



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

## CITY COUNCIL AGENDA

### November 19, 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/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\***

Virtual attendees must register prior to start time of meeting by calling 302-422-1111 Extension 1300 or 1303, or by sending an email to [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov) and providing your name, address, phone number, and 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
<b>1. Public Comment</b>	
<b>2. Call to Order – Mayor Todd Culotta</b>	
<b>3. Presentation: Delaware State Housing Authority - Affordable Housing</b>	
a. <a href="#">DSHA Housing and Community Development 11.19.25</a> Ⓢ	3 - 16

**4. Sussex County Habitat for Humanity Program Update\*\***

- a. [Habitat Milford Presentation 111925](#)  17 - 26

**5. Development & Growth Trends**

- a. [Development & Growth Trends - 111925](#)  27 - 43

**6. Land Use Training**

- a. [Planning & Zoning Training - 111925](#)  44 - 72

**7. 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.

111225

\*\* 111725 Late addition by City Manager

# Housing & Community Development in Delaware

Delaware State Housing Authority

November 19, 2025





# DSHA Overview

Our mission is to efficiently provide, and assist others to provide, quality, affordable housing opportunities and appropriate supportive services to low- and moderate-income Delawareans.

## Core Services:

- Homeownership
- Rental Housing
- Community Development

## Roles:

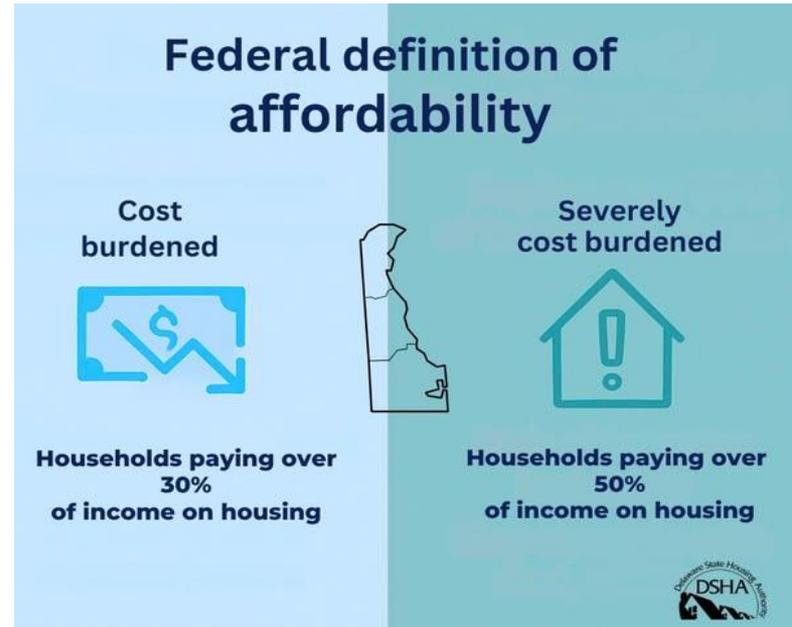
- Housing Finance Agency
- Public Housing Authority
- Department of Housing

More information: [DEStateHousing.com](http://DEStateHousing.com)



# What does “affordable” mean?

- Housing is considered affordable if you are paying no more than 30% of your gross monthly income on housing costs (rent + utilities or mortgage + taxes and utilities)
- If you do pay more than 30% of your income on housing costs, you are considered cost-burdened, and your housing is not affordable
- Bottom line: Housing affordability is relative to income, and everyone should be housed affordably



# Affordability in Context

Household Income as a Percentage of Area Median Income,  
by State and County, 2023

Percentage of AMI	Delaware	New Castle County	Kent County	Sussex County
30% AMI	\$23,450	\$26,800	\$19,720	\$21,350
50% AMI	\$39,100	\$44,650	\$32,700	\$35,600
60% AMI	\$46,920	\$53,580	\$39,240	\$42,720
80% AMI	\$62,550	\$71,400	\$52,300	\$56,900
100% AMI	\$78,200	\$89,300	\$65,400	\$71,200
120% AMI	\$93,840	\$107,160	\$78,480	\$85,440

# Affordability in Context

Maximum Affordable Housing Costs, by Income,  
by State and County, 2023

Percentage of AMI	Delaware	New Castle County	Kent County	Sussex County
30% AMI	\$586	\$670	\$493	\$534
50% AMI	\$978	\$1,116	\$818	\$890
60% AMI	\$1,173	\$1,340	\$981	\$1,068
80% AMI	\$1,564	\$1,785	\$1,308	\$1,423
100% AMI	\$1,955	\$2,233	\$1,635	\$1,780
120% AMI	\$2,346	\$2,679	\$1,962	\$2,136

# Priorities

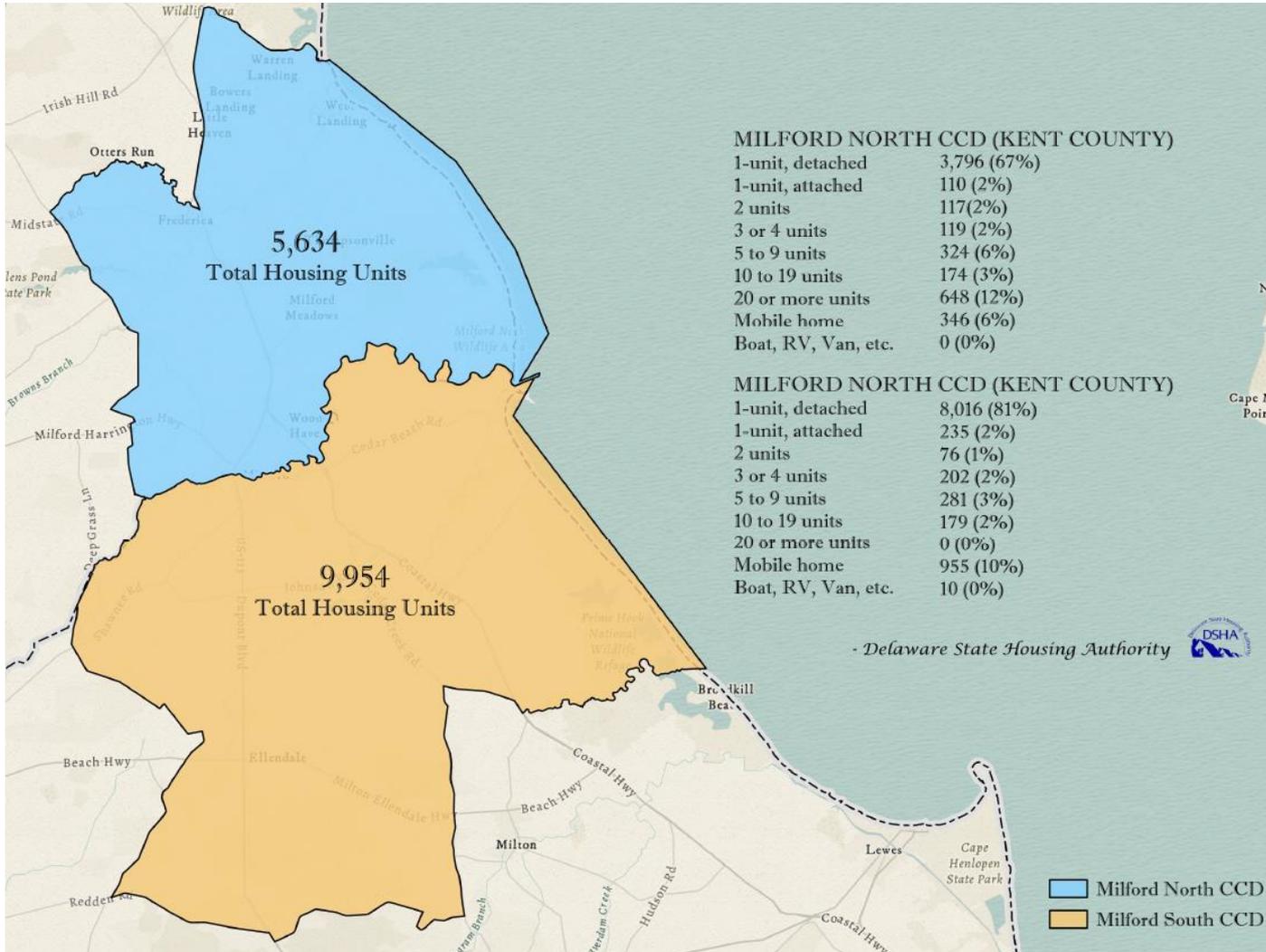
- Increasing Housing Supply
- Senate Joint Resolution 8 – Zoning & Land Use Reform Program
- Land use/zoning reform to facilitate greater housing type diversity
- Higher-density housing in areas served by infrastructure
- Affordable Housing Production Task Force (AHPTF) submitted 71 ideas to increase housing supply in Delaware
- Executive Order #4 – Streamline approval and permitting processes for affordable and workforce housing



# SJR8 Reforms Selected

- Allow Accessory Dwelling Units and/or “missing middle” housing types as a permitted use in residential zones
- Allow manufactured and/or modular homes placed on permanent foundations as a permitted use where single-family detached homes are permitted
- Create pre-reviewed design plans for “missing middle” housing types
- Increase buildable density for housing by reducing minimum lots sizes and bulk standards
- Increase building heights for multifamily housing and/or mixed-use developments
- Establish an inclusionary zoning program to address affordable and workforce housing needs
- Allow higher density, mixed-use with residential, commercial zones or employment centers
- Reduce parking requirements in areas zoned for residential and mixed-use to promote walkable communities and provide more affordable development opportunities

# Housing Type Milford CCD



# Priorities

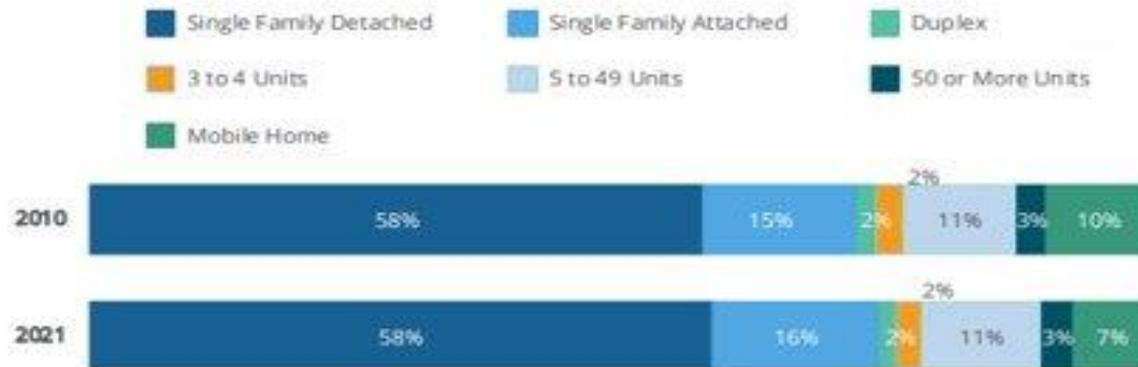


# Priorities

## Land Use & Zoning

- Local land use and zoning regulations determine what types of housing can be built, where they can be built, and even details such as minimum lot size and dwelling unit size
- Typically, land use and zoning regulations make it easy to build single-family detached housing, but harder to build other housing types
- This had led to a predominance of single-family detached housing, which is unaffordable for many households

Housing Unit Type, Delaware, 2010 and 2021



Source: 2011 and 2021 5-year ACS and Root Policy Research.

# Priorities

## Decreasing Homelessness

- Executive Order #8 – Delaware Interagency Collaborative to End Homelessness
- Decrease homelessness by 50% and end youth homelessness in 5 years
- Examine feasibility of creating HOPE Center model in Kent and Sussex counties
- Collaborative has endorsed recommendations focused on reaching people where they are, emergency shelter and navigation, and enhanced exit strategies





# City of Milford – Feedback

- Questions?
- What are the housing needs of residents & stakeholders in Milford?
- How can DSHA/State of Delaware address these housing needs?



**Stay informed.  
Sign up for our newsletter.**

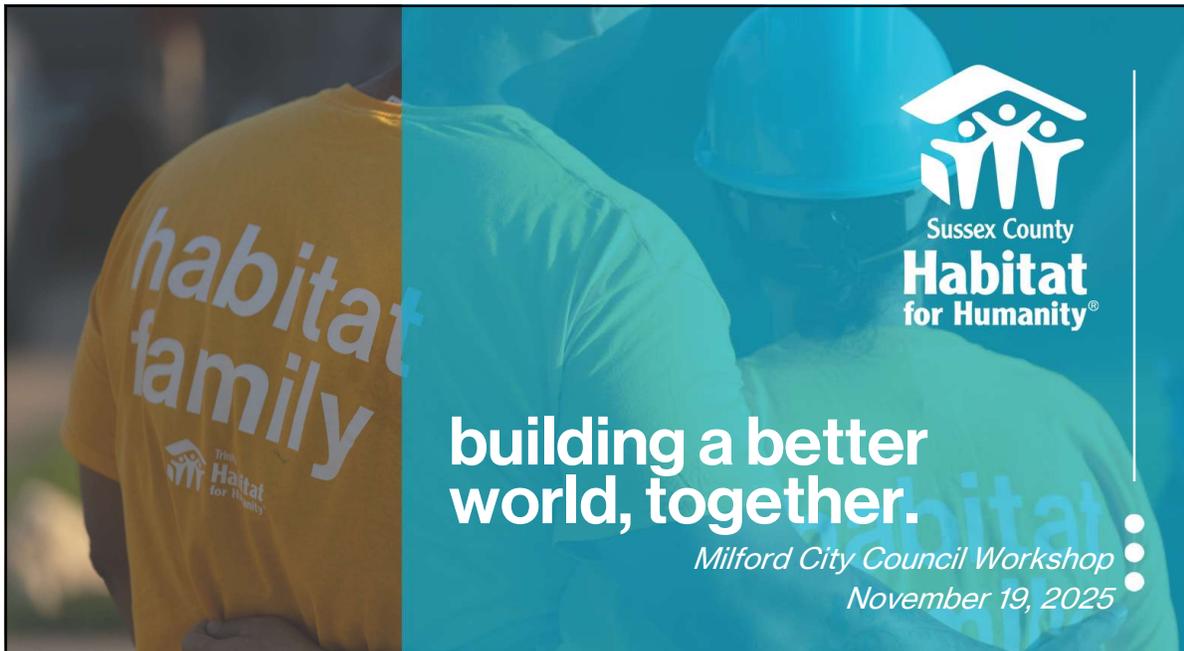




**Matthew Heckles, Director**

**18 The Green  
Dover, DE 19901**

**(302) 739-4263  
[www.destatehousing.com](http://www.destatehousing.com)**



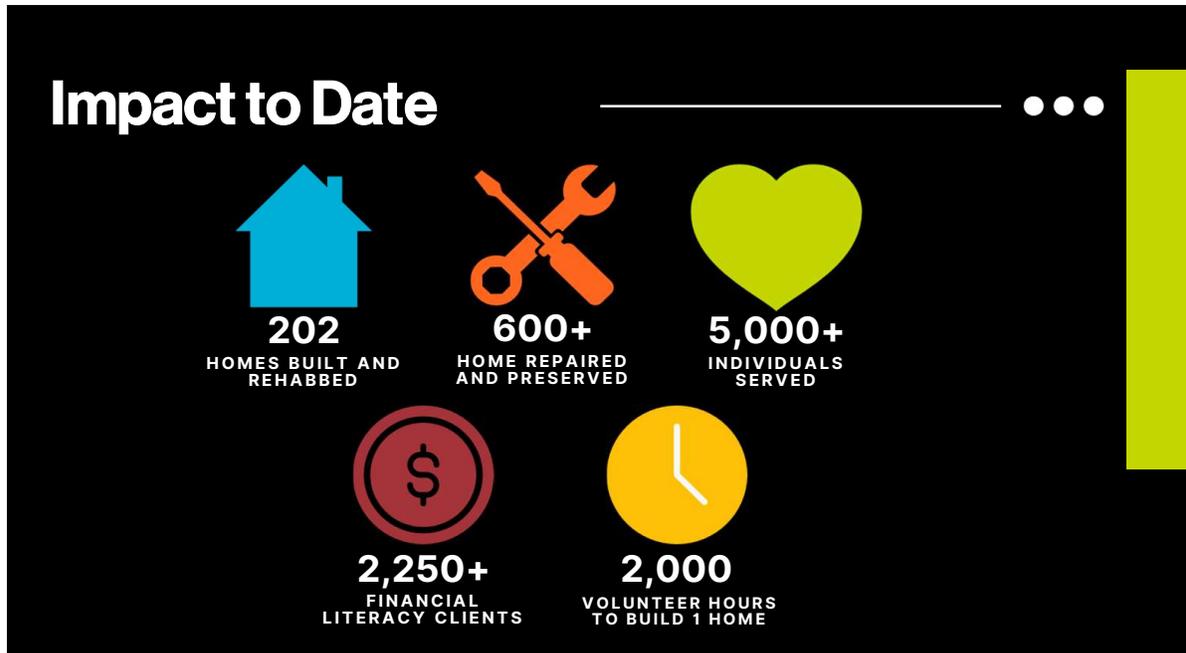
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## Our Vision and Mission

**OUR VISION**  
A world where everyone has a safe and decent place to live.

**OUR MISSION**  
Seeking to put God's love into action, Sussex County Habitat for Humanity brings people together to build homes, communities, and hope.

2



3

## Inventory

	Total	Residential Units	Seasonal Units
<b>Units Needed by 2025</b>			
<b>Delaware</b>	<b>16,269</b>	<b>13,428</b>	<b>2,841</b>
<b>New Castle</b>	3,000	2,993	7
<b>Sussex</b>	9,320	6,525	2,795
<b>Kent</b>	3,949	3,910	39
<b>Units Needed by 2030</b>			
<b>Delaware</b>	<b>30,231</b>	<b>23,249</b>	<b>5,882</b>
<b>New Castle</b>	4,030	4,016	14
<b>Sussex</b>	19,180	13,392	5,788
<b>Kent</b>	7,021	6,941	80

\*Data From 2023 Delaware State Housing Authority Statewide Housing Needs Assessment

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### The Housing Crisis

There are more than **3,200** substandard owner-occupied housing units in Sussex County.  
(Source: Delaware State Housing Authority)

**7,138** additional homes throughout the county were identified as having at least 1 of 4 HUD-recognized housing problems: Incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30% of income.  
(Source: University of Delaware study, 2019)

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## 30% of Sussex County households spend more than 30% of their income on housing.

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## What does “affordable housing” really mean?

Housing is considered affordable when a household spends **30% or less** of their income on housing.



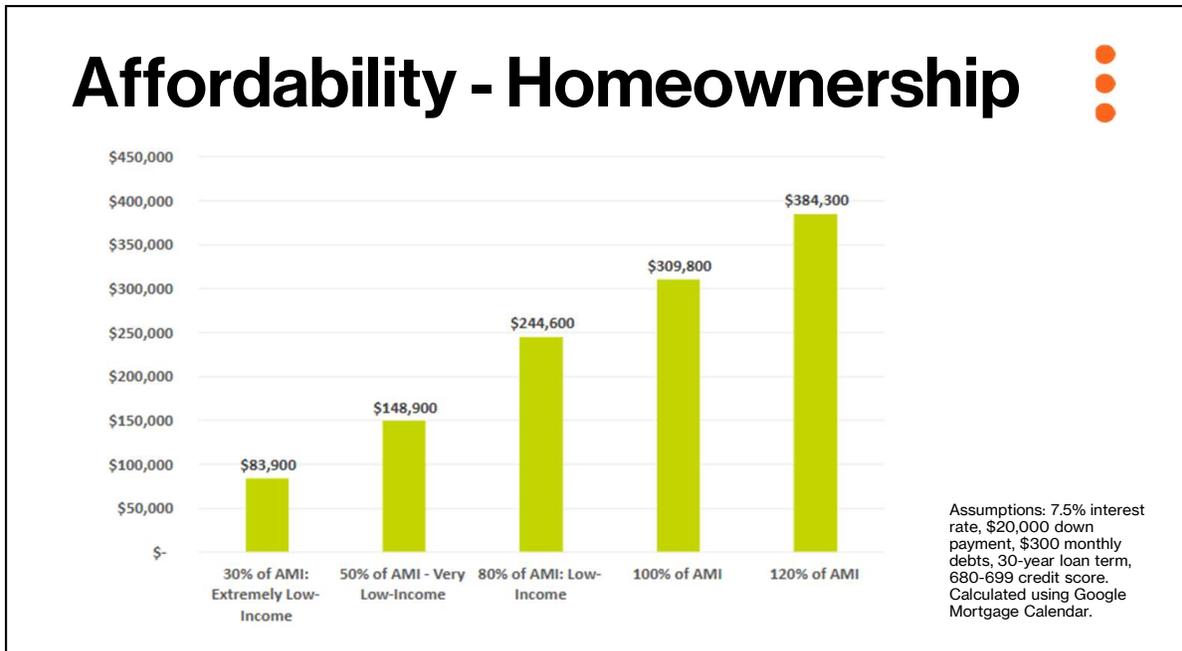
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## 2025 HUD Income Guidelines

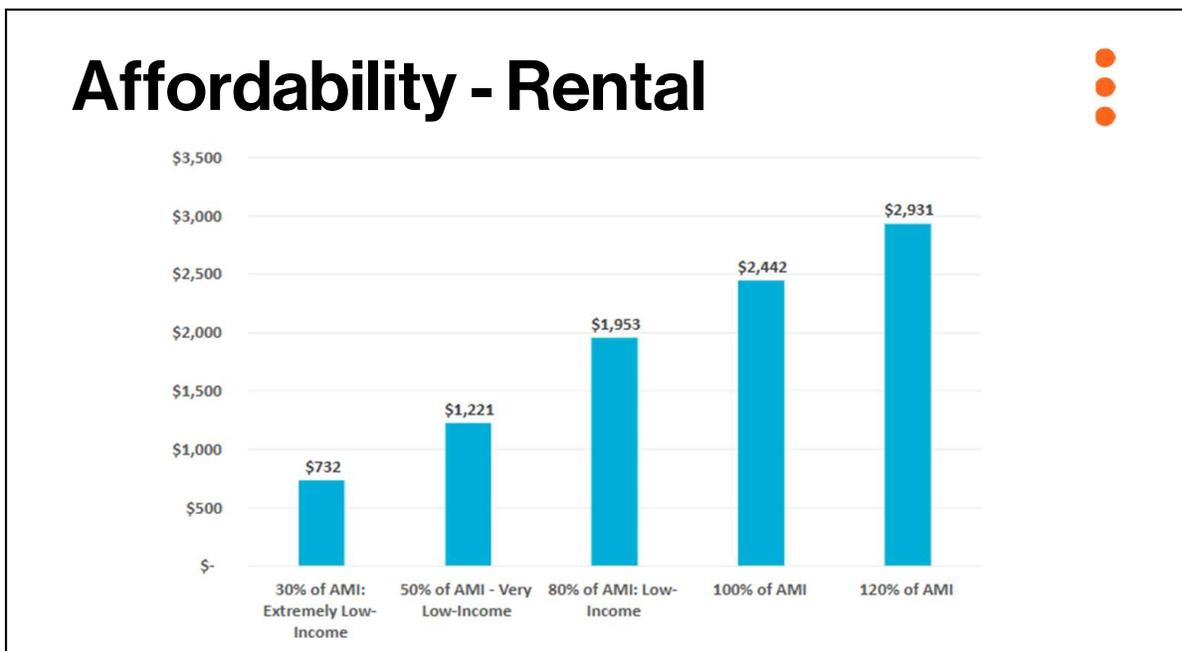


Family Size	30% of Median	50% of Median	60% of Median	80% of Median	100% of Median	120% of Median
1 Person	\$20,490	\$34,150	\$40,980	\$54,600	\$68,300	\$81,960
2 Person	\$23,400	\$39,000	\$46,800	\$62,400	\$78,000	\$93,600
3 Person	\$26,340	\$43,900	\$52,680	\$70,200	\$87,800	\$105,360
4 Person	\$29,250	\$48,750	\$58,500	\$78,000	\$97,500	\$117,000
5 Person	\$31,590	\$52,650	\$63,180	\$84,250	\$105,300	\$126,360
6 Person	\$33,930	\$56,550	\$67,860	\$90,500	\$113,100	\$135,720
7 Person	\$36,270	\$60,450	\$72,540	\$96,750	\$120,900	\$145,080
8 Person	\$38,610	\$64,350	\$77,220	\$103,000	\$128,700	\$154,440

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## Who do we serve?

**Households making at or below 80% AMI for homeownership.**

Approximately 51% of homeowners identify as Black or African American; 22% identify as White, and 27% identify as Hispanic.

**Households making at or below 80% AMI for home repairs.**

Most home repair clients make less than 50% of AMI and are on fixed incomes.



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## Sussex County Habitat for Humanity Initiatives

- **HOME CONSTRUCTION**  
 SCHFH plans to build or rehab and sell 13 homes in FY 2026.
- **HOME REPAIRS**  
 SCHFH plans to complete at least 120 home repairs in FY 2026.
- **FINANCIAL LITERACY**  
 SCHFH will provide free financial literacy to at least 400 individuals through one-on-one bilingual coaching sessions or community workshops in FY 2026.
- **RESTORE**  
 Proceeds expected to fund the construction of two homes **and** divert 673 tons of product from the landfill in FY 2026.
- **ADVOCACY**  
 Providing our community with education on affordable housing.

SUSSEX COUNTY HABITAT

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# Affordable Homeownership

## Qualifying for a Home

- Sussex County Habitat partner families are qualified through an extensive application process that considers the family's **ability to pay** a not-for-profit mortgage, **demonstration of need** for housing, and a **willingness to partner** by completing all program requirements needed to be a Habitat partner family.
- The applicant must live and/or work in Sussex County and maintain a steady and reliable source of income for 12 consecutive months.



**SUSSEX COUNTY HABITAT**

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# MILFORD HOMEOWNERSHIP PROJECT

Powered by Sussex County Habitat for Humanity



Nine new homes coming soon!

Thank you to our major sponsors:

- Delaware Governor's Office
- Sussex County Council
- Department of Housing and Urban Development



Sussex County  
**Habitat**  
for Humanity®

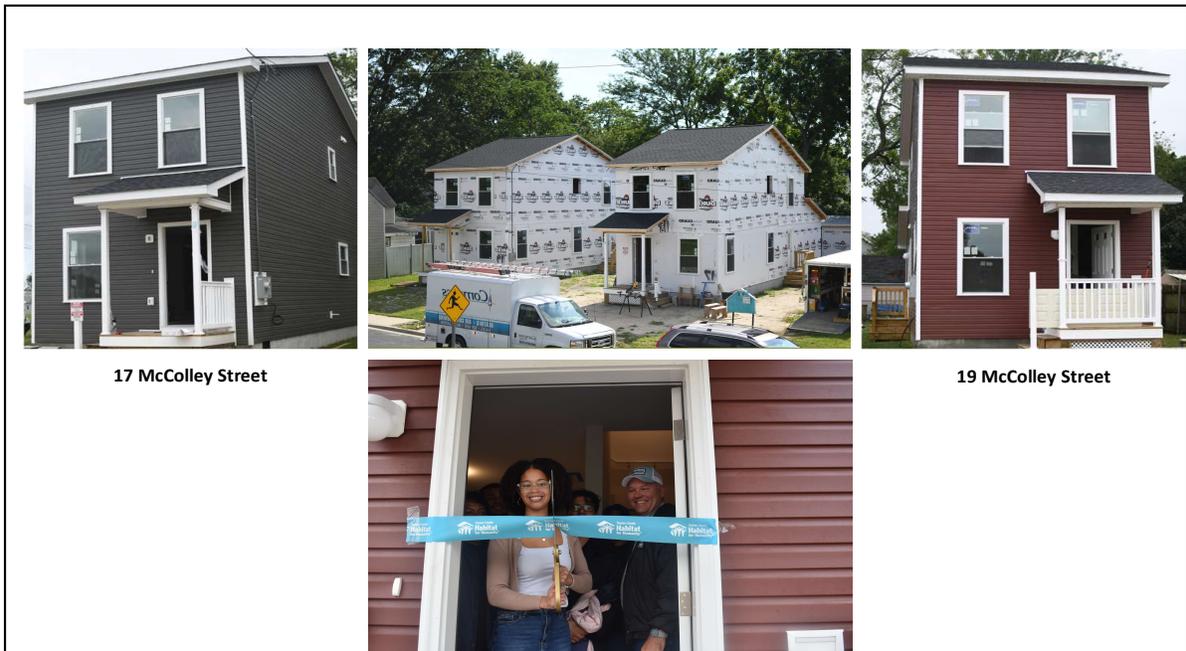
Learn more about SCHFH: [www.sussexcountyhabitat.org](http://www.sussexcountyhabitat.org)

Follow us on Facebook and Instagram for updates on this project

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# Looking Forward

## Expanding Impact in Sussex County

- Expanding the ReStore to increase funding for affordable housing by 100%.
- Purchasing land for a large-scale mixed income community.



**SUSSEX COUNTY HABITAT**

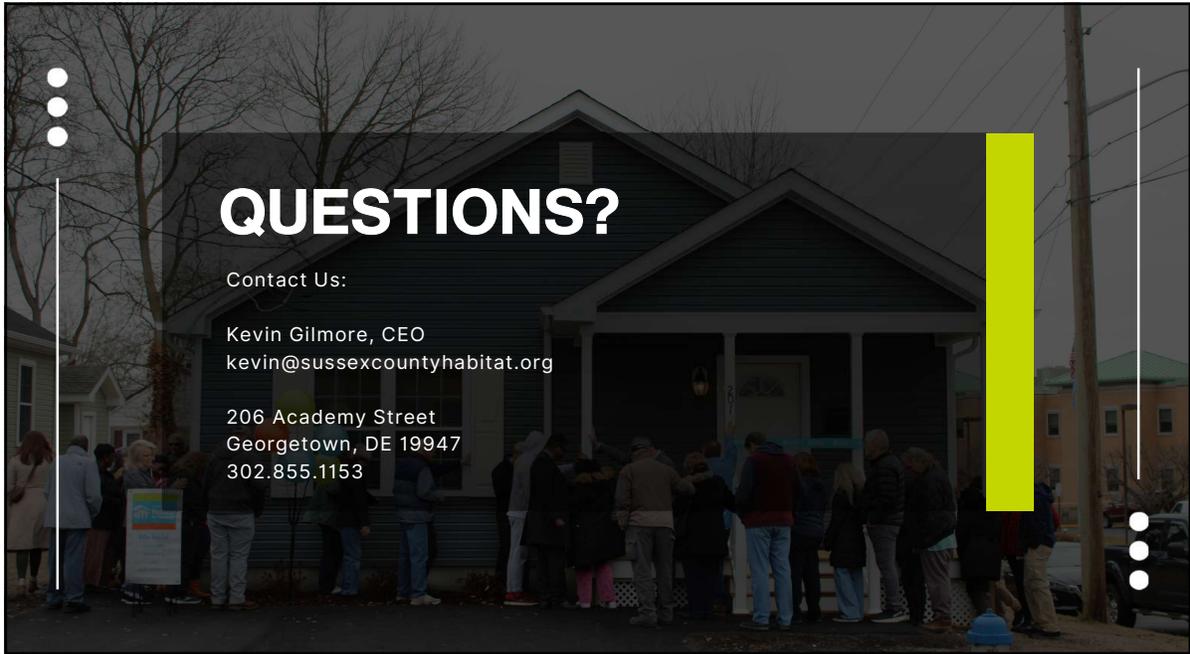
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# What can you do?

- WORDS MATTER
- CONTINUE PROMOTING DOWNTOWN DEVELOPMENT DISTRICT
- CONGRATS ON ADU ORDINANCE
- DENSITY IS AN IMPORTANT PART OF INCREASING SUPPLY
- 2 HABITATS & MHDC
- Housing Stats by Senate/House District: [www.housingalliancede.org/blank-2](http://www.housingalliancede.org/blank-2)
- Attend Housing Alliance Delaware Affordable Housing Info Session:
  - Kent County: December 9th
  - Sussex County: December 2nd
- REVIEW SUSSEX COUNTY FUTURE LAND USE WORKING GROUP RECOMMENDATIONS (20)
- REVIEW AFFORDABLE HOUSING PRODUCTION TASK FORCE (9)
- GET DHSa TECH ASSISTANCE FOR ORDINANCE REFORM (SENATE JOINT RESOLUTION 8)

**SUSSEX COUNTY HABITAT**

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# QUESTIONS?

Contact Us:

Kevin Gilmore, CEO  
kevin@sussexcountyhabitat.org

206 Academy Street  
Georgetown, DE 19947  
302.855.1153

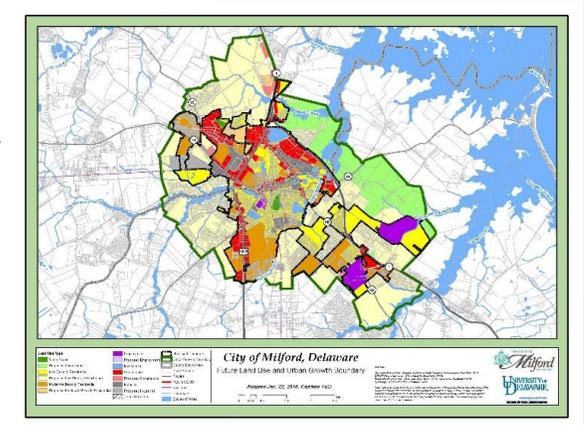


# Growth & Development Trends

November 19, 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=>





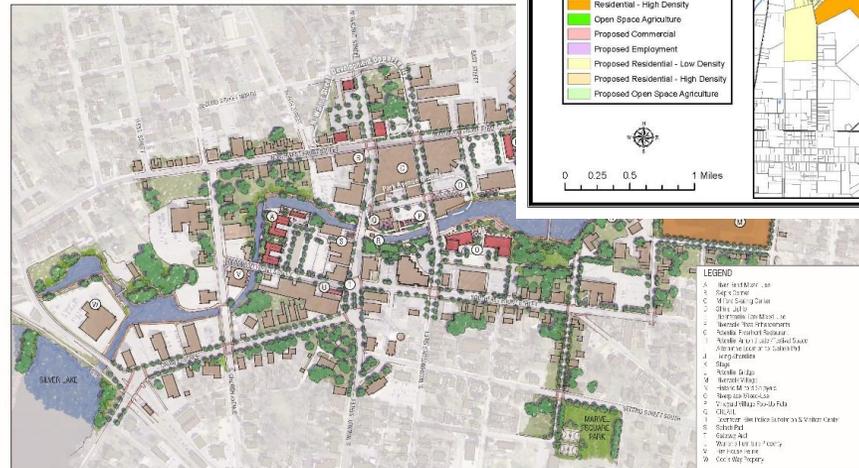
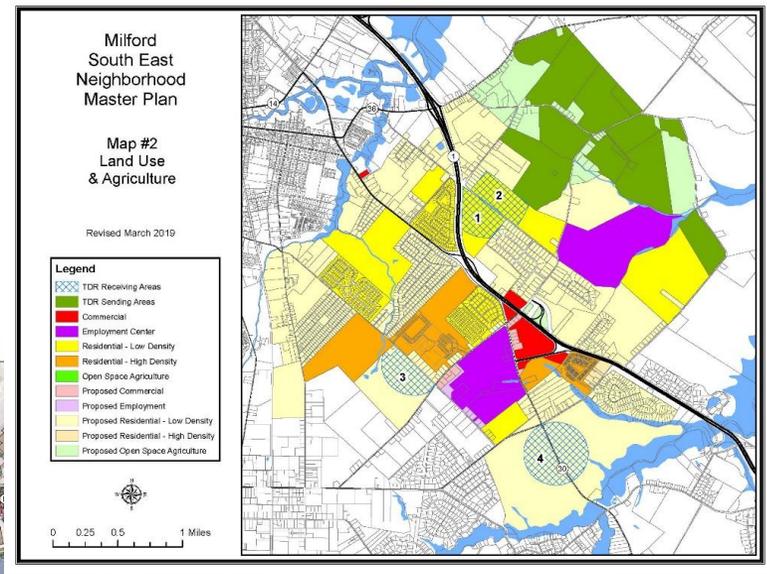
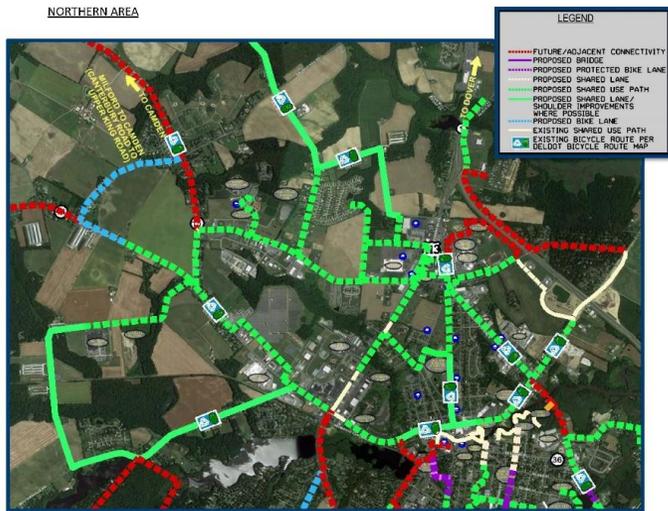
# Master Plans

- ▶ 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=>
- ▶ Bicycle Master Plan
  - ▶ <https://www.cityofmilford.com/DocumentCenter/View/4299/2021-Bicycle-Master-Plan---Final-Report?bidId=>

# Master Plans



The City of Milford Bicycle Master Plan 2021



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.

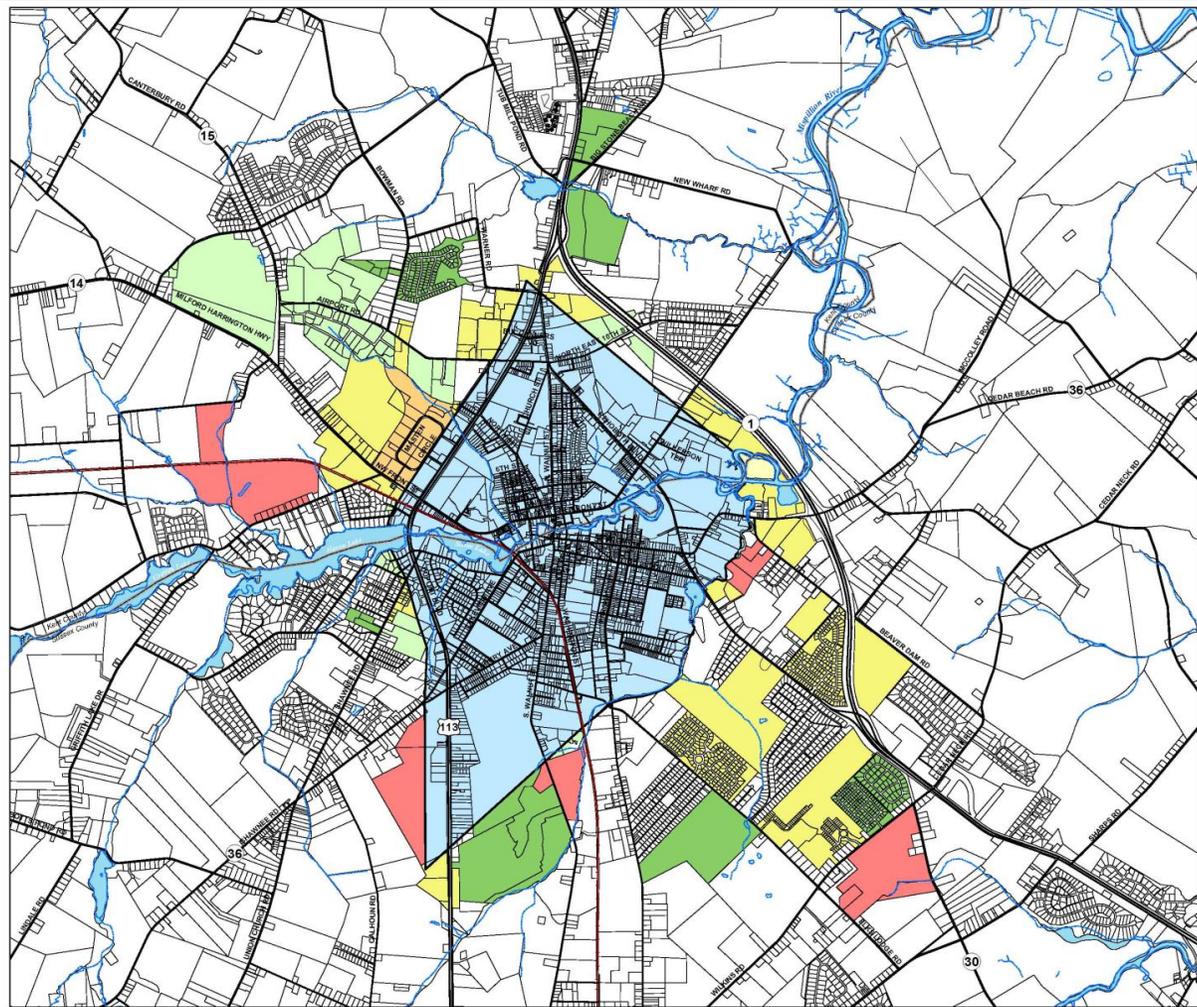
### Milford's Parcel Viewer Mapping Application

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



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 map was prepared, in part, based on data obtained from other sources. While the information is believed to be accurate, the City of Milford, Delaware, does not warrant its accuracy and assumes no responsibility for any errors or omissions that may appear hereon.



**- City of Milford -  
 Kent and Sussex  
 Counties**  
**2006  
 AMENDMENT  
 TO THE  
 COMPREHENSIVE  
 PLAN**

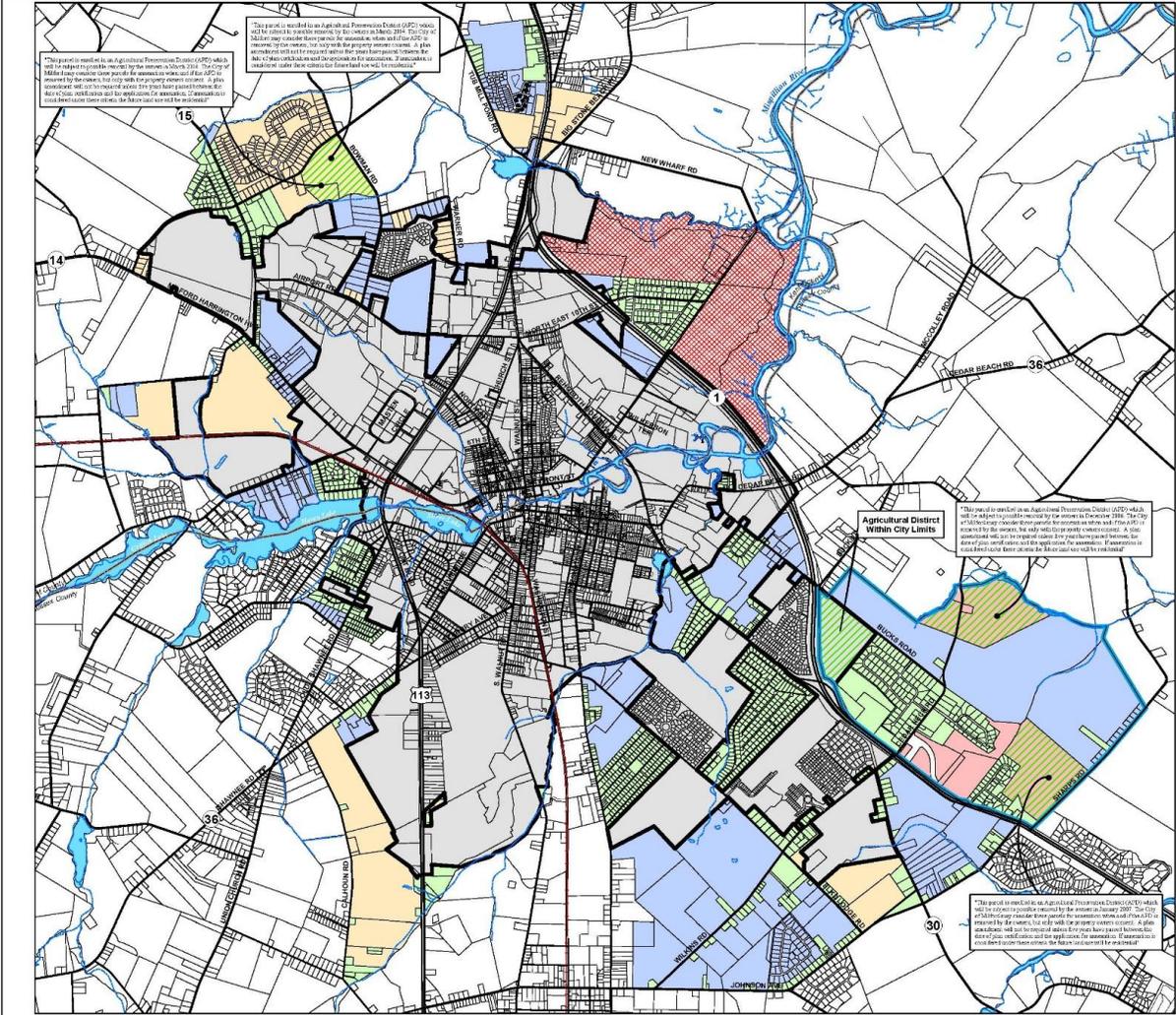
**ANNEXATION  
 HISTORY**

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



**dbi** DAVIS BOWEN & FRIEDEL, INC.  
**Map No. 6**

# 2006 Annexation Plan



  
**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

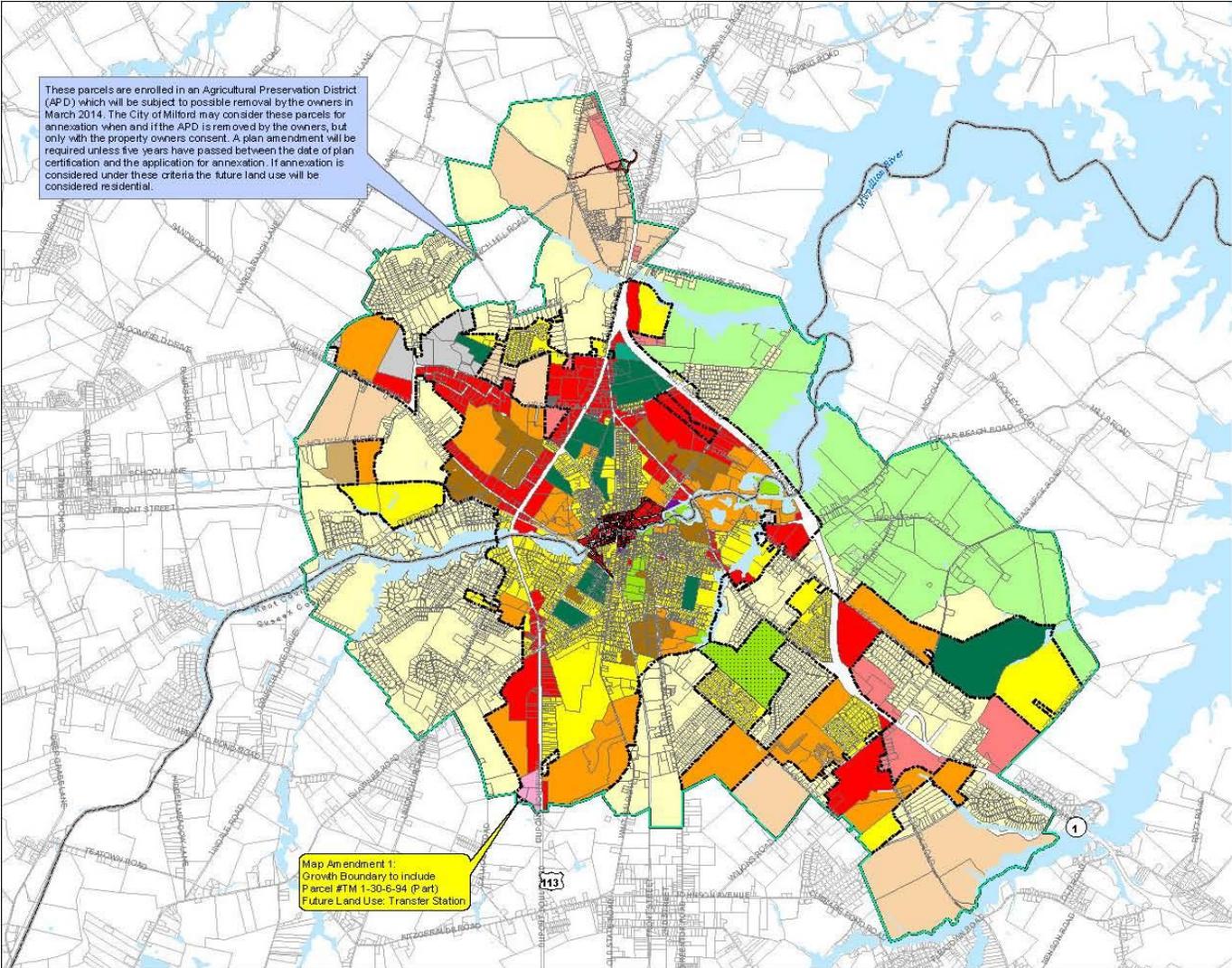
 40 Acres

 2,000 0 2,000 4,000 Feet

 **Map No. 10**

Note: 1) The Plan is not based on GIS data acquired through Kent and Sussex Counties, circa 2000, with modifications through the City of Milford GIS projects.  
 2) Parcel boundaries are shown as of 2005.

# 2008 Future Land Use Map

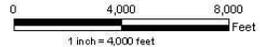


## Milford Comprehensive Plan Map Amendment 1

**Figure 10  
Future Land Use**

**Legend**

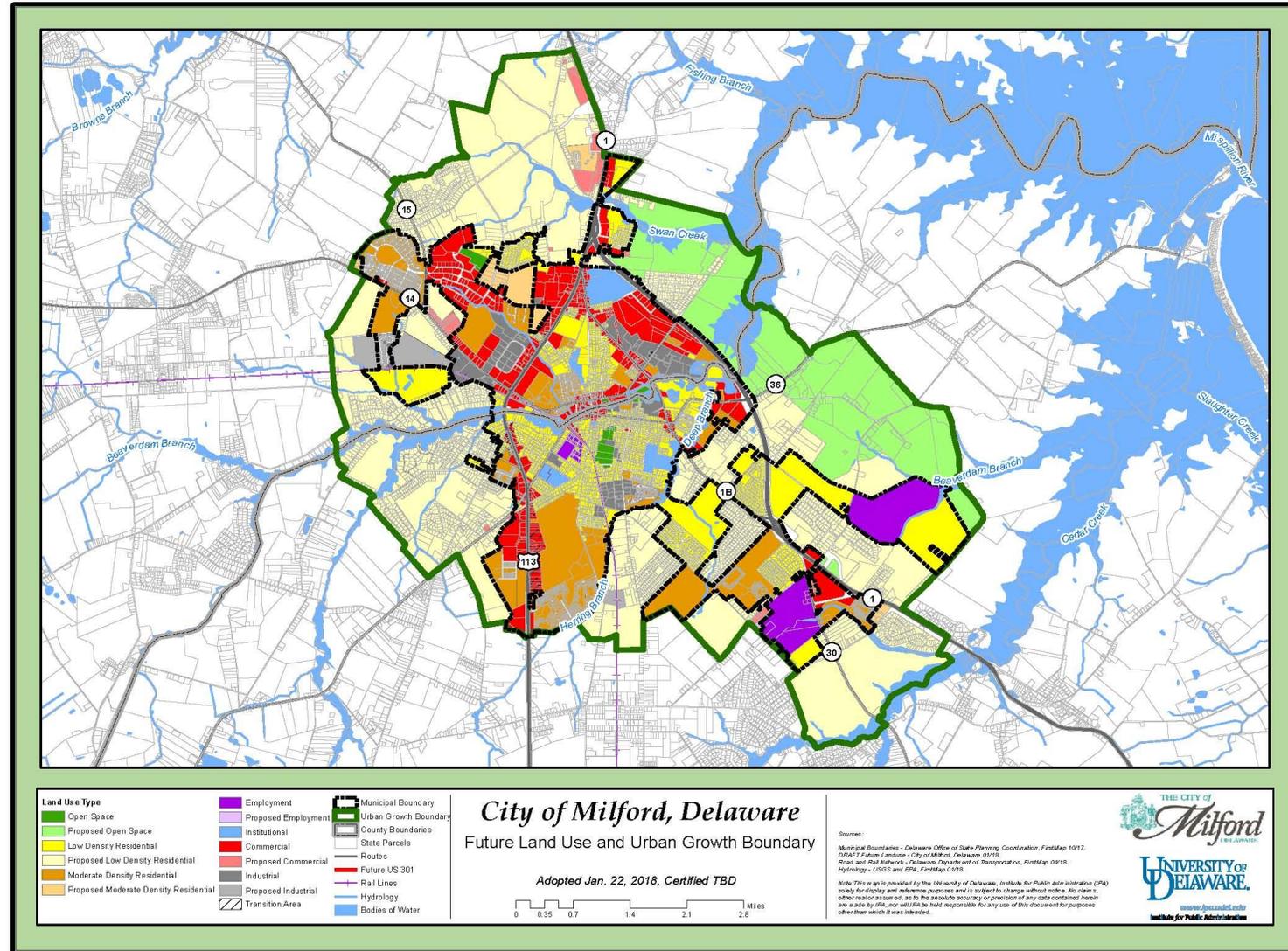
- City Boundary
- County Boundary
- Urban Growth Boundary
- Water
- Downtown
- Future Land Use**
- Business Park
- Government
- Employment
- Highway/Commercial
- Proposed Highway/Commercial
- Industrial
- Institutional
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- 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

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February 2012

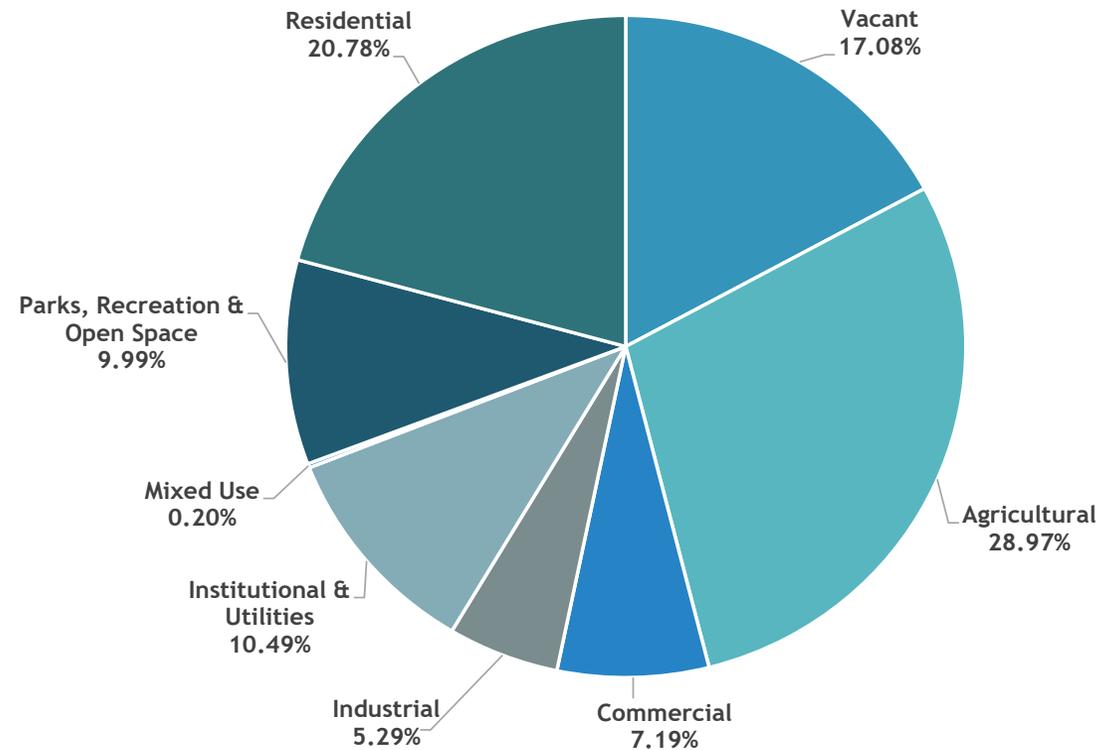
# 2018 Future Land Use Map





# 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
Singe 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.





# 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	115	16	131

Through October 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

November 19, 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](https://library.municode.com/de/milford/codes/code_of_ordinances?nodeId=14818)



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





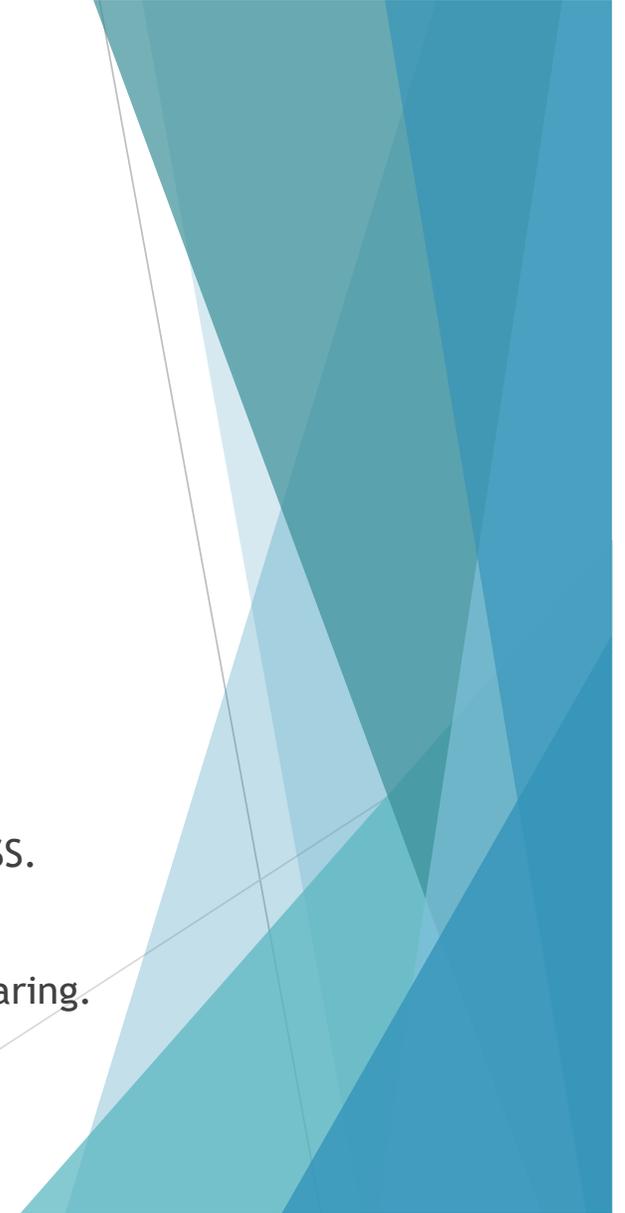
# Minor Subdivision, Lot Line Adjustment & Lot Consolidation

- ▶ 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

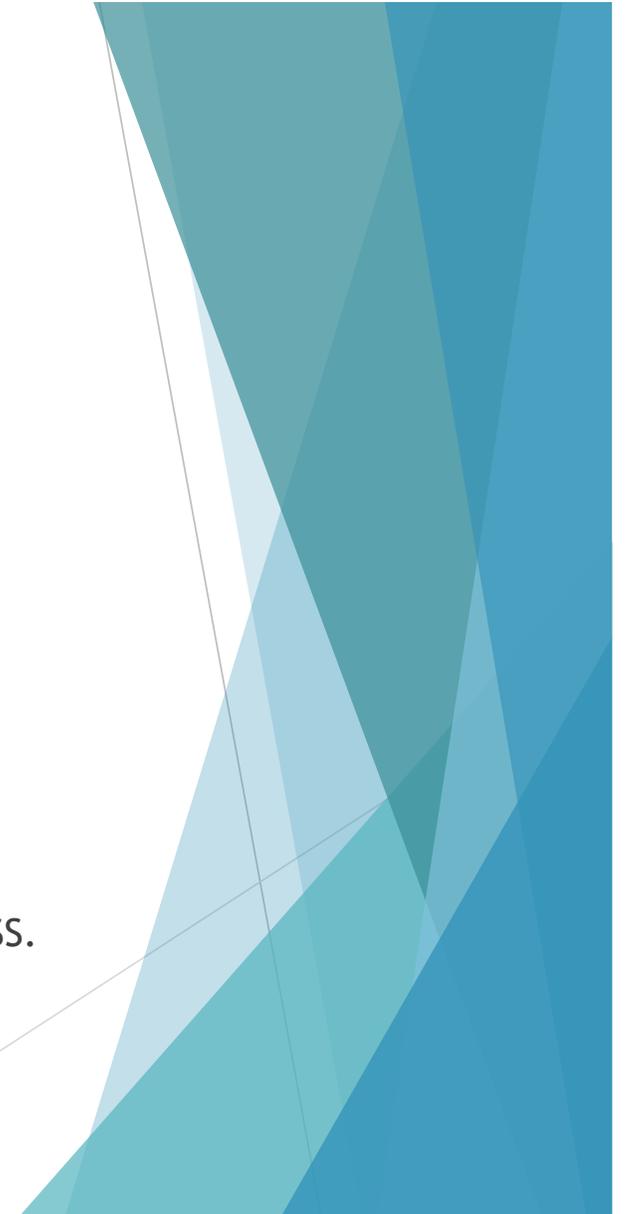
- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
  - ▶ Article III - Use and Area Regulations
    - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
    - ▶ 230-19.8 - Tree Planting and Preservation
  - ▶ Article IV- Off-street Parking
  - ▶ Article V - Landscape Screening
  - ▶ Article X - Site Plan (procedure)
- ▶ State Agency Approvals - DeIDOT, 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.





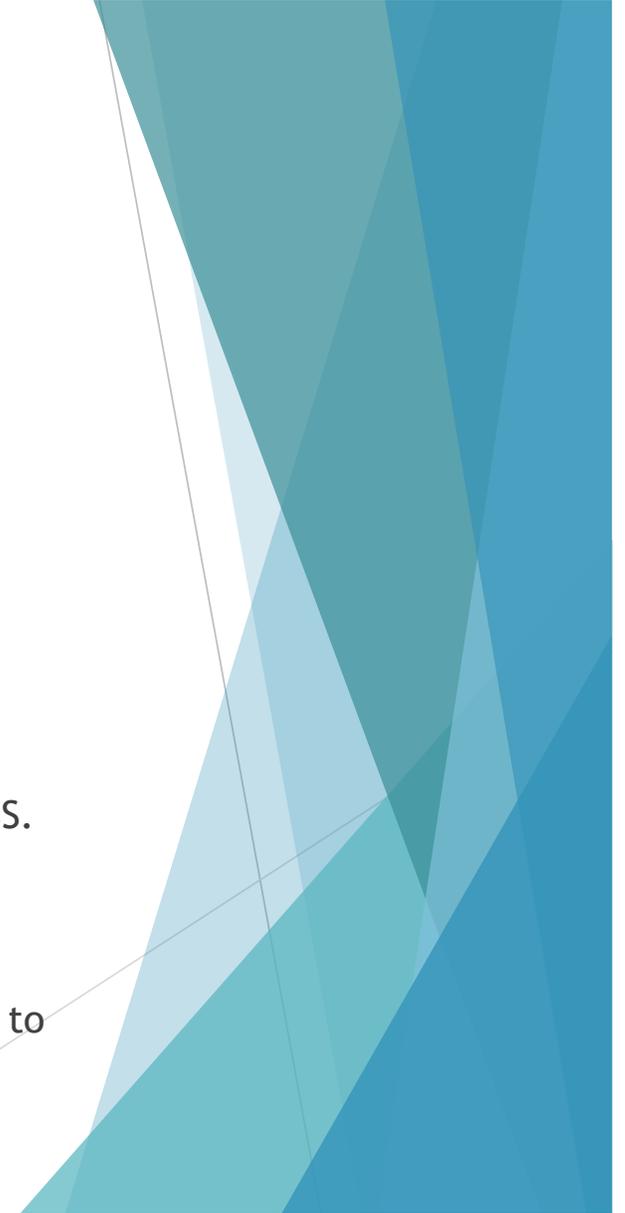
# Conditional Use Criteria

- ▶ 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

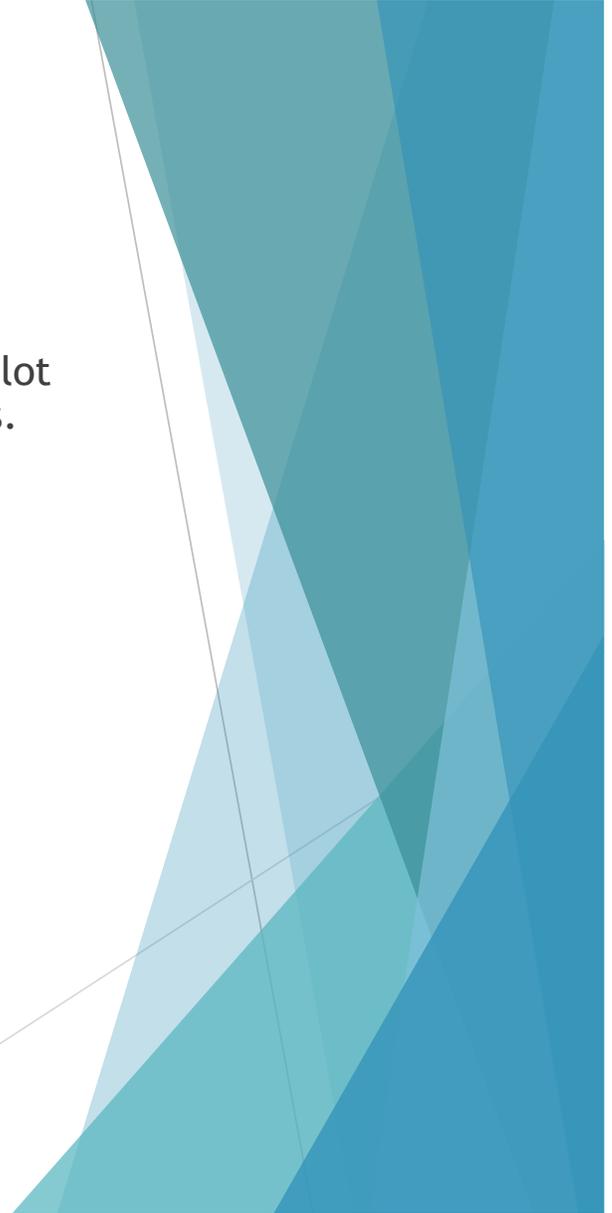
- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
  - ▶ Article III - Use and Area Regulations
    - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
    - ▶ 230-19.8 - Tree Planting and Preservation
  - ▶ Article IV- Off-street Parking
  - ▶ Article V - Landscape Screening
- ▶ 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

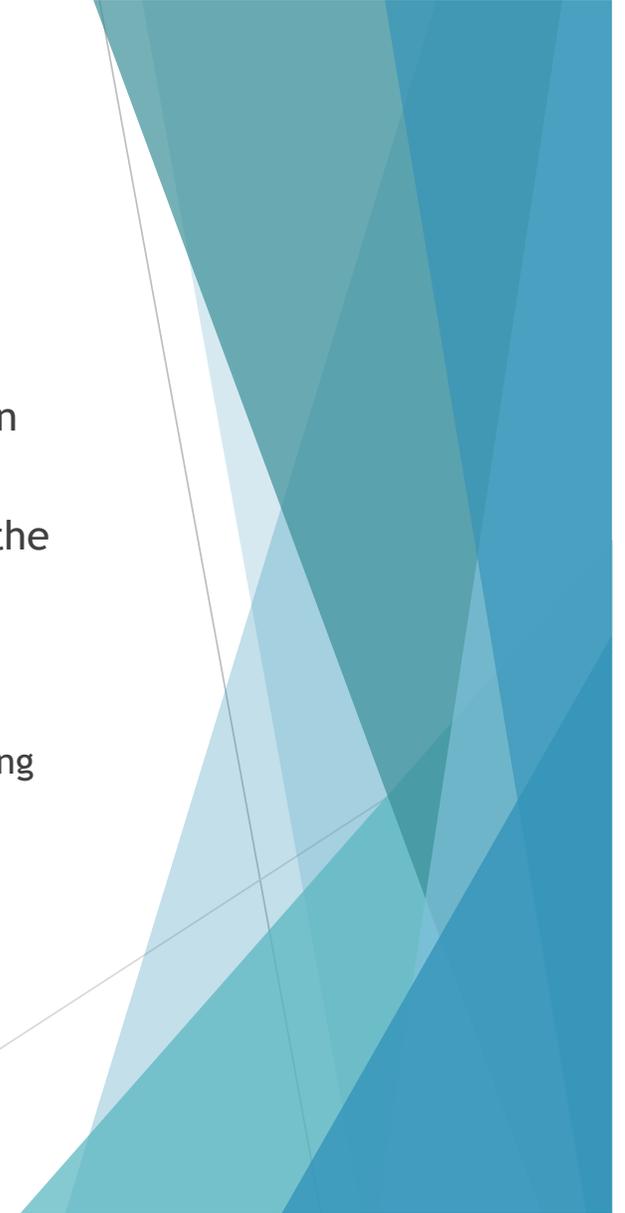
- ▶ Written Petition submitted by property owner.
- ▶ Annexation request is sent to Annexation Committee by City Council.
- ▶ Annexation request is reviewed by the Annexation Committee.
- ▶ Planning Department submits Plan of Services to State Planning Office.
  - ▶ Sewer, water, police, fire, electric 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

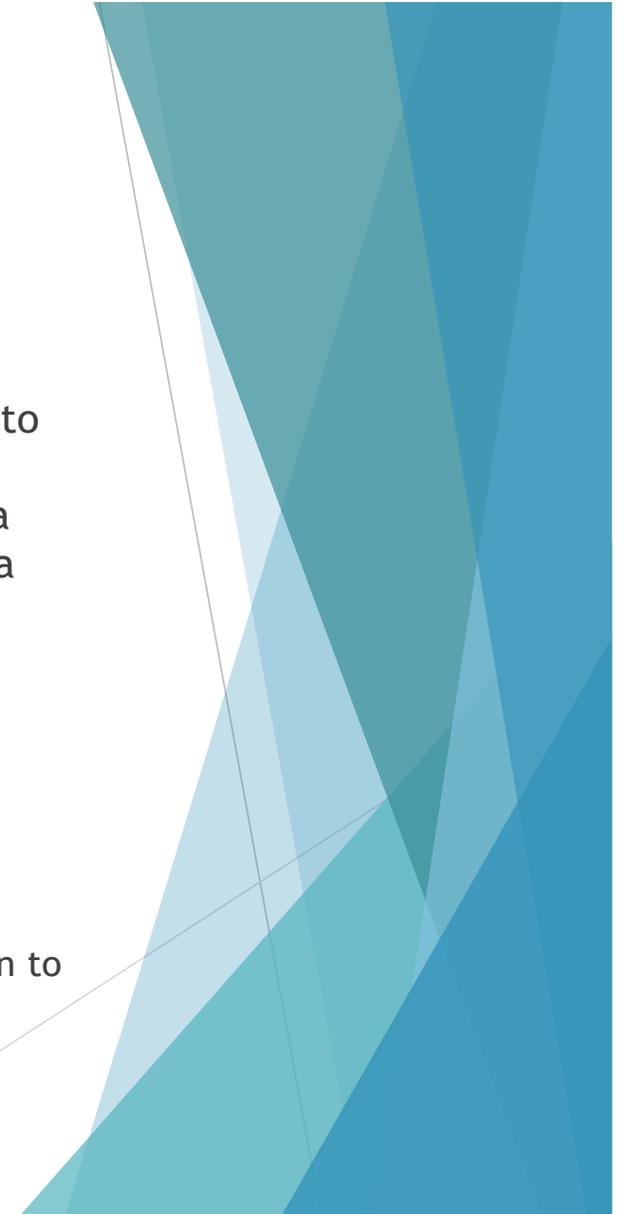
- ▶ Area Variance
- ▶ Use Variance
- ▶ Administrative Appeal
- ▶ Responsible for the interpretation of Chapter 230 Zoning.





# Area Variance

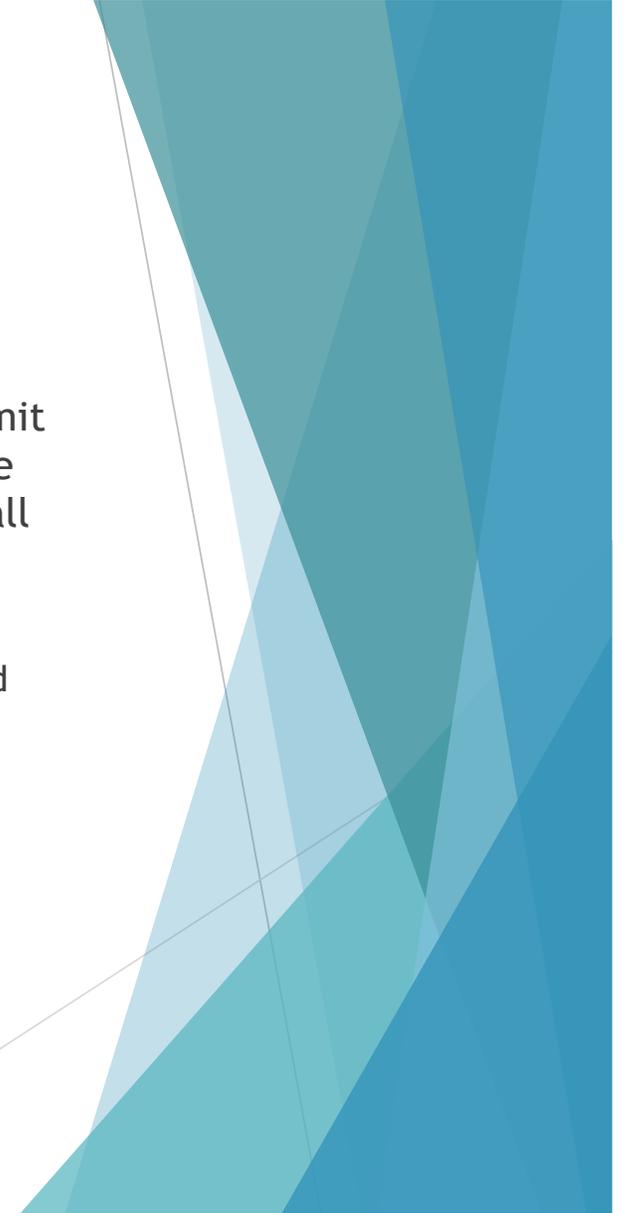
- ▶ Area variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the zoning ordinance that address lot layout, buffers, and dimensions, In considering a request for an area variance, the board shall evaluate the following 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.





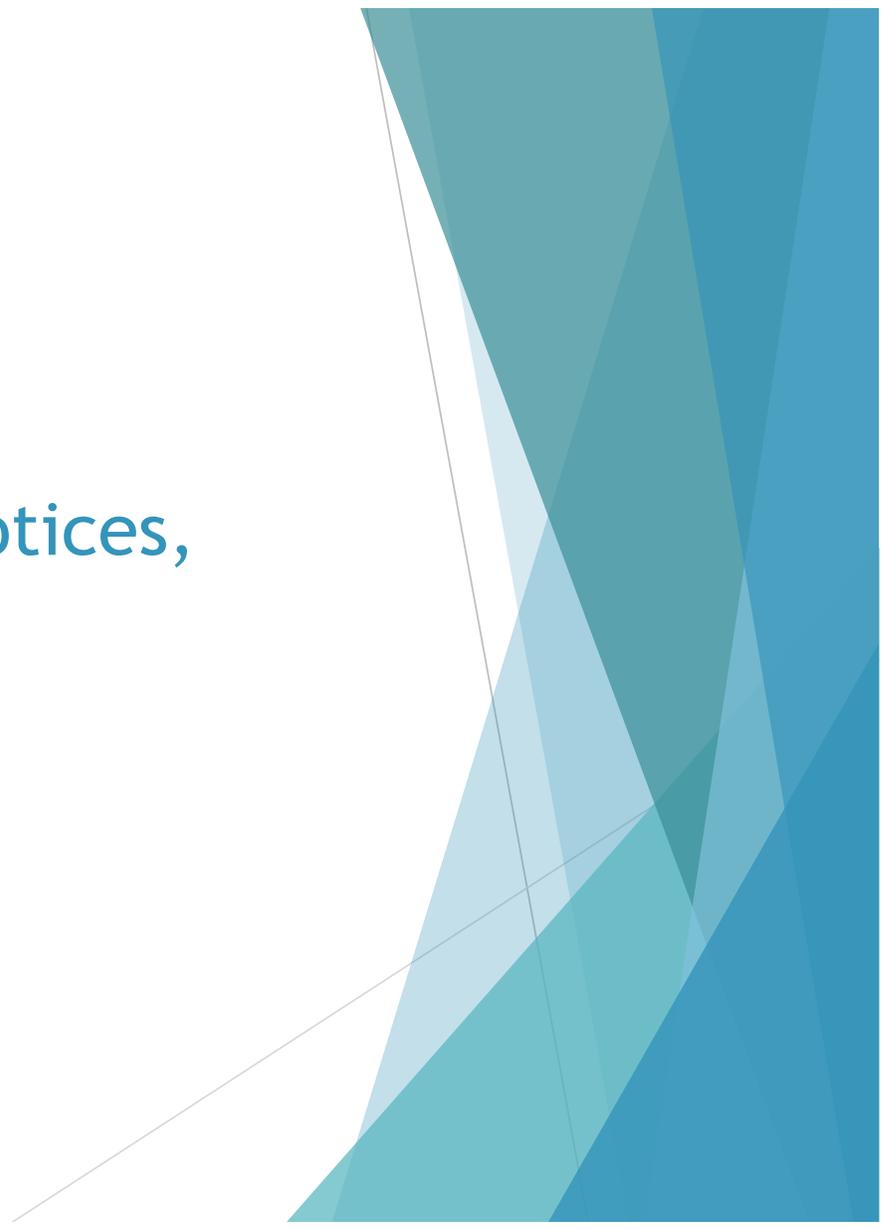
# Use Variance

- ▶ 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?

