



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

CITY COUNCIL AGENDA August 14, 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 available for viewing by the public by accessing the following link:

<https://zoom.us/j/99156131279>

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: 991 5613 1279

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 and providing your name, address, phone number, and item name and/or description you wish to comment on. Persons in attendance that wish to speak must sign up prior to the start of the Council Meeting.

COUNCIL MEETING

Call to Order – Mayor Arthur J. Campbell

Invocation

Pledge of Allegiance

Roll Call

Approval of Previous Minutes

Recognition

Introduction/New City Employees

Staff Reports

Monthly Police Report

City Clerk Report

Monthly City Manager Reports:

Public Works Department

Electric Department
 Planning & Zoning Department
 Parks & Recreation Department
 Human Resources
 Economic Development & Community Engagement
 IT Department
 Finance Department

Communications & Correspondence

Unfinished Business

Update/Ordinance 2023-28/Zoning Code Amendment
 Strategic Plan Update

New Business

Adoption/Resolution 2023-14/DDD Area Expanded [Ⓢ]
 Bid Award/2024 Streetscapes Project/Construction Phase
 Introduction/Ordinance 2023-30 Chapter 211 Trees/Preservation & Advisory Council Absences
 Introduction/Ordinance 2023-31 Chapter 141 Handbills (Rescind)
 Introduction/Ordinance 2023-32 Chapter 208 Teen Center (Rescind)
 Proposal/Milford Corporate Center/Sanitary Sewer Pump Station Design Proposal/KCI Technologies, Inc.
 Authorization/License Renewals/KTL/Microsoft 365 E5 GCC ¹
 Authorization Funding/Milford School District/EMT Course Consumable Materials ²

Executive Session

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

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

Potential Vote:

MPD Dispatcher Collective Bargaining Agreement
 Potential Land Purchase by City

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.

060623 062023 071223 072023 072823 080423
¹080923 Late Item Added/IT Director Received 080823
 081123 Item Removed/Request PW Director
²081423 0900 Late Item Added/City Manager/MSD Timing Issue



CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
May 22, 2023

The City Council of the City of Milford convened in a Workshop Session on Monday, May 22, 2023, beginning at 7:17 p.m. for the purpose of reviewing the proposed Fiscal Year 2024 City of Milford Budget.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Chief Cecelia Ashe, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Review and Discussion of Proposed City of Milford FY24 Budget

The City Manager stated he is pleased to present the 2024 Operating Budget for the City of Milford that covers the general fund and various enterprise funds totaling \$59,505,286. It is a significant increase, though most is attributed to the bond payments due on the new police facility.

He recalled that Council requested the real estate tax be increased a penny each year and the real estate transfer tax (RTT) decreased.

The city underspend in the FY23 budget by about \$200,000 that will be rolled into this new year. There is also \$1 million dollars in surplus funded from FY21 and 22 that will supplement the capital budget. ARPA has \$21,000 left that has already been earmarked.

Manager Whitfield is suggesting an increase in the amount of money transferred from electric fund. The \$2.5 million has been transferred for more than twenty years and his recommendation is to set a limit tied to the gross receipts of electric of no more than 12.5%. This year he recommends 11.3% or \$750,000 be transferred to help offset the general fund.

His other new recommendation is to take \$300,000 from the gross receipts of the sewer fund, as was done with the water fund and placed in general fund reserves.

In terms of personnel, he proposes a 2.5% cost of living increase with a 3% merit increase for non-union employees to align with the current inflation.

Inflation continues to cause problems, combined with the number of the fully staffed departments across the board. Previously, the city was running about a 10% vacancy but are now at less than 5%.

He has revaluated other DEMEC communities including Seaford, Middletown, and Newark and determined that their electric funds transfers range run from 15 to 25%. At 12.5%, Milford remains the lowest except for New Castle who is restricted by their Charter at 5%. Those towns are also on the higher side of electric rates when compared to Milford which is second to the lowest on average.

An allocation study is needed for other departments back to the general fund for services. Nothing was done with customer service and approximately 13% of their services are attributed to tax collection.

He also prefers the RTT be dedicated solely to capital projects and that transfer be decreased on the police operating side.

Revenues

Finance Director Vitola pointed out the difficulty in trying to balance FY24 when compared to previous years. Because of inflation, it is difficult to predict costs and when items become available, they need to be purchased. He referenced the ongoing police car purchase delay even though the hybrids are no longer being considered. The refuse collection truck and other larger equipment are taking much longer to be delivered at unknown prices at this time.

The penny related to year three of five in the reduction in RTT funds is not a gain in the operating funds. There is almost off RTT applications to operating expenses and backfill it with property tax increases. Capital program dollars must be set aside and used as required in capital and streets.

The other part of the tax increase is related to phasing in the first half of the police department facility debt. We have received \$8.5 of the \$16.5 million and are presently talking to bond counsel and the USDA on closing the first half. That will result in debt service out of the general funds with no means to pay for it other than a referendum funded tax increase.

Director Vitola hopes to collect the first year of debt service which is four quarters, and then three quarters fall into FY24, with the last after July 1, 2024, but before the next tax assessment with the loan closing at the end of July as targeted.

In terms of revenue, he looked at 12 to 18 months of trend and the application to the different classes and how rates are changing. That applies to water, sewer, solid waste, and property taxes.

The enterprise fund revenue projects were then presented.

- Enterprise Fund Revenue
 - Water, Sewer, and Solid Waste
 - Implementation of 2020 Rate Studies' Staggered Rate Adjustments
 - Solid Waste – Recommended acceleration of rate increase
 - \$1.20 per rate study + \$1.00 to meet unforeseen cost escalation
 - Sewer – Kent County Treatment Cost Increase of \$0.26 per 1,000 gallons
 - Electric
- Implementation of 2023 Rate Study FY24 Rate Adjustment as Approved by Council

In the general fund, \$200,000 is being carried over from FY23 to FY24.

He reviewed the increase in electric that was based on the most recent cost-of-service study that was just refreshed. The 2.7% increase sounds decent when rates went from 1.1 to 1.7% based on the class plus customer growth and any offset from the expected innovation.

The sewer and water rates do not appear to make sense, because sewer is built off water volumes. The bill activity for water is up about 1.9% and sewer is around 2%.

Even though there are stronger investment earnings, the balance in water reserves was depleted based on the Fry Farm acquisition. Sewer has the normal growth and rate increase. Kent County's treatment costs increased by 10% or 26 cents per 1,000 gallons. That increase is passed onto the residents.

Solid waste has a large increase because of higher-than-expected costs compared to the cost-of-service study done for water and sewer for FY2021 to FY2025. There is a larger need than the \$1.20 shown in the rate study and increase the monthly residential rate by \$2.20 a month.

The Director then reviewed the general fund revenue need of \$13.8 million. Only \$5.7 million of that will come from property taxes. Utility transfers will be \$3.9 million, with some cross charges to other departments and various fees and fines and the application of reserves which is not entirely sustainable.

Just over \$900,000 in reserves and \$105,000 in economic development revenue were left and not applied to avoid another tax increase unrelated to the already scheduled tax increases.

Finance Department

- FY24 Operating Expense totals \$0.7 million
 - 33% increase vs FY23 Projection
 - Increased personnel costs are primary driver (91% of total increase)
 - FTE count from 4.04 in FY23 (pro-rated) to 5.0 in FY24 for Accountant addition
 - Of 91% Personnel cost increase, 61% reflects new staff; 30% existing staff
- FY24 Focus Areas
 - Stronger assistance and more timely production of annual report is critical need
 - Conversion and implementation of new ERP system (go-live July 3, 2023)
 - Cross-training critical functions and evaluating staffing / third-party needs
 - Cost allocation study impact on structural balance; FY24 strategic plan impact on finance

He talked about the 33% budget increase over the FY23 projection in the Finance Department based on the current cost environment for a total of \$.7 million. However, personnel costs are the dominant driver in the finance department, with 91% of the increase from \$533,00 to \$710,000 is related to personnel with 61% the new accounting position Mr. Vitola had approved.

He plans to focus on a timelier production of the annual report. The new ERP system will assist, with additional cross-training of staff. In addition, 31% is related to existing staff costs.

Mr. Vitola also stated that a portion of his budget is for the first time allocated to portions of some public works employees.

Finance Chair James asked if the budget shows the cost of the Finance Department employees and separately see the wage transfers for other departments. Mr. Vitola said that only salaries and wages are shown for each department. Some of the other salary and wage related lines are shown as well. He is willing to provide a breakdown by breakdown of each employee.

Finance Chair James asked that each department budgets include the actual head count in each department separately as well as any transfers out.

Mr. Vitola said he will share the detailed cost allocation of personnel within each department that currently exists. He agrees the importance of understanding those details and is happy to share that for transparency.

Customer Service

- FY24 Operating Expense totals \$1.12 million
 - 20% increase vs FY23 Projection
 - FY24 OpEx increases driven primarily by personnel
 - Increased personnel cost increases for all existing staff offset by minor FTE drop

- FTE reduction from 10.4 in FY23 (reflecting Temp/ Intern) to 10.0 in FY24
- Remainder of increase driven by cost escalation & tech-related operating needs
- FY24 Focus Areas
 - Focus on “Whole House” Training and development of all staff
 - Conversion and implementation of new ERP system and other tech expansion
- Kiosks, IVR, alternate bill-print / bill-presentment solution
- Continued improvement in past due collection management

The Customer Service FY24 Operating Expense totals \$1.12 million, a 20% increase over the FY23 projection. Again, the majority relates an increase in personnel costs of 22.6%. There is a fulltime reduction from 10.4 in FY23, related to temps and interns, to 10 in FY24.

The remainder of the increase is driven by cost escalation and tech related needs.

He talked about avoiding the \$347,00 for tax reassessments due to the charter change which will allow the city to adopt the Kent and Sussex County assessments when complete.

The department is fully staffed with 10 employees with the temp leaving.

The original plan was to have the customer service and tax portion at the back end of the ERP process, but instead are advancing the tax invoicing, and then utility billing somewhat down the road.

In addition, the kiosk plans are officially in the FY24 CIP, with an indoor and outdoor kiosk. One will be able to leverage an ATM with the hope of adding automatic payments over the phone, and other customer service features.

It was confirmed that the training is documented by the department’s manager and though the goal is to have each billing employee be able to perform all functions of another employee’s job.

IT Department

- *FY24 General Expense totals \$0.8 million*
 - *20.5% increase vs FY23 Projection*
 - *Even distribution of operating cost increases as a percentage*
 - *In terms of the dollar increase, 76% of the total increase driven by personnel cost increases*
 - *FTE Count from 6.0 in FY23 (full year) to 6.8 in FY24 (pro-rated) to support code enforcement*
- *FY24 Focus Areas Carry from FY23 Initiatives*
 - *Bike Path Design and Permitting Expanded*
 - *Streetscape Planning Gaining Momentum*
 - *Traffic Calming / Intersection Studies*

- *Milford Corporate Center Traffic and Infrastructure Planning*
- *Maximizing Grant Revenue to Reduce City Funding Hurdles*

IT Director Bill Pettigrew said the increase of 49% in personnel costs is due to the transfer of the police department tech into the IT Department. He is also planning to hire two interns to supplement the work of his staff in providing various services.

CIP plans include:

- Cybersecurity / Securing our infrastructure and data
- Network infrastructure upgrades
- Virtualization of existing servers
- Improved support and security for Operational Technology
- Driving adoption and use of new technologies

When questioned about the increase for interns went from 4.0 fulltime employees to 4.3 in FY24 and confirmed that is the result of the two interns and the transfer of the police department tech into his department. He reviewed various activities planned for the year.

Councilmember James emphasized the need that the number of employees in each department be reported to know the actual costs, in addition to any hires planned in the new year. He prefers complete transparency within each department in addition to the specifics additional employees are needed.

Director Vitola said he has a way to provide the information and be able to publish tonight or tomorrow.

He also talked about the new security measures being added with the help of DEMEC, as well as a network engineering firm that will be evaluating vulnerabilities within the system.

Planning & Code Enforcement

- FY24 General Expense totals \$0.8 million
 - 20.5% increase vs FY23 Projection
 - Even distribution of operating cost increases as a percentage
 - In terms of the dollar increase, 76% of the total increase driven by personnel cost increases
 - FTE Count from 6.0 in FY23 (full year) to 6.8 in FY24 (pro-rated) to support code enforcement
- FY24 Focus Areas Carry from FY23 Initiatives
 - Bike Path Design and Permitting Expanded
 - Streetscape Planning Gaining Momentum
 - Traffic Calming/Intersection Studies/North Rehoboth Boulevard
 - Milford Corporate Center Traffic and Infrastructure Planning
 - Maximizing Grant Revenue to Reduce City Funding Hurdles

Director Rob Pierce said that also in his department, personnel accounts for most of the increase. That includes an additional full-time employee in his department and the related costs associated with salaries and benefits.

He then reviewed each focus area included in the above slide.

He will continue to do the good planning work he did in FY23 with the help of the Economic Development Director.

The department reviews concluded for the evening.

When asked if the salary line items for each individual department are based on each being fully staffed; Finance Director Vitola explained that the increases in the number of personnel are based on the FY23 projection and not the FY23 budget. If 100% staffed the entire year, that is the FY23 budget number. That number is going to be much more comparable to the change in FTE (full time employees) to the change in the FY23 projection to the FY24 budget because of attrition and turnover.

The FY24 budget assumes 100% staffing though it is somewhat conservative without any reduction for attrition, turnover or vacancies, though there will be with each budget. That is what pushes the budget number up and the reason Councilmember James wants to see the actual numbers, which he will provide.

It was also confirmed that the budget includes everything Council has requested including the six replacement police vehicles.

Director Vitola added that he will be adding the real estate transfer tax and reserves will be paired with capital. He plans to provide Council with that information tonight or early tomorrow.

There being no further business, the Workshop Session of Council concluded at 8:17 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL MEETING MINUTES
May 22, 2022

The City Council of the City of Milford met in Special Council Meeting on Monday, May 22, 2022.

PRESIDING: Mayor Arthur Campbell

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

STAFF: City Manager Mark Whitfield, Chief Cecilia Ashe, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

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 are being held in the Council Chambers at City Hall, with attendees also participating virtually.

CALL TO ORDER

Mayor Campbell called the Special Council meeting to order at 8:18 p.m.

EXECUTIVE SESSION

Councilmember Fulton moved to go into Executive Session reference the below statute, seconded by Councilmember Boyle:

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:19 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

At 9:22 p.m., Councilmember Fulton moved to return to Open Session, seconded by Councilmember Boyle. Motion carried.

Councilmember Fulton announced there was no action to be taken from the executive session.

ADJOURNMENT

Councilmember Fulton moved to adjourn the meeting, seconded by Councilmember Wilson. Motion carried.

The Council Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
May 23, 2023

The City Council of the City of Milford convened in a Workshop Session on Tuesday, May 23, 2023, beginning at 6:07 p.m. for the purpose of reviewing the proposed Fiscal Year 2024 City of Milford Budget.

PRESIDING: Vice Mayor Jason James Sr.

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

STAFF: City Manager Mark Whitfield, Police Chief Cecelia Ashe, and City Clerk Terri Hudson

PUBLIC COMMENT PERIOD

No one signed up or was in attendance to speak during this time. The session concluded as a result.

Review and Discussion of Proposed City of Milford FY24 Budget

PUBLIC WORKS

Public Works Director Mike Svaby opened by stating the proposed Public Works budget is \$13.6 million which is an increase of 17% or \$2 million over last year's projected budget. It includes one request for an addition employee that will be shared between the water and sewer divisions.

Streets and Grounds

Primary Work Scope

- Street and utility water and sewer line maintenance
- Sign replacement, lining and striping of roadways and parking lots
- Repair to and installation of water and sewer lines
- Street sweeping regulatory compliance

Primary Cost Drivers

- \$70k of increase related to stormwater pond management; funding in hand in solid waste fund
- \$32k of increase is status-quo with FY23 budget, but underutilized in FY23 (snow/ice, sidewalks)
- Aside from pond & snow/ice/sidewalk, netincrease is 12%, driven by personnel

The Public Works Director explained that the primary drivers in this budget are a \$70,000 new request for city-owned stormwater management ponds.

A \$32,000 increase for a combination of snow removal and sidewalk and curb recovery, though there was very little expenses in each item in FY23.

Personnel increases were due to filled vacancies with only one vacancy in the solid waste division.

Water

Included is one new full-time employee that will be split between water and sewer.

The department will begin water infrastructure at the new Milford Corporate Center with a new well and tower and required pump station. The newest position will be working in both capacities.

Other increases are due to inflation in the contractual services, with engineering and analysis on the water plant, as well as the price of chemicals needed for water treatment.

In addition, there will be a yearly transfer of \$300,000 to the general fund from the water fund.

Sewer

Primary Work Scope

- Operating, reporting on and maintaining sanitary sewer system consisting of 20 pump stations, 19 miles of force main, and 82 miles of gravity main

Budget Facts/Primary Cost Drivers

- One new FTE split 0.5 in Water, 0.5 in Sewer
- General Fund Transfer of \$300k – new in FY24
- Continued Inflow and Infiltration study
- will help lower treatment costs
- I&I in FY22 & FY23 are 2 lowest in last 17 years

Director Svaby referenced the other half of the new full-time employee, as well as another transfer of \$300,000 from the sewer fund to the general fund.

The I&I study will continue with repairs though it has been the lowest in FY22 and FY23 compared to the last seventeen years.

Solid Waste

Primary Work Scope

- Operates solid waste, recycling, and yard waste collection program
- Improved plans for operational contingencies

Budget Facts/Primary Cost Drivers

- Cost escalation outstripping expectations from five-year cost of service study; recommending additional \$1/month
- No change in FTE count
- Volume of waste (yard waste & trash) increasing annually
- Fuel increased significantly in FY22 & FY23
- Container & Dumpster Costs increasing & volatile

This year, 33,070 tons of trash was taken to the transfer station, a 21% increase over last year, 804 tons of recycling which is a 25% increase, and 497 tons of yard waste went to Porter's Green Fill site, an 18% increase.

The current rate was predicated on a study done in 2019, though that will not sufficiently fund the operation unless an additional dollar is needed to the already scheduled \$1.20 increase from FY23. The recommendation is to increase it by \$2.20 instead of \$1 increase.

Fuel costs have risen, and container and dumpster costs have taken an irregular jump. There was a \$17,000 increase and the five-year replacement program is scheduled to begin in FY24, with approximately one fifth of containers required to begin replacement.

Garage

Primary Work Scope

- Maintains and repairs gasoline, diesel powered, automotive, heavy, and light construction, and other power-driven equipment
- Inspects, diagnoses, and locates mechanical and electrical difficulties on city-owned automobiles, trucks, and a variety of gasoline and diesel-powered construction equipment

Primary Cost Drivers

- Additional second mechanic in FY23
- Continuous purchase of vehicle manufacturer diagnostic software updates
- Aside from FY23 mechanic and \$20k for building repair and maintenance, overall increase is 7.7%

A second mechanic was added in late FY23. There are continuous purchase requirements for diagnostic software updates. So that's always present.

An additional \$20,000 has been requested for building upgrades.

Public Works

Primary Work Scope

- Leads capital project design, project management and supporting development coordination through infrastructure inspection and approval
- Manages City-owned facilities and supply warehouse as well as handling all administrative issues such as purchasing, payroll and leave accounting

Primary Cost Drivers

- No new employees
- Contractual Engineering support for City Engineer
- DBF, Century, KCI support
- Building Repair and Maintenance
- Gate repairs, BAS upgrade, bottle filling station

Costs are centered around contractual engineering firms from local engineering firms DBF, Century Engineering, and KCI.

Gate repairs and upgraded BAS system, along with a bottle filling station installation for a total of two at the facility.

ENTERPRISE FUNDS

Electric Department

Primary Work Scope

- Operation and maintenance of two substations and nine high voltage distribution feeders
- System reliability and stability

Primary Cost Drivers

- Additional Engineer added in FY23
- Cost increases for contractual and professional services
- Legal, engineering, and insurance
- Continued training efforts for new employees

Electric Department Director Tony Chipola stated that for FY24 compared to last year is just under a 10% increase. Though spending has been steady, a minor increase is expected next fiscal year. Major drivers include an additional engineering position and an increase in the contract line item mainly related to the increased workload, and to plan for future forecasting and getting ahead of newer technologies.

The budget includes an increase in training efforts and compliance of all employees, as well as new employees.

Major capital projects include load flow powerful software to allow more detailed analysis on the distribution system to better plan for future developments and growth.

Physical security will also be addressed though that did not impact budget, with some items to be shuffled which will allow it to be levelized across the five-year plan.

When asked about the proposed bill relating to mandatory charging stations at all new construction, Director Chipola shared that Milford has enough capacity, and even if older parking locations are not grandfathered in, he believes there is enough capacity to accommodate.

The only issue may be the amount of power needed to purchase though that can be worked out with DEMEC.

When asked about projected power costs, City Manager Whitfield reported the actual power costs should go down after the first of the year, with the drop in natural gas prices. That would then be reflected in the power cost adjustment on individual bills.

Tech Services

Primary Work Scope

- Installation, programming, reading, testing and repair of all electric and water utility meters
- Maintains all electric interconnection applications

Primary Cost Drivers

- No new employees
- Planned replacement of water meters
- Safety equipment & uniform upgrades

Director Chipola reported there are nominal increases in tech service budget of about 10%, with no new employees. However, the new engineer being hired will support both the electric lines department and technical services.

The major driver is the replacement of some water meters and the way they report back through the AMI network, with some failures reported. Some new devices are being tested with more on order to replace those that are failing.

More will be secured next year so they can be replaced as they fail and as manpower allows.

There will also be an increase in equipment, tools, and uniforms to make sure everyone is up to expectations and that the techs also have the training they need to do their job safely and efficiently.

Director Chipola confirmed that an analysis of the city fleet is being done to determine what portion can be electrified and will impact the plan for EV electrification.

When asked about solar panels being placed on the public works building, the Director explained that the challenge with the current building is that it served out of delivery two which is currently over the limit for solar. In the spring and fall, there is more energy to export and can be consumed which puts the city in violation of the agreement with Delmarva because we are connected to their transmission lines and end up back feeding into the grid.

Other options are being evaluated.

CAPITAL

Finance Director Vitola shared that the operating budget, capital budget and reserve balances are really interrelated. The extent to which the operating budget can generate surplus that we can be used for capital determines how much can be done in the capital year and whether the reserves can be sustained as needed.

There will be a challenge in FY24 to meet all guidelines in the reserve policies and the importance of the items targeted out of reserves.

Approved were 138 capital projects approved from FY21 to 23, and another 103 projects in FY24.

The \$17 million in the police building is taken out of the percentages to keep them comparable to prevent that from overweighting and underweighting other numbers.

He provided a summary by project of the enterprise funds and interservice funds.

General fund projects were also reviewed with a lot of attention on streets and infrastructure, police vehicle replacement, and park investments.

A detailed look at the CIP is included in the budget.

RESERVE FUND PROJECTIONS

The three major funding sources are General Fund Reserves, Realty Transfer Tax (RTT) and the Municipal Street Aid (MSA) Funds in the general fund.

He also reviewed the cash balance, deposits into the reserve funds, and summary of projects in which funding is needed. The policy requirements are included at the bottom.

The Director talked about if the operating budget were approved as is, the CIP budget was approved, and how the reserve fund requirements would then look, with a total.

The \$1.9 million is the balance as of April 30, 2023, per the report given at last night's meeting.

The \$200,000 surplus in FY23 is expected to be an early FY24 contribution into the reserve funds along with interest and other contributions.

With the FY24 CIP items, and what is left to go in FY23, the funding in general fund reserves was just met. Because the uncommitted reserve balance is zero, there is no ability to, to approve new projects throughout the year or make budget adjustments out of the general fund reserves.

He recalled that in FY2020 or 2021, the fund reserve policies were adopted that specified minimum levels of cash and reserves.

Also reviewed were RTT and MSA funds, and their alignment with financial policies. He also noted that the one penny tax increase helps reduce the alliance on the RTT in the operating budget, which historically has been used to supplement the police operating budget.

The ambitious capital plan will draw down on the reserve balance leaving nothing uncommitted, though there is a backstop in the form of RTT, which is really a general fund capital investment.

When asked if the projects could be reimbursed through grants and outside funding, Director Vitola stated that the projects expected to be funded in that manner are not included in that number.

It was determined that the budgeted one penny tax increase was based on the newer and higher assessments expected over the next year, and not current valuations.

ENTERPRISE FUND RESERVES

Water Fund

Fund has a balance of over \$2 million with what is expected to roll forward plus next year's margin should be sufficient to meet all the reserve funded capital that is underway and planned for FY24.

Used to assist in the purchase of the Fry Farm, it is somewhat better shape over the fourteen months that have passed since that property closing. Once the Milford Corporate Center is up and running, the water fund is going to receive the highest pro rata share and will rebound in a strong manner but not until the project is complete and those reimbursements will happen over another several years.

Every project in the Milford Corporate Center will have a memo with language stating that those funds are paid back into the appropriate funds that committed to that overall project.

Electric Fund

The electric fund is phone likewise is healthy. There are several millions in projects though with the expected deposits, there should be no problem meeting the policies. As well, having a balance of committed reserves.

Sewer Fund

Director Vitola said the same applies to the sewer fund. There is a strong balance as of April and while there is steep MCR policy, there is sufficient funding to have an uncommitted reserve balance.

Solid Waste

This is a fund that is hard to keep solvent. The operating costs almost always result in a very slim negative or positive margin. This year, there was a bigger surplus to overcome, which drove the recommendation for the rate increase of \$1 for monthly solid waste charges.

One more apparatus from the FY23 budget is included and some funding related to other projects that will consume most of the existing balance in solid waste. Contributions next year are entirely vehicle and equipment replacement funding.

Conclusion

It was noted that Councilmember James was on the line, and he reviewed what should be expected during the budget hearing at the next budget hearing tomorrow night. He thanked Councilwoman Wilson for presiding over the workshop this evening.

There being no further business, the meeting concluded at 7:03 p.m.

Respectfully submitted,

*Terri K. Hudson, MMC
City Clerk/Recorder*

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
May 24, 2023

The City Council of the City of Milford convened in a Workshop Session on Wednesday, May 24, 2023, beginning at 6:09 p.m. for the purpose of reviewing the proposed Fiscal Year 2024 City of Milford Budget.

PRESIDING: Vice Mayor Jason James Sr.

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

STAFF: City Manager Mark Whitfield, Police Chief Cecelia Ashe, and City Clerk Terri Hudson

PUBLIC COMMENT PERIOD

No one signed up or was in attendance to speak during this time. The session concluded as a result.

Review and Discussion of Proposed City of Milford FY24 Budget

Finance Director Lou Vitola provided a quick synopsis of tonight's review of departments, in addition to the City Clerks which was carved out of what was formerly combined with city administration.

He also recalled Councilmember James requesting a breakdown of the changes in all years of the CIP. He shared a detailed recap of the changes in the CIP document from April 19 through May 8, 2023. Councilman James clarified that the past three years would be beneficial.

Councilmember James will include that in the Q&A responses when completed.

He was also able to complete a personnel analysis on one consolidated slide, which he will provide after the departmental presentations by department, in addition to those employees being paid by multiple departments. Doing that on a detailed basis was tougher than the higher-level analysis he produced for tonight. He will provide that information at a later date.

In addition, the Finance Director would like direction from Council on how to shape the final CIP and operational budget.

City Administration

- Financial Highlights
 - No change in employee count
 - Personnel costs flat despite intern-driven FTE increase
 - Tuition reimbursement & temporary labor costs decreasing by \$23k (55%) vs FY23 Projection
 - Operating Expenses flat with FY23 Projection
 - Minor increase (marketing) offset by decreases (software, insurance, & one-time furniture)
- FY24 Focus Areas
 - Capital projects and property acquisition
 - Employee retention and recruitment
 - Milford Corporate Center Development
 - Marketing Milford's business opportunities
 - Implementation of Cost Allocation Study
 - Initiation of professional engagement to evaluate Milford Business Continuity Plan
 - Keeping Council and public informed on rapidly changing energy markets

City Manager Whitfield said that seven years ago, the city administration involved three people—the City Manager, City Clerk, and the Deputy City Clerk. Since that time his department has grown by adding four additional employees- the Economic Development Administrator, Executive Assistant, and the Human Resource Director. Those employees report to the City Manager who is responsible for those expenditures in his budget. The City Clerk should be responsible for the expenditures of her and the Deputy City Clerk.

Manager Whitfield said there is no change in the employee count, and with the Local Government Fellow Melody Barger leaving, he decided not to replace her. However, two University of Delaware interns are being hired this summer.

Personnel costs are flat, tuition reimbursement and temporary labor costs were decreased, operating expenses were flat, and a minor increase in marketing, offset by decreases in software, insurance, and furniture purchases.

Other items mentioned were listed above.

The 3.9 headcount was the result of his Executive Assistant projected for eight months and was hired for four months in FY23, and Ms. Barger, who was a contracted employee, left the same month. The 4.2 are the new interns being hired.

He also plans to create a new position who will oversee all purchases within the city.

City Clerks

- Financial Highlights
 - New full-time Deputy Clerk position is driving the Personnel cost vs FY23 budget and projection
 - Non-personnel cost increases are \$24,000
- o Legal and training budget increases make up about \$16,500 (67%) of the increase in OpEx
- FY24 Focus Areas
 - Completion of Strategic Plan Update
 - Improve and expand public information

City Clerk Hudson shared that when she left for a conference in the middle of May, her budget was included as part of city council's budget. When she returned to work the following Monday, she contacted the Finance Director to learn where the numbers were derived from.

Noting that there are only two employees in her department, she is again asking for a third person. She recalled that being approved three years ago, prior to the pandemic and prior to the loss of her Deputy City Clerk at the time. Handling the duties of both positions until the Planning Department released Katrina White who requested the transfer and was hired to fill that position, the department never recovered and there is still a lot of catchups needed.

Before Ms. White was transferred out of her department a few years ago, there were always three employees in the City Clerk's office. That position was never filled during this time though the workload continues to increase. One of the critical matters are the records that fill the downtown vault and need to be archived. Someone is needed to sort through the records and separate them and try to return them to each department to handle. Each department has a records officer assigned who keeps those documents records, while city hall has a room full of records that really need attention and a big priority.

She talked about the daily responsibilities and miscellaneous requests that come in and hinder and postpone the normal duties required by the clerks. Special duty events and FOIA requests have increased exponentially. Another focus is for her office to find ways for her office to reach the citizens, noting the many professional and legislative relationships. But they want to communicate with the residents and businesses in Milford.

The City Clerk reviewed the budget numbers noting that the line items are based on the head count broken out from the previous budget.

She also talked about the various methods used by finance to create the new city clerk budget.

Councilman Fulton asked how many duties the City Clerk does that is not outlined in the Charter and said that other City Managers did not have an assistant and went to the clerk for their administrative support. She explained that most city managers did their own work, and this is the normal practice since computers and emails. In addition, both City Manager Carmean and Baird both had assistants. She asked for more specific information.

Councilman Fulton said he knows the City Clerk has a lot of responsibilities and he is trying to figure out how to reduce the workload by handing it over so it falls under the City Manager so that the more important things can get done. She again explained that minutes, website updates are needed, assistance with records is needed, etc. She emphasized these are all normal clerk duties. Each duty is not spelled out in the charter nor are any of the appointed employees by Council.

Councilmember James said he was unaware that there were three employees previously in the clerk's office and she shared that this goes back to when Richard Carmean was city manager.

He also added there he believes there are quicker and more efficient ways to upload the council packet. A long conversation talked about minute transcription, and she explained that process, and informed Council that the key to saving time on the council packet is getting the documents from the sender in a timely manner.

Councilmember James also recommended the City Clerk review the wages and benefits for each of the positions in her office and to make sure those numbers are accurate.

Finance Director Vitola added that the numbers he provided in the salary line item are a final grade, though they can be adjusted, based on ten months of the year assuming recruitment would start in July. He also noted those numbers are the most accurate of all departments because there is a known set of current employees with a new employee added.

The Director then explained how the line items in the city clerk budget was created.

Councilmember James thanked the Finance Director though his word of advice is to the City Clerk to contact him to ensure accuracy of the line items, because she will be managing that budget.

Ms. Hudson asked that she be provided with the new classifications that were assigned to the new position and the updated Senior Deputy Clerk position.

City Council

Financial Highlights

- Increased support for community partnerships (existing agreements with nonprofits: DMI, Museum, Library, CFC, Chamber, Armory)
- Additional incentives for fire and emergency response
- First full year of adjusted compensation for Mayor & Council
- Provision for Business Continuity Evaluation

FY24 Focus Areas

- Continued recording and live streaming of meetings to promote engagement with citizens and stakeholders
- Restoration of committee meetings
- Integration of updated Strategic Plan
- Implementation of updated Rules of Procedure

The City Manager reported that Council's salaries and associated line items went up 119% because of the increase of Mayor and Council salaries effective May 1, 2023, noting that one of the councilmembers suggest that be reviewed on a regular basis.

Councilmember James noted that those salaries had not increased in many years, and the City Clerk confirmed that has not changed since she came over to City Hall in 1997, adding that they do not want to be a burden on our taxpayers and

simply want to be fair and comparable. Councilmember Wilson added that for many years Council was paid \$50 per month, regardless of the number of meetings.

It has been recommended that other councils be surveyed for comparison purposes.

The City Manager plans to add an escalator clause so that the Mayor and Council receive regular increases without being approved each time.

The funding provided to various organizations for community support was reviewed, though Downtown Milford was not given the additional increase requested, and it remains to be determined by their current contract, according to City Manager Whitfield.

Also noted was the Armory expense that increased from \$9,755 to \$25,000, a Bus Continuity Plan line item was again added in the amount of \$50,000, and a transfer to customer service of \$50,000.

City Hall

- Financial Highlights
 - The fractional FTE represents a reallocation of the PW facilities position
 - Public Plaza improvements to City Hall
 - Designs nearly complete and will be presented to Council
 - Construction is again included in the FY24 CIP and recommended in the Capital Budget
- FY24 Focus Areas
 - Deploy training to maximize and promote efficient use of the new technical resources available in lower-level conference room
 - Leverage improvements in Council Chamber to further promote citizen engagement

The City Manager commented that the personnel expense is related to the allocation of the building and facilities. A firm was hired to create a plan for the public plaza in front of City Hall that will be presented to Council later.

The focus area is to deploy training to maximize and promote efficient use of new technical resources. particularly in the lower-level training room and leverage improvements in the council chambers to further promote citizen engagement.

City Manager Whitfield believes the maintenance involves a contract and the Public Works Department said it is a mix of lower-level items including painting, bathroom upgrades, alarm update, and some cleaning issues. Most of the time the smaller repairs are handled by in-house staff.

It was also recommended that Council be reissued (or issued) key fobs for entrance into city hall.

Parks and Recreation

- FY24 Operating Budget totals \$1.5 million
 - \$390k increase (35%) vs FY23 Projection (19% over FY23 Budget)
 - Increase driven equally by Personnel & OpEx (\$180k each)
 - Fuel, utilities, and rec program costs constitute remaining \$30k
 - FTE increase attributable to horticulturalist
 - Horticulturalist recommended end of summer (0.75 FTE)
 - Seasonal employment count reduction but *temp wage inflation pushes dollar variance*
 - \$180k OpEx increase driven by contract services, cleaning, and maintenance of parks / buildings
- FY24 Focus Areas
 - Realization of downtown amenities

- Enhanced city-wide beautification
- Enhanced recreational opportunities, both active and passive

Parks and Recreation Director Brad Dennehy explained that his department is different from the other departments and use seasonal employees. Any beautification citywide falls within his budget. To maintain higher levels of maintenance, this increase has a large increase due to personnel. His goal is to increase the seasonal workers hourly rates (contract services) and add a new position of horticulturalist.

His biggest challenge is to attract and retain seasonal help and in the past, have used a temp service who provided a total of 25 individuals. The employment agency is paid about \$17 an hour and explained the many duties performed by those workers.

The recommendation is to move this level of seasonal workers to the first step on the approved City of Milford payscale which is \$16.34 and will increase on July 1st to \$16.75 and is reflected in the large increase in contract services. That equates to about \$24 an hour paid to the temp agency.

Director Dennehy explained the benefits of using a temp agency, any part-time employee that works up to six months must be offered health insurance at a cost of \$24,000 per individual per year. The other reason is to shift any liability to the temp agency, as well as workman comp claims.

He is requesting the new horticulturalist with the goal of having a full-time employee with a green thumb and a passion for plants and garden management. That will aid greatly with the gateway plans by having someone that will take pride in those projects, in addition to seeing the seasonal employees and volunteers.

When asked what the plan is to hire better temps, Director Dennehy said the better starting wage will hopefully attract a better caliber employee. Presently, they are struggling to get quality employees as can be reflected in last year's attrition rate.

The Director pointed out that he is very easy going to work for, and RJ Skinner is extremely easy to work for, so that is not the problem.

A long discussion followed regarding temp services and the turnover within the department.

It was agreed there is a need to further discuss the matter, particularly considering there is sufficient work for 12-month employees.

Director Dennehy emphasized that Parks and Recreation does a lot more than cutting grass, and that is why he wanted to spend more time on the budget request this evening though he is happy to consider alternatives moving forward, though his goal is to get these hourly pay increases this year.

Milford Police Department

- FY24 Police Operating Budget totals \$6.9 million
- Increase of \$1 million (17%) vs FY23 Projection
 - Excluding Capital, new Debt Service and HQ OpEx overlap, increase is <12%
 - Increased legal budget entering final year of Teamsters contract for Sworn Officers
 - Increased ammunition budget to meet training requirements in volatile market

Chief Ashe referenced the \$1 million increase from FY23 tied into the building and related items.

She asked Council to exclude items such as the capital debt services, which leaves the remaining budget increasing less than 12%. Also noted is the inflation value which nationally is 4.5 to 4.9%.

As she moves the department into the 21st Century, technology costs have increased due to inflation.

She talked about the organization of the department and the personnel breakdown:

- Authorized Strength – 37 officers
- Actual Strength -34 Officers
- Operational Strength- 34 Officers
- Total Number of Employees- 50
- 1 Chief of Police
- 1 Captain
- 3 Lieutenants
- Criminal Investigations – (1) Sgt. (2) Detectives (1) Civilian
- Operations – (4) Sgt. (23) Officers (3 vacancies)
- Civilian Staff - (8) Dispatcher (1 vacancy), (5) Civilian Staff

Chief Ashe talked about a recent presentation that was provided to Senator Coons by the Delaware Police Chiefs, adding that she is proud to only have three vacancies, as it has become a very serious issue within the law enforcement community. She also reviewed the application/hiring process noting there were 64 applicants, and a demographic breakdown will be included in the next monthly police report.

She spoke about the importance of funding for the upcoming year and include funding for all 37 officers at the full rate and provided scenarios why this is important. The Chief would like this to be considered for FY25 versus prorating any vacancy.

It is anticipated those vacancies will be filled by August; there is also one vacancy in the Communications Division that has not yet been advertised because of ongoing negotiations and any change in the starting salary.

She also discussed the Strategic Plan and Council's priorities.

- National Citizen Survey Pillar #1 –Safety
- Priority Areas - #2 Public Safety and Preparedness
 - (4) Goals
 - (9) Objectives
 - (21) Strategies
- Establish and Maintain Strong and Beneficial Police Community Relations
- Utilize Effective, Proactive Emergency Preparedness and Public Safety Strategies
- Efficiently Utilize All Police Resources
- Reduce Crime

She spoke about the new vehicles and the excitement surrounding them, noting that each will be equipped with GPS equipment. They will be used as a strategy of how to deploy the vehicles, efficiently and effectively, but also about getting the officers out of the vehicles and talking and communicating with the public. With that, she anticipates a natural decline in crime.

Councilman Boyle asked if there is a need to grow the Behavioral Health Unit that currently employes one full-time and two part-time clinicians as demands increase. Chief Ashe talked about the number of times the Behavioral Health Unit Director is asked to speak publicly. Milford has one of the best examples across the country on how police effectively integrate a Behavioral Health Unit into their staff and ways to win over the police officers.

She agrees there is always a need for additional staffing, and she wants to evaluate how the city will be using the opioid funds coming in and hopes to enhance that unit. However, that will need to be rolled into the operational costs to ensure sustainability of the program into the future.

The difficulty in obtaining ammunition was also discussed and the impact on those costs.

She said there was an attempt to put a depreciation value system in place, but if not transparent about the number of cars, the depreciation value is inaccurate. That program should be put together this year and though aggressive, the request is for six new vehicles this year that will be needed for spares, as the program moves forward.

Also explained was the increase in legal expenses that are related to upcoming negotiations with the sworn officers.

Finance Director Vitola shared information on the police enhancement fund in which almost \$900,000 was collected in in enhancement funding. Approximately \$850,000 has been spent and the plan was to utilize \$1 million from the city's reserve funding to prevent financing that amount in the total project cost.

Of that, 100% of that \$1 million was expected to come from PD enhancement funds. The projection was that \$1 million would be reached by the end of the building construction and with the construction turn down, that pace was threatened. However, that has recovered some and in the last finance report, there was a decent increase in April alone.

He wanted to provide an update that the \$1 million is in play and should be met.

Personnel Update

Director Vitola also noted that this personnel summary is one step in providing council a more detailed breakdown of full-time employees and provided the comparison from FY23 to FY24.

FY24 Budget Draft –Personnel Change Summary

- \$1.37 million total personnel cost increase from FY23 to FY24
 - FTE Growth = \$662k
 - Wage and Benefits cost increases = \$629k
 - Combination of FTE Growth & Inflation = \$77k
- FY24 Proposed Positions total \$252k of personnel cost increases
 - \$210k of \$252k total is attributable to general fund

He emphasized the change from FY23 to FY24 to 23 is not exorbitant. The FY24 proposed positions that are not yet approved total \$252,000 in wages and benefits. A decent portion of that is attributable to the general fund. For the most part, he stated that most are in line with the 10% increase in health insurance benefits, which are a large portion of employee costs.

More details on an extended time frame will be provided at a later time.

Conclusion

City Manager Whitfield said that as has been done previously, all questions will be compiled, and any new questions should be forwarded to ensure Council sees all inquiries and responses.

He is asking the budget to be finalized on June 5th including any items Council wants amended or updated.

The City Manager concluded by saying he met with the department heads and directed them to cut, or he was going to cut, and it was handled as a result.

There being no further business, the Budget Workshop concluded at 8:02 p.m.

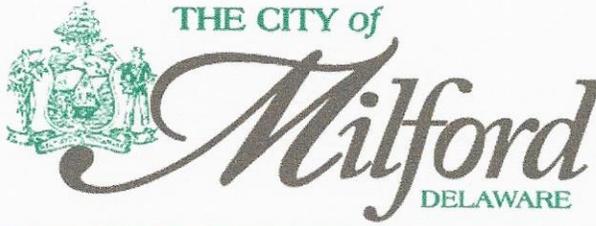
Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder



OFFICE OF THE CHIEF OF POLICE

CECILIA E. ASHE
cecilia.ashe@cj.state.de.us



400 NE Front Street

Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council
FROM: Chief Cecilia E. Ashe 
DATE: August 9, 2023
RE: Activity Report/July 2023

Chief and Police Command Staff:

Throughout the month of July, participated in numerous conference calls, virtual meetings and in-person meetings including the monthly State, Kent and Sussex Chiefs meetings, DPCC meeting, City Council and Workshop meetings, bi-weekly City Manager's meeting with Department Heads, and PD Staff meetings. Mayor & Council are provided weekly updates on major incidents and activities within MPD throughout the month to ensure they stay informed of all activities.

As you are aware on July 13, 2023 MPD reached it six-month mark with the new administration. This entailed a re-organization of the command staff. Which reduced in promotions and assessment of command staff responsibilities. Below are some of the highlights that have been accomplished within the first six months as a result of this administration:

- New Uniforms were sampled and ordered for all officers.
- Grooming Policy was re-evaluated and adjusted to reflect current policing standards.
- Comprehensive review of Employee Monthly Evaluation Process.
- Evaluation of Promotion Process.
- Promotions were made at every level of the staff.
- 26 Vehicles were ordered and delivered for the take home vehicle program.
- New outer vest carrier ordered for every officer.
- Comprehensive evaluation of Recruitment strategies.
- Obtained Mobile CAD for all patrol vehicles.
- Improvement in Community Engagement.
- Monthly Coffee with a Cop.
- Cone with a Cop event.
- Cops and Bobbers.
- Milford Night Out.
- Quarterly Meetings with the Chief and individual City Council Members.
- New and Upgrades to Police Radio System.
- Increased Training for both Civilian and Sworn Members.
- Increased Movement within the Department to promote succession planning.

MPD Activity for July:

- Chief attended the Delaware Juvenile Justice Advisory Group where she serves as a member of the advising group.
- Chief attended Statewide Interoperability Committee Meeting which focuses on updated communication technology and practices throughout the State of Delaware.
- Command Staff attend Recreational Marijuana Webinar in preparation of the signing of new Marijuana Legislation.
- Command Staff is working with the Streets Department weekly to ensure improved communication of road closures and construction.
- Members of the Department received statewide jurisdictional authority to improve investigative capacity in violent crime investigations.
- Milford Police Department was recognized by the National Guard in its support of our active military members.

Community Engagement:

- Chief Ashe along with multiple members of the Department met with national level coordinator for Faith & Blue Weekend which is scheduled for the weekend of October 6.
- Planning continues to prepare for Milford Night Out and First Cops and Bobbers Event.
- Officers held Cones with Cops at the grand opening of the new Watson Realty Group.
- Command Staff is now attending weekly meetings with the Streets Department to increase our awareness of events impacting police response.
- K9 Raven & K9 Mason were requested at Morris Elementary for a demo for first responders for the summer camp. Numerous students & staff were present and provided with trading cards at the end of the demo.
- K9 Raven was requested to do a demo in the Town of Wyoming for the Dog on Summer Days.
- K9 Raven completed Basic Obedience and Criminal Apprehension.

Emergency Preparedness:

- Chief Ashe met with Dr. Bridget Armory new Superintendent of Milford School District in discussing school safety for upcoming school year starting and the new Climate Safety Supervisor Position.

- Meetings were conducted with various city departments to improve communication to Milford Citizens who are experiencing power outages.

Training and Professional Development:

There were several trainings to note during the month of July.

- Sgt. Marino and Cpl. Medley attended the Intoxilyzer 9000 training hosted by the Delaware State Police in Dover, Delaware. This is part of an ongoing training that is associated with the upgrade of Intoxilyzer's throughout the state.
- Detective Ricketts, Pfc. Dryden, and Pfc. Quiroz attended the Patriarch training hosted by the Delaware State Police in Dover, Delaware. Patriarch is an information tool valuable to our investigative efforts.
- Detective Smith and Detective Burgos completed an online webinar for Introduction of Video for Investigators.
- Command Staff received training on USERRA rules and regulations surround supervision and employment laws with active service members of the military.
- Chief Ashe was invited to the International Association of Chief's of Police headquarters by the National Institute of Justice for LEADS Scholars Building Trust Through Program Evaluation which promotes research-based evaluation system to identify programs that are working and not working.

Police Headquarters:

- Final selection was made for new furniture for the building with Becker Morgan.
- Discussion continued with Director of Finance and City Manager on the placement of a Kiosk at the new Police Station for citizen to pay power bills and other city services.
- Chief Ashe and Captain Wells attended PD Project Update meetings.
- MPD continues to receive shipments of the new radio system and other equipment to ensure project stays on track.
- Anticipated date for completion is late October moving in first part of November.

Social Media/Public Information Update:

Public Information / Social Media Stats for July are as follows:

Our Nextdoor post reached 1348 people during the month. Nextdoor reaches 1890 households in 15 neighborhoods according to statistics provided by the website. Our Facebook page has 13,397 followers. Posts during the month reached 53,088 people. On Twitter our Tweets made 2268 impressions and our followers are at 1424. Our Instagram account has 1860 followers and posts during the month reached 1582 users. Below are some news items that received attention during the month from area media outlets.

[Delaware police chief gets national nod for reducing gun violence - WHYY](#)

[Milford Drug Investigation Leads to Arrest of Two | Latest News | wboc.com](#)

[Arrest Made in Aggravated Menacing Case: Jonathan N. Blackwell Faces Multiple Charges | Delaware Updates | NewsBreak Original](#)

Behavioral Health Unit for Month of July:

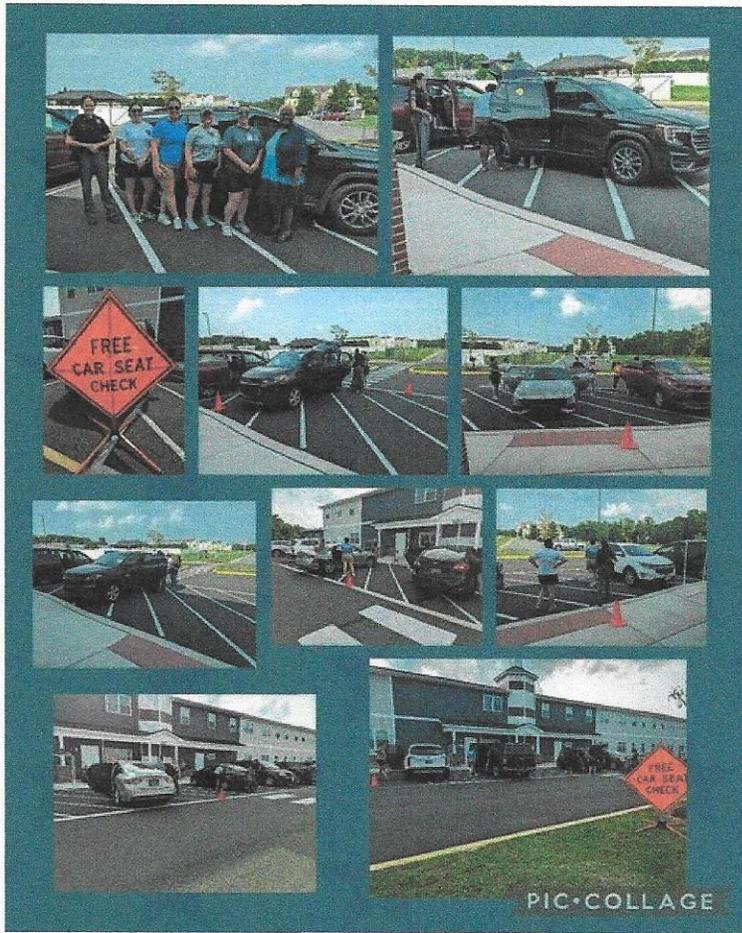
Dates	Hours Worked	Meetings Attended/Hosted	Trainings Attended	# of NEW Contacts	New Contact Notes	# of Diversions from Arrest	# of Diversions from ER	# of Follow-Up's
July 3-July 9, 2023 Independence Day	32	1. Rural Subcommittee Meeting 2. Brandywine Counseling Narcan Training Event 3. Milford Conversation Event	1. Substance Abuse in the Elderly Community	5	Referrals to Services: Domestic Public Assistance Check the Welfare Overdose	0	0	4
July 10-July 16, 2023	61.25	1. Opioid System of Care Meeting 2. Meeting w/ Pyramid Healthcare Systems 3. Meeting w/ VA Veteran Justice Outreach	1. Geriatric Suicide and How to Prevent it 2. The Effect of Race on Mental Illness	11	Referrals to Services: Public Assistance Domestic Check the Welfare Terroristic Threatening	0	1	6
July 17-July 23, 2023	59	1. Statewide Behavioral Health Stakeholders Meeting	1. The Effect of Compound Trauma on First Responders 2. First Responder Wellness	7	Referrals to Services: Public Assistance 10-81 Check the Welfare	1	0	5
July 24-July 31, 2023	72.5	1. Delaware Housing Authority Meeting	1. Increasing Our Trauma Responsivity as Supervisors	7	Referrals to Services: Harassment Public Assistance 10-81 Runaway Juvenile	0	2	7
Totals:	224.75			30		1	3	22
Overall Totals:	5316.85			1065		80	111	995

Milford Police Department - July 2023 BHU Statistics
Jenna Haines, LCSW, MSW, DE-CMHS
Gregory Bisset, LCSW, C-AADC
Danielle Blackwell, LMSW

Highlights in the Month of July:



We were honored to be recognized by Major General Michael Berry of the Delaware National Guard and the Employer Support of the Guard and Reserve for our support of the Uniformed Services Employment and Reemployment Rights Act.



Thank you to Delaware Office of Highway Safety and Cpl. Bloodworth for all the hard work and time putting together car seat safety event at Beach Babies.



Congratulation Rhett Malone on his promotion to Senior Corporal.



Celebrating the grand opening of the Watson Realty Group and Cones for Cops



Congratulation to Garrett Smith on his promotion to Patrolman First Class.



Our Behavioral Health Director Jenna Haines, Pfc. Garrett Smith, S/Cpl. Theresa Bloodsworth, and Pfc. James Matthews attended the Beau Biden Foundation for the Protection of Children's inaugural National Conference to Protect America's Children



DATE: August 1, 2023
TO: Mayor and Members of City Council
FROM: City Clerk Terri Hudson
RE: July 2023

I have been working with Lisa Johnson from Benvenuto to finalize the menu and other details for the upcoming September 6, 2023 SCAT dinner. The social will begin at 5:30 p.m. with dinner to be served at 6:00 p.m. As usual, Ms. Johnson and Chef Jesus Gordiany have created an extraordinary meal to serve our guests.

Surefire Cyber Representatives Brian Dykstra and Patrick Flynn will be the evening's guest speakers. Both gentlemen are an instrumental part of the rebuilding of Kent County's Computer System that was hacked over a month ago.

We have finalized the City of Milford Code updates with our codification company Civic Plus prior to the annual code/book update. The number of ordinances have once again increased this year, and my office continues to work with staff to ensure accuracy and compliance with other local and state laws.

Though working remotely, Katrina remains focused and forward thinking and continues to pursue new activities that aid in career development. She most recently completed the New England Municipal Clerks Institute Association (NEMCIA) training and enthusiastically continues her work with the City's Employee Rewards and Recognition Committee meeting.

Education, certification, and networking opportunities remain a high priority and are of vital importance to all municipal clerks. IIMC (International Institute of Municipal Clerks) is continuously looking for ways to reimplant professional pride in those clerks who are always seeking additional training towards their professional advancement, a proven asset to their city and its residents. The staff and Education Committee of IIMC has designed an additional step to achieve this. The Education PLUS Program (EPP) was constructed as an additional level to the current education Certified Municipal Clerk and Master Municipal Clerk curricula. The EPP program ensures clerks commit to lifelong education. The certification requirements include an extensive and advanced educational component and a professional contribution component.

I am proud to say that I applied and qualified for the program. The first class kicked off on July 13th and are held every other Thursday. Topics range from strategic thinking, planning, forming, and implementing to being cyber ready/dissecting the anatomy. I will provide additional information as I continue to dive into this exciting opportunity.

And while Katrina works on her final submission to IIMC (International Institute of Municipal Clerks) for the second professional designation as a Master Municipal Clerk, as you are aware, I had the pleasure of officially promoting Katrina to Senior Deputy Clerk on July 1st. Though the request for an additional employee was not granted within the Clerk’s department, I thought that the contributions Katrina have made, not just within our office, but throughout the city, especially over the past year deserved relevant recognition. The workload continues to increase, and I believe wholeheartedly there is no greater way to further encourage the positive influence she has on many of our employees.

Congratulations Katrina!

Lastly, please find a copy of an email from Emily Traiforos of GoRail.com, a national non-profit that advances smart transportation policy. She is reaching out to local governments regarding bill proposed in the U.S. Congress to raise the federal weight limit of heavy trucks on our nation’s roads.

Ongoing and upcoming events received to date:

Permit #	Organization	Event Name	Event Date
2023 27	DMI	Holiday Stroll & Christmas Market	12/2/2023
2023 16	American Foundation for Suicide Prevention	Out of Darkness Walk	10/14/2023
2023 15	Jesus Love Temple	J.L.T Block Party	10/7/2023
2023 32	Misplion Art League	The 2023 Big Draw Festival	10/7/2023
2023 31	St John the Apostle Church	30th Annual Oktoberfest & 5K	10/6/23 - 10/7/23
2023 30	Misplion Gateway LLC Fur Baby	First Responders Touch A Truck	9/9/2023
2023 28	Milford Wellness Village	Village Fest	9/22/2023
2032 25	BiBi Rivera	Mexican Independence Day	9/16/2023
2023 23	Milford Museum	Hippie Fest	8/19/2023
2023 21	DMI	Third Thursdays	8/17/2023
2023 11	Downtown Milford Inc	Riverwalk Farmers Market	May-October 2023

Monthly Activities

- Assisted multiple Delaware Municipalities with policy, procedural and related items
- Record requests/Assistance from City Departments (4)
- FOIA Requests to Date (75)
- Coordinate FOIA issues with other Departments to ensure compliance
- Created/revised/reloaded 07/10 Council Meeting Agenda (6)
- Created/revised/reloaded 07/10 Council Meeting Packet (18)
- Created/revised/reloaded 07/17 Council Meeting Agenda (3)
- Created/revised/reloaded 07/17 Council Meeting Packet (1)
- Created/revised/reloaded 07/24 Council Meeting Agenda (5)

- Created/revise/reloaded 07/24 Council Meeting Packet (6)
- Executive Sessions Year to Date (16)
- Created/revise/reloaded Planning Commission Notices (4)
- Created/revise/reloaded Planning Commission Agenda (1)
- Created/revise/reloaded Board of Adjustment Notices (2)
- Created/revise/reloaded Board of Adjustment Agenda (1)
- Created/revise/reloaded P & R Advisory Board Agenda (0)
- Created/revise/reloaded P & R Advisory Board Packet (0)
- Created/revise/reloaded Tree Preservation Advisory Council Agenda (0)
- Created/revise/reloaded Tree Preservation Advisory Council Packet (0)
- Created/revise/reloaded Milford Community Cemetery Board Agenda (1)
- Created/revise/reloaded Milford Community Cemetery Board Packet (1)
- Provided Notary Public Services (2)
- Transcribed and proofread Minutes from City Council Meetings (5)
- Transcribed and Proofread Minutes from Board of Adjustment (1)
- Transcribed and proofread Minutes from Planning Commission (1)
- Transcribed and proofread Minutes from P & R Advisory Board (0)
- Transcribed and Proofread Minutes from Milford Community Cemetery Board (2)
- Transcribed and Proofread Minutes from Tree Preservation & Advisory Council (1)
- Proclamations Created Year to Date (16 + 2 Copies)
- Resolutions Created Year to Date (14)
- Special Event Permits Requested to Date (33)

Dear City Clerk Hudson,

I work on transportation policy issues in Delaware for GoRail, a national non-profit that advances smart transportation policy.

I'm reaching out to you about a bill proposed in Congress to raise the federal weight limit of heavy trucks on our nation's roads. H.R 3372 would establish a 10-year "pilot program" for states to test 91,000-pound trucks, a 14% weight increase over the current limit of 80,000 pounds. We're asking for your help to stop this before it's imposed on your local roads.

There is already a wealth of data showing this is bad policy, starting with the impact to local roads and bridges and the taxpayers who fund them. An analysis earlier this year looked specifically at local infrastructure—trucks don't just travel on the Interstate after all—and found that the overall cost of 91,000-pound trucks would be \$60.8 billion.

For example, in Delaware:

- Number of local bridges at risk with 91,000-pound trucks: 54
- Cost of replacing at-risk local bridges: \$378,662,785

At the current federal weight limit, trucks only cover about 80% of their damage—and a bigger subsidy would mean they pay less. It would also mean more trucks, more traffic, and more emissions as freight gets diverted away from rail. This so-called "pilot project" is really just a backdoor 11,000-pound increase in maximum truck weight.

We're working with the Coalition Against Bigger Trucks (CABT) on a group letter from state and local government officials like yourself to be sent to Congress before H.R. 3372 potentially comes up for a floor vote as early as September. A similar letter from CABT in 2019 had over 1,000 signers from communities across the country and we're hoping this effort will send a powerful message to Congress that local roads and bridges simply cannot handle heavier trucks.

Please click this link to learn more and let us know if we can add your name to the letter. You can also simply respond "add my name" to this email if you wish to sign.

Please reach out if I can answer any questions.

Thank you,

Emily Traiforos <etraiforos@gorail.org>

GORAIL

(224) 220-1560 | etraiforos@gorail.org

See our Issue Brief on Truck Size and Weight for a deeper dive.



MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: July 2023 Monthly Report
Date: August 8, 2023

- I attended the Community Conversations in July where the speaker was our own Jenna Haines.
- Jamesha Williams and I met with Jeff Smith of Pinnacle Solutions regarding an update to the staffing study.
- James Puddicombe, Mike Svaby, Brian Jester and I did a walk-through on the 4th Street curb and sidewalk. The contractor needs to replace much of the sidewalk due to poor construction.
- I attended the monthly DEMEC Executive Committee meeting.
- Jamesha Williams and I met with our labor attorney regarding the dispatcher contract.
- Mike Svaby, Bill Pettigrew, Chief Ashe, Lou Vitola, David Wells and I met regarding the payment kiosk for the police station lobby as well as the furniture and fixture line item for the project.
- Police and Code Enforcement are once again dealing with an encampment behind Milford Housing on City owner property.
- Our IT staff went to Kent County to assist in their rebuilding of their IT network. Kent County was hit by a ransomware attack on July 8, and it essentially took down every computer and system in the county, including their SCADA system which monitors the sewage collection and treatment. They are slowly rebuilding, using the direction of their insurance provider. Our crews assisted in mirroring laptops and getting them ready to deploy into the work force.
- I have been assisting the DLLG Executive Committee during the transition of the Executive Director position. A revised job description was drafted, and ads were placed for recruitment. Most everything is set for the September 28 DLLG dinner. Hopefully a candidate will be chosen within the next month to take over the reins.
- I attended the DELDOT Utility Coordination Committee meeting as DEMEC's representative.
- I met with Representative Shupe regarding the Cedar Neck Road/Rt 1 realignment project.
- Our intern is finishing up the workflow matrix of the Strategic Plan. I receive word from Bill McGowan that they have completed all their work. We plan to have the plan for Council's final review and adoption in August.
- I met with a developer regarding the recent paving of a section of roadway and communication issues.

TO: Mayor and City Council

THRU: Mark Whitfield, City Manager

FROM: Michael Svaby, Director, Public Works

DATE: August 10th, 2023

RE: July 2023 - Public Works Department Staff Report

The following input represents a high-level list of activities and accomplishments for the month of July 2023.

Director's Office

- **Interviews** – assisted as panelist on 6 interviews - Accountant position (5) and Public Works Equipment Operator (1)
- **Performance Bond Intervention** – Somp International (Bonding Company) was contacted to address delinquent paving performance by the developer of West Shores.
- **Cross Connection Prevention Program** – Submitted addresses to Hydra Corp for data base input and formulation of inspection manifest.
- **Traffic Signals** – Finalized expected schedule for traffic signal evaluation period at 2nd and Marshall Streets.
- **Kiosks** – worked with Chief Ashe and vendor (Ad Comp Systems Group) to zero in on location of mobile Kiosk at the new PD building as well as with the vendor on the equipment specification.
- **Downtown Restroom** – securing quotes for site work on the downtown restroom.
- **Police Dept Project** - Attended job meetings, filed monthly Department of Labor report for US Census, and reviewed transmittals and progress payments for the PD Building project. Workmanship issues on the 4th Street sidewalk, mentioned in previous monthly reports to Council have been resolved allowing for 4th Street paving to move forward in earnest.

Public Services Division

Streets/ Utilities

- **Waterline Repair/Replacements** (3) – NW 2nd Street, Marshall Street, Causey Avenue
- **Stormwater Repairs/Maintenance** – clear storm drains and repair sink hole on Marshall Street, replace manhole cover and frame at Masten Circle
- **Miscellaneous** – street swept 140 curb miles, cleaned 150 feet of sewer lines, cleaned 75 stormwater inlets

Building Operations and Refuse

- **Building Repairs/Maintenance**- repaired Restroom at Customer Service, repaired and resealed counters at Customer Service
- **Refuse Collections** – collected 335 tons of trash, 62 tons of recycle and 51 tons of yard waste. Delivered 52 repaired/new containers.

Water/Wastewater

- **Water** - Performed housekeeping and cleanup at all water treatment plants including sweeping, organization, stacking and inventorying of chemicals. Also installed new exhaust fan at Seabury treatment plant.
- **Wastewater** – tuned up and calibrated hour meters at Washington St, Fisher Avenue, SE Regional and Shawnee Pump Stations. Wet well cleaned and gate and check valves inspected and replaced at Washington St Pump Station.

Engineering Division

- **Technical Assistance** – provided technical assistance on workmanship issue with Zack Excavating on the PD project.
- **Density Testing** – inspected paving and performed density testing on Phase 9 paving in Hearthstone.
- **Lead Pipe Replacement** – planned and organized intern canvassing for home lead pipe inspection
- **Safe Streets for All/Vision Zero Grant** – completed and submitted this comprehensive grant application to support funding of selected projects in the City's CIP.

New Employees/Recognition

- New Employees

- Jaquiam Parker - Jaquiam's first day was Monday, July 24, 2023, as a Public Works Equipment Operator II-Solid Waste. He worked with the City for over 1 year with the staffing agency as a temporary worker in the Solid Waste and Parks divisions. Residing in Milford he enjoys fishing, hunting and bowling in his free time.

In this role, Jaquiam will report to Brian Jester, Building Operations & Refuse Supervisor.



- Jared Kranz - Please welcome Jared Kranz to our team. Jared comes to us from the City of Newark where he was an Equipment Operator. Jared's first day was Monday, July 31, 2023, as a Public Works Equipment Operator-Streets & Utilities. Now residing in Milford, he enjoys gardening and doing home renovations in his free time.

In this role, Jared will report to Charlie Nordberg, Streets & Utilities Supervisor.





PUBLIC WORKS FACILITY

180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

Anthony J. Chipola III, Electric Director

PHONE 302.422.1110, Ext 1137

achipola@milford-de.gov

To: Mayor and City Council
From: Anthony Chipola, Electric Director
Subject: July 2023 Electric Dept Staff Report
Date: August 9, 2023

Director's Office

- Met with Tyndale to discuss alternative FR clothing ordering options
- Continued development of EV project at Arena's
 - Met with Electrical Contractor to review site
 - Revised scope due to required concrete site work
- Participated in APPA EV Interest Group Webinar
- Held Electric Department Safety Meeting
- Developed new Job Safety Briefs for field crews
- Implemented Supervisor and Engineering Safety Audit Program
- Participated in Governors Energy Advisory Council (GEAC) Grid Modernization Working Group
 - Representatives from all Delaware Electric utilities and associated industries
- Attended Community Solar Program and Subscription Design Webinar
- Participated in monthly AMI support call with AMP
- Continued discussions RE: Public Works Generator
 - Reviewed Contractor Requirements
 - Discussed how to maintain critical systems
- Davey Resource Group (DRG) began field audit of electric infrastructure
- Met with Jamesha and DOL RE: Lineworker Apprentice Program
- Participated in Communications and Call out discussion with City Mgr, Directors and PD
- Discussed temporary support for metering tasks related to water w/ M. Svaby and S. Ellingsworth

Electric Lines

- Promotion of Matt Patterson from Line Technician 3rd Class to Line Technician 2nd Class
- Provided Technical Support to DRG for Field Audits
- Continued construction activities for New Business
- Field Audits and supervision of Asplundh crews performing tree trimming
- Developed various estimates for new developments
- Responded to various outages

Technical Services and Engineering

- Participated in AMI monthly support call
- Updated Dwgs and checked battery conditions for all RTU's
- Met with various contractors to specify metering equipment and advise on installation.
- Developing Displays for SCADA
- Processed multiple applications for solar panel interconnections

Electric Department -July 2023	July 2022	July 2023	FY23 YTD (07/01/22- 7/31/22)	FY24 YTD (07/01/23- 07/31/23)
Electric Division				
Trouble Service Call	17	28	17	28
Work Orders Completed	30	42	30	42
Outages	6	13	6	13
LED Street Lights Replaced	2	7	2	7
New Service Install	3	5	3	5
Poles Replaced	1	1	1	1
After Hours Calls	10	14	10	14
Trees Trimmed (Streets)	P & R	Asplundh	P & R	Asplundh
Technical Services Division				
New Electric Service Installed/Meter Set	29	3	29	3
New Water Service Installed/Meter Set	3	6	3	6
Electric Meter Replacement	9	4	9	4
Water Meter Replacement	51	16	51	16
Work Orders Completed	642	X	642	X
After Hours Calls	4	0	4	0

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: August 7, 2023

RE: July 2023 – Planning Department Staff Report

- During the first seven months of the 2023 calendar year, the City issued 78 new residential construction permits and three building permits for 72 new multi-family residential units. The total construction investment in Milford through the end of July based on issued building permits was \$58,133,292.
- The City of Milford has seen 173 projects with a committed investment of over \$33.0 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over \$3.6 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$960,00 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines (click the below link to see project locations).
<https://milfordde.maps.arcgis.com/apps/MapSeries/index.html?appid=ab3ecb0d8cbc44d884b7c3063f75125c>
- The Planning Commission will not meet during the month of August 2023.
- The Board of Adjustment will review one variance application in August for 713 S. Washington Street.
- The City received a final site plan submission for the Lab at Seascape and is currently reviewing the plans.
- The City received a preliminary site plan application for Southern States and provided plan review comments to the applicant.
- The City reviewed a final major subdivision resubmission for the Westwood development on Williamsville Road and is awaiting resubmission.
- The City reviewed a resubmission of the Milford Middle School redevelopment project, provided comments to the applicant and placed the item on the September agendas for review.
- The City reviewed a preliminary site plan application for the Westwood Subdivision Clubhouse and provided comments to the applicant.
- The City received a conditional use application for the construction of an accessory cottage at 102 Kings Highway.
- Staff attended the weekly ERP Project update meetings.
- Met with the Dover/Kent County MPO to discuss the scope of an upcoming transportation study on the N. Rehoboth Boulevard and N. Walnut Street corridor pertaining to bicycle, pedestrian and intersection improvements.
- Planning Department staff attended 40 hours of ERP Implementation for the Tyler Munis Business License Module. Department resources will be committed to additional business license module

sessions over the next four months. ERP Implementation of Tyler Enterprise Permitting and Licensing (EPL) will begin in August for permits, code enforcement, inspections and planning/engineering. Staff will need to devote resources to this implementation over the next 8 months.

- Attended Builders & Remodelers Association of Delaware (BRAD) and City of Milford bimonthly coordination meeting.
- Met with the developer of Knight Crossing to discuss possible changes to the development.
- Attended State of Delaware PLUS meeting for three mid-year Comprehensive Plan Future Land Use map amendments for the Milford Corporate Center, Burris Foods and Kenton Property. Public hearings to review the comprehensive plan amendments and change of zones should be scheduled for September or October.
- Attended DeIDOT Transportation Alternatives Project (TAP) scoping meeting for two projects in Milford. They include continuing the streetscape project on NE Front Street from NE Fourth Street to N. Rehoboth Boulevard and NW Front Street from N. Church Street to Mill Street.
- Attended monthly Milford Corporate Center project update meeting.
- Staff attended the Cabinet Committee on State Planning Issues (CCSPI) meeting on August 18, 2023 to present the City's request to expand the Downtown Development District as discussed at the City Council workshop on June 5, 2023. The State approved the expansion request and City Council will need to formally adopt a Resolution changing the district area.
- Provided comments to DeIDOT on the draft Milford Municipal Freight Planning Technical Memo.
- Staff is in the beginning stages of preparing for a Downtown Development District renewal application submission. Our current designation expires in 2026 and the State has provided an application for current districts to renew their designations for another 5 years. The renewal would extend our designation until 2031. We can submit a renewal request towards the end of August 2023.
- Staff continue to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan (see below links).
 - [2018 Comprehensive Plan & SE Master Plan \(Click Here to View\)](#)
 - [Downtown Development District Plan \(Click Here to View\)](#)
 - [Rivertown Rebirth Master Plan \(Click Here to View\)](#)
 - [Strategic Plan – Press Play: Vision 2023 \(Click Here to View\)](#)

Case Activity:

	Total
New Cases	34
Closed Cases	15
Open Cases at Start of Period	500
Open Cases at End of Period	515

*187 open cases are for tall grass, which stay open the entire growing season.

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	6
Dangerous Tree	1
Furniture Violation	1
Generic Violation	4
Property Maintenance Violation	4
Rubbish & Garbage	5
Weeds & Grass	13
Zoning Use Violation	0
Total	34

Rental Licenses Issued: 18

Vendor Licenses Issued: 0

Contractors Licenses Issued: 17

Business Licenses Issued: 9

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	0
Commercial Foundation	0
Commercial Building Permit	4
Construction Trailer	0
Residential Demolition	0
Residential Building New Construction	29
Residential Renovation/Accessory	10
Roof/Siding Permit	5
Sign Permit	5
Solar Panel Permit	1
Utility Permit	2
Total	56

Inspections Performed:

Inspections Performed by Type	Count
Footer	28
Foundation	46
Framing	23
Insulation	6
Final	57
Residential Rental	218
Total	378

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963



PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

TO: Mayor and City Council
FROM: Brad Dennehy-Parks and Recreation Director
DATE: 08/08/2023
RE: July 2023 – Parks and Recreation Staff Report

Parks

- Park staff continued to do weekly trash runs in the downtown of municipal trash and recycling cans.
- Staff continued to cut grass at all City maintained facilities.
- Continued to irrigate the sports fields at Tony Silicato Memorial Park. Assisted the Hispanic soccer league with preparing fields so they could be continued to be used on Sundays through the month of July.
- Routine maintenance was performed on Goat Island, including making some repairs to the railings and clearing back the trail from overgrown brush.
- Several trees were trimmed to prevent power outages at various locations. Several trees were blown over around town in one of the significant storms we had in July and these trees, and limbs were cut up and removed.
- Grass at the ball fields continued to be cut and areas maintained for little league tournaments.
- Crews prepared Bicentennial Park for the Hispanic festival which again was cancelled.
- Crews prepared the amphitheater and surrounding location for the visit from the Lieutenant Governor for the arts council.
- Flowers in the hanging baskets and flower beds continued to be watered by staff. Guardrails downtown were cut back with overgrown vegetation, and trees trimmed along the Riverwalk.
- Staff installed new basketball nets at the Banneker courts, and recreation staff assisted with the 30th Annual "Take it to the Street" basketball tournament.
- Staff assisted MPD with their annual "Night Out" by preparing Bicentennial Park, delivering tables and chairs, trash cans and other needed items. P&R also MPD with their "Cops and Bobbers" event by cleaning up the banks of the River behind the Police station so there was more accessibility for the kids fishing.
- A diseased tree and stump were removed on South Walnut Street, which involved having to take up and put back down a significant area of brick pavers.
- Staff continued to address any seeclickfix items which came in via the app.

Recreation

Summer Program Information

- **Summer Soccer Camp**
 - Our soccer camp ended on July 13 with all ages being at maximum capacity for this program. Pictures and videos had a post reach of over 1,500 along with post engagements of over 300. This link will show a video of the final day:

<https://www.facebook.com/milfordparksandrec/videos/1461199191314991>
- **Summer Basketball Camp**
 - August 7th – 10th This new camp will be held at Banneker elementary and will feature 20hrs of basketball instruction. Participants will be exposed to both fundamental skills as well as in game scenarios. Lunches will be provided for all participants.
- **Summer Tennis Camp**
 - Our Tennis camp ended on July 13th with over 50% enrollment rate. Since adding a new tennis instructor, this program has been slowly increasing its sign-up rates by 17.5% compared to last year's program.
- **Summer Pickleball Camp/Clinic**
 - Pickleball Camp and Clinic will feature quality instruction from local pickleball enthusiasts that hold a rating of 3.7+. This new program takes place August 14th – 17th and August 21st – 24th. The adult clinic is currently shy of 50% enrollment capacity.
- **Summer Kickball League**
 - Our summer youth Kickball league is currently underway. This new program includes the fun aspects that good old backyard sandlot kickball includes. We play every Thursday until August 10th. This new program has only added to what Milford Parks & Recreation can offer to the community. This program was just shy of 25 kids for enrollment.
- **Summer Fun Club**
 - Summer Fun Club is at the end of its program with an enrollment registration rate of double, compared to last year's registration. Online fliers, talking with the public during community events, and connecting with other community leaders help to increase our participation rate. A total of 258 signups were achieved for this program.

- **Fall Programs**

- Coordinators have developed activities for this coming Fall that will start in mid-September. Such programs being offered are Soccer, Field Hockey, Pickleball, and a newly added program of Adult Kickball. Advertisements for these Fall programs have only been out for a week so exact numbers will not be available until September.



Other

- Director and Park Superintendent attended the monthly Riverwalk Freedom Festival meeting in preparation for the Fall festival.
- Initial concept for the Deep Creek Herring greenway trail system continues to be developed with a draft concept nearing completion.
- Gateway and signage project for Milford continues with an application to DeIDOT for approval nearing the point of submission.
- Director met with the Public Works Director and sales consultant for the new downtown bathroom to finalize specifics. It is my understanding this has now been ordered.
- The lighted handrail project was completed with the installation of timer for the low voltage LED lighting. We are happy with this project and how it turned out.
- Progress on the new children's playground continues. Due to the change order and rubber surfacing, additional stone had to be brought in to raise the grade. Progress continues on the pickleball courts, with the completion of the pervious paving. Courts will be sealed and striped soon, followed by the installation of nets.
- Director and other staff attended additional training for the migration of financial software.
- Director attended the quarterly cemetery meeting with the Mayor and Councilman Baer.

TO: Mayor and City Council

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

DATE: August 8, 2023

RE: July 2023 –Human Resources Department Staff Report

- **Onboarded new hires for the following positions:**
Part-Time Police Dispatcher-1 employee
Electric Ground Technician-1 employee
Public Works Equipment Operator II-Solid Waste-1 employee
Public Works Equipment Operator-Streets & Utilities-1 employee
- Job offer extended and accepted for the position of Accountant.
- **Current Job Openings as of August 8, 2023:**
 - Arborist/Urban Forestry Coordinator-1 opening
 - Electric Line Technician, First Class, or Second Class-1 opening
 - Police Dispatcher-2 openings
 - Police Officer-3 openings
 - Public Works Equipment Operator-Streets & Utilities-1 opening
 - Cash Operations Clerk II-1 opening
- Employee Spotlight: Bill Wu, Civil Engineer I

EMPLOYEE SPOTLIGHT

BILL WU
CIVIL ENGINEER I



How long have you worked for the City of Milford?

Almost 4 months.

Have you always worked in this role?

Yes, I have always worked in this role since [my] first day here.

What is your favorite thing about working for the City?

[My] favorite thing is the working culture with opportunities of learning new things.

What do you enjoy doing in your free time?

I spend most of my free time with family.

Bill started with the engineering section about four months ago and has done a tremendous job learning about our utility networks. He is always ready and willing to learn and to assist in any way possible. We're privileged to have such a great worker here at the City and in the engineering section.

- James Puddicombe, City Engineer



- Rooster Recipient: Matt Patterson, Electric Line Technician, Second Class



- The City of Milford Employee Back to School Backpack Drive has kicked off. The goal for this year is to provide 40 new backpacks to the Greater Milford Boys & Girls Club for their Back-to-School Give-A-Way.

To: City Council and Mayor
From: Sara Bluhm, Economic Development & Community Engagement Administrator
Subject: July Monthly Report
Date: August 9, 2023

Economic Development

- Met with daycare owner about locating in Milford
- Joined Cabinet Committee on State Planning Issues (CCSPI) meeting where the City's 2023 DDD expansion request was approved
- Met with new downtown developers about potential purchase and repurpose
- Processed agreements of sale for 6 business park lots (see included map)
- Updated listing agreement with The Moving Experience for remaining business park lot
- Received notifications the City was not selected for the NLC Advancing Economic Mobility Grant Opportunity nor the IEDC Economic Development Corp

Community Engagement

- Met with Chonnie Blair, Delaware Arts Alliance Project Manager, to plan their Community Engagement Launch Event planned for Milford at the Library Amphitheater
- Met with UD Art Dept. and toured Milford to discuss Salvation Army mural project
- Submitted quarterly Chamber newsletter article
- Met with Danielle Swallow regarding moving WIIN study forward
- Met with new and former Community Conversation leaders to discuss the mission and future of the group
- Participated in MPD National Night Out and distributed 18 Drive 25 signs

Meetings/Trainings

- Met with Rehoboth Planning Dept. to discuss the city's ADU ordinance with PW Director
- Participated in weekly streets update meeting with PW Dept
- Participated in city staff ERP training
- Participated in GOGov demo with IT Dept.
- Met with IT Director to review current website contract
- Met with VEIC for monthly EV feasibility study status meeting
- Attended July Leadership Delaware sessions; themes - Healthcare, Bio Science, and Leadership
- Attended monthly DMI Economic Vitality meeting
- Attended Delaware Paid Leave Public Forum
- Attended Delaware in 2040 – Demographic Changes and the Impacts on Infrastructure
- Attended webinar about Rural and Tribal Assistance Program Pilot (planning grant) – staff will apply with UD GAP assistance for preliminary engineering/design for the Airport Road bike path project
- Internally met with Key Account training group to discuss group project for last training session
- Kicked off Thriving Communities technical assistance grant with Main St. American and UDDOT call
- Participated in Resilience Planning Research Interview with Troy Mix (UD)
- Met with Chris Baker (George & Lynch) to prepare LDI August Session speaker introduction

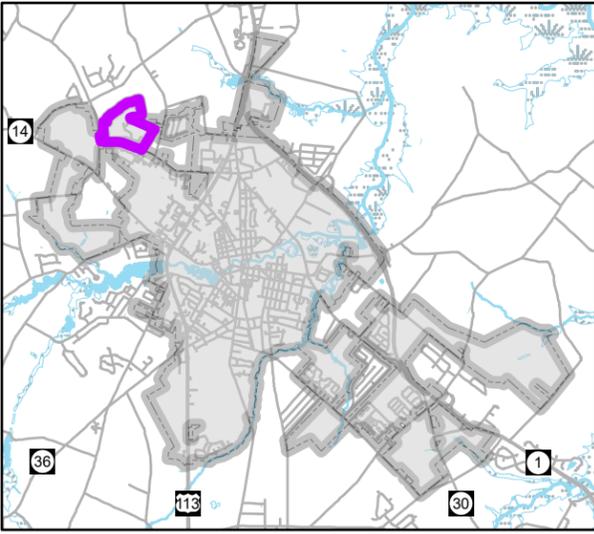
- Attended July BRAD update meeting
- Participated in Thriving Communities Summer Technical Assistance Webinar
- Met with BMG regarding Milford Corporate Center planning
- Met internally to discuss utility outage communication plans
- Participated in Tyler 311/MyCivic info meeting to potentially replace SeeClickFix and integrate with new ERP

Social Media/Website

- July 2023 Insights:
 - City of Milford Facebook: 41 new likes (total: 3,997); 367,166 reached (80,352 last month); 3,908 page visits (1,640 last month)
 - Parks & Rec Facebook: 49 new likes (total: 3,453); 12,693 reached (2,843 last month); 1,743 page visits (1,114 last month)
 - Instagram: 16 new likes (total: 1,229); 1,010 accounts reached (958 last month); 83 profile visits (93 last month)
 - Twitter: 598 impressions, 82 profile visits, 1 mention, 1,364 followers
 - ChatBot: 70 self-service resolutions; 55.6% self-service resolution rate; \$350 cost savings
 - MyMilford: 67 issues created; 46 issues closed; Average Days to Close: 5.2

Email Campaigns

- July utility newsletter to full database (customers and business license holders) (5,420): 52% open

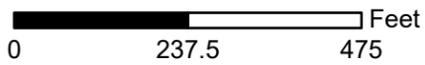


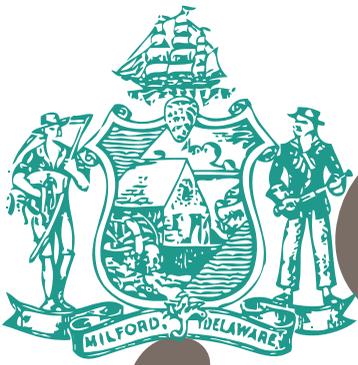
**City of Milford
Independence Commons**

2023 Available Land

Exhibit A

 Tax Parcels





Milford

River Town • Art Town • Home Town

DELAWARE

Electric Contractors in Area

The City has contracted with Davey Resource Group (DRG) to complete electrical infrastructure mapping throughout the City. For the next couple months, customers and residents may notice a DRG badged pickup truck along city roads and on customer property as they collect information on our electric system. They will be working extended hours and some weekends, but will work to minimize any impact to our customers privacy.

Do you need an event permit?

A special event permit is required if the event falls under one or more of the following criteria:

1. An athletic event (i.e. a 5/10K run, marathon, bicycle race or fundraising walk) that uses a City street, sidewalk, alley, or other right-of-way that obstructs, delays or interferes with the normal flow of vehicular or pedestrian traffic, or does not comply with traffic laws and controls.
2. A block party that requires a closure of a street or portion of a street to vehicular traffic.
3. A street fair, circus, farmer's market, street market, art and craft show, exhibition (i.e. car show, air show), carnival, festival, indoor or outdoor musical concert, or other social event or gathering that takes place on a City street, sidewalk, alley or other right-of-way, City park or City facility.
4. An event or gathering on private property that is likely to obstruct, delay or interfere with the normal flow of vehicular or pedestrian traffic; whose participants are likely not to comply with traffic laws and controls; and/or that involves the use of, or possible impacts upon other public property or facilities and the provision of public safety services in the response thereto. This includes parking and uses of a secondary property.

Applications and/or renewal applications can be completed and submitted online: www.cityofmilford.com/418/Plan-an-Event-in-Milford

City Council Round-up: July

At the July 10 City Council meeting, Mayor Campbell presented a Proclamation to the organizers of the inaugural Juneteenth Celebration (pictured right) and Council heard department reports. At the July 24 meeting, Council approved a Comprehensive Sign Plan for Cypress Hall residential, a revised Conditional Use for Cascades Subdivision Phase II and an amendment to Section 200-4 of the City Code, allowing for staff approval of final plan reviews. They tabled proposed code changes to Chapter 230 pertaining to chickens and tiny home requirements. All public meetings can be viewed live or recorded online at the City of Milford website at www.cityofmilford.com/553/Watch-Public-Meetings.



Volunteers Wanted

The City of Milford is looking for volunteers to join the Parks & Recreation Advisory Board and the Tree Preservation & Advisory Council. The P&R Advisory Board reviews all Parks & Recreation projects, programming and expansions. The goal of the Tree Preservation & Advisory Council is to ensure the City will realize the benefits of trees by proposed policies, regulations and standards.

www.cityofmilford.com/515/Boards-Commissions

#CityHallSelfie Day

Join us for #CityHallSelfie Day on Tuesday, Aug. 15. #CityHallSelfie Day is a celebration of public service showcasing pride in local government institutions. Every year since 2016, government employees, elected officials, members of the media, and community members have participated in the event. Snap a selfie in front of city hall, post to social media, and use the hashtag!

Public Utility Education

By Mike Svaby, Public Works Director
Mitigating Threats to Clean Water:

Milford's Cross Connection and Control Program

During a regular session on May 22, 2023, the City Council of Milford adopted ordinance 2023-18, amending the existing Milford City Code Chapter 222, Water, Cross Connection Control Program. The City of Milford is partnering with HydroCorp and the Delaware Rural Water Association to implement the Cross Connection Control Program required under the Delaware Code 16 Del. C. § 4462 and State of Delaware Regulations Governing Public Drinking Water Systems § 21.0, that took effect February 1, 2021.

In the next several weeks, City of Milford residential irrigation and all commercial water service customers will receive a letter stating they will need to have an inspection scheduled, completed and submitted into HydroCorp's online software within 30 days. There will be a due date to confirm an inspection date and if one is not submitted to the online software (HydroSoft IO) by the due date on the first letter, a second letter will be sent to remind the water service customer that an inspection is needed. The water customer will then have another 30 days to schedule, complete and submit results online from the onsite inspection. After the two letters and 60 days (total) with no submitted response, customers will enter the "Final Notice" stage. During this phase, final efforts will be undertaken to ensure compliance with this state and local mandated requirement to secure the inspection and its results, including possible termination of water service, fines or both.

Watch for notifications on the City's website, social media sites and the inspection letter itself. If you have any questions, check out our FAQ website at www.watercustomer.com/milford-de/

City Office Closures

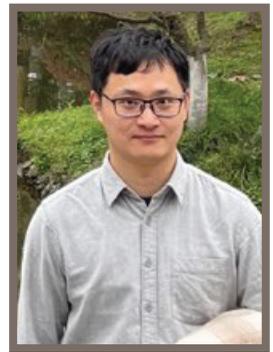
City offices will be closed Monday, Sept. 4 for the holiday. Trash, Recycling and yard waste may differ on these dates. Check the schedule online at www.cityofmilford.com/87/Solid-Waste

Online Business Resources

Are you or someone you know looking to open a business in the City of Milford? Check out growinmilford.com to learn about the process, available space, business resources, incentives and so much more!

Employee Spotlight

Bill Wu
Civil Engineer I



1. How long have you worked for the City of Milford? *Almost 4 months*
2. Have you always worked in this role? *Yes, I have always worked in this role since [my] first day here.*
3. What is your favorite thing about working for the City? *[My] favorite thing is the working culture with opportunities of learning new things.*
4. What do you enjoy doing in your free time? *I spend most of my free time with family.*

Bill started with the engineering section about four months ago and has done a tremendous job learning about our utility networks. He is always ready and willing to learn and to assist in any way possible. We're privileged to have such a great worker here at the City and in the engineering section.

- James Puddicombe, City Engineer

FALL SPORTS
REGISTER ONLINE:
[HTTPS://BIT.LY/COMPREREGISTER](https://bit.ly/compreregister)
302.422.1104 X 2

ADULT CO-ED KICKBALL LEAGUE
SEPT. 6-NOV. 8
MONDAYS OR WEDNESDAYS
6 P.M. TILL 10 P.M.

REGISTER ONLINE:
[HTTPS://BIT.LY/COMPREREGISTER](https://bit.ly/compreregister)
302.422.1104 X 2

MARVEL SQUARE
207 FRANKLIN ST.
MILFORD

REGISTRATION
\$120
8-10 PLAYERS PER TEAM
MUST BE OVER 18

ACTIVITIES: ADULT KICKBALL, FIELD HOCKEY, PICKLEBALL, TENNIS, SOCCER

START DATE: SEPT. 6, SEPT. 10, SEPT. 11, SEPT. 11, SEPT. 12

Do you have what it takes

to be a public servant?

Join the City of Milford for a career that matters!

Now hiring the following positions:

Electric Line Technician, First Class

\$97,260.80

Electric Line Technician, Second Class

\$88,441.60

Public Works Equipment Operator-Streets

\$46,383.42

Arborist/Urban Forestry Coordinator

\$56,123.93

Apply Online @ www.cityofmilford.com

Date: August 14th 2023
To: Mayor and City Council
From: Bill Pettigrew
Re: August 2023 Information Technology Department Staff Report

Cybersecurity

Last month's group password retention policy went well with only a few issues with users. We deployed endpoint management tools and scanning tools that identified vulnerabilities, and we updated, or decommissioned these threats. We planned on enacting multifactor authentication but had to order security tokens for users that did not want to install an authenticator app on their phone. We brought our firewall company in to do a system analysis on our data centers. We have a Microsoft security meeting next week. We had our 365/24/7 network management company increase our security in our antivirus CrowdStrike. Milford IT spent a few days helping Kent county with their network issues and learned from their incident response.

The Affordable Connectivity Program (ACP)

The ACP program added approximately 100 new members which brings Milford to 517 households taking advantage of the free service.

IT's Role in the ERP Project

Core financials had a few growing pains, but we have since moved onto training and conversion in additional modules.

Riverwalk Public Wi-Fi

We had from Comcast and they said they did not want to tackle it do to "Significant Challenges"

From Comcat...

"Good morning and thank you again for bringing us this opportunity. We did an extensive review of the options to provide the WIFI coverage you requested. There are significant challenges due to infrastructure availability making this project more than likely unaffordable. We also looked at the option of opening up the WIFI on the modems that exist in and around the property. That is not an option we can support. Opening the WIFI hotspots is up to the individual account owner for each modem.

We are still working with a vendor that did Smyrna's public WIFI, they are finalizing their recommendations. If we decide not to go with their proposal, we may want to consider going to RFI.

Document Management

Our first step will be to convert our IBM iSeries files to a windows based system, this will be a conversion from Optiview to FileBound

Central Square's Naviline Cloud Hosting

After council approved Central Square's discounted cloud migration, we have had a few technical meetings and the full Milford stakeholder meeting is scheduled for Friday August 18th. We hoped for a few week migration but the implementation team said it will be a few months because of the 3rd party integrations in the old system. This migration will give us business continuity, removes the vulnerability of tape backup, and allows us to decommission two IBM iSeries systems and all maintenance and support associated with them.



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
From: Louis C. Vitola, Finance Director
Date: August 9, 2023
Re: July 2023 Finance Department Staff Report

- Monthly Financial Reporting
 - The Finance Report for Fiscal Year 2023 was presented to City Council
- Staffing
 - Seven strong candidates were interviewed for the new Accountant position, and we are working through the hiring process now. We may have a candidate on board the third week of August.
- Training and Improvement Efforts
 - Training efforts related to the Tyler ERP core financial module continued following the July 3, 2023 go-live date, while customer service logged 46 hours on cash receipts and other modules
 - The customer service team will be closed on August 16, 2023 to permit the entire team to engage in part three of the three-part APPA¹ Customer Service Certificate Program
- Police Facility Project Financing
 - USDA Officials continue to participate in weekly project update meetings when available
 - Construction activity – financial summary:

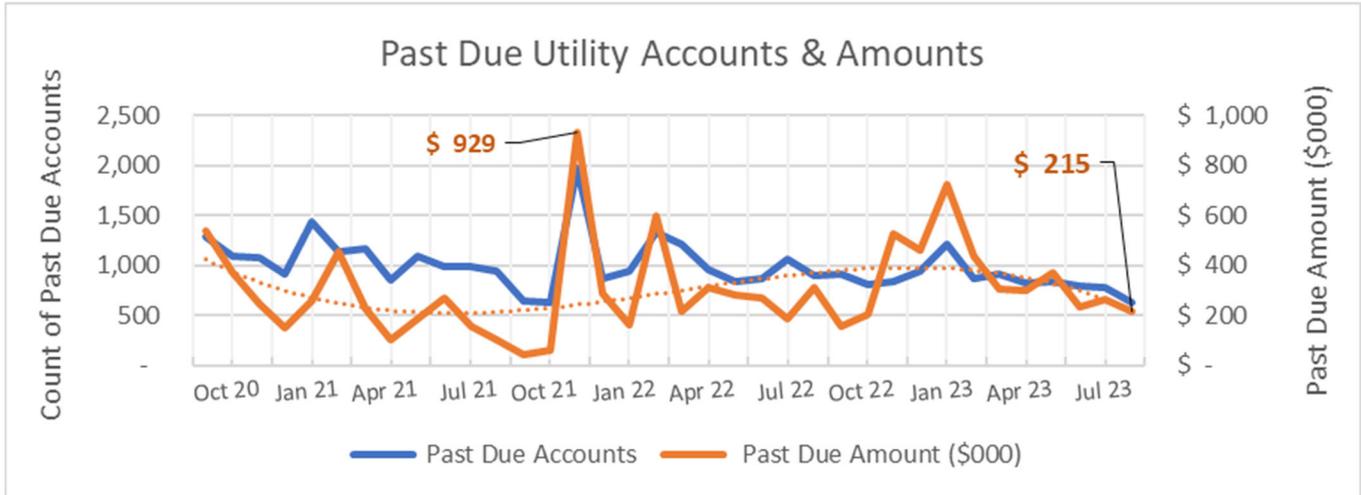
Police Facility Project: Budget & Payment Activity	Approved Budget	Incurred thru 7/31/23	Less: Retainage & Unpaid	Paid as of 7/31/23
Construction & CM: Total Bid Awards	\$ 13,650,954	\$ 10,432,891	\$ (1,239,753)	\$ 9,193,138
Plus (Less) Proposed Change Orders	313,375	-	-	-
Subtotal: Construction & CM Contracts	\$ 13,964,328	\$ 10,432,891	\$ (1,239,753)	\$ 9,193,138
Other Project Expenses & Contingencies				
Design / Architect (BMG)	\$ 823,849	\$ 841,686	\$ (14,660)	\$ 827,026
Builder's Contingency	213,603	-	-	-
Owner's Contingency	670,136	515,388	(329,985)	185,403
Owner's FFE (\$350k) / Tech (\$150k)	500,000	-	-	-
Subtotal: Pre/Post-Construction & Contingencies	\$ 2,207,588	\$ 1,357,074	\$ (344,645)	\$ 1,012,429
Grand Total Project Budget	\$ 16,171,916	\$ 11,789,964	\$ (1,584,398)	\$ 10,205,566

- FY22 Audit
 - The FY22 audit process has been delayed from the outset as a result of the extended FY21 process
 - The lead auditor and I met in July to discuss the path forward and pre-audit deliverables
 - The audit firm and I are drafting a condensed audit schedule and internal preparation is underway
- Billing & Customer Service Department
 - Staff are planning for the FY24 property tax billing; September 30 falls on a Saturday this year, so property tax bills will be due (not postmarked, but received) by close of business on September 29
 - Past Due Property Tax Statistics for **Current** and Prior Years are reported in the following tables:

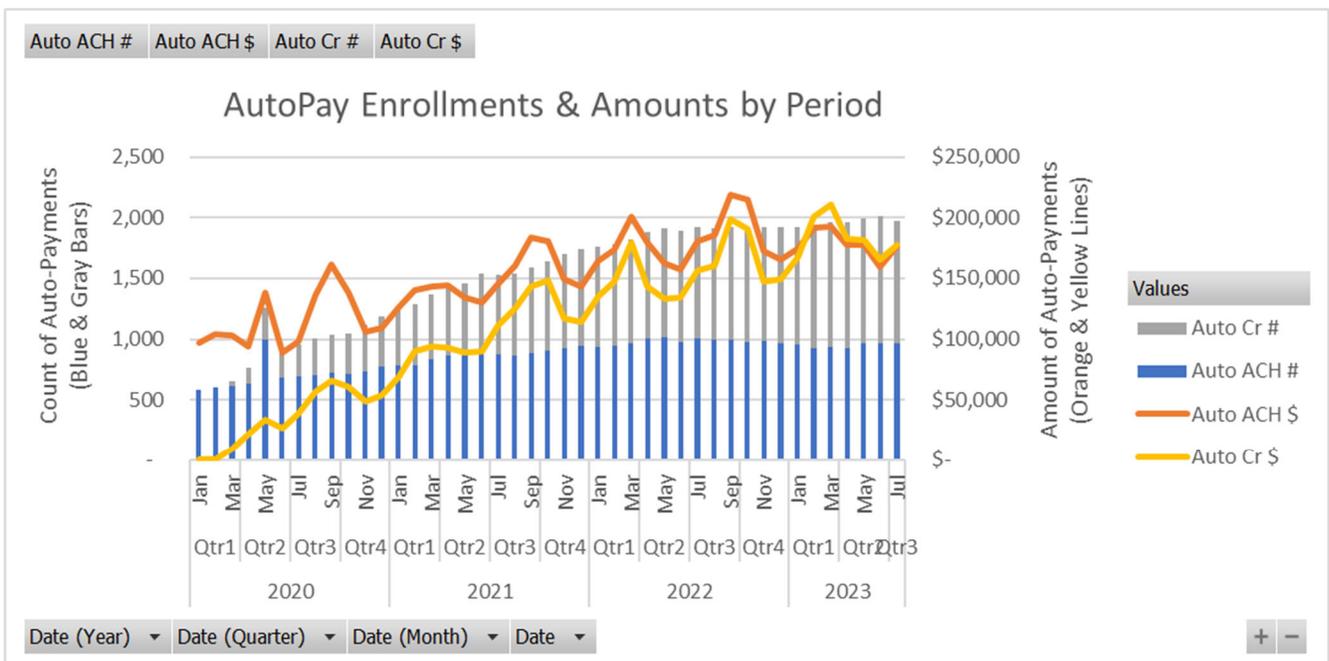
Property Tax Levy	Past Due (\$000) as of:											As % of Levy 8/1/23	Property Tax Levy	As of: 8/1/22	As % of Levy 8/1/22
	11/1/22	12/1/22	1/3/23	2/2/23	3/1/23	4/1/23	5/1/23	6/1/23	7/1/23	8/1/23					
2022 (FY23)	\$237	\$208	\$197	\$169	\$132	\$113	\$98	\$94	\$93	\$92		1.9%	2021 (FY22)	\$59	1.3%
2021 & Prior	\$202	\$196	\$196	\$186	\$176	\$125	\$121	\$115	\$98	\$81		1.7%	2020 & Prior	\$152	3.3%
Total	\$439	\$404	\$392	\$355	\$308	\$239	\$219	\$209	\$190	\$173		3.5%	Total	\$211	4.6%

¹ American Public Power Association (APPA) Customer Service Certificate Program: Strategies for Successful Customer Service Operations (Part 1 of 3) hosted by DEMEC at no cost to the City of Milford

- Billing & Customer Service Department, Continued
 - Past due utility balances improved since last month across all but one category



- July results are favorable compared to both the average and last July in terms of the dollar amount and number of customers with past due balances outstanding
 - The accounts with any amount past due (blue line) are 37% and 31% below the long-term average and last July, respectively
 - The dollar amount past due (orange line) is 30% and 31% below than the long-term average and last July, respectively
- The graph below exhibits the number and dollar amount of automatic payments by type and period from 2020 through July 31, 2023
 - The auto-payment count is shy of June's tally (down 1.7%), while dollar volume is up almost 9% versus last month after two consecutive monthly decreases
 - The auto-payment count is 2.7% higher this July than last, and dollar volume is almost \$18,000 higher (5.3%) than last July





Sussex County Association of Towns

P.O. Box 227 Lewes, DE 19958

Town of Bethany Beach

S.C.A.T. Dinner for Wednesday, September 6, 2023

Town of Bethel

LOCATION: Benvenuto
249 NE Front St
Milford, DE 19963

Town of Blades

Town of Bridgeville

Town of Dagsboro

TIME: 5:30 pm – Cash Bar
6:00 pm – Dinner

Town of Delmar

HOST: City of Milford

Town of Dewey Beach

Town of Ellendale

SPEAKER: Brian Dykstra and Patrick Flynn of Surefire Cyber who is rebuilding Kent County’s computer network following their recently ransomware attack.

Town of Fenwick Island

COST: \$75.00 per person

Town of Frankford

MENU: See Attached Menu

Town of Georgetown

Town of Greenwood

For reservations, please contact Terri Hudson at (302) 422-1111 Ext 1303 or by email: thudson@milford-de.gov no later than **Tuesday, August 29th at 4:30 p.m.**

Town of Henlopen Acres

Please make checks payable to **City of Milford**

Town of Laurel

Mail to: City Clerk’s Office
Milford City Hall
201 S Walnut Street
Milford, DE 19963

City of Lewes

City of Milford

Town of Millsboro

**Reminder: September 8,
2023, S.C.A.T. Steering
Committee Breakfast at
Milford Senior Center,
111 Park Ave
Milford, DE 19963**

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

BENVENUTO



SCAT DINNER

SEPT 6TH, 2023

5:30PM PASSED HORS D' OEUVES

6:00PM DINNER - 1ST COURSE

SCAT DINNER MENU

PASSED HORS D' OEUUVRES

- Whipped Goat Cheese & Olive Tart
- Smoked Salmon Mousse Canape'

\$75 per person

AMUSE-BOUCHE

Chef's Selection

ROASTED RED PEPPER CRAB BISQUE

Sweet fire-roasted peppers, mirepoix, white wine, cream, blue crab

HARVEST SALAD

Baby greens, butternut squash, apples, cranberries, quinoa, feta, candied walnut, pumpkin seeds, apple cider vinaigrette

PALATE CLEANSER

Italian Blood Orange Sorbet

ENTRÉE

Benvenuto Signature Smoked Prime Rib served with Horseradish Sauce, buttery whipped potatoes & grilled asparagus

DESSERT

Red wine poached pear, vanilla gelato, berry gastrique

TO: Mayor & City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: July 24, 2023

RE: Chapter 230 & Chapter 200 – Code Update

The Process

Over the past six months, the Planning Commission, City Solicitor, and Planning Director have reviewed Chapter 230 Zoning and Chapter 200 Subdivision of Land to address the following;

- Modify the review process for major subdivision and/or conditional use applications in an effort to provide final decision-making authority to the Planning Commission or Staff;
- Perform a more thorough review of permitted and conditional uses within each zoning district to make sure the code is comprehensive and there is consistency across zones relative to development and intensity of use;
- Reduce the number of conditional uses within each zoning district by making them permitted uses;
- Modify or eliminate 230-42 which 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.” We have had numerous applications that would not have needed to be reviewed by City Council or the Planning Commission if the applicant wasn’t seeking approval for multiple tenants or mixed use projects;
- Fix some errors found in the 2022 code update;

The Planning Commission dedicated time after each regularly scheduled Planning Commission meeting to review these two chapters in workshop sessions. The workshops primarily reviewed application approval authorities and the use and area regulations within the zoning ordinance. Comments from Commissioners were taken and added to the draft amendments.

Below is a summary of the meetings held (or to be held) to review Chapter 230 Zoning and Chapter 200 Subdivision of Land;

- *December 8, 2022 – Board of Adjustment – Annual Code Review*
- *January 17, 2023 – Planning Commission - Introductory Meeting*
- *January 18, 2023 – City Council Workshop*
 - *Discussed approval authorities and procedures.*
- *February 21, 2023 – Planning Commission - Chapter 230*
 - *Discussed approval authorities and procedures.*

- *R-1, R-2, R-3, R-8, OB-1, C-1, C-2, C-2A*
- *March 21, 2023 – Planning Commission - Chapter 230*
 - *C-3, BP, I-1, I-2, OC-1, H-1, IM, IS*
 - *Article VIII - Miscellaneous Provisions*
- *April 18, 2023 – Planning Commission - Chapters 200 & 230 – Review Draft Edits*
- *July 18, 2023 – Planning Commission – Ordinance Public Hearing*
- *July 24, 2023 – City Council – Ordinance Public Hearing*

Executive Summary of Code Revisions

Below is an executive summary of proposed code revisions for Chapter 230 Zoning and Chapter 200 Subdivision of Land organized by articles and sections.

Chapter 230 - Article I - General Provisions

- *Added definitions for Accessory Small Scale Solar & Wind Energy Systems, Community Energy Generating Facility, Emergency Shelter Facility, Group Home For the Care of Disabled or Elderly Persons, Group Homes Other Than For the Care of Disabled and Elderly Persons, Manufactured Home, Model Home (Sample Home)/Sales Office, Modular Home, Shopping Center, Short-Term Rental (30 Days or Less), and Tiny House.*
- *Modified the definition for Mobile Home.*
- *Deleted the definition for Community Residential Treatment Program.*

Chapter 230 - Article III – Use and Area Regulations

R-1 Single-Family Residential District

- *Added Small Scale Solar & Wind Energy Systems as a permitted accessory use.*
- *Added the keeping of chicken hens as a permitted use with conditions.*
- *Added Group Homes for the Care of Disabled or Elderly Persons as a permitted use.*
- *Added Model Homes as a permitted use.*
- *Added Short-Term Rentals as a permitted use with conditions.*
- *Fixed a grammatical error in Bed and Breakfast conditions.*
- *Added Group Homes for Others as a conditional use.*
- *Added Emergency Shelter Facility as a conditional use.*
- *Added structures to the height regulations for standalone renewable energy systems.*

R-2 Residential District

- *Moved Single-Family Semi-Detached Dwellings from a conditional use to a permitted use.*

R-3 Garden Apartment & Townhouse District

- *Changed language from Mobile Home Park to Manufactured Home Park.*
- *Added Tiny Home Village as a permitted use.*
- *Updated the conditions for Manufactured Home Park and reduced the minimum project area from 20 acres to 1 acre (which matches the requirement for townhouse and apartment projects).*
- *Added conditions for Tiny Home Village (similar to the Manufactured Home Park conditions).*

C-1 Community (Neighborhood) District

- Removed the *Neighborhood Shopping Center* as a permitted use. Multiple permitted uses in the zone will require a conditional use approval.
- Removed *Off-street Parking as an Accessory Use*.
- Added *Group Home for the Care of Disabled or Elderly Persons* as a permitted use.
- Removed *Community Residential Treatment Program* from the conditional uses.
- Added *Group Home for others* as a conditional use.
- Added *Emergency Shelter Facility* as a conditional use.

C-2 Central Business District

- Moved *Commercial Indoor Recreation Activities* and *All Dwellings other than Single-family in Conjunction With a Non-Residential Use* from conditional use to permitted use.
- Added *Bed and Breakfast* as a permitted use.

C-2A Riverfront Development District

- Same changes as C-2.

C-3 Highway Commercial District

- Moved *Motels or Hotels, Commercial Greenhouse, Wholesale Establishment, Contractors Establishment, Laboratory Testing and Research, and Carwash* from conditional use to permitted use.
- Made changes to the *Shopping Center* conditions. *Shopping Center* is now defined as four or more tenant spaces.
- Added *Community Energy Generating Facility, Energy System Utility Scale Solar and Wind, and Emergency Shelter Facility* as conditional uses.

H-1 Institutional Development District

- Added *Nursing Home* as a permitted use.
- Removed *Nursing Home, Sanatoriums, Multilevel Parking Facilities* and *Community Residential Treatment Programs* from the conditional uses.
- Added statement regarding the sunseting of this zoning category.

I-1 Limited Industrial District

- Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
- Added NAICS References for light industrial uses.
- Added NAICS References for wholesale storage, warehousing and distribution centers.
- Removed *Airfields* as a conditional use.
- Added *Community Energy Generating Facility* and *Energy System Utility Scale Solar and Wind* as conditional uses.

I-2 General Industrial District

- Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
- Added NAICS References for general industrial uses.
- Removed *Airfields* as a conditional use.

OC-1 Office Complex District

- Moved *Charitable Organizations, Daycare Centers, Indoor/Outdoor Recreation, Private Organizations* and *Medical/Dental Laboratories* from conditional uses to permitted uses.

OB-1 Office Building District

- Moved *Government Offices* from conditional use to permitted use.

BP Business Park District

- Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
- Added NAICS References for light industrial uses.
- Moved *Indoor/Outdoor Recreation* from conditional use to permitted use.
- Deleted *Schools* and *Daycare Centers* from conditional uses.

IS Institutional Service District

- Added *Places of Worship, Emergency Shelter Facility, Community Energy Generating Facility* and *Energy System Utility Scale Solar and Wind* as conditional uses.

IM Institutional Medical District

- Added *Emergency Shelter Facility* and *Places of Worship* as conditional uses.
- Fixed typo under area regulations.

R-8 Garden Apartment & Townhouse District

- Same changes proposed in the R-3 district.

230-19.8. Tree Planting and Preservation

- Reduce the tree density requirement for planting plans from 1 tree per 3,000 square feet to 1 tree per 10,000 square feet for residential development and 1 tree per 5,000 square feet for non-residential development.

Chapter 230 - Article IV – Off-Street Parking and Loading

- Added recommendation for EV Charging Stations for new parking lots.
- Added parking calculation for group homes and short-term rentals.

Chapter 230 - Article VI – Signs

- Increased the allowable sign height for subdivision signs from four feet to seven feet.

Chapter 230 - Article VII - Board of Adjustment

- Fixed the newspaper publication requirement.

Chapter 230 - Article VIII – Miscellaneous Provisions

- Added requirements for fences.
- Modified the language for Multiple Permitted Uses or Mixed Use of a property so that multiple permitted uses or mixed use of a property in the R-1, R-2, R-3, R-8, OB-1 or C-1 zoning districts still requires a conditional use approval. Instances within the C-2, C-2A, C-3, OC-1 or H-1 where four or more non-residential uses are proposed would require a conditional use approval, which is in alignment with the definition of shopping center. Instances in the I-1, I-2, BP, IS or IM zoning districts would be permitted uses.

Chapter 230 - Article X - Site Plan Review

- Added a 12 month expiration of a preliminary application from their initial submission for both permitted use site plans and conditional use site plans.
- Fixed the newspaper publication requirement.
- Modified the site plan expiration language to be similar to the subdivision expiration language from Chapter 200.

Chapter 230 - Article XI - Administration

- Added statement that any use not specifically permitted within a particular zoning district shall be considered prohibited except for the following; for non-residential uses, the Planning Director would have the authority to evaluate the proposed use by referencing the most recent North American Industry Classification System (NAICS) manual and where the same NAICS code is found in several use categories, the Planning Director would have the ability to consider the characteristics and adverse impacts of the proposed use and allow the use to be classified with similar uses in the zoning code.

Chapter 230 - Article XII – Zoning Amendments

- Fixed the newspaper publication requirement.

Chapter 200-4 – Application Procedure

- Added a 12 month expiration of a preliminary application from their initial submission for both permitted use site plans and conditional use site plans.
- Fixed the newspaper publication requirement.
- Changed final major subdivision approval from City Council to administrative.

**CITY OF MILFORD
NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, July 18, 2023 @ 6:00 PM
City Council Hearing: Monday, July 24, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

Ordinance 2023-27
Amendment to City of Milford Code
Chapter 200/Subdivision of Land

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to update the City of Milford Code Chapter 200 Subdivision of Land to implement the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of Board of Adjustment applications, standardize site plan, subdivision, and conditional use review procedures, and eliminate contradictory statements, erroneous language, and other items to improve the administration of Chapter 200 Subdivision of Land; and

WHEREAS, the Planning Commission of the City of Milford, along with the City Solicitor and Planning Director, reviewed the application procedures for major subdivision review found under Chapter 200 Subdivision of Land during workshops in 2023; and

WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, July 18, 2023, at which time interested parties publicly commented on the amendments; and

WHEREAS, Milford City Council held a Public Hearing on July 24, 2023, to allow for additional public comment and further review of the amendments; and

WHEREAS, the Public Notice was published in the Delaware State News on June 29, 2023; and

WHEREAS, City Council found that the amendments to Chapter 200 Subdivision of Land are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is amended to modify/clarify specific requirements within the City Code, Chapter 200, SUBDIVISION OF LAND.

Section 2. Section 200-4 is hereby amended.

Section 3. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Chapter 200 - SUBDIVISION OF LAND

§ 200-4. - Application procedure.

A. Preliminary Major Subdivision Review.

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the Planning Director. The application shall be reviewed by the Planning Department and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the Planning Director that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission. **A preliminary application shall be considered withdrawn if plan review comments are not satisfactorily addressed and preliminary approval is not obtained within twelve (12) months of initial preliminary submission.**
- (3) A public hearing on the preliminary plan shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, denial of the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council. (4) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:
 - (a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.
 - (b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least ~~15~~10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.
 - (c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.

-
- (5) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
 - (6) Preliminary approval from City Council shall be void after 24 months unless final major subdivision approval is obtained or an extension is requested by the owner and approved for good cause by the City Council prior to the expiration.

B. Final Major Subdivision Review.

- (1) A final plat and construction documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by Planning Director, along with the appropriate fees, as specified in § 230-57.
- (2) The application shall be reviewed by the Planning Department and the City Engineer for compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. At this time, the applicant shall provide a digital copy of the subdivision plan to the City electric division in order for the City to begin designing the electric infrastructure for the subdivision.
- (3) **Upon confirmation by the City Planner and City Engineer that all agency approvals have been obtained and all plan review comments have been addressed satisfactorily, the application may be administratively approved by the Planning Director.** ~~A public hearing on the final major subdivision shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, denial of the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.~~
- ~~(4) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:
 - ~~(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.~~
 - ~~(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.~~
 - ~~(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.~~~~

~~(5) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.~~

(46) Within 90 days of final approval from the City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the Planning Director a receipt of the recordation including the deed book and page number. Prior to recording the plat, at least three copies of the record plat and three copies of the final construction plans must be submitted to the Planning Director for stamping and signing. Two sets will be retained by the City. The City Manager, Planning Director and City Engineer shall sign the approved record plats and construction plans.

~~(57)~~ Failure to record the approved plat within 90 days from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for preliminary approval again.

C. Construction Procedures.

(1) Prior to commencement of construction, the developer shall request a pre-construction meeting with the City Engineer. Payment of the required development inspection fee, as adopted by City Council and found in the City Fee Schedule, shall be made prior to the scheduling of the pre-construction meeting.

(2) Improvements within the development shall be constructed per the approved construction plans and the City's Standard Construction Specifications. Any deviations from the construction plans must be submitted to the City Engineer in writing for review and approval.

(3) A performance bond in the amount of 125% of the cost of installation shall be required for the construction of recreational and open space amenities, including but not limited to community buildings, playgrounds, walking paths, landscaping and landscape screening. The performance bond shall be posted prior to the issuance of the first building permit.

(4) Conditional Acceptance of Infrastructure by City Engineer.

(a) Prior to the issuance of building permits, the developer shall obtain conditional acceptance from the City Engineer as outlined in the City's Standard Construction Specifications.

(b) A maintenance bond shall be provided by the developer in the amount of 10% of the improvements to be taken over and maintained by the City.

(c) A performance bond shall be provided by the developer in the amount of 125% of the cost of the top coat and any other item that has not been satisfactorily completed as approved by the City Engineer.

(5) Final Acceptance of Infrastructure by City Council.

(a) Final top coat shall be paved after 75% of building permits have been issued for a project or phase of a project and prior to 90% of building permits having been issued for a project or phase of a project.

(b) Final acceptance of utilities shall not occur until after the paving top coat has been completed.

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- (c) Upon completion of the top coat paving, the City Engineer may release the top coat performance bond. The 10% maintenance bond will remain in place until one-year after acceptance of the final top coat paving.
 - (d) Upon completion of the required one-year maintenance period, the right-of-way improvements may be accepted by City Council by resolution.
 - (e) Upon acceptance by City Council, the maintenance bond shall be released by the City Engineer in its entirety.

Section 4. Dates.

Introduction to City Council: July 10, 2023

Planning Commission Review/Recommendation/Public Hearing: July 18, 2023

City Council Review/Public Hearing/Determination: July 24, 2023

Section 5. Effective.

This Ordinance is effective ten days following its adoption.

CITY OF MILFORD
NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, July 18, 2023 @ 6:00 PM
City Council Hearing: Monday, July 24, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

Ordinance 2023-28
Amendment to City of Milford Code
Chapter 230/Zoning Code

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to update the City of Milford Code Chapter 230 Zoning Code to implement the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of Board of Adjustment applications, standardize site plan, subdivision, and conditional use review procedures, and eliminate contradictory statements, erroneous language, and other items to improve the administration of Chapter 230 Zoning; and

WHEREAS, the Planning Commission of the City of Milford, along with the City Solicitor and Planning Director, reviewed certain sections of Chapter 230 Zoning Code during several workshops in 2023; and

WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, July 18, 2023, at which time interested parties publicly commented on the amendments; and

WHEREAS, Milford City Council held a Public Hearing on July 24, 2023, to allow for additional public comment and further review of the amendments; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on June 29, 2023; and

WHEREAS, City Council found that the amendments to Chapter 230 Zoning Code are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is hereby amended to modify/clarify specific requirements within the City Code, Chapter 230, ZONING CODE.

Section 2. Sections 230-4, 230-9, 230-10, 230-11, 230-12, 230-13, 230-13.1, 230-14, 230-15, 230-16, 230-17, 230-18, 230-19, 230-19.1, 230-19.2, 230-19.3, 230-19.4, 230-19.8, 230-20, 230-21, 230-24.11, 230-30, 230-39, 230-41, 230-42, 230-47, 230-51, 230-53, 230-58 are hereby amended and/or renumbered.

Section 3. Strikethrough text denotes a deletion; underlined, and bold text denotes an addition.

Chapter 230 - ZONING CODE
ARTICLE I - General Provisions

§ 230-4. - Definitions and word usage.

- A. Definitions. For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

ABOVEGROUND STORAGE TANK (AST) — An AST is a single containment vessel greater than 250 gallons as defined in the Delaware Regulations Governing Aboveground Storage Tanks. ASTs with a storage capacity greater than 12, 499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene, are subject to the design, construction, operation, and maintenance requirements of the Delaware AST regulations.

ACCESSORY APARTMENT — A separate complete housekeeping unit that is contained within the structure of a single-family detached dwelling.

ACCESSORY COTTAGE — A separate and subordinate dwelling unit that is located on the same lot as a single-family detached dwelling but is contained in a detached garage or other outbuilding.

ACCESSORY DWELLING — An accessory apartment or accessory cottage.

ACCESSORY SMALL SCALE SOLAR & WIND ENERGY SYSTEMS – A device or structural design feature for primary purpose of which is to provide for the collection, storage and distribution of energy for heating or cooling, electricity generating, or water heating for the purpose of reducing or meeting on-site needs.

ACCESSORY USE OR STRUCTURE — A use or building structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.

ALCOHOLIC BEVERAGE — Any fermented liquor or malt beverage, such as wine, beer, or distilled spirit that contains ethyl alcohol, or ethanol, as an intoxicating agent.

ALLEY — A public or private way affording only secondary means of access to abutting property. This definition is not intended to include utility alleys, which are easements not open to public traffic and intended solely for the placement and maintenance of utilities.

APPLICANT — A person, firm, or government agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated.

AQUIFER — A geological formation, group of formations or part of a formation composed of rock, sand, or gravel capable of storing and yielding groundwater to wells.

BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room.

BED-AND-BREAKFAST — A private owner/owner representative occupied residence with one to six guestrooms. The bed-and-breakfast is subordinate and incidental to the main residential use of the building.

BEDROOM — A room not less than 80 square feet which, because of limited access and separation from the living areas, is intended or may be used for sleeping.

BERTH (LOADING) — A space for an automotive vehicle or truck to load or unload its cargo.

BUILDING — Any structure having a roof supported by columns or walls used for the shelter, housing or enclosure of persons, animals or property.

BUILDING, ACCESSORY — A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs or and to the mean height between the eave and ridge for other types of roofs.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which it is situated.

CERCLA HAZARDOUS SUBSTANCES — Defined in terms of either those substances specifically designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), otherwise known as the "Superfund Law," or those substances identified under other laws. In all, the Superfund Law includes references to four other laws to designate more than 800 substances as hazardous and identify many more as potentially hazardous due to their characteristics and the circumstances of their release.

COMMISSION — The Planning Commission of the City of Milford, Delaware.

COMMUNITY ENERGY GENERATING FACILITY – A renewable energy generating facility, no larger than fifty (50) acres in size, that serves multiple customers who share the output of the generator, which may be located either as a stand-alone facility or behind-the-meter of a participating owner or customer. The facility shall be interconnected to the distribution system and operated in parallel with an electric distribution company’s transmission and distribution facilities.

~~COMMUNITY RESIDENTIAL TREATMENT PROGRAM — A planned program of care consisting of full-time or part-time programmatic supervision, counseling and/or therapy; such residence program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are persons who have disabilities with aging. A community residential program does not include skilled nursing care.~~

CONDITIONAL USE — A use which is not appropriate in a particular zoning district as a matter of right but which may be suitable in certain locations within the district only when specific conditions or requirements prescribed for such cases within this chapter are met. Conditional uses are allowed or denied by the City Council after recommendation by the Planning Commission.

CONTAMINATION — Any physical, chemical, biological, or radiological substance that enters the hydrological cycle through human action and may cause a deleterious effect on groundwater resources; it shall include but is not limited to hazardous waste, limiting nutrients, and sanitary sewage.

DECK — A roofless, floored structure, typically with a railing, that adjoins a residence.

DELINEATION — The process of defining and/or mapping a boundary that approximates the areas that contribute water to a particular water source used as a public water supply.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DEVELOPMENT ADVISORY COMMITTEE — A committee comprising of City Department staff, representatives of the Delaware Department of Transportation, Delaware Department of Natural Resources and Environmental Control, Conservation District, State Fire Marshal, and such other professional and technical representatives as may be deemed necessary by the Planning Director. The Committee shall function as an advisory body to the Planning Department with regard to design requirements, improvement specifications and other applicable standards relating to the design and construction of subdivisions and land developments.

DWELLING — Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed to include an automobile court, rooming house, tourist home, hotel, hospital, nursing home, dormitory or fraternity or sorority house.

- (1) APARTMENT — A room or suite of rooms in a multifamily structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.
- (2) SINGLE-FAMILY DETACHED DWELLING — A dwelling unit accommodating a single family and having two side yards.
- (3) SINGLE-FAMILY SEMIDETACHED DWELLING or DUPLEX — Two units accommodating two families, which units are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.
- (4) TWO-FAMILY DETACHED DWELLING — Two dwelling units accommodating two families, which units are located one over the other, and having two side yards.
- (5) SINGLE-FAMILY ATTACHED OR TOWNHOUSE DWELLING — A single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two sides.
- (6) MULTIFAMILY DWELLING — A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units. Includes garden or low-rise apartments.

DWELLING UNIT — One or more rooms, including a kitchen or kitchenette and sanitary facilities, in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

EMERGENCY SHELTER FACILITY – A facility maintained for the purpose of providing accommodations for persons who are in need of temporary housing or shelter.

ENERGY SYSTEM UTILITY SCALE SOLAR & WIND – A renewable energy generating facility, located in the service area of a utility under the regulation of the PJM Interconnection LLC Regional Transmission Authority or successor agency, which is stand-alone, and sells energy directly into the power grid.

ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) — A report required by this chapter that assesses the environmental characteristics of a source water protection area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action that would increase impervious cover beyond the recommended twenty-percent threshold.

EXCELLENT GROUNDWATER RECHARGE POTENTIAL AREA — Those areas with high percentages of sand and gravel that have "excellent" potential for recharge as determined through a stack unit mapping analysis delineated by the Delaware Geological Survey and presented in the Report of Investigations No. 66, Groundwater Recharge Potential Mapping in Kent and Sussex Counties, Delaware, Geological Survey, 2004.

FAMILY — One or more persons related by blood or marriage or adoption or a group of no more than five unrelated persons living together as a household in a dwelling.

FIREWOOD — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, not including hallways, stairways, cellars, attics, utility rooms, bathrooms, closets, unheated areas, rooms without at least one window or skylight opening to an outside yard or court, garage space or accessory building space. Habitable floor area shall be measured from the inside face of exterior walls or the center line of walls separating two dwelling units. Every area designated as habitable floor area shall have a ceiling height of not less than seven feet.

GARAGE, PRIVATE PARKING — A building or portion thereof used only for storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

GARAGE, PUBLIC PARKING — A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

GARAGE, STORAGE — A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.

GASOLINE SERVICE STATION — Any area of land, including structures, that is used for the sale of gasoline or other motor vehicle fuel or for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

GEOLOGIST — An individual who is registered in the State of Delaware to practice the profession of geology.

GOVERNING BODY — The City of Milford Council.

GROUNDWATER — The water contained in interconnected pores located below the water table in an unconfined aquifer or located in a confined aquifer.

GROUP HOME FOR THE CARE OF DISABLED OR ELDERLY PERSONS – A community based residential dwelling for persons with disabilities or elderly persons in which more than four, but not more than 10, unrelated individuals live together, prepare their meals together, and function as a single-housekeeping unit using certain rooms and housekeeping facilities in common. Persons with disabilities shall include persons as defined by the Delaware Fair Housing Act and the Americans with Disabilities Act to include those persons with a physical or mental impairment which substantially limits one or more of such person’s major life activities; persons

with a record of having such impairment; and persons being regarded as having such impairment; but not including persons currently illegally using a controlled substance. Staffing is required as outlined by the appropriate State licensing or approval agency.

GROUP HOMES, OTHER THAN FOR THE CARE OF DISABLED AND ELDERLY PERSONS – A community-based residential dwelling, halfway house or treatment center operated with a single-family orientation in which more than four, but not more than 10 individuals, live together, prepare their meals together, and function as a single housekeeping unit, using certain rooms and housekeeping facilities in common. Staffing is required as outlined by the appropriate State licensing or approval agency.

HABITABLE ROOM — A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.

HAZARDOUS SUBSTANCE UST SYSTEM — Underground storage tank system that contains a hazardous substance defined in 101(14) of the CERCLA (but not including any substance regulated as a hazardous waste under RCRA Subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

HAZARDOUS WASTE — A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential a hazard to human health or the environment when improperly treated, stored, transported, or dispose of, or otherwise managed. Without limitation, included within this definition are those hazardous wastes described in Sections 261.31, 261.32, and 261.33 of the Delaware Regulations Governing Hazardous Waste.

HOME OCCUPATION, MAJOR — A home occupation that does not meet one or more of the criteria for a minor home occupation.

HOME OCCUPATION, MINOR — A profession or occupation that is carried on within a residential property that is incidental and secondary to the residential use.

IMPERVIOUS COVER — Surfaces providing negligible infiltration such as pavement, concrete, graded aggregate, and buildings, exclusive of swimming pool water surfaces.

JUNK — Includes scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition but subject to being dismantled. Automobiles in operable condition or bearing a current inspection sticker are not included as junk.

JUNKYARD — Buildings, structures or premises where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards but not including the purchase or storage of used furniture and household equipment or used cars in operable condition or bearing a current inspection sticker or recycling facilities.

LOT — A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this chapter.

- (1) LOT, CORNER — A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.
- (2) LOT DEPTH — The mean horizontal distance between the front and rear lot lines.
- (3) LOT LINES — The property lines bounding a lot.
 - (a) LOT LINE, FRONT — The line separating the lot from a street.
 - (b) LOT LINE, REAR — The lot line opposite and most distant from the front lot line.
 - (c) LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."
 - (d) LOT LINE, STREET OR ALLEY — A lot line separating the lot from a street or alley.
- (4) LOT WIDTH — The width of the lot between side lot lines at the street.
- (5) LOT AREA — The computed area contained within the lot lines.
- (6) LOT COVERAGE - The percent of a lot which is covered, or planned to be covered, with impervious surfaces.

MANUFACTURED HOME – A single-family dwelling unit fabricated in an off-site manufacturing facility bearing a label certifying that the unit is built in conformance with Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280), transportable in one or more sections which, in the traveling mode, is eight feet or more in width, or 40 feet or more in length, and built on a permanent chassis designed for use with or without a permanent foundation when connected to the required utilities.

MOBILE HOME — A transportable single-family dwelling **to be used as a year-round dwelling and built prior to the enactment of the Federal Manufactured Housing Act of 1974, which became effective June 1976.** intended for permanent occupancy, office or place of assembly, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and is constructed so that it may be used without a permanent foundation, but excluding prefabricated homes or sections thereof which, when assembled, are over 19 feet in width.

MODEL HOME (SAMPLE HOME)/SALES OFFICE – A dwelling unit in a subdivision used as a sales office, or a modular unit used as a sales office for a subdivision.

MODULAR HOME – A factory built home constructed to be placed on a permanent foundation and certified as meeting the building code as applicable to modular housing. Once certified as meeting the standards of the building code, the home shall be subject to the same standards as site-built homes.

NATURAL CONDITION — Open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use.

NONCONFORMING LOT — A lot of record which conformed to the lawful minimum width and minimum area requirements for the zone in which it is located prior to the adoption or

amendment of this chapter but which fails to conform to the requirements of this chapter for the zone in which it is located by reason of such adoption or amendment.

NONCONFORMING USE OR BUILDING — A building, structure or use legally existing at the effective date of this chapter, or any amendment thereto, or a building, structure or use planned and the construction of which has begun in compliance with existing laws prior to the effective date of this chapter, or amendment thereto, and which does not conform to the use regulations of the district in which located.

OPEN SPACE — Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provisions of this Chapter. Open space excludes areas in lots, street rights-of-way and parking. **OUTDOOR WOODBURNING FURNACE** — An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

PARKING AREA, PRIVATE — An open area for the same uses as a private garage.

PARKING LOT — An area, other than a street or other public way, which contains more than one parking space and is used for the storage or parking of automobiles for any period of time.

PARKING SPACE — A paved accommodation used for parking motor vehicles and to which there is access from a street or alley.

PASSIVE RECREATION — Recreational uses, areas or activities oriented to noncompetitive activities which either require no special equipment or are natural areas.

PERMITTED USE — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

PLANNED UNIT DEVELOPMENT — A development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development. The area of land required for a planned unit development shall be at least 10 contiguous acres except in the City Core area where the required area shall be two acres. For purposes of this definition the City Core area shall be identified as follows:

Starting at the location of the intersection of the center line of US 113 and the center line of DE 14 (also known as NW Front Street in Milford, Delaware), and

Proceeding east along the center line of DE Route 14 (NW Front Street) to the intersection of the center line of DE Route 14 (NW Front Street) and the center line of Truitt Avenue, and

Proceeding north along the center line of Truitt Avenue to the intersection of the center line of Truitt Ave and North Third Street, and

Proceeding east along the center line of North Third Street to the intersection of the center line of North Third Street and the center line of West Street, and

Proceeding north along the center line of West Street to the intersection of the center line of West Street and the center line of North Fourth Street, and

Proceeding east along the center line of North Fourth Street to the intersection of the center line of North Second Street, and

Hence approximately 290 feet N 50° W along the nearest property lines and hence approximately 1,470 feet N 35° E along the nearest property lines to the center line of Business Route 1 (also known as Rehoboth Boulevard), and

Proceeding southeast along the center line of Business Route 1 to the intersection of the center line of Business Route 1 and South East Front Street, and

Proceeding west along the center line of South East Front Street to the intersection of the center line of South East Front Street and the center line of Walnut Street, and

Proceeding south along the center line of Walnut Street to the intersection of the center line of Walnut Street and the center line of Causey Avenue, and

Proceeding west along the center line of Causey Avenue to the interception of the center line of Causey Avenue and center line of the railroad right-of-way (also known as the Norfolk Southern tracks), and

Hence approximately 3,280 feet N 70° W along the north shore of Silver Lake as mapped by a solid blue line on the 1993 US Geological Survey Milford DE 7 1/2 minute quadrangle map, to the center line of the north-bound lanes on the US Route 113 bridge over Silver Lake, and

Proceeding north along the center line of the northbound lanes of US Route 113 to the point of beginning at the intersection of the center line of the northbound lands of US Route 113 and the center line of DE Route 14 (also known as Northwest Front Street).

PROFESSIONAL OFFICE — Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, planner, engineer, insurance agent, financial advisor, realtor, accountant, lawyer, author or similar professional activity.

PUBLIC DRINKING WATER SYSTEM — A community, noncommunity, or nontransient, noncommunity water system which provides piped water to the public for human consumption. The system must have at least 15 service connections or regularly serve at least 25 individuals daily for at least 60 days.

PUBLIC USE — Includes governmental-owned uses such as schools, parks, civic centers, historical properties, fire stations, municipal buildings, essential public utilities that require enclosure within a building, airports and easements for alleys, streets and public utility rights-of-way.

PUBLIC WATER SUPPLY WELL — Any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.

RECREATIONAL VEHICLE — A vehicle that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a mobile home. Such structures shall not be considered dwelling units to be occupied for long term or permanent occupation.

REDEVELOPMENT — Any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility.

RIGHT-OF-WAY — Land reserved for use as a street, alley or interior walk or for other public purpose.

ROOMING OR BOARDING HOUSE — A building or portion of a building that is arranged or used for the sheltering and feeding of more than three individuals.

RUNOFF — That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on land or impervious surfaces and discharges to a swale, ditch or stream.

SHOPPING CENTER – A retail commercial complex of four or more establishments, which is designed, developed, operated and controlled by a single-ownership, with accessory off-street parking located on the site to serve jointly all establishments in the complex.

SHORT-TERM RENTAL (30 DAYS OR LESS) – Renting of a furnished home or portion of a home listed for use on a daily or weekly basis in a residential district and not considered commercial lodging. Can be listed online (“Air Bnb”, “HomeAway”, or similar sites) or in physical media (newspaper, bulletin boards, etc.). If a stay is longer than 30 consecutive days, then this is not considered a short term rental and the conditions would not apply.

SKEWING — The design of a lot where a straight lot line is not practical. Therefore, a lot line or lines will run at a slant, and the lot will not be perfectly equal on all sides.

SOURCE WATER — Any aquifer from which water is drawn either periodically or continuously by a public water system.

SOURCE WATER ASSESSMENT AND PROTECTION PROGRAM (SWAPP) — Created by Congress as part of the Safe Drinking Water Act Amendments of 1996. The goal of the SWAPP is to better protect public drinking water resources by providing local and state governments and the public more information about those resources. The susceptibility of each source of public drinking water to various types of contamination will be determined and published.

SOURCE WATER ASSESSMENT AREA — The area delineated by the DNREC Source Water Assessment and Protection Program that contributes water to a public water supply system.

SOURCE WATER ASSESSMENT PLAN — The October 1999 U.S. EPA-approved plan for evaluating the sources of public drinking water in Delaware for their vulnerability and susceptibility to contamination.

SOURCE WATER ASSESSMENT REPORT (SWAP) — The identification and evaluation of the sources of water within the state used by public water systems in an effort to determine their vulnerability and susceptibility to contamination.

SOURCE WATER PROTECTION AREA — Wellhead protection areas and excellent groundwater recharge potential areas.

STACK or CHIMNEY — Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.

STORMWATER — The runoff of water from the surface of the land resulting from precipitation or snow or ice melts.

STORMWATER MANAGEMENT

- (1) For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land-disturbing activities or activities upon the land; and
- (2) For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land-disturbing activities or activities upon the land.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

- (1) STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
- (2) STORY, FIRST — The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

STRUCTURE — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including stationary and portable carports.

TINY HOUSE – A dwelling unit containing 400 square feet in area or less and certified as meeting the building code as applicable to tiny houses. Once certified as meeting the standards of the building code, the home shall be subject to the same standards as site-built homes unless otherwise indicated in this chapter.

UNDERGROUND STORAGE TANK (UST) — A UST is one or a combination of tanks, including underground pipes, the volume of which is 10% or more belowground, as defined in the Delaware Regulations Governing Underground Storage Tank Systems. The following USTs are not subject to the design, construction, operation, and maintenance requirements of the Delaware UST Regulations: residential heating fuel, agricultural, and residential motor fuel USTs less than 1,100 gallons and any UST less than 110 gallons.

VACANT PROPERTY — Lands or buildings that are not actively used for any purpose as designated in the underlying zoning district/overlay for one year.

VARIANCE — The Board of Adjustment's authorized departure to a minor degree from the text of this chapter in direct regard to a hardship or exceptional practical difficulty peculiar to an individual lot, in accordance with the procedures set forth in this chapter.

VEHICLE HEIGHT — A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.

VEHICLE LENGTH — A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.

WASTEWATER — Solid, semi-solid or water-carried waste from septic tanks, water closets, residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, subsurface water, and mixtures of industrial wastes or other wastes as may be present.

WATER QUALITY — Those characteristics of stormwater runoff from an impervious surface or a land-disturbing activity that relate to the chemical, physical, biological, or radiological integrity of water.

WATER QUANTITY

- (1) Those characteristics of stormwater runoff that relate to the volume of stormwater runoff to downstream-gradient areas resulting from land-disturbing activities.
- (2) Those characteristics of stormwater that relate to the volume of stormwater that infiltrates the land surface and enters the underlying aquifer.

WELLHEAD — The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

WELLHEAD PROTECTION AREAS (WHPA) — Surface and subsurface areas surrounding public water supply wells or well fields where the quantity or quality of groundwater moving toward the wells or well fields may be adversely affected by land use activity.

WELLHEAD PROTECTION PLAN — The March 1990 U.S. EPA-approved plan for protecting the quality of drinking water derived from public water supply wells in Delaware.

YARD — An open space as may be required by this chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted in this chapter.

- (1) **YARD, FRONT** — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter. The front yard is measured from the right-of-way line.
- (2) **YARD, REAR** — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.
- (3) **YARD, SIDE** — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

YARD SALE or GARAGE SALE — A permitted temporary sales activity principally involving household items and/or consumer goods, conducted by the owner (or residential tenant) of real property upon said property which is residentially zoned and used primarily for residential purposes. A yard sale is typically limited to a one-day event but not longer than two consecutive days. Provided however, that such temporary sales activity shall, under no circumstances, last more than four total days during any particular calendar year upon any real property.

ZONING MAP — The Official Zoning Map of the City of Milford, Delaware.

- B. Words not defined in Subsection A. Words not defined above shall have the meanings given in Webster's Unabridged Dictionary.
- C. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure"; the word "occupied" includes the words "designed or intended to be occupied"; and the word "used" includes the words "arranged or intended to be used."

ARTICLE 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, **and small scale solar & wind energy systems** may be located in any required side or rear yard provided:
 - (a) The primary residence must exist or be under construction.
 - (b) All such buildings in the aggregate shall not occupy more than 30 percent of the area of the required rear and side yard.
 - (c) 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.
 - (e) **Accessory small scale solar & wind energy systems which are attached to a principal structure or other accessory structure must meet the area regulations for principal structures and accessory structures outlined in this Chapter.**
 - (6) **Chicken Hens. The keeping of chickens at single-family detached dwellings and single-family semi-detached separately owned dwellings are permitted provided the following conditions are met.**
 - (a) **No more than four chicken hens shall be kept per property.**
 - (b) **Keeping of roosters shall be prohibited.**

- (c) Slaughtering of chickens shall be prohibited.
- (d) All chicken hens shall be housed in a roofed coop that is stationary, secure and enclosed in a way that contains the chickens.
- (e) The minimum coop size shall be three square feet per chicken. The maximum overall coop size shall not exceed 20 square feet.
- (f) An outside run is permitted when attached to the coop.
- (g) If an outside run is provided, it shall be no bigger than 10 square feet per chicken and shall be enclosed in a way that contains the chickens.
- (h) The coop and outside run shall be constructed in a rear yard and shall not be within 30 feet of any main building on an adjacent lot.
- (i) All coops and runs are subject to setbacks for accessory structures.
- (j) All coops and runs shall be screened from the view at ground level from adjacent lots by using fencing, landscaping, or a combination thereof.
- (k) Chickens shall be registered with the Delaware Department of Agriculture.
- (l) A building permit shall be required for the construction of the coops and outside runs.

(76) Home occupational/office (subject to the following special requirements):

- (a) The business activity shall be compatible with the residential zoning of the property and surrounding uses.
- (b) 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 use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.
- (d) 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) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (f) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (g) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.
- (h) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (i) The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 30 percent of the total floor area for the principal residential structure.

- (j) As long as all other criteria is met, more than one home occupation shall be permitted per lot or dwelling.
- (k) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.
- (l) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character.
- (m) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.
- (n) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation.
- (o) Prohibited minor home occupations. Minor home occupations shall not include the following uses:
 - [1] Animal shelter, commercial kennel or veterinary office;
 - [2] Rooming or boarding home;
 - [3] Bed and Breakfast;
 - [4] Funeral home;
 - [5] Restaurant;
 - [6] Outdoor café;
 - [7] Club or lodge;
 - [8] Medical or dental office;
 - [9] Retail shop;
 - [10] Rental business;
 - [11] Furniture stripping;
 - [12] Auto or small engine repair;
 - [13] Painting of vehicles, trailers, or boats;
 - [14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;
 - [15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;
 - [16] Welding shop;
 - [17] Other uses of similar character to those listed above.

(87) 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.

(9) Group Home, for the care of disabled or elderly persons.

(10) Model home (Sample Home)/Sales Office

(11) Short-term Rental.

(a) The structure rented must be a legal residential unit in the zoning district either as the principal dwelling, a room or area within said dwelling, or an approved accessory dwelling unit. In no case shall a tent, recreational vehicle, or travel trailer be used as a short-term rental.

(b) The primary unit shall remain owner occupied.

(c) Trash service requested from the property cannot be increased as part of this use.

(d) No more than one listing can occur per property and must be habitable space as defined by this chapter.

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.
- (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) 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.
- (5) Accessory dwelling units. Accessory dwelling units include accessory apartments and accessory cottages and are subject to the following requirements;
 - (a) One dwelling unit on the property shall be owner-occupied. A notice and declaration of land use restriction to this effect shall be signed and recorded prior

to issuance of a certificate of use and/or building permit for the accessory dwelling unit.

- (b) Only one accessory dwelling unit (either apartment or cottage) shall be permitted per property.
- (c) Accessory Apartments.
 - [1] Accessory apartments are only permitted within single-family detached dwellings.
 - [2] The floor area of an accessory apartment shall not exceed 35% of the single-family detached dwelling.
- (d) Accessory Cottages.
 - [1] An accessory cottage shall contain at least 220 square feet of floor area. The floor area of an accessory cottage shall not exceed 40% of the floor area of the single-family detached dwelling to which it is accessory or 1,200 square feet, whichever is greater.
 - [2] For an accessory cottage which will be a new structure, the exterior materials, roof form, and window spacing and proportions of the accessory cottage shall approximate those of the existing or proposed single-family detached dwelling.
 - [3] For an accessory cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family detached dwelling, but any exterior modification should be consistent with the architectural style of that structure unless the building is upgraded per the requirements for new structures.
 - [4] Accessory cottages shall comply with the principal structure setbacks for the respective zoning district, unless the accessory cottage is located within an existing garage or other outbuilding, for which the structure must meet the accessory structure setbacks for the respective zoning district.
- (6) 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) Major home occupations shall be permitted only in single-family detached dwellings or an accessory structure to a single-family detached dwelling
 - (b) 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 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) 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) 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) 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) 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.
- (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 development, see requirements in Chapter 230-19.9.
 - (11) Bed-and-breakfast, subject to the following requirements:
 - (a) The bed-and-breakfast establishment does not adversely affect the residential character of the neighborhood and such use is carried on in an existing residential structure.
 - (b) The building proposed for use as a bed-and-breakfast must have the owner of the bed-and-breakfast residing in the building as his/her principal residence.
 - (c) The serving of meals shall be limited to breakfast and afternoon tea for overnight guests and customers.
 - (d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
 - (e) No exterior alterations other than a sign and those required by law to ensure the safety of the structure shall be made.

- (f) The bed-and-breakfast operation shall not use more than 50% of the floor area of the principal residence. Common areas such as the kitchen, foyer, living room or dining room are not included in this calculation.
- (g) No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than 20 feet. Sidewalks shall not be illuminated by lighting fixtures higher than 15 feet. Exterior lighting shall be shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.

(12) Funeral Home or undertaker

(13) Group Home, other than for the care of disabled and elderly persons.

(a) The lot on which the group home is proposed shall not be located within 500 feet of a lot on which another group home is located.

(b) All required state licenses and permits for such a facility shall be obtained prior to the issuance of a Certificate of Occupancy for said use and shall be maintained as current throughout the period of such usage as a group home.

(c) Floor plans and a plot plan shall be submitted with the application.

(d) No alteration, addition, or other structural change to the interior or the exterior of any single-family building in which a group home is proposed to be located shall be permitted if such alteration, addition, or other structural change would alter the essential single-family character of the building.

(14) Emergency shelter facility.

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

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%.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed 35 feet. Accessory buildings **or structures** shall not exceed 15 feet in height.
- (5) Minimum front yard 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) 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: **Permitted uses of the R-2 District shall be as follows:** ~~all permitted uses in the R-1 District.~~
 - (1) All permitted uses in an R-1 District.**
 - (2) Single-family semidetached dwelling.**
- 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.~~
- D. Area regulations.
 - (1) For permitted uses and single-family semidetached dwellings not separately owned:
 - (a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 80 feet.
 - (d) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - (e) Minimum front yard setback line shall be 30 feet.

- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
 - (g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.
- (2) For single-family semidetached dwellings separately owned:
- (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 40 feet.
 - (d) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - (e) Minimum front yard setback line shall be 30 feet.
 - (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
 - (g) Side yard shall be provided as follows: each lot shall have one side yard a minimum width of eight feet.
- (3) Parking shall comply with the requirements provided in Article IV of this chapter.
- (4) Signs shall comply with the requirements of Article VI of this chapter.
- (5) Landscape screening shall comply with the requirements of Article V of this chapter.
- (6) Open space and recreational amenities shall comply with Chapter 230-19.7.
- (7) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (8) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
- (9) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

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

- A. Purpose. The purpose of the R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.
- B. Permitted uses. Permitted uses for the R-3 District shall be as follows:

- (1) All permitted uses in an R-2 District
 - ~~(2) Single family semidetached dwellings.~~
 - ~~(23) Two-family dwellings.~~
 - ~~(34) Townhouses.~~
 - ~~(45) Garden Apartments.~~
- C. Conditional uses subject to special regulations. All uses specified as conditional uses in the R-1 District and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter and are subject to the area regulations for the R-1 zoning district unless otherwise noted below:
- (1) Rooming or boarding houses.
 - (2) Business or Professional offices (nonresident); minimum lot size one acre.
 - (3) Nursing homes; minimum lot size one acre.
 - (4) Manufactured mobile-home parks.
 - (5) Tiny Home Village.** subject to conformance with the following requirements and subject to site plan review:
 - ~~(a) The total area to be developed as a mobile home park shall be at least 20 acres.~~
 - ~~(b) The maximum density shall not exceed eight units per acre.~~
 - ~~(c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.~~
 - ~~(d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.~~
 - ~~(e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.~~
 - ~~(f) Off street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on street parking.~~
 - ~~(g) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.~~
 - ~~(h) Minimum requirements for mobile home lots.

 - ~~{1} Lot area shall be 5,000 square feet per mobile home.~~
 - ~~{2} Width shall be 40 feet.~~
 - ~~{3} Public street setback shall be 50 feet.~~~~

- ~~{4} Mobile home park setback shall be 35 feet.~~
- ~~{5} Mobile home street or parking area setback shall be 30 feet.~~
- ~~{6} Distance from other mobile homes and buildings shall be 25 feet.~~
- ~~{7} One patio shall be required per unit, 10 feet by 40 feet paved.~~
- ~~{8} Landscaping shall be one tree per lot.~~
- ~~{9} Mobile homes must meet the requirements of the Federal
Manufacturer Housing Construction and Safety Standard Act of 1974.~~
- ~~{10} The entire lot occupied by a mobile home park shall be maintained in
single ownership throughout the entire life of the mobile home park.~~

D. Area regulations.

- (1) Single-family and two-family dwellings shall be subject to the following area regulations:
 - (a) Minimum lot area shall be 7,500 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 60 feet.
 - (d) Minimum front yard setback line shall be 30 feet.
 - (e) Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.
 - (f) Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (2) Single-family semidetached
 - (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 40 feet.
 - (d) Minimum front yard setback line shall be 30 feet.
 - (e) Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.
 - (f) Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (3) Townhouses or row dwellings, subject to the following requirements:
 - (a) Minimum townhouse project size shall be one acre.
 - (b) Minimum lot area shall be 2,000 square feet.
 - (c) Maximum lot coverage shall be 60%.

- (d) Minimum lot width shall be 20 feet.
 - (e) Minimum front yard setback line shall be 30 feet.
 - (f) Minimum rear yard setback shall be 30 feet.
 - (g) Minimum side yard setback shall be 10 feet, aggregate 30 feet.
 - (h) The number of dwelling units per group shall not exceed eight nor be fewer than three.
 - (i) The number of dwelling units per acre shall not exceed 12.
 - (j) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.
- (4) Garden or low-rise apartments, subject to the following requirements:
- (a) Minimum apartment project size shall be one acre, with a minimum of 2,500 square feet of lot area for each dwelling unit.
 - (b) Maximum lot coverage shall be 80%.
 - (c) Minimum lot width shall be 50 feet.
 - (d) Minimum front yard setback shall be 30 feet.
 - (e) Minimum rear yard setback shall be 30 feet.
 - (f) Minimum side yard setback shall be 20 feet.
 - (g) The maximum number of dwelling units per building shall be 24.
 - (h) The number of dwelling units per acre shall not exceed 16.
 - (i) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.

(5) Manufactured Home Parks

- (a) The total area to be developed as a mobile home park shall be at least one acre.**
- (b) The number of dwelling units per acre shall not exceed 8.**
- (c) Maximum lot coverage shall be 60%.**
- (d) Minimum lot width shall be 40 feet.**
- (e) Minimum lot area shall be 4,000 square feet.**
- (f) Minimum front yard setback shall be 25 feet.**
- (g) Minimum rear yard setback shall be 15 feet.**
- (h) Minimum side yard setback shall be 8 feet.**
- (i) Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.**

(6) Tiny Home Village

(a) The total area to be developed as a tiny home village shall be at least one acre.

(b) The number of dwelling units per acre shall not exceed 8.

(c) Maximum lot coverage shall be 60%.

(d) Minimum lot width shall be 40 feet.

(e) Minimum lot area shall be 4,000 square feet.

(f) Minimum front yard setback shall be 25 feet.

(g) Minimum rear yard setback shall be 15 feet.

(h) Minimum side yard setback shall be 8 feet.

(i) Tiny homes must meet the requirements of the adopted building code of the City of Milford.

~~(7)~~ Heights of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.

~~(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)~~ Landscape screening shall comply with the requirements provided in Article V of this chapter.

~~(11)~~ Open space and recreational amenities shall comply with the requirements of 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.

§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- B. Permitted uses. Permitted uses for the C-1 District shall be as follows:
 - (1) Single-family detached dwelling.

- (2) Professional Offices.
- (3) Financial institutions, loan companies and banks.
- (4) Personal service establishments.
- (5) Studio for artists, designers, photographers, musicians, sculptors and related uses, including sales.
- (6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.
- (7) Restaurants, excluding fast-food service or franchised food service operated restaurants.
- (8) Retail sales and specialty stores.
- (9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.
- (10) Public parking lot.

~~(11) Off-street parking as an accessory use.~~

(11~~12~~) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric and gas facilities.

(12~~13~~) Community recreation center, as a nonprofit community service.

(13~~14~~) Laundromats.

~~(15) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:~~

~~(a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.~~

~~(b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.~~

~~(c) Minimum lot width shall be at least 250 feet.~~

~~(d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.~~

~~(e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.~~

(14) Group Home, for the care of disabled or elderly persons.

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

(1) Convenience stores with gas pumps.

~~(2) Community residential treatment program.~~

~~(a) These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.~~

~~{1} Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.~~

~~{2} The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.~~

~~{3} The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.~~

~~{4} The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.~~

~~{5} The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.~~

~~{6} The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.~~

~~{7} Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.~~

~~{8} The following documentation will be required to be submitted with the application:~~

~~{a} Site plan, including parking area and landscaped area.~~

~~{b} Floor plan, with elevation drawings or photographs of existing building.~~

~~{c} List of board members, proprietors or governmental officials to whom staff are responsible.~~

~~{d} Written neighborhood relations plan.~~

~~{e} Complaint recording and resolution plan.~~

~~(2)~~ Daycare Centers.

(34) Undertaker or funeral home.

(4) Group Home, other than for the care of disabled and elderly persons.

(a) The lot on which the group home is proposed shall not be located within 500 feet of a lot on which another group home is located.

(b) All required state licenses and permits for such a facility shall be obtained prior to the issuance of a Certificate of Occupancy for said use and shall be maintained as current throughout the period of such usage as a group home.

(c) Floor plans and a plot plan shall be submitted with the application.

(d) No alteration, addition, or other structural change to the interior or the exterior of any single-family building in which a group home is proposed to be located shall be permitted if such alteration, addition, or other structural change would alter the essential single-family character of the building.

(5) Emergency shelter facility.

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

D. Area regulations.

- (1) Minimum lot area shall be 10,000 square feet.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed 35 feet.
- (5) Minimum front yard setback shall be 25 feet.
- (6) Side yards shall be at least 12 feet in width.
- (7) Minimum rear yard shall be 25 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.
- (11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (12) Accessory structures shall be located in the side and rear lot areas.
- (13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

- (14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-13. - C-2 Central Business District.

In a C-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
 - (1) Those permitted uses in the C-1 District.
 - (2) Taverns and tap rooms.
 - (3) Libraries, museums, art galleries and public information centers.
 - (4) Churches and other places of worship.
 - (5) Fraternal, social service, union or civic organization.
 - (6) Publishing, printing and reproduction establishments.
 - (7) Indoor storage facilities as an accessory use to any of the permitted uses in this district.
 - (8) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Planning Director or designee. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
 - (9) Craft distillery and microbrewery establishments, provided that:
 - (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
 - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
 - (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
 - (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means

subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

- (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - [1] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - [2] 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] 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] 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] 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] 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] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

(10) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.

(11) All dwellings other than single-family with a maximum density of 16 units per acre and in conjunction with nonresidential use.

(12) Bed and Breakfast

(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 shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.

C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-1 zoning district and the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

~~(1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.~~

~~(2)~~ Motels and hotels.

~~(3)~~ Instructional, business or trade stores.

~~(4)~~ Fast-food or franchised food service operated restaurants.

~~(5) All dwellings other than single-family with a maximum density of 16 units per acre and in conjunction with nonresidential use.~~

D. Area regulations.

(1) Minimum lot area shall be 2,500 square feet.

(2) Minimum lot width shall be 50 feet.

(3) Height of buildings shall not exceed 35 feet.

(4) There shall be no required front, rear or side yard setback.

- (5) Signs shall comply with the requirements provided in Article VI of this chapter.
- (6) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (7) Parking shall comply with the requirements provided in Article IV of this chapter.
- (8) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (9) Accessory structures shall be located in the side and rear lot areas.
- (10) Accessory structures for residential and non-residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

§ 230-13.1. - C-2A Riverfront Development District.

In a C-2A District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the Riverfront Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units. The district shall be limited to those properties adjacent to the Mispillion River and shall be prohibited along North and South Walnut Street, Northwest Front Street and shall not be allowed within any of the historic districts.
- B. Permitted uses. In a C2-A district, land, buildings or premises shall be used by right for one or more of the following:
 - (1) Those uses permitted in the C-1 District.
 - (2) Libraries, museums, art galleries and public information centers.
 - (3) Fraternal, social service, union or civic organization.
 - (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] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - [2] 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] 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] 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] 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] 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] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

(5) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.

(6) Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.

(7) Bed and Breakfast.

(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.

C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-1 zoning district and the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

~~(1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.~~

~~(2)~~ **(1)** Fast-food or franchised food service operated restaurants.

~~(3) Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.~~

D. Area regulations.

(1) Maximum number of units per acre shall be 16.

(2) Minimum lot area shall be 5,000 square feet.

- (3) Minimum lot width shall be 50 feet.
- (4) Maximum lot coverage shall be 60%
- (5) Minimum 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 rear yard setback shall be 20 feet.
- (8) Height of buildings shall not exceed 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 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) Outdoor commercial recreational facilities, not motorized vehicles.
- (10) Swimming club.
- (11) Indoor facility for amusement or assembly.
- (12) Bus station.

(13) Motels or hotels.

(14) Commercial greenhouse.

(15) Wholesale establishment.

(16) Contractors', craftsmen's or general service shops, including welding and similar shops.

(17) Laboratory, testing and research.

(18) Car wash.

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.~~
- ~~(2) Commercial greenhouse.~~
- ~~(3) Wholesale establishment.~~
- ~~(4) Contractors', craftsmen's or general service shops, including welding and similar shops.~~
- ~~(5) Laboratory, testing and research.~~

(16) Automotive sales.

(27) 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.

(38) Shopping center, subject to the following site requirements:

~~(a)~~ The total shall not be less than one acre.

~~(a)~~ 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.

~~[1]~~ The minimum distance between accessways and a residential district shall be 50 feet.

~~[2]~~ Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

[c] From major intersections: 100 to 150 feet.

~~(b)~~ Setback.

~~[1]~~ From street right of way: 15 feet.

~~[1]~~ From nonresidential districts: 15 feet.

~~[2]~~ From residential districts: 100 feet.

~~(9)~~ Car wash.

~~(4)~~ All uses permitted in the R-3 Zoning District subject to its area regulations.

~~(5)~~ Business, commercial or industrial uses that do not adversely affect neighboring properties.

~~(6)~~ Aquarium.

(7) Community energy generating facility.

(a) The footprint of the solar array, as defined as the by the outer limit of the panels and exclusive of buffers shall be no larger than fifty (50) acres in size.

(b) No more than one Community Solar Energy Facility (SEF) shall be permitted on a parcel. All separate parcels in existence on June 1, 2023, shall be considered original parcels. Future subdivision of an original parcel shall not enable the development of additional Community Solar Energy Facilities.

(c) Facility location and siting shall be in accordance with the requirements of Title 26 Public Utilities of the Delaware Administrative Code, 3001 (Rules for Certification and Regulation of Electric Suppliers) as amended.

(d) Setbacks for the Facility shall be:

[1] Front setback shall be 75 feet.

[2] Side setback shall be 50 feet.

[3] Rear setback shall be 50 feet.

[4] Distance from any off-site dwelling unit shall be 100 feet.

[5] Distance from any State recognized Scenic Byway shall be 150 feet.

[6] Distance from any wetlands shall be 100 feet.

(e) The site area shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[1] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[2] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[3] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[4] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[5] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

(f) The required buffer may be counted toward planting requirements included in this Chapter.

(g) If topsoil is removed for improvements, it shall remain on the site.

(h) Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

(i) A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

(j) Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(k) Abandonment. A Community Energy Generating Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[1] Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.

[2] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[3] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation and/or agriculture.

(l) Decommissioning plan.

[1] A decommissioning plan outlining the anticipated means and costs of removing the solar facility must be submitted, with the application.

[2] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

[3] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

(m) Financial Assurance. The operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar Facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(8) Energy system utility scale solar & wind.

(a) The following are conditions specific to Solar Facilities:

[1] Setbacks for a Solar facility shall be:

[a] Front setback shall be 100 feet.

[b] Side setback shall be 75 feet.

[c] Rear setback shall be 75 feet.

[d] Distance from any off-site dwelling unit shall be 100 feet.

[e] Distance from any State recognized Scenic Byway shall be 150 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] The required setback shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[a] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[b] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[c] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[d] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[e] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

[3] A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

[4] Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(b) The following are conditions specific to Wind Facilities:

[1] Setbacks for a Wind Facility shall be:

[a] Front setback shall be 800 feet.

[b] Side setback shall be 800 feet.

[c] Rear setback shall be 800 feet.

[d] Distance from any off-site dwelling unit shall be 1,000 feet.

[e] Distance from any State recognized Scenic Byway shall be 800 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single poles.

[3] The facility shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

[4] All access roads shall be gated and locked.

[5] All power transmission lines from the tower to any other building or other structure shall be located underground to the maximum extent practical.

[6] No tower shall be lit except to comply with Federal Aviation Administration requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low-glare fixtures, and directing lights at the ground.

[7] All structures in a project shall be finished in a single, non-reflective, matte color or a camouflage scheme.

[8] Signs

[a] No advertising signs are allowed on any part of the WECS, including fencing and support structures.

[b] No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

[c] Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building (or on the tower or building if there is no fence) containing emergency contact information, 911 address, including a local telephone number with 24-hour, 7-days-a-week coverage. The City may require additional signs based on safety needs.

[9] Noise level shall not exceed 50 dBA, including constructive interference at existing off-site residences, businesses, and public buildings.

(c) The following are conditions required for all Utility Solar and Wind Energy Facilities

[1] Required buffers may be counted toward planting requirements included in this Chapter.

[2] If topsoil is removed for improvements, it shall remain on the site.

[3] Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

[4] Abandonment. A Utility Solar or Wind Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Utility Solar Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[a] Physical removal of all solar photovoltaic facilities, wind turbines, structures, equipment, security barriers and transmission lines from the site.

[b] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[c] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

[5] Decommissioning plan.

[a] A decommissioning plan outlining the anticipated means and costs of removing the facility must be submitted, with the application.

[b] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation and/or agriculture.

[c] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

[6] Financial Assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure

payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(9) Emergency shelter facility.

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

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 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height not exceeding 60 feet.
- (5) Minimum front yard setback shall be 30 feet.
- (6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
- (7) Minimum rear yard shall be 50 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.
- (11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (12) Accessory structures shall be located in the side and rear lot areas.
- (13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 10 feet from a principal structure.
- (14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-15. - H-1 Institutional Development District.

In an H-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The intent of the H-1 Institutional Development District is to encourage the development of institutional uses in accordance with an approved plan of development. This district is to provide suitable areas and adequate safeguards for such uses to serve the City of Milford and the surrounding region. **As of July 1, 2023, no new properties shall be zoned H-1 Institutional Development District.**

B. Permitted uses. Permitted used for the H-1 District shall be as follows:

- (1) Medical and surgical hospitals.
- (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.

(6) Nursing homes.

C. Conditional uses subject to special regulations. **There are no listed conditional uses within this zoning district.** 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%.
- (3) Minimum lot width shall be 150 feet.
- (4) Height of buildings shall not exceed 50 feet.
- (5) Minimum front yard 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. **Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be incidental and subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 313: Textile Mills; 314: Textile Product Mills; 315: Apparel Manufacturing; 316: Leather and Allied Product Manufacturing (except 3161 {Hazardous}); 323: Printing and Related Support Activities; 326: Plastics and Rubber Products Manufacturing (except tires 32621{Hazardous}); 3271: Clay Product and Refractory Manufacturing; 327991: Cut Stone and Stone Product Manufacturing; 3322: Cutlery and Handtool Manufacturing; 3323: Architectural and Structural Metals Manufacturing; 3324: Boiler, Tank, and Shipping Container Manufacturing; 3325: Hardware Manufacturing; 3326: Spring and Wire Product Manufacturing; 3327: Machine Shops; Turned Product; and Screw, Nut, and Bolt**

Manufacturing; 3328: Coating, Engraving, Heat Treating, and Allied Activities; 33291: Metal Valve Manufacturing; 332991: Ball and Roller Bearing Manufacturing; 332996: Fabricated Pipe and Pipe Fitting Manufacturing; 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing; 3331: Agriculture, Construction, and Mining Machinery Manufacturing; 3332: Industrial Machinery Manufacturing; 333314: Optical Instrument and Lens Manufacturing; 333316: Photographic and Photocopying Equipment Manufacturing; 3335: Metalworking Machinery Manufacturing; 3336: Engine, Turbine, and Power Transmission Equipment Manufacturing; 3339: Other General Purpose Machinery Manufacturing (except 333913 {Hazardous}); 334: Computer and Electronic Product Manufacturing; 335: Electrical Equipment, Appliance, and Component Manufacturing; 337: Furniture and Related Product Manufacturing; 339: Miscellaneous Manufacturing)

- (3) Wholesale storage, warehousing and distribution centers. 49311: General Warehousing and Storage; 49312: Refrigerated Warehousing and Storage (except for farm products grown on site); 49319: Other Warehousing and Storage)

C. Conditional uses. All uses specified as conditional uses in the OC-1 and BP zoning districts and the following uses are permitted in the I-1 District, in accordance with the provisions within Article IX of this chapter:

~~(1) Airfields or airpark facilities.~~

~~(1) 2) Mini-warehouses or public storage facilities.~~

~~(2) 3) Radio-television facilities.~~

~~(3) 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] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - [2] 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] 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] 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] 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] 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] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

(4) Community energy generating facility.

(a) The footprint of the solar array, as defined as the by the outer limit of the panels and exclusive of buffers shall be no larger than fifty (50) acres in size.

(b) No more than one Community Solar Energy Facility (SEF) shall be permitted on a parcel. All separate parcels in existence on June 1, 2023, shall be considered original

parcels. Future subdivision of an original parcel shall not enable the development of additional Community Solar Energy Facilities.

(c) Facility location and siting shall be in accordance with the requirements of Title 26 Public Utilities of the Delaware Administrative Code, 3001 (Rules for Certification and Regulation of Electric Suppliers) as amended.

(d) Setbacks for the Facility shall be:

[1] Front setback shall be 75 feet.

[2] Side setback shall be 50 feet.

[3] Rear setback shall be 50 feet.

[4] Distance from any off-site dwelling unit shall be 100 feet.

[5] Distance from any State recognized Scenic Byway shall be 150 feet.

[6] Distance from any wetlands shall be 100 feet.

(e) The site area shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[1] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[2] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[3] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[4] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[5] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

(f) The required buffer may be counted toward planting requirements included in this Chapter.

(g) If topsoil is removed for improvements, it shall remain on the site.

(h) Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

(i) A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall

be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

(j) Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(k) Abandonment. A Community Energy Generating Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[1] Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.

[2] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[3] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation and/or agriculture.

(l) Decommissioning plan.

[1] A decommissioning plan outlining the anticipated means and costs of removing the solar facility must be submitted, with the application.

[2] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

[3] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

(m) Financial Assurance. The operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar Facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(5) Energy system utility scale solar & wind.

(a) The following are conditions specific to Solar Facilities:

[1] Setbacks for a Solar facility shall be:

[a] Front setback shall be 100 feet.

[b] Side setback shall be 75 feet.

[c] Rear setback shall be 75 feet.

[d] Distance from any off-site dwelling unit shall be 100 feet.

[e] Distance from any State recognized Scenic Byway shall be 150 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] The required setback shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[a] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[b] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[c] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[d] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[e] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

[3] A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed

for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

[4] Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(b) The following are conditions specific to Wind Facilities:

[1] Setbacks for a Wind Facility shall be:

[a] Front setback shall be 800 feet.

[b] Side setback shall be 800 feet.

[c] Rear setback shall be 800 feet.

[d] Distance from any off-site dwelling unit shall be 1,000 feet.

[e] Distance from any State recognized Scenic Byway shall be 800 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single poles.

[3] The facility shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

[4] All access roads shall be gated and locked.

[5] All power transmission lines from the tower to any other building or other structure shall be located underground to the maximum extent practical.

[6] No tower shall be lit except to comply with Federal Aviation Administration requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low-glare fixtures, and directing lights at the ground.

[7] All structures in a project shall be finished in a single, non-reflective, matte color or a camouflage scheme.

[8] Signs

[a] No advertising signs are allowed on any part of the WECS, including fencing and support structures.

[b] No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

[c] Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building (or on the tower or building if there is no fence) containing emergency contact information, 911 address, including a local telephone number with 24-hour, 7-days-a-week coverage. The City may require additional signs based on safety needs.

[9] Noise level shall not exceed 50 dBA, including constructive interference at existing off-site residences, businesses, and public buildings.

(c) The following are conditions required for all Utility Solar and Wind Energy Facilities

[1] Required buffers may be counted toward planting requirements included in this Chapter.

[2] If topsoil is removed for improvements, it shall remain on the site.

[3] Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

[4] Abandonment. A Utility Solar or Wind Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Utility Solar Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[a] Physical removal of all solar photovoltaic facilities, wind turbines, structures, equipment, security barriers and transmission lines from the site.

[b] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[c] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade

foundations in place in order to minimize erosion and disruption to vegetation.

[5] Decommissioning plan.

[a] A decommissioning plan outlining the anticipated means and costs of removing the facility must be submitted, with the application.

[b] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation and/or agriculture.

[c] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

[6] Financial Assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

- D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the City Council.
- (1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.
 - (2) 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.
 - (3) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
 - (4) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
 - (5) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

- (6) 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.
- (7) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
- (8) 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.
- (9) 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.

E. Area regulations.

- (1) Minimum lot area shall be two acres.
- (2) Maximum lot coverage shall be 75%.
- (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) 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 10 percent of the required rear and side yard of the lot 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.

§ 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 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. Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 3113: Sugar and Confectionery Product Manufacturing; 3114: Fruit and Vegetable Preserving and Specialty Food Manufacturing; 3115: Dairy Product Manufacturing; 3117: Seafood Product Preparation and Packaging; 3118: Bakeries and Tortilla Manufacturing; 3119: Other Food Manufacturing; 3122: Tobacco Manufacturing; 321: Wood Product Manufacturing (except sawmills which are classified elsewhere); 327215: Glass Product Manufacturing Made of Purchased Glass; 482: Rail Transportation; 4882: Support Activities for Rail Transportation; 483: Water Transportation; 4883: Support Activities for Water Transportation).
 - (3) Research, design and development laboratories.
 - (4) Large public utility facilities, or major uses thereof.
- C. Conditional uses. All uses specified as conditional uses in the I-1 zoning district and the following uses are permitted in the I-2 District in accordance with the provisions within Article IX (conditional use portion) of this chapter:
 - ~~(1) Airfields or airpark facilities.~~
 - ~~(1) 2~~ Tractor-trailer storage and parking facilities.
 - ~~(2) 3~~ Farm machinery and truck manufacture, sales, storage and repairs.
 - ~~(3) 4~~ Fertilizer storage and distribution centers.
 - ~~(4) 5~~ Heating, ventilating, cooling and refrigeration manufacturing.
 - ~~(5) 6~~ Trash compaction: transfer station and solid waste management system, not to include hazardous waste.
 - ~~(6) 7~~ Recycling or collection facilities for paper, glass, plastics and metal.
 - ~~(7) 8~~ Grain storage and processing.
 - ~~(8) 9~~ Meat processing, chicken processing and seafood processing.
 - ~~(9) 10~~ Aluminum recycling and smelting (small scale).

(1011) Food and vegetable cleaning, canning and freezing.

- D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by City Council.
- (1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except in areas approved by the Planning Commission during the site plan review hearing.
 - (2) In a planned industrially zoned I-2 District, no building/structure, accessory structure or sign shall be located closer than 250 feet to any existing nonindustrial district boundary.
 - (3) Fencing is required in any and all areas which would pose a threat to public safety and the security of the facility.
 - (4) All front yard areas shall be maintained in a neat and attractive condition. All side and rear yard areas shall be kept uncluttered and free from any conditions that would constitute a safety hazard for employees or anyone visiting the site.
 - (5) 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.
 - (6) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks or chimneys and internal combustion engines must comply with the requirements set forth by the DNREC, State of Delaware.
 - (7) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of DNREC, State of Delaware.
 - (8) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
 - (9) The proposed use shall not endanger the surrounding facilities or communities to the possibility of fire or explosion. All uses shall comply with state regulations which control or govern their operation. There shall be no allowances for the storage of radioactive materials or those materials deemed to be toxic or dangerous.
 - (10) 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.
- E. Area regulations.
- (1) Minimum lot area shall be 2 1/2 acres.
 - (2) Maximum lot coverage shall be 75%.
 - (3) Minimum lot width shall be 150 feet.
 - (4) Maximum building height shall be 50 feet.

- (5) Minimum front yard setback shall be 75 feet.
- (6) Minimum side yard setback shall be 50 feet.
- (7) Minimum rear yard setback shall be 50 feet.
- (8) 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 10 percent of the required rear and side yard of the lot 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.

§ 230-18. - OC-1 Office Complex District.

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. Permitted uses. Permitted uses for the OC-1 District shall be as follows:
 - (1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
 - (2) Television and radio studios (without towers).
 - (3) Professional schools (nonindustrial).
 - (4) Health centers and clinics (medical or dental).
 - (5) Charitable and philanthropic organizations.**
 - (6) Day-care centers.**
 - (7) Indoor or outdoor recreation.**
 - (8) Private clubs or organizations.**
 - (9) Medical/dental laboratories.**

C. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:

~~(1) Charitable and philanthropic organizations.~~

~~(2) Day-care centers.~~

~~(13)~~ (13) Civic and/or conference centers.

~~(4) Indoor or outdoor recreation.~~

~~(5) Private clubs or organizations.~~

~~(6) Medical/dental laboratories.~~

~~(27)~~ (27) Nursing homes.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 100 feet.

(4) Maximum building height shall be 70 feet.

(5) Minimum front yard setback shall be 50 feet.

(6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.

(7) Minimum rear yard setback shall be 25 feet.

(8) 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 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19. - OB-1 Office Building District.

In an OB-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of the OB-1 Office Building District shall be to provide locations for the operation of professional offices of a low-profile, low-traffic category in areas of a residential nature where existing nonresidential buildings/structures are present. In short, this district will

provide such locations that will not detract from the surrounding residential atmosphere of the neighborhood but allow viable businesses to operate in existing buildings/structures.

B. Permitted uses. Permitted uses for the OB-1 District shall be as follows:

- (1) Professional services and administrative activities, including but not limited to architects, engineers, brokers, insurance agents, realtors, physicians, dentists, artists and attorneys, within a single occupancy setting.
- (2) Branch libraries and public information centers.

(3) Government offices serving the public.

C. Conditional uses. Conditional uses shall be as follows:

~~(1) Medical and dental offices in a multiple occupancy setting.~~

~~(12)~~ Day-care centers.

~~(23)~~ Civic or fraternal organizations.

~~(4) Government offices serving the public.~~

D. Area regulations

(1) Minimum lot area.

(a) Existing buildings/structures on site: none.

(b) New construction (conditional use): 1/2 acre.

(2) Maximum lot coverage (building/structure and paved area) shall be no greater than 50%, with the remainder being utilized for plantings and landscaping (new construction, with conditional use). Existing facilities shall not decrease any existing planted or landscaped areas on the site without obtaining a variance for said decrease from the Board of Adjustment.

(3) Minimum lot width.

(a) New construction, with conditional use: 100 feet.

(b) Existing facilities: existing dimension accepted.

(4) Maximum building/structure heights shall not exceed the requirements set forth within this chapter for the residential zoning district in which the building/structure exists.

(5) Minimum front yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the front yard area(s) if the setback is less than 30 feet.

(6) Minimum side yard setback (new construction, with conditional use): 15 feet. Existing facilities shall not be allowed to encroach further into the side yard area(s) if the setback is less than 15 feet.

(7) Minimum rear yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the rear yard area if the setback is less than 30 feet.

(8) 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 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.

§ 230-19.1. - BP Business Park District.

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

- A. The purpose of a Business Park District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas while still providing attractive landscaping, on-site recreation and a better working environment. The emphasis will be on employment rather than warehouse space. Also, the purpose is to provide guidelines and performance standards, which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.
- B. Permitted uses. Permitted uses of the BP District shall be as follows:
 - (1) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices and cafeterias for the exclusive use of in-house staff and employees. **Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be incidental and subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 313: Textile Mills; 314: Textile Product Mills; 315: Apparel Manufacturing; 316: Leather and Allied Product Manufacturing (except 3161 {Hazardous}); 323: Printing and Related Support Activities; 326: Plastics and Rubber Products Manufacturing (except tires 32621{Hazardous}); 3271: Clay Product and Refractory Manufacturing; 327991: Cut Stone and Stone Product Manufacturing; 3322: Cutlery and Handtool Manufacturing; 3323: Architectural and Structural Metals Manufacturing; 3324: Boiler, Tank, and Shipping Container Manufacturing; 3325: Hardware Manufacturing; 3326: Spring and Wire Product Manufacturing; 3327: Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing; 3328: Coating, Engraving, Heat Treating, and Allied Activities; 33291: Metal Valve Manufacturing; 332991: Ball and Roller Bearing Manufacturing;**

332996: Fabricated Pipe and Pipe Fitting Manufacturing; 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing; 3331: Agriculture, Construction, and Mining Machinery Manufacturing; 3332: Industrial Machinery Manufacturing; 333314: Optical Instrument and Lens Manufacturing; 333316: Photographic and Photocopying Equipment Manufacturing; 3335: Metalworking Machinery Manufacturing; 3336: Engine, Turbine, and Power Transmission Equipment Manufacturing; 3339: Other General Purpose Machinery Manufacturing (except 333913 {Hazardous}); 334: Computer and Electronic Product Manufacturing; 335: Electrical Equipment, Appliance, and Component Manufacturing; 337: Furniture and Related Product Manufacturing; 339: Miscellaneous Manufacturing)

- (2) Research, design, testing and development laboratories.
- (3) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
- (4) Business, professional or administrative offices.
- (5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
- (6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be any closer than 500 feet from existing residence, residential district, school or building(s) used for assembly.
- (7) Farm machinery manufacture, sales, storage and repairs.
- (8) Heating, ventilating, cooling and refrigeration manufacturing.
- (9) Building contractor yards.
- (10) Veterinary clinics.
- (11) Beverage blending, bottling (all types).
- (12) Boat manufacture and repair (vessels less than five tons), boat sales and service.
- (13) Dairy operations and dairy products, ice cream and cheese.
- (14) Fruit and vegetable processing, including canning, preserving, drying and freezing.
- (15) Greenhouses, commercial, wholesale or retail.
- (16) Ice manufacture, including dry ice.
- (17) Sign fabrication and painting shops.
- (18) Wood product manufacture, including baskets, boxes, crates, barrels and veneer.

(19) Indoor or outdoor recreation.

C. Conditional uses. The following uses are permitted in the BP District in accordance with the provisions within Article IX (conditional use portion) of this chapter:

- ~~(1) Public, private or professional schools.~~
- ~~(2) Schools for vocational training.~~
- ~~(3) Day care centers.~~

(14) Radio-television facilities.

~~(5) Indoor or outdoor recreation.~~

(26) Craft distillery and microbrewery establishments, provided that:

- (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
- (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
- (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
- (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
- (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

- iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
 - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.
 - v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.
 - vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
 - vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.
- D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by City Council.
- (1) All uses must be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen that may include a fence or wall.
 - (2) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
 - (3) All loading and unloading operations shall be conducted at the side or rear of the building. In the loading and unloading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
 - (4) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).
 - (5) Dust or particle debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

- (6) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.
- (7) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.
- (8) Walls.
 - (a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:
 - [1] Architectural masonry units, excluding concrete block and cinder block.
 - [2] Natural stone.
 - [3] Precast concrete.
 - [4] Steel.
 - [5] Aluminum.
 - [6] Glass materials or their equivalent.
 - (b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.
- (9) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission and/or City Council during site plan or conditional use review.

E. Area regulations.

- (1) Minimum area for a business park will be 40 acres.
- (2) Minimum lot area shall be one acre (43,560 square feet).
- (3) Maximum impervious lot coverage shall be 75%.
- (4) Minimum lot width shall be 150 feet.
- (5) Maximum building height shall be 50 feet.
- (6) Minimum front yard setback shall be 30 feet.

- (7) Minimum side yard setback shall be 15 feet. The setback shall be computed from the berm line, not the property line.
- (8) Minimum rear yard shall be 25 feet. The setback shall be computed from the berm line, not the property line.
- (9) Parking shall comply with the requirements provided in Article IV of this chapter.
- (10) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (11) Signs shall comply with the requirements provided in Article VI of this chapter.
- (12) 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.
- (13) Accessory structures shall be located in the side and rear lot areas.
- (14) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.2. - IS Institutional Service District.

- A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.
- B. Permitted uses.
 - (1) Hospital and all other health-care facilities, including any and all support services related thereto.
 - (2) Outpatient health-care centers and health-care facilities.
 - (3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
 - (4) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
 - (5) Pharmacies.
 - (6) Heliports.
 - (7) Private education institutions and training centers.
 - (8) Nursing facilities, convalescent homes, and a continued-care retirement communities.

- (9) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
 - (10) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
 - (11) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
 - (12) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
 - (13) Ambulance and emergency rescue services.
 - (14) Maintenance and laundry facilities.
 - (15) Libraries
 - (16) Places of worship.
 - (17) Parking areas, including parking facilities.
 - (18) Publicly owned and/or health-related recreation facilities.
 - (19) Rehabilitation facilities.
 - (20) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
 - (21) Auditoriums.
 - (22) Modular office units.
 - (23) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
 - (24) Public and private elementary, junior or senior high schools and colleges.
- C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:
- (1) All residential uses permitted in the R-8 Zoning District subject to its area regulations.
 - (2) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.
 - (3) Places of worship.**
 - (4) Emergency shelter facility.**

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

(5) Community energy generating facility.

(a) The footprint of the solar array, as defined as the by the outer limit of the panels and exclusive of buffers shall be no larger than fifty (50) acres in size.

(b) No more than one Community Solar Energy Facility (SEF) shall be permitted on a parcel. All separate parcels in existence on June 1, 2023, shall be considered original parcels. Future subdivision of an original parcel shall not enable the development of additional Community Solar Energy Facilities.

(c) Facility location and siting shall be in accordance with the requirements of Title 26 Public Utilities of the Delaware Administrative Code, 3001 (Rules for Certification and Regulation of Electric Suppliers) as amended.

(d) Setbacks for the Facility shall be:

[1] Front setback shall be 75 feet.

[2] Side setback shall be 50 feet.

[3] Rear setback shall be 50 feet.

[4] Distance from any off-site dwelling unit shall be 100 feet.

[5] Distance from any State recognized Scenic Byway shall be 150 feet.

[6] Distance from any wetlands shall be 100 feet.

(e) The site area shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[1] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[2] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[3] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[4] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[5] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

(f) The required buffer may be counted toward planting requirements included in this Chapter.

(g) If topsoil is removed for improvements, it shall remain on the site.

(h) Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

(i) A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

(j) Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(k) Abandonment. A Community Energy Generating Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[1] Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.

[2] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[3] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation and/or agriculture.

(l) Decommissioning plan.

[1] A decommissioning plan outlining the anticipated means and costs of removing the solar facility must be submitted, with the application.

[2] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

[3] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

(m) Financial Assurance. The operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar Facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(6) Energy system utility scale solar & wind.

(a) The following are conditions specific to Solar Facilities:

[1] Setbacks for a Solar facility shall be:

[a] Front setback shall be 100 feet.

[b] Side setback shall be 75 feet.

[c] Rear setback shall be 75 feet.

[d] Distance from any off-site dwelling unit shall be 100 feet.

[e] Distance from any State recognized Scenic Byway shall be 150 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] The required setback shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[a] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[b] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[c] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[d] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[e] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

[3] A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

[4] Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(b) The following are conditions specific to Wind Facilities:

[1] Setbacks for a Wind Facility shall be:

[a] Front setback shall be 800 feet.

[b] Side setback shall be 800 feet.

[c] Rear setback shall be 800 feet.

[d] Distance from any off-site dwelling unit shall be 1,000 feet.

[e] Distance from any State recognized Scenic Byway shall be 800 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single poles.

[3] The facility shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

[4] All access roads shall be gated and locked.

[5] All power transmission lines from the tower to any other building or other structure shall be located underground to the maximum extent practical.

[6] No tower shall be lit except to comply with Federal Aviation Administration requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low-glare fixtures, and directing lights at the ground.

[7] All structures in a project shall be finished in a single, non-reflective, matte color or a camouflage scheme.

[8] Signs

[a] No advertising signs are allowed on any part of the WECS, including fencing and support structures.

[b] No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

[c] Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building (or on the tower or building if there is no fence) containing emergency contact information, 911 address, including a local telephone number with 24-hour, 7-days-a-week coverage. The City may require additional signs based on safety needs.

[9] Noise level shall not exceed 50 dBA, including constructive interference at existing off-site residences, businesses, and public buildings.

(c) The following are conditions required for all Utility Solar and Wind Energy Facilities

[1] Required buffers may be counted toward planting requirements included in this Chapter.

[2] If topsoil is removed for improvements, it shall remain on the site.

[3] Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

[4] Abandonment. A Utility Solar or Wind Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Utility Solar Facility that has been

abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[a] Physical removal of all solar photovoltaic facilities, wind turbines, structures, equipment, security barriers and transmission lines from the site.

[b] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[c] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

[5] Decommissioning plan.

[a] A decommissioning plan outlining the anticipated means and costs of removing the facility must be submitted, with the application.

[b] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation and/or agriculture.

[c] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

[6] Financial Assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

D. Area regulations.

- (1) The minimum area to request an Institutional Service District shall be 20 acres.
- (2) Maximum lot coverage shall be 75%.
- (3) Minimum lot width shall be 150 feet.
- (4) Height of buildings, including any hospital structure existing as of the date of enactment of this section, shall not be greater than 140 feet, excluding smokestacks and/or other rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, enclosed mechanical rooms and similar appurtenances).

- (5) Minimum front yard setback shall be 50 feet.
- (6) Side yards shall be a minimum of 50 feet.
- (7) Minimum rear yard setback 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 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (12) Accessory structures shall be located in the side and rear lot areas.
- (13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.3. - IM Institutional Medical District.

- A. Purpose. The Institutional Medical District is intended to achieve the following:
 - (1) To encourage a harmonious pattern of institutional development which can mutually benefit the City of Milford and the institutions themselves.
 - (2) To encourage the development of institutional medical uses in accordance with approved standards and to promote the planning for the location of future health institutional uses serving a regional population.
- B. Permitted uses.
 - (1) Outpatient health-care clinics.
 - (2) Professional offices, medical offices, and medical laboratories involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
 - (3) Private education institutions and training centers related to health care (but not including other trade schools).
 - (4) Nursing facilities and/or convalescent homes.
 - (5) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
 - (6) Data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
 - (7) Parking areas, including parking facilities.
 - (8) Rehabilitation facilities and fitness centers related to health-care fitness and wellness.
 - (9) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and

distribution lines, police and fire stations and substations for electric, gas and telephone facilities.

- (10) Public and private elementary, junior or senior high schools and colleges.
- (11) Cafeteria facilities, snack and gift shops, banking facilities, restaurants, retail, personal service shops, and laundry facilities primarily for the use of health-care employees, patients and visitors.
- (12) Pharmacies.
- (13) Hospitals and all other health-care facilities, including any and all support services related thereto.

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

- (1) All residential uses permitted in the R-8 Zoning District subject to its area regulations.
- (2) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, and/or health-care employers and their employees as well as overnight accommodations for patient families and individuals that are receiving treatment from a hospital or other health-care facility.

(3) Emergency shelter facility.

(4) Places of worship.

D. Area regulations.

- (1) The minimum area to request an Institutional **Medical Service** District shall be 20 acres.
- (2) Maximum lot coverage shall be 75%.
- (3) Minimum lot width shall be 150 feet.
- (4) Height of buildings shall not be greater than 50 feet measured from ground level at the building's main entrance, excluding rooftop ancillary services (such as heating and air conditioning equipment, staircases or walkways, elevator shafts, and similar appurtenances).
- (5) Minimum front yard setback shall be 30 feet
- (6) Side yards shall be a minimum of 20 feet with an aggregate of 50 feet.
- (7) Minimum rear yard setback 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 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (12) Accessory structures shall be located in the side and rear lot areas.

- (13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.4. - R-8 Garden Apartment and Townhouse District.

In an R-8 District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the R-8 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.
- B. Permitted uses. Permitted uses for the R-8 District shall be as follows:
- (1) All uses permitted in an R-2 District
 - (2) Single-family semidetached dwellings.
 - (3) Two-family dwellings.
 - (4) Townhouses.
 - (5) Garden Apartments.
- C. Conditional uses subject to special regulations. The following uses and any conditional use allowed in R-1 District may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter and are subject to the area regulations for the R-1 zoning district unless otherwise noted below:
- (1) Rooming or boarding houses.
 - (2) Business or professional offices (nonresident); minimum lot size one acre.
 - (3) Nursing homes; minimum lot size one acre.
 - (4) **Manufactured** mobile-home parks.
 - (5) Tiny home village.** ~~subject to conformance with the following requirements and subject to site plan review:~~
 - ~~(a) The total area to be developed as a mobile home park shall be at least 20 acres.~~
 - ~~(b) The maximum density shall not exceed eight units per acre.~~
 - ~~(c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.~~
 - ~~(d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.~~
 - ~~(e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.~~

- ~~(f) Off street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on street parking.~~
- ~~(g) Signs shall comply with the requirements provided in Article VI of this chapter.~~
- ~~(h) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.~~
- ~~(i) Minimum requirements for mobile home lots.

 - ~~{1} Lot area shall be 5,000 square feet per mobile home.~~
 - ~~{2} Width shall be 40 feet.~~
 - ~~{3} Public street setback shall be 50 feet.~~
 - ~~{4} Mobile home park setback shall be 35 feet.~~
 - ~~{5} Mobile home street or parking area setback shall be 30 feet.~~
 - ~~{6} Distance from other mobile homes and buildings shall be 25 feet.~~
 - ~~{7} One patio shall be required per unit, 10 feet by 40 feet paved.~~
 - ~~{8} Landscaping shall be one tree per lot.~~
 - ~~{9} Mobile homes must meet the requirements of the Federal Manufactured Housing Construction and Safety Standard Act of 1974.~~
 - ~~{10} The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.~~~~

D. Area regulations.

- (1) Single-family and two-family dwellings shall be subject to the following area regulations:
 - (a) Minimum lot area shall be 7,500 square feet.
 - (b) Maximum building coverage shall be 40%.
 - (c) Minimum lot width shall be 60 feet.
 - (d) Minimum front yard setback line shall be 30 feet.
 - (e) Side yards shall be provided as follows: Each lot shall have at least two side yards eight feet in width.
 - (f) Minimum rear yard setback shall be 15 feet. For corner lots, the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (2) Single-family semi-detached.
 - (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 40 feet.

- (d) Minimum front yard setback line shall be 30 feet.
 - (e) Side yards shall be provided as follows: each lot shall have at least one side yard setback per lot eight feet in width.
 - (f) Minimum rear yard setback shall be 15 feet. For corner lots, the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (3) Townhouse.
- (a) Minimum townhouse project size shall be one acre.
 - (b) Minimum lot area shall be 2,000 square feet.
 - (c) Maximum lot coverage shall be 60%.
 - (d) Minimum lot width shall be 20 feet.
 - (e) Minimum front yard setback line shall be 30 feet.
 - (f) Minimum rear setback shall be 30 feet.
 - (g) Minimum side yard setback shall be 10 feet, aggregate of 30 feet.
 - (h) The number of dwelling units per group shall not exceed eight nor be fewer than three.
 - (i) The number of dwelling units per acre shall not exceed 8.
 - (j) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.
- (4) Garden or low-rise apartments.
- (a) Minimum apartment project size shall be one acre, with a minimum of 2,500 square feet of lot area for each dwelling unit.
 - (b) Maximum lot coverage shall be 80%.
 - (c) Minimum lot width shall be 50 feet.
 - (d) Minimum front yard setback shall be 30 feet.
 - (e) Minimum rear yard setback shall be 30 feet.
 - (f) Minimum side yard setback shall be 20 feet.
 - (g) The maximum number of dwelling units per building shall be 24.
 - (h) The number of dwelling units per acre shall not exceed 8.
 - (i) Distance between buildings or group of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or groups of buildings.

(5) Manufactured Home Parks

- (a) The total area to be developed as a mobile home park shall be at least one acre.**

- (b) The number of dwelling units per acre shall not exceed 8.
- (c) Maximum lot coverage shall be 60%.
- (d) Minimum lot width shall be 40 feet.
- (e) Minimum lot area shall be 4,000 square feet.
- (f) Minimum front yard setback shall be 25 feet.
- (g) Minimum rear yard setback shall be 15 feet.
- (h) Minimum side yard setback shall be 8 feet.
- (i) Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.

(6) Tiny Home Village

- (a) The total area to be developed as a tiny home village shall be at least one acre.
- (b) The number of dwelling units per acre shall not exceed 8.
- (c) Maximum lot coverage shall be 60%.
- (d) Minimum lot width shall be 40 feet.
- (e) Minimum lot area shall be 4,000 square feet.
- (f) Minimum front yard setback shall be 25 feet.
- (g) Minimum rear yard setback shall be 15 feet.
- (h) Minimum side yard setback shall be 8 feet.
- (i) Tiny homes must meet the requirements of the adopted building code of the City of Milford.

- ~~(75)~~ Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
- ~~(86)~~ Parking shall comply with the requirements provided in Article IV of this chapter.
- ~~(97)~~ Signs shall comply with the requirements provided in Article VI of this chapter.
- ~~(108)~~ Landscape screening shall comply with the requirements provided in Article V of this chapter.
- ~~(119)~~ Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.
- ~~(1210)~~ Accessory structures for non-residential uses in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- ~~(1311)~~ Accessory structures for non-residential uses shall be located in the side and rear lot areas.
- ~~(1412)~~ Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19-8. – Tree Planting and Preservation.

A. Purpose. The purpose of this section is to establish standards and requirements for the protection and planting of trees and woodlands because it is recognized that woodlands and trees are not only desirable, but are essential to the health, safety, and welfare of the population in that they provide oxygen, reduce carbon dioxide, stabilize soil, cleanse the air by transpiring clean water into the atmosphere, cleanse water passing into the ground through the root system, provide protection for wildlife and their habitats, provide shade, reduce noise and glare, increase property values, and provide an important physical, aesthetic, and psychological balance to the built environment.

B. Definitions.

CALIPER DIMENSION — The term "caliper dimension" means an outside diameter measurement of the trunk of a tree measured at a vertical distance of three feet above grade.

CLEARING — The removal of trees from an area of 5,000 square feet or greater, whether by cutting or other means. The term "clearing" shall not include the removal of trees for landscaping purposes by individual lot owners.

DESIGN PROFESSIONAL — The term "design professional" shall be any person licensed as a landscape architect or architect, or Delaware certified nursery professional.

DEVELOPMENT AREA — The area containing all new site features (buildings, parking and drive areas, pedestrian walks, stormwater management areas, buffer areas etc. but not underground utilities) proposed by a plan. The development area shall be delineated using property lines and lines run straight across the property from one property line to another without bending or curving.

DRIPLINE — A line on the ground established by a vertical plane extending from a tree's outermost branch tips to the ground, i.e., the line enclosing the area directly beneath the tree's crown, from which rainfall would drip.

TREE — Any self-supporting, woody perennial plant, usually having a main stem or trunk and many branches and at maturity normally attaining a trunk diameter greater than three inches at any point and height of over ten feet.

TREE PROTECTION AREA — Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this section. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

WOODLAND — An area of contiguous wooded vegetation (7,500 square feet or greater), where trees exist at a density of at least one tree with a caliper dimension of six inches or greater per 375 square feet of land and where the tree branches form a contiguous canopy.

C. Applicability. The terms and provisions of this section shall apply to any activity on real property which requires conditional use, site plan or subdivision approval of the Planning Commission or City Council as set forth in Chapter 200 and Chapter 230, except the provisions in [sub]section 19.8(D) which shall apply to all real property.

D. Tree preservation.

(1) Trees required by the City to be replaced. Trees required by the City as a part of a conditional use, subdivision, or site plan approval shall not be removed unless they are diseased or

infested, or present a danger to life and property. In cases where such trees are removed, they must be replaced with a tree planting in accordance with the table of trees standards kept in the Planning Department.

- (2) Trees of special value. Trees having a historic value, as determined by the state historic preservation officer, or that are of an outstanding nature due to type or species, age, or other professional criteria, may be required by the City to be preserved. Such trees may be prohibited from being removed by the Planning Director until such time that the City has granted approval to remove such trees.
- (3) Tree preservation in wetlands. No portions of wetland areas shall be developed or cleared of vegetation unless granted permission under state and/or federal permit; and they shall remain as essentially undisturbed areas protected under the provisions set forth in Chapter 230.
- (4) Clearing prohibited without approval. Clearing, as defined by this section, for any purpose whatsoever, except the establishment of trails and pathways (not greater than eight feet in width) and open yard areas, shall be prohibited unless approved by the City through the site plan, conditional use, or subdivision review process.

E. Woodland preservation.

- (1) Tree preservation and selective clearing plan required. All site development proposals which involve the development of woodland areas and require City approval shall include a tree preservation and selective clearing plan as part of the preliminary submission plan. The tree preservation and selective clearing plan shall be prepared in accordance with the provisions of subsection 19.8(E), subsection 19.8(G) and subsection 19.8(H) of this section.
- (2) Limited clearing for site development allowed. Generally, site development plans for the construction of a new building within existing woodland areas shall limit clearing of the land to those areas necessary to provide for the placement of the building or group of buildings, adequate access onto the property and to the proposed building or group of buildings, utility placement, off-street parking and yard areas to allow for daylight infiltration and building maintenance. When woodland areas are proposed to be cleared to allow for new construction, clearing within the area of the proposed construction shall be limited to an area of 30 feet from proposed building foundation, and 15 feet from off-street parking lots, and utility placement.
- (3) Maximum clearing requirement. Specifically, no more than 50 percent of a lot, parcel or tract of land occupied by woodland vegetation may be cleared for any purpose.

F. Tree preservation and planting in nonwoodlands.

- (1) Tree preservation and planting plan required. All developments requiring approval of the City shall be required to submit, with its application and plans, a tree preservation and planting plan as set forth in subsection 19.8(H), and shall conform with the following provisions.
- (2) Tree density. For each property required to submit a tree preservation and planting plan, a development area as defined in this section shall be delineated within the nonwoodland area of the property. Within this development area, existing trees may be retained and new trees shall be planted such that the development area shall attain or exceed a tree density of one tree per **10,000 square feet of lot area for residential land development and one tree per 5,000 square feet of nonresidential land development** ~~3,000 square feet or fraction thereof.~~

- (3) Minimum standards for new trees. For new trees to be counted toward the required tree density, they must be of a species and size as set forth in the table of trees approved by the City and kept on file in the office of the Planning Director, or be of an alternate species found acceptable by the City.
 - (4) Minimum standards for existing trees. For existing trees to be counted toward the required tree density, the tree shall have a minimum caliper dimension of two inches. No trees over eight inches in caliper dimension shall be removed unless within an area of 30 feet from the proposed building foundation, off-street parking lot, and utility placement.
- G. Tree protection and planting requirements.
- (1) Application. The following guidelines and standards shall apply to activities regulated under Chapter 200 or Chapter 230:
 - (2) Protection required. To protect the required trees or woodland and their critical root zone, a tree protection area delineated by the dripline of a tree or group of trees to be retained, shall be established. The protection area shall not be disturbed by site utility and grading work, by construction activities such as parking, material storage, concrete washout, sedimentation intrusion or erosion, or other activity. Damage to trees or woodlands and their critical root zones shall require tree plans to be revised to compensate for the loss as determined by the City Arborist or a qualified professional/consultant.
 - (3) Protection measures. Tree protection areas shall be protected by fencing, staking, or continuous ribbon and, where necessary, silt screens which shall be situated to coincide with the dripline of the tree or group of trees to be preserved. Protection measures shall be erected prior to construction, and must remain until final landscaping is installed.
 - (4) Planting requirements. New trees proposed to be planted for credit toward the density requirement shall have spacing that is compatible with the spatial site limitations and with responsible consideration toward species size when mature. Species selected for planting must be ecologically compatible with the specifically intended growing site. Trees selected for planting shall be free from injury, pest, disease, and disorders.
- H. Tree preservation, planting and selective clearing plans.
- (1) Plan specifications. A tree preservation and planting plan or a preservation and selective clearing plan, prepared by or in conjunction with a design professional, shall be shown on a copy of a preliminary major subdivision plat, or site plan, as appropriate to the proposed development, drawn to the same scale and covering the same area as the other plan documents prepared for the Planning Commission or City Council meeting. The plan may be combined with a required buffer and landscape plan for the project, at the option of the developer. The plan shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this section will be fully satisfied.
- I. Tree mitigation.
- (1) City Council or Planning Commission waiver. The City Council or Planning Commission may waive the provisions of subsections 19.8(E)(2), 19.8(E)(3), and 19.8(F)(2), and require replacement planting for mitigation purposes should the City Council or Planning Commission determine, after demonstration by the applicant, that due to physical limitations of the land which would otherwise prohibit the reasonable use of the land, or for purposes of preserving, protecting and promoting the interest of public health, safety, welfare and/or public

convenience. All tree mitigation plantings must occur within the corporate limits of the City of Milford. Tree mitigation may occur off-site in accordance with the provisions listed below in this ordinance:

- (a) If a waiver is sought from the provisions of subsection 19.8(F)(2), new tree plantings are required at a rate of 1:1. All new tree plantings shall meet the minimum size at planting requirements of the City of Milford table of trees.
- (b) If a waiver is sought from the provisions of subsection 19.8(E)(2) and/or subsection 19.8(E)(3), then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for the consideration of the City Council or Planning Commission.
- (c) All tree mitigation must occur on-site unless an off-site location is specifically approved by the City Council or Planning Commission. When considering off-site locations for tree mitigation, the City Council or Planning Commission shall consider:
 - [1] A physical hardship related to the land which would otherwise prohibit compliance on the subject site.
 - [2] Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quality, or aesthetic qualities compared to strict compliance with the ordinance on-site.
- (2) Tree mitigation required for unauthorized clearing. In the event that trees or woodland areas to be preserved under this ordinance or as a condition of a site plan, subdivision, or conditional use approval are illegally removed, tree mitigation shall be required. All tree mitigation plantings must be placed on the same lot, parcel, or tract on which the illegal clearing occurred. All replacement trees must be of the same or a similar variety as the trees illegally removed.
 - (a) If trees have been removed from non-woodland areas, new tree plantings shall be provided in accordance with the table below:

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

* Note—All trees replanted must be guaranteed to survive a minimum of one year.

- (b) If trees have been removed from woodland areas, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.75 times the amount of woodlands that were illegally removed. The woodland unlawfully removed must be replanted to satisfy a portion of this requirement. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for review and approval by the Planning Director.

- (c) If the applicant wishes to provide replacement plantings on any property other than the one on which illegal clearing occurred, the mitigation plan must be reviewed and approved by the City Council or Planning Commission. When considering off-site locations for tree mitigation, the City Council or Planning Commission shall consider:
- [1] A physical hardship related to the land which would otherwise prohibit compliance on the subject site.
 - [2] Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quality, or aesthetic qualities compared to strict compliance with the ordinance on-site.
 - [3] The City Council or Planning Commission may require tree mitigation areas to be planted in permanent conservation through deed restrictions, conservation easements, or donations to land trusts.

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

- A. Parking space size. Parking space sizes shall be in accordance with § 230-21.
- B. Parking spaces in residential driveways and garages. Driveways and garages shall be considered as constituting off-street parking space for one-family detached, semidetached, townhouse and multi-family dwellings , provided that the driveway shall be a minimum of 10 feet in width with a curb cut no greater than 20 feet in width and such driveways and garages meet the minimum requirements for off-street parking outlined in this section. Residential driveways must be constructed with an approved dustless surface such as asphalt, concrete, pavers or other material that will not wash away or emit dust into the air. Residential driveways shall provide a minimum of two feet of separation between the driveway and the side property line, unless a cross-access easement agreement is provided between property owners for a shared driveway. Driveways for corner lots shall be located off of the street with a lesser road classification as determined by the Planning Director and shall be located as far away from the intersection as practically possible. Curb cuts shall be constructed as required by the City Construction Standards and shall be limited to the frontage of the lot served.
- C. Location of parking spaces within parking lots. All parking spaces shall be set back 15 feet from any street line and 5 feet from any property line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.
- D. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- E. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking in this zoning district.

- F. Parking lots. Whenever a parking lot is located across the street from a residential use, it shall be edged with low-profile evergreen hedge planting located along a line drawn parallel to the street and a distance of 10 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- G. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- H. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- I. Non-residential points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 24 feet and not more than 32 feet in width when the entrance requires two-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road. Such accessway shall not be less than 12 feet in width when the entrance is for one-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road. No two accessways on the same lot shall be placed within 75 feet of each other. The entrance shall be setback 5 feet from any adjoining property line unless otherwise noted under the conditional use requirements.
- J. All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
- K. All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The Planning Director may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Parking blocks are required at the head of all parking spaces where curb is not provided. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence. Buildings and sidewalk shall be protected by upright concrete curbing at least six inches in height, bollards or other object approved by the Planning Director that demonstrates protection of pedestrians and property.
- L. Parking Lots: Interior Landscaping. To reduce the visual impact of large expanses of parking and to create a more pedestrian-friendly environment, interior parking lot landscaping is required. Green space in the form of landscape islands and/or peninsulas are required to break up rows of parking spaces as follows:
 - (1) If the total number of parking spaces is less than 100, the minimum requirement is:
 - (a) Islands at both ends of each row of parking (minimum of 9' x 18').
 - (b) One island or peninsula (minimum of 9' x 18') for every 10 contiguous spaces.
 - (c) No more than two (2) contiguous bays (four total rows) without a 9' wide island separating the two (2) bays from additional parking bays or drive aisles.

- (d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.
- (2) If the total number of parking spaces is 100 or greater, the minimum requirement is:
 - (a) Islands at both ends of each row of parking (minimum of 9' x 18').
 - (b) One island or peninsula (minimum of 9' x 18') for every 12 contiguous spaces.
 - (c) No more than three (3) contiguous bays (six total rows) without a 9' wide island separating the three (3) bays from additional parking bays or drive aisles.
 - (d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.
- M. Bicycle Parking Facilities. All parking facilities containing less than ten (10) parking spaces shall provide one bicycle rack with no less than five (5) spaces. For parking facilities with ten (10) or more parking spaces, five (5) bicycle spaces plus one (1) per every twenty (20) parking spaces shall be provided, not to exceed more than twenty (20) bicycle parking spaces in any one facility. The Planning Commission or City Council may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.
- N. Illumination. Parking lots shall be property illuminated per the most recent version of the Illuminating Engineering Society (IES) Standards.
- O. Parking of vehicles on unpaved surfaces within the front yard of all districts shall be prohibited. Exception: emergency vehicles.
- P. Garbage Enclosure. Commercial, industrial, institutional or residential multi-family sites shall provide trash enclosures to adequately serve the proposed uses. Enclosures shall be conveniently placed on the site for commercial or residential tenants to use and shall be no farther than 300 feet from the intended users. Trash enclosures shall be constructed with similar materials to other buildings on the site. Receptacles shall be situated at an appropriate location as to not constitute a nuisance for users of the property and adjoining property owners and shall be appropriately screened to improve the appearance of the area.

Q. Parking Lots: EV Charging Stations.

- (1) If the total number of parking spaces is less than 100, the recommended number of charging stations is zero.**
- (2) If the total number of parking spaces is 100 or greater, the recommended number of charging stations is one (1) EV charging station per 25 parking spaces.**

§ 230-21. - Parking and loading standards.

- A. Design standards.
 - (1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
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90°	9	18	20 feet (one-way) 24 feet (two-way)
60°	9	20	18 feet (one-way) 22 feet (two-way)
45°	9	18	14 feet (one-way) 22 feet (two-way)
Parallel	10	20	14 feet (one-way) 22 feet (two-way)

(2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).

- B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 space per 4 seats or 1 space per each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Automotive Repair	3 spaces per service bay
Automotive or Outdoor Sales	1 space per 200 square feet of floor area in the main display room plus 1 space per each 1,500 square feet of outdoor display area plus 1 space for each employee on the shift of greatest employment
Bed and Breakfast	1 space per guestroom plus required parking for family residence
Group home, other than for the care of disabled and elderly persons. Community Residential Treatment Program	1 space per 2 sleeping rooms 4 residents plus 1 space per employee
Daycare, Nursery School or Kindergarten	1 space per 10 children plus 1 space per employee on the shift of greatest employment
Elementary or Junior High School	1 space for each 8 seats in auditorium, cafeteria or gymnasium
High School, Technical School, College or University	1 space for each classroom plus 1 parking space for each employee or 1 space for each 5 auditorium seats, whichever is greater
Fire station	1 space per employee on the maximum shift or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever is greater
General Offices	1 space per 250 square feet of gross floor area
Medical and Dental Offices	1 space per 200 square feet of gross floor area

Hospitals, Nursing Home or Sanatorium	1 space per 3 beds
Hotel and motel	1 space for each guest room plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.)
Indoor and commercial outdoor recreation	1 space for each 150 square feet of gross floor area or 1 per 4 seats of facilities available for patron use, whichever is applicable
Industrial, manufacturing or wholesaling establishment	1 space per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Museum, Art Gallery, Library and similar use	1 space per 300 square feet of gross floor area
Places of Worship	1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Professional Home Occupation	1 space per 300 square feet of floor area devoted to a business plus 1 space per each outside employee, if there is one
Restaurants, fast food, taverns and similar uses	1 space per 3 seating accommodations
Retail or Service	1 space per 200 square feet of gross floor area
Rooming and boarding house or converted unit	1 space per bedroom
Dwelling, single-family detached, semi-detached, townhouse, mobile home, or multi-family dwelling unit	2 ½ spaces per dwelling unit
Accessory Dwelling Unit	1 ½ spaces per dwelling unit
Social club and fraternal, social service, union and civic organization building	1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Undertaker or Funeral Home	1 space per 4 seats in the largest assembly room plus 1 space per employee
<u>Short-term Rental</u>	<u>2 ½ spaces per dwelling unit plus 1 additional space for the short-term rental</u>

- (1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and

be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
 - (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
 - [1] Five thousand to 7,999 square feet of floor area: one berth.
 - [2] Eight thousand to 19,999 square feet of floor area: two berths.
 - [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
 - (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
 - [1] Eight thousand to 20,000 square feet of floor area: one berth.
 - [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
 - (c) Each manufacturing, office research and industrial establishment with a total of 5,000 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.
- (2) Loading berths must be functionally related to the building, and be situated where actual loading and unloading activities are intended to occur. Loading berths located remotely from the building will not be permitted, unless the applicant can demonstrate the utility of such berths. Loading berths are not permitted between the street and building, except where a property fronts three or more streets. This section of the ordinance shall not preclude the designation of an area in front of the building for parcel pick-up, mail deliveries, or passenger loading.
- (3) One required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. If more than one loading berth is required, subsequent berths may have minimum dimensions of 12 feet wide and 40 feet long. At no time shall any part of a truck or van be allowed to extend into a public right-of-way or thoroughfare while the truck or van is being loaded or unloaded.

- (4) Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

ARTICLE VI - Signs

§ 230-24.11. - Standards in residential zones.

- A. General standards and sign features: Permanent on-premise signs in Residential Zones, as identified herein, shall be subject to the standards set forth in this section.
 - (1) R-1 Single-Family Residential District;
 - (2) R-2 Residential District;
 - (3) R-3 Garden Apartment and Townhouse District;
 - (4) R-8 Garden Apartment and Townhouse District.
- B. Subdivisions, apartments, multi-family dwellings, and condominium complexes are permitted the following:
 - (1) One freestanding sign not to exceed 64 square feet of sign area per side and ~~seven~~four feet in height and further provided that one such sign shall be permitted for each separate entrance.
 - (2) Other directional, incidental, or accessory signs located within the subdivision, complex, or multi-family residential development provided that such signs shall not exceed six square feet of sign area per side and four feet in height, if freestanding.
- C. For properties located in a Residential Zone as described in subsection B above, other directional, incidental or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed six square feet in sign area per side and four feet in height, if freestanding.
- D. Home Occupation — One non-illuminated on-premise sign not to exceed six square feet of sign area per side, identifying a permitted home occupation on the premises. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback five feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines, and shall not exceed four feet in height.
- E. Properties in a Residential Zone which are used for permitted non-residential uses are permitted a freestanding sign not to exceed 48 square feet of sign area and 10 feet in height, and further provided that one such sign shall be permitted for each separate street frontage occupied by the permitted use. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback of 10 feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines.
- F. Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses:
 - (1) Public and private schools
 - (2) Churches and other places of worship
 - (3) Social clubs or fraternal, social service, union, or civic organizations

ARTICLE VII - Board of Adjustment

§ 230-30. - Use and Area Variances.

- A. Variance applications may be submitted to the Planning Department for review by the Board.
- B. Notice of matters to be heard by the Board shall be published in a newspaper of general circulation for the City of Milford at least ~~15~~¹⁰ days before the date of the hearing and shall specify the date, place and times at which the application may be examined. The notice shall set forth the date, time and place of the public hearing and shall describe in a general way the nature of the application.
- C. The Planning Department shall provide a copy of the public notice by mail to the registered owners of all property within 200 feet of the property upon which the variance application is being sought.
- D. The Planning Department will also post a notice at least 10 days before the hearing outlining the date, time, place and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps, and plans for the proposal may be examined.
- E. A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57.
- F. Variance approvals associated with site plans shall expire with the expiration of the site plan approval. Variances associated with subdivisions shall expire with the expiration of the subdivision approval. All other variances shall become null and void unless work is commenced and diligently prosecuted within one year of the date of the granting of a variance by the Board.
- G. Whenever the Board of Adjustment denies an application for variance, such application for variance, or an application on the same property which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial.

ARTICLE VIII - Miscellaneous Provisions

§ 230-39. - Fences.

~~Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level. At the intersection of two or more streets, no hedge, fence or wall over two feet shall be permitted that would interfere with vehicular sight distance as determined by the Code Official.~~

A. Fences may be erected, altered or reconstructed based on the below requirements.

(1) Fences shall not exceed heights based on the below table. The use of barb wire or protective extension shall be based on the below table.

<u>Use Type</u>	<u>Maximum Height (in feet) in Front Yard Area</u>	<u>Maximum Height (in feet) in Rear or Side Yard Area</u>	<u>Barbed Wire/Razor Wire</u>

<u>Residential Uses and properties zoned R-1, R-2, R-3 or R-8</u>	<u>3.5</u>	<u>6</u>	<u>Prohibited</u>
<u>Schools in Residential Zones</u>	<u>6</u>	<u>8</u>	<u>Prohibited</u>
<u>Nonresidential Uses in the C-1, C-2, C-2A, C-3, OC-1, OB-1</u>	<u>3.5</u>	<u>6</u>	<u>Prohibited</u>
<u>Properties zoned I-1, I-2 and BP</u>	<u>8</u>	<u>8</u>	<u>Permitted</u>
<u>Properties zoned IM, IS and H-1</u>	<u>8</u>	<u>8</u>	<u>Permitted</u>

- (2) Privacy fences are not permitted in the front yard area except in the I-1, I-2, BP, IM or IS zoning districts for non-residential uses.
- (3) Corner visibility. In all zones within the City, no fence in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner lot within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 25 feet in length and measured from the point of intersection of the right-of-way lines.
- (4) Deviations in the height regulations may be granted by the Planning Commission and/or City Council as part of a Site Plan or Subdivision review.
- (5) Fences must be constructed with appropriate fencing materials, including but not limited to, chain link, vinyl, pressure treated wood, cedar, salt treated or other weather resistant material.
- (6) Fences and gates must be maintained in good working order as outlined in Chapter 174 Property Maintenance.
- (7) The construction of a fence requires a building permit from the City of Milford.

§ 230-41. - Prohibited uses.

The following uses and activities shall be specifically prohibited in any zone in the City of Milford:

- A. Automobile wrecking yards, junkyards or the sorting and baling of scrap metal, paper, rags, glass or other scrap material.
- B. The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle, to include, but not limited to cars, boats, boat trailers, campers, tractors or any parts thereof unless within an enclosed building. All vehicles requiring tags/registration must be valid at all times and vehicles maintained in its original configuration. All boats requiring a trailer for transportation must be stored on a registered trailer.
- ~~C. Any uses not permitted by this chapter.~~
- C**D. Outdoor woodburning furnaces.
 - (1) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.
 - (2) Nonconforming uses. All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011 and be removed by the property owner from the subject premise no later than October 31, 2011. This will allow sufficient time for an

alternate source of heat to be established. During the transition, such use shall conform with the following provisions:

- (3) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.
 - (4) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.
- DE.** Manufacturing uses involving production of the following products from raw materials; asphalt, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, 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.
- EF.** Storage of explosives and bulk or wholesale storage of gasoline above ground.
- FG.** Quarries, screening plants and all associated uses.
- GH.** 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.
- H.** Recreational Vehicle Prohibited Activities.
- (1) Recreational Vehicles shall not be considered dwelling units intended for permanent habitation.
 - (2) For purposes of this section, evidence of habitation shall include activities such as sleeping, setting up housekeeping or cooking, eating, recreating, and/or any other activity where it reasonably appears, in light of all the circumstances, that the vehicle is being used as a living accommodation.
 - (3) Running electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time is prohibited.
 - (4) Making a sewer connection with a recreational vehicle or dumping wastes from a recreational vehicle onto public or private land other than a designated RV dump is prohibited.

§ 230-42. - Multiple permitted uses and mixed uses.

- A. In the R-1, R-2, R-3, R-8, C-1 and OB-1 districts, multiple permitted uses or tenants spaces or mixed use of a property shall be deemed a conditional use subject to special requirements.** ~~In any and all zoning districts, multiple permitted uses or tenants spaces or mixed use of a property shall be deemed a conditional use subject to special requirements.~~
- B. Four or more non-residential permitted uses or tenant spaces on a property zoned C-2, C-2A, C-3, OC-1 and H-1 requires a conditional use approval from City Council.**

ARTICLE IX - Conditional Uses

§ 230-47. - Application and approval procedures.

- A. Conditional Use Site Plans shall follow the procedures for application and review outlined in Article X Site Plan Review of this Chapter.
- B. Conditional Use Major Subdivisions shall follow the procedures for application and review outlined in Chapter 200 Subdivision of Land
- C. 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 ~~15~~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.

ARTICLE X - Site Plan Review

§ 230-51. - Review procedure.

- A. Preliminary Review of Permitted Use Site Plans.

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the Planning Director. The application shall be reviewed by the Planning Director and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the City Planner that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission. **A preliminary application shall be considered withdrawn if plan review comments are not satisfactorily addressed and preliminary approval is not obtained within twelve (12) months of initial preliminary submission.**
- (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
- (4) Preliminary approval from the Planning Commission shall be void after 24 months, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

B. Preliminary Review of Conditional Use Site Plans.

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the Planning Director. The application shall be reviewed by the Planning Department and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the Planning Director that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission. **A preliminary application shall be considered withdrawn if plan review comments are not satisfactorily addressed and preliminary approval is not obtained within twelve (12) months of initial preliminary submission.**
- (3) A public hearing on the preliminary plan shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, deny the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.
- (4) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to

such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:

- (a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.
 - (b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least ~~15~~10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.
 - (c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.
- (5) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
 - (6) Preliminary approval from City Council shall be void after 24 months unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

C. Final Permitted Use or Conditional Use Site Plan.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by Planning Director , along with the appropriate fees, as specified in § 230-57.
- (2) The final plan shall be reviewed by the Planning Director for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City along with the specifications of the City Council or Planning Commission preliminary approval. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan and in accordance with the City Standard Construction Specifications.
- (3) Upon confirmation by the City Planner and City Engineer that all agency approvals have been obtained and all plan review comments have been addressed satisfactorily, the application may be administratively approved by the Planning Director.
- (4) Within 90 days of final approval from the ~~City Director~~, the applicant shall record the plat at the County Recorder of Deeds office and provide the Planning Director a receipt of the recordation including the deed book and page number. Prior to recording the plat, at least three copies of the plat must be submitted to the Planning Director for stamping and signing. Two sets will be retained by the City. The City Manager, Planning Director and City Engineer shall sign the approved record plats and construction plans.
- (5) Failure to record the plat within 90 days of ~~City Planning Commission~~ approval will result in the approval being voided. In order to obtain final approval after it has been voided, the applicant must make application for preliminary approval again.
- (6) **Application for building permits must be made within eighteen (18) months of the final approval of a site plan. If no applications for building permits are received by the City**

within eighteen (18) months, the plan shall be considered invalid, and a new application process will be required. The City's approval of the plan shall be considered null and void.

~~If construction of approved buildings and improvements is not substantially undertaken within eighteen months of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant an extension for good cause.~~

ARTICLE XI - Administration

§ 230-53. - Interpretation and application.

- A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity or general welfare; for the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads; for securing safety from fire and other danger, providing adequate light and air and preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement; for promoting such distribution of land development and utilization as will tend to facilitate and provide adequate provision for public requirements, transportation, water and flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility and food supply; and for protection of the tax base, securing economy in governmental expenditures and fostering the state's agricultural and other industries and the protection of both urban and nonurban developments.
- B. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing law or any rules or regulations regulating the use or construction of buildings, the provision of yards, courts or other open spaces or the provision of sanitary facilities; provided, however, that where the provisions of this chapter require large yards or courts, lesser heights or bulk of buildings or more excessive sanitary facilities than do the aforementioned laws, rules or regulations, the provision of this chapter shall govern.
- C. **All land uses or structures shall be permitted in districts only as indicated in this Chapter. All permitted uses shall also include accessory uses and structures as defined in this Chapter. Any use not specifically permitted within a particular zoning district, either by-right or as a conditional use, shall be considered prohibited except as provided in Item D below. No use prohibited in a district shall be permitted under any circumstances.**
- D. **Should any economic activity which is not listed as a permitted, conditional or hazardous use within this chapter be proposed within the City of Milford, the economic activity shall be reviewed by the Planning Director and placed into the most similar category. For nonresidential uses, the Planning Director shall evaluate the use by referencing the most recent North American Industry Classification System (NAICS) manual. Where the same NAICS code is found in several use categories, the Planning Director shall consider the characteristics of the use, including the intensity of the use and its likely adverse impacts. Where a choice remains after reviewing for adverse impacts, the use should be classified with the similar use that has the most adverse impacts.**

ARTICLE XII – Zoning Amendments

§ 230-58. - Procedure.

- A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.
- B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those

originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

- C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.
- D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. No hearing shall be held until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:
 - (1) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10- days prior to the hearing.
 - (2) The Planning Department shall provide notice to the general public of the public hearing by publishing the date, time, place and nature of the hearing at least ~~15~~10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.
 - (3) The Planning Department will also post a notice outlining the date, time, place and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and pans for the proposal may be examined.
- E. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.
- F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

Section 4. Dates.

Introduction to City Council: July 10, 2023

Planning Commission Review/Recommendation/Public Hearing: July 18, 2023

City Council Review/Public Hearing/Determination: July 24, 2023

Section 5. Effective.

This Ordinance is effective ten days following its adoption.

TO: Mayor & City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: August 14, 2023

RE: Ordinance 2023-28 – Zoning Code Amendments
Supplemental Information

Staff provides this supplemental memo to address comments from City Council at the July 24, 2023 public hearing on Ordinance 2023-28 to amend Chapter 230 Zoning. Additional areas that needed more discussion pertained to the keeping of chicken hens, tiny home villages and emergency shelter facilities. Below is additional information on each.

Keeping of Chicken Hens

If City Council desires to not permit the keeping of chickens as set forth in Ordinance 2023-28, City Council can make a motion to adopt the ordinance with the removal of **230-9(B)(6)** regarding Chicken Hens.

Tiny Home Village

A single tiny home is treated like any other single-family detached dwelling within the zoning code if it is constructed on a permanent foundation. Tiny home village would be a new section to the R-3 and R-8 zoning regulations which would permit the construction of a community of tiny homes on smaller lots subject to the proposed area regulations.

The 2018 International Residential Code (IRC) was adopted by the City as our building code. Appendix Q of the 2018 IRC defines a tiny home as “a dwelling that is 400 square feet or less in floor area excluding lofts.” The proposed zoning code amendment defines a tiny house as “a dwelling unit containing 400 square feet in area or less and certified as meeting the building code as applicable to tiny houses. Once certified as meeting the standards of the building code, the home shall be subject to the same standards as site-built homes unless otherwise indicated in this chapter.”

Generally, most tiny homes range in sizes from 100 square feet to 400 square feet, with the average size being approximately 8 feet in width by 26 feet in length.

Based on these average dimensions and being consistent with minimum side yard setback provisions in the City’s current zoning code, the narrowest a lot or berthing space could be for a tiny home is 24 feet. The zoning code requires adequate off-street parking for residential dwellings which leads to needing at least 20 feet in front of the dwelling to fit a parking spot. Being consistent with the shortest rear yard

setback in the zoning code of 15 feet along with the other previously discussed dimensions, the lot would need to be at least 61 feet deep to accommodate proper parking, the tiny home and a rear yard. See enclosed sketch illustrating the minimum area needed to support the average tiny home dimensions.

Based on this information, staff recommends City Council consider reducing the proposed area regulations for “Tiny Home Villages” to the following;

- (b) The number of dwelling units per acre shall not exceed 12.**
- (d) Minimum lot width shall be 25 feet.**
- (e) Minimum lot area shall be 2,000 square feet.**
- (f) Minimum front yard setback shall be 20 feet.**

Other previously proposed area regulations would remain the same. Enclosed is a tiny home placement sketch based on the updated recommendations outlined above. These area regulations would be similar to those provided for a townhouse development.

If City Council desires to adopt the ordinance with these revisions to proposed **230-11(D)(6)**, these would need to be specified in the motion.

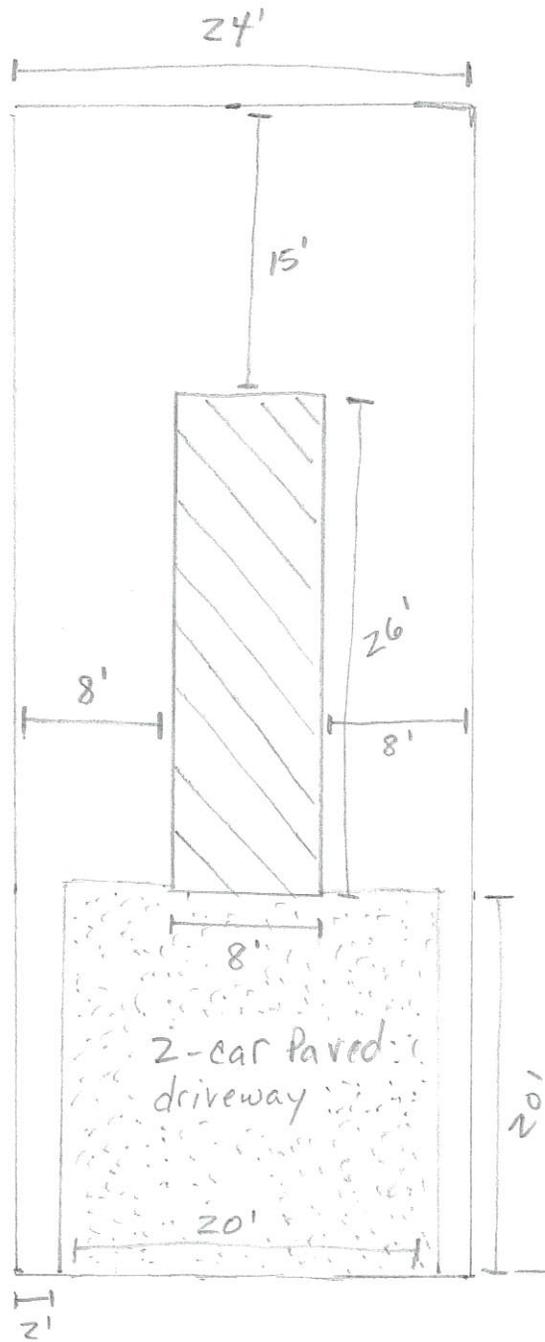
Emergency Shelter Facility/Pallet Village

Emergency Shelly Facilities are proposed to be allowed by conditional use approval from City Council in the R-1, R-2, R-3, R-8, C-1, C-2, C-2A, C-3, IM or IS zoning districts. An Emergency Shelter Facility is defined as a facility maintained for the purpose of providing accommodations for persons who are in need of temporary housing or shelter. This would include the pallet village concept constructed in Georgetown, DE. The 2018 IRC defines a dwelling unit as a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The pallet village concept in Georgetown does not include eating, cooking and sanitation provisions in each pallet unit. There is a central restroom and kitchen facility for the complex. These would not meet the definition of a tiny home per the City’s adopted zoning ordinance or building code; however, would be allowed by conditional use under most zoning districts as an emergency shelter facility.



8' x 26' Tiny Home
24' x 61' Lot = 1464 sf

Front = 20 ft
Side = 8 ft
rear = 15 ft
Coverage = 42%



Minimum Area Needed for Typical Tiny Home

8'x26' Tiny Home

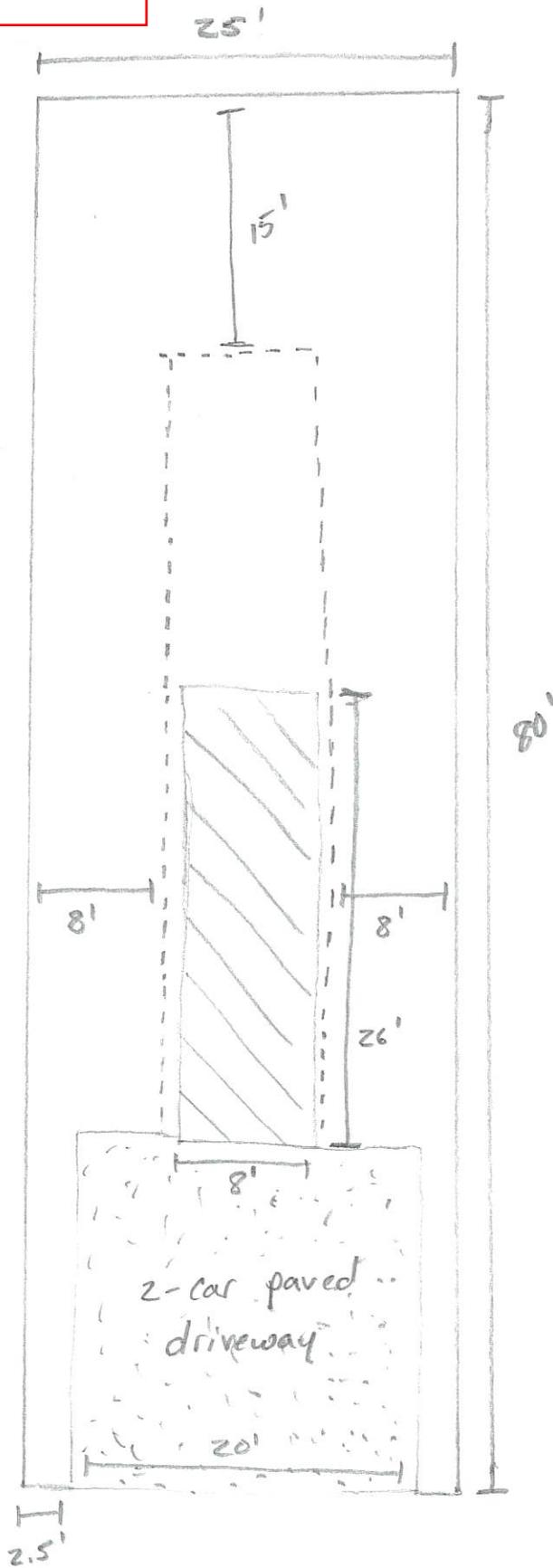
25'x80' = 2,000 square feet

Front: 20ft

Side: 8ft

Rear: 15ft

coverage: 60%



Updated Staff Recommendation for Area Regulations for Tiny Home Village

CITY OF MILFORD
NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, July 18, 2023 @ 6:00 PM
City Council Hearing: Monday, July 24, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

Ordinance 2023-28
Amendment to City of Milford Code
Chapter 230/Zoning Code

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to update the City of Milford Code Chapter 230 Zoning Code to implement the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of Board of Adjustment applications, standardize site plan, subdivision, and conditional use review procedures, and eliminate contradictory statements, erroneous language, and other items to improve the administration of Chapter 230 Zoning; and

WHEREAS, the Planning Commission of the City of Milford, along with the City Solicitor and Planning Director, reviewed certain sections of Chapter 230 Zoning Code during several workshops in 2023; and

WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, July 18, 2023, at which time interested parties publicly commented on the amendments; and

WHEREAS, Milford City Council held a Public Hearing on July 24, 2023, to allow for additional public comment and further review of the amendments; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on June 29, 2023; and

WHEREAS, City Council found that the amendments to Chapter 230 Zoning Code are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is hereby amended to modify/clarify specific requirements within the City Code, Chapter 230, ZONING CODE.

Section 2. Sections 230-4, 230-9, 230-10, 230-11, 230-12, 230-13, 230-13.1, 230-14, 230-15, 230-16, 230-17, 230-18, 230-19, 230-19.1, 230-19.2, 230-19.3, 230-19.4, 230-19.8, 230-20, 230-21, 230-24.11, 230-30, 230-39, 230-41, 230-42, 230-47, 230-51, 230-53, 230-58 are hereby amended and/or renumbered.

Section 3. Strikethrough text denotes a deletion; underlined, and bold text denotes an addition.

Chapter 230 - ZONING CODE
ARTICLE I - General Provisions

§ 230-4. - Definitions and word usage.

- A. Definitions. For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

ABOVEGROUND STORAGE TANK (AST) — An AST is a single containment vessel greater than 250 gallons as defined in the Delaware Regulations Governing Aboveground Storage Tanks. ASTs with a storage capacity greater than 12, 499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene, are subject to the design, construction, operation, and maintenance requirements of the Delaware AST regulations.

ACCESSORY APARTMENT — A separate complete housekeeping unit that is contained within the structure of a single-family detached dwelling.

ACCESSORY COTTAGE — A separate and subordinate dwelling unit that is located on the same lot as a single-family detached dwelling but is contained in a detached garage or other outbuilding.

ACCESSORY DWELLING — An accessory apartment or accessory cottage.

ACCESSORY SMALL SCALE SOLAR & WIND ENERGY SYSTEMS – A device or structural design feature for primary purpose of which is to provide for the collection, storage and distribution of energy for heating or cooling, electricity generating, or water heating for the purpose of reducing or meeting on-site needs.

ACCESSORY USE OR STRUCTURE — A use or building structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.

ALCOHOLIC BEVERAGE — Any fermented liquor or malt beverage, such as wine, beer, or distilled spirit that contains ethyl alcohol, or ethanol, as an intoxicating agent.

ALLEY — A public or private way affording only secondary means of access to abutting property. This definition is not intended to include utility alleys, which are easements not open to public traffic and intended solely for the placement and maintenance of utilities.

APPLICANT — A person, firm, or government agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated.

AQUIFER — A geological formation, group of formations or part of a formation composed of rock, sand, or gravel capable of storing and yielding groundwater to wells.

BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room.

BED-AND-BREAKFAST — A private owner/owner representative occupied residence with one to six guestrooms. The bed-and-breakfast is subordinate and incidental to the main residential use of the building.

BEDROOM — A room not less than 80 square feet which, because of limited access and separation from the living areas, is intended or may be used for sleeping.

BERTH (LOADING) — A space for an automotive vehicle or truck to load or unload its cargo.

BUILDING — Any structure having a roof supported by columns or walls used for the shelter, housing or enclosure of persons, animals or property.

BUILDING, ACCESSORY — A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs or and to the mean height between the eave and ridge for other types of roofs.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which it is situated.

CERCLA HAZARDOUS SUBSTANCES — Defined in terms of either those substances specifically designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), otherwise known as the "Superfund Law," or those substances identified under other laws. In all, the Superfund Law includes references to four other laws to designate more than 800 substances as hazardous and identify many more as potentially hazardous due to their characteristics and the circumstances of their release.

COMMISSION — The Planning Commission of the City of Milford, Delaware.

COMMUNITY ENERGY GENERATING FACILITY – A renewable energy generating facility, no larger than fifty (50) acres in size, that serves multiple customers who share the output of the generator, which may be located either as a stand-alone facility or behind-the-meter of a participating owner or customer. The facility shall be interconnected to the distribution system and operated in parallel with an electric distribution company’s transmission and distribution facilities.

~~COMMUNITY RESIDENTIAL TREATMENT PROGRAM — A planned program of care consisting of full-time or part-time programmatic supervision, counseling and/or therapy; such residence program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are persons who have disabilities with aging. A community residential program does not include skilled nursing care.~~

CONDITIONAL USE — A use which is not appropriate in a particular zoning district as a matter of right but which may be suitable in certain locations within the district only when specific conditions or requirements prescribed for such cases within this chapter are met. Conditional uses are allowed or denied by the City Council after recommendation by the Planning Commission.

CONTAMINATION — Any physical, chemical, biological, or radiological substance that enters the hydrological cycle through human action and may cause a deleterious effect on groundwater resources; it shall include but is not limited to hazardous waste, limiting nutrients, and sanitary sewage.

DECK — A roofless, floored structure, typically with a railing, that adjoins a residence.

DELINEATION — The process of defining and/or mapping a boundary that approximates the areas that contribute water to a particular water source used as a public water supply.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DEVELOPMENT ADVISORY COMMITTEE — A committee comprising of City Department staff, representatives of the Delaware Department of Transportation, Delaware Department of Natural Resources and Environmental Control, Conservation District, State Fire Marshal, and such other professional and technical representatives as may be deemed necessary by the Planning Director. The Committee shall function as an advisory body to the Planning Department with regard to design requirements, improvement specifications and other applicable standards relating to the design and construction of subdivisions and land developments.

DWELLING — Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed to include an automobile court, rooming house, tourist home, hotel, hospital, nursing home, dormitory or fraternity or sorority house.

- (1) APARTMENT — A room or suite of rooms in a multifamily structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.
- (2) SINGLE-FAMILY DETACHED DWELLING — A dwelling unit accommodating a single family and having two side yards.
- (3) SINGLE-FAMILY SEMIDETACHED DWELLING or DUPLEX — Two units accommodating two families, which units are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.
- (4) TWO-FAMILY DETACHED DWELLING — Two dwelling units accommodating two families, which units are located one over the other, and having two side yards.
- (5) SINGLE-FAMILY ATTACHED OR TOWNHOUSE DWELLING — A single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two sides.
- (6) MULTIFAMILY DWELLING — A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units. Includes garden or low-rise apartments.

DWELLING UNIT — One or more rooms, including a kitchen or kitchenette and sanitary facilities, in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

EMERGENCY SHELTER FACILITY – A facility maintained for the purpose of providing accommodations for persons who are in need of temporary housing or shelter.

ENERGY SYSTEM UTILITY SCALE SOLAR & WIND – A renewable energy generating facility, located in the service area of a utility under the regulation of the PJM Interconnection LLC Regional Transmission Authority or successor agency, which is stand-alone, and sells energy directly into the power grid.

ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) — A report required by this chapter that assesses the environmental characteristics of a source water protection area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action that would increase impervious cover beyond the recommended twenty-percent threshold.

EXCELLENT GROUNDWATER RECHARGE POTENTIAL AREA — Those areas with high percentages of sand and gravel that have "excellent" potential for recharge as determined through a stack unit mapping analysis delineated by the Delaware Geological Survey and presented in the Report of Investigations No. 66, Groundwater Recharge Potential Mapping in Kent and Sussex Counties, Delaware, Geological Survey, 2004.

FAMILY — One or more persons related by blood or marriage or adoption or a group of no more than five unrelated persons living together as a household in a dwelling.

FIREWOOD — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, not including hallways, stairways, cellars, attics, utility rooms, bathrooms, closets, unheated areas, rooms without at least one window or skylight opening to an outside yard or court, garage space or accessory building space. Habitable floor area shall be measured from the inside face of exterior walls or the center line of walls separating two dwelling units. Every area designated as habitable floor area shall have a ceiling height of not less than seven feet.

GARAGE, PRIVATE PARKING — A building or portion thereof used only for storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

GARAGE, PUBLIC PARKING — A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

GARAGE, STORAGE — A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.

GASOLINE SERVICE STATION — Any area of land, including structures, that is used for the sale of gasoline or other motor vehicle fuel or for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

GEOLOGIST — An individual who is registered in the State of Delaware to practice the profession of geology.

GOVERNING BODY — The City of Milford Council.

GROUNDWATER — The water contained in interconnected pores located below the water table in an unconfined aquifer or located in a confined aquifer.

GROUP HOME FOR THE CARE OF DISABLED OR ELDERLY PERSONS – A community based residential dwelling for persons with disabilities or elderly persons in which more than four, but not more than 10, unrelated individuals live together, prepare their meals together, and function as a single-housekeeping unit using certain rooms and housekeeping facilities in common. Persons with disabilities shall include persons as defined by the Delaware Fair Housing Act and the Americans with Disabilities Act to include those persons with a physical or mental impairment which substantially limits one or more of such person’s major life activities; persons

with a record of having such impairment; and persons being regarded as having such impairment; but not including persons currently illegally using a controlled substance. Staffing is required as outlined by the appropriate State licensing or approval agency.

GROUP HOMES, OTHER THAN FOR THE CARE OF DISABLED AND ELDERLY PERSONS – A community-based residential dwelling, halfway house or treatment center operated with a single-family orientation in which more than four, but not more than 10 individuals, live together, prepare their meals together, and function as a single housekeeping unit, using certain rooms and housekeeping facilities in common. Staffing is required as outlined by the appropriate State licensing or approval agency.

HABITABLE ROOM — A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.

HAZARDOUS SUBSTANCE UST SYSTEM — Underground storage tank system that contains a hazardous substance defined in 101(14) of the CERCLA (but not including any substance regulated as a hazardous waste under RCRA Subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

HAZARDOUS WASTE — A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential a hazard to human health or the environment when improperly treated, stored, transported, or dispose of, or otherwise managed. Without limitation, included within this definition are those hazardous wastes described in Sections 261.31, 261.32, and 261.33 of the Delaware Regulations Governing Hazardous Waste.

HOME OCCUPATION, MAJOR — A home occupation that does not meet one or more of the criteria for a minor home occupation.

HOME OCCUPATION, MINOR — A profession or occupation that is carried on within a residential property that is incidental and secondary to the residential use.

IMPERVIOUS COVER — Surfaces providing negligible infiltration such as pavement, concrete, graded aggregate, and buildings, exclusive of swimming pool water surfaces.

JUNK — Includes scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition but subject to being dismantled. Automobiles in operable condition or bearing a current inspection sticker are not included as junk.

JUNKYARD — Buildings, structures or premises where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards but not including the purchase or storage of used furniture and household equipment or used cars in operable condition or bearing a current inspection sticker or recycling facilities.

LOT — A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this chapter.

- (1) LOT, CORNER — A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.
- (2) LOT DEPTH — The mean horizontal distance between the front and rear lot lines.
- (3) LOT LINES — The property lines bounding a lot.
 - (a) LOT LINE, FRONT — The line separating the lot from a street.
 - (b) LOT LINE, REAR — The lot line opposite and most distant from the front lot line.
 - (c) LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."
 - (d) LOT LINE, STREET OR ALLEY — A lot line separating the lot from a street or alley.
- (4) LOT WIDTH — The width of the lot between side lot lines at the street.
- (5) LOT AREA — The computed area contained within the lot lines.
- (6) LOT COVERAGE - The percent of a lot which is covered, or planned to be covered, with impervious surfaces.

MANUFACTURED HOME – A single-family dwelling unit fabricated in an off-site manufacturing facility bearing a label certifying that the unit is built in conformance with Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280), transportable in one or more sections which, in the traveling mode, is eight feet or more in width, or 40 feet or more in length, and built on a permanent chassis designed for use with or without a permanent foundation when connected to the required utilities.

MOBILE HOME — A transportable single-family dwelling **to be used as a year-round dwelling and built prior to the enactment of the Federal Manufactured Housing Act of 1974, which became effective June 1976.** intended for permanent occupancy, office or place of assembly, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and is constructed so that it may be used without a permanent foundation, but excluding prefabricated homes or sections thereof which, when assembled, are over 19 feet in width.

MODEL HOME (SAMPLE HOME)/SALES OFFICE – A dwelling unit in a subdivision used as a sales office, or a modular unit used as a sales office for a subdivision.

MODULAR HOME – A factory built home constructed to be placed on a permanent foundation and certified as meeting the building code as applicable to modular housing. Once certified as meeting the standards of the building code, the home shall be subject to the same standards as site-built homes.

NATURAL CONDITION — Open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use.

NONCONFORMING LOT — A lot of record which conformed to the lawful minimum width and minimum area requirements for the zone in which it is located prior to the adoption or

amendment of this chapter but which fails to conform to the requirements of this chapter for the zone in which it is located by reason of such adoption or amendment.

NONCONFORMING USE OR BUILDING — A building, structure or use legally existing at the effective date of this chapter, or any amendment thereto, or a building, structure or use planned and the construction of which has begun in compliance with existing laws prior to the effective date of this chapter, or amendment thereto, and which does not conform to the use regulations of the district in which located.

OPEN SPACE — Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provisions of this Chapter. Open space excludes areas in lots, street rights-of-way and parking. **OUTDOOR WOODBURNING FURNACE** — An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

PARKING AREA, PRIVATE — An open area for the same uses as a private garage.

PARKING LOT — An area, other than a street or other public way, which contains more than one parking space and is used for the storage or parking of automobiles for any period of time.

PARKING SPACE — A paved accommodation used for parking motor vehicles and to which there is access from a street or alley.

PASSIVE RECREATION — Recreational uses, areas or activities oriented to noncompetitive activities which either require no special equipment or are natural areas.

PERMITTED USE — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

PLANNED UNIT DEVELOPMENT — A development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. The development may include commercial uses that are designed to serve the convenience needs of the residents of the development. The area of land required for a planned unit development shall be at least 10 contiguous acres except in the City Core area where the required area shall be two acres. For purposes of this definition the City Core area shall be identified as follows:

Starting at the location of the intersection of the center line of US 113 and the center line of DE 14 (also known as NW Front Street in Milford, Delaware), and

Proceeding east along the center line of DE Route 14 (NW Front Street) to the intersection of the center line of DE Route 14 (NW Front Street) and the center line of Truitt Avenue, and

Proceeding north along the center line of Truitt Avenue to the intersection of the center line of Truitt Ave and North Third Street, and

Proceeding east along the center line of North Third Street to the intersection of the center line of North Third Street and the center line of West Street, and

Proceeding north along the center line of West Street to the intersection of the center line of West Street and the center line of North Fourth Street, and

Proceeding east along the center line of North Fourth Street to the intersection of the center line of North Second Street, and

Hence approximately 290 feet N 50° W along the nearest property lines and hence approximately 1,470 feet N 35° E along the nearest property lines to the center line of Business Route 1 (also known as Rehoboth Boulevard), and

Proceeding southeast along the center line of Business Route 1 to the intersection of the center line of Business Route 1 and South East Front Street, and

Proceeding west along the center line of South East Front Street to the intersection of the center line of South East Front Street and the center line of Walnut Street, and

Proceeding south along the center line of Walnut Street to the intersection of the center line of Walnut Street and the center line of Causey Avenue, and

Proceeding west along the center line of Causey Avenue to the interception of the center line of Causey Avenue and center line of the railroad right-of-way (also known as the Norfolk Southern tracks), and

Hence approximately 3,280 feet N 70° W along the north shore of Silver Lake as mapped by a solid blue line on the 1993 US Geological Survey Milford DE 7 1/2 minute quadrangle map, to the center line of the north-bound lanes on the US Route 113 bridge over Silver Lake, and

Proceeding north along the center line of the northbound lanes of US Route 113 to the point of beginning at the intersection of the center line of the northbound lands of US Route 113 and the center line of DE Route 14 (also known as Northwest Front Street).

PROFESSIONAL OFFICE — Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, planner, engineer, insurance agent, financial advisor, realtor, accountant, lawyer, author or similar professional activity.

PUBLIC DRINKING WATER SYSTEM — A community, noncommunity, or nontransient, noncommunity water system which provides piped water to the public for human consumption. The system must have at least 15 service connections or regularly serve at least 25 individuals daily for at least 60 days.

PUBLIC USE — Includes governmental-owned uses such as schools, parks, civic centers, historical properties, fire stations, municipal buildings, essential public utilities that require enclosure within a building, airports and easements for alleys, streets and public utility rights-of-way.

PUBLIC WATER SUPPLY WELL — Any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.

RECREATIONAL VEHICLE — A vehicle that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a mobile home. Such structures shall not be considered dwelling units to be occupied for long term or permanent occupation.

REDEVELOPMENT — Any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility.

RIGHT-OF-WAY — Land reserved for use as a street, alley or interior walk or for other public purpose.

ROOMING OR BOARDING HOUSE — A building or portion of a building that is arranged or used for the sheltering and feeding of more than three individuals.

RUNOFF — That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on land or impervious surfaces and discharges to a swale, ditch or stream.

SHOPPING CENTER – A retail commercial complex of four or more establishments, which is designed, developed, operated and controlled by a single-ownership, with accessory off-street parking located on the site to serve jointly all establishments in the complex.

SHORT-TERM RENTAL (30 DAYS OR LESS) – Renting of a furnished home or portion of a home listed for use on a daily or weekly basis in a residential district and not considered commercial lodging. Can be listed online (“Air Bnb”, “HomeAway”, or similar sites) or in physical media (newspaper, bulletin boards, etc.). If a stay is longer than 30 consecutive days, then this is not considered a short term rental and the conditions would not apply.

SKEWING — The design of a lot where a straight lot line is not practical. Therefore, a lot line or lines will run at a slant, and the lot will not be perfectly equal on all sides.

SOURCE WATER — Any aquifer from which water is drawn either periodically or continuously by a public water system.

SOURCE WATER ASSESSMENT AND PROTECTION PROGRAM (SWAPP) — Created by Congress as part of the Safe Drinking Water Act Amendments of 1996. The goal of the SWAPP is to better protect public drinking water resources by providing local and state governments and the public more information about those resources. The susceptibility of each source of public drinking water to various types of contamination will be determined and published.

SOURCE WATER ASSESSMENT AREA — The area delineated by the DNREC Source Water Assessment and Protection Program that contributes water to a public water supply system.

SOURCE WATER ASSESSMENT PLAN — The October 1999 U.S. EPA-approved plan for evaluating the sources of public drinking water in Delaware for their vulnerability and susceptibility to contamination.

SOURCE WATER ASSESSMENT REPORT (SWAP) — The identification and evaluation of the sources of water within the state used by public water systems in an effort to determine their vulnerability and susceptibility to contamination.

SOURCE WATER PROTECTION AREA — Wellhead protection areas and excellent groundwater recharge potential areas.

STACK or CHIMNEY — Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.

STORMWATER — The runoff of water from the surface of the land resulting from precipitation or snow or ice melts.

STORMWATER MANAGEMENT

- (1) For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land-disturbing activities or activities upon the land; and
- (2) For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land-disturbing activities or activities upon the land.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

- (1) STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
- (2) STORY, FIRST — The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

STRUCTURE — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including stationary and portable carports.

TINY HOUSE – A dwelling unit containing 400 square feet in area or less and certified as meeting the building code as applicable to tiny houses. Once certified as meeting the standards of the building code, the home shall be subject to the same standards as site-built homes unless otherwise indicated in this chapter.

UNDERGROUND STORAGE TANK (UST) — A UST is one or a combination of tanks, including underground pipes, the volume of which is 10% or more belowground, as defined in the Delaware Regulations Governing Underground Storage Tank Systems. The following USTs are not subject to the design, construction, operation, and maintenance requirements of the Delaware UST Regulations: residential heating fuel, agricultural, and residential motor fuel USTs less than 1,100 gallons and any UST less than 110 gallons.

VACANT PROPERTY — Lands or buildings that are not actively used for any purpose as designated in the underlying zoning district/overlay for one year.

VARIANCE — The Board of Adjustment's authorized departure to a minor degree from the text of this chapter in direct regard to a hardship or exceptional practical difficulty peculiar to an individual lot, in accordance with the procedures set forth in this chapter.

VEHICLE HEIGHT — A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.

VEHICLE LENGTH — A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.

WASTEWATER — Solid, semi-solid or water-carried waste from septic tanks, water closets, residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, subsurface water, and mixtures of industrial wastes or other wastes as may be present.

WATER QUALITY — Those characteristics of stormwater runoff from an impervious surface or a land-disturbing activity that relate to the chemical, physical, biological, or radiological integrity of water.

WATER QUANTITY

- (1) Those characteristics of stormwater runoff that relate to the volume of stormwater runoff to downstream-gradient areas resulting from land-disturbing activities.
- (2) Those characteristics of stormwater that relate to the volume of stormwater that infiltrates the land surface and enters the underlying aquifer.

WELLHEAD — The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

WELLHEAD PROTECTION AREAS (WHPA) — Surface and subsurface areas surrounding public water supply wells or well fields where the quantity or quality of groundwater moving toward the wells or well fields may be adversely affected by land use activity.

WELLHEAD PROTECTION PLAN — The March 1990 U.S. EPA-approved plan for protecting the quality of drinking water derived from public water supply wells in Delaware.

YARD — An open space as may be required by this chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted in this chapter.

- (1) YARD, FRONT — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter. The front yard is measured from the right-of-way line.
- (2) YARD, REAR — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.
- (3) YARD, SIDE — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

YARD SALE or GARAGE SALE — A permitted temporary sales activity principally involving household items and/or consumer goods, conducted by the owner (or residential tenant) of real property upon said property which is residentially zoned and used primarily for residential purposes. A yard sale is typically limited to a one-day event but not longer than two consecutive days. Provided however, that such temporary sales activity shall, under no circumstances, last more than four total days during any particular calendar year upon any real property.

ZONING MAP — The Official Zoning Map of the City of Milford, Delaware.

- B. Words not defined in Subsection A. Words not defined above shall have the meanings given in Webster's Unabridged Dictionary.
- C. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure"; the word "occupied" includes the words "designed or intended to be occupied"; and the word "used" includes the words "arranged or intended to be used."

ARTICLE 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, **and small scale solar & wind energy systems** may be located in any required side or rear yard provided:
 - (a) The primary residence must exist or be under construction.
 - (b) All such buildings in the aggregate shall not occupy more than 30 percent of the area of the required rear and side yard.
 - (c) 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.
 - (e) Accessory small scale solar & wind energy systems which are attached to a principal structure or other accessory structure must meet the area regulations for principal structures and accessory structures outlined in this Chapter.**

~~(6) Chicken Hens. The keeping of chickens at single-family detached dwellings and single-family semi-detached separately owned dwellings are permitted provided the following conditions are met.~~

~~(a) No more than four chicken hens shall be kept per property.~~

~~(b) Keeping of roosters shall be prohibited.~~

- ~~(c) Slaughtering of chickens shall be prohibited.~~
- ~~(d) All chicken hens shall be housed in a roofed coop that is stationary, secure and enclosed in a way that contains the chickens.~~
- ~~(e) The minimum coop size shall be three square feet per chicken. The maximum overall coop size shall not exceed 20 square feet.~~
- ~~(f) An outside run is permitted when attached to the coop.~~
- ~~(g) If an outside run is provided, it shall be no bigger than 10 square feet per chicken and shall be enclosed in a way that contains the chickens.~~
- ~~(h) The coop and outside run shall be constructed in a rear yard and shall not be within 30 feet of any main building on an adjacent lot.~~
- ~~(i) All coops and runs are subject to setbacks for accessory structures.~~
- ~~(j) All coops and runs shall be screened from the view at ground level from adjacent lots by using fencing, landscaping, or a combination thereof.~~
- ~~(k) Chickens shall be registered with the Delaware Department of Agriculture.~~
- ~~(l) A building permit shall be required for the construction of the coops and outside runs.~~

(76) Home occupational/office (subject to the following special requirements):

- (a) The business activity shall be compatible with the residential zoning of the property and surrounding uses.
- (b) 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 use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.
- (d) 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) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (f) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (g) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.
- (h) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (i) The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 30 percent of the total floor area for the principal residential structure.

- (j) As long as all other criteria is met, more than one home occupation shall be permitted per lot or dwelling.
- (k) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.
- (l) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character.
- (m) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.
- (n) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation.
- (o) Prohibited minor home occupations. Minor home occupations shall not include the following uses:
 - [1] Animal shelter, commercial kennel or veterinary office;
 - [2] Rooming or boarding home;
 - [3] Bed and Breakfast;
 - [4] Funeral home;
 - [5] Restaurant;
 - [6] Outdoor café;
 - [7] Club or lodge;
 - [8] Medical or dental office;
 - [9] Retail shop;
 - [10] Rental business;
 - [11] Furniture stripping;
 - [12] Auto or small engine repair;
 - [13] Painting of vehicles, trailers, or boats;
 - [14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;
 - [15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;
 - [16] Welding shop;
 - [17] Other uses of similar character to those listed above.

(87) 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.

(9) Group Home, for the care of disabled or elderly persons.

(10) Model home (Sample Home)/Sales Office

(11) Short-term Rental.

(a) The structure rented must be a legal residential unit in the zoning district either as the principal dwelling, a room or area within said dwelling, or an approved accessory dwelling unit. In no case shall a tent, recreational vehicle, or travel trailer be used as a short-term rental.

(b) The primary unit shall remain owner occupied.

(c) Trash service requested from the property cannot be increased as part of this use.

(d) No more than one listing can occur per property and must be habitable space as defined by this chapter.

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.

(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) 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.

(5) Accessory dwelling units. Accessory dwelling units include accessory apartments and accessory cottages and are subject to the following requirements;

(a) One dwelling unit on the property shall be owner-occupied. A notice and declaration of land use restriction to this effect shall be signed and recorded prior

to issuance of a certificate of use and/or building permit for the accessory dwelling unit.

- (b) Only one accessory dwelling unit (either apartment or cottage) shall be permitted per property.
- (c) Accessory Apartments.
 - [1] Accessory apartments are only permitted within single-family detached dwellings.
 - [2] The floor area of an accessory apartment shall not exceed 35% of the single-family detached dwelling.
- (d) Accessory Cottages.
 - [1] An accessory cottage shall contain at least 220 square feet of floor area. The floor area of an accessory cottage shall not exceed 40% of the floor area of the single-family detached dwelling to which it is accessory or 1,200 square feet, whichever is greater.
 - [2] For an accessory cottage which will be a new structure, the exterior materials, roof form, and window spacing and proportions of the accessory cottage shall approximate those of the existing or proposed single-family detached dwelling.
 - [3] For an accessory cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family detached dwelling, but any exterior modification should be consistent with the architectural style of that structure unless the building is upgraded per the requirements for new structures.
 - [4] Accessory cottages shall comply with the principal structure setbacks for the respective zoning district, unless the accessory cottage is located within an existing garage or other outbuilding, for which the structure must meet the accessory structure setbacks for the respective zoning district.
- (6) 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) Major home occupations shall be permitted only in single-family detached dwellings or an accessory structure to a single-family detached dwelling
 - (b) 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 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) 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) 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) 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) 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.
- (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 development, see requirements in Chapter 230-19.9.
 - (11) Bed-and-breakfast, subject to the following requirements:
 - (a) The bed-and-breakfast establishment does not adversely affect the residential character of the neighborhood and such use is carried on in an existing residential structure.
 - (b) The building proposed for use as a bed-and-breakfast must have the owner of the bed-and-breakfast residing in the building as his/her principal residence.
 - (c) The serving of meals shall be limited to breakfast and afternoon tea for overnight guests and customers.
 - (d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
 - (e) No exterior alterations other than a sign and those required by law to ensure the safety of the structure shall be made.

- (f) The bed-and-breakfast operation shall not use more than 50% of the floor area of the principal residence. Common areas such as the kitchen, foyer, living room or dining room are not included in this calculation.
- (g) No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than 20 feet. Sidewalks shall not be illuminated by lighting fixtures higher than 15 feet. Exterior lighting shall be shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.

(12) Funeral Home or undertaker

(13) Group Home, other than for the care of disabled and elderly persons.

(a) The lot on which the group home is proposed shall not be located within 500 feet of a lot on which another group home is located.

(b) All required state licenses and permits for such a facility shall be obtained prior to the issuance of a Certificate of Occupancy for said use and shall be maintained as current throughout the period of such usage as a group home.

(c) Floor plans and a plot plan shall be submitted with the application.

(d) No alteration, addition, or other structural change to the interior or the exterior of any single-family building in which a group home is proposed to be located shall be permitted if such alteration, addition, or other structural change would alter the essential single-family character of the building.

(14) Emergency shelter facility.

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

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%.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed 35 feet. Accessory buildings **or structures** shall not exceed 15 feet in height.
- (5) Minimum front yard 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) 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: **Permitted uses of the R-2 District shall be as follows:** ~~all permitted uses in the R-1 District.~~
 - (1) All permitted uses in an R-1 District.**
 - (2) Single-family semidetached dwelling.**
- 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.~~
- D. Area regulations.
 - (1) For permitted uses and single-family semidetached dwellings not separately owned:
 - (a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 80 feet.
 - (d) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - (e) Minimum front yard setback line shall be 30 feet.

- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
 - (g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.
- (2) For single-family semidetached dwellings separately owned:
- (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 40 feet.
 - (d) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - (e) Minimum front yard setback line shall be 30 feet.
 - (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
 - (g) Side yard shall be provided as follows: each lot shall have one side yard a minimum width of eight feet.
- (3) Parking shall comply with the requirements provided in Article IV of this chapter.
- (4) Signs shall comply with the requirements of Article VI of this chapter.
- (5) Landscape screening shall comply with the requirements of Article V of this chapter.
- (6) Open space and recreational amenities shall comply with Chapter 230-19.7.
- (7) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (8) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
- (9) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

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

- A. Purpose. The purpose of the R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.
- B. Permitted uses. Permitted uses for the R-3 District shall be as follows:

- (1) All permitted uses in an R-2 District
 - ~~(2) Single family semidetached dwellings.~~
 - ~~(23) Two-family dwellings.~~
 - ~~(34) Townhouses.~~
 - ~~(45) Garden Apartments.~~
- C. Conditional uses subject to special regulations. All uses specified as conditional uses in the R-1 District and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter and are subject to the area regulations for the R-1 zoning district unless otherwise noted below:
- (1) Rooming or boarding houses.
 - (2) Business or Professional offices (nonresident); minimum lot size one acre.
 - (3) Nursing homes; minimum lot size one acre.
 - (4) Manufactured mobile-home parks.
 - (5) Tiny Home Village.** subject to conformance with the following requirements and subject to site plan review:
 - ~~(a) The total area to be developed as a mobile home park shall be at least 20 acres.~~
 - ~~(b) The maximum density shall not exceed eight units per acre.~~
 - ~~(c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.~~
 - ~~(d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.~~
 - ~~(e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.~~
 - ~~(f) Off street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on street parking.~~
 - ~~(g) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.~~
 - ~~(h) Minimum requirements for mobile home lots.

 - ~~{1} Lot area shall be 5,000 square feet per mobile home.~~
 - ~~{2} Width shall be 40 feet.~~
 - ~~{3} Public street setback shall be 50 feet.~~~~

- ~~{4} Mobile home park setback shall be 35 feet.~~
- ~~{5} Mobile home street or parking area setback shall be 30 feet.~~
- ~~{6} Distance from other mobile homes and buildings shall be 25 feet.~~
- ~~{7} One patio shall be required per unit, 10 feet by 40 feet paved.~~
- ~~{8} Landscaping shall be one tree per lot.~~
- ~~{9} Mobile homes must meet the requirements of the Federal
Manufacturer Housing Construction and Safety Standard Act of 1974.~~
- ~~{10} The entire lot occupied by a mobile home park shall be maintained in
single ownership throughout the entire life of the mobile home park.~~

D. Area regulations.

- (1) Single-family and two-family dwellings shall be subject to the following area regulations:
 - (a) Minimum lot area shall be 7,500 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 60 feet.
 - (d) Minimum front yard setback line shall be 30 feet.
 - (e) Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.
 - (f) Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (2) Single-family semidetached
 - (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 40 feet.
 - (d) Minimum front yard setback line shall be 30 feet.
 - (e) Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.
 - (f) Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (3) Townhouses or row dwellings, subject to the following requirements:
 - (a) Minimum townhouse project size shall be one acre.
 - (b) Minimum lot area shall be 2,000 square feet.
 - (c) Maximum lot coverage shall be 60%.

- (d) Minimum lot width shall be 20 feet.
 - (e) Minimum front yard setback line shall be 30 feet.
 - (f) Minimum rear yard setback shall be 30 feet.
 - (g) Minimum side yard setback shall be 10 feet, aggregate 30 feet.
 - (h) The number of dwelling units per group shall not exceed eight nor be fewer than three.
 - (i) The number of dwelling units per acre shall not exceed 12.
 - (j) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.
- (4) Garden or low-rise apartments, subject to the following requirements:
- (a) Minimum apartment project size shall be one acre, with a minimum of 2,500 square feet of lot area for each dwelling unit.
 - (b) Maximum lot coverage shall be 80%.
 - (c) Minimum lot width shall be 50 feet.
 - (d) Minimum front yard setback shall be 30 feet.
 - (e) Minimum rear yard setback shall be 30 feet.
 - (f) Minimum side yard setback shall be 20 feet.
 - (g) The maximum number of dwelling units per building shall be 24.
 - (h) The number of dwelling units per acre shall not exceed 16.
 - (i) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.

(5) Manufactured Home Parks

- (a) The total area to be developed as a mobile home park shall be at least one acre.**
- (b) The number of dwelling units per acre shall not exceed 8.**
- (c) Maximum lot coverage shall be 60%.**
- (d) Minimum lot width shall be 40 feet.**
- (e) Minimum lot area shall be 4,000 square feet.**
- (f) Minimum front yard setback shall be 25 feet.**
- (g) Minimum rear yard setback shall be 15 feet.**
- (h) Minimum side yard setback shall be 8 feet.**
- (i) Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.**

(6) Tiny Home Village

(a) The total area to be developed as a tiny home village shall be at least one acre.

(b) The number of dwelling units per acre shall not exceed ~~8~~. 12

(c) Maximum lot coverage shall be 60%.

(d) Minimum lot width shall be ~~40~~ feet. 25

(e) Minimum lot area shall be ~~4,000~~ square feet. 2,000

(f) Minimum front yard setback shall be ~~25~~ feet. 20

(g) Minimum rear yard setback shall be 15 feet.

(h) Minimum side yard setback shall be 8 feet.

(i) Tiny homes must meet the requirements of the adopted building code of the City of Milford.

(~~7~~5) Heights of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.

(~~8~~6) Parking shall comply with the requirements provided in Article IV of this chapter.

(~~9~~7) Signs shall comply with the requirements provided in Article VI of this chapter.

(~~10~~8) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(~~11~~9) Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.

(~~12~~10) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(~~13~~11) Accessory structures for non-residential uses shall be located in the side and rear lot areas.

(~~14~~12) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- B. Permitted uses. Permitted uses for the C-1 District shall be as follows:
 - (1) Single-family detached dwelling.

- (2) Professional Offices.
- (3) Financial institutions, loan companies and banks.
- (4) Personal service establishments.
- (5) Studio for artists, designers, photographers, musicians, sculptors and related uses, including sales.
- (6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.
- (7) Restaurants, excluding fast-food service or franchised food service operated restaurants.
- (8) Retail sales and specialty stores.
- (9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.
- (10) Public parking lot.

~~(11) Off street parking as an accessory use.~~

(11~~12~~) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric and gas facilities.

(12~~13~~) Community recreation center, as a nonprofit community service.

(13~~14~~) Laundromats.

~~(15) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:~~

~~(a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.~~

~~(b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.~~

~~(c) Minimum lot width shall be at least 250 feet.~~

~~(d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.~~

~~(e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.~~

(14) Group Home, for the care of disabled or elderly persons.

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

(1) Convenience stores with gas pumps.

~~(2) Community residential treatment program.~~

~~(a) These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.~~

~~{1} Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.~~

~~{2} The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.~~

~~{3} The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.~~

~~{4} The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.~~

~~{5} The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.~~

~~{6} The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.~~

~~{7} Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.~~

~~{8} The following documentation will be required to be submitted with the application:~~

~~{a} Site plan, including parking area and landscaped area.~~

~~{b} Floor plan, with elevation drawings or photographs of existing building.~~

~~{c} List of board members, proprietors or governmental officials to whom staff are responsible.~~

~~{d} Written neighborhood relations plan.~~

~~{e} Complaint recording and resolution plan.~~

~~(2)~~ Daycare Centers.

(34) Undertaker or funeral home.

(4) Group Home, other than for the care of disabled and elderly persons.

(a) The lot on which the group home is proposed shall not be located within 500 feet of a lot on which another group home is located.

(b) All required state licenses and permits for such a facility shall be obtained prior to the issuance of a Certificate of Occupancy for said use and shall be maintained as current throughout the period of such usage as a group home.

(c) Floor plans and a plot plan shall be submitted with the application.

(d) No alteration, addition, or other structural change to the interior or the exterior of any single-family building in which a group home is proposed to be located shall be permitted if such alteration, addition, or other structural change would alter the essential single-family character of the building.

(5) Emergency shelter facility.

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

D. Area regulations.

- (1) Minimum lot area shall be 10,000 square feet.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed 35 feet.
- (5) Minimum front yard setback shall be 25 feet.
- (6) Side yards shall be at least 12 feet in width.
- (7) Minimum rear yard shall be 25 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.
- (11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (12) Accessory structures shall be located in the side and rear lot areas.
- (13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

- (14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-13. - C-2 Central Business District.

In a C-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
 - (1) Those permitted uses in the C-1 District.
 - (2) Taverns and tap rooms.
 - (3) Libraries, museums, art galleries and public information centers.
 - (4) Churches and other places of worship.
 - (5) Fraternal, social service, union or civic organization.
 - (6) Publishing, printing and reproduction establishments.
 - (7) Indoor storage facilities as an accessory use to any of the permitted uses in this district.
 - (8) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Planning Director or designee. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
 - (9) Craft distillery and microbrewery establishments, provided that:
 - (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
 - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
 - (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
 - (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means

subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

- (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - [1] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - [2] 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] 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] 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] 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] 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] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

(10) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.

(11) All dwellings other than single-family with a maximum density of 16 units per acre and in conjunction with nonresidential use.

(12) Bed and Breakfast

(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 shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.

C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-1 zoning district and the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

~~(1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.~~

~~(2)~~ Motels and hotels.

~~(3)~~ Instructional, business or trade stores.

~~(4)~~ Fast-food or franchised food service operated restaurants.

~~(5) All dwellings other than single-family with a maximum density of 16 units per acre and in conjunction with nonresidential use.~~

D. Area regulations.

(1) Minimum lot area shall be 2,500 square feet.

(2) Minimum lot width shall be 50 feet.

(3) Height of buildings shall not exceed 35 feet.

(4) There shall be no required front, rear or side yard setback.

- (5) Signs shall comply with the requirements provided in Article VI of this chapter.
- (6) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (7) Parking shall comply with the requirements provided in Article IV of this chapter.
- (8) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (9) Accessory structures shall be located in the side and rear lot areas.
- (10) Accessory structures for residential and non-residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

§ 230-13.1. - C-2A Riverfront Development District.

In a C-2A District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the Riverfront Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units. The district shall be limited to those properties adjacent to the Mispillion River and shall be prohibited along North and South Walnut Street, Northwest Front Street and shall not be allowed within any of the historic districts.
- B. Permitted uses. In a C2-A district, land, buildings or premises shall be used by right for one or more of the following:
 - (1) Those uses permitted in the C-1 District.
 - (2) Libraries, museums, art galleries and public information centers.
 - (3) Fraternal, social service, union or civic organization.
 - (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] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - [2] 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] 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] 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] 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] 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] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

(5) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.

(6) Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.

(7) Bed and Breakfast.

(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.

C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-1 zoning district and the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

~~(1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.~~

~~(2)~~ **(1)** Fast-food or franchised food service operated restaurants.

~~(3) Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.~~

D. Area regulations.

(1) Maximum number of units per acre shall be 16.

(2) Minimum lot area shall be 5,000 square feet.

- (3) Minimum lot width shall be 50 feet.
- (4) Maximum lot coverage shall be 60%
- (5) Minimum 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 rear yard setback shall be 20 feet.
- (8) Height of buildings shall not exceed 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 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) Outdoor commercial recreational facilities, not motorized vehicles.
- (10) Swimming club.
- (11) Indoor facility for amusement or assembly.
- (12) Bus station.

(13) Motels or hotels.

(14) Commercial greenhouse.

(15) Wholesale establishment.

(16) Contractors', craftsmen's or general service shops, including welding and similar shops.

(17) Laboratory, testing and research.

(18) Car wash.

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.~~
- ~~(2) Commercial greenhouse.~~
- ~~(3) Wholesale establishment.~~
- ~~(4) Contractors', craftsmen's or general service shops, including welding and similar shops.~~
- ~~(5) Laboratory, testing and research.~~

(16) Automotive sales.

(27) 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.

(38) Shopping center, subject to the following site requirements:

~~(a)~~ The total shall not be less than one acre.

~~(a)~~ 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.

~~[1]~~ The minimum distance between accessways and a residential district shall be 50 feet.

~~[2]~~ Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

[c] From major intersections: 100 to 150 feet.

~~(b)~~ Setback.

~~[1]~~ From street right of way: 15 feet.

~~[1]~~ From nonresidential districts: 15 feet.

~~[2]~~ From residential districts: 100 feet.

~~(9)~~ Car wash.

~~(4)~~ All uses permitted in the R-3 Zoning District subject to its area regulations.

~~(5)~~ Business, commercial or industrial uses that do not adversely affect neighboring properties.

~~(6)~~ Aquarium.

(7) Community energy generating facility.

(a) The footprint of the solar array, as defined as the by the outer limit of the panels and exclusive of buffers shall be no larger than fifty (50) acres in size.

(b) No more than one Community Solar Energy Facility (SEF) shall be permitted on a parcel. All separate parcels in existence on June 1, 2023, shall be considered original parcels. Future subdivision of an original parcel shall not enable the development of additional Community Solar Energy Facilities.

(c) Facility location and siting shall be in accordance with the requirements of Title 26 Public Utilities of the Delaware Administrative Code, 3001 (Rules for Certification and Regulation of Electric Suppliers) as amended.

(d) Setbacks for the Facility shall be:

[1] Front setback shall be 75 feet.

[2] Side setback shall be 50 feet.

[3] Rear setback shall be 50 feet.

[4] Distance from any off-site dwelling unit shall be 100 feet.

[5] Distance from any State recognized Scenic Byway shall be 150 feet.

[6] Distance from any wetlands shall be 100 feet.

(e) The site area shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[1] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[2] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[3] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[4] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[5] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

(f) The required buffer may be counted toward planting requirements included in this Chapter.

(g) If topsoil is removed for improvements, it shall remain on the site.

(h) Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

(i) A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

(j) Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(k) Abandonment. A Community Energy Generating Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[1] Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.

[2] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[3] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation and/or agriculture.

(l) Decommissioning plan.

[1] A decommissioning plan outlining the anticipated means and costs of removing the solar facility must be submitted, with the application.

[2] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

[3] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

(m) Financial Assurance. The operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar Facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(8) Energy system utility scale solar & wind.

(a) The following are conditions specific to Solar Facilities:

[1] Setbacks for a Solar facility shall be:

[a] Front setback shall be 100 feet.

[b] Side setback shall be 75 feet.

[c] Rear setback shall be 75 feet.

[d] Distance from any off-site dwelling unit shall be 100 feet.

[e] Distance from any State recognized Scenic Byway shall be 150 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] The required setback shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[a] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[b] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[c] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[d] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[e] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

[3] A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

[4] Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(b) The following are conditions specific to Wind Facilities:

[1] Setbacks for a Wind Facility shall be:

[a] Front setback shall be 800 feet.

[b] Side setback shall be 800 feet.

[c] Rear setback shall be 800 feet.

[d] Distance from any off-site dwelling unit shall be 1,000 feet.

[e] Distance from any State recognized Scenic Byway shall be 800 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single poles.

[3] The facility shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

[4] All access roads shall be gated and locked.

[5] All power transmission lines from the tower to any other building or other structure shall be located underground to the maximum extent practical.

[6] No tower shall be lit except to comply with Federal Aviation Administration requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low-glare fixtures, and directing lights at the ground.

[7] All structures in a project shall be finished in a single, non-reflective, matte color or a camouflage scheme.

[8] Signs

[a] No advertising signs are allowed on any part of the WECS, including fencing and support structures.

[b] No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

[c] Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building (or on the tower or building if there is no fence) containing emergency contact information, 911 address, including a local telephone number with 24-hour, 7-days-a-week coverage. The City may require additional signs based on safety needs.

[9] Noise level shall not exceed 50 dBA, including constructive interference at existing off-site residences, businesses, and public buildings.

(c) The following are conditions required for all Utility Solar and Wind Energy Facilities

[1] Required buffers may be counted toward planting requirements included in this Chapter.

[2] If topsoil is removed for improvements, it shall remain on the site.

[3] Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

[4] Abandonment. A Utility Solar or Wind Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Utility Solar Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[a] Physical removal of all solar photovoltaic facilities, wind turbines, structures, equipment, security barriers and transmission lines from the site.

[b] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[c] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

[5] Decommissioning plan.

[a] A decommissioning plan outlining the anticipated means and costs of removing the facility must be submitted, with the application.

[b] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation and/or agriculture.

[c] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

[6] Financial Assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure

payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(9) Emergency shelter facility.

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

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 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height not exceeding 60 feet.
- (5) Minimum front yard setback shall be 30 feet.
- (6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
- (7) Minimum rear yard shall be 50 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.
- (11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (12) Accessory structures shall be located in the side and rear lot areas.
- (13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 10 feet from a principal structure.
- (14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-15. - H-1 Institutional Development District.

In an H-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The intent of the H-1 Institutional Development District is to encourage the development of institutional uses in accordance with an approved plan of development. This district is to provide suitable areas and adequate safeguards for such uses to serve the City of Milford and the surrounding region. As of July 1, 2023, no new properties shall be zoned H-1 Institutional Development District.

B. Permitted uses. Permitted used for the H-1 District shall be as follows:

- (1) Medical and surgical hospitals.
- (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.

(6) Nursing homes.

C. Conditional uses subject to special regulations. There are no listed conditional uses within this zoning district. 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%.
- (3) Minimum lot width shall be 150 feet.
- (4) Height of buildings shall not exceed 50 feet.
- (5) Minimum front yard 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. **Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be incidental and subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 313: Textile Mills; 314: Textile Product Mills; 315: Apparel Manufacturing; 316: Leather and Allied Product Manufacturing (except 3161 {Hazardous}); 323: Printing and Related Support Activities; 326: Plastics and Rubber Products Manufacturing (except tires 32621{Hazardous}); 3271: Clay Product and Refractory Manufacturing; 327991: Cut Stone and Stone Product Manufacturing; 3322: Cutlery and Handtool Manufacturing; 3323: Architectural and Structural Metals Manufacturing; 3324: Boiler, Tank, and Shipping Container Manufacturing; 3325: Hardware Manufacturing; 3326: Spring and Wire Product Manufacturing; 3327: Machine Shops; Turned Product; and Screw, Nut, and Bolt**

Manufacturing; 3328: Coating, Engraving, Heat Treating, and Allied Activities; 33291: Metal Valve Manufacturing; 332991: Ball and Roller Bearing Manufacturing; 332996: Fabricated Pipe and Pipe Fitting Manufacturing; 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing; 3331: Agriculture, Construction, and Mining Machinery Manufacturing; 3332: Industrial Machinery Manufacturing; 333314: Optical Instrument and Lens Manufacturing; 333316: Photographic and Photocopying Equipment Manufacturing; 3335: Metalworking Machinery Manufacturing; 3336: Engine, Turbine, and Power Transmission Equipment Manufacturing; 3339: Other General Purpose Machinery Manufacturing (except 333913 {Hazardous}); 334: Computer and Electronic Product Manufacturing; 335: Electrical Equipment, Appliance, and Component Manufacturing; 337: Furniture and Related Product Manufacturing; 339: Miscellaneous Manufacturing)

- (3) Wholesale storage, warehousing and distribution centers. 49311: General Warehousing and Storage; 49312: Refrigerated Warehousing and Storage (except for farm products grown on site); 49319: Other Warehousing and Storage)

C. Conditional uses. All uses specified as conditional uses in the OC-1 and BP zoning districts and the following uses are permitted in the I-1 District, in accordance with the provisions within Article IX of this chapter:

~~(1) Airfields or airpark facilities.~~

~~(1) 2) Mini-warehouses or public storage facilities.~~

~~(2) 3) Radio-television facilities.~~

~~(3) 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] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - [2] 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] 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] 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] 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] 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] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

(4) Community energy generating facility.

(a) The footprint of the solar array, as defined as the by the outer limit of the panels and exclusive of buffers shall be no larger than fifty (50) acres in size.

(b) No more than one Community Solar Energy Facility (SEF) shall be permitted on a parcel. All separate parcels in existence on June 1, 2023, shall be considered original

parcels. Future subdivision of an original parcel shall not enable the development of additional Community Solar Energy Facilities.

(c) Facility location and siting shall be in accordance with the requirements of Title 26 Public Utilities of the Delaware Administrative Code, 3001 (Rules for Certification and Regulation of Electric Suppliers) as amended.

(d) Setbacks for the Facility shall be:

[1] Front setback shall be 75 feet.

[2] Side setback shall be 50 feet.

[3] Rear setback shall be 50 feet.

[4] Distance from any off-site dwelling unit shall be 100 feet.

[5] Distance from any State recognized Scenic Byway shall be 150 feet.

[6] Distance from any wetlands shall be 100 feet.

(e) The site area shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[1] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[2] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[3] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[4] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[5] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

(f) The required buffer may be counted toward planting requirements included in this Chapter.

(g) If topsoil is removed for improvements, it shall remain on the site.

(h) Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

(i) A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall

be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

(j) Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(k) Abandonment. A Community Energy Generating Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[1] Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.

[2] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[3] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation and/or agriculture.

(l) Decommissioning plan.

[1] A decommissioning plan outlining the anticipated means and costs of removing the solar facility must be submitted, with the application.

[2] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

[3] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

(m) Financial Assurance. The operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar Facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(5) Energy system utility scale solar & wind.

(a) The following are conditions specific to Solar Facilities:

[1] Setbacks for a Solar facility shall be:

[a] Front setback shall be 100 feet.

[b] Side setback shall be 75 feet.

[c] Rear setback shall be 75 feet.

[d] Distance from any off-site dwelling unit shall be 100 feet.

[e] Distance from any State recognized Scenic Byway shall be 150 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] The required setback shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[a] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[b] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[c] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[d] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[e] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

[3] A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed

for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

[4] Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(b) The following are conditions specific to Wind Facilities:

[1] Setbacks for a Wind Facility shall be:

[a] Front setback shall be 800 feet.

[b] Side setback shall be 800 feet.

[c] Rear setback shall be 800 feet.

[d] Distance from any off-site dwelling unit shall be 1,000 feet.

[e] Distance from any State recognized Scenic Byway shall be 800 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single poles.

[3] The facility shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

[4] All access roads shall be gated and locked.

[5] All power transmission lines from the tower to any other building or other structure shall be located underground to the maximum extent practical.

[6] No tower shall be lit except to comply with Federal Aviation Administration requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low-glare fixtures, and directing lights at the ground.

[7] All structures in a project shall be finished in a single, non-reflective, matte color or a camouflage scheme.

[8] Signs

[a] No advertising signs are allowed on any part of the WECS, including fencing and support structures.

[b] No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

[c] Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building (or on the tower or building if there is no fence) containing emergency contact information, 911 address, including a local telephone number with 24-hour, 7-days-a-week coverage. The City may require additional signs based on safety needs.

[9] Noise level shall not exceed 50 dBA, including constructive interference at existing off-site residences, businesses, and public buildings.

(c) The following are conditions required for all Utility Solar and Wind Energy Facilities

[1] Required buffers may be counted toward planting requirements included in this Chapter.

[2] If topsoil is removed for improvements, it shall remain on the site.

[3] Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

[4] Abandonment. A Utility Solar or Wind Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Utility Solar Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[a] Physical removal of all solar photovoltaic facilities, wind turbines, structures, equipment, security barriers and transmission lines from the site.

[b] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[c] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade

foundations in place in order to minimize erosion and disruption to vegetation.

[5] Decommissioning plan.

[a] A decommissioning plan outlining the anticipated means and costs of removing the facility must be submitted, with the application.

[b] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation and/or agriculture.

[c] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

[6] Financial Assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

- D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the City Council.
- (1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.
 - (2) 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.
 - (3) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
 - (4) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
 - (5) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

- (6) 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.
- (7) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
- (8) 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.
- (9) 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.

E. Area regulations.

- (1) Minimum lot area shall be two acres.
- (2) Maximum lot coverage shall be 75%.
- (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) 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 10 percent of the required rear and side yard of the lot 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.

§ 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 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. Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 3113: Sugar and Confectionery Product Manufacturing; 3114: Fruit and Vegetable Preserving and Specialty Food Manufacturing; 3115: Dairy Product Manufacturing; 3117: Seafood Product Preparation and Packaging; 3118: Bakeries and Tortilla Manufacturing; 3119: Other Food Manufacturing; 3122: Tobacco Manufacturing; 321: Wood Product Manufacturing (except sawmills which are classified elsewhere); 327215: Glass Product Manufacturing Made of Purchased Glass; 482: Rail Transportation; 4882: Support Activities for Rail Transportation; 483: Water Transportation; 4883: Support Activities for Water Transportation).
 - (3) Research, design and development laboratories.
 - (4) Large public utility facilities, or major uses thereof.
- C. Conditional uses. All uses specified as conditional uses in the I-1 zoning district and the following uses are permitted in the I-2 District in accordance with the provisions within Article IX (conditional use portion) of this chapter:
 - ~~(1) Airfields or airpark facilities.~~
 - ~~(1) 2~~ Tractor-trailer storage and parking facilities.
 - ~~(2) 3~~ Farm machinery and truck manufacture, sales, storage and repairs.
 - ~~(3) 4~~ Fertilizer storage and distribution centers.
 - ~~(4) 5~~ Heating, ventilating, cooling and refrigeration manufacturing.
 - ~~(5) 6~~ Trash compaction: transfer station and solid waste management system, not to include hazardous waste.
 - ~~(6) 7~~ Recycling or collection facilities for paper, glass, plastics and metal.
 - ~~(7) 8~~ Grain storage and processing.
 - ~~(8) 9~~ Meat processing, chicken processing and seafood processing.
 - ~~(9) 10~~ Aluminum recycling and smelting (small scale).

(1011) Food and vegetable cleaning, canning and freezing.

- D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by City Council.
- (1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except in areas approved by the Planning Commission during the site plan review hearing.
 - (2) In a planned industrially zoned I-2 District, no building/structure, accessory structure or sign shall be located closer than 250 feet to any existing nonindustrial district boundary.
 - (3) Fencing is required in any and all areas which would pose a threat to public safety and the security of the facility.
 - (4) All front yard areas shall be maintained in a neat and attractive condition. All side and rear yard areas shall be kept uncluttered and free from any conditions that would constitute a safety hazard for employees or anyone visiting the site.
 - (5) 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.
 - (6) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks or chimneys and internal combustion engines must comply with the requirements set forth by the DNREC, State of Delaware.
 - (7) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of DNREC, State of Delaware.
 - (8) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
 - (9) The proposed use shall not endanger the surrounding facilities or communities to the possibility of fire or explosion. All uses shall comply with state regulations which control or govern their operation. There shall be no allowances for the storage of radioactive materials or those materials deemed to be toxic or dangerous.
 - (10) 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.
- E. Area regulations.
- (1) Minimum lot area shall be 2 1/2 acres.
 - (2) Maximum lot coverage shall be 75%.
 - (3) Minimum lot width shall be 150 feet.
 - (4) Maximum building height shall be 50 feet.

- (5) Minimum front yard setback shall be 75 feet.
- (6) Minimum side yard setback shall be 50 feet.
- (7) Minimum rear yard setback shall be 50 feet.
- (8) 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 10 percent of the required rear and side yard of the lot 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.

§ 230-18. - OC-1 Office Complex District.

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. Permitted uses. Permitted uses for the OC-1 District shall be as follows:
 - (1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
 - (2) Television and radio studios (without towers).
 - (3) Professional schools (nonindustrial).
 - (4) Health centers and clinics (medical or dental).
 - (5) Charitable and philanthropic organizations.**
 - (6) Day-care centers.**
 - (7) Indoor or outdoor recreation.**
 - (8) Private clubs or organizations.**
 - (9) Medical/dental laboratories.**

C. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:

~~(1) Charitable and philanthropic organizations.~~

~~(2) Day-care centers.~~

~~(13)~~ (13) Civic and/or conference centers.

~~(4) Indoor or outdoor recreation.~~

~~(5) Private clubs or organizations.~~

~~(6) Medical/dental laboratories.~~

~~(27)~~ (27) Nursing homes.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 100 feet.

(4) Maximum building height shall be 70 feet.

(5) Minimum front yard setback shall be 50 feet.

(6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.

(7) Minimum rear yard setback shall be 25 feet.

(8) 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 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19. - OB-1 Office Building District.

In an OB-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of the OB-1 Office Building District shall be to provide locations for the operation of professional offices of a low-profile, low-traffic category in areas of a residential nature where existing nonresidential buildings/structures are present. In short, this district will

provide such locations that will not detract from the surrounding residential atmosphere of the neighborhood but allow viable businesses to operate in existing buildings/structures.

B. Permitted uses. Permitted uses for the OB-1 District shall be as follows:

- (1) Professional services and administrative activities, including but not limited to architects, engineers, brokers, insurance agents, realtors, physicians, dentists, artists and attorneys, within a single occupancy setting.
- (2) Branch libraries and public information centers.

(3) Government offices serving the public.

C. Conditional uses. Conditional uses shall be as follows:

~~(1) Medical and dental offices in a multiple occupancy setting.~~

~~(12)~~ Day-care centers.

~~(23)~~ Civic or fraternal organizations.

~~(4) Government offices serving the public.~~

D. Area regulations

(1) Minimum lot area.

(a) Existing buildings/structures on site: none.

(b) New construction (conditional use): 1/2 acre.

(2) Maximum lot coverage (building/structure and paved area) shall be no greater than 50%, with the remainder being utilized for plantings and landscaping (new construction, with conditional use). Existing facilities shall not decrease any existing planted or landscaped areas on the site without obtaining a variance for said decrease from the Board of Adjustment.

(3) Minimum lot width.

(a) New construction, with conditional use: 100 feet.

(b) Existing facilities: existing dimension accepted.

(4) Maximum building/structure heights shall not exceed the requirements set forth within this chapter for the residential zoning district in which the building/structure exists.

(5) Minimum front yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the front yard area(s) if the setback is less than 30 feet.

(6) Minimum side yard setback (new construction, with conditional use): 15 feet. Existing facilities shall not be allowed to encroach further into the side yard area(s) if the setback is less than 15 feet.

(7) Minimum rear yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the rear yard area if the setback is less than 30 feet.

(8) 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 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.

§ 230-19.1. - BP Business Park District.

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

- A. The purpose of a Business Park District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas while still providing attractive landscaping, on-site recreation and a better working environment. The emphasis will be on employment rather than warehouse space. Also, the purpose is to provide guidelines and performance standards, which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.
- B. Permitted uses. Permitted uses of the BP District shall be as follows:
 - (1) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices and cafeterias for the exclusive use of in-house staff and employees. **Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be incidental and subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 313: Textile Mills; 314: Textile Product Mills; 315: Apparel Manufacturing; 316: Leather and Allied Product Manufacturing (except 3161 {Hazardous}); 323: Printing and Related Support Activities; 326: Plastics and Rubber Products Manufacturing (except tires 32621{Hazardous}); 3271: Clay Product and Refractory Manufacturing; 327991: Cut Stone and Stone Product Manufacturing; 3322: Cutlery and Handtool Manufacturing; 3323: Architectural and Structural Metals Manufacturing; 3324: Boiler, Tank, and Shipping Container Manufacturing; 3325: Hardware Manufacturing; 3326: Spring and Wire Product Manufacturing; 3327: Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing; 3328: Coating, Engraving, Heat Treating, and Allied Activities; 33291: Metal Valve Manufacturing; 332991: Ball and Roller Bearing Manufacturing;**

332996: Fabricated Pipe and Pipe Fitting Manufacturing; 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing; 3331: Agriculture, Construction, and Mining Machinery Manufacturing; 3332: Industrial Machinery Manufacturing; 333314: Optical Instrument and Lens Manufacturing; 333316: Photographic and Photocopying Equipment Manufacturing; 3335: Metalworking Machinery Manufacturing; 3336: Engine, Turbine, and Power Transmission Equipment Manufacturing; 3339: Other General Purpose Machinery Manufacturing (except 333913 {Hazardous}); 334: Computer and Electronic Product Manufacturing; 335: Electrical Equipment, Appliance, and Component Manufacturing; 337: Furniture and Related Product Manufacturing; 339: Miscellaneous Manufacturing)

- (2) Research, design, testing and development laboratories.
- (3) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
- (4) Business, professional or administrative offices.
- (5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
- (6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be any closer than 500 feet from existing residence, residential district, school or building(s) used for assembly.
- (7) Farm machinery manufacture, sales, storage and repairs.
- (8) Heating, ventilating, cooling and refrigeration manufacturing.
- (9) Building contractor yards.
- (10) Veterinary clinics.
- (11) Beverage blending, bottling (all types).
- (12) Boat manufacture and repair (vessels less than five tons), boat sales and service.
- (13) Dairy operations and dairy products, ice cream and cheese.
- (14) Fruit and vegetable processing, including canning, preserving, drying and freezing.
- (15) Greenhouses, commercial, wholesale or retail.
- (16) Ice manufacture, including dry ice.
- (17) Sign fabrication and painting shops.
- (18) Wood product manufacture, including baskets, boxes, crates, barrels and veneer.

(19) Indoor or outdoor recreation.

C. Conditional uses. The following uses are permitted in the BP District in accordance with the provisions within Article IX (conditional use portion) of this chapter:

- ~~(1) Public, private or professional schools.~~
- ~~(2) Schools for vocational training.~~
- ~~(3) Day care centers.~~

(14) Radio-television facilities.

~~(5) Indoor or outdoor recreation.~~

(26) Craft distillery and microbrewery establishments, provided that:

- (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
- (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
- (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
- (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
- (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

- iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
 - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.
 - v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.
 - vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
 - vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.
- D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by City Council.
- (1) All uses must be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen that may include a fence or wall.
 - (2) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
 - (3) All loading and unloading operations shall be conducted at the side or rear of the building. In the loading and unloading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
 - (4) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).
 - (5) Dust or particle debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

- (6) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.
- (7) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.
- (8) Walls.
 - (a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:
 - [1] Architectural masonry units, excluding concrete block and cinder block.
 - [2] Natural stone.
 - [3] Precast concrete.
 - [4] Steel.
 - [5] Aluminum.
 - [6] Glass materials or their equivalent.
 - (b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.
- (9) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission and/or City Council during site plan or conditional use review.

E. Area regulations.

- (1) Minimum area for a business park will be 40 acres.
- (2) Minimum lot area shall be one acre (43,560 square feet).
- (3) Maximum impervious lot coverage shall be 75%.
- (4) Minimum lot width shall be 150 feet.
- (5) Maximum building height shall be 50 feet.
- (6) Minimum front yard setback shall be 30 feet.

- (7) Minimum side yard setback shall be 15 feet. The setback shall be computed from the berm line, not the property line.
- (8) Minimum rear yard shall be 25 feet. The setback shall be computed from the berm line, not the property line.
- (9) Parking shall comply with the requirements provided in Article IV of this chapter.
- (10) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (11) Signs shall comply with the requirements provided in Article VI of this chapter.
- (12) 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.
- (13) Accessory structures shall be located in the side and rear lot areas.
- (14) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.2. - IS Institutional Service District.

- A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.
- B. Permitted uses.
 - (1) Hospital and all other health-care facilities, including any and all support services related thereto.
 - (2) Outpatient health-care centers and health-care facilities.
 - (3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
 - (4) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
 - (5) Pharmacies.
 - (6) Heliports.
 - (7) Private education institutions and training centers.
 - (8) Nursing facilities, convalescent homes, and a continued-care retirement communities.

- (9) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
 - (10) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
 - (11) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
 - (12) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
 - (13) Ambulance and emergency rescue services.
 - (14) Maintenance and laundry facilities.
 - (15) Libraries
 - (16) Places of worship.
 - (17) Parking areas, including parking facilities.
 - (18) Publicly owned and/or health-related recreation facilities.
 - (19) Rehabilitation facilities.
 - (20) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
 - (21) Auditoriums.
 - (22) Modular office units.
 - (23) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
 - (24) Public and private elementary, junior or senior high schools and colleges.
- C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:
- (1) All residential uses permitted in the R-8 Zoning District subject to its area regulations.
 - (2) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, students and/or residents and/or health-care employers and their employees.
 - (3) Places of worship.**
 - (4) Emergency shelter facility.**

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

(5) Community energy generating facility.

(a) The footprint of the solar array, as defined as the by the outer limit of the panels and exclusive of buffers shall be no larger than fifty (50) acres in size.

(b) No more than one Community Solar Energy Facility (SEF) shall be permitted on a parcel. All separate parcels in existence on June 1, 2023, shall be considered original parcels. Future subdivision of an original parcel shall not enable the development of additional Community Solar Energy Facilities.

(c) Facility location and siting shall be in accordance with the requirements of Title 26 Public Utilities of the Delaware Administrative Code, 3001 (Rules for Certification and Regulation of Electric Suppliers) as amended.

(d) Setbacks for the Facility shall be:

[1] Front setback shall be 75 feet.

[2] Side setback shall be 50 feet.

[3] Rear setback shall be 50 feet.

[4] Distance from any off-site dwelling unit shall be 100 feet.

[5] Distance from any State recognized Scenic Byway shall be 150 feet.

[6] Distance from any wetlands shall be 100 feet.

(e) The site area shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[1] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[2] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[3] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[4] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[5] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

(f) The required buffer may be counted toward planting requirements included in this Chapter.

(g) If topsoil is removed for improvements, it shall remain on the site.

(h) Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

(i) A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

(j) Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(k) Abandonment. A Community Energy Generating Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[1] Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.

[2] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[3] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation and/or agriculture.

(l) Decommissioning plan.

[1] A decommissioning plan outlining the anticipated means and costs of removing the solar facility must be submitted, with the application.

[2] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

[3] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

(m) Financial Assurance. The operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar Facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(6) Energy system utility scale solar & wind.

(a) The following are conditions specific to Solar Facilities:

[1] Setbacks for a Solar facility shall be:

[a] Front setback shall be 100 feet.

[b] Side setback shall be 75 feet.

[c] Rear setback shall be 75 feet.

[d] Distance from any off-site dwelling unit shall be 100 feet.

[e] Distance from any State recognized Scenic Byway shall be 150 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] The required setback shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[a] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[b] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[c] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[d] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[e] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

[3] A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

[4] Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(b) The following are conditions specific to Wind Facilities:

[1] Setbacks for a Wind Facility shall be:

[a] Front setback shall be 800 feet.

[b] Side setback shall be 800 feet.

[c] Rear setback shall be 800 feet.

[d] Distance from any off-site dwelling unit shall be 1,000 feet.

[e] Distance from any State recognized Scenic Byway shall be 800 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single poles.

[3] The facility shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

[4] All access roads shall be gated and locked.

[5] All power transmission lines from the tower to any other building or other structure shall be located underground to the maximum extent practical.

[6] No tower shall be lit except to comply with Federal Aviation Administration requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low-glare fixtures, and directing lights at the ground.

[7] All structures in a project shall be finished in a single, non-reflective, matte color or a camouflage scheme.

[8] Signs

[a] No advertising signs are allowed on any part of the WECS, including fencing and support structures.

[b] No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

[c] Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building (or on the tower or building if there is no fence) containing emergency contact information, 911 address, including a local telephone number with 24-hour, 7-days-a-week coverage. The City may require additional signs based on safety needs.

[9] Noise level shall not exceed 50 dBA, including constructive interference at existing off-site residences, businesses, and public buildings.

(c) The following are conditions required for all Utility Solar and Wind Energy Facilities

[1] Required buffers may be counted toward planting requirements included in this Chapter.

[2] If topsoil is removed for improvements, it shall remain on the site.

[3] Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

[4] Abandonment. A Utility Solar or Wind Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Utility Solar Facility that has been

abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[a] Physical removal of all solar photovoltaic facilities, wind turbines, structures, equipment, security barriers and transmission lines from the site.

[b] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[c] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

[5] Decommissioning plan.

[a] A decommissioning plan outlining the anticipated means and costs of removing the facility must be submitted, with the application.

[b] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation and/or agriculture.

[c] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

[6] Financial Assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

D. Area regulations.

- (1) The minimum area to request an Institutional Service District shall be 20 acres.
- (2) Maximum lot coverage shall be 75%.
- (3) Minimum lot width shall be 150 feet.
- (4) Height of buildings, including any hospital structure existing as of the date of enactment of this section, shall not be greater than 140 feet, excluding smokestacks and/or other rooftop ancillary services (such as heating and air conditioning equipment, staircases, fire escapes or walkways, elevator shafts, enclosed mechanical rooms and similar appurtenances).

- (5) Minimum front yard setback shall be 50 feet.
- (6) Side yards shall be a minimum of 50 feet.
- (7) Minimum rear yard setback 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 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (12) Accessory structures shall be located in the side and rear lot areas.
- (13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.3. - IM Institutional Medical District.

- A. Purpose. The Institutional Medical District is intended to achieve the following:
 - (1) To encourage a harmonious pattern of institutional development which can mutually benefit the City of Milford and the institutions themselves.
 - (2) To encourage the development of institutional medical uses in accordance with approved standards and to promote the planning for the location of future health institutional uses serving a regional population.
- B. Permitted uses.
 - (1) Outpatient health-care clinics.
 - (2) Professional offices, medical offices, and medical laboratories involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
 - (3) Private education institutions and training centers related to health care (but not including other trade schools).
 - (4) Nursing facilities and/or convalescent homes.
 - (5) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
 - (6) Data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
 - (7) Parking areas, including parking facilities.
 - (8) Rehabilitation facilities and fitness centers related to health-care fitness and wellness.
 - (9) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and

distribution lines, police and fire stations and substations for electric, gas and telephone facilities.

- (10) Public and private elementary, junior or senior high schools and colleges.
- (11) Cafeteria facilities, snack and gift shops, banking facilities, restaurants, retail, personal service shops, and laundry facilities primarily for the use of health-care employees, patients and visitors.
- (12) Pharmacies.
- (13) Hospitals and all other health-care facilities, including any and all support services related thereto.

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

- (1) All residential uses permitted in the R-8 Zoning District subject to its area regulations.
- (2) Any residential housing owned, maintained and operated by a health-care organization for the primary benefit of its patients, patient families, and/or health-care employers and their employees as well as overnight accommodations for patient families and individuals that are receiving treatment from a hospital or other health-care facility.

(3) Emergency shelter facility.

(4) Places of worship.

D. Area regulations.

- (1) The minimum area to request an Institutional **Medical Service** District shall be 20 acres.
- (2) Maximum lot coverage shall be 75%.
- (3) Minimum lot width shall be 150 feet.
- (4) Height of buildings shall not be greater than 50 feet measured from ground level at the building's main entrance, excluding rooftop ancillary services (such as heating and air conditioning equipment, staircases or walkways, elevator shafts, and similar appurtenances).
- (5) Minimum front yard setback shall be 30 feet
- (6) Side yards shall be a minimum of 20 feet with an aggregate of 50 feet.
- (7) Minimum rear yard setback 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 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- (12) Accessory structures shall be located in the side and rear lot areas.

- (13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.4. - R-8 Garden Apartment and Townhouse District.

In an R-8 District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the R-8 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.
- B. Permitted uses. Permitted uses for the R-8 District shall be as follows:
- (1) All uses permitted in an R-2 District
 - (2) Single-family semidetached dwellings.
 - (3) Two-family dwellings.
 - (4) Townhouses.
 - (5) Garden Apartments.
- C. Conditional uses subject to special regulations. The following uses and any conditional use allowed in R-1 District may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter and are subject to the area regulations for the R-1 zoning district unless otherwise noted below:
- (1) Rooming or boarding houses.
 - (2) Business or professional offices (nonresident); minimum lot size one acre.
 - (3) Nursing homes; minimum lot size one acre.
 - (4) **Manufactured** mobile-home parks.
 - (5) Tiny home village.** ~~subject to conformance with the following requirements and subject to site plan review:~~
 - ~~(a) The total area to be developed as a mobile home park shall be at least 20 acres.~~
 - ~~(b) The maximum density shall not exceed eight units per acre.~~
 - ~~(c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.~~
 - ~~(d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.~~
 - ~~(e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.~~

- ~~(f) Off street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on street parking.~~
- ~~(g) Signs shall comply with the requirements provided in Article VI of this chapter.~~
- ~~(h) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.~~
- ~~(i) Minimum requirements for mobile home lots.

 - ~~{1} Lot area shall be 5,000 square feet per mobile home.~~
 - ~~{2} Width shall be 40 feet.~~
 - ~~{3} Public street setback shall be 50 feet.~~
 - ~~{4} Mobile home park setback shall be 35 feet.~~
 - ~~{5} Mobile home street or parking area setback shall be 30 feet.~~
 - ~~{6} Distance from other mobile homes and buildings shall be 25 feet.~~
 - ~~{7} One patio shall be required per unit, 10 feet by 40 feet paved.~~
 - ~~{8} Landscaping shall be one tree per lot.~~
 - ~~{9} Mobile homes must meet the requirements of the Federal Manufactured Housing Construction and Safety Standard Act of 1974.~~
 - ~~{10} The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.~~~~

D. Area regulations.

- (1) Single-family and two-family dwellings shall be subject to the following area regulations:
 - (a) Minimum lot area shall be 7,500 square feet.
 - (b) Maximum building coverage shall be 40%.
 - (c) Minimum lot width shall be 60 feet.
 - (d) Minimum front yard setback line shall be 30 feet.
 - (e) Side yards shall be provided as follows: Each lot shall have at least two side yards eight feet in width.
 - (f) Minimum rear yard setback shall be 15 feet. For corner lots, the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (2) Single-family semi-detached.
 - (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
 - (b) Maximum lot coverage shall be 40%.
 - (c) Minimum lot width shall be 40 feet.

- (d) Minimum front yard setback line shall be 30 feet.
 - (e) Side yards shall be provided as follows: each lot shall have at least one side yard setback per lot eight feet in width.
 - (f) Minimum rear yard setback shall be 15 feet. For corner lots, the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (3) Townhouse.
- (a) Minimum townhouse project size shall be one acre.
 - (b) Minimum lot area shall be 2,000 square feet.
 - (c) Maximum lot coverage shall be 60%.
 - (d) Minimum lot width shall be 20 feet.
 - (e) Minimum front yard setback line shall be 30 feet.
 - (f) Minimum rear setback shall be 30 feet.
 - (g) Minimum side yard setback shall be 10 feet, aggregate of 30 feet.
 - (h) The number of dwelling units per group shall not exceed eight nor be fewer than three.
 - (i) The number of dwelling units per acre shall not exceed 8.
 - (j) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.
- (4) Garden or low-rise apartments.
- (a) Minimum apartment project size shall be one acre, with a minimum of 2,500 square feet of lot area for each dwelling unit.
 - (b) Maximum lot coverage shall be 80%.
 - (c) Minimum lot width shall be 50 feet.
 - (d) Minimum front yard setback shall be 30 feet.
 - (e) Minimum rear yard setback shall be 30 feet.
 - (f) Minimum side yard setback shall be 20 feet.
 - (g) The maximum number of dwelling units per building shall be 24.
 - (h) The number of dwelling units per acre shall not exceed 8.
 - (i) Distance between buildings or group of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or groups of buildings.

(5) Manufactured Home Parks

- (a) The total area to be developed as a mobile home park shall be at least one acre.**

- (b) The number of dwelling units per acre shall not exceed 8.
- (c) Maximum lot coverage shall be 60%.
- (d) Minimum lot width shall be 40 feet.
- (e) Minimum lot area shall be 4,000 square feet.
- (f) Minimum front yard setback shall be 25 feet.
- (g) Minimum rear yard setback shall be 15 feet.
- (h) Minimum side yard setback shall be 8 feet.
- (i) Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.

(6) Tiny Home Village

- (a) The total area to be developed as a tiny home village shall be at least one acre.
- (b) The number of dwelling units per acre shall not exceed 8.
- (c) Maximum lot coverage shall be 60%.
- (d) Minimum lot width shall be 40 feet.
- (e) Minimum lot area shall be 4,000 square feet.
- (f) Minimum front yard setback shall be 25 feet.
- (g) Minimum rear yard setback shall be 15 feet.
- (h) Minimum side yard setback shall be 8 feet.
- (i) Tiny homes must meet the requirements of the adopted building code of the City of Milford.

- ~~(75)~~ Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
- ~~(86)~~ Parking shall comply with the requirements provided in Article IV of this chapter.
- ~~(97)~~ Signs shall comply with the requirements provided in Article VI of this chapter.
- ~~(108)~~ Landscape screening shall comply with the requirements provided in Article V of this chapter.
- ~~(119)~~ Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.
- ~~(1210)~~ Accessory structures for non-residential uses in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
- ~~(1311)~~ Accessory structures for non-residential uses shall be located in the side and rear lot areas.
- ~~(1412)~~ Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19-8. – Tree Planting and Preservation.

A. Purpose. The purpose of this section is to establish standards and requirements for the protection and planting of trees and woodlands because it is recognized that woodlands and trees are not only desirable, but are essential to the health, safety, and welfare of the population in that they provide oxygen, reduce carbon dioxide, stabilize soil, cleanse the air by transpiring clean water into the atmosphere, cleanse water passing into the ground through the root system, provide protection for wildlife and their habitats, provide shade, reduce noise and glare, increase property values, and provide an important physical, aesthetic, and psychological balance to the built environment.

B. Definitions.

CALIPER DIMENSION — The term "caliper dimension" means an outside diameter measurement of the trunk of a tree measured at a vertical distance of three feet above grade.

CLEARING — The removal of trees from an area of 5,000 square feet or greater, whether by cutting or other means. The term "clearing" shall not include the removal of trees for landscaping purposes by individual lot owners.

DESIGN PROFESSIONAL — The term "design professional" shall be any person licensed as a landscape architect or architect, or Delaware certified nursery professional.

DEVELOPMENT AREA — The area containing all new site features (buildings, parking and drive areas, pedestrian walks, stormwater management areas, buffer areas etc. but not underground utilities) proposed by a plan. The development area shall be delineated using property lines and lines run straight across the property from one property line to another without bending or curving.

DRIPLINE — A line on the ground established by a vertical plane extending from a tree's outermost branch tips to the ground, i.e., the line enclosing the area directly beneath the tree's crown, from which rainfall would drip.

TREE — Any self-supporting, woody perennial plant, usually having a main stem or trunk and many branches and at maturity normally attaining a trunk diameter greater than three inches at any point and height of over ten feet.

TREE PROTECTION AREA — Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this section. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

WOODLAND — An area of contiguous wooded vegetation (7,500 square feet or greater), where trees exist at a density of at least one tree with a caliper dimension of six inches or greater per 375 square feet of land and where the tree branches form a contiguous canopy.

C. Applicability. The terms and provisions of this section shall apply to any activity on real property which requires conditional use, site plan or subdivision approval of the Planning Commission or City Council as set forth in Chapter 200 and Chapter 230, except the provisions in [sub]section 19.8(D) which shall apply to all real property.

D. Tree preservation.

(1) Trees required by the City to be replaced. Trees required by the City as a part of a conditional use, subdivision, or site plan approval shall not be removed unless they are diseased or

infested, or present a danger to life and property. In cases where such trees are removed, they must be replaced with a tree planting in accordance with the table of trees standards kept in the Planning Department.

- (2) Trees of special value. Trees having a historic value, as determined by the state historic preservation officer, or that are of an outstanding nature due to type or species, age, or other professional criteria, may be required by the City to be preserved. Such trees may be prohibited from being removed by the Planning Director until such time that the City has granted approval to remove such trees.
- (3) Tree preservation in wetlands. No portions of wetland areas shall be developed or cleared of vegetation unless granted permission under state and/or federal permit; and they shall remain as essentially undisturbed areas protected under the provisions set forth in Chapter 230.
- (4) Clearing prohibited without approval. Clearing, as defined by this section, for any purpose whatsoever, except the establishment of trails and pathways (not greater than eight feet in width) and open yard areas, shall be prohibited unless approved by the City through the site plan, conditional use, or subdivision review process.

E. Woodland preservation.

- (1) Tree preservation and selective clearing plan required. All site development proposals which involve the development of woodland areas and require City approval shall include a tree preservation and selective clearing plan as part of the preliminary submission plan. The tree preservation and selective clearing plan shall be prepared in accordance with the provisions of subsection 19.8(E), subsection 19.8(G) and subsection 19.8(H) of this section.
- (2) Limited clearing for site development allowed. Generally, site development plans for the construction of a new building within existing woodland areas shall limit clearing of the land to those areas necessary to provide for the placement of the building or group of buildings, adequate access onto the property and to the proposed building or group of buildings, utility placement, off-street parking and yard areas to allow for daylight infiltration and building maintenance. When woodland areas are proposed to be cleared to allow for new construction, clearing within the area of the proposed construction shall be limited to an area of 30 feet from proposed building foundation, and 15 feet from off-street parking lots, and utility placement.
- (3) Maximum clearing requirement. Specifically, no more than 50 percent of a lot, parcel or tract of land occupied by woodland vegetation may be cleared for any purpose.

F. Tree preservation and planting in nonwoodlands.

- (1) Tree preservation and planting plan required. All developments requiring approval of the City shall be required to submit, with its application and plans, a tree preservation and planting plan as set forth in subsection 19.8(H), and shall conform with the following provisions.
- (2) Tree density. For each property required to submit a tree preservation and planting plan, a development area as defined in this section shall be delineated within the nonwoodland area of the property. Within this development area, existing trees may be retained and new trees shall be planted such that the development area shall attain or exceed a tree density of one tree per **10,000 square feet of lot area for residential land development and one tree per 5,000 square feet of nonresidential land development** ~~3,000 square feet or fraction thereof.~~

- (3) Minimum standards for new trees. For new trees to be counted toward the required tree density, they must be of a species and size as set forth in the table of trees approved by the City and kept on file in the office of the Planning Director, or be of an alternate species found acceptable by the City.
 - (4) Minimum standards for existing trees. For existing trees to be counted toward the required tree density, the tree shall have a minimum caliper dimension of two inches. No trees over eight inches in caliper dimension shall be removed unless within an area of 30 feet from the proposed building foundation, off-street parking lot, and utility placement.
- G. Tree protection and planting requirements.
- (1) Application. The following guidelines and standards shall apply to activities regulated under Chapter 200 or Chapter 230:
 - (2) Protection required. To protect the required trees or woodland and their critical root zone, a tree protection area delineated by the dripline of a tree or group of trees to be retained, shall be established. The protection area shall not be disturbed by site utility and grading work, by construction activities such as parking, material storage, concrete washout, sedimentation intrusion or erosion, or other activity. Damage to trees or woodlands and their critical root zones shall require tree plans to be revised to compensate for the loss as determined by the City Arborist or a qualified professional/consultant.
 - (3) Protection measures. Tree protection areas shall be protected by fencing, staking, or continuous ribbon and, where necessary, silt screens which shall be situated to coincide with the dripline of the tree or group of trees to be preserved. Protection measures shall be erected prior to construction, and must remain until final landscaping is installed.
 - (4) Planting requirements. New trees proposed to be planted for credit toward the density requirement shall have spacing that is compatible with the spatial site limitations and with responsible consideration toward species size when mature. Species selected for planting must be ecologically compatible with the specifically intended growing site. Trees selected for planting shall be free from injury, pest, disease, and disorders.
- H. Tree preservation, planting and selective clearing plans.
- (1) Plan specifications. A tree preservation and planting plan or a preservation and selective clearing plan, prepared by or in conjunction with a design professional, shall be shown on a copy of a preliminary major subdivision plat, or site plan, as appropriate to the proposed development, drawn to the same scale and covering the same area as the other plan documents prepared for the Planning Commission or City Council meeting. The plan may be combined with a required buffer and landscape plan for the project, at the option of the developer. The plan shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this section will be fully satisfied.
- I. Tree mitigation.
- (1) City Council or Planning Commission waiver. The City Council or Planning Commission may waive the provisions of subsections 19.8(E)(2), 19.8(E)(3), and 19.8(F)(2), and require replacement planting for mitigation purposes should the City Council or Planning Commission determine, after demonstration by the applicant, that due to physical limitations of the land which would otherwise prohibit the reasonable use of the land, or for purposes of preserving, protecting and promoting the interest of public health, safety, welfare and/or public

convenience. All tree mitigation plantings must occur within the corporate limits of the City of Milford. Tree mitigation may occur off-site in accordance with the provisions listed below in this ordinance:

- (a) If a waiver is sought from the provisions of subsection 19.8(F)(2), new tree plantings are required at a rate of 1:1. All new tree plantings shall meet the minimum size at planting requirements of the City of Milford table of trees.
- (b) If a waiver is sought from the provisions of subsection 19.8(E)(2) and/or subsection 19.8(E)(3), then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for the consideration of the City Council or Planning Commission.
- (c) All tree mitigation must occur on-site unless an off-site location is specifically approved by the City Council or Planning Commission. When considering off-site locations for tree mitigation, the City Council or Planning Commission shall consider:
 - [1] A physical hardship related to the land which would otherwise prohibit compliance on the subject site.
 - [2] Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quality, or aesthetic qualities compared to strict compliance with the ordinance on-site.
- (2) Tree mitigation required for unauthorized clearing. In the event that trees or woodland areas to be preserved under this ordinance or as a condition of a site plan, subdivision, or conditional use approval are illegally removed, tree mitigation shall be required. All tree mitigation plantings must be placed on the same lot, parcel, or tract on which the illegal clearing occurred. All replacement trees must be of the same or a similar variety as the trees illegally removed.
 - (a) If trees have been removed from non-woodland areas, new tree plantings shall be provided in accordance with the table below:

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

* Note—All trees replanted must be guaranteed to survive a minimum of one year.

- (b) If trees have been removed from woodland areas, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.75 times the amount of woodlands that were illegally removed. The woodland unlawfully removed must be replanted to satisfy a portion of this requirement. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for review and approval by the Planning Director.

- (c) If the applicant wishes to provide replacement plantings on any property other than the one on which illegal clearing occurred, the mitigation plan must be reviewed and approved by the City Council or Planning Commission. When considering off-site locations for tree mitigation, the City Council or Planning Commission shall consider:
- [1] A physical hardship related to the land which would otherwise prohibit compliance on the subject site.
 - [2] Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quality, or aesthetic qualities compared to strict compliance with the ordinance on-site.
 - [3] The City Council or Planning Commission may require tree mitigation areas to be planted in permanent conservation through deed restrictions, conservation easements, or donations to land trusts.

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

- A. Parking space size. Parking space sizes shall be in accordance with § 230-21.
- B. Parking spaces in residential driveways and garages. Driveways and garages shall be considered as constituting off-street parking space for one-family detached, semidetached, townhouse and multi-family dwellings , provided that the driveway shall be a minimum of 10 feet in width with a curb cut no greater than 20 feet in width and such driveways and garages meet the minimum requirements for off-street parking outlined in this section. Residential driveways must be constructed with an approved dustless surface such as asphalt, concrete, pavers or other material that will not wash away or emit dust into the air. Residential driveways shall provide a minimum of two feet of separation between the driveway and the side property line, unless a cross-access easement agreement is provided between property owners for a shared driveway. Driveways for corner lots shall be located off of the street with a lesser road classification as determined by the Planning Director and shall be located as far away from the intersection as practically possible. Curb cuts shall be constructed as required by the City Construction Standards and shall be limited to the frontage of the lot served.
- C. Location of parking spaces within parking lots. All parking spaces shall be set back 15 feet from any street line and 5 feet from any property line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.
- D. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- E. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking in this zoning district.

- F. Parking lots. Whenever a parking lot is located across the street from a residential use, it shall be edged with low-profile evergreen hedge planting located along a line drawn parallel to the street and a distance of 10 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- G. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- H. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- I. Non-residential points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 24 feet and not more than 32 feet in width when the entrance requires two-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road. Such accessway shall not be less than 12 feet in width when the entrance is for one-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road. No two accessways on the same lot shall be placed within 75 feet of each other. The entrance shall be setback 5 feet from any adjoining property line unless otherwise noted under the conditional use requirements.
- J. All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
- K. All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The Planning Director may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Parking blocks are required at the head of all parking spaces where curb is not provided. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence. Buildings and sidewalk shall be protected by upright concrete curbing at least six inches in height, bollards or other object approved by the Planning Director that demonstrates protection of pedestrians and property.
- L. Parking Lots: Interior Landscaping. To reduce the visual impact of large expanses of parking and to create a more pedestrian-friendly environment, interior parking lot landscaping is required. Green space in the form of landscape islands and/or peninsulas are required to break up rows of parking spaces as follows:
 - (1) If the total number of parking spaces is less than 100, the minimum requirement is:
 - (a) Islands at both ends of each row of parking (minimum of 9' x 18').
 - (b) One island or peninsula (minimum of 9' x 18') for every 10 contiguous spaces.
 - (c) No more than two (2) contiguous bays (four total rows) without a 9' wide island separating the two (2) bays from additional parking bays or drive aisles.

- (d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.
- (2) If the total number of parking spaces is 100 or greater, the minimum requirement is:
 - (a) Islands at both ends of each row of parking (minimum of 9' x 18').
 - (b) One island or peninsula (minimum of 9' x 18') for every 12 contiguous spaces.
 - (c) No more than three (3) contiguous bays (six total rows) without a 9' wide island separating the three (3) bays from additional parking bays or drive aisles.
 - (d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.
- M. Bicycle Parking Facilities. All parking facilities containing less than ten (10) parking spaces shall provide one bicycle rack with no less than five (5) spaces. For parking facilities with ten (10) or more parking spaces, five (5) bicycle spaces plus one (1) per every twenty (20) parking spaces shall be provided, not to exceed more than twenty (20) bicycle parking spaces in any one facility. The Planning Commission or City Council may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.
- N. Illumination. Parking lots shall be property illuminated per the most recent version of the Illuminating Engineering Society (IES) Standards.
- O. Parking of vehicles on unpaved surfaces within the front yard of all districts shall be prohibited. Exception: emergency vehicles.
- P. Garbage Enclosure. Commercial, industrial, institutional or residential multi-family sites shall provide trash enclosures to adequately serve the proposed uses. Enclosures shall be conveniently placed on the site for commercial or residential tenants to use and shall be no farther than 300 feet from the intended users. Trash enclosures shall be constructed with similar materials to other buildings on the site. Receptacles shall be situated at an appropriate location as to not constitute a nuisance for users of the property and adjoining property owners and shall be appropriately screened to improve the appearance of the area.

Q. Parking Lots: EV Charging Stations.

- (1) If the total number of parking spaces is less than 100, the recommended number of charging stations is zero.**
- (2) If the total number of parking spaces is 100 or greater, the recommended number of charging stations is one (1) EV charging station per 25 parking spaces.**

§ 230-21. - Parking and loading standards.

- A. Design standards.
 - (1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
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90°	9	18	20 feet (one-way) 24 feet (two-way)
60°	9	20	18 feet (one-way) 22 feet (two-way)
45°	9	18	14 feet (one-way) 22 feet (two-way)
Parallel	10	20	14 feet (one-way) 22 feet (two-way)

(2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).

- B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 space per 4 seats or 1 space per each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Automotive Repair	3 spaces per service bay
Automotive or Outdoor Sales	1 space per 200 square feet of floor area in the main display room plus 1 space per each 1,500 square feet of outdoor display area plus 1 space for each employee on the shift of greatest employment
Bed and Breakfast	1 space per guestroom plus required parking for family residence
Group home, other than for the care of disabled and elderly persons. Community Residential Treatment Program	1 space per 2 sleeping rooms 4 residents plus 1 space per employee
Daycare, Nursery School or Kindergarten	1 space per 10 children plus 1 space per employee on the shift of greatest employment
Elementary or Junior High School	1 space for each 8 seats in auditorium, cafeteria or gymnasium
High School, Technical School, College or University	1 space for each classroom plus 1 parking space for each employee or 1 space for each 5 auditorium seats, whichever is greater
Fire station	1 space per employee on the maximum shift or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever is greater
General Offices	1 space per 250 square feet of gross floor area
Medical and Dental Offices	1 space per 200 square feet of gross floor area

Hospitals, Nursing Home or Sanatorium	1 space per 3 beds
Hotel and motel	1 space for each guest room plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.)
Indoor and commercial outdoor recreation	1 space for each 150 square feet of gross floor area or 1 per 4 seats of facilities available for patron use, whichever is applicable
Industrial, manufacturing or wholesaling establishment	1 space per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Museum, Art Gallery, Library and similar use	1 space per 300 square feet of gross floor area
Places of Worship	1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Professional Home Occupation	1 space per 300 square feet of floor area devoted to a business plus 1 space per each outside employee, if there is one
Restaurants, fast food, taverns and similar uses	1 space per 3 seating accommodations
Retail or Service	1 space per 200 square feet of gross floor area
Rooming and boarding house or converted unit	1 space per bedroom
Dwelling, single-family detached, semi-detached, townhouse, mobile home, or multi-family dwelling unit	2 ½ spaces per dwelling unit
Accessory Dwelling Unit	1 ½ spaces per dwelling unit
Social club and fraternal, social service, union and civic organization building	1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies
Undertaker or Funeral Home	1 space per 4 seats in the largest assembly room plus 1 space per employee
<u>Short-term Rental</u>	<u>2 ½ spaces per dwelling unit plus 1 additional space for the short-term rental</u>

- (1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and

be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
 - (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
 - [1] Five thousand to 7,999 square feet of floor area: one berth.
 - [2] Eight thousand to 19,999 square feet of floor area: two berths.
 - [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
 - (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
 - [1] Eight thousand to 20,000 square feet of floor area: one berth.
 - [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
 - (c) Each manufacturing, office research and industrial establishment with a total of 5,000 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.
- (2) Loading berths must be functionally related to the building, and be situated where actual loading and unloading activities are intended to occur. Loading berths located remotely from the building will not be permitted, unless the applicant can demonstrate the utility of such berths. Loading berths are not permitted between the street and building, except where a property fronts three or more streets. This section of the ordinance shall not preclude the designation of an area in front of the building for parcel pick-up, mail deliveries, or passenger loading.
- (3) One required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. If more than one loading berth is required, subsequent berths may have minimum dimensions of 12 feet wide and 40 feet long. At no time shall any part of a truck or van be allowed to extend into a public right-of-way or thoroughfare while the truck or van is being loaded or unloaded.

- (4) Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

ARTICLE VI - Signs

§ 230-24.11. - Standards in residential zones.

- A. General standards and sign features: Permanent on-premise signs in Residential Zones, as identified herein, shall be subject to the standards set forth in this section.
 - (1) R-1 Single-Family Residential District;
 - (2) R-2 Residential District;
 - (3) R-3 Garden Apartment and Townhouse District;
 - (4) R-8 Garden Apartment and Townhouse District.
- B. Subdivisions, apartments, multi-family dwellings, and condominium complexes are permitted the following:
 - (1) One freestanding sign not to exceed 64 square feet of sign area per side and ~~seven~~four feet in height and further provided that one such sign shall be permitted for each separate entrance.
 - (2) Other directional, incidental, or accessory signs located within the subdivision, complex, or multi-family residential development provided that such signs shall not exceed six square feet of sign area per side and four feet in height, if freestanding.
- C. For properties located in a Residential Zone as described in subsection B above, other directional, incidental or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed six square feet in sign area per side and four feet in height, if freestanding.
- D. Home Occupation — One non-illuminated on-premise sign not to exceed six square feet of sign area per side, identifying a permitted home occupation on the premises. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback five feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines, and shall not exceed four feet in height.
- E. Properties in a Residential Zone which are used for permitted non-residential uses are permitted a freestanding sign not to exceed 48 square feet of sign area and 10 feet in height, and further provided that one such sign shall be permitted for each separate street frontage occupied by the permitted use. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback of 10 feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines.
- F. Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses:
 - (1) Public and private schools
 - (2) Churches and other places of worship
 - (3) Social clubs or fraternal, social service, union, or civic organizations

ARTICLE VII - Board of Adjustment

§ 230-30. - Use and Area Variances.

- A. Variance applications may be submitted to the Planning Department for review by the Board.
- B. Notice of matters to be heard by the Board shall be published in a newspaper of general circulation for the City of Milford at least ~~15~~¹⁰ days before the date of the hearing and shall specify the date, place and times at which the application may be examined. The notice shall set forth the date, time and place of the public hearing and shall describe in a general way the nature of the application.
- C. The Planning Department shall provide a copy of the public notice by mail to the registered owners of all property within 200 feet of the property upon which the variance application is being sought.
- D. The Planning Department will also post a notice at least 10 days before the hearing outlining the date, time, place and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps, and plans for the proposal may be examined.
- E. A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57.
- F. Variance approvals associated with site plans shall expire with the expiration of the site plan approval. Variances associated with subdivisions shall expire with the expiration of the subdivision approval. All other variances shall become null and void unless work is commenced and diligently prosecuted within one year of the date of the granting of a variance by the Board.
- G. Whenever the Board of Adjustment denies an application for variance, such application for variance, or an application on the same property which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial.

ARTICLE VIII - Miscellaneous Provisions

§ 230-39. - Fences.

~~Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level. At the intersection of two or more streets, no hedge, fence or wall over two feet shall be permitted that would interfere with vehicular sight distance as determined by the Code Official.~~

A. Fences may be erected, altered or reconstructed based on the below requirements.

(1) Fences shall not exceed heights based on the below table. The use of barb wire or protective extension shall be based on the below table.

<u>Use Type</u>	<u>Maximum Height (in feet) in Front Yard Area</u>	<u>Maximum Height (in feet) in Rear or Side Yard Area</u>	<u>Barbed Wire/Razor Wire</u>

<u>Residential Uses and properties zoned R-1, R-2, R-3 or R-8</u>	<u>3.5</u>	<u>6</u>	<u>Prohibited</u>
<u>Schools in Residential Zones</u>	<u>6</u>	<u>8</u>	<u>Prohibited</u>
<u>Nonresidential Uses in the C-1, C-2, C-2A, C-3, OC-1, OB-1</u>	<u>3.5</u>	<u>6</u>	<u>Prohibited</u>
<u>Properties zoned I-1, I-2 and BP</u>	<u>8</u>	<u>8</u>	<u>Permitted</u>
<u>Properties zoned IM, IS and H-1</u>	<u>8</u>	<u>8</u>	<u>Permitted</u>

- (2) Privacy fences are not permitted in the front yard area except in the I-1, I-2, BP, IM or IS zoning districts for non-residential uses.
- (3) Corner visibility. In all zones within the City, no fence in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner lot within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 25 feet in length and measured from the point of intersection of the right-of-way lines.
- (4) Deviations in the height regulations may be granted by the Planning Commission and/or City Council as part of a Site Plan or Subdivision review.
- (5) Fences must be constructed with appropriate fencing materials, including but not limited to, chain link, vinyl, pressure treated wood, cedar, salt treated or other weather resistant material.
- (6) Fences and gates must be maintained in good working order as outlined in Chapter 174 Property Maintenance.
- (7) The construction of a fence requires a building permit from the City of Milford.

§ 230-41. - Prohibited uses.

The following uses and activities shall be specifically prohibited in any zone in the City of Milford:

- A. Automobile wrecking yards, junkyards or the sorting and baling of scrap metal, paper, rags, glass or other scrap material.
- B. The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle, to include, but not limited to cars, boats, boat trailers, campers, tractors or any parts thereof unless within an enclosed building. All vehicles requiring tags/registration must be valid at all times and vehicles maintained in its original configuration. All boats requiring a trailer for transportation must be stored on a registered trailer.
- ~~C. Any uses not permitted by this chapter.~~
- C**D. Outdoor woodburning furnaces.
 - (1) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.
 - (2) Nonconforming uses. All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011 and be removed by the property owner from the subject premise no later than October 31, 2011. This will allow sufficient time for an

alternate source of heat to be established. During the transition, such use shall conform with the following provisions:

- (3) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.
- (4) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.

DE. Manufacturing uses involving production of the following products from raw materials; asphalt, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, 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 lurpentine; rubber (natural and synthetic); and soaps, including fat rendering.

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

FG. Quarries, screening plants and all associated uses.

GH. 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.

H. Recreational Vehicle Prohibited Activities.

- (1) Recreational Vehicles shall not be considered dwelling units intended for permanent habitation.
- (2) For purposes of this section, evidence of habitation shall include activities such as sleeping, setting up housekeeping or cooking, eating, recreating, and/or any other activity where it reasonably appears, in light of all the circumstances, that the vehicle is being used as a living accommodation.
- (3) Running electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time is prohibited.
- (4) Making a sewer connection with a recreational vehicle or dumping wastes from a recreational vehicle onto public or private land other than a designated RV dump is prohibited.

§ 230-42. - Multiple permitted uses and mixed uses.

A. In the R-1, R-2, R-3, R-8, C-1 and OB-1 districts, ~~In any and all zoning districts,~~ multiple permitted uses **or tenants spaces** or mixed use of a property shall be deemed a conditional use subject to special requirements.

B. Four or more non-residential permitted uses or tenant spaces on a property zoned C-2, C-2A, C-3, OC-1 and H-1 requires a conditional use approval from City Council.

ARTICLE IX - Conditional Uses

§ 230-47. - Application and approval procedures.

- A. Conditional Use Site Plans shall follow the procedures for application and review outlined in Article X Site Plan Review of this Chapter.
- B. Conditional Use Major Subdivisions shall follow the procedures for application and review outlined in Chapter 200 Subdivision of Land
- C. 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 ~~15~~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.

ARTICLE X - Site Plan Review

§ 230-51. - Review procedure.

- A. Preliminary Review of Permitted Use Site Plans.

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the Planning Director. The application shall be reviewed by the Planning Director and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the City Planner that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission. **A preliminary application shall be considered withdrawn if plan review comments are not satisfactorily addressed and preliminary approval is not obtained within twelve (12) months of initial preliminary submission.**
- (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
- (4) Preliminary approval from the Planning Commission shall be void after 24 months, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

B. Preliminary Review of Conditional Use Site Plans.

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the Planning Director. The application shall be reviewed by the Planning Department and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the Planning Director that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission. **A preliminary application shall be considered withdrawn if plan review comments are not satisfactorily addressed and preliminary approval is not obtained within twelve (12) months of initial preliminary submission.**
- (3) A public hearing on the preliminary plan shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, deny the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.
- (4) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to

such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:

- (a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.
 - (b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least ~~15~~10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.
 - (c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.
- (5) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
- (6) Preliminary approval from City Council shall be void after 24 months unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.
- C. Final Permitted Use or Conditional Use Site Plan.
- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by Planning Director , along with the appropriate fees, as specified in § 230-57.
 - (2) The final plan shall be reviewed by the Planning Director for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City along with the specifications of the City Council or Planning Commission preliminary approval. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan and in accordance with the City Standard Construction Specifications.
 - (3) Upon confirmation by the City Planner and City Engineer that all agency approvals have been obtained and all plan review comments have been addressed satisfactorily, the application may be administratively approved by the Planning Director.
 - (4) Within 90 days of final approval from the ~~City Director~~, the applicant shall record the plat at the County Recorder of Deeds office and provide the Planning Director a receipt of the recordation including the deed book and page number. Prior to recording the plat, at least three copies of the plat must be submitted to the Planning Director for stamping and signing. Two sets will be retained by the City. The City Manager, Planning Director and City Engineer shall sign the approved record plats and construction plans.
 - (5) Failure to record the plat within 90 days of ~~City Planning Commission~~ approval will result in the approval being voided. In order to obtain final approval after it has been voided, the applicant must make application for preliminary approval again.
 - (6) **Application for building permits must be made within eighteen (18) months of the final approval of a site plan. If no applications for building permits are received by the City**

within eighteen (18) months, the plan shall be considered invalid, and a new application process will be required. The City's approval of the plan shall be considered null and void.

~~If construction of approved buildings and improvements is not substantially undertaken within eighteen months of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant an extension for good cause.~~

ARTICLE XI - Administration

§ 230-53. - Interpretation and application.

- A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity or general welfare; for the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads; for securing safety from fire and other danger, providing adequate light and air and preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement; for promoting such distribution of land development and utilization as will tend to facilitate and provide adequate provision for public requirements, transportation, water and flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility and food supply; and for protection of the tax base, securing economy in governmental expenditures and fostering the state's agricultural and other industries and the protection of both urban and nonurban developments.
- B. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing law or any rules or regulations regulating the use or construction of buildings, the provision of yards, courts or other open spaces or the provision of sanitary facilities; provided, however, that where the provisions of this chapter require large yards or courts, lesser heights or bulk of buildings or more excessive sanitary facilities than do the aforementioned laws, rules or regulations, the provision of this chapter shall govern.
- C. **All land uses or structures shall be permitted in districts only as indicated in this Chapter. All permitted uses shall also include accessory uses and structures as defined in this Chapter. Any use not specifically permitted within a particular zoning district, either by-right or as a conditional use, shall be considered prohibited except as provided in Item D below. No use prohibited in a district shall be permitted under any circumstances.**
- D. **Should any economic activity which is not listed as a permitted, conditional or hazardous use within this chapter be proposed within the City of Milford, the economic activity shall be reviewed by the Planning Director and placed into the most similar category. For nonresidential uses, the Planning Director shall evaluate the use by referencing the most recent North American Industry Classification System (NAICS) manual. Where the same NAICS code is found in several use categories, the Planning Director shall consider the characteristics of the use, including the intensity of the use and its likely adverse impacts. Where a choice remains after reviewing for adverse impacts, the use should be classified with the similar use that has the most adverse impacts.**

ARTICLE XII – Zoning Amendments

§ 230-58. - Procedure.

- A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.
- B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those

originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

- C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.
- D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. No hearing shall be held until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:
 - (1) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10- days prior to the hearing.
 - (2) The Planning Department shall provide notice to the general public of the public hearing by publishing the date, time, place and nature of the hearing at least ~~15~~10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.
 - (3) The Planning Department will also post a notice outlining the date, time, place and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.
- E. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.
- F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

Section 4. Dates.

Introduction to City Council: July 10, 2023

Planning Commission Review/Recommendation/Public Hearing: July 18, 2023

City Council Review/Public Hearing/Determination: July 24, 2023

Section 5. Effective.

This Ordinance is effective ten days following its adoption.



Strategic Plan for the City of Milford, Delaware

Draft August 4, 2023



UNIVERSITY OF DELAWARE
**BIDEN SCHOOL OF PUBLIC
POLICY & ADMINISTRATION**

prepared by the Institute for Public Administration, University of Delaware | www.ipa.udel.edu



CITY HALL

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City Manager Letter to Residents and Employees

In 2018, the City of Milford adopted a Strategic Plan to guide Council and City staff for the next five year. I am happy to report that many objectives outlined within that plan have been completed.

Council, community members, stakeholders, and City staff all participated in this update to the Strategic Plan, and it is important they continue to be engaged in the implementation of the goals and objectives identified herein. Responses from National Citizen's Survey also helped informed the plan's goals and objectives. Bringing all the ideas together to shape this final Strategic Plan will help guide Council and staff in shaping a better future for Milford.

I sincerely appreciate City Council's dedication and support throughout the process. The Council met in October 2022 to begin updating the plan and continued participating in the process by engaging and talking with community member.

Much of the behind-the-scenes work done daily by our management team and employees goes hand in hand with the formation and implementation of the plan. Beginning in 2018,

we implemented an aggressive five-year Capital Improvement Plan that intends to address every goal and objective of the plan. We will continue to provide regular reports on the progress of this plan and will continue to link the plan to employee performance and budgetary decision making.

I want to extend my deepest appreciation to Bill McGowan, Chase Barnes, and Jen Reitz of the University of Delaware's Institute for Public Administration and ICMA Local Government Management Fellow Melody Barger for facilitating and guiding the process and working with elected officials, community members, and staff to update this plan.

Sincerely,

Mark Whitfield
City Manager

Milford City Council Profile



Mayor Arthur J. Campbell
mayorcampbell@milford-de.gov

Michael J. Boyle
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mboyle@milford-de.gov

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Daniel Marabello
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Vice Mayor**
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Katrina E. Wilson
Ward Four
kwilson@milford-de.gov

To contact your elected official via telephone, please call City Hall at (302) 422-1111. For updated contact information for current elected officials, please access the City Website at www.cityofmilford.com/175/Member-Information. Note: Residents must be registered to vote in the City of Milford to participate in elections.





Overview

Executive Summary

In the fall of 2022, the City of Milford began a five-year review and update of their strategic plan. The following pages are the result of deliberate and collaborative efforts to listen and understand the needs and concerns of all its citizens.

The Strategic Plan creates an organizational framework to drive effective decision-making for City Council and City management through the next five years. This framework lays the foundation for allocating financial and staffing resources, as well as proactively managing natural and environmental resources, for the City of Milford to thrive and grow.

This plan includes vision, mission, values, and belief statements, which serve as the decision-making foundation for the City's employees, management, and leadership. This plan revision aligns with and unites previous municipal planning documents into a solid structure for managing change, growth, and development.

Through community discussion and questions, Milford's residents deliberated the current plan priorities and accomplishments and identified additional areas for development. There are several noteworthy highlights.

- **Milford is a well-managed city with solid fiscal and operational policies and implementation.**
- **Milford is at a critical identity crossroads. It is a destination because of its location near the resorts, its affordable costs and small-town feel. It is not a destination recognized in and of itself as a place to live, work, and play.**

- **Residents of Milford want to participate in their community at all levels from arts, entertainment, and parks and recreation to a deeper engagement with each other and how the city grows.**
- **The downtown and surrounding core neighborhoods are a vital part of the character of Milford.**

A summary of what was heard during the Community Conversations is in Appendix 1.

Unlike the previous plan, this revision separates Community Engagement from Fiscal Responsibility creating six priority areas, focuses more attention to implementation of the Rivertown Rebirth Plan 2025 (Downtown Master Plan) and 2021 Bicycle Master Plan, updates the current objectives and strategies, and adds an easy-to-use matrix as a pathway to progress for community use.

The Planning Process

Our Strategic Plan is a road map to guide the City of Milford’s planning, staffing, and fiscal decisions over the next five years.

Planning Process

After assisting the City with developing its initial Strategic Plan in 2018, the Institute for Public Administration (IPA) at the University of Delaware once again worked with City staff and Council to understand what had changed since that plan was adopted. What has been accomplished? What new challenges have arisen? And how have priorities shifted or evolved? At a half-day retreat in the fall of 2022, Council discussed these questions and reviewed current priorities and operations. However, the feedback and opinions of residents, community leaders, and business owners is a critical component of the process. This input was gleaned through Council interactions, the National Community Survey, and a series of Community Conversations.

Council Asks

At its retreat, the eight Council members agreed to “ask” community members in their districts four questions about the type of community that they would want to live in and what needed to change for Milford to become that ideal community. The summary of these interviews is found in Appendix 2.

National Community Survey

Another source of input into the plan was the 2022 National Community Survey™ (The NCS™) report. This nationally recognized survey instrument focuses on the “livability” of a community. The survey utilizes a standardized process that combines high-quality research methods with a database of comparable data to help cities and towns understand their residents’ opinions, satisfaction levels, and concerns through a questionnaire survey. The 2022 Milford report provides the opinions of a representative sample of 432 residents

Overview

(approximately 4% of the population) of the City collected during the winter of 2022 and allows for comparison and trend identification from the previous survey conducted in 2017. Survey results can be found on the City's website.

Community Conversations and Open House

Between November 2022 and February 2023, IPA facilitated four Community Conversations focusing on each of the four Priority Areas that framed the previous Strategic Plan: Public Safety and Preparedness (January 2023), Economic Health and Development (December 2022), Mobility and Infrastructure (February 2023), and Neighborhoods and Community Service (November 2022). Invitees consisted of a range of residents and business owners representing the different Wards and neighborhoods, as submitted by Council. Approximately 20 residents participated in each conversation.

City of Milford

MISSION

Provide proactive, responsive services and fulfill the needs of a diverse community by using innovative and sustainable methods.

VISION

*Small town feel,
big time opportunities.*



A Community Conversation is a guided discussion conducted with a small but diverse group of participants to gather more information on resident and stakeholder views and opinions. A form of qualitative research, these “conversations” consisted of a facilitated discussion framed around a series of in-depth questions about that topic area.

Questions were asked in an interactive group setting where participants took turns sharing their thoughts and opinions. Responses were captured by a note taker. Following the conversations, the City invited the public to an open house where they could listen to and review the overarching themes and findings that emerged from the conversations and provide additional clarification and reinforce areas of agreement.

Discussions with Council Members

Following the Community Conversations, IPA staff members met with City Council and City management to present the themes and emerging recommendations of the updated plan. Based on this framework, Council was able to refine the goals, objectives, and strategies to best reflect the residents’ priorities.

City of Milford

VALUE STATEMENTS

Open and Honest Communication

Effectively and clearly communicate ideas, information, and expectations between team members and to our community in a responsible, transparent manner.

Reliability

Ensure and provide consistent, quality services that residents and customers can depend on.

Respect for Diversity and Equity

Foster and support a culture that values the rich heritage of the City and experiences of our community members, while providing services impartially and fairly to all.

Stewards of Our Resources

Make the best use of resources, in the short- and long-term.

Commitment to Excellence

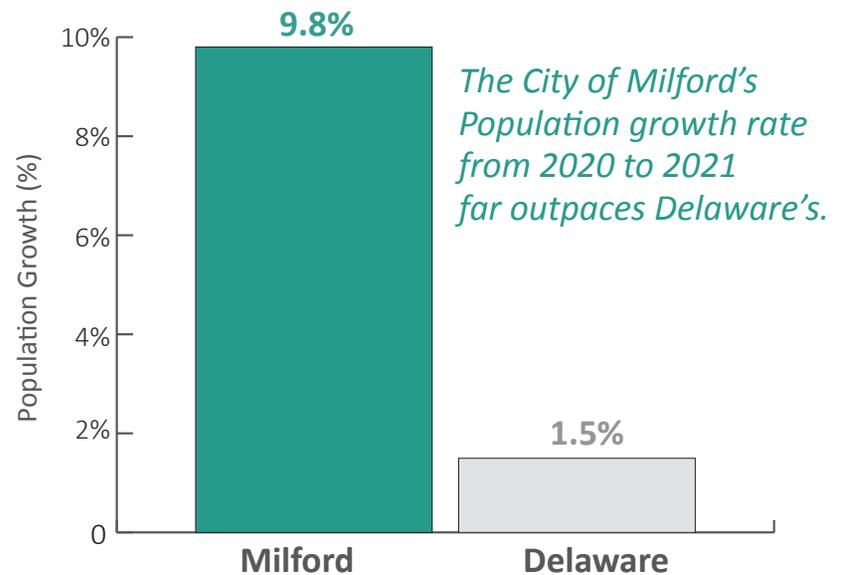
Tackle objectives quickly and positively, going above and beyond basic requirements, to create a service-oriented culture through teamwork and collaboration.

City Profile

With 11,190 residents, the City of Milford is a diverse community, spanning 9.86 miles between Kent and Sussex Counties. Over the past decade, Milford has experienced consistent growth in both its population and economy.

Population

The population growth rate from 2020 to 2021 was 9.8 percent, which far outpaces Delaware's population growth rate of 1.5 percent during that period. In addition to its rapid population growth, Milford is also very diverse. According to the 2020 census, 58 percent of residents are white, while 24 percent are black or African American, 15 percent are Hispanic or Latino, 3 percent are Asian, and 5 percent are of two or more races. In addition, 30 percent of Milford residents speak a language other than English at home. Approximately 35 percent of Milford's residents are under the age of 18, 10-percent higher than the state average. Milford residents over the age of 65 make up 25 percent of the City's population, almost 5-percent higher than the state average.



Economy

The median household income in Milford is \$47,849 which is 31 percent and 34 percent lower than the national and state averages, respectively. The homeownership rate in Milford is 49.5 percent, which is over 20 percent less than the state average. Approximately 17 percent of Milford residents live below the poverty line. There are over 400 businesses in Milford, and more than 50 percent of persons over the age of 16 are in the labor force.

Quick Figures

- **11,190** *residents*
- **49.5%** *own homes*
- **17%** *live below the poverty line*
- **\$47,849** *median household income*

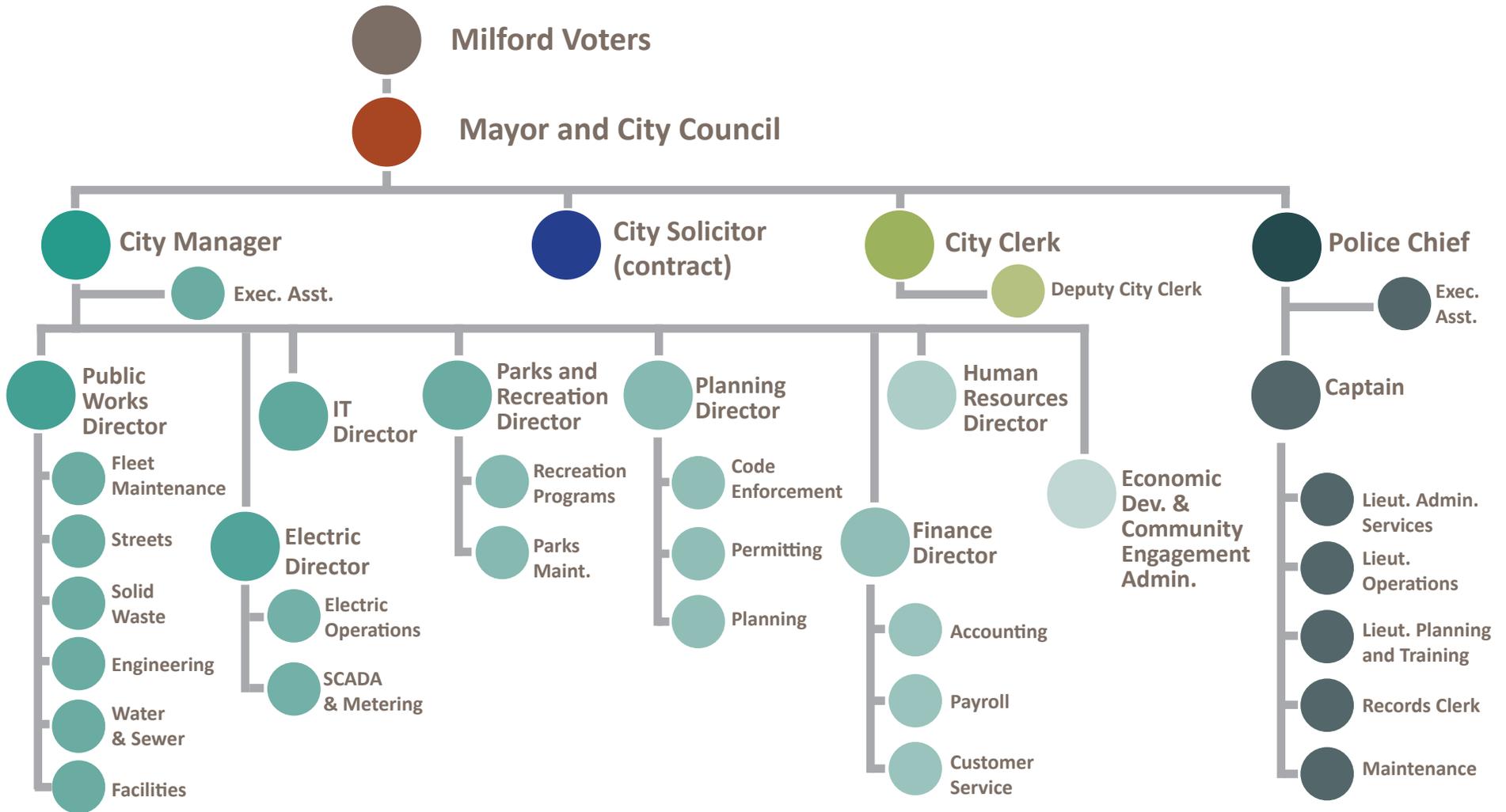
Government Structure

The City of Milford follows a council-manager form of government that combines the strong leadership of elected officials with the strong managerial experience of an appointed manager. In a council-manager government, Councilmembers are the leaders and policy makers elected by the residents of Milford to represent the four wards and to concentrate on policy issues that are responsive to citizens' needs and wishes. The City Council directly oversees the Chief of Police and the City Clerk. A City Manager is appointed by the Council to carry out policy and ensure that the entire community is being served. Below is an organizational chart depicting the council-manager form of government in the City of Milford, as well as an overview of each City Department, its responsibilities, and contact information.

Directory for City Departments

Location	Address	Phone	Fax
City Hall	201 South Walnut Street	422-1111	424-3558
Customer Service Center	119 South Walnut Street	422-6616	422-1120
Finance Department	10 Southeast Second Street	424-5140	424-5932
Milford Armory	604 N. Walnut Street		
Parks & Recreation Department	207 Franklin Street	422-1104	422-0409
Planning Department	180 Vickers Drive	424-8396	424-3559
Police Department	400 Northeast Front Street	422-8081	424-2330
Public Works Department	180 Vickers Drive	422-1110	422-1117

Organizational Chart



Where Are We Now?

In order to establish a thoughtful, achievable, and forward-thinking Strategic Plan, it is important to understand where the City of Milford is coming from and what is happening currently.

General

- Conducted a retreat to build and strengthen cohesiveness and communication among council members and staff.
- Developed belief statements for each priority area.

Public Safety and Preparedness

- Complete Construction of a police station with an estimated completion date of October 2023
- Hired new police officers to get the police department fully staffed to its authorized strength of 37 officers
- Continue to evaluate the growth of the department as the city grows
- Promote transparency of crime data for the City of Milford residents and visitor
- Reduce overall Part 1 Crimes

Economic Health and Development

- Purchase property for a new industrial park
- Hired an economic development and community engagement administrator
- Created an economic development website with a checklist for how to start and conduct a business in Milford
- Purchased billboard ad space on Rt. 1 to advertise growinmilford.com.
- Downtown Development District private investments
- Chapter 230 Zoning and Chapter 200 Subdivision of Land code updates
- 2021 Comprehensive Plan Amendment increasing the amount of potential industrially zoned land within the City's urban growth boundary

Mobility and Infrastructure

- Adopted the 2021 Bicycle Master Plan
- Updated and continually monitor sidewalk status
- Installed downtown bike racks
- Street pavement assessment program
- Conducted inventory of lead water service lines to meet EPA Requirement
- Formulated Cross Connection Control Program and amended current City Code to comply with

Neighborhoods and Community Services

- Updated the city building code
- Developed a rental inspection checklist for landlords and homeowners on property upkeep
- Construction of pickleball courts, playground and restrooms for Memorial Park with anticipated completion fall of 2023
- Hired 2 Recreation Coordinators
- Creation of a skilled, diverse, and bilingual work environment
- Farmer's Market will return in 2023
- Conducted the second National Citizen Survey
- Chapter 230 Zoning and Chapter 200 Subdivision of Land code updates

Fiscal responsibility

- Completed a utility rate study and updated the five-year rate plan.
- Developed a cash reserve policy.

Existing Plans

Downtown Development Plan

The purpose of Rivertown Rebirth Plan is to “harness the potential of downtown Milford, and the unique character it provides, to push the momentum of the community forward and convert long-standing public sector catalyst projects into private sector investment.” Essentially, the plan aims to enhance the downtown by creating stronger ties to the Mispillion River and reinforcing the traditional character of the downtown. These ties come in the form of new and improved open spaces along the river, better access to the river for residents and visitors, and leveraging this development potential to maintain the viability of existing buildings and fill vacant spaces.

The plan has three primary components: a conceptual master plan for the downtown with recommendations, a branding package, and a market study.

Plan recommendations focus on both “big moves” and small enhancements to improve the appearance, vitality, and enjoyment of the downtown.

Understanding Today

Recommendations focus on:

- the building of an amphitheater space
- incorporating mixed-use development in various locations
- a pedestrian bridge across the river at the eastern end
- streetscaping, gateways, and wayfinding signage
- improved pedestrian safety and experience
- a living shoreline along the northeast side of the river
- better activation of existing parks and open space to draw the community to the river.

The plan is primarily implemented through a partnership between the City and Downtown Milford, Inc. Participation in the state's Downtown Development District program provides incentives for private development that is consistent with the plan and leverages public dollars.

The City has the flexibility to reassess concepts in the master plan. In one example of this, the City has opted to forego the recommendation for a mixed-use Riverwalk in favor of additional open space.



Bicycle & Pedestrian Plan

The Goal of this plan is to provide the people of Milford with a dynamic active transportation system composed of trails, roads, and paths that is inclusive, safe, and functional for all levels of recreation and commuting while increasing economic vitality in Milford.

Recommended Northern Loop Improvements: NE/NW Front St, N. Walnut St, N Rehoboth Blvd., Airport Rd, Canterbury Rd, Milford Harrington Highway, Big Stone Beach Rd, Carpenters Pit Rd, Bowman Rd, Road 406, Holly Hill Rd, and Williamsville Rd

Recommended Southwest Spur Improvements: US 113, S. Walnut St., and McCoy St.

Understanding Today

Recommended Southwest Loop Improvements: Abbotts Mill Rd, Griffith Lake Dr, Meadow Brook Ln, Old Shawnee Rd, Shawnee Rd, US 113, S. Walnut St, and McCoy St.

Recommended Southeast Loop Improvements: S. Walnut St, Marshall St, S. Rehoboth Blvd, Elks Lodge Rd, Cedar Creek Rd, Beaver Dam Rd, and Wilkins Rd.

High Value Standalone Road Projects by Impact:

1. Front St Sidepath, East - (Northern Loop)
2. US 113 Sidepath - (Northern Loop / Southwest Spur)
3. Front St Sidepath, West - (Northern Loop)
4. Walnut St Sidepath, South - (Southwest Spur)
5. Rehoboth Blvd Sidepath - (Southeast Loop)
6. Marshall St Protected Bike Lane - (Southeast Loop)
7. Little League Pathway - (Southeast Loop)
8. Airport Rd Sidepath - (Northern Loop)

High Priority Standalone Intersection Improvements by Impact:

1. SE Second and Marshal St
2. Marshall St/Elks Lodge Rd
3. Wilkins Rd/Elks Lodge Rd
4. Elks Lodge Rd/Johnson Rd
5. Johnson Rd/State Route 30

6. State Route 30/Wellness Way
7. State Route 30/Wilkins Rd
8. State Route 30/Kirby Rd
9. Rehoboth Blvd/SE Second St
10. Rehoboth Blvd/NE Front St
11. Rehoboth Blvd/SE Front St
12. Rehoboth/Tenth /Walnut/Washington
13. Beaverdam Rd/ State Route 36
14. State Route 14/US 113
15. US 113/Airport Rd
16. US 113/Buccaneer Blvd
17. US 113/Kings Highway
18. US 113/Lakeview Ave

Recommendations for Regional Routes:

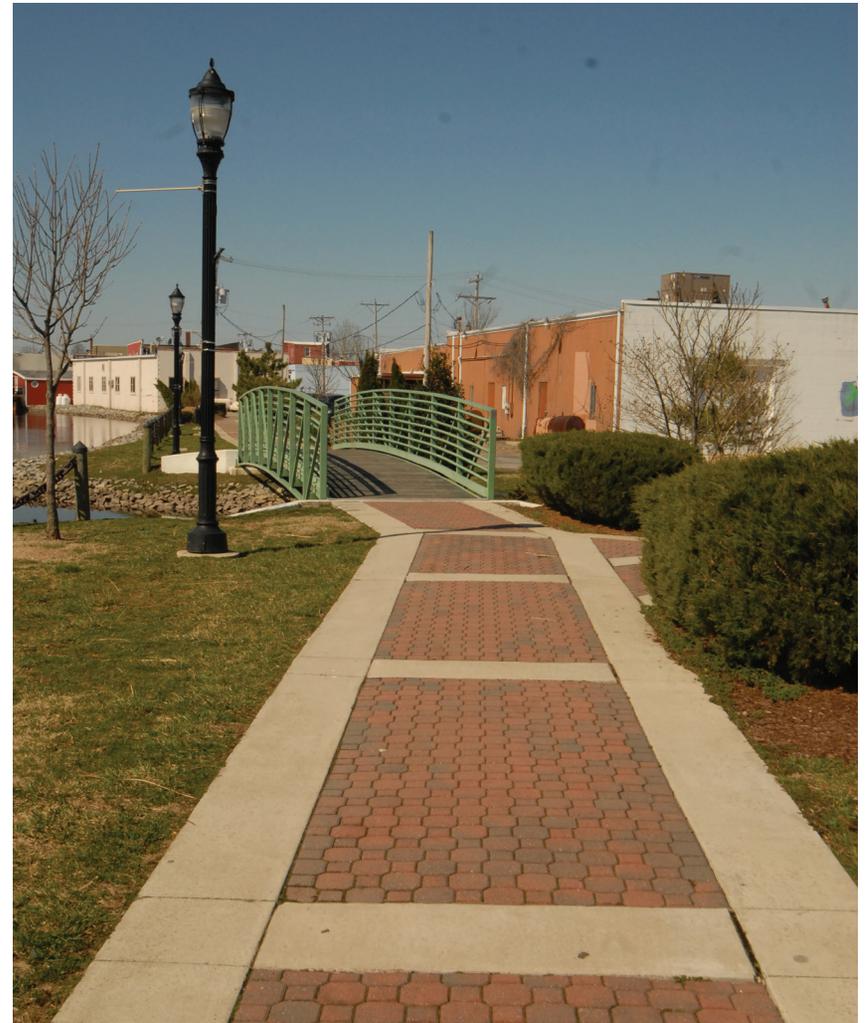
- Milford to Harrington
- Milford to Frederica
- Milford to Slaughter Beach
- Milford to Lewes
- Milford to Lincoln
- Milford to Camden

Looking Forward

To successfully move the City toward its vision and effectively address the needs and concerns of our residents and stakeholders, there needed to be specific and measurable goals.

City officials have worked to establish six priority areas, all of which are defined on the next page. Each priority area consists of goals, objectives, and strategies for their achievement. As a follow up to this plan, specific action items, success metrics, a timeline, and community partners are developed by the appropriate Department Heads for each strategy.

The following pages outline the framework for each priority area, which will be used during implementation. These details can also be found in tabular form in Appendix B. The Appendix chart will be regularly updated (at least twice annually) and made available online.



Community Engagement

We believe...

- *in all residents volunteering for the betterment of the City.*
- *City government is open, transparent, and engaging.*
- *constant citizen contact will lead to better governance.*
- *community events are vital to the wellbeing of the City.*

GOAL

Build an open, transparent, and engaged dialogue between the City government and the Milford community.

→ **OBJECTIVE 1**

Build and maintain regular and timely communications with community members about the City's activities, programs, and services.

Strategies

- > Continue to broaden the City's communication channels to include a wider range of print, email, social media, radio/tv, and in-person opportunities.
- > Increase frequency of communications by creating more

opportunities for public dialogue and resident feedback.

- > Consider surveying residents to assess the best way to communicate with them.
- > Give particular focus to promoting recreational opportunities, emergency preparedness, community events, development, and City achievements.

→ **OBJECTIVE 2**

Promote community participation in all aspects of City life.

Strategies

- > Create a central hub for information on volunteer opportunities and contact information.
- > Create ways of recognizing community volunteers and activists.
- > Investigate ways to incorporate creative placemaking principles to develop the arts in Milford.

→ **OBJECTIVE 3**

Develop monthly community events to engage the community and attract visitors to the City.

Strategy

- > Expand community festivals and establish new events, such as a concert series and art loop.

Public Safety & Preparedness

We believe...

- *in a fully diverse staff and professionally trained police force.*
- *in a properly funded and staffed police force and emergency services to meet future growth of the city.*
- *mutual trust exists between the police and residents.*

GOAL

Efficiently Utilize All Police Resources

(i.e., staff time, personnel, training, and technology)

→ OBJECTIVE 1

Evaluate and regularly monitor the Milford Police Department (MPD), including patterns of calls for service, types of crimes, and deployment of police resources

Strategies

- > Analyze existing data to understand what types of crime are taking place, where, when, and responses to address crime patterns in real time.

- > Identify new tools, technology, and analytics to assist in establishing patterns and promote intelligence lead policing models to reduce crime.
- > Utilize current and new technology to help collect and analyze data that will deploy police resources to address crime trends.

GOAL Reduce Crime

→ OBJECTIVE 1

Make a meaningful reduction in Part 1 crime in the City of Milford.

Strategies

- > Identify the types of crimes being committed in the City of Milford.
- > Create bi-weekly meeting with Police Command Staff to create avenues of accountable for where, when, and why the crime is occurring.
- > Create a plan of action for those crimes, execute the plan and re-evaluate the plan to effectively reduce crime.

→ OBJECTIVE 2

Implement researched-based policing strategics to reduce overall crime and improve public safety.

Strategies

- > Adapt evidence-based approaches to local conditions and constraints and evaluate their effectiveness, while demonstrating successful outcomes with promising strategies in reducing crime.
- > Conduct listening sessions and community meetings to identify problems and co-produce tangible solutions.
- > Offer citizen police academies, volunteer opportunities (neighborhood watch programs, etc.), and youth engagement activities.

→ OBJECTIVE 3

Expand the City's efforts and capacity to address homelessness.

Strategies

- > Partner with state agencies and towns to identify and implement best practices.
- > Establish strategic partnerships with community-based service providers, substance abuse treatment services, victim services, business associations, faith-based organizations, and educational institutions.
- > Explore other community initiatives (e.g., Georgetown and Salisbury, MD).
- > Explore innovative housing solutions, such as pallet housing.
- > Promote opportunities for residents to volunteer in assisting this population.
- > Continue to seek additional funding for full-time Behavioral Health Unit Staff.



Establish and Maintain Strong and Beneficial Police-Community Relations

→ OBJECTIVE 1

Create a reciprocal and trusting relationship between Milford residents and police officers through consistently proactive, responsive, and visible policing throughout the City.

Strategies

- > Established patrol areas for officers to work same area, so that the officers know their community and the community knows them.
- > Leverage existing community partnerships and support to increase community-police engagement.
- > Leverage social media to share information and promote transparency.
- > Conduct citizen surveys.
- > Establish a community advisory group.

GOAL

Utilize Effective, Proactive Emergency Preparedness and Public Safety Strategies

→ **OBJECTIVE 1**

Work with the Carlisle Fire Company on evaluating the use of new technology for communication.

Strategy

> Identify new technologies that could help limit the use of the fire siren.

→ **OBJECTIVE 2**

Proactively plan for emergency events (i.e., storms, active shooters) through regular meetings between all City departments and state, regional, and local agencies to ensure plans are up-to-date and compatible.



Economic Health & Development

We Believe...

- *in the creation of higher paying jobs and career opportunities (focus on medical industry and related fields).*
- *in a strong economic policy based on well thought out regulations.*
- *in attracting companies with strong potential for growth that will enhance Milford's future.*
- *in high quality amenities, including beautification, that will establish excellent quality of life for residents while maintaining the unique characteristics of the City.*

GOAL

Enable Growth of Existing Businesses

→ OBJECTIVE 1

Foster economic activity that will grow the local employment by 4 percent in five years.

Strategies

- > Partner to provide and advertise job training opportunities so the Milford workforce is ready for the future.
- > Support workforce development through job training and apprenticeship programs.
- > Work with School Districts to connect educational opportunities and outcomes with economic and business development to encourage young residents to stay in Milford.

→ OBJECTIVE 2

Work with the existing business community to develop strategies that foster economic growth for the employers, residents, and visitors.

Strategies

- > Conduct needs assessments of current businesses to identify growth opportunities.
- > Develop resources for marketing and promoting businesses, such as signs promoting Milford businesses on State Rt 1 and Rt 13.
- > Improve bike and pedestrian access to existing businesses as outlined in the Bicycle and Pedestrian Masterplan.

GOAL

Foster the Establishment of New Businesses

→ **OBJECTIVE 1**

Identify opportunities for growth and development of new businesses in Milford by promoting advantages and opportunities in Milford and leveraging the Downtown Development District and other state assistance.

Strategies

- > Connect the industrial park to the City with pedestrian and bike paths.
- > Annually review the process by which new businesses move to Milford, to develop more user-friendly services.
- > Continue to provide current incentives for businesses of all types and sizes.
- > Identify and assess vacant properties for business use and create incentives for new businesses to invest in and occupy vacant commercial properties.

→ **OBJECTIVE 2**

Ensure City ordinances and procedures support new and expanding businesses to promote business success in the City of Milford.

Strategies

- > Conduct a business satisfaction survey following completion of interactions with the City.
- > Ensure that all business-related organizations and City departments are knowledgeable about development processes for new or expanding businesses through communication and training of City Staff and coordination with partner organizations.

GOAL

Meet the Commercial Needs of Residents, Businesses, and Visitors

→ **OBJECTIVE 1**

- > Develop a more vibrant downtown, to bring more visitors to Milford and promote community pride.

Strategies

- > Leverage the Downtown Development District to implement the Rivertown Rebirth Plan and enhance river-based recreation and events.
- > Provide more signage and wayfinding for things like businesses, the river-walk, and parking.
- > Continue to incentivize mixed-use properties in downtown.
- > Host more citywide events in the downtown area to bring patrons to businesses.

→ OBJECTIVE 2

Encourage a greater variety of businesses and restaurants.

Strategies

- > Recruit popular businesses and restaurants that make Milford a destination.
- > Activate existing business community to fill market gaps.

GOAL

Bring More Tourism to Milford

→ OBJECTIVE 1

- > Actively promote tourism opportunities through arts, culture, and eco-tourism in Milford, to bring in visitors and provide residents with more recreational options.

Strategies

- > Expand community festivals and establish new events, such as a concert series and art loop.
- > Advertise on print, radio, tv, social media, other Delaware park webpages, etc.
- > Continue to pursue creative methods of promoting City events, such as street banners.
- > Provide amenities such as public bathrooms that support tourism.
- > Promote the Mispillion River as Delaware's Hidden River.

- > Provide more opportunities for public art.

→ OBJECTIVE 2

- > Develop more river-based activities to bring in more visitors and provide residents with more recreational options.

Strategies

- > Partner with local nature societies, recreational clubs, and businesses to recruit more outdoor recreational activities.
- > Provide additional access points along the Mispillion River.

Mobility & Infrastructure

We Believe...

- all residents need equal access to broadband.
- in a well-planned, walkable City.
- in well-maintained and well-planned infrastructure to meet future needs.
- all residents have access to alternate transportation.

GOAL

Proactively Maintain Our Streets

→ OBJECTIVE 1

Maintain City streets so that 80 percent are always in “Fair,” “Satisfactory,” or “Good” condition.

Strategies

- > Fund street rehabilitation so that all streets rated “Poor,” “Very Poor,” or “Serious” condition are completed over the next five years.
- > Regularly update the Pavement Condition Report.
- > Proactively repair and repave City streets after making necessary utility and sidewalk improvements and repairs.

- > Promote the use of My Milford See, Click, Fix phone app for citizens to participate in problem identification and City opportunities.

GOAL

Proactively Maintain Our Utility Infrastructure

(i.e., electric, water, and wastewater systems)

→ OBJECTIVE 1

- > Continue to identify and utilize new technology to improve the efficiency and effectiveness of utility services.

Strategy

- > Use Supervisory Control and Data Acquisition (SCADA), AMI, and other smart technology to monitor our electric, water, and wastewater systems.

→ OBJECTIVE 2

Evaluate current condition and put plans in place to maintain or replace City utility infrastructure.

Strategies

- > Conduct regular preventative maintenance.
- > Establish an inventory of existing utility infrastructure and grade that system on an “Excellent” to “Serious” condition scale.
- > Address inflow and infiltration into the wastewater system.

- > Address older portions of the City without cleanouts and/or house traps on service lines.
- > Implement the Lead and Copper Replacement Program driven by the EPA and DHSS/DPH/Office of Drinking Water. Update code and write and implement a Cross Connection Control Program to protect the City of Milford’s water supply as a Public Water System Institute proactive replacement program based on the inventory system.

GOAL Address Future Growth by Proactively Making Improvements to Infrastructure

→ **OBJECTIVE 1**

Develop a short- and long-range infrastructure plan in alignment with the Comprehensive Plan.

Strategies

- > Review progress with the City manager on a semi-annual basis.
- > Update regulations to comply with recommendations in the comprehensive plan.

→ **OBJECTIVE 2**

Meet semi-annually with the City Manager, Planning Director, Public Works Director, City Engineer, and Council to project and evaluate wastewater demands required for future growth.

Strategy

- > Sewer: Install force main from South East Pump Station to Kent County Pump Station (evaluate other potential areas that would be in addition to this system such as areas east and west of State Route 1 from the Mispillion River, south.)

→ **OBJECTIVE 3**

Meet semi-annually with the City Manager, Planning Director, Electric Director and Council to project and evaluate electricity demands required for future growth.

Strategies

- > Consider the installation of an additional substation or substation expansion projects.
- > Investigate energy efficiency measures to reduce energy demand and consumption for City facilities.
- > Evaluate renewable generation and Energy Storage options to reduce demand and smooth / flatten load curve.
- > Consider electric generation to reduce the reliance on PJM.

→ **OBJECTIVE 4**

Meet semi-annually with the City Manager, Planning Director, Public Works Director, City Engineer, and Council to project and evaluate water demands required for future growth.

Strategies

- > Evaluate storage demands for water in northwest business park and other portions of the City.
- > Investigate alternatives for water production in the southeast area of the City to address future growth in that area.

GOAL Continue to Develop a Multi-Modal, Pedestrian-Friendly Framework Throughout the City

→ **OBJECTIVE 1**

Include “Complete Streets” best practices as a part of all projected new street or repaving projects.

Strategy

- > Address deficiencies and maintenance issues in the City’s bicycle network.

→ **OBJECTIVE 2**

Implement the sidewalk maintenance and replacement program.

Strategy

- > Regularly inspect the sidewalks on a 4-year cycle by ward to notify and work with property owners on necessary repairs and/or replacement.

→ **OBJECTIVE 3**

Improve existing transportation options and accessibility by evaluating the number of routes, the frequency of routes, where stops are, and where they should be.

Strategy

- > Work with DART to improve transportation accessibility within the City and to provide access to key destinations such as the new Bayhealth Sussex Campus and Nationwide Campus.

→ **OBJECTIVE 4**

Implement the Bicycle and Pedestrian Plan.

Strategies

- > Implement high value standalone road projects and intersection improvements based on impact.
- > Collaborate with Kent County, Sussex County, nearby local governments, DeIDOT, Dover/Kent County MPO, and the University of Delaware to develop regional bicycle routes.

GOAL Improve Traffic Management Throughout the City

→ **OBJECTIVE 1**

Work with agency partners to ensure that the safety of pedestrians and drivers is improved.

Strategies

- > Perform an Engineering Traffic Study within the City.
- > Evaluate truck traffic downtown and feasibility of maneuvers at downtown intersections.
- > Improve accessibility to and from the East and West portions of the City.

Neighborhoods & Community Services

We Believe...

- *all residents and business take pride in our City.*
- *all residents have equal access to City services.*
- *all residents of all ages have access to open space and recreational opportunities.*
- *all residents have an equal voice in their governance.*
- *all neighborhoods will have interconnectivity with each other.*

GOAL

Preserve and Enhance the Property Values and Quality of our Neighborhoods

→ OBJECTIVE 1

Ensure properties are safe, attractive, and well-maintained through improved code compliance.

Strategies

- > Continue proactive code enforcement throughout the City through additional enforcement and revised standards.

- > Continue proactive information sharing and outreach regarding code requirements to landlords, tenants, and homeowners.

→ OBJECTIVE 2

Enhance the City's identity through well-maintained and interconnected public green spaces and parks.

Strategies

- > Expand the beautification and maintenance program for streetscapes and gateways.
- > Maintain and appropriately program the current, 200-acres of open space to provide for diverse outdoor recreational activities.
- > Sponsor Community Clean Ups and other volunteer led opportunities.
- > Connect public open spaces through biking and walking paths that do not use state highways.

→ OBJECTIVE 3

During future neighborhood planning and zoning, ensure the inclusion of sufficient and connected open space in and near neighborhoods.

Strategies

- > Continue to connect neighborhoods with bicycle and pedestrian paths as designated in the plan.

- > Continue to evaluate City ordinances and enhance requirements that all new developments meet minimum requirements for open space networks so that sidewalks and trails connect with other parts of Milford.

GOAL

Encourage a Balanced Range of Housing Types and Home-Ownership Opportunities for Existing and Future Residents

→ OBJECTIVE 1

Ensure a variety of housing options in varying affordability ranges are available throughout the City, in order to encourage residents of all socioeconomic backgrounds to reside in the City.

Strategies

- > Ensure zoning ordinance provides for variety and flexibility in housing options.
- > Continually evaluate ways to attract more affordable housing options.
- > Consider implementing a Historic Preservation ordinance to protect buildings from destruction or insensitive rehabilitation.

GOAL

Promote a Healthy Community with a Variety of Recreational Activities Provided by the City and Community Partners

→ OBJECTIVE 1

Provide residents with more recreation options by partnering with local private and nonprofit agencies in the area.

Strategies

- > Continue to partner with external organizations to gain access to more outdoor and indoor facilities for adult and child sports leagues.
- > Build capacity of the Parks and Recreation Advisory Board (consisting of residents) to advise City Council, expand outreach, and recruit volunteers.
- > Expand access to existing regional recreational amenities through varied transportation options.
- > Work with residents and partners to create a recreational scholarship or subsidy for families who struggle to pay program fees.

→ OBJECTIVE 2

Actively promote current recreational opportunities offered by the City and partners.

Strategies

- > Work with recreational partners, schools, and others to increase awareness of current children's programming.
- > Promote available activities through a variety of media.

Fiscal Responsibility

GOAL Operate in an Efficient and Responsible Manner

→ **OBJECTIVE 1**

Manage resources wisely and sustainably by maintaining appropriate fund balances and reserves.

Strategies

- > Achieve a structurally balanced budget through diverse revenue sources, smart financial management, comprehensive forecasting, and results-oriented and efficient services.
- > Continue to maintain and implement a five-year Capital Improvement Plan.
- > Develop a long-range operating forecast for the general fund and all utility funds in conjunction with the five-year Capital Improvement Plan to identify threats to the City's reserve policies, structural balance, rate structures, debt covenants and solvency to allow for the implementation of any corrective action in advance.



- > Achieve and maintain fiscally-sound balances and reserves for all the City's various funds.
- > Ensure Electric, Solid Waste, Water, and Wastewater utilities are properly funded and that rates are fairly and appropriately set by conducting cost of service studies.
 - > Both water treatment plants and sanitary sewer pump stations are funded for and experience ongoing equipment/component replacement to ensure the need for fewer reactive breakdown responses.
- > Identify ways to deal with the high demand for electricity when the cost is at its highest peak, both in the short and long term.
- > Investigate and implement the use of technology to improve delivery of services.

Community Conversations— What We Heard

Neighborhoods and Community Services

- **Growth** – Growth is a major concern of all residents and is a contributing factor to an emerging identity challenge.
 - Residents want to see controlled growth and limited sprawl.
 - However, they also want more stores and amenities.
- **Housing** – Housing availability is directly tied to growth.
 - There should be a variety of new housing being provided.
 - The price of new and existing housing stock is a major concern.
 - There is major skepticism about the role developers play in determining the type of new housing built.
- **Aesthetics / Beautification** – Residents are proud of Milford and think it is a beautiful place.
 - More **code enforcement** to encourage the upkeep of homes.

- **Less litter.**
- Promote the attractive aspects of Milford to attract visitors and new residents.

Economic Health and Development

- Residents want a **better mix of businesses** in Milford.
- Challenges for downtown include homelessness, lack of connectivity to the larger region, the state agency presence, lack of parking, and slow business permitting processes.
- City should **embrace healthcare, industry, and culture** to increase economic development.
- Current lack of jobs is seen as a deterrent to young people.

Public Safety and Preparedness

- The major safety issues mentioned by residents were:
 - high rates of youth crime
 - lack of community policing

- homelessness
- code enforcement
- Residents want to see more activities and opportunities for youth.
- **Stronger relationships** between residents and the police.
- More **police presence**, foot patrols downtown and in neighborhoods, attendance at public events, and community outreach through initiatives like the Police Athletic League.
- Residents would like **more/better lighting** downtown and in their neighborhoods.
- **Address homelessness.** Suggestions include a police behavioral health unit, panhandling code enforcement, and temporary housing for housing insecure individuals (e.g., the pallet structures in Georgetown).

Infrastructure Transportation

- Most residents are comfortable driving and walking around Milford.
- There is a lot of **interest in cycling**. However, residents do not feel safe using streets and roads without separate bike facilities.
- **Concerns:** Large truck traffic and congested intersections.
- More **transportation options** that connect Milford with the larger community and **regional destinations**, such as DE

Turf and the Hospital.

- Residents are skeptical that streets in developments are being properly graded and repaved when construction concludes.

Other Infrastructure

- Residents rate Milford's infrastructure as good and reliable, especially snow removal.

City Response:

- *Though this need has dwindled greatly over the last few years, snow removal planning and operations is undergoing technology advances to ensure that the highest priority destinations and attractors have roads cleared first with efficient clearing of secondary roads and destinations/ attractors thereafter.*
- Some concerns included: expanded gas service, lack of ISP competition, and the effectiveness of solid-waste removal (i.e., Is recycling actually being recycled?)

City Response:

- *Solid Waste Program is undergoing a reboot.*
- *Large containers will continue to be available to new customers but will be picked up by a commercial carrier on the City's behalf.*
- *Implementation of route management software will efficiently program daily route alignments, record pickup eligibility as well as the actual pickup itself, notifying the*

customer if their containers were picked up or not available for pickup.

- *The City continues to purchase new vehicles in accordance with expected service life and has arrangements with other fleets to borrow vehicles if/when necessary due to breakdown.*
- *Container replacement will be managed within the capabilities of the route management software, therefore making issued container function more reliable and less likely to break down, requiring reactive replacement with delayed or slow turnaround.*
- Residents are also acutely aware that increased development might strain City resources when it comes to infrastructure.
- Reassurance that essential infrastructure is properly secured from vandalism and domestic terrorism.

City Response:

- *The City has completed an infrastructure security review and has begun to implement the recommendations made in this audit.*

Community Engagement and Local Government

Most residents recognize the positive attributes of the city and its government. However, there are areas they feel could be improved:

- **Communications**

- Greater variety of mediums, more frequent, timelier.
- Share success stories.
- Make in-person resources available at centralized location(s).

- **City Response:**

- *A monthly utility education column appears in the City's Utility newsletter. Covering a widely diverse array of subject matter, customers are informed about seasonal concerns, utility cost-saving tips, safe utility practices and environmental conservation guidance.*

- **Civic Participation/Volunteerism**

- No shortage of opportunity, only participants.
- Try greater promotion of volunteer opportunities.

- **Identity**

- Milford is at an identity crossroads; a difference of opinion about the vision of Milford's future has emerged between newer residents and legacy residents.

Council Asks—Summary of Responses

What kind of Community do you want to live in?

- A community that has a variety of department stores such as Kohl's, Target, Home Depot, or Lowes. A community that has a variety of restaurants to eat at with your loved one on the weekend and through the week. A community that has more than two upscale hotels to offer.
- I would like to live in a community where there is more community engagement and a sense of unity and mutual respect. The unity doesn't necessarily have to be a "friendship" but one of respect. I also think it's important for new community members or residents to be aware of the rules and ordinances for the City of Milford
- Safe to walk in (from dogs and robbers), quiet, and friendly people and police.
- A safe community that provides protection for citizens from gun violence, drugs, child abduction/abuse, domestic violence and other criminal activities. Good educational systems (schools). Good Health Care systems (hospitals, doctor offices, Specialist in various fields, Rehabilitation sites for different needs (physical, addictions, certain diseases, etc.). Adequate employment and transportation opportunities. Proper grocery stores to promote health & nutrition for families of different cultures. Freedom to express yourself. Fairness regardless of race, age, gender
- We would like to live in a community that is thriving and involved with knowing what's happening in our community and have more options for our children. Example... playgrounds , activities, dances , things to keep them occupied instead of being on the street. More community activities

- A community of likeminded people who want to work together to better their neighborhoods and take action when called on
- I want to live in an active community that encourages and provides opportunity. For people to get outside. I would like there to be a variety of trails and paths for walking, running, and biking. I would like there to be non-chain restaurants to visit
- A diverse community with cultural activities including art, music and dance
- First priority is to live in a safe community with low crime. Second priority would be safe drinking water. Third priority would be more retail stores.
- safety and security in the community is of utmost importance. Education, medical facilities, doctors, and community amenities are factors in selecting the community to live in.
- don't build more. That our coach can handle. We are rapidly approaching the time when we'll be spending more time sitting in traffic than actually driving.
- one that is safe to walk in any part of town without fear or anxiety. No homelessness. Fare taxes new line. Fun offers arts, music fairs.
- Safe and clean city with activities for teens. One with excellent hospitals, doctors, so we don't have to travel out of town for specialty care, IE heart. Clean water. Lower taxes. Get proper infrastructure in place before more building takes place.
- Safe and well develop good schools academically. The middle school and high school are poor rating.
- crime free cohesive community where the residents take pride in their homes and neighborhood. A place where progress is. Tempered to the limits of its infrastructure and financial capabilities.
- A community where it's safe to go outside and have a nice relaxing time without having to worry about a dog or a stranger coming out of nowhere. And attacking you.
- One where 75% agree on rules and regulations, then have a strict enforcement policy.
- I would like to live in a community where it is safe. Where resources are available to use to us, the community. And an environmental consciousness is set in place.
- A supportive, safe community with less red tape.

Themes:

- Safety, Thriving, engaged and active community re. Citizens and government engaged, listening and doing.

Why is that important to you?

- Because as it is now, we have to travel out of town to shop at these places. There only a Walmart and Cato here in Milford with no other stores available for clothes for men. We travel to other towns or cites to get material for our homes, Ace hardware has a very limited selection and can be a little pricey for what they do have.
- When we want a good meal, we travel to Dover for a nice restaurant. Why should we need to travel 20 or 25 miles for a good meal that is reasonable. The hotels would help Milford since it is near the beaches, two good hotels are not enough especially if you have new people moving to our town and they may have guests that visit, nothing more frustrating to have an event at your home and your guest have to drive to Dover to get a room because Milford has inadequate hotels
- When I moved to the City of Milford, I was not aware of ordinances until I had problems with my neighbors. Only then, did I take the time to actually find the ordinances online. Many residents in Milford are older individuals who may not have the capability to access the internet. Some residents are from other countries who may not speak nor read the English language. Therefore the online ordinances would be of no effect
- Safety should be one of the number one factors when living in any community be it from others or those whose duty it is to protect and serve. I remember a time when most of us used to know and get along very well with the Police. Now it feels as if they just look to "get us" or "catch us" doing something wrong. I have never felt the way I have been feeling about most officers as I do today. My guard is ALWAYS up! I do not trust most of this new generation of police in Milford
- It's important to me because I want to have a sense of belonging in my community. A place that I can call home, where my children and grandchildren, etc. can grow up. I want to enjoy a fulfilling life and I can be connected to good and positive neighbors and friends. A community where I can serve on town councils or committees and help to develop policies and procedures that will make the community stronger in a positive way
- It's important to me and my family that we have these things in order to grow. It takes a village
- Because we all want to feel safe and secure. I grew up in in a city and I'm comfortable here in Milford
- I want there to be options to stay fit and active other than just walking around my neighborhood. I would like to support small business and Milford at the same time.

- Celebrating the different cultures within our own community. We increase our understanding and connection to the world at large.
- The need to feel safe and secure in my home and when I am out in the community. They need to be assured that my tap water is safe for drinking and cooking new line So I can shop locally instead of driving 20 miles north or South for a better selection and choices.
- We should always be able to feel safe living in the community. This is not just in the development. Lived in but all areas of the community. Freedom to go everywhere and not have fear of people or groups. God.
- Safety first. Every new development and business increases traffic and our steady city streets. Can barely handle the load now. The worst traffic gets to more people drive like idiots.
- safety, Home cost values continually go up, Excellent healthcare. Good pain, industrial jobs. Safety and plentiful water supply.
- Top notch schools in charter school option in Milford. Our school system now is subpar and children are our future leaders, doctors, educators, etc. Water is now often brown and highly chlorinated. Not healthy.
- When the community expands without regards to the infrastructure in place, schools, hospitals, 911 services and traffic suffer. Causing insufficient services for the residents.
- It's important to me because you generally want to be safe or have your family safe with you wherever you go, even if it's in the privacy of your own home or yard.
- I would prefer not to live in a community with an HOA. We, however, are legally required to maintain one. Hence, we should all abide by rules that are fair, cohesive, and neighborly.
- This is important to me because I would like to feel safe in my community. It puts one's mind at ease. It also is good for one's health. And you take pride in the community. That is safe. Having resources accessible is also important. So that way we can meet our needs. Hmm.
- because we are a family-owned restaurant.

Themes

- Safety for everyone, a need to belong, Thoughtfulness about the future, culturally diverse, “It takes a village.”

How is that different from how you see things now?

- I travel a lot within the State of Delaware working as a Comcast Manager and I see other cities and towns in Delaware expanding, growing, and offering more for the consumer. I look at Seaford, Camden, Middletown, and a few other areas and I see progress. Being that I left Milford in 1977 and joined the Military and return in 2003 I do see some changes in Milford, but I believe it could expand more.
- I see way too many strange people in the neighborhood who appear a little suspect. One time a man ducked down behind the daycare fence as I was getting in my car. I just happened to see him as he did it and stared him down so he quickly got back up and left in the opposite direction. As far as the police, one time one tried to catch me doing something wrong while leaving my driveway to go to work. He was just sitting as if waiting for me to leave and when I left, he tore down the ONE-WAY street and put on his lights. I just laughed at him because I knew I was legit! He needed to do his job and go catch a "real crook" as my mom would say and leave innocent, hardworking people ALONE! I can share all the details if you wish to hear them. The police need to ride through other neighborhoods as much as I see them over here in our neighborhood
- I think more individuals should be engaged with the community problems, as well as myself. Community

individuals should attend the town meetings, community meetings/events and be at the table for discussions and conversations concerning community issues.

- It's very different now. The things I stated previously we do not see
- Working with the public daily I see people who look through life with blinders on. Look to the left and right. We are all different but can make a difference.
- There are a number of small businesses that are not conducive to spending a night out. Thrift shops are sleepy, boring and closed by 2:00 PM.
- I don't see much of a nightlife. Here in Milford. Live music, art exhibits, theater, etcetera would be nice.
- I checked the crime statistics for Milford DE and the crime rate is very high. There has been discolored water issue in Milford since 2017 from a bad well and now when hydrants are flushed. The only full line store in Milford is Walmart, and that is not enough.
- There is a stigma of the homeless population. Homeless individuals are dangerous and ruining the community image.

Appendix 2

- I see careless driving on a regular basis. More buildings without new ways to navigate in and around. Town increased the likelihood of more accidents and injuries.
- Bad sections of town, homeless people. Questionable health care. Not many industries here.
- Now substandard school system. Need more qualified teachers? Must travel or be airlifted out for specialty or some emergency care. Water is highly questionable now, often brown and no answers why.
- I've only lived here three years and the town is lacking. Supply of food on the shelves.
- is a lifelong resident of this area. I have seen expansion without regard to the impact on the residents. Police station was overwhelmed. New hospital is at capacity in just a few years. Schools are overwhelmed. Roads in town are in disrepair. New residents, for the most part. Move here for lower taxes. Which will have to increase due to increases in services.
- It's a different and far dream from what I see now. There are dogs running around with no leashes on, big ones. There are cars everywhere now and then, driving fast down the street with no care for pedestrians on the sidelines or kids outside.
- The HOA has enforced the rules in two years. The focus seems to be on changing the rules so the board has less to do and little, if any enforcement.
- I believe we do have some of this already implemented. In our community, we can do better. We have resources available, but maybe can expand the range of those resources. The city is also always improving and providing environmentally friendly options. For example, we can recycle.
- I see a lot of roadblocks. Pass the buck, bureaucracy.

Themes:

- Haphazard growth, homelessness, lack of activities for everyone including a night life, Safety in community and on the roads, there are opportunities to do things.

What are some of the things that need to happen to create that kind of change?

- Better planning, ask the community what we want, I'm sure everyone in Milford would agree on a Home Depot, more clothing stores, a working car wash and nice restaurant like Texas Roadhouse, etc.
- I think it would be great (if it's not currently in effect) to have the ordinances printed in all languages based on the Milford population (Spanish, Creole, etc.) readily available. Most new residents have to visit the City of Milford to arrange for Trash and Electric Services. I think the idea to have a Welcome packet would be great! The Welcome packet could include fun facts about the City of Milford, School information, services and of course, the ordinances.
- We need yearly or bi-yearly meet and greets for the community with the Police, Milford Councilmen from each district, and the Mayor so we can voice, listen to and share concerns and experiences. This should be a non-threatening environment with light refreshments and ice breakers to open. Announcements can be shared from participants as to what they are doing in the community. I do like all of the downtown activities. They are really a nice breath of fresh air in Milford!
- Be at the table to speak out; Donate money, food, clothing, etc. for community needs; Recruit volunteers; Begin a neighborhood watch; Connect with neighbors; Have fundraising events; Charity walks; Community Clean-up days; Provide support groups; Food Give Aways; Community Days; Community Resource events, etc.; Develop a Strong Community Committee/Program
- some of the things that need to happen is what we discussed earlier. We need to get more people involved. More community action to address these issues. I have tasked myself to be the person to jump start this and with the help of you and others I can see us making a major change in the near future
- Community meetings maybe? Where people can toss around their thoughts and ideas and then proceed to take action together.
- Benefits. To attract small business owners to the area. Making downtown more safe at night
- Start with local artists who are trying to get the Art scene started on their own.
- More police presence throughout the community to deter crime.

Appendix 2

- Have an independent, impartial third party outside the state of Delaware to test their water and report on it new line Opening of a full line department store for clothing and home goods and a Home Depot for home improvements and necessities.
- The town needs to be assisted through state programs to address the homeless population. Lower rents, 24-hour shelters and other aides would help.
- Stop building so much, especially new housing developments. More enforcement of traffic laws, especially speeding. Rehoboth Blvd. is a prime example of constant speed. When traffic is not heavy.
- Increase incentives for industries to move to Milford. Build a Wicomico style indoor Civic Center venue for entertainment. Research, locate and upgrade number of water wells. And towers.
- Overhaul of our drinking water pipe system new line Have a charter school option in Milford inside city limits new line; Increase the amount of doctors in town and have more skilled providers. And Equip hospital to bring all stroke, heart, and ICU patients here. new line increase teacher salaries.
- like doctors, lawyers. For the housing market, more economic growth.
- slow down expansion until infrastructure catches up. To the needs of the community at large. Buying property for a new industrial park. Doesn't seem to fit this narrative. Maybe they should. By Shawnee Country Club, Rookery North. For use of all residents as a park.
- There should be certain speed limits signs people need to follow, with certain fines for those that break those limits. Communication and information for residents and visitors should be a must.
- I created a HOA Rules Committee to do just that, but the incoming President stopped it. The new rules created are far from what is needed. And we will not have 3/4 of our folks actively engaged in agreement. The effort will put in be put in the past time without the constituency understanding.
- The city needs to listen to the people in the community and hear what the needs are. In the safety aspect, speeding on busy streets in school zones is occurring. Maybe strict penalties can be put in place. We can expand our resources by providing more retail and dining to the community.
- Get rid of roadblocks, pass the buck, Bureaucracy. Transparency is important.

Themes:

- Participation by community, incentives for growth, economic development, step up or get better at planning and regulations, community policing, promote arts and culture.





UNIVERSITY OF DELAWARE

**BIDEN SCHOOL OF PUBLIC
POLICY & ADMINISTRATION**

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The goals under this section are also part of overarching goals in each of the priority areas. In other words, it is important that when implementing the strategies in each of the other areas, that City officials keep in mind the following.

<u>Fiscal Responsibility & Public Engagement</u>							
<u>Goal</u>	<u>Objectives</u>	<u>Strategies</u>	<u>Lead and/or Partners</u>	<u>Timeline</u>	<u>Quarterly Progress</u>	<u>Current Status</u>	<u>Success Metric & Reflection</u>
		Achieve a structurally balanced budget through diverse revenue sources, smart financial management, comprehensive forecasting, and results-oriented and efficient services.	Lou Vitola				
		Continue to maintain and implement a five-year Capital Improvement Plan (CIP).	Mark Whitfield	City Manager and Finance Office collaborate on CIP development schedule every January for departmental input and coordination February through May, with approval targeted in May or June.	Project update meetings advanced to monthly regularity starting in FY23 and extending into FY24. With the reestablishment of the Finance Committee, quarterly updates to the Committee and/or City Council may resume in FY24.	FY24-28 CIP approved by City Council with annual operating budget 6/12/2023.	Annual completion of the CIP drafts on time, distributed to Council and published; annual Council approval on time. Project progress statistics by fund, department, function, type, strategic plan objective, and other descriptors, including counts and dollar volume of projects completed vs budgeted.
Operate in an Efficient and Responsible Manner	Manage resources wisely and sustainably by maintaining appropriate fund balances and reserves.	Develop a long-range operating forecast for the general fund and all utility funds in conjunction with the five-year Capital Improvement Plan to identify threats to the City's reserve policies, structural balance, rate structures, debt covenants and solvency to allow for the implementation of any corrective action in advance.	Lou Vitola				
		Achieve and maintain fiscally-sound balances and reserves for all of the City's various funds.	Lou Vitola				
		Ensure Electric, Solid Waste, Water, and Wastewater utilities are properly funded and that rates are fairly and appropriately set by conducting cost of service studies. (Ensure Electric, Solid Waste, Water, and Wastewater utilities are properly funded and that rates are fairly and appropriately set by conducting cost of service studies)	Lou Vitola				
		Identify ways to deal with the high demand for electricity when the cost is at its highest peak, both in the short-term and long-term.	Lou Vitola				
		Investigate and implement the use of technology to improve delivery of services	Tony Chipola & Mike Svaby				

This priority area focuses on code enforcement, housing, parks and indoor/outdoor recreation that meets the needs of residents, businesses, and stakeholders.

Goal	Objectives	Strategies	Lead and/or Partners	Timeline	Quarterly Progress	Current Status	Success Metric & Reflection
Preserve and Enhance the Property Values and Quality of our Neighborhoods	Ensure properties are safe, attractive, and well-maintained through improved code compliance.	Continue proactive code enforcement throughout the City through additional enforcement and revised standards.	Rob Pierce	Ongoing	Code Officials proactively inspect neighborhoods on a weekly basis	Code Officials proactively inspect neighborhoods on a weekly basis	See a reduction in code violations throughout the City.
		Continue proactive information sharing and outreach regarding code requirements to landlords, tenants, and homeowners. Expand the beautification and maintenance program for streetscapes and gateways.	Rob Pierce	Ongoing	Landlords are sent copies of the rental inspection requirements each year. Will need to investigate ways to inform tenants of rental inspection requirements. We have general code enforcement brochures that are written in spanish, creole and english that we use to educate the public of minimum requirements.	Landlords are sent copies of the rental inspection requirements each year. Will need to investigate ways to inform tenants of rental inspection requirements. We have general code enforcement brochures that are written in spanish, creole and english that we use to educate the public of minimum requirements.	See a reduction in code violations throughout the City.
	Enhance the City's identity through well-maintained and interconnected public green spaces and parks.	Maintain and appropriately program the current, 200-acres of open space to provide for diverse outdoor recreational activities. Sponsor Community Clean Ups /other volunteer led opportunities	Brad Dennehy				
	During future neighborhood planning and zoning, ensure the inclusion of sufficient and connected open space in and near neighborhoods.	Connect public open spaces through biking and walking paths that do not use state highways. Continue to connect neighborhoods with bicycle and pedestrian paths as designated in the plan.	Brad Dennehy				
Encourage a Balanced Range of Housing Types and Home-Ownership Opportunities for Existing and Future Residents	Ensure a variety of housing options in varying affordability ranges are available throughout the City, in order to encourage residents of all socioeconomic backgrounds to reside in the City.	Continue to evaluate City ordinances and enhance requirements that all new developments meet minimum requirements for open space networks, and that sidewalks and trails that connect with other parts of Milford.	Brad Dennehy & Rob Pierce	2041	FY24-FY29 CIP Projects	FY24-FY29 CIP Projects	Construction of shared use paths and walking paths throughout the City.
		Ensure zoning ordinance provides for variety and flexibility in housing options.	Rob Pierce	Done	Done	Done	Construction of shared use paths and walking paths throughout the City. Updated Chapter 200 Subdivision of Land in January 2022 to include enhanced open space requirements for new developments. New projects are reviewed for compliance with the ordinance.
	Continually evaluate ways to attract more affordable housing options.	Rob Pierce	Ongoing	Chapter 230 Zoning amendments tabled by City Council 7/24/23. Chapter 230 Zoning was updated in January 2022 to address area regulations, landscaping, off-street parking, open space requirements, tree planting and preservation, and other items.	Chapter 230 Zoning amendments tabled by City Council 7/24/23. Chapter 230 Zoning was updated in January 2022 to address area regulations, landscaping, off-street parking, open space requirements, tree planting and preservation, and other items.	Update Chapter 230 Zoning.	
	Consider implementing a Historic Preservation ordinance to protect buildings from destruction or insensitive rehabilitation.	Rob Pierce	2025	Not Started	Not Started	Adopt a historic preservation ordinance.	
Promote a Healthy Community with a Variety of Recreational Activities Provided by the City and Community Partners	Provide residents with more recreation options by partnering with local private and nonprofit agencies in the area.	Build capacity of the Parks and Recreation Advisory Board (consisting of residents) to advise City Council, expand outreach, and recruit volunteers.	Brad Dennehy				
	Expand access to existing regional recreational amenities through varied transportation options. Work with residents and partners to create a recreational scholarship or subsidy for families who struggle to pay program fees.	Brad Dennehy & Rob Pierce	Ongoing	Continuing to work with DART on improving public transportation options in Milford.	Continuing to work with DART on improving public transportation options in Milford.	Connect people to the places they want to go with public transportation.	
	Actively promote current recreational opportunities offered by the City and partners.	Work with recreational partners, schools, and others to increase awareness of current children's programming.	Brad Dennehy				
	Promote available activities through a variety of media.	Brad Dennehy & Sara Bluhm					

This priority area focuses on being proactive and well-prepared with regard to the safety of community members. Safety also plays a role in fostering economic growth and bringing new residents to Milford.

Public Safety and Preparedness							
Goal	Objectives	Strategies	Lead and/or Partners	Timeline	Quarterly Progress	Current Status	Success Metric/Reflection
Efficiently Utilize All Police Resources (i.e., staff time, personnel, training, and technology)	Evaluate and regularly monitor the Milford Police Department's (MPD), including patterns of calls for service, types of crimes, and deployment of police resources.	Analyze existing data to understand what types of crime are taking place, where, when, and responses to address crime patterns in real time.	Chief Ashe				
		Identify new tools, technology, and analytics to assist in establishing patterns and promote intelligence lead policing models to reduce crime.	Chief Ashe				
		Utilize current and new technology to help collect and analyze data that will deploy police resources to address crime trends.	Chief Ashe				
		Identify the types of crimes being committed in the City of Milford.	Chief Ashe				
	Make a Meaningful Reaction in Part 1 crime in the City of Milford.	Create bi-weekly meeting with Police Command Staff to create avenues of accountability for where, when and why the crime is occurring. Create a plan of action for those crimes, execute the plan and reevaluate the plan to effectively reduce crime.	Chief Ashe				
		Adapt evidence-based approaches to local conditions and constraints and evaluate their effectiveness, while demonstrating successful outcomes with promising strategies in reducing crime.	Chief Ashe				
	Reduce Crime	Implement researched based policing strategies to reduce overall crime and improve public safety.	Conduct listening sessions, community meetings to identify problems and co-produce tangible solutions.	Chief Ashe			
			Offer citizen police academies, volunteer opportunities (neighborhood watch programs, etc.), and youth engagement activities.	Chief Ashe			
		Expand the City's efforts and capacity to address homelessness.	Partner with state agencies and towns to identify and implement best practices.	Chief Ashe			
			Establish strategic partnerships with community-based service providers, substance abuse treatment services, victim services, business associations, faith-based organizations, and educational institutions.	Chief Ashe			
Explore other community initiatives (e.g., Georgetown and Salisbury MD).			Chief Ashe				
Explore innovative housing solutions, such as pallet housing.			Chief Ashe				
Establish and Maintain Strong and Beneficial Police- Community Relations	Create a reciprocal and trusting relationship between Milford residents and police officers through consistently proactive, responsive, and visible policing throughout the city.	Promote opportunities for residents to volunteer in assisting this population.	Chief Ashe				
		Continue to seek additional funding for full time Behavioral Health Unit Staff.	Chief Ashe				
		Established patrol areas for officers to work same area, so that the officers know their community and the community knows them.	Chief Ashe				
		Leverage existing community partnerships and support to increase community-police engagement.	Chief Ashe				
	Work with the Carlisle Fire Company on evaluating the use of new technology for communication.	Leverage social media to share information and promote transparency.	Chief Ashe				
Conduct citizen surveys.		Chief Ashe					
Utilize Effective, Proactive Emergency Preparedness and Public Safety Strategies	Proactively plan for emergency events (i.e., storms, active shooter, etc.) through regular meetings between all City departments and state, regional, and local agencies to ensure plans are up-to-date and compatible.	Establish a community advisory group.	Chief Ashe				
		Identify new technologies that could help limit the use of the fire siren.	Chief Ashe				
			Chief Ashe & Mike Svaby				

This priority area focuses on attracting and retaining businesses in the vibrant downtown and beyond, communicating the Downtown Development District and other incentives, and encouraging job

Economic Health & Development							
Goal	Objectives	Strategies	Lead and/or Partners	Timeline	Quarterly Progress	Current Status	Success Metric/Reflection
Enable Growth of Existing Businesses	Foster economic activity that will grow the local employment by 4% in 5 years.	Partner to provide and advertise job training opportunities so the Milford workforce is ready for the future.	Sara Bluhm				
		Support workforce development through job training and apprenticeship programs.	Sara Bluhm				
		Work with School Districts to connect educational opportunities and outcomes with economic and business development to encourage young residents to stay in Milford.	Sara Bluhm				
		Conduct needs assessments of current businesses to identify growth opportunities.	Sara Bluhm				
		Develop resources for marketing and promoting businesses, such as signs promoting Milford businesses on Rt 1 and Rt 13.	Sara Bluhm				
		Improve bike / pedestrian access to existing businesses as outlined in the Bicycle and Pedestrian Masterplan.	Mike Svaby				
Foster Establishment of New Businesses	Identify opportunities for growth and development of new businesses in Milford by promoting advantages and opportunities in Milford, and leveraging the Downtown Development District and other state assistance.	Connect the industrial park to the City with pedestrian and bike paths.	Rob Pierce			Dependent on Airport Road Bike Path funding in the 5 year CIP	
		Annually review the process by which new businesses move to Milford, to develop more user-friendly services.	Sara Bluhm				
		Continue to provide current incentives for businesses of all types and sizes.	Sara Bluhm				
		Identify and assess vacant properties for business use and create incentives for new businesses to invest in and occupy vacant commercial properties.	Sara Bluhm				
		Conduct a business satisfaction survey following completion of interactions with the City.	Sara Bluhm				
		Ensure that all business-related organizations and City departments are knowledgeable about development processes for new or expanding businesses through communication and training of City Staff and coordination with partner organizations.	Sara Bluhm				
Meet the Commercial Needs of Residents, Businesses, and Visitors	Develop a more vibrant downtown, to bring more visitors to Milford and promote community pride.	Leverage the Downtown Development District to implement the Rivertown Rebirth Plan and enhance river-based recreation and events.	Rob Pierce & Brad Dennehy & Sara Bluhm			DDD/Rivertown Rebirth Master Plan implementation is ongoing with several projects in the 5 year CIP. Brad would have to comment on river-based recreation and Sara on events.	
		Provide more signage and wayfinding for things like businesses, the river-walk, and parking.	Mike Svaby				
		Continue to incentivize mixed-use properties in downtown.	Rob Pierce				Done - All projects in the DDD area receive State and local incentives for development.
		Host more citywide events in the downtown area to bring patrons to businesses.	Sara Bluhm				
		Recruit popular businesses / restaurants that make Milford a destination	Sara Bluhm				
		Activate existing business community to fill market gaps	Sara Bluhm				
Bring More Tourism to Milford	Actively promote tourism opportunities through arts, culture, and eco-tourism in Milford to bring in visitors and provide residents with more recreational options.	Expand community festivals and establish new events, such as a concert series and art loop.	Sara Bluhm				
		Advertise on print, radio/tv, social media, other Delaware park webpages, etc.	Sara Bluhm				
		Continue to pursue creative methods of promoting City events, such as street banners.	Sara Bluhm				
		Provide amenities such as public bathrooms that support tourism.	Mike Svaby				
		Promote the Mispillion River as Delaware's Hidden River.	Brad Dennehy Brad Dennehy				
		Provide more opportunities for public art.	Brad Dennehy				
Develop more river-based activities to bring in more visitors and provide residents with more recreational options.		Partner with local nature societies, recreational clubs, and businesses to recruit more outdoor recreational activities.	Brad Dennehy				
		Provide additional access points along the Mispillion River.	Brad Dennehy				

This priority area focuses on maintaining connected sidewalks, roads, utilities, public transportation, walking, biking, and gateways throughout the City.

Mobility & Infrastructure

Goal	Objectives	Strategies	Lead and/or Partners	Timeline	Quarterly Progress	Current Status	Success Metric/Reflection
Proactively Maintain Our Streets	Maintain City streets so that 80% are always in "Fair," "Satisfactory" or "Good" condition.	Fund street rehabilitation so that all streets rated "Poor," "Very Poor" or "Serious" condition are completed over the next 5 years.	Mike Svaby				
		Regularly update the Pavement Condition Report.	Mike Svaby				
		Proactively repair and repave City streets after making necessary utility and sidewalk improvements/repairs.	Mike Svaby				
		Promote the use of My Milford See, Click, Fix phone app for citizens to participate in problem identification and City opportunities	Sara Bluhm				
Proactively Maintain Our Utility Infrastructure	Continue to identify and utilize new technology to improve the efficiency and effectiveness of utility services.	Use Supervisory Control and Data Acquisition (SCADA), AMI, and other smart technology to monitor our electric, water, and wastewater systems.	Tony Chipola				
		Conduct regular preventative maintenance.	Mike Svaby & Tony Chipola				
		Establish an inventory of existing utility infrastructure and grade that system on an "Excellent" to "Serious" condition scale.	Mike Svaby & Tony Chipola				
		Address inflow and infiltration into the wastewater system.	Mike Svaby				
Proactively Maintain Our Utility Infrastructure	Evaluate current condition and put plans in place to maintain or replace City utility infrastructure.	Address older portions of the City without cleanouts and/or house traps on service lines.	Mike Svaby				
		Implement the Lead and Copper Replacement Program driven by the EPA and DHSS/DPH/Office of Drinking Water. Update code and write and implement a Cross Connection Control Program to protect the City of Milford's water supply as a Public Water System Institute proactive replacement program based on the inventory system.	Mike Svaby				
		Review progress with the City manager on a semi-annual basis.	Mike Svaby & Tony Chipola				
		Update regulations to comply with recommendations in the comprehensive plan.	Mike Svaby & Tony Chipola				
Address Future Growth by Proactively Making Improvements to Infrastructure	Meet semi-annually with the City Manager, Planning Director, Public Works Director, City Engineer and Council to project and evaluate wastewater demands required for future growth.	Sewer: Install force main from South East Pump Station to Kent County Pump Station (evaluate other potential areas that would be in addition to this system such as areas east and west of State Route 1 from the Mispillion River, south.)	Mike Svaby				
		Consider the installation of an additional substation or substation expansion projects.	Tony Chipola				
		Investigate energy efficiency measures to reduce energy demand and consumption for City facilities.	Tony Chipola				
		Evaluate renewable generation and Energy Storage options to reduce demand and smooth / flatten load curve.	Tony Chipola				

		Consider electric generation to reduce the reliance on PJM.	Tony Chipola			
		Evaluate storage demands for water in northwest business park and other portions of the City.	Mike Svaby			
	Meet semi-annually with the City Manager, Planning Director, Public Works Director, City Engineer and Council to project and evaluate water demands required for future growth.	Investigate alternatives for water production in the SE area of the City to address future growth in that area.	Mike Svaby			
	Include "Complete Streets" best practices as a part of all projected new street or repaving projects.	Address deficiencies and maintenance issues in the City's bicycle network.	Mike Svaby			
	Implement the sidewalk maintenance/replacement program.	Regularly inspect the sidewalks on a 4-year cycle by ward to notify and work with property owners on necessary repairs and/or replacement. Work with DART to improve transportation accessibility within the City and to provide access to key destinations such as the new Bayhealth Sussex Campus and Nationwide Campus.	Mike Svaby			
Continue to Develop a Multi-Modal, Pedestrian-Friendly Framework Throughout the City	Improve existing transportation options and accessibility by evaluating the number of routes, the frequency of routes, where stops are, and where they should be.	Implement high value standalone road projects and intersection improvements based on impact.	Mike Svaby			
	Implement the Bicycle and Pedestrian Plan.	Collaborate with Kent County, Sussex County, nearby local governments, DelDOT, Dover/Kent County MPO, and the University of Delaware to develop regional bicycle route.	Rob Pierce	2041 FY24-FY29 CIP Projects	FY24-FY29 CIP Projects	Construction of shared use paths and walking paths throughout the City.
		Perform an Engineering Traffic Study within the City.	Mike Svaby			
		Evaluate truck traffic downtown and feasibility of maneuvers at downtown intersections.	Mike Svaby			
Improve Traffic Management Throughout the City	Work with agency partners to ensure that the safety of pedestrians and drivers are improved.			Dover/Kent County MPO has funded a transportation study in FY24 for traffic circulation on the Kent County side of Milford. DelDOT is wrapping up freight study recommendations, which has a focus on east-west movement through Milford. Dover/Kent County MPO completed a freight study and recommended Church Hill Road be used to connect Route 14 and SR1 and the potential construction of a new road between US113 and SR1 on the south side of Milford.	Dover/Kent County MPO has funded a transportation study in FY24 for traffic circulation on the Kent County side of Milford. DelDOT is wrapping up freight study recommendations, which has a focus on east-west movement through Milford. Dover/Kent County MPO completed a freight study and recommended Church Hill Road be used to connect Route 14 and SR1 and the potential construction of a new road between US113 and SR1 on the south side of Milford.	Reduced travel time between US Route 113 and SR1 and reduction of traffic congestion in downtown Milford.
	Improve accessibility to and from the East and West portions of the City.		Rob Pierce	Ongoing.		



**STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION**

July 19, 2023

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

RE: Downtown Development District boundary expansion

Dear Mr. Pierce:

Thank you for your letter of June 28, 2023 requesting a boundary extension to your existing Downtown Development District Designation. According to the letter received, the city is requesting an additional 15.01 acres as noted on the map included with the request.

On July 18, 2023 the Cabinet Committee on State Planning Issues, at its scheduled meeting, approved the boundary expansion effective upon the final approval by the City Council to amend the boundaries.

Per our records the City of Milford current Downtown Development District boundary is 184.89 acres. With the addition of the 15.01 acres approved at this meeting the total district is now 199.90 acres. Please note that the total allowable acreage for the City of Milford is 200 acres.

If you have any questions, please contact this office.

Sincerely,

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

David Edgell, AICP
Director, Office of State Planning Coordination



RESOLUTION 2023-14

SUPPORT OF DOWNTOWN DEVELOPMENT DISTRICT EXPANSION

WHEREAS, under the Downtown Development District Act of 2014 (the “Act”), the State of Delaware designates districts within Delaware’s cities, towns and unincorporated areas that qualify for significant development incentives and other State benefits; and

WHEREAS, these districts are to be known as Downtown Development Districts (“Districts”); and

WHEREAS, on August 10, 2016, Governor Jack Markell announced a statewide expansion of Delaware’s Downtown Development District (DDD) program which would include 170 +/- acres of land within the City of Milford; and

WHEREAS, on August 26, 2019, City Council adopted Resolution 2019-08 authorizing additional land that increased the District to 185 +/- acres of land; and

WHEREAS, the designation has provided State and local incentives to property and business owners within the City’s Downtown Development District; and

WHEREAS, the City Council of the City of Milford believe that in 2023, it is in the best interest of the City to further expand the District by offering the opportunity for applicable benefits to qualified properties in an additional 15 +/- acres, as assigned.

NOW, THEREFORE, Be It Resolved by the City of Milford:

By a majority vote of City Council, the Downtown Development District boundary is hereby extended 15 +/- acres as depicted on the attached 2023 DDD Expansion Existing Zoning Map 2.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 14th day of August 2023.

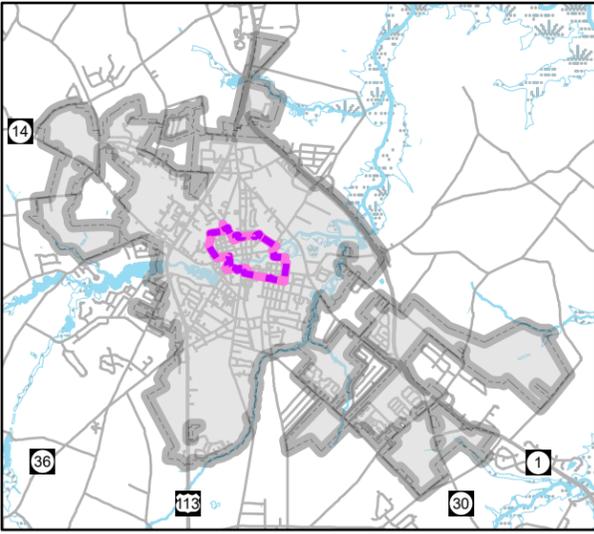
Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson

Attachment:

City of Milford Downtown District Expansion Existing Zoning Map 2



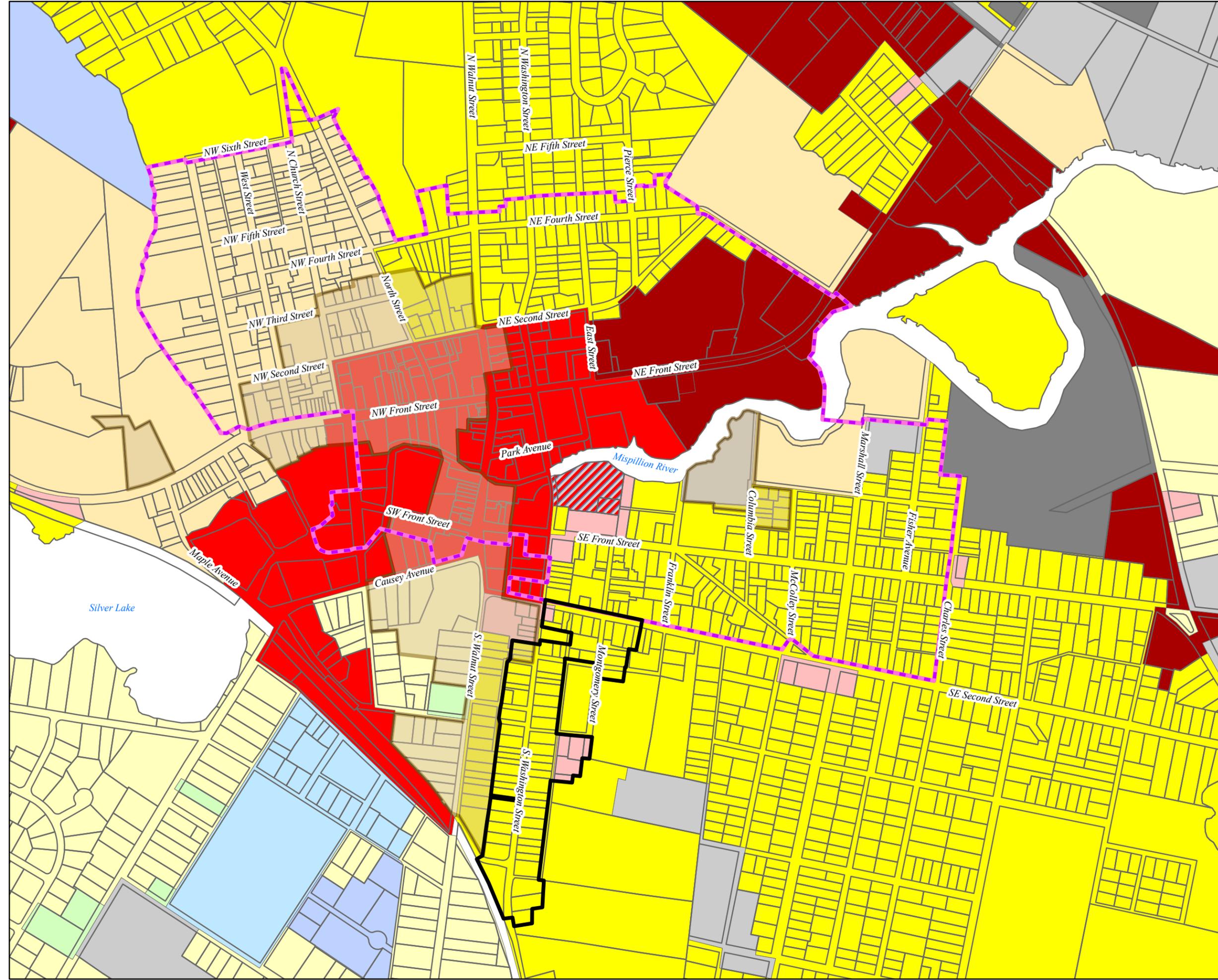
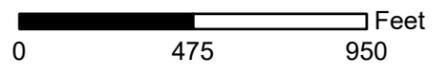
**City of Milford
Downtown Development District**

2023 District Expansion

Existing Zoning Map

Exhibit 2

-  Proposed Expansion Area
-  Current DDD Boundary
-  Historic District
-  Tax Parcels
- Zoning Classification**
-  BP
-  C-1
-  C-2
-  C-2A
-  C-3
-  H-1
-  I-1
-  I-2
-  IM
-  IS
-  OB-1
-  OC-1
-  R-1
-  R-2
-  R-3
-  R-8



TO: Mayor and City Council

FROM: Rob Pierce, Planning Director

DATE: August 14, 2023

RE: Downtown Streetscapes – Design Contract – KCI Technologies
SW Front Street, N. Washington Street, Denney Row and Park Avenue

In October 2022, the City hired KCI Technologies, Inc. to prepare a concept plan for streetscape improvements of various sections of downtown Milford. The areas included SW Front Street from S. Walnut Street to N. Church Street, Park Avenue from N. Walnut Street to Denney Row, Denney Row from Park Avenue to NE Front Street, and N. Washington Street from the Mispillion River to NE Front Street. The planning scope also included City-owned parking lots on SW Front Street and Park Avenue. The proposed streetscapes and parking lot improvements are listed projects in Milford’s Rivertown Rebirth Master Plan (Downtown Master Plan) and the City’s five-year Capital Improvement Plan (CIP).

Toward the end of the 2022 calendar year, KCI reviewed previous City planning documents, performed a field visit to downtown Milford and met with various City staff. Based on these activities, KCI prepared a set of preliminary design ideas which were reviewed internally with City staff before preparing preliminary concept plans. The preliminary concept plans included a range of improvements (low impact to high impact).

The preliminary concept plans were shared with residents and business owners during a public input meeting held on March 8, 2023. Stakeholders had an opportunity to review the different levels of improvements and provide feedback on the proposed changes. A presentation of the preliminary concept plans and feedback obtained from the public was made to City Council on April 19, 2023.

The final draft of the concept plans was reviewed and accepted by City Council on June 26, 2023 with the condition that SW Front Street be designed to allow for two-way traffic.

Two proposals for the design of the streetscape projects are enclosed. The proposals are broken down into SW Front Street and N. Washington Street/Denney Row/Park Avenue to correlate with projected construction schedules in the CIP.

The two proposals address the design and construction administration of five (5) capital projects that are listed in the FY24-FY28 CIP and include the following:

Reference	Project	FY23 Balance	FY24 Capital	FY25 Plan
Line 136	N. Washington Street Streetscape	\$200,000	\$45,000	\$200,000
Line 137	Park Avenue/ Denny Row Streetscape	345,000		500,000
Line 141	SW Front Street Streetscape	45,000		600,000
Line 170	Park Avenue Lot Enhancements	120,000		
Line 171	SW Front Street Lot Enhancements			300,000
Annual Subtotal		\$710,000	\$45,000	\$1,600,000
All Projects				\$2,355,000

The proposals would be funded with \$755,000 available through FY23 and FY24 CIP approvals. The funds were projected to cover both design and staggered construction costs. The available funds will cover the design of all five projects, and the remainder will roll forward to combine with the additional funding in the FY25 Plan year to support the construction of the projects in future fiscal years.

Motion #1

Staff recommends City Council authorize the Mayor to execute the proposal from KCI Technologies at an amount not to exceed \$190,000 for the design and construction administration of the N. Washington Street, Denney Row and Park Avenue Streetscape projects.

Motion #2

Staff recommends City Council authorize the Mayor to execute the proposal from KCI Technologies at an amount not to exceed \$145,000 for the design and construction administration of the SW Front Street Streetscape project.

KCI TECHNOLOGIES, INC.
TASK ORDER AUTHORIZATION
June 7, 2023
KCI Project No. 131803632.LDA

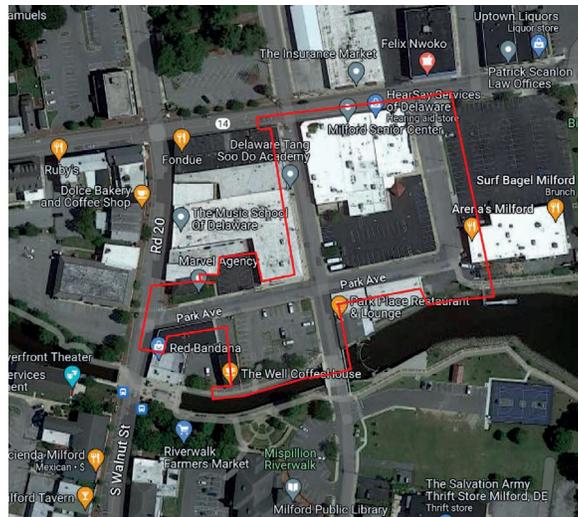
The purpose of this form is to obtain your authorization for the work verbally requested and to confirm the terms under which these services will be provided. KCI Technologies, Inc. is pleased to provide the services described below as an amendment to the contract previously executed, dated March 26, 2018 for the Project called Municipal On-Call Services, located in Milford, Delaware.

Invoices to: City of Milford
Attention: Mark A. Whitfield
180 Vickers Drive
Milford, DE 19963

Narrative: The City has requested services to design/engineer two (2) downtown streetscape areas as per the “City of Milford – Downtown Streetscapes” plans prepared by KCI, dated May 2023. **Area A** includes Park Avenue (between Walnut Street and Deny Row); Washington Street (between N. Front Street and the Mispillion River); Denny Row (between N. Front Street and Park Avenue); the Milford Senior Center parking lot; and the parking lot located at the intersection of Park Avenue and Washington Street. **Area B** includes S.E. Front Street (between Church Street and Walnut Street); parking lot (opposite 10 Front Street); and the existing River Walk along the Mispillion River.

This proposal is for Area A only.

Proposed streetscape improvements include replacing the existing sidewalk with brick sidewalk; reducing the width of the paved cart way in order to enhance the sidewalk; extending the curb into the roadways at intersections and driveways to highlight the on-street parallel parking and to choke the drive-aisle to provide traffic calming; re-striping and/or re-configuring existing parking lots to improve circulation and eliminate unnecessary entrances; repairing/replacing pavement section as needed and resurface/re-stripe roads and parking lots; enhancing sidewalks by adding landscaping behind sidewalk in selected areas; replacing storm sewer where necessary (due to relocation of curb and reduction in pavement width); and replacing water services and valves.



Based upon our understanding of the project as described above, we propose the following:

SCOPE OF SERVICES

Task #1 – Boundary and Topographic Survey

Estimated Fee: \$30,100.00

KCI-Survey Practice will perform the work. KCI will mobilize a survey team to perform a Topographic and Boundary survey in the areas shown above. Topography will be 3D scanned using LiDAR technology to increase safety and limit impact on traffic as well as get site details beyond traditional field location. Field teams will locate, measure, and detail accessible sewer and storm drain systems passing under the work area shown above. Information will be processed into a Civil 3D base worksheet. Survey work will be referenced to DE SPC NAD83 horizontal and NAVD88 vertical datum by RTN GPS control. The drafting of plats associated with boundary lines or easements is not included in this scope of work, any boundaries or easement geometry will be included in the base worksheet to aid the design team.

No Utility Designation or research is included in the Survey Scope of Work. The design team is responsible for Designer plan requests and inclusion as those items are not field locatable. If the design team requests utility mark-out prior to the start of fieldwork locations will be included with the topography. No Maintenance-of-Traffic is included in this scope of work. If structure measurements are needed for structures in the roadway that require MOT an additional fee will be required for Maintenance-of-Traffic. Design team will inquire if the client (City of Milford) can provide MoT during structure detailing mobilizations to minimize cost.

EXCLUSIONS

- Boundary survey plat
- Easement plats
- Survey of off-site easements
- ALTA/NSPS Land Title Survey
- Property corner stakeout
- Maintenance of Traffic
- Subsurface Utility Engineering (SUE)
- Field location of individual trees within a wooded section of the project limits
- Wetland location

Task #2 – Geotechnical Investigation

Estimated Fee: \$22,400.00

KCI-Geotechnical Practice will perform the work. Services include:

- As required by law, KCI will Contact Miss Utility to clear public utilities prior to beginning subsurface exploration work. Considering the boring within the City's right of way (ROW), no private utility locator will be needed (cost for private utility locator is excluded).
- Perform six (6) corings and borings with in-situ testing as shown in the table below, including continuous sampling to maximum 5-foot below grade (the boring termination depths), using the Standard Penetration Test (SPT) method.

Coring/Boring Location	Coring/Boring	Individual Boring Depth (ft)
Denny Row (between NE Front St. & Park Ave.)	C-1/B-1	5
Park Ave. (between Denny Row & S Walnut St.)	C-2/B-2	5
	C-3/B-3	5
N. Washington St (between NE Front St. & Park Ave.)	C-4/B-4	5
Front St. (between S. Walnut St. & Church St.)	C-5/B-5	5
	C-6/B-6	5
TOTAL	6	20

- Collect bulk/bag samples from each boring.
- Monitor groundwater level during and at completion of drilling.
- Backfill the borings with bentonite grout and patch using asphalt cold-patch.
- Perform Laboratory testing on representative samples (including Atterberg limits and sieve analysis for USCS classification, proctor, moisture content, and CBR).
- Geotechnical Engineering Memo Report:
 - A review and description of the field and laboratory test procedures conducted and their results
 - Review and description of surface and subsurface conditions encountered including pavement type and thickness, aggregate base (if any), subgrade soil types and physical properties, boring logs, subsurface profiles, and depth to groundwater (if encountered);
 - Identify and discuss any pavement issues.
 - Geotechnical/pavement evaluations and recommendations.

Assumptions/Exclusions:

- KCI- Land Development (Delaware) will mark the boring location in the field.
- Corings for both Area A & Area B will be completed with Area A construction plans. 1 mobilization and 1 report is included. If an additional mobilization/report is desired, KCI shall indicate the additional cost prior to mobilization.
- The Client will provide site access for field reconnaissance and subsurface exploration work; and ensure there will be no delays accessing project site during fieldwork.
- KCI-Geotechnical will coordinate public utility clearance prior to beginning subsurface exploration work. No private utility locator will be required within the proposed boring locations since fieldwork will be within public ROW;
- NO hazardous soil environment at the site
- The fieldwork will require maintenance of traffic (MOT); However, KCI has assumed that the City will be responsible for providing Traffic Control during our fieldwork. Thus, any permit required for lane closure will be waived by the City. Any fee for providing MOT, permit preparation and coordination is excluded from this proposal. Client to confirm this assumption.
- Boring locations will be accessible to a drill rig without the need for road building or major clearing.

- Geotechnical fieldwork can be performed within normal working hours between 8 AM to 5 PM, Monday through Friday where possible.
- Client will provide traffic data (ADT, % trucks, ESAL etc.) and design life (e.g., 20 years) to use for our analyses.

Task #3 – Site Improvement Plans

Estimated Fee: \$59,100.00

KCI-Land Development Practice will perform the work. Services include:

Conceptual Design Phase (30%)

- Base Plans and Preliminary Sheet Setup. Using the completed topographical and existing conditions survey, KCI will prepare a base plan and base plan blow-up sheets for proposed grading, utility, striping, and erosion and sediment control plans that are scaled appropriately to cover the entirety of the project land areas.
- Utilizing base plan, prepare a conceptual layout based upon the parameters set on the “City of Milford – Downtown Streetcapescapes” plan prepared by KCI Technologies dated May 2023. Concept shall include:
 - Replacing the existing sidewalk with brick sidewalk.
 - Reducing the width of the paved cartway.
 - Extending the curb into the roadways at intersections and driveways to highlight the on-street parallel parking and to choke the drive-aisle to provide traffic calming.
 - Re-striping and/or re-configuring existing parking lots to improve circulation and eliminate unnecessary entrances; and
 - Enhancing sidewalks by adding landscaping behind sidewalk in selected areas.
 - Replacing storm sewer where necessary, due to relocation of curb and reduction in pavement width; and
 - Replacing water services and valves.
- KCI will submit our 30% plans for review by city staff.
- KCI will attend one (1) virtual teleconference with city staff to review your comments.
- KCI will attend one (1) post city council presentation virtual teleconference to discuss city council comments and their impact on advancing the design from 30% to 80%.

Design Development/Construction Documents (80%)

- Upon receiving the City Council’s 30% design comments, KCI will advance our hardscape, landscape and amenity plans to an 80% complete level. The 80% Design Development/Construction Drawings will include:
 - Preparation of Site Plan, showing all applicable dimensions and
 - Preparation of grading plans for Park Avenue, Washington Street, Denny Row, and both parking lots (if/where necessary);
 - Preparation of utility plans, indicating where new storm sewer is proposed (due to relocated curbs and reduced pavement sections) and where water services and valves are to be removed & replaced;
 - Signage and striping plans for Park Avenue, Washington Street, Denny Row, and both parking lots;
 - Preparation of pavement replacement plan, based upon Geotechnical report and recommendations;

- Preparation of erosion and sediment control plans and details; and
- Inclusion of all necessary Construction Details.

- 80% Submittal/City Comments
 - KCI will submit our 80% plans for review by city staff.
 - KCI will submit 80% CD cost estimates.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.

Construction Documents (100%)

- Upon receiving the City Council's 80% design comments, KCI will advance our site improvement plans to a 100% complete level. The 100% Construction Drawings will include:
 - Site Plan
 - Grading Plan
 - Utility Plan
 - Erosion and Sediment Control Plan
 - Signage and Striping Plan
 - Pavement Improvement Plan
 - Construction Details

- Specifications
100% CD level book specifications for applicable improvements.

- 100% Submittal/City Comments/Final Revisions
 - KCI will submit our 100% site improvement plans for review by city staff.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.
 - KCI will make final revisions to the 100% CD's based on city comments prior to the plans going out for bid.

Task #4 – Landscape Architecture Services

Estimated Fee: \$55,100.00

KCI-Land Planning/Landscape Architecture Practice will perform the work. Services include:

Conceptual Design Phase (30%)

- Conceptual Design Kick-Off Virtual Teleconference

KCI will attend a virtual teleconference with the City of Milford to review KCI's final Conceptual Design for City of Milford Downtown Streetscapes, dated May 2023. The purpose of the meeting is to ask further questions that will help determine the following prior to advancing any designs beyond the approved schematics:

- a. Hardscape and Materials Options
 - Concrete Paving – tooled joints, sawcut joints, windowpane, color, etc.
 - Special Paving – brick, concrete, shapes, sizes, colors, texture, manufacturer, etc.
 - Crosswalks –special paving cross section within public street r/w's
 - Parking Lot Screening Walls – materials, colors, manufacturers, etc.
 - Amenity Columns – materials, colors, manufacturers, etc.

b. Site Furnishings

- Benches
- Tables
- Chairs
- Bike Racks
- Bollards
- Fencing
- Ash/Trash/Recycling Bins
- Lighting/Banners

c. Landscaping

- Street Trees/Major Deciduous Trees
- Flowering Trees/Minor Deciduous Trees
- Evergreen Trees
- Shrubs
- Perennials
- Ornamentals Grasses
- Ground Covers
- Screening Treatments
- Parking Lots

- Preliminary Materials Palette Boards (PDF slide images)

Using feedback from the above Design Development Kick-Off Teleconference, KCI will synthesize your responses and prepare preliminary materials palette boards for your review based on the categories referenced above. The boards will summarize and propose further suggestions, when necessary. The purpose of this process is to streamline the design development phase by avoiding proposed materials and site furnishings that are not to your liking for any number of reasons. Design Development takes time, and we can streamline our design process with many of these decisions made upfront rather than during the active design process.

- Material Palette Boards Review Virtual Teleconference

KCI will attend a virtual teleconference with you to review the Materials Palette Boards assembled in efforts to gain your approval and/or revise as necessary based on our discussion.

- Semi-Final Materials Palette Boards

Using feedback from the above Materials Palette Boards Teleconference, KCI will revise the boards into a “semi-final” working palette to advance the design during the Design Development Phase. We name them “semi-final” since the DD phase will also result in further revisions and refinements as we advance the design, however, we should have a very good working palette to work with based on this upfront pre-design phase effort. The Semi-Final Materials Palette Boards (PDFs) will be emailed to you for review and comment. These material selections will form the basis of our DD/CD Phase “tool chest”.

- Base Plans and Preliminary Sheet Setup

Using the completed topographical and existing conditions survey (see Assumption 2 above), KCI will prepare a base plan and base plan blow-up sheets for proposed hardscape, landscape and amenity features that are scaled appropriately to cover the entirety of the project land areas.

- **Conceptual Design Plans (30%)**
KCI will advance our hardscape, landscape and amenity plans to a 30% complete level based on the results of the Pre-Design Phase decisions. KCI deliverables for this design phase will include CAD drawn plans with some color added for clarity of proposed features. This set of drawings will cover all proposed palette selections and preliminary site details as they apply to the site-specific design.
- **30% Submittal/City Comments/Virtual City Council Presentation**
 - KCI will submit our 30% hardscape, landscape and amenity plans for review by city staff.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.
 - KCI will prepare an additional page to our 30% design submittal to incorporate and synthesize city comments for the city council presentation. Upon completion, we will email the draft city council presentation to city staff for any final feedback. Final revisions will be prepared.
 - KCI will attend and present our 30% presentation at one (1) city council meeting.
 - KCI will attend one (1) post city council presentation virtual teleconference to discuss city council comments and their impact on advancing the design from 30% to 80%.

Design Development/Construction Documents (80%)

Upon receiving the City Council's 30% design comments, KCI will advance our hardscape, landscape and amenity plans to an 80% complete level. The 80% Design Development/Construction Drawings will include:

- **Landscape Plans and Details**
80% DD/CD level landscape plans that will identify proposed plant locations for all major/minor deciduous trees, evergreen trees, shrubs, perennials, ornamental grasses, and ground covers. The plans will include a preliminary plant schedule with plant quantities for pricing purposes.
- **Hardscape Plans**
80% DD/CD level hardscape plans that will include all exterior pedestrian grade hardscapes, walkways, pathways, plazas, crosswalks, special paving areas, etc. The plans will include proposed concrete scoring patterns and preliminary hardscape details.
- **Site Furnishings/Site Amenities Plan**
80% DD/CD level site furnishings and site amenities plans that will include all exterior benches, tables, chairs, bike racks, bollards, fencing, amenity landscape/pedestrian scale lighting fixtures, trash/recycling receptacles, etc. The plans will specify catalog/item #'s, colors, and finishes.
- **Site Details**
80% DD/CD level site details for paving cross-sections, site furnishing mountings, wall sections, amenity columns, etc.
- **80% Submittal/City Comments**
 - KCI will submit our 80% hardscape, landscape and amenity plans for review by city staff.
 - KCI will submit 80% CD cost estimates.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.

Construction Documents (100%)

Upon receiving the City Council's 80% design comments, KCI will advance our hardscape, landscape and amenity plans to a 100% complete level. The 100% Construction Drawings will include:

- **Landscape Plans and Details**
100% CD level landscape plans that will identify proposed plant locations for all major/minor deciduous trees, evergreen trees, shrubs, perennials, ornamental grasses, and ground covers. The plans will include a preliminary plant schedule with plant quantities for pricing purposes.
- **Hardscape Plans**
100% CD level hardscape plans that will include all exterior pedestrian grade hardscapes, walkways, pathways, plazas, crosswalks, special paving areas, etc. The plans will include proposed concrete scoring patterns and preliminary hardscape details.
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100% CD level site furnishings and site amenities plans that will include all exterior benches, tables, chairs, bike racks, bollards, fencing, amenity landscape/pedestrian scale lighting fixtures, trash/recycling receptacles, etc. The plans will specify catalog/item #'s, colors and finishes.
- **Site Details**
100% CD level site details for paving cross-sections, site furnishing mountings, wall sections, amenity columns, etc.
- **Specifications**
100% CD level book specifications for landscaping, pedestrian grade special paving, site furnishings and site amenities.
- **100% Submittal/City Comments/Final Revisions**
 - KCI will submit our 100% hardscape, landscape and amenity plans for review by city staff.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.
 - KCI will make final revisions to the 100% CD's based on city comments prior to the plans going out for bid.

Task #5 – Construction Administration

Estimated Fee: \$20,600.00

The KCI Land Development, Land Planning, and Landscape Architect teams will perform the work. KCI shall provide Construction Administration Services including, but not limited to Request for Information responses, bulletins, change order review, submittal and shop drawing review, punch list preparation, and close-out documentation review; perform a maximum 5 site visits at regular intervals to evaluate adherence to project plans and specification; assist in resolving field issues and disputes.; provide timely responses to RFI's and Submittals to support the construction schedule as necessary; provide support for coordination and scheduling issues; and prepare the punch list and monitor progress to ensure that all items are corrected properly. following CA period services.

Review of as-built close out documentation and Operation & Maintenance submittals for conformance to the project documents and the generation of final As-Built record drawings are not included.

Fees and Payments:

Fees for professional engineering services, as outlined in Scope of Services above, and do not cover any Additional Work (defined above), or any other services which are not specifically described as part of the Work listed in the Scope of Services above. This proposal shall be based on a **“Time & Materials”** basis. The total amount of this contract is approximately **\$187,300 (one hundred eighty-seven thousand, three hundred dollars)**. For your convenience we have provided a breakdown of the fees for the major components of the project, as follows:

Task 1. Boundary and Topographic Survey.....	\$ 30,100.00
Task 2. Geotechnical Investigation.....	\$ 22,400.00
Task 3. Site Improvement Plans.....	\$ 59,100.00
Task 4. Landscape Architecture Services.....	\$ 55,100.00
Task 5. Construction Administration	\$ 20,600.00

Direct Expenses:

Direct Expenses, such as mileage, postage, reproductions, etc., will be billed based on the previously approved Schedule of Rates. Direct Expenses are **expected not to exceed \$1,000.00**. This amount will be added to the previously approved budget for Direct Expenses.

Additional Work:

Experience indicates that certain additional items of work may be required or necessary which KCI cannot presently determine or estimate. For this reason, the fee for these items is not included in the provisions listed above on "Fees and Payments" for the performance of the Work. Further, the performance of these items is not included in the Work unless the item is expressly described as the Work in the preceding Scope of Services section. These additional items of work ("Additional Work") are caused by many factors, usually at the discretion of the Client and/or construction contractors. They may also be caused by reviewing agency or Client variance/deviation from present policies and standards of reviewing governmental agencies. "Additional Work" may sometimes be referred to as extras, change orders, or add-ons, but for purposes of this Proposal, all such descriptions are intended to be encompassed within the term Additional Work.

- Checking of work performed by others with the exception of those items specifically listed in the scope of services above.
- Certifications not specifically called for in the Scope of Services.
- Changes in policies or regulations during the progress of the work.
- Regulatory, filing and review fees.
- Stormwater Management.
- Flood plain studies.
- All work performed prior to the date of this contract.
- Maintenance of Traffic.
- Wetlands delineation or Flood Plain Studies.
- Expert witness testimony.

Note: In the event that an extra work authorization is required for an additional project task KCI will not commence the execution of the described work until receiving a signed copy of the extra work authorization.

Fees and Payments for Additional Work:

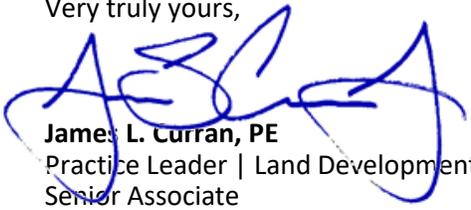
Fees and payments for Additional Work shall be in addition to any fees and payments for the Work described in the Scope of Services above. Fees and Payments for Additional Work will be billed in accordance with the above Fees and Payments section.

Extra Work Authorization:

If this Proposal is satisfactory, acceptable and fully set forth the terms of our understanding, please sign the Acceptance and return a copy to KCI's office. This Proposal shall be deemed an ADDENDUM to the Contract previously executed between the parties hereto dated March 26, 2018, and all the terms and conditions set forth in the originating contract aforesaid are hereby by reference thereto.

KCI welcomes the opportunity to serve the City and looks forward to working with you on this project. The Project Manager to be assigned to the Work is Rhiannon Sayles, P.E. and her telephone number is (302) 318-1099.

Very truly yours,



James L. Curran, PE
Practice Leader | Land Development
Senior Associate

Very truly yours,



Nicholas A. Barrick, P.E., LEED® AP
Discipline Manager | Site Facilities
Vice President

Work Authorized by:

(Print or Type Name)

(Title)

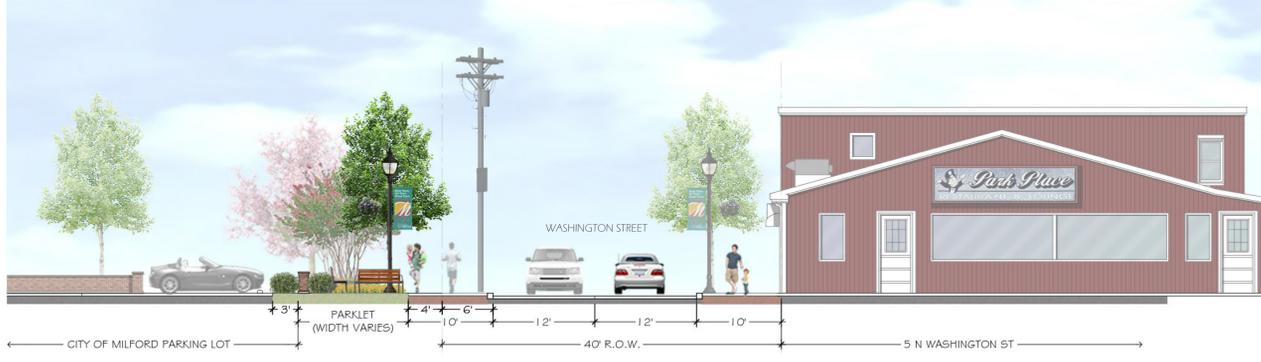
(Signature)

CONCEPT PLAN LEGEND

- a PARKING LOT RECONFIGURATION
- b SPECIAL PAVING SIDEWALK IMPROVEMENT
- c BRICK WALLS AND PIERS (TYP.)
- d STREET CORNER LANDSCAPE TREATMENT
- e PLAZA/POCKET PARK
- f SPECIAL PAVING CROSSWALK
- g LANDSCAPE SCREENING
- h TREE GRATE / TREE PIT
- i STREET TREE (TYP.)
- j PRIVATE PARKING/BOAT RAMP ACCESS
- k EXISTING MISPELLION RIVERWALK ACCESS
- m GARBAGE SCREEN FENCING
- n RELOCATED TRASH AND RECYCLING CONTAINERS W/ SCREEN FENCING
- o LOADING ZONE
- p PROPOSED RETRACTABLE BOLLARD (TYP.)



1 WASHINGTON STREET (UPPER)



2 WASHINGTON STREET (LOWER)



CONCEPT PLAN

SCALE 1" = 30'-0"

PROPOSED STREETScape IMPROVEMENTS - HIGH LEVEL 2

KCI TECHNOLOGIES, INC.
TASK ORDER AUTHORIZATION
June 7, 2023
KCI Project No. 131803632.LDB

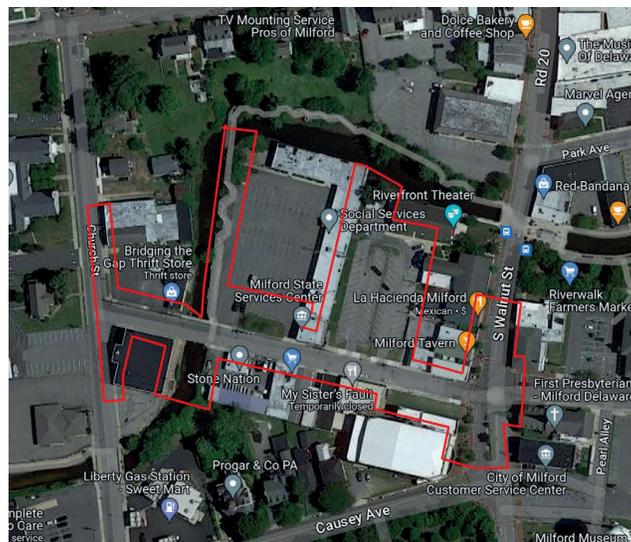
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Invoices to: City of Milford
Attention: Mark A. Whitfield
180 Vickers Drive
Milford, DE 19963

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This proposal is for Area B only.

Proposed streetscape improvements include replacing the existing sidewalk with brick sidewalk; reducing the width of the paved cart way in order to enhance the sidewalk; extending the curb into the roadways at intersections and driveways to highlight the on-street parallel parking and to choke the drive-aisle to provide traffic calming; re-striping and/or re-configuring existing parking lots to improve circulation and eliminate unnecessary entrances; repairing/replacing pavement section as needed and resurface/re-stripe roads and parking lots; enhancing sidewalks by adding landscaping behind sidewalk in selected areas; replacing storm sewer where necessary (due to relocation of curb and reduction in pavement width); and replacing water services and valves.



Based upon our understanding of the project as described above, we propose the following:

SCOPE OF SERVICES

Task #1 – Boundary and Topographic Survey

Estimated Fee: \$30,100.00

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No Utility Designation or research is included in the Survey Scope of Work. The design team is responsible for Designer plan requests and inclusion as those items are not field locatable. If the design team requests utility mark-out prior to the start of field work locations will be included with the topography.

No Maintenance-of-Traffic is included in this scope of work. If structure measurements are needed for structures in the roadway that require MoT an additional fee will be required for Maintenance-of-Traffic. Design team will inquire if the client (City of Milford) can provide MoT during structure detailing mobilizations to minimize cost.

EXCLUSIONS

- Boundary survey plat
- Easement plats
- Survey of off-site easements
- ALTA/NSPS Land Title Survey
- Property corner stakeout
- Maintenance of Traffic
- Subsurface Utility Engineering (SUE)
- Field location of individual trees within a wooded section of the project limits
- Wetland location

Task #2 – Site Improvement Plans

Estimated Fee: \$54,900.00

KCI-Land Development Practice will perform the work. Services include:

Conceptual Design Phase (30%)

- Base Plans and Preliminary Sheet Setup. Using the completed topographical and existing conditions survey, KCI will prepare a base plan and base plan blow-up sheets for proposed grading, utility, striping, and erosion and sediment control plans that are scaled appropriately to cover the entirety of the project land areas.
- Utilizing base plan, prepare a conceptual layout based upon the parameters set on the “City of Milford – Downtown Streetcapes” plan prepared by KCI Technologies dated May 2023. Concept shall include:

- Replacing the existing sidewalk with brick sidewalk.
 - Reducing the width of the paved cartway.
 - Extending the curb into the roadways at intersections and driveways to highlight the on-street parallel parking and to choke the drive-aisle to provide traffic calming.
 - Re-striping and/or re-configuring existing parking lots to improve circulation and eliminate unnecessary entrances; and
 - Enhancing sidewalks by adding landscaping behind sidewalk in selected areas.
 - Replacing storm sewer where necessary, due to relocation of curb and reduction in pavement width; and
 - Replacing water services and valves.
- KCI will submit our 30% plans for review by city staff.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.
 - KCI will attend one (1) post city council presentation virtual teleconference to discuss city council comments and their impact on advancing the design from 30% to 80%.

Design Development/Construction Documents (80%)

- Upon receiving the City Council's 30% design comments, KCI will advance our hardscape, landscape and amenity plans to an 80% complete level. The 80% Design Development/Construction Drawings will include:
 - Preparation of Site Plan, showing all applicable dimensions and
 - Preparation of grading plans for Park Avenue, Washington Street, Denny Row, and both parking lots (if/where necessary);
 - Preparation of utility plans, indicating where new storm sewer is proposed (due to relocated curbs and reduced pavement sections) and where water services and valves are to be removed & replaced;
 - Signage and striping plans for Park Avenue, Washington Street, Denny Row, and both parking lots;
 - Preparation of pavement replacement plan, based upon Geotechnical report and recommendations;
 - Preparation of erosion and sediment control plans and details; and
 - Inclusion of all necessary Construction Details.
- 80% Submittal/City Comments
 - KCI will submit our 80% plans for review by city staff.
 - KCI will submit 80% CD cost estimates.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.

Geotechnical services required for the pavement evaluation were completed with Area A. No additional studies/corings are proposed for Area B.

Construction Documents (100%)

- Upon receiving the City Council's 80% design comments, KCI will advance our site improvement plans to a 100% complete level. The 100% Construction Drawings will include:
 - Site Plan
 - Grading Plan
 - Utility Plan
 - Erosion and Sediment Control Plan

- Signage and Striping Plan
- Pavement Improvement Plan
- Construction Details

- Specifications
100% CD level book specifications for applicable improvements.

- 100% Submittal/City Comments/Final Revisions
 - KCI will submit our 100% site improvement plans for review by city staff.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.
 - KCI will make final revisions to the 100% CD's based on city comments prior to the plans going out for bid.

Task #3 – Landscape Architecture Services

Estimated Fee: \$37,600.00

KCI-Land Planning/Landscape Architecture Practice will perform the work. Services include:

Conceptual Design Phase (30%)

- Conceptual Design Kick-Off Virtual Teleconference
KCI will attend a virtual teleconference with the City of Milford to review KCI's final Conceptual Design for City of Milford Downtown Streetscapes, dated May 2023. The purpose of the meeting is to ask further questions that will help determine the following prior to advancing any designs beyond the approved schematics:

- Base Plans and Preliminary Sheet Setup
Using the completed topographical and existing conditions survey, KCI will prepare a base plan and base plan blow-up sheets for proposed hardscape, landscape and amenity features that are scaled appropriately to cover the entirety of the project land areas.

- Conceptual Design Plans (30%)
KCI will advance our hardscape, landscape and amenity plans to a 30% complete level based on the results of the Pre-Design Phase decisions. KCI deliverables for this design phase will include CAD drawn plans with some color added for clarity of proposed features. This set of drawings will cover all proposed palette selections and preliminary site details as they apply to the site-specific design.

- 30% Submittal/City Comments/Virtual City Council Presentation
 - KCI will submit our 30% hardscape, landscape and amenity plans for review by city staff.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.
 - KCI will prepare an additional page to our 30% design submittal to incorporate and synthesize city comments for the city council presentation. Upon completion, we will email the draft city council presentation to city staff for any final feedback. Final revisions will be prepared.
 - KCI will attend and present our 30% presentation at one (1) city council meeting.
 - KCI will attend one (1) post city council presentation virtual teleconference to discuss city council comments and their impact on advancing the design from 30% to 80%.

Design Development/Construction Documents (80%)

Upon receiving the City Council's 30% design comments, KCI will advance our hardscape, landscape and amenity plans to an 80% complete level. The 80% Design Development/Construction Drawings will include:

- **Landscape Plans and Details**
80% DD/CD level landscape plans that will identify proposed plant locations for all major/minor deciduous trees, evergreen trees, shrubs, perennials, ornamental grasses, and ground covers. The plans will include a preliminary plant schedule with plant quantities for pricing purposes.
- **Hardscape Plans**
80% DD/CD level hardscape plans that will include all exterior pedestrian grade hardscapes, walkways, pathways, plazas, crosswalks, special paving areas, etc. The plans will include proposed concrete scoring patterns and preliminary hardscape details.
- **Site Furnishings/Site Amenities Plan**
80% DD/CD level site furnishings and site amenities plans that will include all exterior benches, tables, chairs, bike racks, bollards, fencing, amenity landscape/pedestrian scale lighting fixtures, trash/recycling receptacles, etc. The plans will specify catalog/item #'s, colors, and finishes.
- **Site Details**
80% DD/CD level site details for paving cross-sections, site furnishing mountings, wall sections, amenity columns, etc.
- **80% Submittal/City Comments**
 - KCI will submit our 80% hardscape, landscape and amenity plans for review by city staff.
 - KCI will submit 80% CD cost estimates.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.

Construction Documents (100%)

Upon receiving the City Council's 80% design comments, KCI will advance our hardscape, landscape and amenity plans to a 100% complete level. The 100% Construction Drawings will include:

- **Landscape Plans and Details**
100% CD level landscape plans that will identify proposed plant locations for all major/minor deciduous trees, evergreen trees, shrubs, perennials, ornamental grasses, and ground covers. The plans will include a preliminary plant schedule with plant quantities for pricing purposes.
- **Hardscape Plans**
100% CD level hardscape plans that will include all exterior pedestrian grade hardscapes, walkways, pathways, plazas, crosswalks, special paving areas, etc. The plans will include proposed concrete scoring patterns and preliminary hardscape details.
- **Site Furnishings/Site Amenities Plan**
100% CD level site furnishings and site amenities plans that will include all exterior benches, tables, chairs, bike racks, bollards, fencing, amenity landscape/pedestrian scale lighting fixtures, trash/recycling receptacles, etc. The plans will specify catalog/item #'s, colors and finishes.

- Site Details
100% CD level site details for paving cross-sections, site furnishing mountings, wall sections, amenity columns, etc.
- Specifications
100% CD level book specifications for landscaping, pedestrian grade special paving, site furnishings and site amenities.
- 100% Submittal/City Comments/Final Revisions
 - KCI will submit our 100% hardscape, landscape and amenity plans for review by city staff.
 - KCI will attend one (1) virtual teleconference with city staff to review your comments.
 - KCI will make final revisions to the 100% CD's based on city comments prior to the plans going out for bid.

Task #4 – Construction Administration

Estimated Fee: \$20,600.00

The KCI Land Development, Land Planning, and Landscape Architect teams will perform the work. KCI shall provide Construction Administration Services including, but not limited to Request for Information responses, bulletins, change order review, submittal and shop drawing review, punch list preparation, and close-out documentation review; perform a maximum 5 site visits at regular intervals to evaluate adherence to project plans and specification; assist in resolving field issues and disputes.; provide timely responses to RFI's and Submittals to support the construction schedule as necessary; provide support for coordination and scheduling issues; and prepare the punchlist and monitor progress to ensure that all items are corrected properly following CA period services.

Review of as-built close out documentation and Operation & Maintenance submittals for conformance to the project documents and the generation of final As-Built record drawings are not included.

Fees and Payments:

Fees for professional engineering services, as outlined in Scope of Services above, and do not cover any Additional Work (defined above), or any other services which are not specifically described as part of the Work listed in the Scope of Services above. This proposal shall be based on a **“Time & Materials”** basis. The total amount of this contract is approximately **\$143,200 (one hundred forty-three thousand, two hundred dollars)**. For your convenience we have provided a breakdown of the fees for the major components of the project, as follows:

Task 1. Boundary and Topographic Survey.....	\$ 30,100.00
Task 2. Site Improvement Plans.....	\$ 54,900.00
Task 3. Landscape Architecture Services.....	\$ 37,600.00
Task 4. Construction Administration	\$ 20,600.00

Direct Expenses:

Direct Expenses, such as mileage, postage, reproductions, etc., will be billed based on the previously approved Schedule of Rates. Direct Expenses are **expected not to exceed \$1,000.00**. This amount will be added to the previously approved budget for Direct Expenses.

Additional Work:

Experience indicates that certain additional items of work may be required or necessary which KCI cannot presently determine or estimate. For this reason the fee for these items is not included in the provisions listed above on "Fees and Payments" for the performance of the Work. Further, the performance of these items is not included in the Work unless the item is expressly described as the Work in the preceding Scope of Services section. These additional items of work ("Additional Work") are caused by many factors, usually at the discretion of the Client and/or construction contractors. They may also be caused by reviewing agency or Client variance/deviation from present policies and standards of reviewing governmental agencies. "Additional Work" may sometimes be referred to as extras, change orders, or add-ons, but for purposes of this Proposal, all such descriptions are intended to be encompassed within the term Additional Work.

- Checking of work performed by others with the exception of those items specifically listed in the scope of services above.
- Certifications not specifically called for in the Scope of Services.
- Changes in policies or regulations during the progress of the work.
- Regulatory, filing and review fees.
- Stormwater Management.
- Flood plain studies.
- All work performed prior to the date of this contract.
- Maintenance of Traffic.
- Wetlands delineation or Flood Plain Studies.
- Expert witness testimony.

Note: In the event that an extra work authorization is required for an additional project task KCI will not commence the execution of the described work until receiving a signed copy of the extra work authorization.

Fees and Payments for Additional Work:

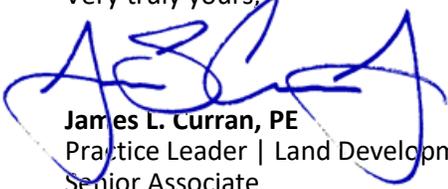
Fees and payments for Additional Work shall be in addition to any fees and payments for the Work described in the Scope of Services above. Fees and Payments for Additional Work will be billed in accordance with the above Fees and Payments section.

Extra Work Authorization:

If this Proposal is satisfactory, acceptable, and fully set forth the terms of our understanding, please sign the Acceptance and return a copy to KCI's office. This Proposal shall be deemed an ADDENDUM to the Contract previously executed between the parties hereto dated March 26, 2018, and all the terms and conditions set forth in the originating contract aforesaid are hereby by reference thereto.

KCI welcomes the opportunity to serve the City and looks forward to working with you on this project. The Project Manager to be assigned to the Work is Rhiannon Sayles, P.E. and her telephone number is (302) 318-1099.

Very truly yours,



James L. Curran, PE
Practice Leader | Land Development
Senior Associate

Very truly yours,



Nicholas A. Barrick, P.E., LEED® AP
Discipline Manager | Site Facilities
Vice President

Work Authorized by:

(Print or Type Name)

(Title)

(Signature)

CONCEPT PLAN LEGEND

- a SPECIAL PAVING SIDEWALK IMPROVEMENT
- b TREE GRATE / TREE PIT
- c STREET TREE (TYP.)
- d SPECIAL PAVING PLAZA
- e POCKET GREEN
- f PEDESTRIAN CONNECTION PLAZA
- g SPECIAL PAVING CROSSWALK
- h ENHANCE BOARDWALK LANDSCAPE AREA / NATURE GARDEN
- i CITY PARKING LOT IMPROVEMENT
- j DUMPSTER/TRASH ENCLOSURE AREA
- k LANDSCAPE SCREENING
- m PROPOSED RETRACTABLE BOLLARD (TYP.)
- n REVISED CURB CUT
- o POTENTIAL INFILL DEVELOPMENT AREA PER 'MILFORD RIVERTOWN REBIRTH PLAN 2025'



PROPOSED STREETScape IMPROVEMENTS - HIGH LEVEL 4

**CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW
Chapter 211-Trees**

City Council Public Comments: Monday, August 28, 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, August 28, 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:

Whereas, the City Council of the City of Milford finds the preservation of trees within the City is of paramount importance in maintaining the quality of life within the City and to protect the health, safety and general welfare of its citizens; and

Whereas, a Preservation and Advisory Council was established to ensure the City realizes the benefits of trees by proposed policies, regulations, and standards; and

Whereas, the City Council recognizes the benefits of the fullest practicable attendance and participation at meetings by those members appointed to serve on certain public bodies.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. The City Council of the City of Milford proposes to amend the Code of the City of Milford and specifically Chapter 211 entitled Trees.

Section 2. Amends Subsection §211-3A by correcting name of appointed body.

Section 3. Amends Subsection §211-3B by correcting name of appointed body.

Section 4. Amends Section §211-3 Preservation and Advisory Council by adding a new Subsection §211-3C relating to required attendance by Council Members.

Section 5. Amends Subsection §211-3C by re-lettering to Subsection §211-3D and correcting name of appointed body.

Section 6. Amend Subsection §211-3 D by re-lettering to Subsection §211-3E and correcting name of appointed body.

Section 7. Strikethrough text denotes a deletion; underlined, and bold text denotes an addition, to read as follows:

**ORDINANCE 2023-30
Chapter 211 - TREES**

§ 211-3. Preservation and Advisory Council.

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

- A. The members of the ~~Board~~ **Preservation and Advisory Council** shall serve without compensation.
- B. The members of the ~~Board~~ **Preservation and Advisory Council** shall have public meetings at least semi-annually.
- C. Any member who is absent from three consecutive meetings without being excused shall be considered as having vacated his/her appointment.**
- € **D.** The ~~Board~~ **Preservation and Advisory Council** shall deliver the agenda for each meeting to the City Clerk ~~40~~ **seven (7)** days prior to the meeting date. The City Clerk shall post the agenda seven business days prior to the meeting.
- Ð **E.** Any action taken by the ~~Board~~ **Preservation and Advisory Council** at a regularly scheduled meeting shall require a majority vote of members in attendance. Attendance by three or more members shall constitute a quorum for the conduct of business by the Board. Should nature create a hazard that needs immediate attention to protect the public's safety, the City Manager shall use his/her discretion to rectify the problem in a timely manner within the bounds of this chapter.

Section 8. Dates.

City Council Introduction August 14, 2023

City Council Public Comments & Final Determination August 28, 2023

Section 9.

Ordinance becomes effective ten (10) days following adoption.

CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW & PUBLIC COMMENT PERIOD
City Council Comment Opportunity: Monday, August 28, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford City Council, with action scheduled to occur on the date and time as indicated.

Ordinance 2023-31
Amendment to City of Milford Code
Chapter 141 - Handbills

AN ORDINANCE AMENDING THE CODE OF THE CODE OF THE CITY OF
MILFORD BY RESCINDING IN ITS ENTIRETY
Chapter 141 Entitled “Handbills”

WHEREAS, the City Council of the City of Milford is continually reviewing, revising, and updating the provisions of the City’s Code of Ordinances; and

WHEREAS, the City Council finds that updates, including removal of outdated ordinances and the elimination of redundant language, are in the best interest in the City; and

WHEREAS, it is recommended that Chapter 141 Handbills of the City of Milford Code be repealed; and

WHEREAS, equivalent language exists in Chapter 230 entitled Zoning Article IV Signs Section 24.10 Prohibitions; and

WHEREAS, as part of their review of the matter, City Council will consider any public comment presented on this ordinance during a regular meeting on August 28, 2023, that convenes at 6:00 pm; and

WHEREAS, if unable to attend meeting either in person or virtually, you may submit written comments via email to thudson@milford-de.gov; and

WHEREAS, the Notice of Ordinance Review and Public Comment Period was published in the Delaware State News on August 10, 2023.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is amended by rescinding Chapter 141 Handbills in its entirety, as indicated below:

~~Chapter 141 HANDBILLS~~

~~§ 141-1. Posting of materials.~~

~~It shall be unlawful to post upon or attach to any tree or any telephone, telegraph or electric light pole any handbill, placard or advertisement or any written material whatsoever.~~

~~§ 141-2. Violations and penalties.~~

~~For violation of this chapter, the penalties as set forth in Chapter 1, General Provisions, Article II, General Penalty, shall apply.~~

Section 2.

Chapter 141 is hereby reserved for future use.

Section 3. Dates

Council Introduction: August 14, 2023

Council Public Comments/Determination: August 28, 2023

Section 4.

Ordinance is effective ten (10) days following adoption date.

080523

DSN 081023

080723

CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW & PUBLIC COMMENT PERIOD
City Council: Monday, August 28, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford City Council, with action scheduled to occur on the date and time as indicated.

Ordinance 2023-32
Amendment to City of Milford Code
Chapter 208 – Teen Centers

AN ORDINANCE AMENDING THE CODE OF THE CODE OF THE CITY OF
MILFORD BY RESCINDING IN ITS ENTIRETY
Chapter 208 Entitled “Teen Centers”

WHEREAS, the City Council of the City of Milford is continually reviewing, revising, and updating the provisions of the City’s Code of Ordinances; and

WHEREAS, the City Council finds that updates, including removal of outdated ordinances and the elimination of redundant language, are in the best interest in the City; and

WHEREAS, it is recommended that Chapter 208 Teen Centers of the City of Milford Code be repealed; and

WHEREAS, Teen Centers are presently regulated by Chapter 230 Zoning, Chapter 88 Building Construction, Chapter 90 Business License, and Chapter 115 Disorderly Premises of the City of Milford Code, as well as various State of Delaware laws; and

WHEREAS, as part of their review of the matter, City Council will consider any public comment presented on this ordinance during a regular meeting on August 28, 2023, that convenes at 6:00 pm; and

WHEREAS, if unable to attend Council meeting either virtually or in person, written comments can be emailed to thudson@milford-de.gov; and

WHEREAS, the Notice of Ordinance Review and Public Comment Period was published in the Delaware State News on August 10, 2023.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is amended by rescinding Chapter 208 Teen Centers in its entirety, as indicated below:

Chapter 208 TEEN CENTERS

[HISTORY: Adopted by the City Council of the City of Milford 12-8-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Curfew—See Ch. 111

§ 208-1. License required.

A.—Whoever operates, as a commercial venture, a teen center or place of amusement or dance hall catering solely or primarily to the teenage trade, shall first obtain a license from the city code official as provided in this Chapter.

B.—No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

§ 208-2. General regulations.

The following regulations shall apply to the operations of such places of amusement as referred to above:

A.—The establishment shall be so constructed that it will meet all fire and safety standards and shall be so certified by the proper inspection authorities before a license is granted.

B.—In the event that food or drink is to be dispensed, the same standards as to sanitation shall apply as in the case of other eating establishments.

C.—At least two separate rest rooms in good working order shall be maintained, one for boys and one for girls, and they shall be so marked.

D.—The facilities shall be so constructed that all activity is in plain view of the management at all times, and there shall be no doors leading to connecting rooms.

E.—There shall be no other rooms, halls or other space available to the customers.

F.—For the safety of the occupants, the establishment shall be so lighted inside that the floor and furniture or fixtures shall be clearly distinguishable.

G.—Not more than one pool or billiard table shall be provided, and it shall be in the same room (or in plain view) as the other activities being carried on in the establishment.

H.—No betting or gambling of any nature whatsoever shall be permitted.

I.—No one under the age of 13 or over the age of 18 shall be admitted or allowed to remain on the premises during all hours of operation.

J.—No one under the influence of an intoxicating beverage or dangerous drugs shall be admitted to or allowed to remain on the premises, and no intoxicating beverages, narcotics, marijuana, central nervous system stimulants or depressants, mescaline, methadrine, LSD or other dangerous drugs shall be allowed anywhere thereon.

- ~~K. No disorderly conduct of any kind shall be allowed on the premises.~~
- ~~L. Hours of operation on days when the public schools are in session shall not start before 3:30 p.m., and at all times the closing time shall be not later than 11:00 p.m.~~
- ~~M. A responsible adult shall be in charge of the operation at all times and be accountable for the enforcement of the rules and regulations.~~
- ~~N. Rules and regulations governing the operation of the establishment shall be posted in a prominent place in the establishment.~~

~~§ 208-3. Violations and penalties.~~

~~Upon complaint made to the city regarding any alleged violation of this chapter, the Mayor shall appoint a committee of two or more persons to view the premises, and if violation is found to exist, the committee shall promptly inform the person then in charge of the establishment to correct the same; or, in the event that intoxicating liquors or dangerous drugs as defined herein are found upon the premises, the committee, upon investigation and proof thereof, may recommend to the City Council that the license of the establishment be suspended for a period not exceeding one month. In the event of more than three violations within any twelve month period, the Council may revoke the license of the establishment, after a hearing held, upon giving not less than 10 days' notice of the time and place thereof to the licensee.~~

Section 2.

Chapter 208 is hereby reserved for future use.

Section 3. Dates

Council Introduction: August 14, 2023

Council Public Comments/Determination: August 28, 2023

Section 4.

Ordinance is effective ten (10) days following adoption date.

080523

DSN 081023

080723



TO: City Council and Mayor
FROM: Rob Pierce - Planning Director
DATE: August 14, 2023
RE: Milford Corporate Center – Sanitary Sewer Pump Station Design Proposal
KCI Technologies, Inc.

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 (MCC) 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.

On January 23, 2023, City Council authorized 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.

Engineering Services Contract – KCI Technologies, Inc. – Sanitary Sewer Pump Station Design

The engineering contract executed with Becker Morgan Group excluded costs associated with the design of the sanitary sewer pumping station that will serve the Milford Corporate Center and surrounding area. Enclosed is a proposal from KCI Technologies for the design of the sanitary sewer pumping station. Staff recommends utilizing KCI for the design of the pump station since the engineering firm is familiar with the City's construction standards and pump station specifications.

Staff recommends City Council authorize the Mayor to execute the proposal from KCI Technologies at an amount not to exceed \$56,000 for the design of the regional sanitary sewer pumping station associated with the Milford Corporate Center utilizing funding approved in the FY24 capital budget¹. All costs incurred to improve the MCC property, net of all offsets, shall be recovered through lot sales and returned on a pro rata basis to the internal funding sources leveraged to support such costs.

¹ See line 86 in the approved FY2024-28 CIP document hosted on the City's website here:
<https://www.cityofmilford.com/ArchiveCenter/ViewFile/Item/3992>

KCI TECHNOLOGIES, INC.
TASK ORDER AUTHORIZATION
Corporate Center Regional Pump Station
July 24, 2023
KCI Project No. 131803632

The purpose of this form is to obtain your authorization for the work verbally requested and to confirm the terms under which these services will be provided. KCI Technologies, Inc. is pleased to provide the services described below as an amendment to the contract previously executed, dated May 24, 2018 for the Project called City of Milford On Call Services located in Milford, Delaware.

Invoices to: City of Milford
Attention: Mr. James Puddicomb
180 Vickers Drive
Milford, DE 19963

KCI Technologies, Inc. ("KCI") is pleased to submit this professional services proposal (the "Proposal") to The City of Milford ("Client" or "City") for the services (the "Services") described in the Scope of Services section of this Proposal. The Proposal shall be valid for a period of thirty (30) business days from the date above. Acceptance and execution thereafter shall be conditioned on KCI's reaffirmation of the Proposal.

The Proposal includes the General Provisions (see Exhibit A) and all other exhibits attached hereto. If this Proposal is accepted and executed by Client, then the General Provisions and other exhibits, along with this Proposal, shall constitute a complete and legally binding contract between KCI and Client.

BACKGROUND

The City is in the process of developing a corporate center master plan associated with Parcel 5.16.17300.01 located at the intersection of Milford-Harrington Highway and Canterbury Road. The overall land planning and engineering is being performed by others. The City has requested KCI to provide engineering services for the design of a new regional sewage pump station which will service the proposed corporate center property, adjacent residences, and provide a regional consideration of offsite wastewater to allow for the elimination of nearby pump stations.

It is assumed that estimated capacity requirements (EDUs) and digital base plan data including topographical survey will be provided by the development engineer.

SCOPE OF SERVICES

This Proposal is limited exclusively to the Services described below. Anything not expressly described shall be considered excluded from the Services. Any modifications to the Services

made after execution of this Proposal will be Additional Services unless otherwise agreed to in writing by both parties.

Design Services to be provided will be based on the information provided by the City, the development engineer, and in accordance with our discussions with the City staff regarding standard pump station design. The pump station is proposed to be a typical wetwell submersible style with a free-standing electrical/controls enclosure. No building is proposed. Design tasks will include the following:

- Review of proposed capacity requirements for the Corporate Center and adjacent properties.
- Coordination of offsite sewer capacity requirements with the City.
- Basis of Design summary of all current and future flow requirements.
- Sizing of wetwell, pumps, and forcemain for discharge to the City's collection system.
- Site layout including gravity discharge, wetwell, valve vault, driveway, security fencing, electrical/control cabinet, ventilation, bypass connections, and forcemain within the pump station facility (offsite FM routing drawings excluded).
- Electrical and Controls design will be coordinated with City of Milford staff. Design shall include assumed locations for electrical meter, transformer, etc. for permitting and bidding purposes. Final location to be coordinated with the overall development plans prior to construction.
- Wetwell is assumed to be precast concrete construction.
- Geotechnical subsurface investigation is specifically excluded and shall be incorporated into the overall development design scope of work.

KCI will submit progressive design submission packages to Client for review and comment. KCI is proposing the following submission packages with a description of efforts to be included with each.

60% Design Submission

- KCI to host kickoff meeting to field any concerns or preferences from the City regarding the scoped upgrades.
- Development of proposed pump station capacity demands and basis of design for review by the City.
- Design of pump station wetwell, pumps, and forcemain based on the design criteria.
- Development of drawings to show existing conditions and new work required to incorporate items listed above.
- Development of project specifications Table of Contents, technical specifications, appendices, and Client standard documents as required.
- Review meeting with Client to discuss comments on submission.

90% Design Submission

- Continued development of drawings to show more details and address Client comments from previous submission.

- Development of project specifications and bid documents based on direction from the City.
- Submission of documents to permitting agencies.
- QA/QC of documents prior to submitting to Client for review.
- Review meeting with Client to discuss comments on submission.

Final Documents Design Submission

- Final development of drawings to address permit comments as well as Client comments from previous submission. Drawings to be signed and sealed at this stage.
- Final development of project specifications.
- Resubmission of documents to permitting agencies as needed.
- QA/QC of documents prior to submitting to Client for review.

ASSUMPTIONS, EXCLUSIONS, AND CAVEATS

The following assumptions have been made:

- Bid Phase and Construction Phase services are not included in this scope. KCI can provide under separate agreement if requested.
- The City will provide data as noted above.
- Structural and Geotechnical services are not included.
- Review meetings for submissions are assumed to be virtual.
- Electrical and Controls design shall be based on the example projects provided by the City.
- No analysis and/or design work upstream or downstream of this subject pump station site is included in this scope.

FEES AND PAYMENTS

The total estimated fee, including labor and direct costs to provide the above scope as defined is **\$55,000.00**. Billing will be Time & Material based on the already approved Schedule of Rates.

DIRECT EXPENSES AND CHARGES

In addition to the above fees, Client shall also pay KCI the following expenses and charges:

1. Cost for fees associated with the filing of applications and permits and for reproductions and prints, special mailings and courier fees as requested or required in KCI's normal performance of the Services.
2. KCI Current Mileage Rate (IRS guidelines) per mile for all automobile mileage associated with KCI's normal performance of the Services.

Based upon currently available information, KCI estimates that the fees for the Direct Expenses and Charges associated with the performance of the Work stated in the Scope of Services above will be **\$1,000.00**

ADDITIONAL SERVICES

Experience indicates that certain additional services (“Additional Services”) may be appropriate, required, or necessary that KCI cannot presently determine or estimate. For this reason, the fee for Additional Services is not included in the "Fees and Payments" section of this Proposal. Further, the performance of these Additional Services is not included in the Scope of Services unless expressly described in that section of this Proposal.

These Additional Services are the result of many situations and decisions too numerous to include here but two such examples are your decision, or your contractor’s, to deviate from current plans or standards, or a reviewing agency/regulator determination. For clarity, Additional Services, for the purposes of this Proposal, include the common understanding and purpose of the terms: extras, change orders, and add-ons.

For Client's reference, the following are some examples of Additional Services that may be necessary to complete the Services but that are expressly excluded from the Scope of Services listed above. In view of their exclusion from this Proposal, KCI is not and shall not be held responsible for their performance as Services within the Scope of Services unless and until a mutually agreed to written amendment is executed by the parties.

- *Off-site work required by the City or other governmental agency.*
- *Work revisions on any Scope of Services items that are required as a result of a change requested by Client after previous approval by it or any approving agencies.*
- *Checking of work performed by others.*
- *Certifications not specifically called for in the Scope of Services.*
- *Re-work or revisions of work due to changes in policies or regulations during the progress of the work.*
- *Community outreach meetings or materials associated with community notification regarding the Project.*

FEES AND PAYMENTS FOR ADDITIONAL SERVICES

Fees and payments for Additional Services shall be in addition to any fees and payments for the Services and shall be billed and paid on the same fee and payment terms described for the Services or as mutually agreed upon in written amendment when the Additional Services are ordered by the Client.

Task Order Authorization (TOA):

If this TOA is satisfactory, acceptable and fully sets forth the terms of our understanding, please sign the Acceptance and return a copy to KCI's office. This TOA shall be deemed an ADDENDUM to the Contract previously executed between the parties hereto dated March 24, 2018, and all the terms and conditions set forth in the originating contract aforesaid are hereby by reference thereto. The 2023 rate schedule is attached to this TOA.

KCI welcomes the opportunity to serve the City and looks forward to working with you on this project. The Project Manager to be assigned to the Work is Daniel R. String, P.E. and his telephone number is (302) 448-9905.

Prepared by: 
Daniel R. String, PE
Practice Leader / Sr. Project Manager

Work Authorized by:

City of Milford

Date: August 8, 2023
To: Mayor and City Council
Through: Mark A. Whitfield, City Manager
From: Bill Pettigrew, IT Director
Re: Microsoft 365 License Renewal / Upgrade (120 users)

EXECUTIVE SUMMARY

Staff recommend that City Council renew and upgrade with Microsoft Inc. through SHI, Inc. for its citywide Microsoft M365 licenses. The recently approved FY24 Budget includes \$72,480 for Microsoft & SHI M365 licenses.

DETAIL

The City will be updating licenses from O365 E5-GCC to M365 G5-GCC. The preferred vendor to acquire these licenses is SHI, Inc., a Software Value-Added Reseller (VAR) approved through the National Association of State Procurement Officials (NASPO). The State of Delaware and its Department of Technology and Information (DTI) utilize Software VAR contracts through NASPO.

This upgrade and vendor will save the City money on a per-license basis versus the initial agreement covering the City's first step into the Microsoft O365 environment two years ago. Further, the M365 version will provide enhancements, including additional cybersecurity features both in the cloud and on-premise. Funding is allocated in the FY24 budget for this project. As the city expands staff, we may need to add additional licenses, which is also contemplated in the FY24 budget. The proposal and a comparison of license options are enclosed.

RECOMMENDATION

Staff recommend that City Council approve the renewal, upgrade, and new Microsoft vendor, SHI, for the City's budgeted M365 License renewal for the quoted price of \$72,480.



Pricing Proposal
 Quotation #: 23436618
 Reference #: NNEA
 Created On: 5/5/2023
 Valid Until: 8/31/2023

DE-City of Milford

Bill Pettigrew
 10 SE Second Street
 Milford, DE 19963
 United States
 Phone: 302-422-1098
 Fax:
 Email: bpettigrew@milford-de.gov

Microsoft Inside Account Manager

Ryan Kaspareck
 SHI
 290 Davidson Ave
 Somerset, NJ 08873
 Phone:
 Fax:
 Email: ryan_kaspareck@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 M365 G5 GCC Sub Per User Microsoft - Part#: AAL-45735 Contract Name: NASPO Software VAR Contract #: ADSPO16-130651 Subcontract #: GSS16642-SOFTWAREVAR Coverage Term: 9/1/2023 – 8/31/2024	120	\$604.00	\$72,480.00
		Total	\$72,480.00

Additional Comments

Please note, if Emergency Connectivity Funds (ECF) will be used to pay for all or part of this quote, please let us know as we will need to ensure compliance with the funding program.

Microsoft Licenses will typically be available 24-72 hours after receiving order confirmation from SHI. Please note that for new Microsoft GOV Cloud (GCC) products being added on to your agreement, licenses will be available estimated 4-8 days after processing at SHI.

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084. SHI International Corp. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.



Transform your organization with Microsoft subscriptions for GCC

Connect, protect, and empower every employee, from the office to the frontline worker, with a subscription plan that enhances productivity and drives innovation.

Microsoft 365

Stay connected and get more done with intelligent apps and experiences, integrated cloud services, and built-in security.

Office 365

Create, share, edit, and collaborate in real time from anywhere on any device with a cloud-based suite of productivity apps and services.

Microsoft Enterprise Mobility + Security (EMS)

Protect and secure your organization and empower your employees to work in new and flexible ways with an intelligent mobility management and security platform.

Windows 11

Benefit from a highly secure and manageable productivity platform that runs on a wide variety of hardware devices or in the cloud.

Jump to section →

[Microsoft 365 Apps](#)

[Email, calendar, and scheduling](#)

[Meetings, calling, and chat](#)

[Social, intranet, and storage](#)

[Knowledge, insights, and content](#)

[Analytics](#)

[Project and task management](#)

[Automation, app building, and chatbots](#)

[Viva Learning](#)

[Information governance](#)

[Information protection](#)

[Threat protection](#)

[Cloud Access Security Broker](#)

[Identity and access management](#)

[Endpoint and app management](#)

[eDiscovery and auditing](#)

[Insider risk management](#)

[Windows](#)

[Add-on licenses](#)

Information Worker Plans									Frontline Worker Plans						
Microsoft 365				Office 365			Enterprise Mobility + Security		Windows 11	Microsoft 365					Office 365
G3	G5	G5 Security ¹	G5 Compliance ¹	G1	G3	G5	G3	G5	Enterprise G5	F1	F3	F5 Security ²	F5 Compliance ²	F5 Sec+Comp ²	F3

¹ Requires Microsoft 365 G3 (or Office 365 G3 and Enterprise Mobility + Security G3).

² Requires Microsoft 365 F1/F3 (or Office 365 F3 and Enterprise Mobility + Security E3).

Microsoft 365 Apps

	G3	G5	G5 Security ¹	G5 Compliance ¹	G1	G3	G5	Enterprise Mobility + Security	Windows 11	F1	F3	F5 Security ²	F5 Compliance ²	F5 Sec+Comp ²	F3
Desktop client apps ¹	•	•				•	•								
Office Mobile apps ²	•	•			•	•	•			Read only	• ³				• ³
Install apps on up to 5 PCs/Mac + 5 tablets + 5 smartphones	•	•			• ⁴	•	•				• ⁴				• ⁴
Office for the web	•	•			•	•	•			Read only	•				•
Visio for the web	•	•			•	•	•			Read only	•				•
Microsoft Editor premium features	•	•				•	•								
Multilingual user interface for Office apps	•	•				•	•								

¹ Includes Word, Excel, PowerPoint, OneNote, Outlook, Access (PC only), and Publisher (PC only).

² Includes Word, Excel, PowerPoint, Outlook, and OneNote mobile Apps.

³ Limited to devices with integrated screens smaller than 10.1".

⁴ Mobile apps only.

Email, calendar, and scheduling

	G3	G5	G5 Security ¹	G5 Compliance ¹	G1	G3	G5	Enterprise Mobility + Security	Windows 11	F1	F3	F5 Security ²	F5 Compliance ²	F5 Sec+Comp ²	F3
Exchange Kiosk (2 GB mailbox)										See footnote 1	•				•
Exchange Plan 1 (50 GB mailbox)					•										
Exchange Plan 2 (100 GB mailbox)	•	•				•	•								
Calendar	•	•			•	•	•			•	•				•
Outlook desktop client	•	•				•	•								
Auto-expanding email archive	•	•				•	•						•	•	
Exchange Online Protection	•	•			•	•	•				•				•
Public folder mailboxes	•	•			•	•	•								
Resource mailboxes	•	•			•	•	•				•				•
Inactive mailboxes	•	•				•	•								
Microsoft Shifts	•	•			•	•	•			•	•				•
Microsoft Bookings	•	•				•	•			•	•				

¹ Microsoft 365 F1 includes the Exchange Kiosk service plan to enable Teams calendar only. It does not include mailbox rights.



Information Worker Plans										Frontline Worker Plans					
Microsoft 365				Office 365			Enterprise Mobility + Security		Windows 11	Microsoft 365					Office 365
G3	G5	G5 Security ¹	G5 Compliance ¹	G1	G3	G5	G3	G5	Enterprise G5	F1	F3	F5 Security ²	F5 Compliance ²	F5 Sec+Comp ²	F3

¹ Requires Microsoft 365 G3 (or Office 365 G3 and Enterprise Mobility + Security G3).

² Requires Microsoft 365 F1/F3 (or Office 365 F3 and Enterprise Mobility + Security E3).

Meetings, calling, and chat

Microsoft Teams	•	•		•	•	•				•	•				•
Unlimited chat	•	•		•	•	•				•	•				•
Online meetings	•	•		•	•	•				•	•				•
Live Events	•	•		•	•	•									
Webinars	•	•			•	•									
Screen sharing and custom backgrounds	•	•		•	•	•				•	•				•
Record meetings	•	•		•	•	•				•	•				•
Priority notifications	•	•		•	•	•				•	•				•
Teams Phone		•				•									
Audio Conferencing	• ¹	• ²		• ¹	• ¹	• ²				• ¹	• ¹				• ¹

¹ Available via the no-cost [Audio Conferencing with Select Dial Out supplemental license](#). Includes unlimited toll dial-in, 60 minutes/user/month dial-out to US and Canada phone numbers, and Operator Connect Conferencing.

² Includes unlimited toll dial-in, 60 minutes/user/month dial-out to [Zone A countries](#), and Operator Connect Conferencing.

Social, intranet, and storage

SharePoint Kiosk (2 GB OneDrive storage)										• ¹	• ¹				• ¹
SharePoint Plan 1 ² (1 TB OneDrive storage)				•											
SharePoint Plan 2 ² (unlimited OneDrive storage ³)	•	•			•	•									
Yammer Enterprise	See footnote 4	See footnote 4		See footnote 4	See footnote 4	See footnote 4				See footnote 4	See footnote 4				See footnote 4
Microsoft Viva Connections	•	•		•	•	•				•	•				•

¹ No site mailbox. No personal site.

² Includes 10 GB SharePoint storage in addition to 1TB storage provided per organization.

³ Microsoft will provide up to 5 TB of initial OneDrive storage per user based on the [default quota](#) for the tenant. Additional storage can be requested by contacting Microsoft support. Subscriptions for fewer than five users received 1 TB of OneDrive storage that cannot be expanded.

⁴ Yammer Enterprise is not a component of Office 365 US Government but may be acquired at no cost as a standalone offer for each user licensed for Office 365 in GCC. This offer is currently limited to customers that purchase Office 365 GCC under Enterprise Agreements and Enterprise Subscription Agreements.

Content services

Microsoft Graph API	•	•		•	•	•				•	•				•
Microsoft Search	•	•		•	•	•				•	•				•
Microsoft Stream (on SharePoint)	•	•		•	•	•				• ¹	• ¹				• ¹
Microsoft Forms ²	•	•		•	•	•					•				•
Microsoft Lists	•	•		•	•	•				•	•				•
Delve	•	•		•	•	•									
Expertise identification ³	•	•			•	•									
Create document understanding or form processing models ³	•	•		•	•	•				•	•				•
Access content centers ³	•	•		•	•	•				•	•				•
View metadata extracted by document understanding or form processing models ³	•	•		•	•	•				•	•				•

¹ Users can record meetings and consume Stream content but cannot publish to Stream.

² Licensed users can create/share/manage forms. Completing/responding does not require a Forms license.

³ Separate SharePoint Syntex user subscription license required to apply a document understanding model to a library, create a form processing model via the entry point in a library, upload content to a library where a document understanding or form processing model has been applied, run a document understanding model on-demand and/or use premium taxonomy services.



Information Worker Plans										Frontline Worker Plans					
Microsoft 365				Office 365			Enterprise Mobility + Security		Windows 11	Microsoft 365					Office 365
G3	G5	G5 Security ¹	G5 Compliance ¹	G1	G3	G5	G3	G5	Enterprise G5	F1	F3	F5 Security ²	F5 Compliance ²	F5 Sec+Comp ²	F3

¹ Requires Microsoft 365 G3 (or Office 365 G3 and Enterprise Mobility + Security G3).

² Requires Microsoft 365 F1/F3 (or Office 365 F3 and Enterprise Mobility + Security E3).

Analytics

Productivity Score	•	•		•	•	•				•	•				•
Secure Score	•	•		•	•	•			•	•	•				•
Compliance Management	•	•		•	•	•				•	•				•
Power BI Pro		•				•									

Viva Insights¹

Personal insights in Teams	•	•		•	•	•									
Outlook add-in and inline suggestions	•	•		•	•	•									
Daily briefing email	•	•		•	•	•									
Monthly email digest and personal dashboard	•	•		•	•	•									
Premium personal insights ²		•				•									

¹Requires Exchange Online.

²Includes the Shorten a meeting feature, Delay delivery plan, and Track email open rate inline suggestions.

Project and task management

Microsoft Planner	•	•		•	•	•				•	•				•
Microsoft To-Do	•	•		•	•	•					•				•
Briefing Email	•	•		•	•	•									

Automation, app building, and chatbots¹

Power Apps for Microsoft 365	•	•		•	•	•					•				•
Power Automate for Microsoft 365	•	•		• ²	• ²	• ²			• ³		•				• ²
Power Virtual Agent for Teams	•	•		•	•	•					•				•
Dataverse for Teams	•	•		•	•	•					•				•

¹ Refer to the licensing FAQs and Licensing Guide at <https://docs.microsoft.com/power-platform/admin/powerapps-flow-licensing-faq> for details including functionality limits.

² Cloud flows only.

³ Desktop flows only.

Data lifecycle management

Manual retention labels	•	•		•	•	•	•	•		•	•				•
Basic org-wide or location-wide retention policies	•	•			•	•						•	•		
Rules-based automatic retention policies		•	•			•						•	•		
Machine Learning-based retention		•	•									•	•		
Teams message retention policies	•	•		• ¹	•	•	•	•		• ¹	• ¹	•	•		• ¹
Records Management		•	•			•						•	•		

¹ 30-day minimum retention period.



Information Worker Plans										Frontline Worker Plans					
Microsoft 365				Office 365			Enterprise Mobility + Security		Windows 11	Microsoft 365					Office 365
G3	G5	G5 Security ¹	G5 Compliance ¹	G1	G3	G5	G3	G5	Enterprise G5	F1	F3	F5 Security ²	F5 Compliance ²	F5 Sec+Comp ²	F3

¹ Requires Microsoft 365 G3 (or Office 365 G3 and Enterprise Mobility + Security G3).

² Requires Microsoft 365 F1/F3 (or Office 365 F3 and Enterprise Mobility + Security E3).

Cloud access security broker

Microsoft Defender for Cloud Apps		•	•	•					•			•	•	•	
Microsoft Defender for Cloud Apps Discovery	•	•						•	•		•	•			
Office 365 Cloud App Security						•									

Identity and access management

Azure Active Directory Premium Plan 1 ¹	•							•		•	•				
Azure Active Directory Premium Plan 2 ¹		•	•						•			•		•	
User Provisioning	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Self Service Password Reset	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Advanced Security Reports	•	•	•				•	•		•	•	•		•	
Multi Factor Authentication	•	•	•	•	•	•	•	•		•	•	•		•	•
Conditional Access	•	•	•				•	•		•	•	•		•	
Risk Based Conditional Access / Identity Protection		•	•					•			•	•		•	
Privileged Identity Management		•	•					•			•	•		•	
Access Reviews		•	•					•			•	•		•	
Entitlement Management		•	•					•			•	•		•	
Microsoft 365 Groups	•	•		•	•	•					•				•
On-premises Active Directory sync for SSO	•	•		•	•	•	•	•		•	•	•		•	•
DirectAccess supported	•	•							•		•				
Windows Hello for Business	•	•							•		•				
Microsoft Advanced Threat Analytics	•	•					•	•		•	•	•		•	
Windows Store Access Management	•	•							•		•				

¹ Learn about known limitations in Azure Government for Active Directory Premium P1 and P2.

Endpoint and app management

Microsoft Intune	•	•					•	•		•	•				
Mobile Device Management	•	•		•	•	•	•	•	•	•	•				
Microsoft Endpoint Manager	•	•					•	•		•	•				
Mobile application management	•	•					•	•	•	•	•				
Windows AutoPilot	•	•					• ¹	• ¹		• ¹	•				
Group Policy support	•	•			•	•									
Office cloud policy support	•	•		• ²	•	•					• ²				• ²
Shared computer activation for M365 Apps	•	•			•	•									
Endpoint Analytics	•	•					•	•		•	•				
Cortana management	•	•							•		•				

¹ Does not include Windows license.

² Limited to policies for web apps.



Information Worker Plans									Frontline Worker Plans						
Microsoft 365				Office 365			Enterprise Mobility + Security		Windows 11	Microsoft 365					Office 365
G3	G5	G5 Security ¹	G5 Compliance ¹	G1	G3	G5	G3	G5	Enterprise G5	F1	F3	F5 Security ²	F5 Compliance ²	F5 Sec+Comp ²	F3

¹ Requires Microsoft 365 G3 (or Office 365 G3 and Enterprise Mobility + Security G3).

² Requires Microsoft 365 F1/F3 (or Office 365 F3 and Enterprise Mobility + Security E3).

eDiscovery and auditing

Content Search	•	•	•	•	•	•				•	•				•
eDiscovery (Standard) (including Hold and Export)	•	•	•		•	•						•	•		
Litigation Hold	•	•			•	•						•	•		
eDiscovery (Premium)		•	•			•						•	•		
Audit (Standard)	•	•		•	•	•				•	•				•
Audit (Premium)		•	•			•						•	•		

Insider risk management

Insider Risk Management		•	•									•	•		
Communication Compliance		•	•			•						•	•		
Information Barriers		•	•			•						•	•		
Customer Lockbox		•	•			•						•	•		
Privileged Access Management		Not Planned	Not Planned			Not Planned						Not Planned	Not Planned		

Windows

Windows 11 Edition (EA only)	Enterprise	Enterprise								Enterprise		Enterprise ¹			
Azure Virtual Desktop	•	•								•		•			
Universal Print	TBD	TBD								TBD		TBD			

¹ No LTSC. No MDOP. VDI only for Licensed Users of a shared device with a QOS (except for Azure Virtual Desktop).



Add-on licenses

Expand the power and security of your Microsoft 365 plans with these additional options.

- = Included
- + = Can be added
- N/A = Not available

Information Worker Plans					Frontline Worker Plans			
Microsoft 365		Office 365			Microsoft 365		Office 365	
G3	G5	G1	G3	G5	F1	F3	F3	

Security and Compliance

Microsoft 365 G5 Security	+	●	N/A	N/A	N/A	N/A	N/A	N/A
Microsoft 365 G5 Compliance	+	●	N/A	N/A	N/A	N/A	N/A	N/A
Microsoft 365 F5 Security	N/A	N/A	N/A	N/A	N/A	+	+	+
Microsoft 365 F5 Compliance	N/A	N/A	N/A	N/A	N/A	+	+	+
Microsoft 365 F5 Security + Compliance	N/A	N/A	N/A	N/A	N/A	+	+	N/A
Microsoft 365 G5 Information Protection and Governance	+	●	+ ¹	+ ¹	●+ ^{1,2}	+	+	+ ¹
Microsoft 365 G5 Insider Risk Management	+	●	+	+	●+ ³	+	+	+
Microsoft 365 G5 eDiscovery and Audit	+	●	+	+	●	+	+	+
Microsoft Defender for Identity	+	●	+	+	+	+	+	+
Microsoft Defender for Office 365 Plan 1	+	●	+	+	●	+	+	+
Microsoft Defender for Office 365 Plan 2	+	●	+	+	●	+	+	+
Microsoft Defender for Cloud Apps	+	●	+	+	+	+	+	+
Microsoft Defender for Endpoint Plan 2	+	●	+	+	+	+	+	+
Premium Assessments add-on for Compliance Manager ⁴	+	+	+	+	+	+	+	+
Priva Privacy Risk Management	+	+	+	+	+	N/A	N/A	N/A
Priva Subject Rights Requests	+	+	+	+	+	N/A	N/A	N/A
Microsoft Purview Data Loss Prevention (for email and files)	●	●	+	●	●	N/A	+	+
Exchange Archiving	●	●	+	●	●	N/A	+	+
Azure Active Directory Premium Plan 1	●	●	+	+	+	●	●	+
Azure Active Directory Premium Plan 2	+	●	+	+	+	+	+	+
Microsoft Intune	●	●	+	+	+	●	●	+
10-year Audit Log Retention	N/A	+	N/A	N/A	+	N/A	N/A	N/A

¹ EMS E3 or Azure Information Protection Plan 1 standalone required.

² Office 365 E5 includes the DLP for Teams chat, Rules-based auto classification, advanced Information Governance, Advanced Message Encryption, and Customer Key value of Microsoft 365 E5 Information Protection and Governance but does not include Microsoft Defender for Cloud Apps or Machine Learning-based auto classification.

³ Office 365 E5 includes the Communication Compliance, Information Barriers, Customer Lockbox, and Privileged Access Management value of M365 E5 Insider Risk Management but does not include the full Insider Risk Management solution.

⁴ [Get details on available assessments.](#)

Content Services

SharePoint Syntex	+	+	+	+	+	+	+	+
Extra Graph Connector Capacity	+	+	N/A	+	+	N/A	N/A	N/A



Add-on licenses

● = Included
 + = Can be added
 N/A = Not available

	Information Worker Plans					Frontline Worker Plans		
	Microsoft 365		Office 365			Microsoft 365		Office 365
	G3	G5	G1	G3	G5	F1	F3	F3
Audio Conferencing with Select Dial Out	+	N/A	+	+	N/A	+	+	+
Extended Dial Out Minutes to US and Canada	+ ²	+	+ ²	+ ²	+	+ ²	+ ²	+ ²
Teams Phone	+	●	+	+	●	+	+	+
Domestic Calling Plan	+ ³	+	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³
Domestic Calling 240 Minute Plan	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³
Domestic Calling 120 Minute Plan	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³
International Calling Plan (includes Domestic Plan)	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³	+ ³
Teams Phone with Calling Plan ⁴	+	N/A ⁵	+	+	N/A ⁵	N/A	+	+

Teams Services¹

¹ Check country and region availability.

² Audio Conferencing, Audio Conferencing with Select Dial Out, or Business Voice required.

³ Teams Phone required.

⁴ Microsoft 365 G5 and Office 365 G5 include Teams Phone. Choose a Calling Plan to add calling minutes.

⁵ Includes full Domestic Calling Plan.

Microsoft Viva

Viva Topics	+	+	+	+	+	+	+	+
-------------	---	---	---	---	---	---	---	---

Storage

Office 365 Extra File Storage	+	+	+	+	+	+	+	+
-------------------------------	---	---	---	---	---	---	---	---

Power Platform

Power BI Pro	+	●	+	+	●	+	+	+
Power BI Premium	+	+	+	+	+	+	+	+
Power Apps per-app (1 app/user/month)	+	+	+	+	+	+	+	+
Power Apps per-user (unlimited apps/user/month)	+	+	+	+	+	+	+	+
Power Automate per-user (unlimited flows/user/month)	+	+	+	+	+	+	+	+
Power Automate per-user w/ Unattended RPA (unlimited flows + 5K AI Builder credits/user/month)	+	+	+	+	+	+	+	+
Power Automate per-flow (5 flows/month for unlimited users)	+	+	+	+	+	+	+	+

Other

Yammer Enterprise ¹	+	+	+	+	+	N/A	N/A	N/A
--------------------------------	---	---	---	---	---	-----	-----	-----

¹Yammer Enterprise is not a component of Office 365 US Government but may be acquired at no cost as a standalone offer for each user licensed for Office 365 in GCC. This offer is currently limited to customers that purchase Office 365 GCC under Enterprise Agreements and Enterprise Subscription Agreements. Yammer is not available in GCC High or DoD.



Date 16 July, 2021
Customer City of Milford
Sales Rep Disha Patel

Bill To		Ship To	
City of Milford 119 S Walnut Street Milford, DE 19963		City of Milford	
Quote ID	Effective From	Effective To	Payment Terms
QUO-02708-N9F2Y9			Software Pre-Pay

Product	Qty	Monthly Unit Price	Monthly Ext Amount
Microsoft 365 E5 GCC	120	\$51.00	\$6,120.00

Total Monthly Amount:	\$6,120.00
Tax:	\$0.00
ANNUAL TOTAL:	\$73,440.00

All software and software maintenance agreements must be paid prior to the order being placed.
 An active service maintenance agreement may be required when purchasing additional modules.
 City of Milford agrees to the terms and rates included on this quote

PO Number: 041818 _____

Please Sign:  _____



MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: MSD Funding Request for EMT Class
Date: August 14, 2023

The City received a funding request of \$5000 from the Milford School District to purchase consumable materials for the new EMT program starting at the school in the 2023-24 school year. The program was initiated at the request of the City in part to assist Carlisle Fire Company in the recruitment of EMTs and firefighters. Sufficient funds are available in the City Council's CFC Incentive line-item Account 101-1110-411-68-18 which was budgeted for City tax refunds to active Carlisle firefighters who own property and live within the City. \$12,500 was budgeted and seven firefighters applied for the refund, which leaves sufficient funds for this request.

Recommendation: Staff recommends Council approve the funding request from the MSD for \$5000 for the purchase of consumables for the EMT course during the 2023-24 school year.

Milford 
SCHOOL DISTRICT
HOME of the BUCCANEERS

ADMINISTRATION

Bridget R. Amory, Ed.D.
Interim Superintendent

August 10, 2023

Kelly Carvajal Hageman, Ed.D.
Chief Academic Officer

Mr. Jason James, Sr., Vice Mayor
Mr. Mark Whitfield, City Manager
City of Milford
119 S. Walnut Street
Milford, DE 19963

Sara E. Hale, DBA
Chief Operating Officer

Laura L. Manges, M.Ed.
Director of Human Resources

Jennifer Hallman, M.Ed.
Director of Student Services

Dear Sirs,

BOARD OF EDUCATION

Scott L. Fitzgerald
President

In support of the Emergency Medical Technician program starting at Milford High School for the 2023-2024 school year, we are requesting \$5,000 to purchase consumable materials.

Matt Bucher
Vice President

Milford School District is looking forward to our continued partnerships with Milford City Council, the Carlisle Fire Department and the Delaware State Fire School in making this a successful program for our community.

Adam S. Brownstein

Ashlee N. Connell

Victor C. Elzey

Jennifer L. Massotti

Thank you in advance for consideration of the request. If you have any questions, please do not hesitate to contact my office.

Jean A. Wylie

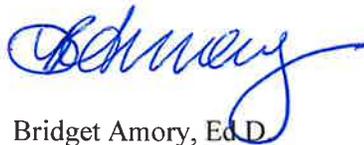
Mailing Address

906 Lakeview Avenue
Milford, DE 19963

Sincerely,

Telephone

(302) 422-1600



Bridget Amory, Ed.D.
Interim Superintendent

Fax

(302) 422-1608

Website

www.milfordschooldistrict.org



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