



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

CITY COUNCIL AGENDA

September 24, 2025

Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a Ⓢ. Virtual attendees may alert the City Clerk that they wish to speak by submitting their name, address, and agenda item via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. Those attending in person may comment when the floor is opened for that purpose. All written public comments received prior to the meeting will be read into the record.

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

<https://milford-de.zoom.us/j/99612744517>

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: 996 1274 4517

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 wishing to speak must sign up prior to the start of the Council Meeting.

WORKSHOP

	Page
1. Public Comment	
2. Call to Order – Mayor Todd Culotta	
3. Development & Growth Trends	
a. Development & Growth Trends - 092425 	3 - 19

4. Land Use Training

- a. [Planning & Zoning Training - 092425](#) 

20 - 48

5. 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 ADDITIONAL 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 MUST BE INCLUDED IN THE COUNCIL PACKET AND ACCESSIBLE BY AUDIO AND VISUAL MEANS PURSUANT TO 29 Del. Code, Chapter 100, §10006A(c)(5).

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

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

091725

091925 Item removed by City Manager

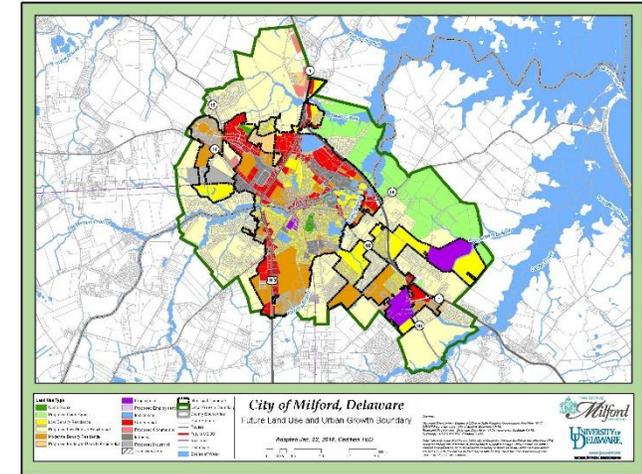


Growth & Development Trends

September 24, 2025

2018 Comprehensive Plan

- ▶ Adopted in 2018 by City Council and drives land use decisions within the City.
- ▶ Includes Chapters on Background, Community Character, Community Profile, Government Services & Infrastructure, Housing, Transportation, Economic Development, Natural Resources, Parks & Open Space, Land Use & Growth Management and Implementation.
- ▶ SE Master Plan
- ▶ Future Land Use Maps
- ▶ Urban Growth Boundary
- ▶ <https://www.cityofmilford.com/DocumentCenter/View/2884/2018-Comp-Plan?bidId=>



Master Plans

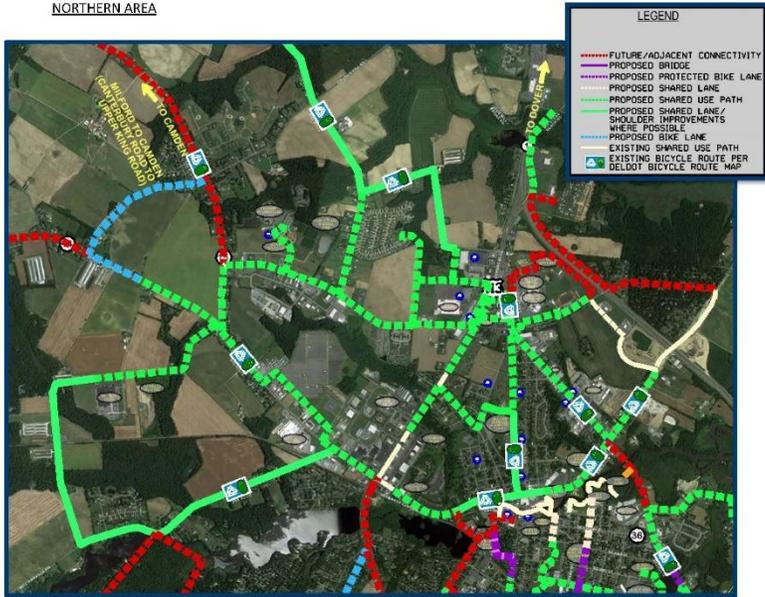
- ▶ SE Master Plan - adopted as an appendix to the Comprehensive Plan
- ▶ Downtown Master Plan - basis for the City's Downtown Development District program
 - ▶ [https://www.cityofmilford.com/DocumentCenter/View/2089/Rivertown-Rebirth-2025?bidId=](https://www.cityofmilford.com/DocumentCenter/View/2089/Rivertown-<u>Rebirth-2025?bidId=</u>)
- ▶ Bicycle Master Plan
 - ▶ [https://www.cityofmilford.com/DocumentCenter/View/4299/2021-Bicycle-Master-Plan---Final-Report?bidId=](https://www.cityofmilford.com/DocumentCenter/View/4299/2021-<u>Bicycle-Master-Plan---Final-Report?bidId=</u>)

Master Plans

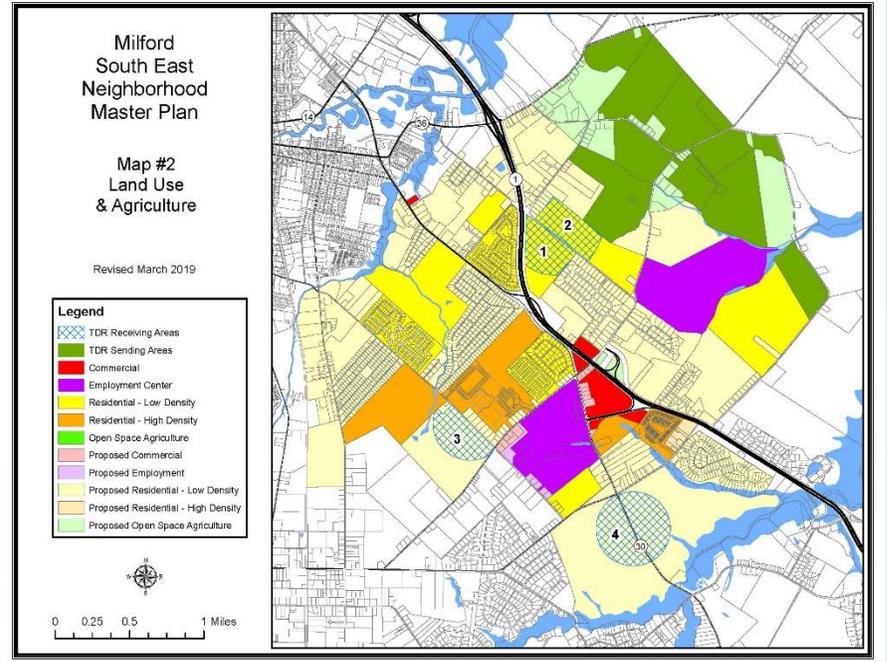


The City of Milford Bicycle Master Plan 2021

NORTHERN AREA



- LEGEND**
- FUTURE/ADJACENT CONNECTIVITY
 - PROPOSED BRIDGE
 - PROPOSED PROTECTED BIKE LANE
 - PROPOSED SHARED LANE
 - PROPOSED SHARED USE PATH
 - PROPOSED SHARED LANE/SHOULDER IMPROVEMENTS WHERE POSSIBLE
 - PROPOSED BIKE LANE
 - EXISTING SHARED USE PATH
 - EXISTING BIKE ROUTE PER DELDOT BIKE ROUTE MAP

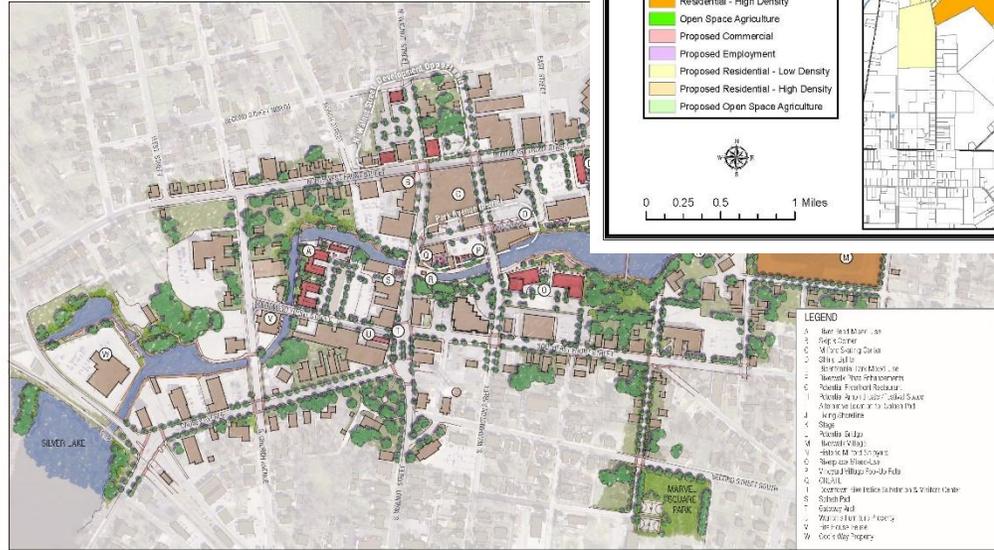


Milford
 South East
 Neighborhood
 Master Plan

Map #2
 Land Use
 & Agriculture

Revised March 2019

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



Vision Plan for Downtown Milford, DE
 Illustrative Master Plan



Planning & Zoning Website

Zoning Map

Agendas & Minutes

Bicycle Master Plan +

Board of Adjustment

Comprehensive Plan

Downtown Master Plan

FEMA Flood Maps

Land Use Applications

Milford's Downtown
Development District

Municipal Code

Planning Commission

Current Studies/Projects

TDR Program

[Home](#) › [Your Government](#) › [Departments](#) › [Planning Department](#) › Planning & Zoning

Planning & Zoning

Responsibilities

The Planning & Zoning Division is responsible for overseeing land use and code changes specific to the subdivision and zoning of land. The Division reviews subdivision and site plan applications for compliance and processes variance applications.

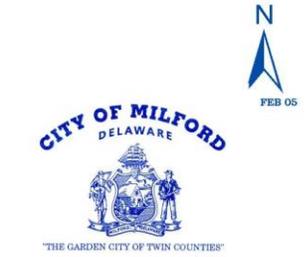
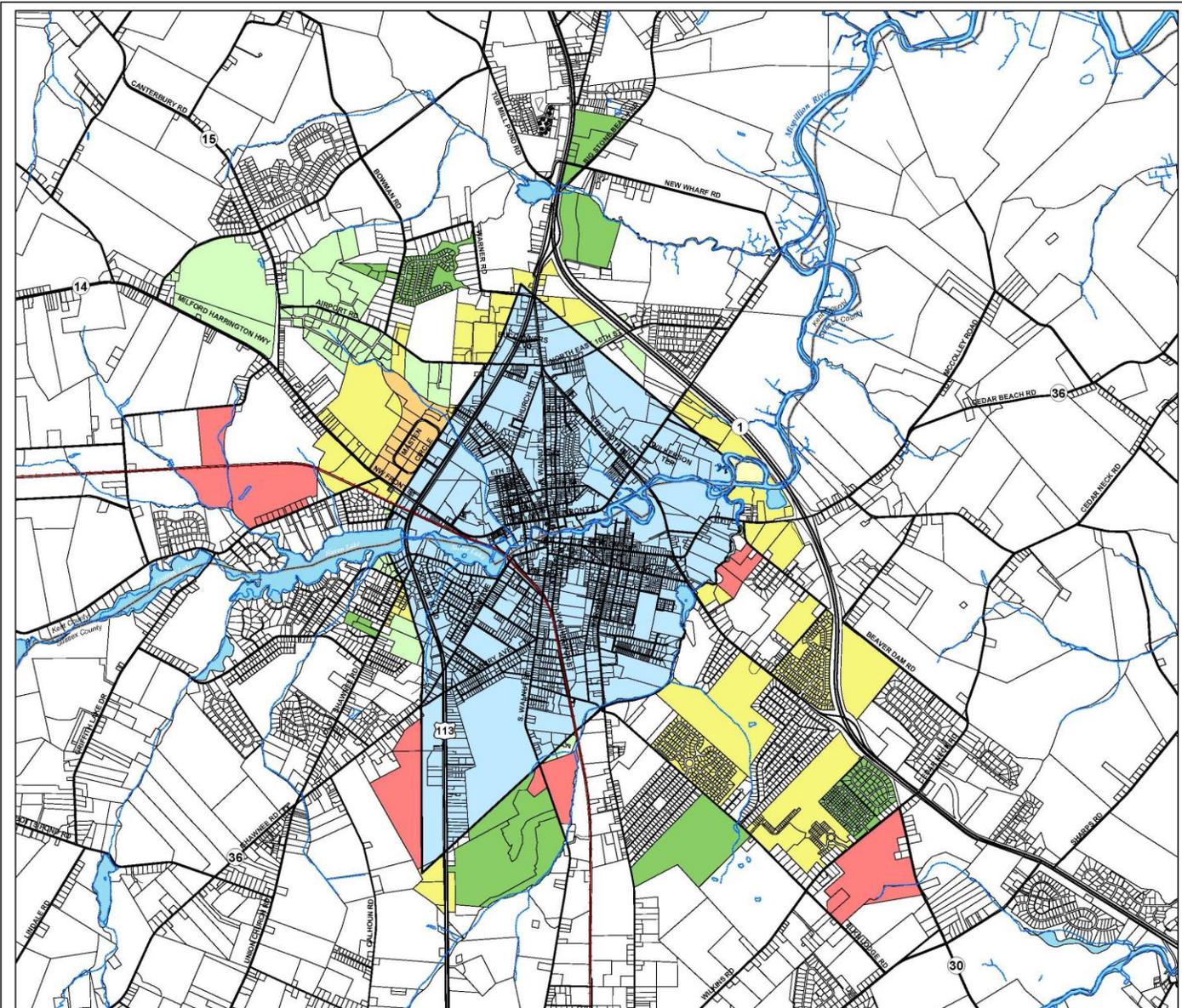
Milford's Parcel Viewer Mapping Application

Click here to view the City's [Parcel and Zoning Mapping Application](#).

Division Specific Resources

- [Zoning Verification Request Form](#)
- [Certificate of Use Application](#)
- [Planning Department Fee Schedule](#)
- [Chapter 200 - Subdivision Ordinance](#)
- [Chapter 230 - Zoning Ordinance](#)
- [Kent County Hazard Mitigation Plan](#)

2006 Annexation History Map

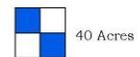


- City of Milford -
Kent and Sussex
Counties

**2006
AMENDMENT
TO THE
COMPREHENSIVE
PLAN**

**ANNEXATION
HISTORY**

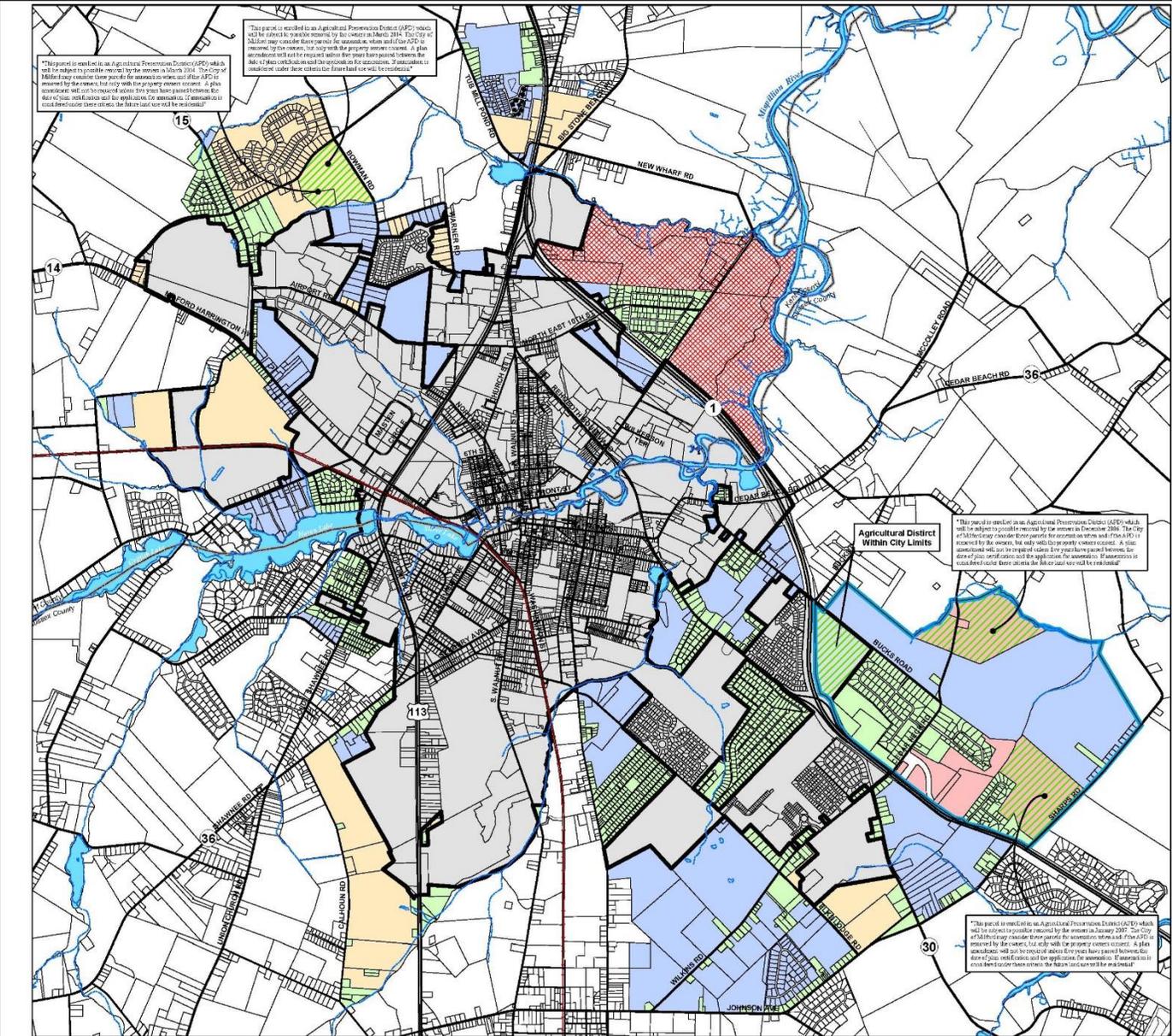
- Legend**
Annexation History
- 2005-2006
 - 2000-2004
 - 1990's
 - 1980's
 - 1970's
 - CIRCA 1970



Notes: 1) Annexation History per City of Milford Planning Department
 2) Tax Parcel outlines based on GIS data available through Kent and Sussex Counties, circa 2006, with modification through the City of Milford GIS projects.
 3) Framework data courtesy of DNREC, DelDOT, DGS, and the Delaware Geographic Data Committee, various releases.

This drawing has been prepared, in part, based on data obtained from information furnished by others. While this information is believed reliable for general planning purposes, Davis Bowen & Friedel, Inc., cannot warrant its accuracy and assumes no responsibility for any errors or omissions incorporated herein.

2006 Annexation Plan



"This parcel is included in an Agricultural Preservation District (APD) which will be subject to possible removal by the owner in January 2007. The City of Milford may consider this parcel for annexation in 2006, when and if the APD is removed by the owner, but only with the property owners consent. A plan amendment will not be required unless five years have passed between the date of plan certification and the application for annexation. If annexation is requested under these criteria the final action will be considered."

"This parcel is included in an Agricultural Preservation District (APD) which will be subject to possible removal by the owner in December 2006. The City of Milford may consider this parcel for annexation in 2006, when and if the APD is removed by the owner, but only with the property owners consent. A plan amendment will not be required unless five years have passed between the date of plan certification and the application for annexation. If annexation is requested under these criteria the final action will be considered."

"This parcel is included in an Agricultural Preservation District (APD) which will be subject to possible removal by the owner in January 2007. The City of Milford may consider this parcel for annexation in 2006, when and if the APD is removed by the owner, but only with the property owners consent. A plan amendment will not be required unless five years have passed between the date of plan certification and the application for annexation. If annexation is requested under these criteria the final action will be considered."



CITY OF MILFORD
DELAWARE

THE GARDEN CITY OF TWIN COUNTIES

- City of Milford -
Kent and Sussex
Counties

**2006
AMENDMENT
TO THE
COMPREHENSIVE
PLAN**

**ANNEXATION
PLAN**

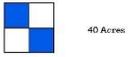
Legend

-  Milford City Limits
-  Area Of Concern

Time Phasing

-  2005-2006
-  2006-2007
-  2007-2008
-  Potential Enclave-
Consider for Annex if requested
-  East Local Planning Area
refer to text, Appendix 9





Map No. 10

DAVIS
BROWN &
FRITZER, INC.

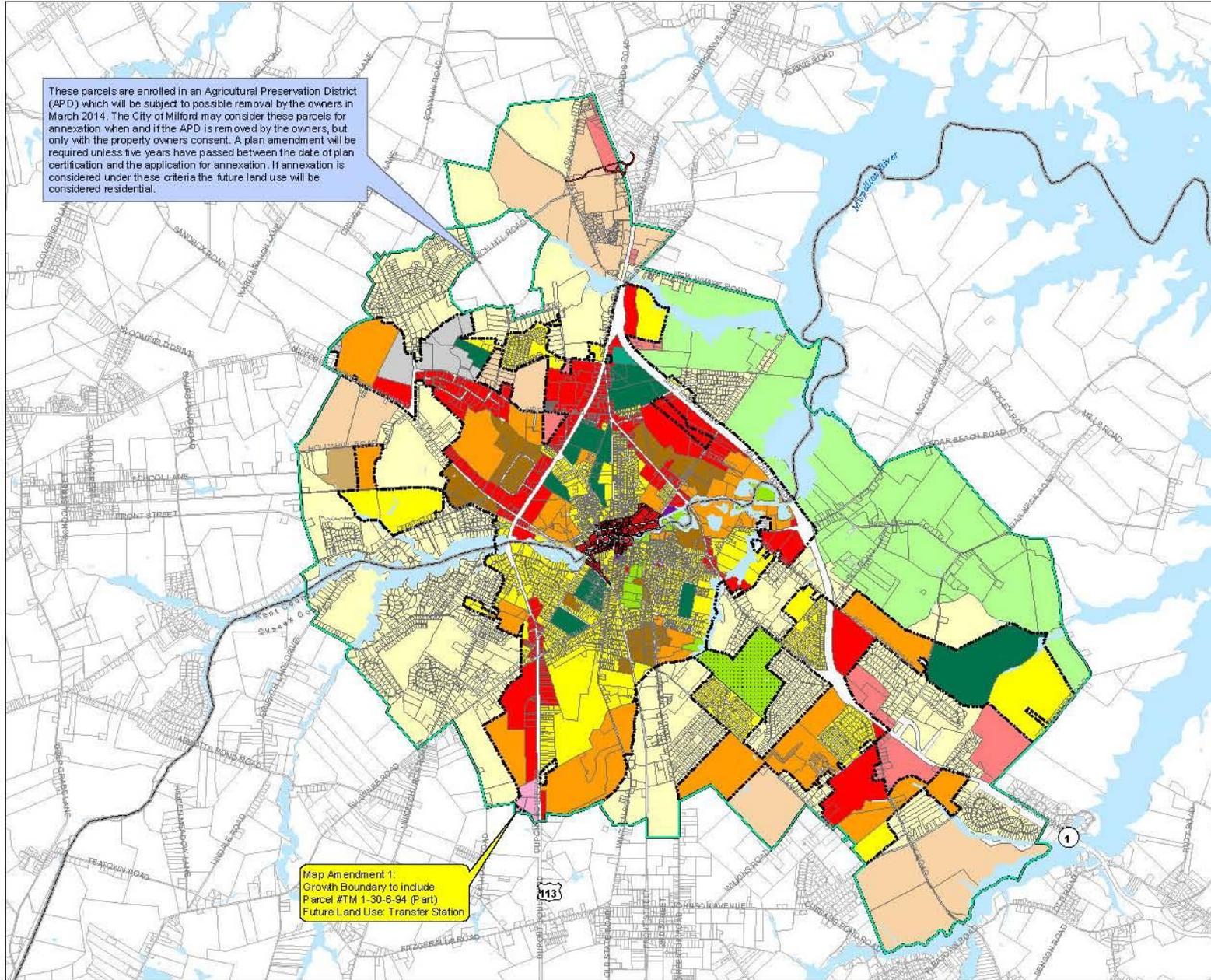
Notes: 1) The Parcel is shown based on GIS data available through Kent and Sussex Counties, since 2001, with modifications through the City of Milford GIS people.
2) If Annexation data courtesy of CHREIS, D&BOT, DSS, and the Exchange Geographic Data Committee, various advisors.

2008 Future Land Use Map



These parcels are enrolled in an Agricultural Preservation District (APD) which will be subject to possible removal by the owners in March 2014. The City of Milford may consider these parcels for annexation when and if the APD is removed by the owners, but only with the property owners consent. A plan amendment will be required unless five years have passed between the date of plan certification and the application for annexation. If annexation is considered under these criteria the future land use will be considered residential.

Map Amendment 1:
Growth Boundary to include
Parcel #TM 1-30-6-94 (Part)
Future Land Use: Transfer Station



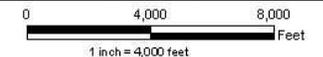
Milford Comprehensive Plan

Map Amendment 1

Figure 10 Future Land Use

Legend

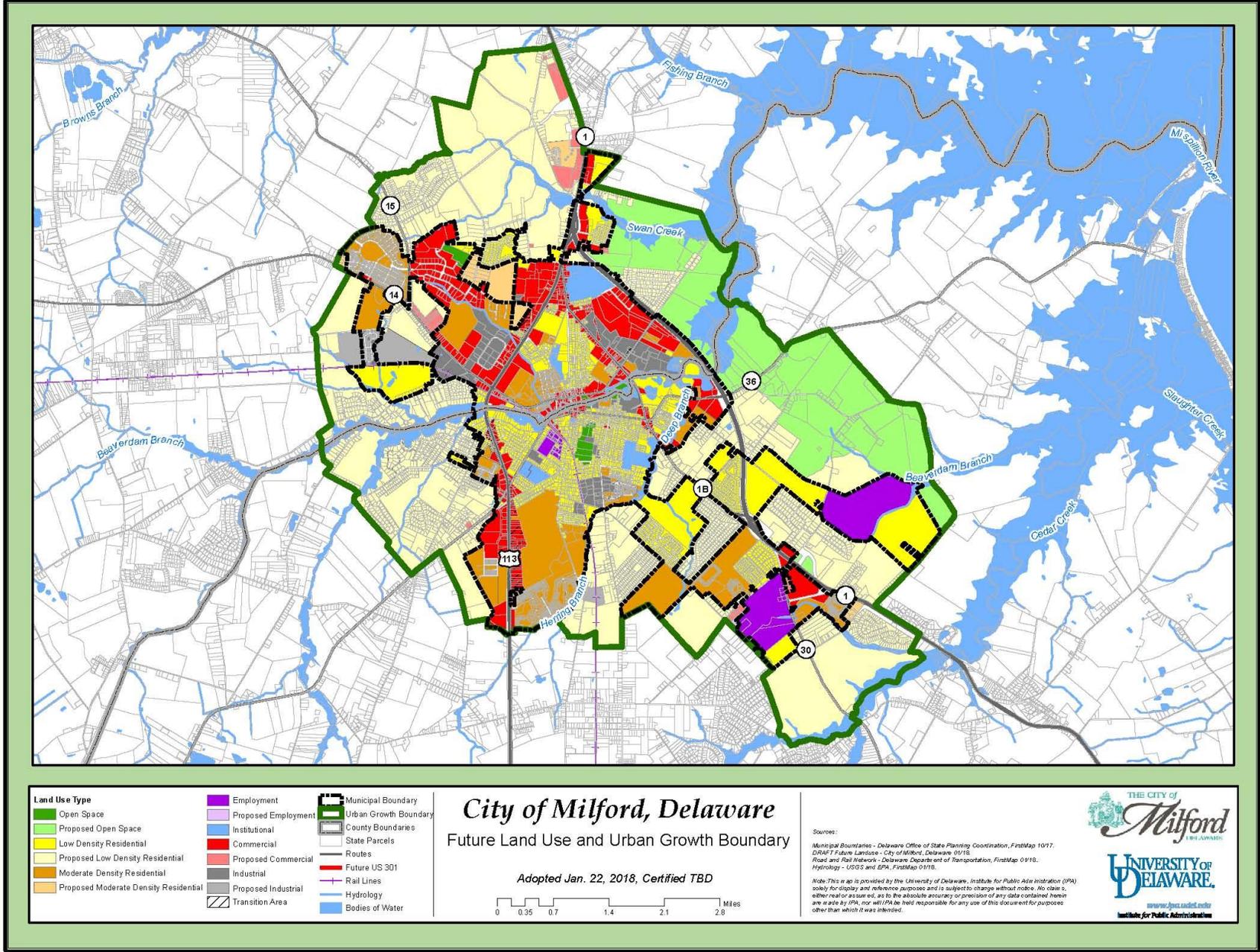
- City Boundary
- County Boundary
- Urban Growth Boundary
- Water
- Downtown
- Future Land Use**
- Business Park
- Government
- Employment
- Highway/Commercial
- Proposed Highway/Commercial
- Industrial
- Institutional
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Open Space
- Proposed Institutional
- Proposed Open Space
- Transfer Station
- Proposed Employment
- Privately Owned
- Proposed Thompsonville Intersection



Data Sources:
Roads - DELDOT
State, County, Municipal Boundaries - State of Delaware
Future Land Use - City of Milford

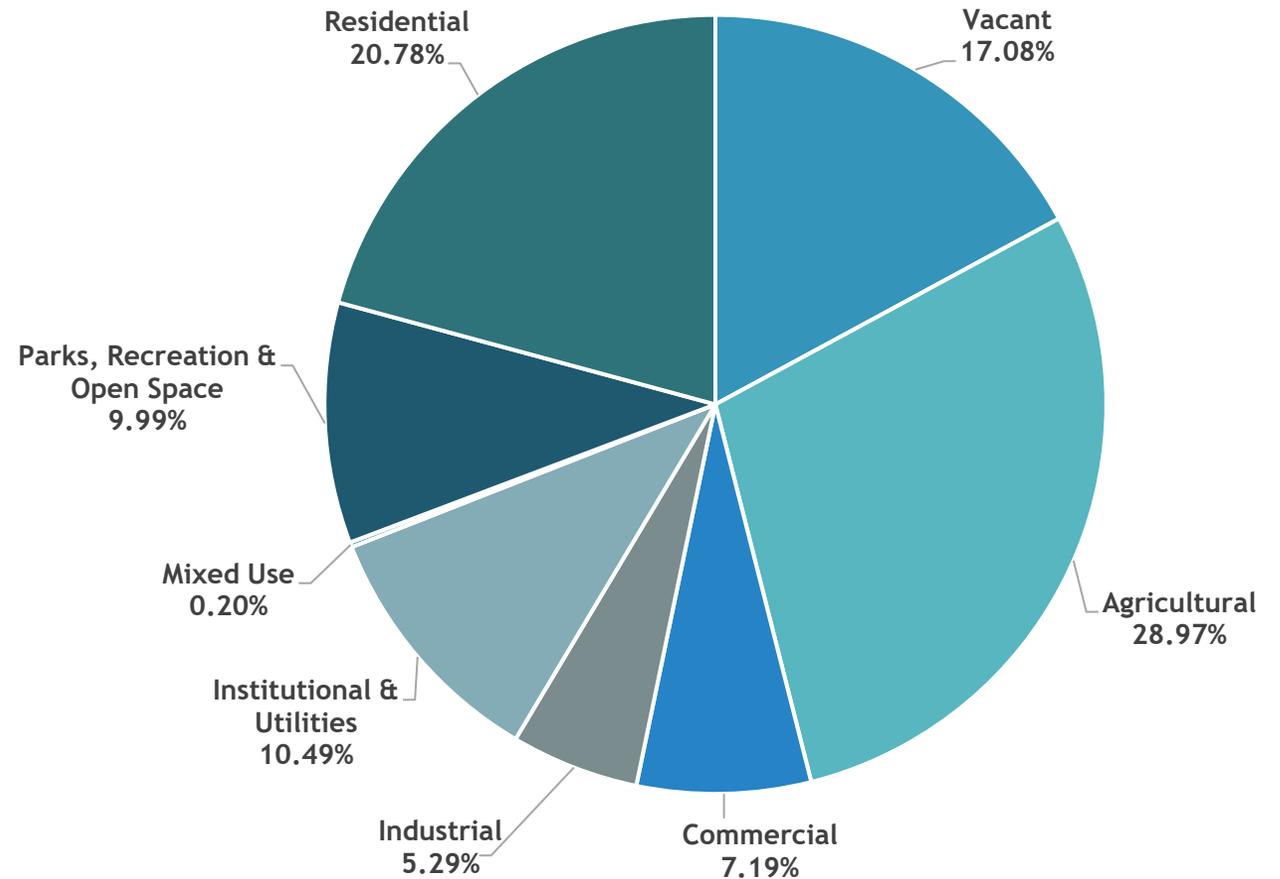
File Name: R:\0_E_Milford\2008\106\106_06\Maping\Map_Land_Use_amend1.mxd
February, 2008

2018 Future Land Use Map



2018 Existing Land Use

- ▶ Per the adopted 2018 Comprehensive Plan, approximately 45% of the City's total acreage is either vacant or agricultural land use and is available for development.
- ▶ ****UPDATE**** - As of 2025, approximately 30% of the City total acreage is either vacant or agricultural land use.





Housing Pipeline

	Approved to be Constructed	Proposed	Total Approved and Proposed
Single Family Detached	1,118	121	1,239
Single Family Semi-detached	202	52	254
Townhouse	781	39	820
Apartment	847	264	1,111
Condominium	488	0	488
Total	3,436	476	3,912

- ▶ The above table does not account for the additional 648 +/- acres of vacant residential land that could be developed for an additional 3,295 dwelling units of various types.
- ▶ At the time of the 2018 Comprehensive Plan update, there were 5,786 approved and proposed dwelling units.

	Single Family Detached			Single Family Semi-detached			Townhouse			Garden Apartment			Condominium			Total Units			% Completed	Status	Year Recorded
	Constructed	Planned	Total	Constructed	Planned	Total	Constructed	Planned	Total	Constructed	Planned	Total	Constructed	Planned	Total	Constructed	Planned	Total			
Fork Landing	53	1	54	10	0	10	0	0	0	0	0	0	0	0	0	63	1	64	98%	Complete	2007
Hearthstone Manor I	109	69	178	0	0	0	0	0	0	0	0	0	464	488	952	573	557	1130	51%	In Progress	2002
Lighthouse Estates	68	0	68	0	0	0	0	0	0	0	0	0	0	0	0	68	0	68	100%	Complete	2006
Cascades	0	0	0	0	0	0	0	0	0	68	0	68	0	0	0	68	0	68	100%	Complete	2006
Brookstone Trace	0	0	0	0	0	0	128	0	128	0	24	24	0	0	0	128	24	152	84%	In Progress	2007
Orchard Hill	185	2	187	0	0	0	0	0	0	0	0	0	0	0	0	185	2	187	99%	Complete	2001
West Shores at New Milford	112	0	112	0	0	0	0	0	0	0	0	0	0	0	0	112	0	112	100%	Complete	2005
Watergate	2	41	43	0	48	48	81	48	129	0	56	56	0	0	0	83	193	276	30%	In Progress	2007
Walnut Village	75	0	75	0	0	0	0	0	0	0	0	0	0	0	0	75	0	75	100%	Complete	2006
Milford Ponds - Phase I	294	69	363	0	0	0	0	0	0	0	0	0	0	0	0	294	69	363	81%	In Progress	2006
Windward on the River	0	0	0	0	0	0	0	0	0	264	0	264	0	0	0	264	0	264	100%	Complete	2020
200 NW Front Street	0	0	0	0	0	0	8	0	8	0	0	0	0	0	0	8	0	8	100%	Complete	2019
Simpson's Crossing	74	376	450	0	0	0	36	306	342	0	231	231	0	0	0	110	913	1023	11%	In Progress	2007
Misphillion Landing	0	0	0	0	0	0	0	0	0	0	102	102	0	0	0	0	102	102	0%	In Progress	2008
Cypress Hall - Phase II	0	0	0	0	0	0	0	0	0	168	120	288	0	0	0	168	120	288	58%	In Progress	2009
Cypress Hall - Phase I	0	0	0	0	0	0	96	0	96	0	0	0	0	0	0	96	0	96	100%	Complete	2009
Wickersham	0	0	0	0	0	0	91	112	203	0	0	0	0	0	0	91	112	203	45%	In Progress	2013
Hickory Glen	0	0	0	0	0	0	0	159	159	0	240	240	0	0	0	0	399	399	0%	In Progress	2020
Westwood	0	175	175	0	154	154	0	0	0	0	0	0	0	0	0	0	329	329	0%	In Progress	2024
Red Cedar Farms	0	199	199	0	0	0	0	0	0	0	0	0	0	0	0	0	199	199	0%	In Progress	2024
Milford Ponds - Phase II	0	47	47	0	0	0	0	94	94	0	0	0	0	0	0	0	141	141	0%	Recorded	2025
Milford Ponds - Phase III	0	52	52	0	0	0	0	0	0	0	0	0	0	0	0	0	52	52	0%	Recorded	2025
Riverwalk Villas	0	0	0	0	0	0	0	27	27	0	0	0	0	0	0	0	27	27	0%	Recorded	2025
	972	1031	2003	10	202	212	440	746	1186	500	773	1273	464	488	952	2386	3240	5626	42%		
			36%			4%			21%			23%			17%						
Knight Crossing	0	87	87	0	0	0	0	35	35	0	0	0	0	0	0	0	122	122	0%	Recorded	2024
Cascades - Phase II	0	0	0	0	0	0	0	0	0	0	66	66	0	0	0	0	66	66	0%	Recorded	2025
Misphillion Apartments II	0	0	0	0	0	0	0	0	0	0	8	8	0	0	0	0	8	8	0%	Proposed	2025
	0	87	87	0	0	0	0	35	35	0	74	74	0	0	0	0	196	196	0%		
			44%			0%			18%			38%			0%						
Cypress Hall - Phase III	0	0	0	0	16	16	0	0	0	0	0	0	0	0	0	0	16	16	0%	Proposed	
Cypress Hall - Phase IV	0	64	64	0	30	30	0	0	0	0	0	0	0	0	0	0	94	94	0%	Proposed	
Cypress Hall - Phase V	0	55	55	0	0	0	0	0	0	0	0	0	0	0	0	0	55	55	0%	Proposed	
Reserves at Herring Branch	0	0	0	0	0	0	0	0	0	0	264	264	0	0	0	0	264	264	0%	Proposed	
Carlisle Lane, LLC	0	1	1	0	0	0	0	39	39	0	0	0	0	0	0	0	40	40	0%	Proposed	
609 N Walnut	0	1	1	0	6	6	0	0	0	0	0	0	0	0	0	0	7	7	0%	Proposed	
	0	121	121	0	52	52	0	39	39	0	264	264	0	0	0	0	476	476	0		

	Zoning	Acreage	Usable Acreage	Units/Acre	Total Units
Niggles	R1	70	52.5	4	210
er Farm	R3	44	33	16	528
Property	R1	176	132	4	528
vation Park	IS	199	149.25	8	1194
on Contracting	R2	38	28.5	5	142.5
thstone Manor II	R2/R3	121	90.75		693
		648	486		3295.5



New Residential Construction Permits Past 12 Years

Calendar Year	New Dwellings	New Apartments	Total Units
2014	33	0	33
2015	57	0	57
2016	32	0	32
2017	105	0	105
2018	141	0	141
2019	186	0	186
2020	227	144	371
2021	150	120	270
2022	44	0	44
2023	98	168	266
2024	235	0	235
2025	91	0	91

Through July 2025

Build Out Timing

- ▶ Assuming a rate of 200 new residential units per year, it would take;
 - ❑ 17 years to build out approved projects
 - ❑ 20 years to build out approved and proposed projects
 - ❑ 36 years to develop all vacant land available for residential development within City limits.



Active Residential Developments

- ▶ Hearthstone Manor I - 2002
- ▶ Watergate - 2007
- ▶ Cypress Hall - Phase I & II - 2009
- ▶ Simpsons Crossing - 2007
- ▶ Milford Ponds - 2006
- ▶ Mispillion Landing - 2008
- ▶ Windward Grove (fka Wickersham) - 2013
- ▶ Hickory Glen - 2020
- ▶ Knights Crossing - 2024
- ▶ Red Cedar Farms - 2024
- ▶ Westwood - 2024
- ▶ Riverwalk Villas - 2025



Growth Trends

- ▶ The City has annexed approx. 66 acres in the past 10 years, of which 49.25 acres was Baltimore Aircoil Company and 6.5 acres was the City's electric substation. This amounts to 1% municipal boundary area growth over the last 10 years.
- ▶ The City de-annexed 1.004 acres of land in 2020
- ▶ The City is currently 9.96 square miles in area.



Questions

Rob Pierce, AICP
Planning Director
Planning Department
City of Milford
180 Vickers Drive
302-424-8396
rpierce@milford-de.gov

Comprehensive Plan - Future Land Use Map

<https://milfordde.maps.arcgis.com/apps/webappviewer/index.html?id=f2366d775dea4b55bb94bd6afd4c1e05>



Land Use Training

Planning Department

September 24, 2025



Zoning Applications

- ▶ Minor Subdivision, Lot Line Adjustment, Lot Consolidation
- ▶ Permitted Use Site Plan
- ▶ Conditional Use Site Plan
- ▶ Conditional Use
- ▶ Change of Zone
- ▶ Comprehensive Plan Amendment
- ▶ Major Subdivision
- ▶ Planned Unit Development
- ▶ Annexation/Deannexation
- ▶ Variance (Board of Adjustment)
- ▶ Administrative Appeals (Board of Adjustment)



Delaware Code/State Enabling Legislation

Code Title & Chapter(s)	Sections	Topics
Municipal Planning Authority Title 22, Ch 7	701 702	Planning commission organization Comprehensive plan standards
Municipal Zoning Title 22, Ch 3	301-311 321-332	General provisions Boards of adjustment
Annexation Title 22 Ch 1	101 105	Annexation requirements De-annexation
Statute of Repose Title 10, Ch 81	8126	Limitations on adopted plans and development plans
Meetings & Records (FOIA) Title 29, Ch 100	1003 1004	Public records Open meetings

► <https://delcode.delaware.gov/>



Authority to Plan

- ▶ Title 22 Municipalities, Chapter 7, Planning Commission
- ▶ Title 22 Municipalities, Chapter 3, General Provisions
- ▶ City Charter - 5.12 - City Planning Commission
- ▶ Chapter 57 - Planning Commission
- ▶ Chapter 200 - Subdivision of Land
- ▶ Chapter 230 - Zoning
- ▶ https://library.municode.com/de/milford/codes/code_of_ordinances?nodeId=14818



Subdivisions, Site Plans, Conditional Uses, Change of Zone Requests



Minor Subdivision, Lot Line Adjustment & Lot Consolidation

- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ Min. Lot Area, Min. Lot Width, Max. Lot Coverage, Front, Rear, Side Setbacks.
- ▶ City Construction Standards and Specifications
- ▶ Administrative Review



Permitted Use Site Plan

- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
 - ▶ 230-19.8 - Tree Planting and Preservation
 - ▶ Article IV- Off-street Parking
 - ▶ Article V - Landscape Screening
 - ▶ Article X - Site Plan (procedure)
- ▶ State Agency Approvals - DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- ▶ City Construction Standards and Specifications
- ▶ Reviewed during a public meeting but the application is not part of a public hearing.
- ▶ Preliminary Site Plan approved by the Planning Commission.
- ▶ Final Site Plan approved administratively.



Conditional Use Site Plan

- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
 - ▶ 230-19.8 - Tree Planting and Preservation
 - ▶ Article IV- Off-street Parking
 - ▶ Article V - Landscape Screening
 - ▶ Article X - Site Plan (procedures)
 - ▶ Article IX - Conditional Use
- ▶ City Construction Standards and Specifications
- ▶ State Agency Approvals - DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- ▶ Reviewed during a public hearing.
- ▶ Preliminary Conditional Use Site Plan: Planning Commission makes a recommendation to City Council. City Council makes final decision.
- ▶ Final Site Plan approved administratively.



Conditional Use Criteria

- ▶ Purpose of the conditional use is to maintain a measure of control over uses that have an impact on the entire community.
- ▶ Chapter 230-48 (motions should consider the six below criteria)
 - ▶ The presence of adjoining similar uses.
 - ▶ An adjoining district in which the use is permitted.
 - ▶ There is a need for the use in the area proposed as established by the Comprehensive Plan.
 - ▶ There is sufficient area to screen the conditional use from adjacent different uses.
 - ▶ There use will not detract from permitted uses in the district.
 - ▶ Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.
- ▶ City Council can approve conditional use applications, deny them or approve with conditions. Conditions placed on the approval must be reasonable.



Major Subdivision

- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
 - ▶ 230-19.8 - Tree Planting and Preservation
 - ▶ Article IV- Off-street Parking
 - ▶ Article V - Landscape Screening
- ▶ State Agency Approvals - DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- ▶ City Construction Standards and Specifications
- ▶ Reviewed during a public hearing.
- ▶ Preliminary Major Subdivisions: Planning Commission makes a recommendation to City Council. City Council makes final decision.
- ▶ Final Major Subdivisions are approved administratively.



Planned Unit Development

- ▶ Definition - A development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities.
- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
 - ▶ 230-19.8 - Tree Planting and Preservation
 - ▶ 230-19.9 - Planned Unit Development
 - ▶ Article IV- Off-street Parking
 - ▶ Article V - Landscape Screening
 - ▶ Article X - Site Plan (procedure)
- ▶ State Agency Approvals - DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- ▶ City Construction Standards and Specifications



Planned Unit Development

- ▶ Planned Unit Developments (PUDs) allow for flexibility in design, including lot size, lot width, off-street parking, housing types, etc.
- ▶ 230-19.9 - Outlines permitted uses, minimum lot area and width requirements, density calculation, bulk regulations and conditions for neighborhood commercial.
- ▶ Promotes a mixture of housing types in a single development without needing to rezone the entire property.
- ▶ Subject to the same conditional use criteria found under 230-48.
- ▶ Follows the same public hearing and approval procedures as Major Subdivisions.



Change of Zone

- ▶ Article XII - Zoning Amendments
- ▶ Planning Commission makes a recommendation to City Council. City Council makes final decision.
- ▶ Change of Zone requests must be consistent with the City's Comprehensive Plan Future Land Use exhibits and the Land Use & Zoning Link table.
- ▶ The purpose statement for each zoning category should be taken into consideration when determining the appropriate zone for a property.

Future Land Use	Zoning District
Employment	H-1, IM, IS
Commercial	C-1, C-2, C-2A, C-3, OC-1, BP, H-1
Industrial	I-1, I-2
Institutional	Permitted as conditional uses in residential, commercial and employment zones.
Low Density Residential	R-1, R-2, C-1, OB-1
Moderate Density Residential	R-3, R-8, C-1, OB-1
Open Space	R-1



Comprehensive Plan Amendment

- ▶ Comprehensive Plan Amendment requests are compiled annually at the end of the calendar year and submitted to the Office of State Planning Coordination for review.
- ▶ These could be text or map amendments.
- ▶ These could be initiated by private property owners or the City.
- ▶ Requests are presented to City Council for informational purposes only prior to solicitation of State comments.
- ▶ Upon receipt of State comments, additional public outreach may be needed prior to scheduling formal public hearings with the Planning Commission and City Council.
- ▶ Amendment requests would be reviewed during a public hearing.
- ▶ Planning Commission makes recommendation to City Council. City Council makes final decision.



Unfavorable Recommendation from Planning Commission

- ▶ This applies to Change of Zone requests, Zoning Code amendments, Major Subdivision, Planned Unit Development, Comprehensive Plan amendments and Conditional Use applications.
- ▶ 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.



Annexation/Deannexation



Annexation/Deannexation

- ▶ Title 22 Municipalities, Chapter 1, Annexation
- ▶ City Charter, Article I, Incorporation, Territory and Annexation
 - ▶ 1.04, Annexation
 - ▶ 1.05, Deannexation



Annexation

- ▶ Written Petition submitted by property owner.
- ▶ Annexation request is sent to Annexation Committee by City Council.
- ▶ Annexation request is reviewed by the Annexation Committee.
- ▶ Planning Department submits Plan of Services to State Planning Office.
 - ▶ Sewer, water, police, fire, electric service analysis.
- ▶ Planning Commission/City Council Public Hearings
- ▶ Annexation Agreement
- ▶ Request must be contiguous to the City.
- ▶ Must be consistent with the City's Comprehensive Plan.
 - ▶ Within Urban Growth Boundary.
 - ▶ Requested zoning must meet the adopted future land use maps.



Deannexation

- ▶ Except as provided for in [Section 1.05\(b\)](#) of the City Charter, deannexation shall follow procedures established in the Delaware Code.
- ▶ Section 1.05(b), City Council may authorize the deannexation of either of the following:
 - ▶ Property with zero residents and assessed valuation of less than \$25,000 by ordinance following a public hearing.
 - ▶ A parcel which contains less square footage than the smallest parcel in the zoning district in which it is located.



Board of Adjustment



Board of Adjustment

- ▶ Title 22 Municipalities, Chapter 3, Board of Adjustment
- ▶ City Charter, Article V, Administration and Appointees
 - ▶ 5.13, Board of Adjustment
- ▶ Chapter 230, Article VII, Board of Adjustment
- ▶ Quasi-judicial body
 - ▶ Applicant and witnesses are sworn in.



Board of Adjustment

- ▶ Area Variance
- ▶ Use Variance
- ▶ Administrative Appeal
- ▶ Responsible for the interpretation of Chapter 230 Zoning.



Area Variance

- ▶ Area variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the zoning ordinance that address lot layout, buffers, and dimensions, In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:
 - ▶ The nature of the zone in which the property lies;
 - ▶ The character of the immediate vicinity and the contained uses therein;
 - ▶ Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring properties and uses; and
 - ▶ Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the provisions of the zoning ordinance.



Use Variance

- ▶ Use Variance. A variance shall be considered a use variance if it would permit a use of the subject property that would otherwise not be permitted on the subject property. In considering a request for a use variance, the board shall determine that the following criteria exist and document them in their findings of fact:
 - ▶ The property cannot yield a reasonable return when used only for the permitted use;
 - ▶ The need for the variance is due to unique circumstances and not general conditions in the neighborhood;
 - ▶ The use sought will not alter the essential character of the locality; and
 - ▶ All uses permitted on the land under the existing zoning are economically unfeasible.



Public Hearings, Public Notices, Land Use Decisions, etc.



Public Hearings

- ▶ Land Use applications requiring a public hearing require the following public notification;
 - ▶ Public Notice advertised in a local newspaper.
 - ▶ Public Notice mailed to property owners within 200 feet of the subject parcel.
 - ▶ Public Notice sign posted on the property.



Land Use Decisions

- ▶ Land Use Decisions require a roll call vote from the Board of Adjustment, Planning Commission and City Council.
- ▶ Each member should state their reasons on the record for their vote.
- ▶ Section II of the staff report provide staff's analysis of the review criteria found in the City Code for each application type.
- ▶ Members can adopt the reasons of other members during their vote.



Land Use Decisions

- ▶ Reasons should reference the review criteria for the application. For instance;
 - ▶ Variance decisions should be based on the review criteria for use or area variances.
 - ▶ Conditional Use decisions should be based on the criteria found under Chapter 230-48.
 - ▶ Subdivision and Site Plan decisions should be based on meeting the requirements of Chapter 230 Zoning and Chapter 200 Subdivision Land.
 - ▶ Planned Unit Development decisions should be based on the criteria found under Chapter 230-19.9 and Chapter 230-48.
 - ▶ Change of Zone decisions should be based on meeting the Comprehensive Plan Future Land Use maps and the purpose statement for the zoning district.
 - ▶ Annexation decisions should be based on meeting the Comprehensive Plan Future Land Use maps and the purpose statement for the zoning district.



Questions?