



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

## CITY COUNCIL AGENDA December 11, 2024

Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a ①. 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/95859380584>

*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: 958 5938 0584*

### 6:00 PM

#### 15-Minute Public Comment Period

All interested parties are invited to speak during the public comment portion of the Meeting. Discussion of those items appearing on the agenda as a public hearing is prohibited during the Public Comment Period, as an opportunity will be provided at the time it is being considered. Virtual attendees must register prior to start time of the meeting by calling 302-422-1111 Extension 1142 or 1303, or by sending an email to [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov) and providing their name, address, phone number, and item name and/or description you wish to comment on. Persons in attendance wishing to speak must sign up prior to the start of the Meeting. Citizen comments are limited to three (3) minutes. Council and Committee Members are prohibited from responding or taking action since this is not an official session; however, items may be considered for placement on a future agenda.

### WORKSHOP

#### ADU Impact Fees

#### Property Maintenance Code Revisions/Habitual Offenders

#### Polco Survey Questions

**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.**

\*Time Limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers prior to start of meeting/workshop.

① Designated Items only; Public Comment, up to three minutes per person will be accepted.

## Chapter 174 PROPERTY MAINTENANCE

### § 174-1. Adoption of Property Maintenance Code.

A certain document, three copies of which are on file in the office of the City Clerk of the City of Milford, Delaware, being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Milford, in the State of Delaware, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 174-2 of this chapter.

### § 174-2. Additions, insertions and changes.

The following sections are revised as follows:

- A. Section PM-101.1. Title. These regulations shall be known as the International Property Maintenance Code of Insert: City of Milford, hereinafter referred to as "this code."
- B. Section PM-103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule. Add: Fees shall be assessed as described throughout this chapter.
- C. Add: Section PM-104.7. Conflict of interest. No officer or employee who has an official duty in connection with the administration and enforcement of this chapter shall be financially interested in the furnishing of labor, materials or appliances or the construction, alteration or maintenance of a building or in making the plans or specifications therefor unless that person is the owner of such building. No such officer or employee shall engage in any activity which is inconsistent with the public interest and the officer's official duties.
- D. Section PM-106.4. 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Add: Any person or persons who shall violate a provision of this code shall, upon conviction thereof, shall be fined not less than \$~~250~~<sup>50</sup> nor more than \$~~5,000~~<sup>1,000</sup>. **Any person or persons who violate the habitual offender provision of this code shall, upon conviction thereof, be fined not less than \$250 for the first offense, \$1,000 for second offense and \$5,000 for each subsequent offense. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as City taxes.**
- E. Section PM-108.3. Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2. Add: If the owner or a holder of a lien of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation.

- F. Section PM-111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Add: Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Chapter 88, Article III of the Code of the City of Milford.
- G. Section PM-112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than Insert: \$250 or more than Insert: \$1000.

**H. Add: Section 113. Habitual Offenders. Any person owning property who meets the definition of habitual offender shall be issued a notice of violation in accordance with the provisions of this Code and shall immediately be summoned to appear in court.**

- H.I.** Section PM-202. General Definitions.

**HABITUAL OFFENDER – Any person or entity owning property who receives a notice of violation from the City for violating Chapter 174 Property Maintenance PM 302.1 Sanitation, PM 302.3 Parking on Approved Surfaces, PM 302.8 Motor Vehicles, PM 308.1 Accumulation of Rubbish or Garbage, PM-302.10 Indoor Furniture in Outdoor Areas or Chapter 230-20(O) Parking on the Grass on three separate occasions within a twenty-four-month period. Any person or entity owning property who shall be found guilty of violating the provisions of Chapter 79 Animals, Chapter 88 Building Construction, Chapter 130 Floodplain, Chapter 174 Property Maintenance, Chapter 180 Residential Rental Operating Licenses, or Chapter 230 Zoning on three separate occasions within a twenty-four-month period, exclusive of tall grass.**

Add: INDOOR FURNITURE — Furniture and similar objects that are not specifically designed by the manufacturer to withstand the elements or are otherwise not intended for outdoor use. Indoor furniture includes, but is not limited to, beds and upholstered chairs, love seats and couches.

OUTDOOR AREA — That portion of real property or the improvement located thereon that is not fully enclosed and fully roofed so as to provide effective protection from the elements. Outdoor areas include, but are not limited to, sidewalks, yards, driveways, unenclosed porches, patios and balconies.

- H.J.** Section PM-302.3. Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Add: All vehicles must park on an approved parking surface. Approved parking surfaces include the following; crushed stone, gravel or similar material installed to a depth approved by the Code Official; asphalt, concrete, brick, paving block, or similar durable, dustless surface. Grass or dirt surfaces are not approved surfaces. All parking areas must be maintained in good order and free from vegetation, standing water and structural defects.
- H.K.** Section PM-302.4. Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of Insert: 6 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. Add: When cutting the grass as part of yard maintenance, all grass clippings must be removed immediately from the sidewalk and out of the street upon completion.

Notice of violation; removal by the City. The owner or agent of the property has five working days, after receipt of said notice, to comply with notice. No such notice shall be required for second and/or subsequent violations in the same calendar year. The notice shall be served upon the property owner or agent acting on behalf of the property owner. If the premises is vacant or unoccupied, notice may be served by posting of a notice placard on the premises and mailing a copy of said notice to the owner or his/her agent at his/her last known address. The City may cause the vegetation to be cut and removed and will impose a fee of \$100 per man hour, plus 10% for inspection and other added costs or fees that might be incurred to render the property in compliance with this chapter. In extreme cases, the fee will be levied in accordance with actual costs of equipment and personnel, and the hourly rate could be higher. These costs shall become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

**KL.** Add: Section PM-302.10. Indoor furniture in outdoor areas.

No person shall place, use, keep, store or maintain in any outdoor area any appliance, mattresses, indoor furniture, furnishings, or decorations customarily associated with the interior portion of a residential dwelling in any outdoor area.

Notice and removal. An occupant(s) shall receive a notice in the form set forth in Section PM-107 to remove said appliance, mattresses, indoor furniture, furnishings or decorations. If the appliance, mattresses, indoor furniture, furnishings or decorations are not removed within 5 days of notification, the Code Official or his/her designated agent will have them removed and collected by the City of Milford, not as a regular service, but at a rate determined by the Code Official or his/her designee, and appropriate fees will be applied to the next utility bill for the address.

**LM.** Section PM-304.14. Insect screens. During the period from Insert: April 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**MO.** Section PM-602.3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from Insert: October 1 to April 30 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

**NP.** Section PM-602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from Insert: October 1 to April 30 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

①. Include: Appendix A is hereby adopted.



# Accessory Dwelling Units Impact Fees

December 11, 2024



# Chapter 230 Zoning

- ▶ Chapter 230-9 permits the construction of **accessory dwelling units** within the R-1, R-2, R-3 and R-8 zoning districts by conditional use approval from City Council subject to certain restrictions.
- ▶ Chapter 230 defines an **accessory dwelling** as “an **accessory apartment** or **accessory cottage**.”
  - ▶ 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 Apartment – “A separate complete housekeeping unit that is contained within the structure of a single-family detached dwelling.”



# Sewer & Water Impact Fees

- ▶ City Water Impact Fee - \$3,594 per Equivalent Dwelling Unit (EDU)
- ▶ City Sewer Impact Fee - \$1,899 per EDU
- ▶ Kent County Sewer Impact Fee - \$3,166 per EDU
  - ▶ The Kent County fee is assessed to all properties connected to the City of Milford sewer system regardless of which County the property resides in because Milford is a Municipal Contract User to the Kent County Regional Wastewater Treatment Facility in Frederica, DE where all of our wastewater is treated.
- ▶ Sewer and Water Impact Fees collected are used for capacity improvements to water and sewer infrastructure (i.e. sewage pump stations, water tower, water treatment, upsizing of pipes, etc.)



# Chapter 185 Sewer & Chapter 222 Water

- ▶ Equivalent Dwelling Unit – “A term used to express the load produced on a sanitary sewerage system approximately equal to one dwelling place and as further defined in the most recent impact fee ordinance adopted by the Kent County Levy Court.”
- ▶ Equivalent Dwelling Unit – “A term used to express the load produced on a water system approximately equal to one dwelling place and as further defined in the most recent impact fee ordinance adopted by the Kent County Levy Court.”



# Kent County Code - Chapter 128 Fees

- ▶ EDU's are calculated based on the language found in Chapter 128 Fees of the Kent County Code for all uses within the City of Milford.
- ▶ Residential – **“Any dwelling with one or more baths and at least one or more bedroom(s).** This includes single-family houses, apartments, mobile homes and efficiency units: 1.0 EDU.”



# Permit Charges - Typical Single-family Detached Dwelling

Fee Type	Charge	% of Overall Permit
Permit Fee/C of O	\$1,025	8.2%
Fire Company Enhancement Fund	\$500	4.0%
Municipal Enhancement Fund	\$1,500	11.9%
Water Meter	\$200	1.6%
Water/Sewer Backfill	\$35	0.3%
Electric Meter Connection	\$50	0.4%
Electric Impact Fee	\$600	4.8%
City Water Impact Fee	\$3,594	28.6%
City Sewer Impact Fee	\$1,899	15.1%
Kent County Sewer Impact Fee	\$3,166	25.2%
<b>Total Permit Charge</b>	<b>\$12,569</b>	

► Assumptions:  
 \$200,000  
 construction  
 cost, 2000  
 square foot  
 and one (1)  
 EDU.



# Permit Charges - Typical Accessory Apartment

Fee Type	Charge	% of Overall Permit
Permit Fee/C of O	\$325	3.3%
Fire Company Enhancement Fund	n/a	0%
Municipal Enhancement Fund	n/a	0%
City Water Impact Fee	\$3,594	36.4%
City Sewer Impact Fee	\$1,899	19.2%
Kent County Sewer Impact Fee	\$3,166	32.1%
Water Meter*	\$200	2.0%
Water/Sewer Backfill*	\$35	0.4%
Electric Meter Connection*	\$50	0.5%
Electric Impact Fee*	\$600	6.1%
<b>Total Permit Charge</b>	<b>\$9,869</b>	

- ▶ Assumptions: \$50,000 construction cost and one (1) EDU.
- ▶ \* Items are optional



# Permit Charges - Typical Accessory Cottage (new bldg)

Fee Type	Charge	% of Overall Permit
Permit Fee/C of O	\$325	3.0%
Fire Company Enhancement Fund	\$250	2.3%
Municipal Enhancement Fund	\$750	6.9%
City Water Impact Fee	\$3,594	33.1%
City Sewer Impact Fee	\$1,899	17.5%
Kent County Sewer Impact Fee	\$3,166	29.1%
Water Meter*	\$200	1.8%
Water/Sewer Backfill*	\$35	0.3%
Electric Meter Connection*	\$50	0.5%
Electric Impact Fee*	\$600	5.5%
<b>Total Permit Charge</b>	<b>\$10,869</b>	

- ▶ Assumptions: \$100,000 construction cost, 600 square feet and one (1) EDU.
- ▶ \* Items are optional



# Permit Charges - Typical Accessory Cottage (ex. bldg)

Fee Type	Charge	% of Overall Permit
Permit Fee/C of O	\$325	3.3%
Fire Company Enhancement Fund	n/a	0%
Municipal Enhancement Fund	n/a	0%
City Water Impact Fee	\$3,594	36.4%
City Sewer Impact Fee	\$1,899	19.2%
Kent County Sewer Impact Fee	\$3,166	32.1%
Water Meter*	\$200	2.0%
Water/Sewer Backfill*	\$35	0.4%
Electric Meter Connection*	\$50	0.5%
Electric Impact Fee*	\$600	6.1%
<b>Total Permit Charge</b>	<b>\$9,869</b>	

- ▶ Assumptions: \$100,000 construction cost, 600 square feet and one (1) EDU.
- ▶ \* Items are optional



# Considerations

- ▶ The City cannot reduce or waive the Kent County Sewer Impact Fee, which will be calculated at a rate of 1.0 EDUs for Accessory Dwelling Units based on the Kent County Code, Chapter 128 Fees.
- ▶ Multi-family complexes do not receive a reduced EDU assessment for 1-bedroom apartments. All apartment types (1-bedroom, 2-bedroom, 3-bedroom, etc.) are assessed 1.0 EDU.
- ▶ Reduction in fees does not guarantee units will be rented at an affordable rate.
- ▶ Chapter 230 allows an accessory dwelling unit between 220 square feet and 1,200 square feet.
- ▶ Chapter 230 allows an accessory apartment not to exceed 35% of the single-family detached dwelling.



## Other Jurisdictions

- ▶ Unincorporated Kent County, Cheswold, Magnolia, Felton, Frederica, Bowers Beach, Leipsic, Little Creek, Hartly and Kenton provide no reduction in impact fees for accessory dwelling units.
- ▶ Town of Smyrna – Impact Fees assessed the same as other dwelling units.
- ▶ City of Dover – Impact Fees assessed the same as other dwelling units.
- ▶ City of Harrington – Impact Fees assessed the same as other dwelling units.



# Next Steps

- ▶ Prepare draft ordinance amendment to the water and sewer ordinance based on the City Council workshop discussion, if needed.

## Questions for NCS

Which of the following outdoor tourism opportunities should be expanded to attract more tourists and residents to Milford?

- a. Additional recreation access points along the Mispillion River (such as for kayaking, fishing)
- b. More outdoor public events and festivals
- c. Organized tours (such as bike tours, birding, and/or natural heritage bus tours)
- d. Shuttles to Slaughter Beach
- e. Additional bike lanes

How do you feel about the amount of public art in Milford?

- Too much
- Right amount
- Would like more
- Don't know

What city recreation opportunities would you like to see expanded in Milford?

1. parks and playgrounds
2. bike trails and pedestrian paths
3. hardcourt sports, i.e. basketball, tennis, pickleball
4. turf/softcourt sports, i.e. soccer, baseball, softball, beach volleyball
5. swimming pool / splash pad
6. indoor rec center with sport/fitness/youth programming
7. Skate Park
8. Amphitheater

Should the City develop a historic preservation ordinance and create a historic review board who would review applications for building demolitions, alterations and new construction within the City's historic districts?

- a. Yes
- b. No

Do you think Milford is a walkable community?

- a. Yes
- b. No