCCUPANCY AND ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.
- UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
  - ALL PROPERTY MONUMENTS/MARKERS;
  - SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCEMAIN INVERT ELEVATIONS EVERY 50 FEET, FORCEMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
  - WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
  - STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
  - ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.

**CITY OF MILFORD RECORD PLAN NOTES:**

- THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENTLY RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT FOR VERIFICATION.
- HYDRIC SOILS ARE (OR ARE NOT) INDICATED AS BEING PRESENT ACCORDING TO THE KENT COUNTY SOIL SURVEY. SOILS HAVE BEEN INSPECTED BY EDWARD M. LAUNAY, SENIOR PWS NO. 875, A LICENSED WETLANDS SCIENTIST.
- THE APPLICANT IS RESPONSIBLE FOR ENSURING THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS. (GN3)
- AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND/OR TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED. (GN34)
- A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS. (GN35)
- UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL, AND NAVD88 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
  - ALL PROPERTY MONUMENTS/MARKERS;
  - SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCEMAIN INVERT ELEVATIONS EVERY 50 FEET, FORCEMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
  - WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
  - STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
  - ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY. (GN36)
- THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE. (GN37)

**GENERAL NOTES:**

- ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
- THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THEY DISCOVER IN THE PLAN.
- DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE REJECTED.
- ALL MATERIALS SHALL BE NEW AND SHALL BE ASBESTOS AND VERMICULITE FREE. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE INTENDED WORK.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK TO BE PERFORMED. IT MUST BE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- PRIOR TO CONSTRUCTION, CONTRACTOR TO FIELD LOCATE AND RECORD ANY DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REMOVED OR REPLACED, ENGINEER TO VERIFY LOCATION AND EXTENT OF DAMAGE.
- THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH THE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
- THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.
- DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REPLACED OR REMOVED DURING CONSTRUCTION SHALL BE IMMEDIATELY REPORTED TO ENGINEER, CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED WORK WITHOUT CHARGE TO THE OWNER.
- BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10005C0037J, EFFECTIVE DATE JANUARY 6, 2005, THE PROPERTY IS LOCATED IN FLOOD ZONE "X" (UNSHADED), WHICH IS AN AREA THAT HAS BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
- SUBJECT PROPERTY IS CURRENTLY "I-1" (LIMITED INDUSTRIAL DISTRICT).
- THE SUBJECT SITE WILL BE CONSTRUCTED AS A SINGLE PHASE.
- TOTAL AREA FOR SUBJECT SITE IS 104,033 SF± (2.39 ACRES±)
- THE BOUNDARY AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM DOCUMENTS OF PUBLIC RECORD AND A FIELD SURVEY BY PENNONI, DATED MARCH 2022. ALL PROVIDED EASEMENTS ARE SHOWN AS SHOWN ON THIS PLAN, HOWEVER, THIS PLAT AND SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS.
- SURVEY DATUM: HORIZONTAL - NAD83, VERTICAL - NAVD88
- DEED REFERENCE: DEED BOOK 6284, PAGE 338  
PLAT REFERENCE: PLAT BOOK 145, PAGE 24
- BUILDING LIGHTING TO BE PROVIDED WITH BUILDING PLANS.
- ALL SECURITY LIGHTING (IF NECESSARY) SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- THERE ARE NO WETLANDS ON THIS PROPERTY PER THE DNREC ENVIRONMENTAL NAVIGATOR WEBSITE.
- STORM WATER WILL BE HANDLED BY OVERLAND FLOW TO THE EXISTING REGIONAL STORMWATER MANAGEMENT FACILITIES.
- ALL FIRE LANES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. ALL BUILDINGS WILL BE WOOD CONSTRUCTION AND NOT HAVE SPRINKLERS.
- LOCK BOX REQUIRED - CONTACT LOCAL FIRE CHIEF FOR ORDERING INFORMATION. LOCK BOXES WILL BE LOCATED ON THE RIGHT HAND SIDE OF THE DOOR.
- FIRE ALARM REQUIRED - THE FIRE ALARM SIGNALING SYSTEM SHALL BE AUTOMATIC, SUPERVISED OFF-SITE, AND SHALL CONSIST OF FULL COVERAGE BY SMOKE DETECTION AND ALARM NOTIFICATION, WHERE SMOKE DETECTION DEVICES WILL NOT FUNCTION BY REASON OF DEVICE LIMITATION. HEAT DETECTION SHALL BE PROVIDED IN THOSE SPECIFIC LOCATIONS FIRE ALARM SIGNALING SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
- ALL DISTURBED AREAS WITHIN THE LIMIT OF DISTURBANCE, BUT NOT IN PAVEMENT, SHALL BE TOP-SOILED (BY MINIMUM), SEEDED AND MULCHED. IF THE ENGINEER DETERMINES THAT A SATISFACTORY STAND OF GRASS DOES NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ROADWAY CONSTRUCTION.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS RESPONSIBILITY, AND SHALL FOLLOW THE GUIDELINES SHOWN IN LATEST EDITION OF DELAWARE MUTCD.
- DESIGN, FABRICATION AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE LATEST VERSION OF THE DE MUTCD.
- DESIGN AND INSTALLATION OF ALL PAVEMENT MARKINGS AND STRIPING SHALL BE AS OUTLINED IN THE LATEST VERSION OF THE DE MUTCD. FOR FINAL PERMANENT PAVEMENT MARKINGS:
  - EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING.
  - THERMO PLASTIC (EXTRUDED OR PREFORMED MATERIAL) WILL BE REQUIRED ON ASPHALT SURFACES, FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
  - PERMANENT PAVEMENT MARKING TAPE (PER DELDOT APPROVED MATERIALS LIST) WILL BE REQUIRED ON CONCRETE SURFACES, FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
- BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. REFERENCE DELDOT STANDARD CONSTRUCTION DETAIL T-15.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING, TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION:
  - THE OWNER
  - CITY OF MILFORD
  - DELDOT
- THE CONTRACTOR SHALL MAINTAIN PUBLIC ROADS AND STREETS IN A BROOM SWEEP CONDITION AT ALL TIMES.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATION SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.
- A SEPARATE SIGN PERMIT WILL BE REQUIRED FOR THE PROPOSED SIGN. ANY PROPOSED SIGN DETAILS WILL BE SUBMITTED SEPARATELY.
- THE ONSITE STORM DRAIN SYSTEM WILL BE PRIVATELY OWNED AND MAINTAINED.

I:\Users\mitch\OneDrive\Documents\861 E. Maste... C:\Users\mitch\Documents\861 E. Maste... R:\Users\mitch\Documents\861 E. Maste... PROJECT STATUS: PROJECT FILE: Pennoni\KSL-861



**PENNONI ASSOCIATES INC.**  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.9030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

**861 E. MASTEN CIRCLE**  
TAX MAP: MD-16-165-0040-08-00-00  
LOT 4 - WEST MILFORD INDUSTRIAL PARK  
MILFORD, DE 19963

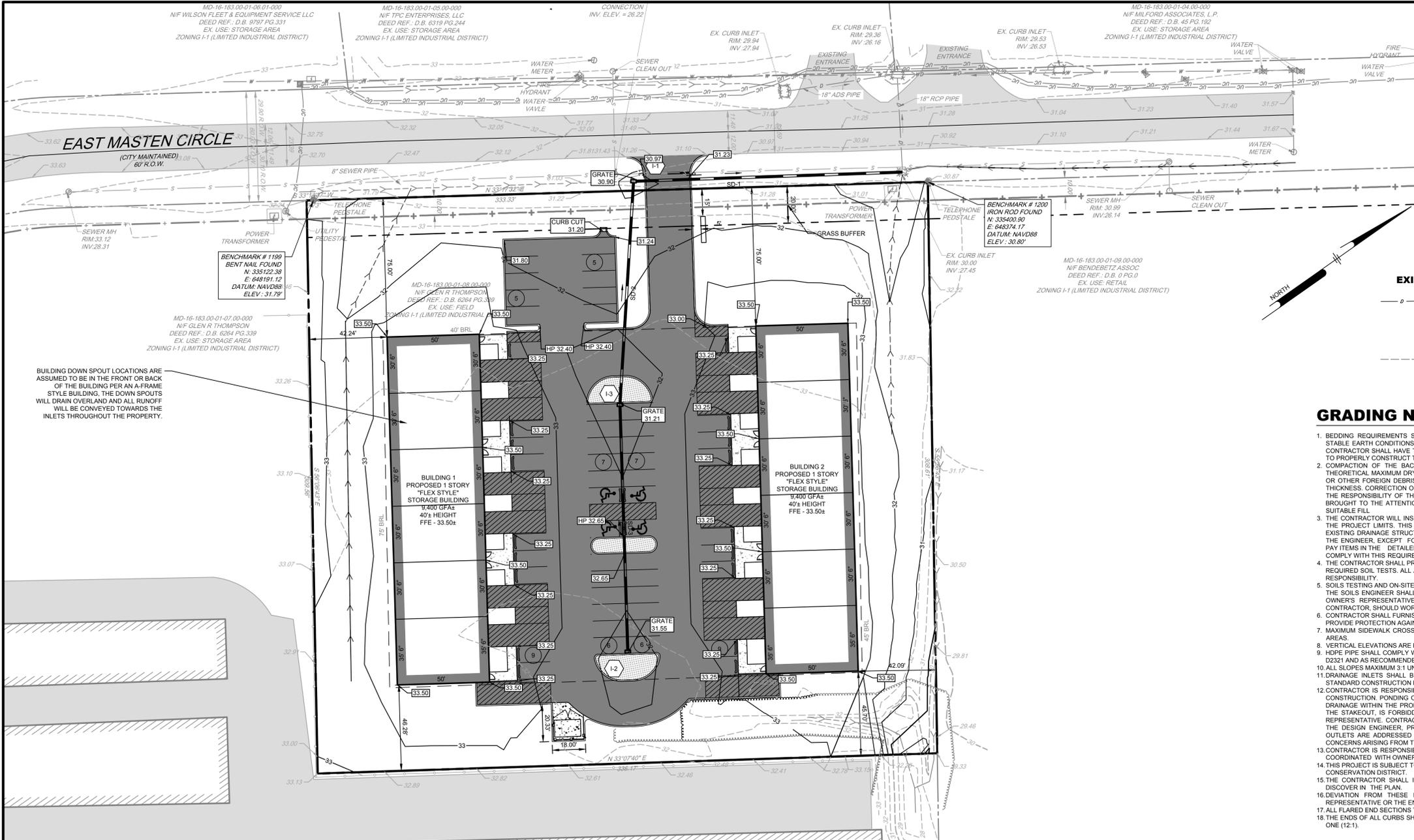
**NOTES AND DETAILS**

**MASTEN CIRCLE, LLC**  
3415 WRANGLE HILL ROAD, SUITE 2  
BEAR DE 19701

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN PERMISSION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	THOV2R21001
DATE	2022-11-15
DRAWING SCALE	AS NOTED
DRAWN BY	RWS
APPROVED BY	AMD



**LEGEND**



**GRADING NOTES:**

- BEDDING REQUIREMENTS SPECIFIED HEREIN ARE TO BE CONSIDERED AS MINIMUMS FOR RELATIVELY DRY, STABLE EARTH CONDITIONS. ADDITIONAL BEDDING SHALL BE REQUIRED FOR ROCK TRENCHES AND WET AREAS. CONTRACTOR SHALL HAVE THE RESPONSIBILITY TO PROVIDE SUCH ADDITIONAL BEDDING AS MAY BE REQUIRED TO PROPERLY CONSTRUCT THE WORK.
- COMPACTION OF THE BACKFILL OF ALL TRENCHES SHALL BE COMPACTED TO THE DENSITY OF 95% OF THEORETICAL MAXIMUM DRY DENSITY (ASTM D998). BACKFILL MATERIAL SHALL BE FREE FROM ROOTS, STUMPS, OR OTHER FOREIGN DEBRIS AND SHALL BE PLACED IN LIFTS NOT TO EXCEED 8 INCHES IN COMPACTED FILL THICKNESS. CORRECTION OF ANY TRENCH SETTLEMENT WITHIN A YEAR FROM THE DATE OF APPROVAL WILL BE THE RESPONSIBILITY OF THE CONTRACTOR. MATERIAL THAT CANNOT BE COMPACTED AS REQUIRED SHALL BE BROUGHT TO THE ATTENTION OF A GEOTECHNICAL ENGINEER, OVER EXCAVATED, AND THEN REPLACED WITH SUITABLE FILL.
- THE CONTRACTOR WILL INSURE THAT POSITIVE AND ADEQUATE DRAINAGE IS MAINTAINED AT ALL TIMES WITHIN THE PROJECT LIMITS. THIS MAY INCLUDE, BUT NOT BE LIMITED TO, REPLACEMENT OR RECONSTRUCTION OF EXISTING DRAINAGE STRUCTURES THAT HAVE BEEN DAMAGED OR REMOVED OR REGRADING AS REQUIRED BY THE ENGINEER, EXCEPT FOR THOSE DRAINAGE ITEMS SHOWN AT SPECIFIC LOCATIONS AND HAVING SPECIFIC PAY ITEMS IN THE DETAILED ESTIMATE. NO SEPARATE PAYMENT WILL BE MADE FOR ANY COSTS INCURRED TO COMPLY WITH THIS REQUIREMENT.
- THE CONTRACTOR SHALL PROVIDE ANY AND ALL EXCAVATION AND MATERIAL SAMPLES NECESSARY TO CONDUCT REQUIRED SOIL TESTS. ALL ARRANGEMENTS AND SCHEDULING FOR THE TESTING SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- SOILS TESTING AND ON-SITE INSPECTION SHALL BE PERFORMED BY AN INDEPENDENT GEOTECHNICAL ENGINEER. THE SOILS ENGINEER SHALL PROVIDE COPIES OF TEST REPORTS TO THE CONTRACTOR, THE OWNER AND THE OWNER'S REPRESENTATIVE AND SHALL PROMPTLY NOTIFY THE OWNER, HIS REPRESENTATIVE AND THE CONTRACTOR SHOULD WORK PERFORMED BY THE CONTRACTOR FAIL TO MEET BUILDING STANDARDS.
- CONTRACTOR SHALL FURNISH AND MAINTAIN ALL NECESSARY BARRICADES AROUND THE WORK AREA AND SHALL PROVIDE PROTECTION AGAINST WATER DAMAGE AND SOIL EROSION.
- MAXIMUM SIDEWALK CROSS SLOPE IS 2% AND MINIMUM SIDEWALK CROSS SLOPE IS 1% FOR ADA ACCESSIBLE AREAS.
- VERTICAL ELEVATIONS ARE BASED ON NAVD 88.
- HDPE PIPE SHALL COMPLY WITH AASHTO M252, M294, MP7, AND ASTM 3369. PIPE SHALL BE INSTALLED PER ASTM D2321 AND AS RECOMMENDED BY THE MANUFACTURER. ALL HDPE SHALL HAVE SOIL TIGHT CONNECTIONS.
- ALL SLOPES MAXIMUM 3:1 UNLESS OTHERWISE NOTED.
- DRAINAGE INLETS SHALL BE MANUFACTURED IN ACCORDANCE WITH THE LATEST STANDARDS OF DELDOT'S STANDARD CONSTRUCTION DETAILS UNLESS NOTED OTHERWISE ON THE PLANS.
- CONTRACTOR IS RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE TOWARDS OUTLET AT ALL TIMES DURING CONSTRUCTION. PONDING OF WATER, EXCLUDING STORMWATER MANAGEMENT PONDS, AND LACK OF POSITIVE DRAINAGE WITHIN THE PROPERTY DURING GRADING, FILLING OR EXCAVATION, NO MATTER OF THE DESIGN OR THE STAKEOUT, IS FORBIDDEN WITHOUT THE PERMISSION OF THE DESIGN ENGINEER OR THEIR AUTHORIZED REPRESENTATIVE. CONTRACTOR IS RESPONSIBLE TO DISCUSS ALL GRADING AND DRAINAGE CONCERNS WITH THE DESIGN ENGINEER PRIOR AND DURING APPLICATION TO ENSURE THAT POSITIVE DRAINAGE TOWARDS OUTLETS ARE ADDRESSED APPROPRIATELY AND SAFELY. DESIGN ENGINEER WILL BE HELD HARMLESS FROM CONCERNS ARISING FROM THE LACK OF POSITIVE DRAINAGE IF NOT NOTIFIED PRIOR TO ITS APPLICATION.
- CONTRACTOR IS RESPONSIBLE FOR REMOVING AND DISPOSING OF EXCESS DIRT FROM THE SITE. THIS CAN BE COORDINATED WITH OWNER TO DETERMINE IF LONG TERM STORAGE ON SITE IS APPLICABLE.
- THIS PROJECT IS SUBJECT TO INSPECTION AND APPROVAL BY REPRESENTATIVES OF THE SUSSEX COUNTY CONSERVATION DISTRICT.
- THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THEY DISCOVER IN THE PLAN.
- DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE REJECTED.
- ALL FLARED END SECTIONS THAT CONNECT TO AN ENCLOSED INLET SHALL HAVE A SAFETY GRATE.
- THE ENDS OF ALL CURBS SHALL BE TRANSITIONED TO BE FLUSH WITH THE PAVEMENT AT A RATIO OF TWELVE TO ONE (12:1).

**SITE INFORMATION:**

**SITE ADDRESS:**  
861 E MASTEN CIRCLE  
MILFORD, DELAWARE 19963  
TAX MAP: MD-16-183.00-01-08.00-000

**OWNER/DEVELOPER:**  
MASTEN CIRCLE, LLC  
3415 WRANGLE HILL ROAD, SUITE 2  
BEAR DE 19701

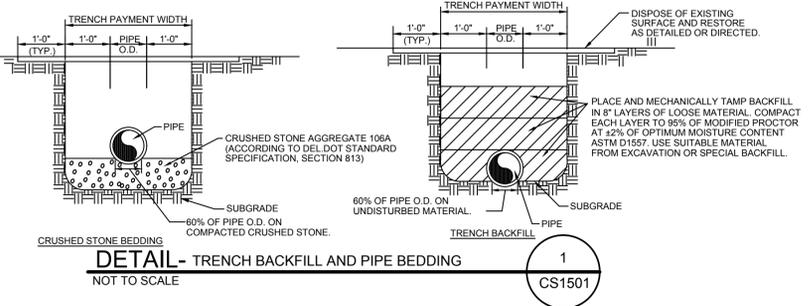
**ENGINEER / SURVEYOR:**  
PENNONI ASSOCIATES INC.  
18072 DAVIDSON DRIVE  
MILTON, DELAWARE 19968  
(302) 684-8030

SOILS		
TYPE	DESCRIPTION	HYDROLOGIC SOIL
IgA	INGLESIDE SANDY LOAM, 0 TO 2 PERCENT SLOPES	A
HbB	HAMBROOK SANDY LOAM, 2 TO 5 PERCENT SLOPES	B

LIMIT OF DISTURBANCE: 2.18± ACRES

STORM SEWER STRUCTURE TABLE						
ID	RIM ELEVATION	INV IN (FROM)	INV OUT (TO)	TYPE	TOP UNIT	GRATE
I-1	30.90	28.16 (15" HDPE @ 0.50%) I-3	28.16 (15" HDPE)	34" X 18"	TYPE "D"	TYPE 1
I-2	31.55	29.43 (15" HDPE) I-3	29.43 (15" HDPE) I-3	34" X 18"	TYPE "D"	TYPE 1
I-3	31.20	28.76 (15" HDPE @ 0.50%) I-2	28.76 (15" HDPE) I-1	34" X 18"	TYPE "D"	TYPE 1

STORM SEWER PIPE TABLE								
ID	FROM STRUCTURE	INV OUT	TO STRUCTURE	INV IN	DIAMETER (in)	MATERIAL	LENGTH (ft)	SLOPE
SD-1	I-1	28.16	I-1	27.45	15"	HDPE	146'	0.49%
SD-2	I-3	28.76	I-1	28.16	15"	HDPE	121'	0.50%
SD-3	I-2	29.43	I-3	28.76	15"	HDPE	133'	0.50%



**PENNONI ASSOCIATES INC.**  
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**861 E. MASTEN CIRCLE**  
TAX MAP: MD-16-183.00-01-08.00-000  
LOT 4 - WEST MILFORD INDUSTRIAL PARK  
MILFORD, DE 19963

**GRADING PLAN**

**MASTEN CIRCLE, LLC**  
3415 WRANGLE HILL ROAD, SUITE 2  
BEAR DE 19701

NO.	DATE	REVISIONS	BY

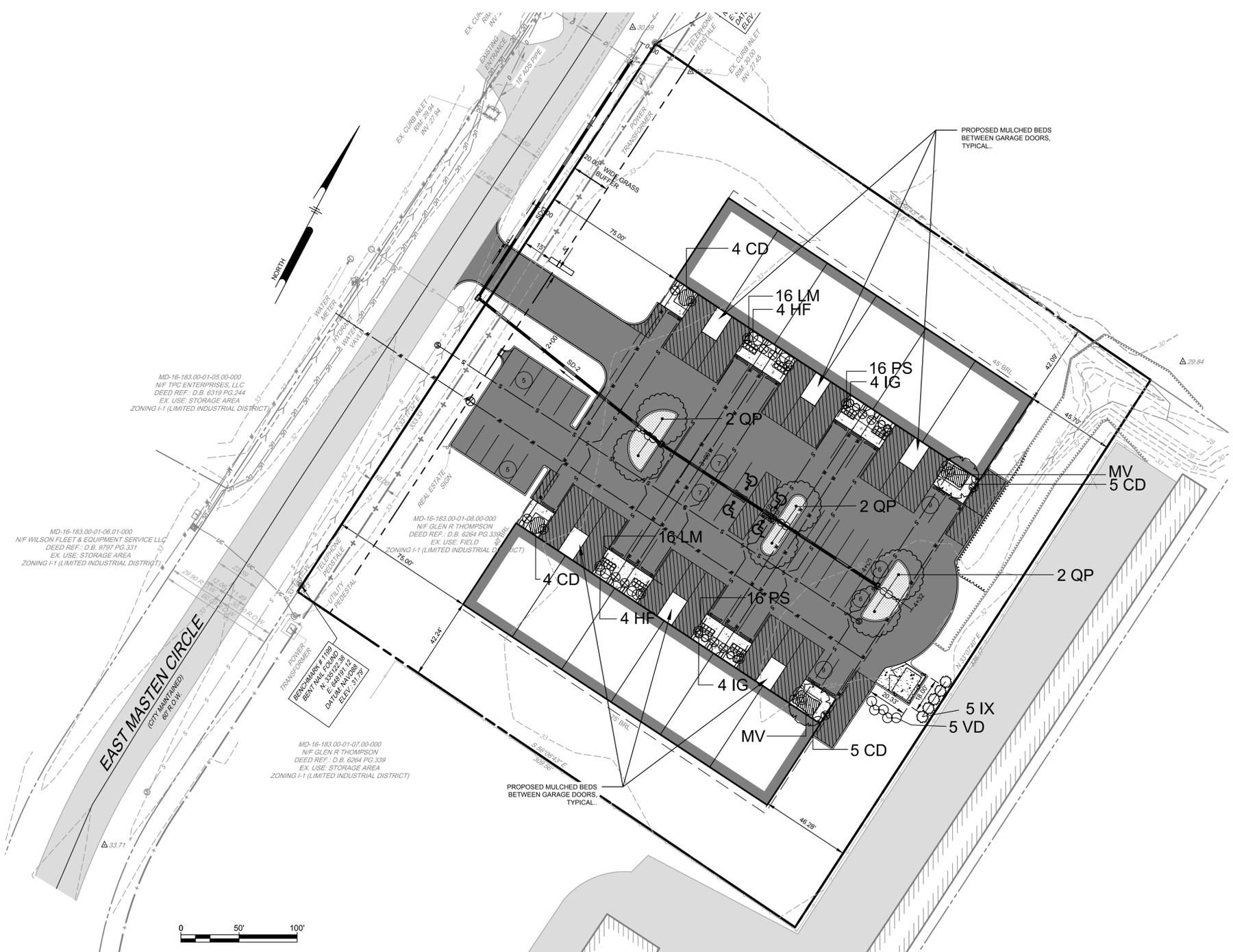
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PROJECT: THOVR21001  
DATE: 2022-11-30  
DRAWING SCALE: 1"=30'  
DRAWN BY: TOU  
APPROVED BY: AMD

**CS1501**  
SHEET 3 OF 10

**PLANT SCHEDULE**

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONT.	SPACING
<b>TREES</b>						
QP	6	QUERCUS PALUSTRIS	PIN OAK	2.5" CAL	B&B	AS SHOWN
MV	2	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	6'-7" HGT	B&B	AS SHOWN
IX	5	ILEX X NELLIE R STEVENS	NELLIE STEVENS HOLLY	5'-6" HGT	B&B	AS SHOWN
IG	8	ILEX GLABRA 'NORDIC'	NORDIC INKBERRY	30" HGT	CONT	AS SHOWN
HF	8	HYPERICUM FRONDOSUM	ST JOHNS WORT	30" HGT	CONT	AS SHOWN
VD	5	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	36" HGT	CONT	AS SHOWN
CD	18	COTONEASTER DAMERII	CORAL BEAUTY COTONEASTER	24" SPD	CONT	AS SHOWN
PS	32	PENNISETUM SETACEUM	PURPLE FOUNTAIN GRASS	N/A	CONT	AS SHOWN
LM	32	LIRIOPE MUSCARI BIGBLUE	BIGBLUE LILY TURF	N/A	CONT	AS SHOWN



LANDSCAPE CERTIFICATION:  
 I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE REGULATIONS AND LAWS OF THE STATE OF DELAWARE.

ERIC W. WAHL, (DE# S1-0000409) DATE  
 PENNONI ASSOCIATES INC.  
 18072 DAVIDSON DRIVE MILTON, DE 19968



ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

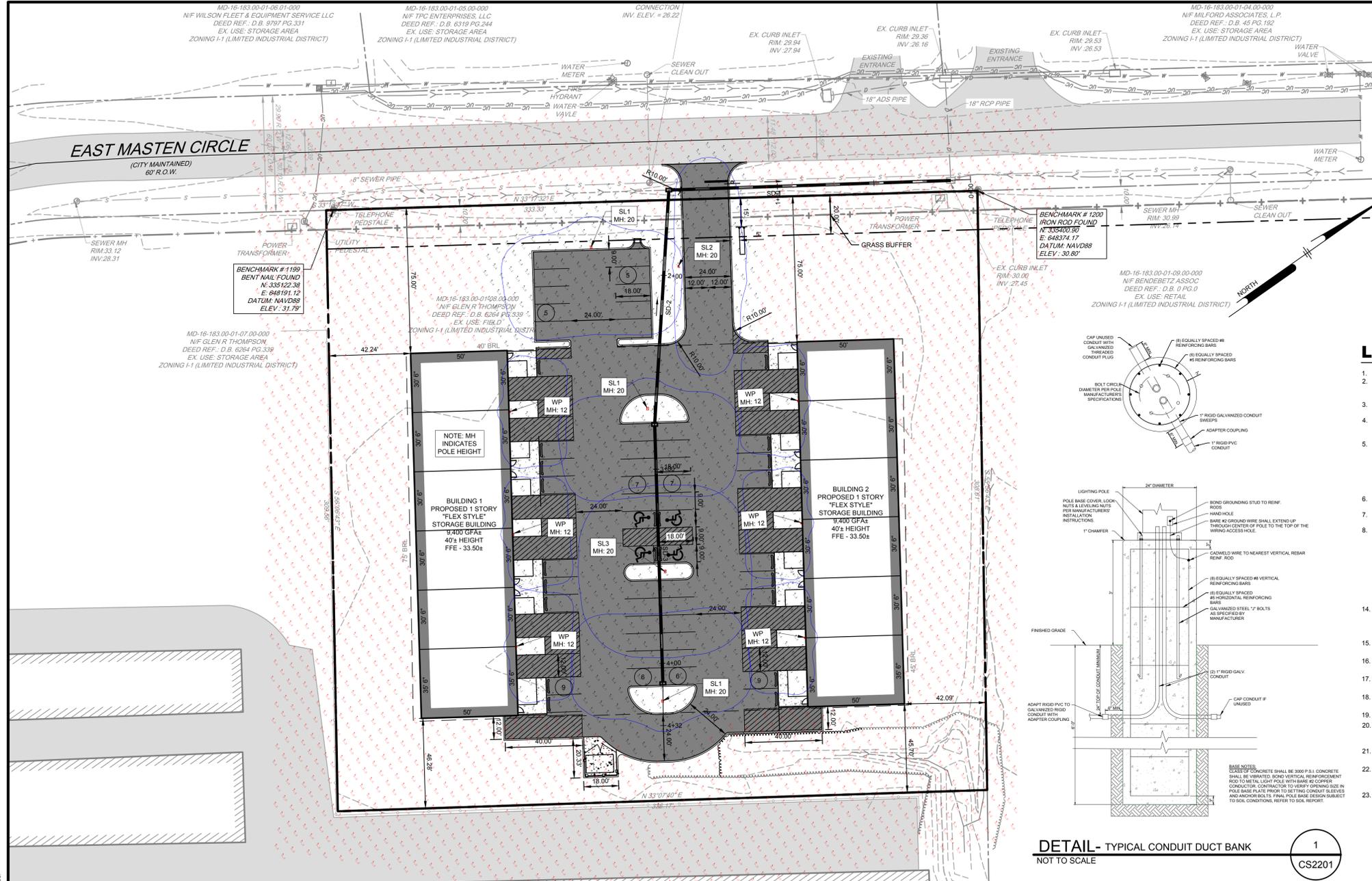
861 E. MASTEN CIRCLE  
 LOT 4 - WEST MILFORD INDUSTRIAL PARK  
 MILFORD, DE 19963  
**LANDSCAPE PLAN**  
 MASTEN CIRCLE, LLC  
 3415 WRANGLE HILL ROAD, SUITE 2  
 BEAR DE 19701

NO.	DATE	REVISIONS	BY
1	12/7/2022	REVISED PER CITY COMMENTS	

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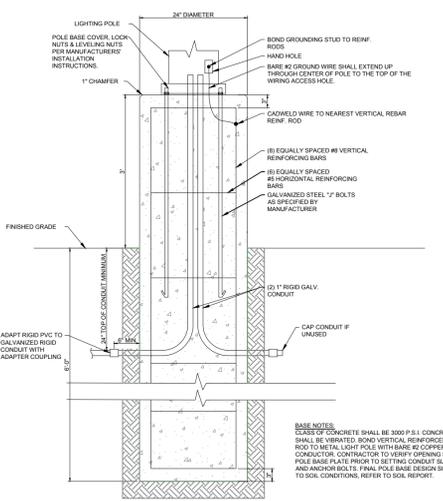
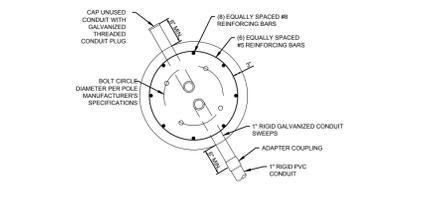
PROJECT	THOVR21001
DATE	2022-12-05
DRAWING SCALE	1"=30'-0"
DRAWN BY	EWV
APPROVED BY	AMD

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 PLOTTED: 1/8/2023 9:08 AM BY: Teri V. VAH  
 PROJECT STATUS:

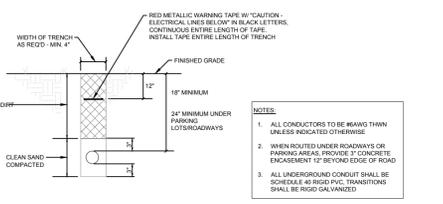


**LIGHT POLE INSTALLATION NOTES:**

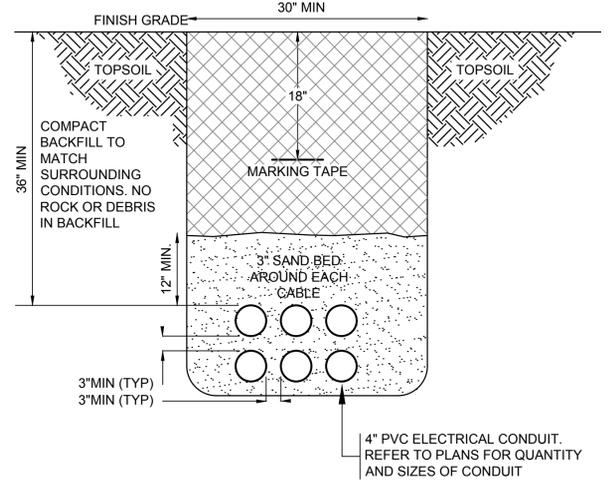
- ALL NEW WIRING SHALL BE INSTALLED WITH ITS OWN NEUTRAL (NO SHARED NEUTRALS).
- INSTALL THE NEW POLE BASE WITH THE CENTER OF THE POLE 3 FEET FROM THE EDGE OF THE NEW WALKWAY OR PATH TO ILLUMINATE THE LENGTH OF THE WALKWAY. THE ACTUAL LOCATION OF THE NEW POLE SHALL BE COORDINATED WITH THE OWNER TO AVOID ANY EXISTING UNDERGROUND UTILITIES. CONSULT THE OWNER FOR APPROVAL OF ANY REQUIRED CHANGES.
- INSTALL THE NEW POLE BASE PER THE POLE BASE DETAIL. REFER TO VENDOR ANCHOR BOLT INSTALLATION GUIDE FOR BOLT CIRCLE DIAMETER, BASE COVER SIZE, ANCHOR BOLT PROJECTION, ANCHOR BOLT SIZE AND SPECIFIC DETAILS.
- WHERE NEW POLES WILL BE INSTALLED ON EXISTING POLE BASES, VERIFY THE EXISTING BOLT CIRCLE PATTERN OF THE EXISTING BASES AND CONFIRM THE NEW BOLT CIRCLE PATTERN OF THE NEW POLES WILL MOUNT TO THE EXISTING ANCHOR BOLTS.
- WHERE JUNCTION BOXES ARE REQUIRED, PROVIDE HUBBELL QUIAZTE 11" X 15" X 18.5" PC STYLE POLYMER CONCRETE UNDERGROUND ENCLOSURE PART #PC118JA18 WITH TWO HEX BOLT COVER WITH LIGHTING LOGO ON COVER PART #PC118CA0041. MOUNT THE TOP OF THE BOX 6 INCH ABOVE THE FINISHED GRADE. ENCASE THE BOX WITH 6 INCHES OF 3000 PSI CONCRETE VIBRATED AROUND ALL FOUR SIDES WITH THE TOP OF THE CONCRETE FLUSH WITH THE TOP OF THE BOX AND THE BOTTOM OF THE CONCRETE EQUAL TO THE BOTTOM OF THE BOX. PROVIDE A 1 INCH CHAMFER AROUND THE TOP PERIMETER OF THE CONCRETE AND THE VERTICAL CORNERS. REMOVE ALL FORMS USED AFTER THE CONCRETE CURES. PROVIDE SUPPORT WITHIN THE BOX TO KEEP ALL SPLICE CONNECTIONS AT THE BOTTOM OF THE COVER.
- CONDUITS UNDER WALKWAYS SHALL BE GALVANIZED RIGID CONDUIT WHICH SHALL EXTEND 3' BEYOND EACH EDGE OF THE WALKWAY FOR PROTECTION FROM VEHICLES WHICH MAY DRIVE OVER THE EDGE OF THE WALKWAY.
- BACK FILL ALL EXCAVATIONS TO MATCH THE EXISTING GRADE AND RESEED THE EXCAVATION AREA. EXCESS SOIL SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR.
- PROVIDE A 4" HIGH X 6" WIDE BLACK WITH 3/4" YELLOW LETTERING UV RESISTANT SELF-ADHESIVE LABEL ABOVE THE HAND HOLE LEVEL ON EACH LIGHT POLE. LABELS SHALL FACE THE DIRECTION OF THE ROADWAY, WALKWAY OR PARKING SPACE WHERE THE POLE IS LOCATED. WHERE POLES ARE LOCATED IN THE CENTER OF A PARKING LOT, AND THERE ARE PARKING SPACES ON BOTH THE NORTH AND SOUTH SIDE OF THE POLE, INSTALL THE LABEL ON THE NORTH SIDE OF THE POLE TO MINIMIZE FADING FROM THE SUN. THE TOP ROW OF LETTERING ON THE LABEL SHALL STATE THE POLE NUMBER. THE BOTTOM ROW OF LETTERING ON THE LABEL SHALL STATE THE PANEL AND CIRCUIT NUMBER. PROVIDE A PRINTED EXAMPLE FOR THE OWNERS APPROVAL PRIOR TO PRINTING ALL THE LABELS. SEE EXAMPLE.  
EXAMPLE: POLE # A1  
PANEL & CKT. # LP-2 #18
- MOUNT THE LIGHT POLES WITH THE HAND HOLE FACING 90-DEGREE FROM THE ROADWAY, WALKWAY OR PARKING SPACE SO THAT THE OPENING IS ACCESSIBLE WHEN A VEHICLE IS PARKED IN THE PARKING SPACE IN FRONT OF THE POLE LOCATION. DO NOT FACE THE HAND HOLE IN THE OPPOSITE DIRECTION OF THE ROADWAY OR PARKING SPACE SO THAT IT WILL NOT BE BLOCKED BY VEGETATION AND HEDGES GROWING BEHIND THE POLE LOCATIONS.
- PROVIDE NEW POLES WITH ALL REQUIRED POLE CAPS, ACCESS COVERS, GALVANIZED STEEL ANCHOR 'J' BOLTS, LOCK NUTS AND WASHERS PER VENDORS INSTALLATION GUIDE.
- PROVIDE NEW HUBBELL / BEACON LIGHTING FIXTURES WITH ALL REQUIRED ATTACHMENT ARMS, AND MOUNTING HARDWARE PER THE MANUFACTURERS INSTALLATION INSTRUCTIONS.
- ASSEMBLE AND INSTALL POLE ON BASE. FIXTURE HEADS SHALL FACE TOWARD THE WALKWAY OR ROADWAY PER THE DIRECTION SHOWN ON THE DRAWINGS.
- PROVIDE #2 BARE COPPER WIRE BONDING REBAR REINFORCEMENT CAGE IN POLE BASE TO GROUND STUD IN LIGHT POLE MOUNTED AT THE TOP OF THE POLE.
- ANCHOR NUTS SHALL BE ADJUSTED TO MAKE POLE PLUMB.
- POLE BASE MUST HAVE FULL CONTACT WITH THE FOUNDATION BY GROUTING. GROUT THE SPACE BETWEEN THE TOP OF THE CONCRETE BASE AND THE BOTTOM OF THE LIGHT POLE BASE AND PROVIDE A CHANNEL THROUGH THE GROUT FOR DRAINAGE FROM THE POLE INTERIOR.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL CIVIL WORK INCLUDING EXCAVATIONS, BACKFILLING, RE-SEEDING, ASPHALT REPAIR, ETC.
- PROVIDE #2 BARE COPPER WIRE BONDING REBAR REINFORCEMENT CAGE IN POLE BASE TO GROUND STUD IN LIGHT POLE MOUNTED AT THE TOP OF THE POLE.
- ANCHOR NUTS SHALL BE ADJUSTED TO MAKE POLE PLUMB.
- POLE BASE MUST HAVE FULL CONTACT WITH THE FOUNDATION BY GROUTING. GROUT THE SPACE BETWEEN THE TOP OF THE CONCRETE BASE AND THE BOTTOM OF THE LIGHT POLE BASE AND PROVIDE A CHANNEL THROUGH THE GROUT FOR DRAINAGE FROM THE POLE INTERIOR.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL CIVIL WORK INCLUDING EXCAVATIONS, BACKFILLING, RE-SEEDING, ASPHALT REPAIR, ETC.
- REFER TO LIGHTING CUT SHEETS, CONTACT DESIGN ENGINEER FOR INFORMATION.



**DETAIL- TYPICAL CONDUIT DUCT BANK**  
NOT TO SCALE



**DETAIL- UNDERGROUND DIRECT BURIED SITE LIGHTING SYSTEM CONDUIT**  
NOT TO SCALE



**DETAIL- TYPICAL CONDUIT DUCT BANK**  
NOT TO SCALE

**SITE INFORMATION:**

**SITE ADDRESS:**  
861 E MASTEN CIRCLE  
MILFORD, DELAWARE 19963  
TAX MAP: MD-16-183.00-01-08.00-000

**OWNER/DEVELOPER:**  
MASTEN CIRCLE, LLC.  
3415 WRANGLE HILL ROAD, SUITE 2  
BEAR DE 19701

**ENGINEER / SURVEYOR:**  
PENNONI ASSOCIATES INC.  
18072 DAVIDSON DRIVE  
MILTON, DELAWARE 19968  
(302) 684-6030



Label	CalcType	Units	Avg	Max	Min	Max/Min
GENERAL AREA	Illuminance	Fc	0.64	6.4	0.0	N.A.
ACTIVE PARKING	Illuminance	Fc	2.42	6.4	0.3	21.33

Symbol	Qty	Fixture Type	Catalog Number	Fixture Description	Total Watts	Mounting Height
+	6	WP	LN2-48L-45-4K7-4W-UNV-DBT	LN2 MEDIUM WALLPACK, 5161 LUMENS, 4000K, IES TYPE FT WIDE	47,956	12
+	1	SL2	ASL1-160L-135-4K7-3-UNV A BC	ASL1 SHOEBOX, 12243 LMNS, 4000K, IES TYPE 3 WITH INTERNAL BACKLIGHT CUTOFF	133.3	20
+	3	SL1	ASL1-160L-115-4K7-4W-UNV A	ASL1 SHOEBOX, 15232 LMNS, 4000K, IES TYPE FT WIDE	109.7	20
+	1	SL3	ASL1-160L-115-4K7-5QW-UNV A	ASL1 SHOEBOX, 15632 LMNS, 4000K, IES TYPE 5 WIDE	109.7	20

**PENNONI ASSOCIATES INC.**  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.6030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

861 E. MASTEN CIRCLE  
MILFORD, DE 19963  
LOT 4 - WEST MILFORD INDUSTRIAL PARK

**LIGHTING PLAN, NOTES, AND DETAILS**

MASTEN CIRCLE, LLC  
3415 WRANGLE HILL ROAD, SUITE 2  
BEAR DE 19701

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	THOV21001
DATE	2022-12-09
DRAWING SCALE	1" = 30'
DRAWN BY	RWS
APPROVED BY	AMD

October 14, 2022  
THOVR21001

Mr. Rob Pierce  
City of Milford Planning Director  
180 Vickers Drive  
Milford DE 19963

**RE: Conditional Use Site Plan Submission**  
**861 E. Masten Circle**  
**Tax Map # MD-16-183.00-01-08.00-000**  
**Lot 4 – West Milford Industrial Park**  
**Milford, DE 19963**

Dear Mr. Pierce,

On behalf of Masten Circle, LLC., Pennoni Associates Inc. (Pennoni) is pleased to submit the attached Preliminary Site for your consideration of review and approval. We are submitting for a Conditional Use to allow flex space storage units to be constructed on subject parcel. The property is located in the Milford Industrial Park, it is zoned I-1 (Limited Industrial District) and measures at 2.39 acres. The existing property is a vacant lot, but the proposed project will build (2) two flex style storage buildings, parking areas, and associated site improvements. The facility will be connected to public utilities which are available in Masten Circle along the front of the property. The site will not require stormwater management per meeting the max lot coverage requirements, the site has been factored into the regional facility for the overall park. The site is bound by industrial zoned properties on all sides.

The proposed project is requesting a Conditional Use Ordinance to allow the construction of a two flex space storage buildings on subject parcel of land. We are following the current Comp Plan and Future Land Use Map related to the Industrial Park the subject property is located within, the property is in the growth zone of the town. The property is in an opportune location for this type of facility and business not only to support the Milford community but the larger Kent & Sussex County area. The proposed project will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. The proposed project will not substantially increase the hazard from fire or other dangers to said property or adjacent property; otherwise impair the public health, safety, comfort, morals, or general welfare of the public. We are submitting the conditional use application and preliminary site plan for review.

If you have any comments or need additional information, please call us at (302) 684-8030.

Sincerely,

**PENNONI ASSOCIATES INC.**



Alan Decktor, PE, ENV SP  
Senior Engineer

CC.

U:\Accounts\THOVR\THOVR21001 - 861 E. Masten Circle\DELIVERABLES\City of Milford\2022-10-14 Prelim Site Plan Sub.docx



18072 Davidson Drive  
Milton, DE 19968  
T: 302-684-8030  
F: 302-684-8054

www.pennoni.com

December 7, 2022  
THOVR21001

Mr. Rob Pierce  
City of Milford Planning Director  
180 Vickers Drive  
Milford DE 19963

**RE: Conditional Use Site Plan Submission**  
**861 E. Masten Circle**  
**Tax Map # MD-16-183.00-01-08.00-000**  
**Lot 4 – West Milford Industrial Park**  
**Milford, DE 19963**

Dear Mr. Pierce:

On behalf of Masten Circle, LLC., Pennoni Associates Inc. (Pennoni) is pleased to submit the revised Preliminary Site Plans for your consideration of review and approval. We have addressed the following comments per your letter received on December 6, 2022.

We have enclosed one (1) copy of the following documents for review and approval of the project.

<u>Item</u>	<u>Description</u>	<u>Dated</u>
<b>Drawings, Prepared by Pennoni Associates Inc.</b>		
	Revised Preliminary Site Plan	2022-12-07
	Landscape Plan and Grading Plan	

1. *Address the following in the Site Data column:*

- a. *Addressed.*
- b. **Addressed.**
- c. *Addressed.*
- d. *Addressed.*
- e. *Item 13, Per Chapter 230-21(B) of City of Milford new Zoning Code, provide the number of employees and the square footage of building dedicated to sales or office use so the city can verify the calculation. Addressed with comment, Currently, only 14 spaces are provided for each of the middle rows and are labeled as 15 spaces. Correct the labeling and revise the plans accordingly. The total number of spaces equals 51.*  
**Pennoni Response: We have modified the middle row of parking and also added parking in the front yard area, we have revised all labels and total parking data in Site Data Table to be consistent.**
- f. *Addressed.*
- g. *Addressed.*
- h. *Verify if the site will be served by natural gas and provide a note on the Site Data column. Address with Comment – Provide the provider as soon as determined*

*and update the site data column accordingly.*

**Pennoni Response: We have added this into the Site Data Table and noted it to be determined as the use of this is unknown. Refer to # 17 in Site Data Table. If selected for use, we will update information accordingly.**

- i. Addressed.*
2. *Addressed*
3. *Addressed.*
4. *Addressed.*
5. *Label all existing and proposed contours. In addition, existing contours shall extend a minimum of 50' beyond the property line where it is feasible so the tie-ins can be verified. Addressed with Comment – Provide spot grades along the proposed buildings so the direction of flow can be verified.*

**Pennoni Response: We have provided a separate grading plan, that has spots grades to show the flow is draining away from buildings towards the inlets in the middle row of parking. This plan will be more detailed for construction review.**

6. *Update the parking lot design per Chapter 230-20, specifically paragraphs J and L, as it pertains to curbing, islands and landscaping. Comment Remains – Provide one Island or peninsula for every 10 contiguous parking spaces as outlined under Section 230-20(L). The center row of parking contains 14 contiguous spaces. Revise the site and landscaping plans accordingly.*

**Pennoni Response: We have revised the layout with changing 2 spaces into an island to break the parking up.**

7. *As per City of Milford Zoning Code section 230-20(M), provide bicycle parking unless a waiver is sought. The proposed use may warrant a waiver. Comment Remains – Provide the waiver once it is obtained.*

**Pennoni Response: We have discussed with Rob Pierce and this comment is acceptable for now, we will be asking for the waiver from City Council during the preliminary site plan approval process.**

8. *Provide loading berths as required by Chapter 230-21(C). Demonstrate that delivery trucks can adequately maneuver within the site and not on any public right of way. Comment Remains – Based on the City of Milford Zoning Section 230-21 © [2], two berth areas shall be devoted to a warehouse with a gross floor area between 8,000 to 19,999 square feet. Revise the plans so each warehouse has at least two berth areas.*

**Pennoni Response: We have discussed with Rob Pierce and 4 total loading zones for these building is excessive. We have calculated the two required loading zone areas based on the total square footage of both buildings together. For the nature of this project and application, these buildings should be considered one establishment for the purpose of required loading zones as they are being designed as flex space and there could be individual tenants or one overall tenant. We will discuss this at the City Council hearing to see if the two loading areas are acceptable and if not, will update for the construction plan review process. In addition to the two separate loading spaces, each unit has a smaller loading zone and overhead door access that could be utilized for smaller delivery trucks if needed.**

9. *Addressed.*
10. *Addressed.*

11. Addressed.

12. Addressed.

13. Provide proposed water meter pits and curb stop at the property line and revise the plans accordingly. Addressed with Comment – Provide a 20' easement so the Town can access the water meter.

**Pennoni Response: We have added a 20' wide utility easement from the City owned ROW for access to the meter pit.**

14. Addressed.

15. The proposed 8" sewer connection will require a doghouse manhole be constructed at the connection point. Label the terminus sewer feature located on the site. Is this a cleanout or another manhole? Addressed with Comment – Provide details for a doghouse sanitary sewer manhole and the manhole that has been used at the terminus point.

**Pennoni Response: We have discussed this with Rob Pierce and these details can wait to be reviewed as part of the Construction plan process.**

16. Coordinate electric service with the City Electric Department prior to final site plan approval.

**Pennoni Response: Understood.**

17. Add the size, pipe type, location, inverts, elevation etc. of all proposed utilities (Sanitary, water, storm, etc.). The utilities shall follow the City's standards specifications.

**Pennoni Response: We have added information to the proposed utilities but the specific information will be part of the construction plan package.**

18. Provide any existing or proposed easements for the site and revise the plans accordingly.

**Pennoni Response: We have added a utility easement for access to the water meter pit**

19. Submit the following for Final Plan approval:

a. Lighting Plan that meets IES standards. **Provided.**

i. Provide height of the lighting poles on the luminaire schedule. **This will be revised and provided during the Construction Plan review process.**

b. Landscape Plan.

i. Provide a buffer yard adjacent to East Masten Circle based on City of Milford Zoning. **We have added a 20' wide grass buffer along East Masten Circle as required per code.**

c. Fire Marshal Approval. **Provided Approval Letter.**

d. Kent Conservation District approval for sediment and stormwater management plans. **Pending.**

e. Final Construction Plans (grading plan, existing conditions plans, inverts, elevations, details, etc. **Pending.**

If you have any comments or need additional information, please call us at (302) 684-8030.

Sincerely,

**PENNONI ASSOCIATES INC.**



Alan Decktor, PE, ENV SP  
Senior Engineer

U:\Accounts\THOVR\THOVR21001 - 861 E. Masten Circle\DELIVERABLES\City of Milford\2022-12-07 3rd Submission\2022-12-07 - City of Milford Response Letter.docx



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

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

December 22, 2022

City of Milford  
201 South Walnut Street  
Milford, Delaware 19963

Attention: Rob Pierce

**Subject: Masten Circle, LLC – Preliminary Plan Review**  
KCI Job No. 131803632.2 – Task 50

Dear Mr. Pierce,

As requested, KCI Technologies reviewed the Preliminary Site Plan for Masten Circle, LLC per the City of Milford's Standard Specifications, Codes, and general engineering best practices. This plan was submitted by Pennoni Engineering and is dated December 07, 2022.

**We find the plans generally acceptable. This letter serves as a recommendation for Preliminary Plan Approval. Please submit final plans for review and approval.**

1. Address the following in the Site Data column:
  - a. Item 13, Per chapter 230-21(B) of City of Milford new Zoning Code, provide the number of employees and the square foot of building dedicated to sales or office use so the City can verify the calculation. Addressed with Comment – Currently, only 14 spaces are provided for each of the middle rows and are labeled as 15 spaces. Correct the labeling and revise the plans accordingly. The total number of spaces equals 51. **Addressed.**
  - b. Verify if the site will be served by natural gas and provide a note on the Site Data column. **Addressed with Comment – Provide the provider as soon as determined and update the site data column accordingly.**
2. Label all existing and proposed contours. In addition, existing contours shall extend a minimum of 50' beyond the property line where it is feasible so the tie-ins can be verified. Addressed with Comment – Provide spot grades along the proposed buildings so the direction of flow can be verified. **Addressed.**
3. Update the parking lot design per Chapter 230-20, specifically paragraphs J and L, as it pertains to curbing, islands, and landscaping. Comment Remains – Provide one Island or peninsula for every 10 contiguous parking spaces as outlined under Section 230-20 (L).

*Employee-Owned Since 1988*

- The center row of parking contains 14 contiguous spaces. Revise the site and landscaping plans accordingly. **Addressed.**
4. As per City of Milford Zoning code Section 230-20(M), provide bicycle parking unless a waiver is sought. The proposed use may warrant a waiver. **Comment Remains – Provide the waiver once it is obtained.**
  5. Provide loading berths as required by Chapter 230-21(C). Demonstrate that delivery trucks can adequately maneuver within the site and not on any public right-of-way. **Comment Remains –** Based on the City of Milford Zoning Section 230-21 (C) [2], Two berth areas shall be devoted to warehouse with a gross floor area between 8,000 to 19,999 square feet. Revise the plans so each warehouse has at least two berth areas. **Addressed.**
  6. Provide proposed water meter pits and curbstop at the property line and revise the plans accordingly. **Addressed with Comment –** Provide a 20' easement so the Town can access the water meter. **Addressed.**
  7. The proposed 8" sewer connection will require a doghouse manhole be constructed at the connection point. Label the terminus sewer feature located on the site. Is this a cleanout or another manhole? **Addressed with Comment – Provide details for a doghouse sanitary sewer manhole and the manhole that has been used at the terminus point on the final submission.**
  8. Coordinate electric service with the City Electric Department prior to final site plan approval. **Comment Remains.**
  9. Add the size, pipe type, location, inverts, elevation, etc. of all proposed utilities (Sanitary, water, storm, etc.). The utilities shall follow the City's Standard Specifications. **Comment Remains – Provide this information with your final submission.**
  10. Provide any existing or proposed easements for the site and revise the plans accordingly. **Comment Remains –** Provide a 20' easement for the water meter. See comment 13. **Addressed.**
  11. Submit the following for Final Plan approval:
    - a. Lighting Plan that meets IES standards. **Addressed.**
    - b. Landscape Plan. **Addressed with Comments –**
      - i. Provide a buffer yard adjacent to East Masten Circle based on City of Milford Zoning. **Addressed.**
    - c. Kent Conservation District approval for the Sediment and Stormwater Management Plans. **Comment Remains.**
    - d. Final Construction Plans (grading plan, existing conditions plan, inverts, elevations, details, etc.). **Comment Remains.**

If you have any questions or comments regarding this letter, please do not hesitate to contact us

at any time at (302) 318-1108.

Sincerely,



Ardalan Faghri,  
Project Designer



Thomas Fruehstorfer  
Senior Project Manager

City of Milford, Delaware  
Development Advisory Committee

Comment Sheet

\*\*\*\*\*



DATE OF REVIEW: November 2, 2022

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

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**  
**William C. Kelly, CFI, Sr. Fire Protection Specialist**

AGENCY PHONE NUMBERS: **302-739-4394, Fax: 302-739-3696**

RE: **MASTEN CIRCLE LLC (22-030)**

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

\*\*\*\*\*

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

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Storage)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

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

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Masten Circle must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

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

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

e. **Required Notes:**

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

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

[www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

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



**OFFICE OF THE STATE FIRE MARSHAL  
Technical Services**

1537 Chestnut Grove Road  
Dover, DE 19904-1544



**SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION**

**Plan Review Number:** 2022-03-212115-MJS-01 **Tax Parcel Number:** 5-16-18300-01-0800-000  
**Status:** Approved as Submitted **Date:** 11/01/2022

**Project**

Masten Circle Warehouse- Milford  
861 E Masten Circle- Milford

861 E Masten Circle  
Milford DE 19963

**Scope of Project**

**Number of Stories:**  
**Square Footage:**  
**Construction Class:**  
**Fire District:** 42 - Carlisle Fire Co Inc

**Occupant Load Inside:**  
**Occupancy Code:**

**Applicant**

Alan Decktor  
18072 Davidson Drive  
Milton, DE 19968

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

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

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

A final inspection is required.

This Plan Review Project was prepared by:

\_\_\_\_\_  
William Kelly  
Fire Protection Specialist II



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



# KENT CONSERVATION DISTRICT

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

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**CITY OF MILFORD  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
NOVEMBER 2022**

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**APPLICATION:** Masten Circle LLC – Flex Office/Warehouse at 861 E. Masten Circle

**APPLICATION #:** 22-030

**REVIEWING AGENCY:** Kent Conservation District

**CONTACT PERSON:** Kate Owens

**PHONE:** (302) 608 – 5370

**EMAIL:** stormwater@kentcd.org

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY’S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2019 Delaware Sediment and Stormwater Regulations

REQUIREMENTS:

1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by Kent Conservation District prior to any land disturbance (i.e. clearing, grubbing, filling, grading, etc.). The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the District’s office.
2. A pre-application meeting must occur prior to submitting a sediment and stormwater detailed plan application.
3. The following notes must appear on the record plan:
  - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
  - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
  - A clear statement of defined maintenance responsibility for stormwater management facilities.

ADVISORY COMMENTS TO THE APPLICANT:

1. There is an existing regional stormwater facility that serves Milford Industrial Park. 861 E. Masten Circle (Lot 4) would not require additional stormwater design. A detailed plan submittal would be an erosion and sediment control plan.
2. Maintenance of the existing regional stormwater facilities must occur prior to final approval of this plan.
3. A letter of no objection to recordation will be provided upon approval of a Sediment and Stormwater Management Plan.

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.~~
- CD.** Conditional uses. **All uses specified as conditional uses in the OC-1 and BP zoning districts and T** 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.

**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 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.~~

**EF.** Area and height regulations.

- (1) Minimum lot area shall be two acres.
- (2) Maximum lot coverage shall be ~~75~~60%, with the remainder being that of grass and landscape areas. ~~Parking areas shall be landscaped.~~
- (3) Minimum lot width shall be 150 feet.
- (4) Maximum building height shall be 50 feet.
- (5) Minimum front yard setback shall be 75 feet.
- (6) Minimum side yard setback shall be 40 feet.
- (7) Minimum rear yard setback shall be 45 feet.
- (8) ~~Off-street parking. See Article IV of this chapter.~~ **Parking shall comply with the requirements provided in Article IV of this chapter.**
- (9) ~~Landscape screening. See Article V of this chapter.~~ **Landscape screening shall comply with the requirements provided in Article V of this chapter.**
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.
- (11) Accessory structures **in aggregate** shall occupy no more than 10% **percent** of the **required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.**
- (12) Accessory structures shall be located in the rear yard/lot area.
- (13) Accessory structures shall **meet the principal use setbacks and shall not be located less than 5 feet from a principal structure** ~~be located at least 45 feet from the rear lot line.~~

§ 230-17. - I-2 General Industrial District.

In an I-2 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of the I-2 General Industrial District shall be to provide locations for the development of large or heavy manufacturing, warehousing, wholesale and research establishments, which may include those that may produce some objectionable conditions, and also to concentrate the more intensive industrial uses in areas that would least impact neighboring zoning districts or uses.
- B. Permitted uses. Permitted uses for the I-2 District shall be as follows:
  - (1) All **permitted uses** ~~items allowed~~ in the I-1 District.
  - (2) Heavy manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling or storage of products or materials, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
  - (3) Research, design and development laboratories.
  - (4) ~~Wholesale storage and warehousing.~~

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. 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

yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal): linoleum and oil cloth, matches, paint, varnishes and lurpentine; rubber (natural and synthetic); and soaps, including fat rendering.

F. Storage of explosives and bulk or wholesale storage of gasoline above ground.

G. Quarries, screening plants and all associated uses.

H. The following processes: large scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.

I. Recreational Vehicle Prohibited Activities.

(1) Recreational Vehicles shall not be considered dwelling units intended for permanent habitation.

(2) For purposes of this section, evidence of habitation shall include activities such as sleeping, setting up housekeeping or cooking, eating, recreating, and/or any other activity where it reasonably appears, in light of all the circumstances, that the vehicle is being used as a living accommodation.

(3) Running electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time is prohibited.

(4) Making a sewer connection with a recreational vehicle or dumping wastes from a recreational vehicle onto public or private land other than a designated RV dump is prohibited.

§ 230-425. - 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.

**CITY OF MILFORD**  
**NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, January 17, 2023 @ 6:00 p.m.

City Council Hearing: Monday, January 23, 2023 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

**ORDINANCE 2023-04**

Application of Masten Circle, LLC  
for a Preliminary Conditional Use

2.39 +/- acres of land located along the east side of E. Masten Circle

Comprehensive Plan Designation: Industrial

Zoning District: I-1 (Limited Industrial District)

Present use: Vacant Proposed Use: Flex Office/Warehouse

Address: 861 E. Masten Circle

Tax Parcel: MD-16-183.00-01-08.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Preliminary Conditional Use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on January 17, 2023; and

WHEREAS, Milford City Council will hold a Public Hearing on January 23, 2023, to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Preliminary Conditional Use, as herein described.

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

*Section 1.* Following adoption of Ordinance 2023-04, and upon the effective date, Masten Circle, LLC is hereby granted a Preliminary Conditional Use to allow two (2) 9,400 square foot flex style storage buildings, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

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

*Section 3.* Dates.

City Council Introduction: January 9, 2023

Planning Commission Review & Public Hearing: January 17, 2023

City Council Public Hearing: January 23, 2023

Effective: Ten Days following Adoption

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

*Advertised: Delaware State News 01-03-2023*



# Sussex County Association of Towns

37 The Circle, Georgetown, Delaware 19947

## S.C.A.T. Dinner for Wednesday, February 1, 2023

*Town of Bethany Beach*

*Town of Bethel*

*Town of Blades*

*Town of Bridgeville*

*Town of Dagsboro*

*Town of Delmar*

*Town of Dewey Beach*

*Town of Ellendale*

*Town of Fenwick Island*

*Town of Frankford*

*Town of Georgetown*

*Town of Greenwood*

*Town of Henlopen Acres*

*Town of Laurel*

*City of Lewes*

*City of Milford*

*Town of Millsboro*

*Town of Millville*

*Town of Milton*

*Town of Ocean View*

*City of Rehoboth Beach*

*City of Seaford*

*Town of Selbyville*

*Town of Slaughter Beach*

*Town of South Bethany*

*Sussex County Council*

LOCATION: CHEER Center  
20520 Sand Hill Road  
Georgetown, DE 19947

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

HOST: Town of Georgetown

SPEAKER: Legislative Night

COST: \$37.00 per person

MENU: Bourbon BBQ Chicken  
Roast Beef  
Mashed Potatoes – Beef Gravy  
Green Beans & Bacon  
House Salad  
Mini Desert Bar  
Water, Sweet Tea & Unsweet Tea

**For reservations, please contact Kristen Dabrowski at  
(302) 856-7391 or by email: kdabrowski@georgetowndel.com  
no later than January 27, 2023 BY NOON**

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

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

**SPEAKER: Kevin Gilmore,**

**Chief Executive Officer of Habitat for Humanity in Sussex County**

**Friday, February 3, 2023, at 9AM, \$11 per person**

**Location: First State Community Action Agency**

**308 North Railroad Avenue, Georgetown, DE 19947**

**RSVP to Kayla Pedrick at kpedrick@ci.lewes.de.us**

## DLLG January 26 Dinner Meeting

Join us at the Delaware League of Local Governments' monthly dinner meeting on Thursday, January 26, 2023 at the Maple Dale Country Club in Dover! The presentation, "ARPA Investments: Success Stories from Delaware's County Executives and Administrators" features a panel presentation by:

- **Matt Meyer**, County Executive, New Castle County;
- **Michael Petit de Mange**, County Administrator, Kent County Levy Court;
- **Todd Lawson**, County Administrator, Sussex County

In addition to the featured presentation, the evening's agenda also includes the election of DLLG Officers and Executive Committee members for the new term. Please note that only DLLG member towns, cities, or counties are eligible to vote in elections.



Please register by 1/23 via [Eventbrite](#) to attend the January 26 Dinner Meeting!

From: DMI Director <director@downtownmilford.org>

Sent: Monday, January 23, 2023 12:41 PM

To: Shelby Grant <junebugsbeautyboutique@gmail.com>

**Subject: Invitation: Junebugs Beauty Boutique Ribbon Cutting will be at 1:30 PM on Saturday, January 28th at 39 N. Walnut Street.**

Hello Everyone,

Downtown Milford, Inc. is inviting you to the Ribbon Cutting Ceremony for our newest Downtown boutique, Junebugs Beauty Boutique! Junebugs Beauty Boutique is run by Shelby Grant who grew up in Milford and loves her hometown! We are so excited for Shelby and her new endeavor! Please come see her exceptionally beautiful store and welcome her to Milford's historic riverside business district!

Junebugs Beauty Boutique Ribbon Cutting will be at 1:30 PM on Saturday, January 28th at 39 N. Walnut Street.

Let me know if you will be attending!

Looking forward to seeing you there!

--

Janne Collins

Executive Director

Downtown Milford, Inc.

10 S. Walnut Street, Milford DE 19963

302-839-1180



FINANCE DEPARTMENT  
10 SE Second Street  
Milford, DE 19963

PHONE 302.424.5140  
FAX 302.424.5932  
www.cityofmilford.com

To: Mayor and City Council  
Cc: Mark Whitfield, City Manager; Finance Department  
From: Louis C. Vitola, Finance Director  
Date: January 23, 2023  
Re: Financial Reporting Package – December 2022

The Financial Reporting Package for the FYTD period ended December 31, 2022 (“FHY23”) is enclosed. The executive summary below highlights this month’s notable developments. The “Quick Reference” section of this memo recaps key financial highlights and changes made in FY23 to help shorten the executive summaries. So far, the only change made in FY23 is the August addition of a second appendix to report the progress on the new Police Facility Construction Project in terms of the final budget versus actual spending. In this month’s report, the appendix is found on page 7, following the existing appendix (ARPA).

Halfway through the fiscal year, the utility funds exceed expectations with strong results against the seasonalized FY23 budget. All four utility funds are ahead of the YTD budget in terms of net surplus in dollars while exceeding budgeted net surplus by 8.5% in total. However, the results versus the first half of last fiscal year remain unfavorable in total, which is driven entirely by electric results. Electric gross margin is 5.2% lower through FHY23 versus the same period last year (“FHY22”), which carries through the electric fund to net results. Further, the electric fund’s scale relative to the other utilities is enough to influence the total performance in the enterprise funds. Water, Sewer and Solid Waste all remain ahead of both the FY23 budget and the FHY22, thanks to a combination of stable revenue growth combined with controlled operating expenses. Gross margin combined across water, sewer and solid waste is 2.3% ahead of FHY22, but the electric gross margin is 5.3% lower, dragging the total results to 3.1% lower than the same period last year. Strong operating results across all four major utilities combined to trim the negative variance in net surplus to 1.1% versus FHY22. To be clear, utility revenue is up across the board – for all four major utility funds, driven by higher volumes and rates – but the increased cost of wholesale power alone is enough to negatively influence enterprise fund gross margin in total (-3.1%), while gross margin on a dollar basis exceeds FHY22 about \$72k. Operating expenses remain lower versus the budget and prior year for all four utilities, but sewer operating expenses are particularly lower, in part to the continued trend of low inflow and infiltration costs.

The results in the general fund are less positive than the enterprise funds, as YTD December results fall short of the seasonalized FYTD budget in total, while performance lags in total and in each departmental group compared to FHY22. Results, however, have improved since last month. Two of the four departmental groups are favorable against the half-year budget and the other two, while still lagging, improved against the budget since November. In addition, all four departmental groups variance to FHY22 improved this month.

Cash and investments were stable in December, with operating cash increasing \$0.2 million (driven by water and sewer), special purpose funds increasing \$0.14 million (driven by RTT), development-related reserves increasing by \$0.3 million (primarily the Food Bank), partially offset by \$0.1 million outflows from reserves in support of ongoing projects.

### Quick Reference for FY23 Financial Developments and Report Upgrades

#### Recap FY23 Financial Highlights



#### Summary of FY23 Modifications

- New Appendix added (see page 7) to recap expenditures on new Police Facility Construction vs budget



Financial Reporting Package  
As of and For the Period Ended December 31, 2022

Net Cash and Funding Availability Summary (*in thousands*)

Cash & Investment Balance Rollforward

Restricted Cash Reserves Report

Enterprise Funds YTD Revenue & Expenditure Report

General Fund YTD Revenue & Expenditure Report

Appendix: ARPA Funding Plan vs Actual Expenses

Appendix: Milford Police Facility Project Spending vs Budget

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*Legacy* Revenue Report with MTD & YTD vs Annual Budget

*Legacy* Expenditure Report with MTD & YTD vs Annual Budget

*Legacy* Interservice Department Cost Allocation

City of Milford, Delaware  
Cash and Investment Balance<sup>1</sup> Rollforward  
For the Period Ended December 31, 2022

1 **Operating Cash Balances**

▼ Marks Ref Closing Bal<sup>4</sup>

Description	Opening Balance (Nov 30, 2022)	Receipts	Interest Earned	Disbursements	Closing Balance (Dec 31, 2022)
General Fund	\$ 4,838,508	\$ 1,833,594	\$ 711	\$ (1,870,564) →	\$ 4,802,249
Electric Fund	3,686,245	2,461,272	1,801	(2,484,185) →	3,665,133
Water Fund	2,526,850	375,879	1,671	(263,149) →	2,641,250
Sewer Fund	1,685,832	576,245	807	(393,263) ↑	1,869,621
Solid Waste Fund	716,141	131,427	102	(161,278) →	686,391
<b>Operating Cash Totals<sup>4</sup></b>	<b>\$ 13,453,575</b>	<b>\$ 5,378,416</b>	<b>\$ 5,092</b>	<b>\$ (5,172,438) ●</b>	<b>\$ 13,664,645</b>

9 **Federal, State and Other Special Purpose Cash Balances**

Description	Opening Balance (Nov 30, 2022)	Receipts	Interest Earned	Disbursements <sup>3</sup>	Closing Balance (Dec 31, 2022)
General Improvement	\$ 613,327	\$ 50,000	\$ 155	\$ - →	\$ 663,482
Municipal Street Aid (MSA)	503,972	-	109	- →	504,081
Realty Transfer Tax (RTT) <sup>2</sup>	4,798,956	141,789	989	(25,000) →	4,916,734
Economic Development	518,754	-	-	(3,507) →	515,247
Lodging Tax Fund	531,588	13,060	-	- →	544,648
ARPA Grant Fund <sup>3</sup>	1,646,077	-	-	(34,288) →	1,611,789
<b>Special Purpose Cash Totals<sup>4</sup></b>	<b>\$ 8,612,672</b>	<b>\$ 204,849</b>	<b>\$ 1,253</b>	<b>\$ (62,795) ●</b>	<b>\$ 8,755,980</b>

18 **Reserve Fund Cash Balances**

Description	Opening Balance (Nov 30, 2022)	Receipts	Interest Earned	Disbursements <sup>3</sup>	Closing Balance (Dec 31, 2022)
General Fund Capital Reserves	\$ 1,627,930	\$ -	\$ 2,052	\$ (27,075) →	\$ 1,602,907
Water Fund Capital Reserves	2,365,643	38,288	3,155	(37,753) →	2,369,332
Sewer Fund Capital Reserves	3,939,129	20,000	5,114	(2,634) →	3,961,609
Solid Waste Fund Capital Reserves	259,610	-	321	(899) →	259,031
Electric Fund Capital Reserves	15,057,488	-	18,431	(70,998) →	15,004,921
<b>Reserve Fund Cash Totals<sup>4</sup></b>	<b>\$ 23,249,800</b>	<b>\$ 58,288</b>	<b>\$ 29,073</b>	<b>\$ (139,360) ●</b>	<b>\$ 23,197,801</b>

26 **Impact Fees and Police/General Facilities Cash Balances**

Description	Opening Balance (Nov 30, 2022)	Receipts	Interest Earned	Disbursements	Closing Balance (Dec 31, 2022)
Police & General Gov't Facilities	\$ 56,022	\$ 166,774	\$ -	(44,186) ↑	\$ 178,610
Carlisle Fire Co Permit Fund	566,045	55,591	-	- →	621,637
Parks & Recreation Facilities	146,500	-	-	- →	146,500
Water Impact Fee Reserves	4,805,510	46,522	-	- →	4,852,032
Sewer Impact Fee Reserves	2,753,221	24,584	-	- →	2,777,805
Electric Impact Fee Reserves	1,108,140	34,000	-	- →	1,142,140
<b>Impact Fees &amp; Police/GF Totals<sup>4</sup></b>	<b>\$ 9,435,439</b>	<b>\$ 327,472</b>	<b>\$ -</b>	<b>\$ (44,186) ●</b>	<b>\$ 9,718,725</b>

<b>Grand Totals<sup>4</sup></b>	<b>\$ 54,751,486</b>	<b>\$ 5,969,026</b>	<b>\$ 35,418</b>	<b>\$ (5,418,779) ▲</b>	<b>\$ 55,337,150</b>
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<sup>1</sup>Balances are not indicative of funding availability; see enclosed Restricted Cash Reserves and Net Cash & Funding Availability Reports for detail.  
<sup>2</sup>Realty Transfer Taxes (RTT) higher than usual because November remittance received in December  
<sup>3</sup>\$34k in ARPA funding (Line 16) is primarily the closeout of the NE/NW Front St Sewer Project and Water Treatment Plant Upgrades. \$139k disbursed from reserves (lines 20-24) reflects ongoing progress on capital projects, including engineering/design, ERP, Broadband Study, Parks & Rec projects, etc.  
<sup>4</sup>Closing Balance Indicator sets **Red**, **Yellow** and **Green** signify month-to-month cash variance as follows:

		
<b>-10% ≤ Variance ≤ 10%</b>	<b>-5% ≤ Variance ≤ 5%</b>	<b>-2.5% ≤ Variance ≤ 2.5%</b>

City of Milford, Delaware  
 Net Cash and Funding Availability Summary (in thousands)<sup>1</sup>  
 For the Period Ended December 31, 2022

Operating Cash Balances

▼ Marks Ref Closing Bal<sup>3</sup>

Description	Opening Balance (Nov 30, 2022)	Closing Balance (Dec 31, 2022)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Fund	\$ 4,839 →	\$ 4,802	\$ -	\$ (498)	\$ (1,491)	\$ 2,814
Electric Fund	3,686 →	3,665	-	(16)	(1,652)	1,997
Water Fund	2,527 →	2,641	-	(733)	(294)	1,614
Sewer Fund	1,686 ↑	1,870	-	(641)	(205)	1,024
Solid Waste Fund	716 →	686	-	(314)	(190)	183
<b>Operating Cash Totals<sup>3</sup></b>	<b>\$ 13,454</b> ●	<b>\$ 13,665</b>	<b>\$ -</b>	<b>\$ (2,202)</b>	<b>\$ (3,831)</b>	<b>\$ 7,632</b>

Federal, State and Other Special Purpose Cash Balances

Description	Opening Balance (Nov 30, 2022)	Closing Balance (Dec 31, 2022)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Improvement	\$ 613 →	\$ 663	\$ -	\$ (500)	\$ -	\$ 163
Municipal Street Aid (MSA)	504 →	504	269	(773)	-	-
Realty Transfer Tax (RTT) <sup>2</sup>	4,799 →	4,917	274	(3,025)	(1,203)	962
Economic Development	519 →	515	89	(106)	-	498
Lodging Tax Fund	532 →	545	99	(644)	-	-
ARPA Grant Fund	1,646 →	1,612	-	(1,612)	-	-
<b>Special Purpose Cash Totals<sup>3</sup></b>	<b>\$ 8,613</b> ●	<b>\$ 8,756</b>	<b>\$ 730</b>	<b>\$ (6,659)</b>	<b>\$ (1,203)</b>	<b>\$ 1,624</b>

Reserve Fund Cash Balances<sup>1</sup>

Description	Opening Balance (Nov 30, 2022)	Closing Balance (Dec 31, 2022)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Fund Capital Reserves	\$ 1,628 →	\$ 1,603	\$ 2,498	\$ (3,329)	\$ (356)	\$ 416
Water Fund Capital Reserves	2,366 →	2,369	733	(780)	(2,237)	86
Sewer Fund Capital Reserves	3,939 →	3,962	641	(1,038)	(3,437)	127
Solid Waste Fund Capital Reserve	260 →	259	386	(637)	-	8
Electric Fund Capital Reserves	15,057 →	15,005	16	(6,533)	(4,753)	3,734
<b>Operating Cash Totals<sup>3</sup></b>	<b>\$ 23,250</b> ●	<b>\$ 23,198</b>	<b>\$ 4,274</b>	<b>\$ (12,317)</b>	<b>\$ (10,783)</b>	<b>\$ 4,371</b>

Impact Fees and Police/General Facilities Cash Balances

Description	Opening Balance (Nov 30, 2022)	Closing Balance (Dec 31, 2022)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
Police & General Gov't Facilities	\$ 56 ↑	\$ 179	\$ 1,001	\$ (1,179)	\$ -	\$ -
Carlisle Fire Co Permit Fund	566 →	622	334	(955)	-	-
Parks & Recreation Facilities	147 →	147	-	(147)	-	-
Water Impact Fee Reserves	4,806 →	4,852	279	(5,131)	-	-
Sewer Impact Fee Reserves	2,753 →	2,778	148	(2,925)	-	-
Electric Impact Fee Reserves	1,108 →	1,142	204	(1,346)	-	-
<b>Impact Fees &amp; Police/GF Totals<sup>3</sup></b>	<b>\$ 9,435</b> ●	<b>\$ 9,719</b>	<b>\$ 1,965</b>	<b>\$ (11,684)</b>	<b>\$ -</b>	<b>\$ -</b>

<b>Grand Totals<sup>3</sup></b>	<b>\$ 54,751</b> ▲	<b>\$ 55,337</b>	<b>\$ 6,969</b>	<b>\$ (32,861)</b>	<b>\$ (15,818)</b>	<b>\$ 13,627</b>
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<sup>1</sup>New report merges Cash Roll (p.2) and Restricted Reserves (p.3) into one single reference for net funds available after commitments & restrictions.

<sup>2</sup>Realty Transfer Taxes (RTT) higher than usual because November remittance received in December

<sup>3</sup>Closing Balance Indicator sets Red, Yellow and Green signify month-to-month cash variance as follows:



-10% ≤ Variance ≤ 10%



-5% ≤ Variance ≤ 5%



-2.5% ≤ Variance ≤ 2.5%

City of Milford, Delaware  
Restricted Cash Reserves Report  
As of December 31, 2022

General Fund Capital Reserves		Amount
Cash/Investment Balance (12/31/22)	\$	1,602,907
Expected Contributions & Interest		497,709
Restricted Funds:		
Vehicle & Equipment Replacement		(199,695)
Street Repair		(688,000)
Parking Enhancements		(320,000)
Parkland, Trails & Recreation		(816,443)
Other Proj		(471,738)
OpEx Support (PD R/M)		(832,986)
Support Policy with RTT <sup>1</sup>		2,000,000
Draft Reserve (MCR) Policy <sup>2</sup>		-
Equipment Replacement Reserve <sup>2</sup>		(355,800)
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>415,954</b>

Electric Fund Capital Reserves		Amount
Cash/Investment Balance (12/31/22)	\$	15,004,921
Expected Contributions & Interest		15,903
Restricted Funds:		
Electric Vehicles & Equipment		(57,022)
Lighting & System Improvements		(584,637)
Traffic Signal Upgrades		(344,256)
Citywide Projects		(1,487,147)
Redeem / Defeasement Bond <sup>7</sup>		(4,060,000)
Draft Reserve (MCR) Policy <sup>3,6</sup>		(4,693,372)
Equipment Replacement Reserve <sup>3</sup>		(60,000)
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>3,734,390</b>

Water Fund Capital Reserves		Amount
Cash/Investment Balance (12/31/22)	\$	2,369,332
Expected Contributions & Interest		733,463
Restricted Funds:		
Vehicle & Equipment Replacement		(136,859)
Streets 2020 Utility Engineering		(201,000)
		-
Milford Business Campus		(9,215)
Sum of FY23 Projects		(432,868)
Draft Reserve (MCR) Policy <sup>3,6</sup>		(2,099,788)
Equipment Replacement Reserve <sup>3</sup>		(136,859)
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>86,206</b>

Solid Waste Reserves		Amount
Cash/Investment Balance (12/31/22)	\$	259,031
Expected Contributions & Interest		385,942
Restricted Funds:		
Solid Waste Vehicles & Equipment <sup>4</sup>		(549,500)
Solid Waste Alloc of PW Projects		(87,690)
		-
Draft Reserve (MCR) Policy <sup>4,6</sup>		-
Equipment Replacement Reserve <sup>4</sup>		-
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>7,783</b>

Sewer Fund Capital Reserves		Amount
Cash/Investment Balance (12/31/22)	\$	3,961,609
Expected Contributions & Interest		640,616
Restricted Funds:		
Sewer Vehicles & Equipment		(160,112)
Citywide Projects & Engineering		(2,869)
Utility Engineering		-
Sum of FY23 Projects		(874,750)
Draft Reserve (MCR) Policy <sup>3,6</sup>		(3,327,474)
Equipment Replacement Reserve <sup>3</sup>		(110,000)
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>127,020</b>

MSA & RTT Reserves		Amount
RTT Balance (12/31/22)		4,916,734
MSA Balance (12/31/22)		504,081
MSA & RTT Est Receipts thru FY23:		542,535
MSA: Street & Bridge Improvements		(1,190,958)
RTT: Transfer to Police Dept		(150,000)
RTT: Sidewalk Project Funding		(426,170)
MSA & RTT: 2020 Combined St-Util		(31,000)
		-
RTT: Support GF Policies <sup>1</sup>		(2,000,000)
RTT: Draft Reserve Policy <sup>5</sup>		(1,203,346)
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>961,875</b>

<sup>1</sup>Approved GF Reserve Policies permit support from an eligible funding source; portion of RTT balance pledged to support GF Reserves for foreseeable future

<sup>2</sup>Approved GF Reserve Policies recommend MCR of 45 days OpEx & Equip Repl Res minimum of 110% of upcoming CIP budget

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

<sup>4</sup>Solid Waste Reserves initiated in FY22 with seed funding from interfund loan forgiveness. Through at least FY23, 100% reserved for purchase of new vehicle per FY23-27 CIP; moved from MCR to Restricted

<sup>5</sup>Approved Reserve Policies recommend dynamic MCR based on average of trailing-three-year RTT receipts; FY23 increase related to strong FY22 vs FY19, which fell out of T3 Avg

<sup>6</sup>The Days Operating Expenditures (Days OpEx) piece of MCRs reclassified from Reserve balances here to Operating Cash; the Total MCR has not changed, except Solid Waste (\$170k added to MCR for OpEx)

<sup>7</sup>The interest rate environment was changing as we entered December 2021, which coincided with \$7 million property investment cash outflows, prompting a review of the value of the redemption. Redemption in Jan '23 will be evaluated with FY23 electric rate study and investment management program. At a minimum, a review of the longest-dated maturities across electric and sewer must be reviewed

City of Milford, Delaware  
Enterprise Funds: Statement of Revenues & Expenditures  
For the YTD Period Ended December 31, 2022 vs Prior FYTD & Current Budget (in thousands)

Enterprise Funds Profit & Loss (P&L) Statement	Electric		Water		Sewer		Solid Waste		Total	FY23 Total (as % of Rev)	FY22 Total (as % of Rev)	
1 Operating Revenue	\$	13,802	\$	1,785	\$	2,646	\$	775	\$	19,008	100.0%	100.0%
2 Cost of Revenue <sup>1</sup>		(10,372)		(155)		(1,262)		(187)		(11,977)	-63.0%	-59.9%
3 <b>Gross Margin</b>		<b>3,430</b>		<b>1,630</b>		<b>1,383</b>		<b>588</b>		<b>7,032</b>	<b>37.0%</b>	<b>40.1%</b>
<i>Gross Margin (%)</i>		<i>24.9%</i>		<i>91.3%</i>		<i>52.3%</i>		<i>75.8%</i>		<i>37.0%</i>	<i>37.0%</i>	<i>40.1%</i>
4 Operating Expenses												
5 Operations & Maintenance		(832)		(340)		(279)		(330)		(1,780)	-9.4%	-13.9%
6 Personnel		(799)		(151)		(146)		(128)		(1,225)	-6.4%	-5.5%
7 <b>Total Operating Expenses</b>		<b>(1,631)</b>		<b>(491)</b>		<b>(425)</b>		<b>(458)</b>		<b>(3,005)</b>	<b>-15.8%</b>	<b>-19.4%</b>
8 <b>Operating Income</b>	<b>\$</b>	<b>1,800</b>	<b>\$</b>	<b>1,139</b>	<b>\$</b>	<b>959</b>	<b>\$</b>	<b>130</b>	<b>\$</b>	<b>4,027</b>	<b>21.2%</b>	<b>20.7%</b>
9 Non-Operating Revenue (Expense)		9		-		-		-		9	0.0%	0.2%
10 <b>Surplus (Deficit) for debt service &amp; capital</b>		<b>1,809</b>		<b>1,139</b>		<b>959</b>		<b>130</b>		<b>4,036</b>	<b>21.2%</b>	<b>20.9%</b>
11 Debt Service - Principal & Interest		-		(183)		(52)		-		(234)	-1.2%	-1.7%
12 Capital Spending / Contributions from (to) Reserves		(267)		(251)		(37)		(14)		(570)	-3.0%	-0.4%
13 <b>Surplus (deficit) available for transfers</b>		<b>1,541</b>		<b>705</b>		<b>870</b>		<b>116</b>		<b>3,232</b>	<b>17.0%</b>	<b>18.8%</b>
14 Transfers Out		(1,250)		(150)		-		-		(1,400)	-7.4%	-8.1%
15 <b>Net Surplus (Deficit) - FYTD through Dec 2022</b>	<b>\$</b>	<b>291</b>	<b>\$</b>	<b>555</b>	<b>\$</b>	<b>870</b>	<b>\$</b>	<b>116</b>	<b>\$</b>	<b>1,832</b>	<b>9.6%</b>	<b>10.7%</b>
16 <b>Net Surplus (Deficit) - FYTD through Dec 2021</b>	<b>\$</b>	<b>922</b>	<b>\$</b>	<b>445</b>	<b>\$</b>	<b>423</b>	<b>\$</b>	<b>74</b>	<b>\$</b>	<b>1,864</b>	<b>10.7%</b>	
17 <b>Current vs Prior - Favorable (Unfavorable)<sup>2</sup></b>		<b>\$ (631)</b>		<b>\$ 109</b>		<b>\$ 447</b>		<b>\$ 42</b>		<b>\$ (32)</b>		<b>-1.1%</b>
18 <b>Net Surplus (Deficit) - Current FYTD Budget</b>	<b>\$</b>	<b>(205)</b>	<b>\$</b>	<b>362</b>	<b>\$</b>	<b>57</b>	<b>\$</b>	<b>3</b>	<b>\$</b>	<b>218</b>	<b>1.2%</b>	
19 <b>Current vs Budget - Favorable (Unfavorable)<sup>2</sup></b>		<b>\$ 496</b>		<b>\$ 193</b>		<b>\$ 812</b>		<b>\$ 113</b>		<b>\$ 1,614</b>		<b>8.5%</b>

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

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

City of Milford, Delaware  
 General Fund: Statement of Revenues & Expenditures<sup>1</sup>  
 For the YTD Period Ended December 31, 2022 vs Prior FYTD & Current Budget (in thousands)

General Fund Sources and Uses of Funding	Admin & Council	Public Safety	Parks & Rec	Planning & All Other	Total	FY23 Total (as % of Rev)	FY22 Total <sup>2</sup> (as % of Rev)
<b>Sources of Funding:</b>							
Real Estate (Property) Taxes	\$ 4,887	\$ -	\$ -	\$ -	\$ 4,887	66.5%	62.3%
Permits, Licensing & Franchise Fees	155	-	-	237	392	5.3%	3.9%
Fines, Fees & Misc Revenue	27	341	-	-	368	5.0%	4.2%
<b>General Revenue Subtotal</b>	<b>5,068</b>	<b>341</b>	<b>0</b>	<b>237</b>	<b>5,646</b>	<b>76.8%</b>	<b>70.4%</b>
Utility Transfers & Cost Allocation	1,550	-	-	-	1,550	21.1%	26.2%
Grant Revenue	1	-	-	-	1	0.0%	0.8%
Application of Reserve Balances	-	150	-	-	150	2.0%	2.7%
<b>General Fund Operating Support</b>	<b>1,551</b>	<b>150</b>	<b>0</b>	<b>0</b>	<b>1,701</b>	<b>23.2%</b>	<b>29.6%</b>
<b>Total Sources of Funding</b>	<b>\$ 6,619</b>	<b>\$ 491</b>	<b>\$ -</b>	<b>\$ 237</b>	<b>\$ 7,347</b>	<b>100.0%</b>	<b>100.0%</b>
<b>Uses of Funding:</b>							
Operations & Maintenance	541	589	226	267	1,624	22.1%	16.3%
Personnel	357	2,519	292	830	3,998	54.4%	50.2%
<b>Total Operating Expenses</b>	<b>898</b>	<b>3,108</b>	<b>519</b>	<b>1,097</b>	<b>5,622</b>	<b>76.5%</b>	<b>66.5%</b>
<b>Surplus (Deficit) for Debt Svc &amp; Capital</b>	<b>\$ 5,721</b>	<b>\$ (2,617)</b>	<b>\$ (519)</b>	<b>\$ (860)</b>	<b>\$ 1,725</b>	<b>23.5%</b>	<b>33.5%</b>
Debt Service - Principal & Interest	-	-	-	-	-	0.0%	0.0%
Capital Spending / Transfers from (to) Reserves	31	78	90	56	255	3.5%	1.5%
<b>Net Surplus (Deficit) - FYTD through Dec 2022</b>	<b>\$ 5,690</b>	<b>\$ (2,695)</b>	<b>\$ (608)</b>	<b>\$ (916)</b>	<b>\$ 1,471</b>	<b>20.0%</b>	<b>32.0%</b>
<b>Net Surplus (Deficit) - FYTD through Dec 2021<sup>2</sup></b>	<b>\$ 5,692</b>	<b>\$ (2,310)</b>	<b>\$ (533)</b>	<b>\$ (446)</b>	<b>\$ 2,402</b>	<b>32.0%</b>	
<b>Current vs Prior - Favorable (Unfavorable)<sup>2</sup></b>	<b>\$ (2)</b>	<b>\$ (385)</b>	<b>\$ (76)</b>	<b>\$ (469)</b>	<b>\$ (932)</b>	<b>-12.0%</b>	
<b>Net Surplus (Deficit) - Current FYTD Budget</b>	<b>\$ 6,278</b>	<b>\$ (2,623)</b>	<b>\$ (1,172)</b>	<b>\$ (978)</b>	<b>\$ 1,505</b>	<b>19.6%</b>	
<b>Current vs Budget - Favorable (Unfavorable)<sup>3</sup></b>	<b>\$ (588)</b>	<b>\$ (72)</b>	<b>\$ 564</b>	<b>\$ 63</b>	<b>\$ (34)</b>	<b>0.4%</b>	

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

<sup>2</sup>This format presents expenditures in the context of funding sources while comparing subtotals (rightmost column) and the net surplus (deficit) to the prior YTD period (rows 19 & 20)

<sup>3</sup>Comparative Indicators **Green**, **Yellow** and **Red** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

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

<i>Actual Spending by Category vs Plan, as Amended</i>						
ARPA Eligibility Categories	Plan (11/30/22)	Actual (11/30/22)	Actual (12/31/22)	Dec 2022 Activity	Remaining	Notes
<b>COVID-19 Health Impact</b>	<b>\$ 1,073,014</b>	<b>\$ 480,880</b>	<b>\$ 480,880</b>	<b>\$ -</b>	<b>\$ 592,134</b>	
Operational Facilities	516,776	211,471	211,471	-	305,305	PD Vehicles, City Hall/IT Upgrades
Administering COVID-19 Response	228,379	24,000	24,000	-	204,379	Pro Rata portion of DE Treasury ARPA Attorney
Behavioral Health Care	180,000	180,000	180,000	-	-	Primarily Personnel Costs
Air Quality & Ventilation	147,262	64,812	64,812	-	82,450	HVAC Repair in Finc Office; PW Areas Tentative
COVID-19 Mitigation	598	598	598	-	-	Vaccination Incentive; COVID test kits
<b>COVID-19 Economic Impact</b>	<b>\$ 861,157</b>	<b>\$ 836,875</b>	<b>\$ 836,875</b>	<b>\$ -</b>	<b>\$ 24,282</b>	
Assistance to Community (Annual)	324,460	324,460	324,460	-	-	DMI, Armory, Museum, CFC
Assistance to Community & Households	256,929	256,929	256,929	-	-	MHDC, CFC, Food Bank, Library
Critical Ops Staffing / Retention	236,476	236,476	236,476	-	-	December 2021 Initiative
Aid Tourism Recovery	25,483	13,589	13,589	-	11,894	Signage / Banner Upgrade
Operational Facilities	15,184	2,796	2,796	-	12,388	
Parks & Rec Programming	2,625	2,625	2,625	-	-	Signage cost share with DMI
<b>Infrastructure</b>	<b>\$ 4,329,460</b>	<b>\$ 3,303,321</b>	<b>\$ 3,337,609</b>	<b>\$ 34,288</b>	<b>\$ 991,851</b>	
Water Quality	2,877,074	2,567,344	2,581,632	14,288	295,442	Misp St Proj; NE Front St Water Line Replacement; 2020 Combined Utilities / Streets Proj
Flood/Pollution Control	724,600	212,729	212,729	-	511,871	4th St Drainage & Mispillion St Project
Improve Resilience to Disasters	435,000	267,794	267,794	-	167,206	Pump Station Upgrades, Spare Pumps & IT Initiatives
Improve Wastewater Treatment	292,785	255,454	275,454	20,000	17,331	Sewer part of Mispillion St Proj; NW Front Sewer
<b>Revenue Recovery</b>	<b>\$ 70,262</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 70,262</b>	
Parks & Rec Programming	62,500	-	-	-	62,500	
Economic Development	7,762	-	-	-	7,762	
Public Safety Operations	-	-	-	-	-	
<b>Grand Total</b>	<b>\$ 6,333,893</b>	<b>\$ 4,621,077</b>	<b>\$ 4,655,365</b>	<b>\$ 34,288</b>	<b>\$ 1,678,528</b>	

Appendix: Milford Police Facility Project Spending vs Budget  
Project Inception through December 31, 2022

Actual Spending by Category & Subcategory vs Budget									
Bid Category	Awarded Contracts / Budget	Project Activity	Less: Retainage	Total Payable	PNC BAN Payments	Facility Fund Payments	General Fund Payments	Notes	
<b>Pre-Construction</b>	\$ 835,265	\$ 857,217	\$ -	\$ 857,217	\$ -	\$ (827,546)	\$ (29,671)		
Design / Architecture	805,594	827,546	-	827,546	-	(827,546)	-	FY19-FY23	
Referendum / Administrative	29,671	29,671	-	29,671	-	-	(29,671)	FY19-FY22	
<b>Construction Management</b>	\$ 649,392	\$ 187,442	\$ -	\$ 187,442	\$ (187,442)	\$ -	\$ -		
Fixed/On-Stie Construction Mgmt: RYJ	266,260	119,729	-	119,729	(119,729)	-	-	FY23	
Variable Const Mgmt Fees: RYJ	383,132	67,713	-	67,713	(67,713)	-	-	FY23	
<b>Construction: 16 Core Contracts</b>	\$ 13,006,511	\$ 3,681,516	\$ 184,076	\$ 3,497,440	\$ (3,497,440)	\$ -	\$ -		
Sitework: Zack Excavating	1,939,124	847,912	42,396	805,516	(805,516)	-	-	FY23 / Current	
Concrete: Gullwing	293,000	288,000	14,400	273,600	(273,600)	-	-	FY23 / Current	
Masonry: L. Wilson	790,000	323,605	16,180	307,425	(307,425)	-	-	FY23 / Current	
Steel Work: R.C. Fabricators	868,000	808,582	40,429	768,153	(768,153)	-	-	June (FY22) - Current	
Carpentry & Gen: Conventional	1,076,360	23,170	1,159	22,012	(22,012)	-	-	Sept (FY22) - Current	
Roofing: Quality Exteriors	933,252	11,720	586	11,134	(11,134)	-	-	June (FY22) - Current	
Hardware: Precision	232,231	-	-	-	-	-	-		
Glasswork: Walker & LaBarge	183,600	5,000	250	4,750	(4,750)	-	-	Oct (FY22) - Current	
Drywall/Stud: Peninsula	1,317,000	598,818	29,941	568,877	(568,877)	-	-	FY23 / Current	
Acoustical: Master Interiors	259,080	10,000	500	9,500	(9,500)	-	-	June (FY22) - Current	
Floor Covering: Tri-State	479,440	4,408	220	4,188	(4,188)	-	-	June (FY22) - Current	
Caulk & Paint: M&S Painting	66,570	-	-	-	-	-	-		
Casework: Modular Concepts	108,125	-	-	-	-	-	-		
Mechanical: J.F Sobieski	2,081,649	274,583	13,729	260,853	(260,853)	-	-	June (FY22) - Current	
Fire Sprinkler: Bear Industries	98,780	11,718	586	11,132	(11,132)	-	-	FY23 / Current	
Electrical: Filec Services	2,280,300	474,000	23,700	450,300	(450,300)	-	-	FY23 / Current	
<b>Construction: Other Activity</b>	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
City Portion - Technology	150,000	-	-	-	-	-	-		
City Portion - Furniture, Fixtures & Equip	350,000	-	-	-	-	-	-		
<b>Post-Construction / Contingencies</b>	\$ 1,185,697	\$ 74,445	\$ -	\$ 74,445	\$ (74,445)	\$ -	\$ -		
Builder's Contingency	520,062	-	-	-	-	-	-		
Owner's Contingency <sup>1</sup>	665,635	74,445	-	74,445	(74,445)	-	-	FY22 - Current	
<b>Grand Total</b>	\$ 16,176,865	\$ 4,800,620	\$ 184,076	\$ 4,616,544	\$ (3,759,327)	\$ (827,546)	\$ (29,671)		

<sup>1</sup>Owner's Contingency was established to account for both expected and unexpected project-related expenditures. Of the \$74k reported this month, \$42k represents FY22 closing costs on the PNC Bond Anticipation Note ("BAN" project financing), \$13k was for environmental services to meet USDA application requirements, and \$11k was used to bind builder's risk policy coverage.

City of Milford, Delaware  
 Legacy Revenue Report: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended December 31, 2022

*50.0% of Year Elapsed*

Account / Function	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget
<b>General Fund:</b>				
Economic Development Fund	\$ 105,860	\$ -	\$ -	0.0%
General Fund Reserves	837,986	-	-	0.0%
ARPA Funding - Operating Support	270,411	-	4,506	1.7%
Realty Transfer Tax - Police	300,000	25,000	150,000	50.0%
Real Estate Tax	4,941,100	1,223	4,886,640	98.9%
Business License	67,000	6,630	13,070	19.5%
Rental License	110,000	40,350	53,950	49.0%
Building Permits	215,000	69,794	127,175	59.2%
Planning & Zoning	85,100	4,866	34,952	41.1%
Leases and Franchise Fees <sup>1</sup>	428,351	27,662	154,501	36.1%
Grasscutting Revenue	16,000	1,333	8,000	50.0%
Police Revenues	491,250	134,464	340,740	69.4%
Misc. Revenues <sup>1</sup>	19,500	0	10,534	54.0%
Transfers In	4,046,909	258,333	1,550,000	38.3%
<b>Total General Fund Revenue</b>	<b>\$ 11,934,467</b>	<b>\$ 569,657</b>	<b>\$ 7,334,068</b>	<b>61.5%</b>
<b>Enterprise Funds:</b>				
Water Fund Revenues	\$ 3,138,348	\$ 276,496	\$ 1,785,213	56.9%
Sewer Fund Revenues	3,117,701	235,173	1,563,272	50.1%
Kent County Sewer	2,036,770	161,607	1,090,540	53.5%
Solid Waste Fund Revenues	1,609,208	129,399	775,440	48.2%
Electric Fund Revenues	27,538,891	2,360,747	13,811,267	50.2%
<b>Total Enterprise Fund Revenue</b>	<b>\$ 37,440,918</b>	<b>\$ 3,163,422</b>	<b>\$ 19,025,732</b>	<b>50.8%</b>
Other Enterprise Revenue	\$ -	\$ (90)	\$ 21,795	
Other Enterprise Expense	-	(2,230)	(32,562)	
<b>Total General &amp; Enterprise Fund Revenue</b>	<b>\$ 49,375,385</b>	<b>\$ 3,730,760</b>	<b>\$ 26,349,033</b>	<b>53.4%</b>

<sup>1</sup>Recurring, budgeted revenue such as franchise fees, tower leases and pole attachment fees reclassified from miscellaneous revenues (line 14) to leases and franchise fees (line 11)

City of Milford, Delaware  
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended December 31, 2022

*50.0% of Year Elapsed*

Fund / Account / Divisional Groupings	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
<b>General Fund</b>					
<b>City Administration</b>					
Personnel	\$ 822,844	\$ 58,518	\$ 344,138	41.8%	\$ 478,706
Operation & Maintenance (O&M)	254,591	17,856	123,141	48.4%	131,450
Capital	226,250	-	-	0.0%	226,250
<b>Subtotal: City Administration</b>	<b>1,303,685</b>	<b>76,374</b>	<b>467,279</b>	<b>35.8%</b>	<b>836,406</b>
<b>Planning &amp; Zoning</b>					
Personnel	592,088	45,829	275,122	46.5%	316,966
O&M	136,943	16,605	87,574	63.9%	49,369
Capital	50,000	-	-	0.0%	50,000
<b>Subtotal: Planning &amp; Zoning</b>	<b>779,031</b>	<b>62,434</b>	<b>362,696</b>	<b>46.6%</b>	<b>416,335</b>
<b>Council</b>					
Personnel	36,688	1,658	13,123	35.8%	23,565
Legal	29,300	-	12,300	42.0%	17,000
City Hall Building Expense	35,810	-	-	0.0%	35,810
Insurance	14,200	0	9,134	64.3%	5,066
Christmas Decorations	5,000	157	2,689	53.8%	2,311
Council Expense	44,000	753	12,754	29.0%	31,246
Employee Recognition	28,000	17,576	27,056	96.6%	944
Codification	10,000	0	3,397	34.0%	6,603
Carlisle Fire Company	205,000	-	-	0.0%	205,000
Museum	35,500	-	35,500	100.0%	-
Downtown Milford, Inc.	47,500	-	47,500	100.0%	-
Milford Public Library	26,750	-	-	0.0%	26,750
Transcription Service	-	-	-	-	-
Armory Expenses	50,000	0	6,306	12.6%	43,694
Community Festivals	70,000	-	20,000	28.6%	50,000
Election - Wages	5,000	-	-	0.0%	5,000
Election - Supplies	2,800	-	-	0.0%	2,800
Other O&M	59,516	0	8,337	14.0%	51,179
Capital	75,000	-	5,000	6.7%	70,000
<b>Subtotal: Council</b>	<b>780,064</b>	<b>20,145</b>	<b>203,096</b>	<b>26.0%</b>	<b>576,968</b>

City of Milford, Delaware  
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended December 31, 2022

*50.0% of Year Elapsed*

Fund / Account / Divisional Groupings	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
<b>Finance</b>					
Personnel	508,442	39,679	232,663	45.8%	275,779
O&M	54,413	3,505	19,804	36.4%	34,609
Capital	-	-	-		-
<b>Subtotal: Finance</b>	<b>562,855</b>	<b>43,184</b>	<b>252,467</b>	<b>44.9%</b>	<b>310,388</b>
<b>Information Technology</b>					
Personnel	447,230	26,609	152,026	34.0%	295,204
O&M <sup>1</sup>	254,156	8,791	208,235	81.9%	45,921
Capital	65,837	12,054	25,592	38.9%	40,245
<b>Subtotal: Information Technology</b>	<b>767,223</b>	<b>47,454</b>	<b>385,853</b>	<b>50.3%</b>	<b>381,370</b>
<b>Police Department</b>					
Personnel	5,226,663	521,036	2,518,509	48.2%	2,708,154
O&M	958,611	51,935	530,781	55.4%	427,830
Capital	-	-	-		-
<b>Subtotal: Police Department</b>	<b>6,185,274</b>	<b>572,972</b>	<b>3,049,290</b>	<b>49.3%</b>	<b>3,135,984</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	376,673	31,780	170,194	45.2%	206,479
O&M	501,469	24,523	161,686	32.2%	339,784
Capital	720,000	11,830	29,680	4.1%	690,320
<b>Subtotal: Streets &amp; Grounds Division</b>	<b>1,598,142</b>	<b>68,133</b>	<b>361,560</b>	<b>22.6%</b>	<b>1,236,583</b>
<b>Parks &amp; Recreation</b>					
Personnel	688,620	51,681	292,254	42.4%	396,366
O&M	563,870	31,422	226,286	40.1%	337,584
Capital	1,085,443	22,312	89,951	8.3%	995,492
<b>Subtotal: Parks &amp; Recreation</b>	<b>2,337,933</b>	<b>105,416</b>	<b>608,491</b>	<b>26.0%</b>	<b>1,729,443</b>
<b>Total General Fund Expenditures</b>	<b>\$ 14,314,209</b>	<b>\$ 996,111</b>	<b>\$ 5,690,731</b>	<b>39.8%</b>	<b>\$ 8,623,478</b>

City of Milford, Delaware  
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended December 31, 2022

*50.0% of Year Elapsed*

Fund / Account / Divisional Groupings	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
<b>Enterprise Funds:</b>					
<b>Water Division</b>					
Personnel	\$ 371,466	\$ 27,636	\$ 151,347	40.7%	\$ 220,119
O&M	1,710,659	69,691	494,965	28.9%	1,215,694
Transfer to General Fund	300,000	25,000	150,000	50.0%	150,000
Capital	1,052,900	2,415	41,307	3.9%	1,011,593
Debt Service	365,274	46,500	182,637	50.0%	182,637
<b>Subtotal: Water Division</b>	<b>3,800,299</b>	<b>171,242</b>	<b>1,020,256</b>	<b>26.8%</b>	<b>2,780,042</b>
<b>Sewer Division</b>					
Personnel	360,693	26,952	146,313	40.6%	214,380
O&M <sup>1</sup>	1,858,390	86,078	487,872	26.3%	1,370,518
Capital	1,037,400	2,415	36,987	3.6%	1,000,413
Debt Service	412,478	7,960	51,842	12.6%	360,636
<b>Subtotal: Sewer Division (excl. Kent County)</b>	<b>3,668,961</b>	<b>123,405</b>	<b>723,014</b>	<b>19.7%</b>	<b>2,945,947</b>
Kent County Sewer	2,036,770	161,614	1,052,862	51.7%	983,908
<b>Subtotal: Sewer Division (Comprehensive)</b>	<b>5,705,731</b>	<b>285,019</b>	<b>1,775,876</b>	<b>31.1%</b>	<b>3,929,855</b>
<b>Solid Waste Division</b>					
Personnel	359,479	28,547	127,963	35.6%	231,516
O&M	1,181,700	78,017	517,372	43.8%	664,328
Capital	655,750	1,239	14,383	2.2%	641,367
<b>Subtotal: Solid Waste Division</b>	<b>2,196,929</b>	<b>107,804</b>	<b>659,718</b>	<b>30.0%</b>	<b>1,537,211</b>
<b>Subtotal: Water, Sewer &amp; Solid Waste</b>	<b>11,702,959</b>	<b>564,066</b>	<b>3,455,850</b>	<b>29.5%</b>	<b>8,247,109</b>
<b>Electric Division</b>					
Personnel	1,598,456	150,789	799,041	50.0%	799,415
O&M	2,983,845	121,689	831,525	27.9%	2,152,320
Transfer to General Fund	2,500,000	208,333	1,250,000	50.0%	1,250,000
Capital	953,300	74,506	267,377	28.0%	685,923
Debt Service	324,315	-	-	0.0%	324,315
<b>Subtotal: Electric Division (excl. Power)</b>	<b>8,359,916</b>	<b>555,317</b>	<b>3,147,943</b>	<b>37.7%</b>	<b>5,211,973</b>
Power Purchased	19,484,755	1,874,139	10,371,912	53.2%	9,112,843
<b>Subtotal: Electric Division (Comprehensive)</b>	<b>27,844,671</b>	<b>2,429,456</b>	<b>13,519,855</b>	<b>48.6%</b>	<b>14,324,816</b>
<b>Total Enterprise Fund Expenditures</b>	<b>\$ 39,547,629</b>	<b>\$ 2,993,522</b>	<b>\$ 16,975,705</b>	<b>42.9%</b>	<b>\$ 22,571,925</b>
<b>Grand Total Operating Budget</b>	<b>\$ 53,861,838</b>	<b>\$ 3,989,634</b>	<b>\$ 22,666,436</b>	<b>42.1%</b>	<b>\$ 31,195,402</b>

<sup>1</sup>Actual IT O&M expenditures are approaching 80% of the FY23 O&M budget because Microsoft O365 annual maintenance was due in August; the P&L style budget is seasonalized

City of Milford, Delaware  
 Legacy Interservice Department Expenditures: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended December 31, 2022

*50.0% of Year Elapsed*

Account / Divisional Groupings	FY23 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
<b>Interservice Departments</b>					
<b>Garage</b>					
Personnel	\$ 134,110	\$ 7,845	\$ 45,694	34.1%	\$ 88,416
Operation & Maintenance (O&M)	128,475	1,772	25,966	20.2%	102,509
Capital	-	-	-		-
<b>Subtotal: Garage</b>	<b>262,585</b>	<b>9,617</b>	<b>71,660</b>	<b>27.3%</b>	<b>190,925</b>
<b>Public Works</b>					
Personnel	881,630	57,468	372,322	42.2%	509,308
O&M	237,282	20,145	100,656	42.4%	136,626
Capital	-	-	-		-
<b>Subtotal: Public Works</b>	<b>1,118,912</b>	<b>77,613</b>	<b>472,978</b>	<b>42.3%</b>	<b>645,934</b>
<b>Tech Services</b>					
Personnel	294,863	24,851	141,055	47.8%	153,808
O&M	461,599	25,221	148,161	32.1%	313,438
Capital	-	-	-		-
<b>Subtotal: Tech Services</b>	<b>756,462</b>	<b>50,072</b>	<b>289,216</b>	<b>38.2%</b>	<b>467,246</b>
<b>Billing &amp; Collections</b>					
Personnel	760,557	55,581	309,173	40.7%	451,384
O&M	370,235	18,410	150,196	40.6%	220,039
Capital	-	-	-		-
<b>Subtotal: Billing &amp; Collections</b>	<b>1,130,792</b>	<b>73,991</b>	<b>459,369</b>	<b>40.6%</b>	<b>671,423</b>
<b>City Hall Cost Allocation</b>					
O&M	84,875	5,821	44,270	52.2%	40,605
Capital	-	-	-		-
<b>Subtotal: City Hall Cost Allocation</b>	<b>84,875</b>	<b>5,821</b>	<b>44,270</b>	<b>52.2%</b>	<b>40,605</b>
<b>Interdepartmental Cost Allocation</b>	<b>\$ (3,353,626)</b>	<b>\$ (217,113)</b>	<b>\$ (1,337,493)</b>	<b>39.9%</b>	<b>\$ (2,016,133)</b>
<b>Net Interdepartmental Costs<sup>1</sup></b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>

<sup>1</sup>All costs reported here are allocated to and entirely funded by the various departments that use the services provided internally by these shared departments.



MARK A. WHITFIELD, CITY MANAGER  
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To: City Council and Mayor  
From: Mark Whitfield, City Manager  
Subject: Chapter 26 Amendments – Enhancement Funds  
Date: January 20, 2023

### Chapter 26 – Enhancement Funds

Based on the current City municipal boundary and the Urban Growth Boundary shown in the City's adopted Comprehensive Plan, properties within the City are currently served by two volunteer fire companies (Carlisle and Houston) and could eventually be served by up to three separate volunteer fire companies (Carlisle, Houston and Ellendale).

Staff recommends removing references to a specific fire company in the title of the enhancement fund and making the charge a generic fire company fee.

CITY OF MILFORD  
NOTICE OF ORDINANCE REVIEW

City Council Public Comments: Monday, February 13, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN the following Ordinance is under review by the City Council of the City of Milford. Public comments will be accepted during a regular session of Council that begins at 6:00 p.m. on Monday, February 13, 2023. Following, City Council will take action to approve, deny, or modify the Ordinance that amends Chapter 26 of the Code of the City of Milford:

Ordinance 2023-06  
ARTICLE III. Powers of the City-Council and Mayor  
Chapter 26-Enhancement Funds

WHEREAS, the Charter of the City of Milford (“City”) authorizes City Council (“Council”) to provide for the organization of a fire department and to contribute such amounts of money as deemed appropriate and necessary for the prevention or extinguishment of fires; and

WHEREAS, the costs of providing fire protection and life safety services continues to increase and the ordinance was created to find an alternative method of supplementing those expenses; and

WHEREAS, at the time of its origination, Carlisle Fire Company was the sole volunteer fire organization serving the residents and businesses within the City of Milford; and

WHEREAS, as the City continues to expand its boundaries, City Staff recommends the enhancement fee created by Chapter 26 of the Code of the City of Milford no longer be restricted for use exclusively by the Carlisle Fire Company; and

WHEREAS, upon the effective date of this ordinance, any funds collected for the outlined purposes under Chapter 26 shall be shared among those fire districts within its jurisdiction and specifically assigned to the volunteer fire company whose service district in which the enhancement fee was collected to be distributed after proper application and Council approval.

NOW THEREFORE, the City of Milford hereby ordains:

Section 1. Part I Administrative Legislative Chapter 26 Enhancement Funds of the Code of the City of Milford is hereby amended.

**§ 26-1. Surcharges authorized.**

Enhancement Funds shall be funded by means of surcharges on the construction costs as indicated on the applications for building permits issued by the City, as outlined in this chapter. Said surcharges shall be paid to and collected by the City as are all other building permit fees for new construction projects, expansion projects or other building projects that increase building size. Enhancement Fund surcharges shall not be required, billed or collected on permits for residential accessory structures, renovations, replacements or similar work that does not increase the building size.

**§ 26-2. Rates.**

A. ~~Carlisle~~ Fire Company Equipment and Facilities:

- (1) City Council may award ~~to the Carlisle Volunteer Fire Company~~ grants for equipment purchases and facility improvements **to volunteer fire companies with service districts within the City**, which shall be in addition to any other payments provided by the City.
  - (a) ~~Carlisle~~ **The** fire company shall identify the amount and need for the grant by written request to the City Manager.
  - (b) In accordance with Delaware's Freedom of Information Act, the request will be placed on the next permitted City Council agenda.
  - (c) Upon a favorable determination by City Council, the funds will be dispersed within sixty days of the date of approval.
- (2) The grants shall be known as the "~~Carlisle~~ Fire Company Enhancement Fund."
- (3) On or after August 1st of each year, the City Manager shall provide ~~the Carlisle Volunteer Fire Company~~ an estimate of the funds that may be available for grants as a result of the imposed surcharge described hereinafter **to all volunteer fire companies with service districts within the City**.
- (4) The surcharge for the "~~Carlisle~~ Fire Company Enhancement Fund" shall be billed at the rate of 0.25% in accordance with Section 26-1 **and shall be tracked by fire service districts.**
- (5) The City Council, at its sole discretion, may utilize the funds for any fire safety purpose it so deems reasonable.**

B. Police and General Government Facilities

- (1) The surcharge, to be used by City Police and General Government, shall be known as "Police and General Government Facilities Enhancement Fund".
- (2) The surcharge for the "Police and General Government" shall be billed at the rate of 0.75% in accordance with Section 26-1.

**§ 26-3. Rules and regulations.**

The City Manager is hereby authorized to promulgate such rules and regulations as he/she deems necessary for the purpose of giving full force and effect to the provisions of this chapter.

Section 4. Dates.

Council Introduction 01/23/2023

Public Comments Scheduled 02/13/2023

Projected Adoption 02/13/2023

Section 5. Effective Date.

This ordinance will be effective Ten Days following its adoption.

For additional information, please contact the City Clerk's Office at Milford City Hall at 302-422-1111 or by email at [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov).

TO: City Council and Mayor

FROM: Rob Pierce, AICP - Planning Director

DATE: January 23, 2023

RE: Milford Corporate Center – Environmental, Geotechnical and other Reimbursable Expenses

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## **Background**

On February 14, 2022, City Council authorized the execution of a Memorandum of Understanding (MOU) with Tsionas Management Company, Inc and NAI Emory Hill Real Estate Services, Inc. for the development of the Milford Corporate Center located on the Fry property. Phase I of the MOU includes professional assistance with the development of a concept master plan and evaluation of off-site improvements.

On February 28, 2022, City Council authorized the execution of a contract for engineering services to Becker Morgan Group to produce a concept master plan for the Milford Corporate Center.

On August 8, 2022, City Council reviewed the preliminary concept plan prepared by the development team prior to scheduling the public workshop and submitting for State of Delaware Preliminary Land Use Service (PLUS) review. A PLUS hearing was held on August 24, 2022 with State agencies and we are awaiting PLUS comments.

On October 10, 2022, City Council authorized engineering service contracts with Becker Morgan Group in the amounts of \$210,000 and \$313,000 for the design and permitting of onsite construction improvements and anticipated DelDOT road and right-of-way improvements. The contracts excluded the cost for a new Transportation Impact Study (TIS).

On November 28, 2022, City Council authorized an amendment to the engineering agreement with Becker Morgan Group in the amount of \$28,000 for the preparation of a Traffic Impact Study.

## **Engineering Services Contract – Environmental, Geotechnical and other Reimbursable Expenses**

The engineering contract executed with Becker Morgan Group excluded costs associated with environmental and geotechnical testing performed by Becker Morgan's third-party vendors. The subdivision design requires a wetland delineation for a small portion of land located in the northeast section of the property and soil borings will be needed to determine road design and stormwater management design. The anticipated costs for these services are approximately \$22,000. Staff is requesting an additional \$10,000 to cover costs associated with agency permit submissions, vehicle and

mileage reimbursement, printing materials and other miscellaneous reimbursable expenses not specifically covered in the contract executed with Becker Morgan.

**Staff recommends City Council authorize the appropriation of \$32,000 from General Fund Reserves to cover the costs associated with anticipated third-party expenses related to environmental services, geotechnical services and other anticipated reimbursable expenses associated with the design of the Milford Corporate Center. All project costs related to the acquisition, development and sale of Milford Corporate Center lots, net of all grant funding received for the specific purpose of offsetting project costs, shall be recovered through lot sales and returned on a pro rata basis to the internal funding sources leveraged to support such project costs.**



The governing body has recessed to Executive Session. The regular meeting will resume shortly.

# CITY COUNCIL MEETING



**Executive Session**  
**has concluded.**  
**Council has returned to**  
***Open Session***