

City of Milford



AGENDA

Council Meeting

June 25, 2012

Milford City Hall - Joseph Ronnie Rogers Council Chambers - 201 South Walnut Street, Milford, Delaware

7:00 p.m.

PUBLIC HEARINGS

Bob Nash Associates on behalf of Susan S. Phillips requesting the Minor Subdivision of a 1.215 acre parcel into two parcels in an R-1 District at 414 Evergreen Circle, Milford, Delaware; Tax Parcel 1-30-3.07-101.00

Revision to 2008 City of Milford Comprehensive Plan, As Amended by the Southeast Milford Master Plan Adoption/Ordinance 2012-09/Amends 2008 Comprehensive Plan by Replacing Maps

COUNCIL MEETING

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

Adoption/Ordinance 2012-11/Senior Citizens Tax Relief/Exemption Increase

Zoning Code/Sign Recommendations/Councilman Grier

FY2011-2012 Budget Adjustment/Administration/General Fund Capital Reserves**

New Business

FY 2011-2012 Budget Adjustment/Legal Fees/Council

FY 2011-2012 Budget Adjustment Legal Fees/ Administration

Approval/Mayor to Sign Interconnection Agreements as Amended*

Approval/Mayor to Sign Louise Miles Contract of Purchase and Sale & Associated Documents as Required by Charter*

Adjourn

WORKSHOP

Call to Order - Mayor Joseph Ronnie Rogers

Ordinance 2011-28/Chapter 193-Solid Waste/Yard Debris

Washington Street Sewer Pump Station/DBF Erik Retzlaff

Adjourn

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 OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

City of Milford



PUBLIC NOTICE **CITY COUNCIL HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, June 25, 2012 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to consider final action on the following matter:

Bob Nash Associates on behalf of Susan S. Phillips requesting the Minor Subdivision of a 1.215 acre parcel into two parcels in an R-1 District at 414 Evergreen Circle, Milford, Delaware; Tax Parcel 1-30-3.07-101.00.

All interested persons are hereby notified to be present and to express their views before a final decision is rendered. Written comments will be accepted up to one week prior to the hearing date.

Please direct all questions or comments to Christine Crouch at 302-424-3712 Extension 308.

By: Terri K. Hudson, CMC



Land Use Application Cover Sheet

CITY OF MILFORD

File Name: Phillips, Susan
File Number: 12-183

Date Stamp
MAR 30 2012

RECEIVED

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted if violations exist or if any fees owed the City are delinquent.

Specify Type of Land Use Application to be submitted (check all that apply):

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

Please Type or Print Legibly

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------|------------------------|
| Property Owner: <u>Susan S. Phillips</u> | | | Phone: <u>542-3603</u> |
| Address: <u>33089 Bay Terrace</u> | | | Cell: |
| City: <u>Lewes</u> | State: <u>DE</u> | Zip: <u>19958</u> | Fax: |
| E-Mail: <u>ss.phillips@verizon.net</u> | | | |
| Contact Person For This Application: <u>Matt Metz c/o Bob Nash Associates</u> | | | Phone: <u>422-7327</u> |
| Address: <u>P.O. Box 280</u> | | | Cell: |
| City: <u>Milford</u> | State: <u>DE</u> | Zip: <u>19963</u> | Fax: <u>422-3929</u> |
| E-Mail: <u>matt.metz@comcast.net</u> | | | |
| Applicant Name and/or Company: <u>SAME AS CONTACT</u> | | | Phone: |
| Address: | | | Cell: |
| City: | State: | Zip: | Fax: |
| E-Mail: | | | |
| Site Address: <u>414 Evergreen Circle, Milford, DE 19963</u> | | | Zoning: <u>R-1</u> |
| Tax Map & Parcel Number (s): <u>1-30-3.07-101-00</u> | | | Acreage: <u>1.215</u> |
| Description of Proposal: <u>Subdivision of 1 parcel into 2 parcels.</u> | | | |
| I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge. | | | |
| Signature of Applicant: <u>[Signature]</u> | | | Date: <u>4/2/12</u> |
| Signature of Property Owner: <u>[Signature]</u> | | | Date: <u>4/3/12</u> |

REVISED: 11.15.11



Map

Traffic

Vision Center
Optical
50 ft
20 m

Woodland Dr

Woodland Dr
400

Evergreen Cir

Woodland Dr
400

Lakelawn Dr
12

Lakelawn Dr

Marvell Rd
400

Marvell Rd

Cault Rd

100



P.O. Box 280 Milford, DE 19963
(302)422-7327 (302)422-3929 (f)
mash551@comcast.net

Bob Nash

ASSOCIATES

Surveying & Land Design

3 April 2012

DESCRIPTION

Property of Susan S. Phillips
City of Milford
Sussex County, Delaware

RE: TM# 1-30-3.07-101.00
Lots 10-13 (previously combined)
Lakelawn Estates Subdivision

All that certain tract, piece and parcel of land, lying and being situate both in the City of Milford and Cedar Creek Hundred, Sussex County, and the State of Delaware, comprising all of lots 10, 11, 12, and 13 in Lakelawn Estates Subdivision, recorded in Plot Book 2 on Page 87, as further depicted on a Minor Subdivision Plan for property of Susan S. Phillips prepared by Bob Nash Associates, Inc., dated 28 March, 2012; fronting on the southeasterly right-of-way line of Evergreen Circle (at 100 feet wide) and the northeasterly right-of-way line of Woodland Drive (at 40 feet wide); adjoining lands now or formerly of Robert Jr. and Rose Viramontes, lands now or formerly of Donald L. and Marie D. Steiner, lands now or formerly of James R. and Helene A. Reed, lands now or formerly of the Boys and Girls Club, lands now or formerly of Steve M. Hundzinski; and being more particularly described as follows, to wit:

Beginning at the southerly terminus of the southerly right-of-way intersecting curve between Evergreen Circle (at 100 feet wide) and Woodland Drive (at 40 feet wide), thence deflecting right along a 20.00 foot radius curve, the chord of which bears North 22 degrees 10 minutes 17 seconds East, 31.01 feet, an arc distance of 35.49 feet to a point of tangency, thence proceeding with said southeasterly right-of-way line of Evergreen Circle the following two (2) courses and distances:

1. North 73 degrees 00 minutes 25 seconds East 85.04 feet to a point of curvature, and
2. Deflecting left along a 50.00 foot radius curve, the chord of which bears North 14 degrees 33 minutes 46 seconds East, 85.21 feet, an arc distance of 102.00 feet to a corner for lands now or formerly of Robert Jr. and Rose Viramontes, said corner being 8.2 feet inside a paved driveway,

Thence running with said Viramontes lands North 46 degrees 07 minutes 15 seconds East 118.79 feet to a found telephone box at a point on line for lands now or formerly of Donald L. and Marie D. Steiner, thence running with said Steiner lands South 57 degrees 06 minutes 05 seconds East 122.61 feet to the centerline of Presbyterian Branch, thence proceeding with said Presbyterian Branch, and in part with lands now or formerly of James R. and Helene A. Reed, lands now or formerly of the Boys and Girls Club, and lands now or formerly of Steve M. Hundzinski the following ten (10) courses and distances:

1. South 00 degrees 55 minutes 46 seconds East 29.18 feet to a point,
2. South 11 degrees 43 minutes 00 seconds West 37.01 feet to a point,
3. South 69 degrees 45 minutes 53 seconds West 35.68 feet to a point,
4. South 09 degrees 17 minutes 50 seconds West 34.90 feet to a point,
5. South 27 degrees 58 minutes 12 seconds East 22.70 feet to a point,
6. South 30 degrees 52 minutes 26 seconds West 40.09 feet to a point,
7. South 51 degrees 17 minutes 20 seconds West 100.50 feet to a point,
8. South 20 degrees 40 minutes 30 seconds West 26.57 feet to a point,
9. South 41 degrees 02 minutes 59 seconds East 24.22 feet to a point, and
10. South 18 degrees 45 minutes 15 seconds West 21.78 feet to the aforementioned northeasterly right-of-way line of Woodland Drive,

Thence running with said right-of-way line the following two (2) courses and distances:

1. North 59 degrees 36 minutes 05 seconds West 82.86 feet to a point of curvature, and finally
2. Deflecting right along a 260.00 foot radius curve, the chord of which bears North 44 degrees 07 minutes 58 seconds West, 138.69 feet, a total distance of 140.39 feet to the place of beginning, containing 1.22 acres of land, more or less.

§ 200-4. - Application procedure.

- A. Preliminary approval.
- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in § 230-57
 - (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.
 - (3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.
 - (4) City Council shall grant preliminarily approval of the application with or without conditions, deny the application, or table the application.
 - (5) Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.
- B. Final approval.
- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57
 - (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
 - (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
 - (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
 - (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
 - (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
 - (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
 - (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-5. - General requirements and design standards.

The following shall be deemed to be minimum requirements and may be varied or waived by the Commission only under circumstances set forth in [§ 200-6](#):

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.
 - (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
- (8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.
- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.

- (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
- (14) Right-of-way widths.
 - (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

| Street Type (feet) | Right-of-Way Roadway (feet) | |
|--------------------------------------|--------------------------------|-----------|
| | Arterial | 80 to 110 |
| Collector | 60 | 28 |
| Minor, for townhouses and apartments | 60 | 30 |
| Minor, for other residences | 50 | 25 |
| Dead-end | 50 | 22 |
| Marginal access | 30 | 16 |
| *Alley | 20 | 12 |

Note:

* If utilities are present in an alley, the City reserves the right to modify the minimum right-of-way and roadway widths.

- (b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.
- (15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.
- (16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.
- (17) Street names.
 - (a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

| General direction | Long | Short (under 1,000 feet) |
|-------------------|---------|-----------------------------|
| North and south | Streets | Places |
| East and west | Avenues | Courts |
| Diagonal | Roads | Ways |
| Curving | Drives | Lanes or Circles |

- (b) Arterial streets shall be named "boulevards."
- (18) Street grades shall not exceed 5%.
- (19) Street grades shall be not less than 0.5% wherever feasible.
- (20) Changes in street grades shall be connected by vertical curves of suitable length.
- (21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.
- (22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.

B. Sidewalks and curbs.

- (1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:

- (a) In residential subdivisions: four feet unless otherwise specified.
 - (b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.
- (2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.
 - (3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.
- C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.
- D. Blocks.
- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) The provision of building sites suitable to the needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) The control, safety and convenience of pedestrian and vehicular traffic.
 - (d) The characteristics of topography.
 - (2) Block length shall not exceed 1,200 feet.
 - (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
 - (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
 - (5) Alleys shall be provided if required by the City Engineer.
- E. Lots.
- (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
 - (2) Lot sizes shall conform to the requirements of [Chapter 230](#), Zoning.
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in [Chapter 230](#), Zoning.
 - (4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.
 - (5) All lots in a subdivision shall have frontage on a public street.
 - (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
 - (7) Side lot lines shall be at right angles or radial to street lines.
 - (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.
 - (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.
- F. Parks, playgrounds, open spaces, school sites and natural features.
- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.
 - (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale

developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code.^{2[29]} In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.

- (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
- (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.

G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.

H. Improvements.

- (1) In major subdivisions the following improvements are required:
 - (a) Paved streets.
 - (b) Street signs.
 - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
 - (d) Sidewalks.
 - (e) Streetlighting.
 - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.
 - (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.
 - (i) Water mains, culverts, storm sewers and sanitary sewers.
 - [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
 - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
 - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
 - (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from

the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.

- (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.
- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
- (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
- (4) The developer shall pay the review and inspection fees as set forth in [Chapter 230, Zoning, § 230-57](#), Planning and zoning fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

§ 230-9. - R-1 Single-Family Residential District.

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

- A. Purpose. The intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.
- B. Permitted uses. Permitted uses for the R-1 District shall be as follows:
- (1) A single-family detached residential dwelling.
 - (2) Farming, agricultural activities and roadside stands for the sale of farm and nursery products produced on the property where offered for sale.
 - (3) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
 - (4) Parks, playgrounds, athletic fields, recreation buildings, swimming pools and community centers operated on a noncommercial basis for recreation purposes.
 - (5) Customary accessory uses, such as private garages, swimming pools and storage sheds, subject to the following special requirements:
 - (a) The primary residence must exist or be under construction.
 - (b) Private residential garages shall not exceed 750 square feet.
 - (c) Residential storage sheds or related outbuildings shall not exceed 150 square feet.
 - (6) Home occupational/office (subject to the following special requirements):

[Added 4-9-1990]

 - (a) All employees are to be of the immediate family.
 - (b) The appearance of the dwelling shall not be inconsistent with the primary use of the structure.
 - (c) The area used for the home occupation shall not exceed 30% of the total floor area of the dwelling, unless, as in the case of family day care, the state has final jurisdiction of the area requirements.
 - (d) No storage of products or associated materials is allowed in accessory structures/buildings, and no products are to be stored where they are outwardly visible to the public view.
 - (e) Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
 - (f) The occupation will not cause excessive vehicular traffic or noise.
 - (g) The occupation will not involve animal boarding and/or care.
 - (h) A maximum of one nonilluminated sign (size and setback specified in Article VI of this chapter) may be affixed to the building or placed within the front property line.
- C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:
- (1) Churches and other places of worship and cemeteries.
 - (2) Public and private elementary, junior or senior high schools.
 - (3) Day-care centers.
 - (4) Conversion of a one-family dwelling into multiple dwelling units, if such dwelling is structurally sound but too large to be in demand for one-family use and if that conversion would not impair the character of the neighborhood, subject to conformance with the following requirements:
 - (a) There shall be a lot area of at least 2,000 square feet for each unit to be accommodated.

- (b) There shall be a gross leasable floor area, computed as the sum of those areas enclosed by the outside faces of all exterior walls surrounding each story used for the residence, exclusive of any area for any accessory private garage, of at least 500 square feet per family to be accommodated.
 - (c) No dwelling shall be converted unless it complies with Chapter 145, Housing Standards, and Chapter 88, Building Construction, of this code.
 - (d) No addition shall extend within the front yard, side yards or rear yard required for the district within which it is located.
 - (e) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.
 - (f) Two off-street parking spaces shall be provided for each additional dwelling unit created.
- (5) Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:
- (a) There shall be three off-street parking spaces in addition to those otherwise required.
 - (b) No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.
 - (c) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (d) The area used for the practice of a professional occupation shall occupy no more than 50% of the total floor area, including garages or other accessory buildings.
 - (e) The professional use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (f) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (g) No display of products shall be visible from outside the building.
 - (h) A maximum of one nonilluminated display sign affixed to the building not exceeding two square feet shall be permitted.
- (6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:
- (a) The area used for the practice of the home occupation or studio shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located.
 - (b) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (c) The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (d) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (e) No display of products shall be visible from outside the building.
 - (f) A maximum of one nonilluminated display sign affixed to the building not exceeding two square feet shall be permitted.
 - (g) A maximum of two employees shall be permitted in the operation of the home occupation or studio.
- (7) Social club or fraternal, social service, union or civic organization.
- (8) Cultural facilities, including a library, museum or art gallery.
- (9) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.
- (10) Planned unit residential development.

[Added 6-11-2001 by Ord. No. 4-2001]

- (11) Planned Residential Neighborhood Development.

[Added 11-27-2006 by Ord. No. 2006-15]

- (a) Planned Residential Neighborhood Development. In order to encourage superior residential environments through a unified planning process, the Planned Residential Neighborhood Development shall be permitted in the R-1 Single Family Residential District Zone as a conditional use subject to the provisions of this chapter and after a determination by the Planning Commission that the proposed planned neighborhood design presents a community design that would not be possible under the conventional zone and is in accordance with the goals and policies of the Comprehensive Plan. The minimum size required for a Planned Residential Neighborhood Development (PRND) shall be 10 acres.
- (b) Review process. The planned neighborhood design option shall involve a three-step review and approval process. In the first step, the developer shall meet with the City Council and present a general sketch plan and a statement documenting the project's compliance with the goals of the Comprehensive Plan for review. The general sketch plan shall reflect the general layout of streets, open space, and housing areas and types. The City Council shall determine whether the proposed project is of such a design and type that it warrants further review by the Planning Commission. If the City Council determines that further review is warranted, the second step shall be the conditional use review process which involves the submission of a conceptual plan which conforms in content to the design standards and requirements specified in this section, as well as the plan submission requirements of this chapter and Subdivision Ordinance. If the conditional use/conceptual subdivision plan is approved, the plan would proceed to the third step which involves the submission of a site development plan and preliminary/final subdivision plans for review and approval by the Planning Commission and City Council.
- (c) Maximum density. The gross residential density in a Planned Residential Neighborhood Development shall not exceed four dwelling units per acre, however the density could be increased to eight dwelling units per acre, provided the development provides the amenities listed under the density bonus section. In no case shall the development exceed eight dwellings units per gross acre.
- (d) Design standards. The design standards and dimensional requirements (bulk and parking regulations) shall be in accordance with this chapter.
- [1] Lot coverage. Based on the following type of residential construction, the following is the maximum lot coverage:
- [a] Single-family detached dwelling: 35%.
 - [b] Single-family semidetached dwelling: 35%.
 - [c] Single-family attached dwelling: 40%.
 - [d] Garden apartments/condominiums: 30%.
- [2] Minimum setback areas. New buildings shall observe a twenty-five-foot minimum front yard, ten-foot minimum side yards, and a twenty-five-foot minimum rear yard.
- [3] Height of buildings. The height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- [4] Off-street parking. Off-street parking shall be provided for residents, visitors and employees of the facility. The applicant shall demonstrate to the satisfaction of the Planning Commission that, based on total potential occupancy load (resident, visitor and employee), a sufficient number of off-street parking spaces will be provided.
- (e) Design requirements.
- [1] Common open space.
- [a] The area set aside and preserved for open space shall aggregate no less than 25 percent of the total site area. Common open space shall be provided in the PRND proposals. The common open space shall not include any wetlands, floodways or similar area not suitable for building as determined by the Planning Commission and City Council. Significant natural features shall be incorporated into common open space whenever possible.
 - [b]

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

- [2] Planned neighborhoods. The area set aside and preserved for open space shall aggregate no less than 25% of the total site area.
 - [3] Buffers. Buffers shall be required to provide transition between planned residential development and adjacent properties/rights-of-way or changes in land use. Buffers should consist of earth berms and a planting area. No building shall be constructed less than 40 feet from the perimeter property line of the development. This buffer may consist of either common open space, earth berms, planting areas or private yards or a combination of both; however, no more than 30% of the required buffer area may be counted toward the minimum common open area requirement.
 - [4] Disruption of natural environment. The planned neighborhood design development shall be designed and scheduled so as to minimize earthmoving, erosion, tree clearance and other disruption of the natural environment. Existing vegetation shall be preserved wherever possible. Where extensive natural tree cover and vegetation do not exist or cannot be preserved on the site, landscaping shall be undertaken in order to enhance the appearance of the development and screen streets and parking areas, and enhance privacy of private dwellings. Natural drainage systems shall be preserved wherever possible.
 - [5] Privacy. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Recreational and nonresidential uses shall be located and designed so as not to interfere with nearby residential areas. All structures and activities located near the periphery of the site shall be designed so as to harmonize with neighboring areas.
- (f) Density bonus.
- [1] A density bonus may be granted if the developer furnishes improvements that significantly demonstrate to the Planning Commission that the improvements contribute to superior design and which exceed the standard requirements of the city ordinances in accordance with the following schedule:
 - [a] Open space. For each increase of 10% in common open space over the minimum requirement of 25%, a density bonus of 10% shall be granted.
 - [b] Housing types. Neighborhood design which integrates a variety of housing types to provide architectural diversity and which avoids monotony and segregation by dwelling type in order that single housing type does not dominate the planned neighborhood or section thereof shall be awarded a density bonus of 10%. The term "housing type" refers to each of the following dwelling types: single-family detached houses, semidetached and duplex houses, multiplexes, townhouses, and garden apartments.
 - [c] Public buildings. The construction and leasing of a public building, including a firehouse, or a library, or a branch library which is necessitated, either wholly or partially, by the development, may increase the permitted density by 10%, if approved by the City, the Planning Commission and the agency to which the building is to be leased.
 - [d] School sites. The donation of a school site may increase the permitted density by 25%, if approved by the City, the Planning Commission and the local school board.
 - [e] Recreation facilities. Where the developer provides recreation facilities in accordance with recommendations from the City, the Planning Commission, and the Parks and Recreation Department where the facilities are in excess of those required by City ordinances, a density bonus of 5% shall be given. Such facilities

may include, but are not limited to walking trails, bike paths, tennis courts, and boating access areas.

- [f] Community gardens. The reservation of additional common land for the establishment of community gardening space for the raising of flowers, fruits and vegetables shall be awarded a 5% of density bonus.
 - [g] Community day-care facilities. The construction of a building to house a day-care center for use primarily by residents of the community shall be awarded a density bonus of 10%.
 - [h] Community buildings. The construction of a community building to serve as a meeting hall for various community functions, including, but not limited to, civic meetings, recreational purposes, receptions and special events, shall be awarded a density bonus of 10%.
 - [i] Conservation easements. The establishment of a permanent easement for the purpose of conserving and protecting a woodland area, a wetland area, and/or a stream corridor from removal of existing natural vegetation, and/or encroachment by future development shall be awarded a density bonus of 5%.
 - [j] Parking lot landscaping. The construction of landscaping in and around parking lots/areas shall be awarded a density bonus of 2%.
 - [k] Low-level lighting. The construction of low level light within the development and in/around parking lots/areas shall be awarded a density bonus of 3%.
 - [l] School bus pull off/school bus shelter. The construction of school bus pull offs or school bus shelters within the development shall be awarded a density bonus of 5%.
 - [2] Note: City Council will have the final determination in determining the amount of the allowable density bonus.
- (g) Conditional use plan approval.
- [1] In addition to the minimum conditional use plan requirements listed in this chapter and the minimum conceptual subdivision plan requirements listed in the Land Subdivision Regulations, the following additional items shall be reflected on or shall accompany the conditional use plan:
 - [a] Architectural drawings illustrating exterior elevations of typical dwelling units and nonresidential structures to be constructed.
 - [b] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.
 - [c] Total acreage of development, land uses in each area, total number of dwelling units, average gross residential density, average lot area and lot width by unit type, and gross residential density in each section.
 - [d] Building coverage lines accurately locating all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, and distances to street rights-of-way and parking areas, with distances accurate to the nearest hundredth of a foot, and total amount and percentage of impervious area.
 - [e] Accurate dimensions of common open space areas specifically indicating those areas to be developed for active recreation. Where common space areas are to be developed, the exact location of the structures in common open space will be illustrated.
 - [f] Locations and dimensions of parking areas and pedestrian walkways.
 - [2] Each application for a conditional use plan approval shall be accompanied by a fee of \$700 (§ [230-57](#)).
- (h) Site development preliminary subdivision plan review.
- [1] Application for site development plan approval shall be made to the Planning Commission in accordance with this chapter and the land subdivision regulations. Such

application may be requested in stages. The following additional requirements shall be included for review along with the site development plan submission:

- [a] A development phasing plan if proposed, which clearly defines the boundaries of each phase of the development and indicates the number of dwelling units to be constructed in each phase. Each phase shall be assigned a number which represents that phase's order in the construction sequence of the development.
 - [b] Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and nonresidential structures to be constructed.
 - [c] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.
 - [d] All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the City Solicitor as to their legal sufficiency.
 - [e] Restrictions of all types which will run with the land and become covenants in this chapter or in the Land Subdivision Regulations.
 - [f] In the case of a planned neighborhood design which is proposed to be developed over a period of years in specific phases, the site development/preliminary subdivision plan requirements as listed in this section shall apply to the phase or phases for which approval is being sought. The site development plan for each phase must demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.
- [2] Each application for a preliminary plan approval and final plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).
- (i) Site requirements.
- [1] All structures shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.
 - [2] All off-street parking shall be provided at the rate of 2.5 spaces for every dwelling unit.
 - [3] Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other facilities.
 - [4] Facilities for temporary trash/refuse storage shall be provided in such manner that is adequate for the dwelling units they support.
- (j) Final subdivision plat approval.
- [1] Final subdivision plat review and approval for planned neighborhood design projects involving subdivision of land shall follow the requirements pertaining to the review and recordation of final subdivision plats. In the case of projects for which a phasing plan has been approved, the final subdivision plat for each phase shall demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.
 - [2] Each application for a preliminary plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).
- (k) Signs. Signs shall be reviewed and approved by the Planning Commission and City Council to ensure they meet the requirements of this chapter.
- (12) Bed-and-breakfast, subject to the following requirements:
- [Added 9-8-2008 by Ord. No. 2008-13]
- (a) The bed-and-breakfast establishment does not adversely affect the residential character of the neighborhood and such use is carried on in an existing residential structure.

- (b) The building proposed for use as a bed-and-breakfast must have the owner of the bed-and-breakfast residing in the building as his/her principal residence.
- (c) The serving of meals shall be limited to breakfast and afternoon tea for overnight guests and customers.
- (d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- (e) No exterior alterations other than a sign and those required by law to ensure the safety of the structure shall be made.
- (f) The bed-and-breakfast operation shall not use more than 50% of the floor area of the principal residence. Common areas such as the kitchen, foyer, living room or dining room are not included in this calculation.
- (g) No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than 20 feet. Sidewalks shall not be illuminated by lighting fixtures higher than 15 feet. Exterior lighting shall be so shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.
- (h) All bed-and-breakfasts must be in compliance with the requirements of the Uniform Building Code and Uniform Fire Code as adapted and enforced by the state fire marshal. Requirements include smoke detectors centrally located on each floor with sleeping rooms and the basement stairway. They must have battery backup and be connected or have a sounding device to provide an alarm which can be heard in all sleeping areas. Every sleeping room must provide at least 50 square feet of floor area per guest and have an operable window of 5.7 square feet or more of clear opening or exterior door for emergency escape or rescue. The maximum distance to a fire extinguisher rated 2A and having a BC rating is 75 feet.
- (i) Safe food handling is the responsibility of the "host." He/She must properly train employees and other household members in safe food handling procedures and requirements and secure the proper state health permit if applicable.
- (j) Parking requirements: one space per guestroom plus two spaces for residence. Spaces shall be located to the side and rear of the building and shall be screened from adjacent properties by a five-foot-high wood or masonry fence or by sight-obscuring vegetation of the same height. The area of the parking lot, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the City Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.
- (k) Signs. For each bed-and-breakfast, one small unlighted announcement sign not exceeding three square feet in area may be attached to and parallel with the front porch or wall of the building.

D. Area regulations.

- (1) Minimum lot area shall be 10,000 square feet. Minimum interior lot shall be 10,000 square feet. Minimum corner lot shall be 13,000 square feet.
- (2) Maximum lot coverage shall be 30%, exclusive of accessory buildings.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (5) Minimum front building setback line shall be 25 feet.

[Amended 11-27-2006 by Ord. No. 2006-15]

- (6) Minimum rear yard shall be 25 feet. For corner lots the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (7) Side yards shall be provided as follows: each lot shall have two side yards with a minimum of 12 feet each.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Signs shall comply with the requirements provided in Article VI of this chapter.
- (10) Decks, subject to the following requirements:

[Added 11-27-2006 by Ord. No. 2006-15; amended 9-8-2008 by Ord. No. 2008-13]

- (a) The deck cannot be located in the front yard.
- (b) A minimum distance of 10 feet must be maintained from the deck to the rear property line.

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC12-014

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MILFORD**

**THE APPROVAL OF A FINAL MINOR SUBDIVISION FOR
SUSAN S. PHILLIPS
AT 414 EVERGREEN CIRCLE
FOR A TWO LOT SUBDIVISION
IN AN R-1 ZONING DISTRICT
TAX MAP 1-30-3.07-101.00; 1.21+/- Acres**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on May 15, 2012; and,

WHEREAS, by a vote of _____ recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

1.

APPROVED: _____
Charles Rini,
Planning Commission Chairman

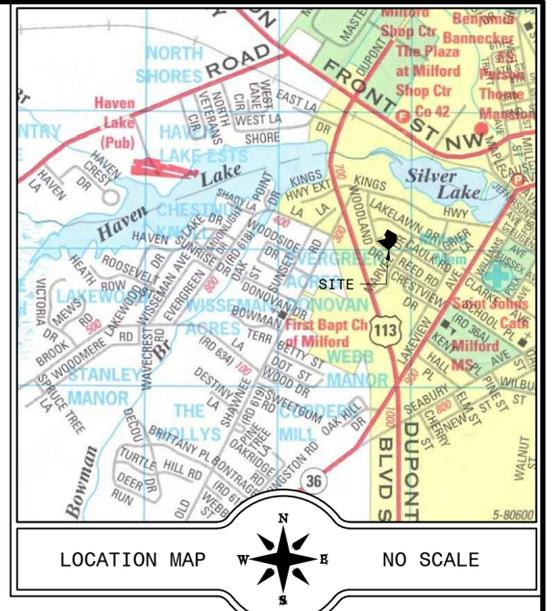
SIGNED: _____
Christine Crouch,
Planning Commission Rec Secretary

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1 | 260.00' | 140.39' | 138.69' | N 44°07'58" W | 30°56'14" |
| C2 | 20.00' | 35.49' | 31.01' | N 22°10'17" E | 101°40'16" |
| C3 | 50.00' | 48.67' | 46.77' | N 45°07'15" E | 55°46'19" |
| C4 | 50.00' | 53.33' | 50.84' | N 13°19'24" W | 61°06'59" |
| C5 | 50.00' | 42.31' | 41.06' | N 68°07'25" W | 48°29'03" |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 72°45'55" W | 25.00' |
| L2 | S 00°55'46" E | 29.18' |
| L3 | S 11°43'00" W | 37.01' |
| L4 | S 69°45'53" W | 35.68' |
| L5 | S 09°17'50" W | 34.90' |
| L6 | S 27°58'12" E | 22.70' |
| L7 | S 30°52'26" W | 40.09' |
| L8 | S 20°40'30" W | 26.57' |
| L9 | S 41°02'59" E | 24.22' |
| L10 | S 18°45'15" W | 21.78' |

WATER SERVICE NOTE:

UPON FIELD VERIFICATION OF EXISTING WATERLINE LOCATION AND SIZE, PROPOSED SERVICE MAY REQUIRE TYING DIRECTLY INTO THE WATER MAIN ALONG WOODLAND DRIVE.



LEGEND

- CAPPED REBAR SET
- IRON PIPE FOUND
- TELEPHONE BOX FOUND
- UTILITY POLE
- WATER METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- BUILDING SETBACK LINE
- BOUNDARY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING 6" SANITARY SEWER
- EXISTING WATER* (FIELD VERIFY SIZE & LOCATION)
- PROPOSED 6" SEWER SERVICE
- PROPOSED CLEANOUT
- PROPOSED WATER METER
- PROPOSED WATER VALVE
- PROPOSED 1" WATER SERVICE

LOTS 10, 11, 12, & 13 – BLOCK A
LAKELAWN ESTATES SUBDIVISION
(P.B. 2 PG. 87)

| | |
|--------------------------------------------------------------------|---------------------|
| MINOR SUBDIVISION PLAN | |
| PROPERTY OF SUSAN S. PHILLIPS | |
| CITY OF MILFORD | DATE: 28 MAR 2012 |
| SUSSEX COUNTY, DELAWARE | W.O.: 12-3-42 |
| Bob Nash ASSOCIATES | |
| 14 South Maple Ave. Milford, DE 19963 (302) 422-7327 P.L.S. 551 | |
| T.M.: 1-30-3.07-101.00 | DRAWN BY: MPM |
| F.B.: SEE JOSH | DISK: SPHILLIPS.dwg |
| SCALE: 1"=30' | |

| DATA COLUMN | |
|--------------------|---------------------------------------------------|
| TM# | 1-30-3.07-101.00 |
| ZONING | R-1 |
| AREA | LOT 1 18,686 SQ.FT. ± RESIDUAL 34,262 SQ.FT. ± |
| RESIDUAL FRONTAGE: | 392' ± |
| LOT 1 WIDTH: | 80' @ FRONT SETBACK |
| SETBACKS | FRONT: 25' SIDE: 12' REAR: 25' |
| SEWER | CITY OF MILFORD |
| WATER | CITY OF MILFORD |

OWNERS CERTIFICATION

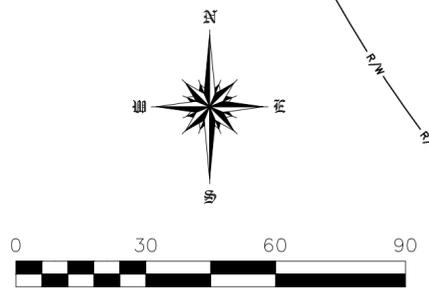
I, SUSAN S. PHILLIPS, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE _____ DATE _____

SURVEYOR'S CERTIFICATION

I, ROBERT W. NASH, P.L.S. #551, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

ROBERT W. NASH, PLS 551 _____ DATE _____



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

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC12-013

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MILFORD**

**THE APPROVAL OF A FINAL MINOR SUBDIVISION FOR
SUSAN S. PHILLIPS**

**AT 414 EVERGREEN CIRCLE
FOR A TWO LOT SUBDIVISION
IN AN R-1 ZONING DISTRICT**

TAX MAP 1-30-3.07-101.00; 1.21+/- Acres

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

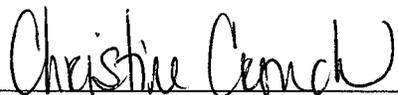
WHEREAS, the Planning Commission met and heard said application during a public hearing on May 15, 2012; and,

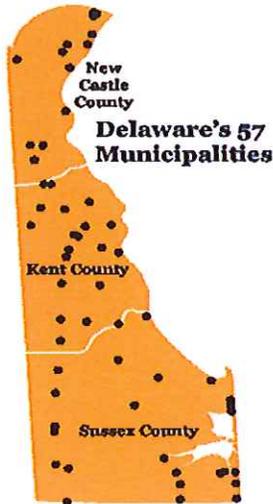
WHEREAS, by a vote of 7-0 recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

1. None.

APPROVED: 
Charles Rini,
Planning Commission Chairman

SIGNED: 
Christine Crouch,
Planning Commission Rec Secretary



DELAWARE LEAGUE OF LOCAL GOVERNMENTS

P.O. BOX 484, DOVER, DE 19903-0484

Telephone: 302-678-0991 FAX 302-678-4777 E-mail: gwright@udel.edu

Carleton E. Carey Sr. - President George C. Wright Jr. - Executive Director

State Rep. Helene Keeley
Chair of the Bond Bill Committee

and

State Sen. Robert L. Venables, Sr.
Co-Chair of the Bond Bill Committee

Legislative Hall
P.O. Box 1401
Dover, DE 19903

June 5, 2012

Dear State Rep. Keeley and State Sen. Venables,

On behalf of all 57 municipalities in the State of Delaware, we are writing to you today to tell you how important the Municipal Street Aid (MSA) fund is to us and how we feel it would make tremendous fiscal sense to use some of the Bond Bill to bolster this fund and help ALL of the cities and towns in Delaware.

Currently, all municipalities share the MSA funds – they are doled out to cities and towns depending upon their size. So, some small towns get as little as \$436 (Hartly). In comparison, Middletown received an average of \$182,266 per year during the timeframe of 2000 to 2005.

The fund is something we all have come to rely upon, no matter our size. We depend upon these funds to get projects done in our towns that would not happen otherwise. For example, in recent years, the City of Dover has had to go to the bond market to fund some of their street repair projects when this funding was not available.

Because growth is being steered to the larger municipalities, Middletown, and others our size, have the burden of continuing to grow our infrastructure, using funds for water, sewer and electric upgrades. Our streets have ended up suffering during years the MSA funds were cut or eliminated.

A portion of our MSA funds is also used to pay for street lights and to maintain traffic signals on state-maintained roads in our towns and cities. We also use the MSA to pay for our local police to cover most of the accidents on state-maintained roads within the municipalities, including clean up.

This year, Gov. Markell is proposing to cap the fund at \$4 million. We believe it is imperative to raise that amount to at least the \$6 million we have been used to over the years. I'm sure you can just imagine the projects that could move forward with this aid. Street repair projects in our towns also help the local economy by providing local jobs.

We (George Wright, Ken Branner and Delaware League President Carleton Carey) met with Gov. Markell and OMB Director Ann Visalli about this issue last month. At that time, after hearing DEFAC's projections for a positive outlook for the state's finances this quarter, their suggestion was to contact your committee for potential inclusion in the Bond Bill.

I know we speak for all of the cities and towns in Delaware when we ask you to please share this information, and that of the attached background, with the Bond Bill Committee at a future meeting.

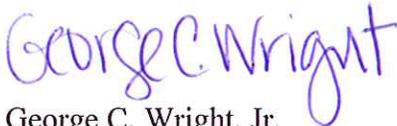
Thank you for your attention to this matter and please don't hesitate to contact us for further discussion. If you would like, we are more than willing to come to Committee to speak about this issue.

Sincerely,



Kenneth L. Branner, Jr.
Vice President
Delaware League of Local Governments

and



George C. Wright, Jr.
Executive Director
Delaware League of Local Governments

cc:

State Rep. Michael Mulrooney
State Rep. Teresa Schooley
State Rep. John J. Viola
State Rep. Deborah J. Hudson
State Rep. Clifford G. Lee
State Sen. George H. Bunting
State Sen. Bethany Hall-Long
State Sen. David P. Sokola
State Sen. Joseph Booth
State Sen. Colin R. J. Bonini
State Sen. Bruce Ennis
State Rep. Quinn Johnson
State Rep. William Carson
Del. Gov. Jack Markell
Del. Secretary of Transportation Shailen P. Bhatt

Municipal Street Aid Review

| Fiscal Year | Municipal Street Aid | "Special" MSA | Middletown's Share |
|-------------|----------------------|---------------|--------------------|
| 1999 | 5,000,000 | - | 99,666 |
| 2000 | 6,000,000 | - | 127,517 |
| 2001 | 6,000,000 | - | 135,382 |
| 2002 | 6,000,000 | - | 134,412 |
| 2003 | 6,000,000 | - | 192,999 |
| 2004 | 6,000,000 | - | 241,486 |
| 2005 | 6,000,000 | - | 261,798 |
| 2006 | 5,000,000 | - | 256,702 |
| 2007 | 5,000,000 | - | 271,900 |
| 2008 | 5,500,000 | - | 336,804 |
| 2009 | 6,000,000 | - | 386,368 |
| 2010 | - | - | - |
| 2011 | 4,000,000 | - | 271,283 |
| 2012 | 4,000,000 | 1,000,000 | 343,926 |

- Municipal Street Aid was increased to \$6mm in 2000 and remained at that level for six consecutive years.
- During tighter state budget years, the amount was "tweaked" to \$5mm or \$5.5mm, which was manageable for the Towns
- But the elimination of MSA in 2010 was devastating, and the reduced level of \$4mm makes it very difficult for Towns and Cities
- Middletown has been unable to undertake major road projects for several years
- Assuming a baseline or target level of \$6mm, the State is \$9mm "behind" in Municipal Street Aid support since 2010
- Currently there are 57 Municipalities that share the MSA funds. Some of the smaller ones get as little as \$436 dollars. (Hartly)
- With the Governor's strategy of steering growth to Municipalities, this puts a burden on the Towns to have the infrastructure to support their effort. Most of our funds are used for water, sewer, and electric upgrades. Streets have suffered.
- By doing the street work it will help the economic effort and create "local" jobs.
- Some of our streets are so bad (Dover) they had to go to the bond market for funding to finance the work. It has been put off in past years.

**MUNICIPAL STREET AID FUND
DISTRIBUTION TABULATION
FISCAL YEAR 2012 (7/1/2011-6/30/2012)**

July 1, 2011

| TOWN | 2011 POPULATION | 2011 STREET MILEAGE | DISTRIBUTION BY POPULATION FACTOR | DISTRIBUTION BY MILEAGE FACTOR | TOTAL AID FY-2011 | TOTAL AID FY-2012 |
|----------------------|--------------------|---------------------------|-----------------------------------------|--------------------------------------|------------------------|------------------------|
| BELLEFONTE | 1,193 | 0.00 | \$ 7,031.5810 | \$ 0.0000 | \$ 7,564.59 | \$ 7,031.58 |
| BETHANY BEACH | 4,612 | 19.93 | \$ 27,183.2786 | \$ 60,218.3027 | \$ 86,911.49 | \$ 87,401.58 |
| BETHEL | 171 | 1.79 | \$ 1,007.8796 | \$ 5,408.4677 | \$ 6,598.60 | \$ 6,416.35 |
| BLADES | 1,241 | 5.26 | \$ 7,314.4945 | \$ 15,893.0392 | \$ 23,124.23 | \$ 23,207.53 |
| BOWERS | 335 | 1.97 | \$ 1,974.5009 | \$ 5,952.3360 | \$ 8,285.04 | \$ 7,926.84 |
| BRIDGEVILLE | 2,048 | 9.29 | \$ 12,070.9789 | \$ 28,069.6454 | \$ 39,475.79 | \$ 40,140.62 |
| CAMDEN | 3,464 | 10.80 | \$ 20,416.9291 | \$ 32,632.0958 | \$ 52,749.25 | \$ 53,049.02 |
| CHESWOLD | 1,380 | 0.45 | \$ 8,133.7651 | \$ 1,359.6707 | \$ 9,337.49 | \$ 9,493.44 |
| CLAYTON | 2,918 | 5.28 | \$ 17,198.7873 | \$ 15,953.4690 | \$ 31,035.80 | \$ 33,152.26 |
| DAGSBORO | 805 | 3.63 | \$ 4,744.6963 | \$ 10,968.0100 | \$ 14,286.76 | \$ 15,712.71 |
| DELAWARE CITY | 1,695 | 8.31 | \$ 9,990.3854 | \$ 25,108.5848 | \$ 35,558.42 | \$ 35,098.97 |
| DELMAR | 1,597 | 6.48 | \$ 9,412.7702 | \$ 19,579.2575 | \$ 28,308.47 | \$ 28,992.03 |
| DEWEY BEACH | 1,997 | 0.60 | \$ 11,770.3832 | \$ 1,812.8942 | \$ 13,981.57 | \$ 13,583.28 |
| DOVER | 37,341 | 101.59 | \$ 220,089.0736 | \$ 306,953.2047 | \$ 526,814.08 | \$ 527,042.28 |
| ELLENDALE | 381 | 3.79 | \$ 2,245.6264 | \$ 11,451.4484 | \$ 13,569.33 | \$ 13,697.07 |
| ELSMERE | 6,131 | 16.26 | \$ 36,136.3142 | \$ 49,129.4331 | \$ 85,666.33 | \$ 85,265.75 |
| FARMINGTON | 110 | 0.21 | \$ 648.3436 | \$ 634.5130 | \$ 1,382.37 | \$ 1,282.86 |
| FELTON | 1,298 | 5.67 | \$ 7,650.4544 | \$ 17,131.8503 | \$ 25,475.10 | \$ 24,782.30 |
| FENWICK ISLAND | 1,400 | 5.95 | \$ 8,251.6457 | \$ 17,977.8676 | \$ 26,650.86 | \$ 26,229.51 |
| FRANKFORD | 847 | 2.88 | \$ 4,992.2457 | \$ 8,701.8922 | \$ 11,763.16 | \$ 13,694.14 |
| FREDERICA | 774 | 2.21 | \$ 4,561.9813 | \$ 6,677.4937 | \$ 11,365.56 | \$ 11,239.47 |
| GEORGETOWN | 6,422 | 26.02 | \$ 37,851.4777 | \$ 78,619.1789 | \$ 110,672.22 | \$ 116,470.66 |
| GREENWOOD | 973 | 4.97 | \$ 5,734.8938 | \$ 15,016.8070 | \$ 20,238.33 | \$ 20,751.70 |
| HARRINGTON | 3,562 | 12.16 | \$ 20,994.5443 | \$ 36,741.3227 | \$ 57,009.07 | \$ 57,735.87 |
| HARTLY | 74 | 0.00 | \$ 436.1584 | \$ 0.0000 | \$ 651.18 | \$ 436.16 |
| HENLOPEN ACRES | 122 | 3.61 | \$ 719.0720 | \$ 10,907.5802 | \$ 13,312.96 | \$ 11,626.65 |
| HOUSTON | 374 | 2.09 | \$ 2,204.3682 | \$ 6,314.9148 | \$ 9,332.40 | \$ 8,519.28 |
| KENTON | 261 | 0.94 | \$ 1,538.3425 | \$ 2,840.2009 | \$ 4,276.26 | \$ 4,378.54 |
| LAUREL | 3,708 | 11.76 | \$ 21,855.0731 | \$ 35,532.7265 | \$ 59,046.07 | \$ 57,387.80 |
| LEIPSIC | 183 | 0.80 | \$ 1,078.6080 | \$ 2,417.1923 | \$ 3,873.99 | \$ 3,495.80 |
| LEWES | 2,747 | 20.06 | \$ 16,190.9077 | \$ 60,611.0964 | \$ 83,461.42 | \$ 76,802.00 |
| LITTLE CREEK | 224 | 0.18 | \$ 1,320.2633 | \$ 543.8683 | \$ 1,595.24 | \$ 1,864.13 |
| MAGNOLIA | 225 | 0.13 | \$ 1,326.1573 | \$ 392.7937 | \$ 1,680.23 | \$ 1,718.95 |
| MIDDLETOWN | 18,871 | 54.20 | \$ 111,226.2903 | \$ 163,764.7770 | \$ 271,283.45 | \$ 274,991.07 |
| MILFORD | 9,559 | 41.74 | \$ 56,341.0582 | \$ 126,117.0072 | \$ 183,799.55 | \$ 182,458.07 |
| MILLSBORO | 3,877 | 10.48 | \$ 22,851.1646 | \$ 31,665.2189 | \$ 46,296.97 | \$ 54,516.38 |
| MILLVILLE | 544 | 0.00 | \$ 3,206.3538 | \$ 0.0000 | \$ 1,655.33 | \$ 3,206.35 |
| MILTON | 2,576 | 11.86 | \$ 15,183.0281 | \$ 35,834.8756 | \$ 42,250.81 | \$ 51,017.90 |
| NEW CASTLE | 5,285 | 18.44 | \$ 31,149.9626 | \$ 55,716.2821 | \$ 87,617.09 | \$ 86,866.24 |
| NEWARK | 31,454 | 65.58 | \$ 185,390.9033 | \$ 198,149.3372 | \$ 385,376.39 | \$ 383,540.24 |
| NEWPORT | 1,055 | 4.67 | \$ 6,218.2045 | \$ 14,110.3599 | \$ 21,776.73 | \$ 20,328.56 |
| OCEAN VIEW | 1,882 | 22.63 | \$ 11,092.5695 | \$ 68,376.3266 | \$ 75,646.23 | \$ 79,468.90 |
| ODESSA | 364 | 2.05 | \$ 2,145.4279 | \$ 6,194.0552 | \$ 7,987.27 | \$ 8,339.48 |
| REHOBOTH | 6,060 | 18.52 | \$ 35,717.8379 | \$ 55,958.0013 | \$ 93,313.70 | \$ 91,675.84 |
| SEAFORD | 6,928 | 34.66 | \$ 40,833.8583 | \$ 104,724.8555 | \$ 146,384.20 | \$ 145,558.71 |
| SELBYVILLE | 2,167 | 10.93 | \$ 12,772.3688 | \$ 33,024.8895 | \$ 47,516.06 | \$ 45,797.26 |
| SLAUGHTER BEACH | 699 | 1.16 | \$ 4,119.9288 | \$ 3,504.9288 | \$ 6,723.68 | \$ 7,624.86 |
| SMYRNA | 10,023 | 30.26 | \$ 59,075.8894 | \$ 91,430.2980 | \$ 157,964.67 | \$ 150,506.19 |
| SOUTH BETHANY | 1,848 | 9.82 | \$ 10,892.1724 | \$ 29,671.0352 | \$ 41,169.92 | \$ 40,563.21 |
| TOWNSEND | 2,049 | 2.36 | \$ 12,076.8729 | \$ 7,130.7172 | \$ 14,129.14 | \$ 19,207.59 |
| VILL. OF ARDENCROFT | 231 | 1.01 | \$ 1,361.5215 | \$ 3,051.7053 | \$ 4,793.85 | \$ 4,413.23 |
| VILLAGE OF ARDEN | 439 | 3.63 | \$ 2,587.4803 | \$ 10,968.0100 | \$ 14,116.36 | \$ 13,555.49 |
| VILLAGE OF ARDENTOWN | 264 | 2.22 | \$ 1,556.0246 | \$ 6,707.7086 | \$ 8,742.64 | \$ 8,263.73 |
| VIOLA | 157 | 0.67 | \$ 925.3631 | \$ 2,024.3985 | \$ 3,027.51 | \$ 2,949.76 |
| WILMINGTON | 73,022 | 147.49 | \$ 430,394.0529 | \$ 445,639.6117 | \$ 890,234.03 | \$ 876,033.66 |
| WOODSIDE | 181 | 0.24 | \$ 1,066.8199 | \$ 725.1577 | \$ 2,118.88 | \$ 1,791.98 |
| WYOMING | 1,313 | 4.62 | \$ 7,738.8649 | \$ 13,959.2854 | \$ 21,021.88 | \$ 21,698.15 |
| TOTAL | 271,461 | 794.31 | \$ 1,600,000.0000 | \$ 2,400,000.0000 | \$ 4,000,000.00 | \$ 4,000,000.00 |

TOTAL MUNICIPAL POPULATION = 271,461

DISTRIBUTION RATIO = \$1,600,000.00 / 271461 = \$ 5.894032660308480

TOTAL MUNICIPALLY MAINTAINED STREET MILEAGE =

DISTRIBUTION RATIO = \$2,400,000.00 / 794.31 = \$ 3021.490350115190000

From: Robin Griffith
Sent: Thursday, June 21, 2012 10:51 AM
To: City of Milford
Subject: Municipal Street Aid Funding

Bob Maxwell called and asked me to share the following news:

The Bond Bill Committee just approved an additional \$1 million in Municipal Street Aid funding.

Robin

*Robin A. Griffith
Clerk of the Council, Sussex County
2 The Circle, P. O. Box 589
Georgetown, DE 19947*

City of Milford



PUBLIC NOTICE APPROVING AND ADOPTING BY ORDINANCE An Amendment to the 2008 City of Milford Comprehensive Plan

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a hearing on June 19, 2012 to take public comment on Ordinance 2012-09.

FINAL ADOPTION has been scheduled for June 25, 2012 following a review and public hearing by Milford City Council.

ORDINANCE 2012-09

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN BY REPLACING URBAN GROWTH BOUNDARY (MAP 4) AND FUTURE LAND USE (MAP 10).

Section 1.

WHEREAS, the City Council of the City of Milford, on January 26, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on July 7, 2009; and

WHEREAS, the 2008 Comprehensive Plan, as amended on July 25, 2011, allows for an amendment process; and

WHEREAS, the City of Milford has requested an amendment to the Urban Growth Boundary (Map 4) and Future Land Use (Map 10), in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on June 19, 2012, after which the Commission made a recommendation in regards to the proposed amendments to the Urban Growth Boundary Map and Future Land Use Map related to the above request.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS: the City Council of the City of Milford hereby amends the 2008 City of Milford Comprehensive Plan, by replacing the reference maps herein as presented to City Council on June 25, 2012.

Section 2.

Council Introduction: June 11, 2012

Planning Commission Hearing: June 19, 2012

Council Hearing & Adoption: June 25, 2012

Effective Date: July 5, 2012

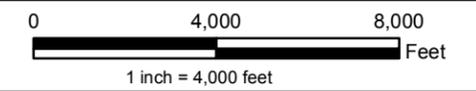
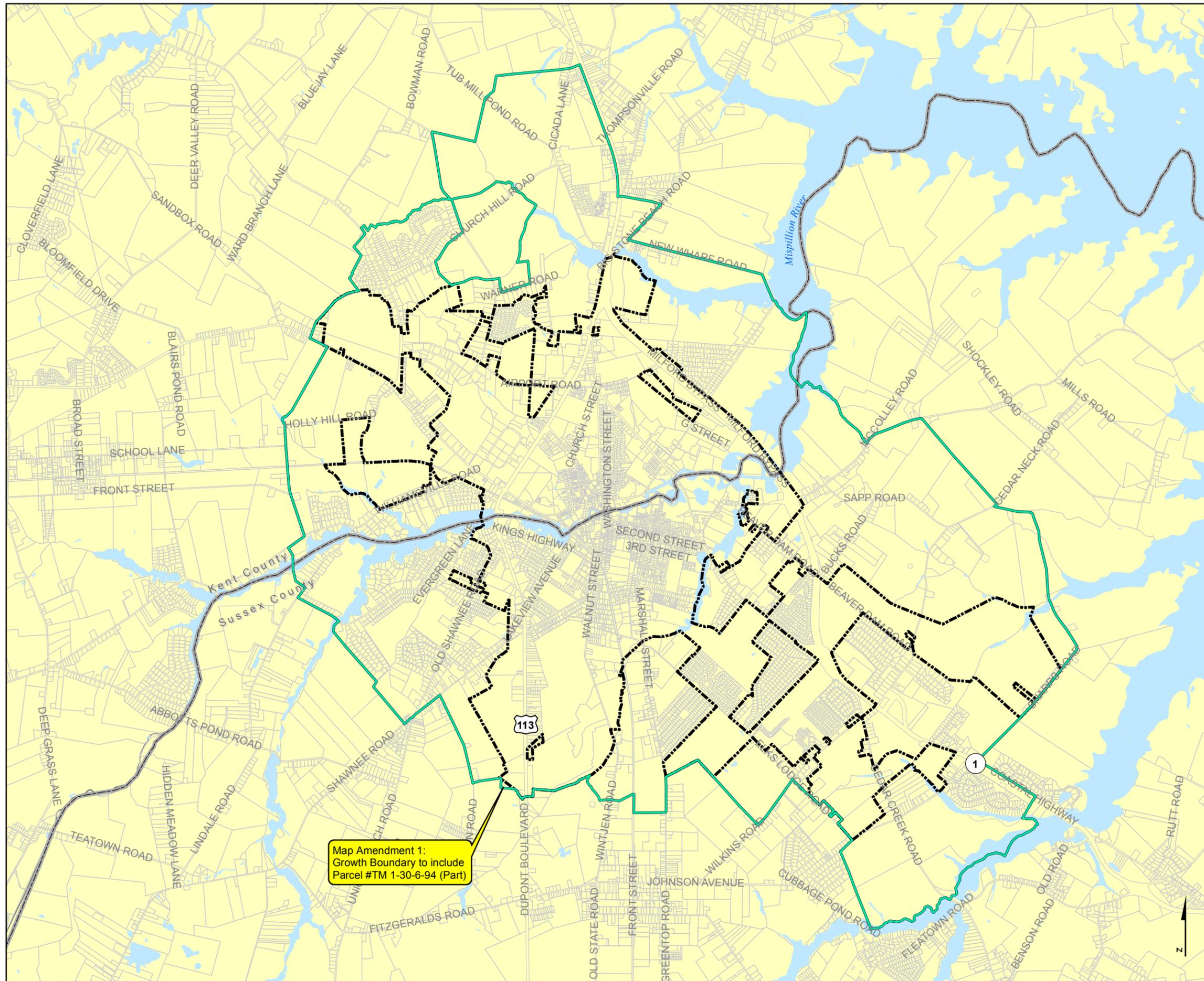
Milford Comprehensive Plan

Map Amendment 1

Figure 4 Urban Growth Boundary

Legend

- Parcel
- City Boundary
- County Boundary
- Water
- Urban Growth Boundary



Data Sources:
Roads - DelDOT
State, County, Municipal Boundaries - State of Delaware
Urban Growth Boundary - City of Milford

THE CHAMBER OF COMMERCE FOR GREATER MILFORD
3RD QUARTER
GENERAL MEMBERSHIP LUNCHEON

Wednesday, July 11th

11:30 a.m. to 1 p.m.

Introduction of Guest Speaker Promptly at Noon.

Abbott's Grill

249 N. E. Front St. ~ Milford

Guest Speaker: Rich Vetter, Ex. Dir. of the Metropolitan Planning Organization (MPO)

The MPO is responsible for coordination of the transportation (Auto, Bicycle & Pedestrian) planning and programming in Kent County, including all of Milford

The Buffet Luncheon is \$15 per person payable in advance to the Chamber of Commerce for Greater Milford (Cash, Check, PayPal or Credit Card by calling the Chamber)

Enjoy Watermelon Salad with Red Onions & Cucumbers, Grilled Vegetable on a Hummus Wrap, Cuban Sandwich, Chicken Jerusalem (with Artichoke, Capers, Tomato & White Wine), Orzo Pasta Salad, Assorted Cookies, Soda, Coffee, Iced Tea, & Includes Gratuity

Space is Limited. This is a first come-first served event.

Pre-payment is needed for space reservation, by Monday, July 9th.

Please contact the CCGM for more information:

Email: milford@milfordchamber.com or Call: 302.422.3344

"A Member Driven Organization"

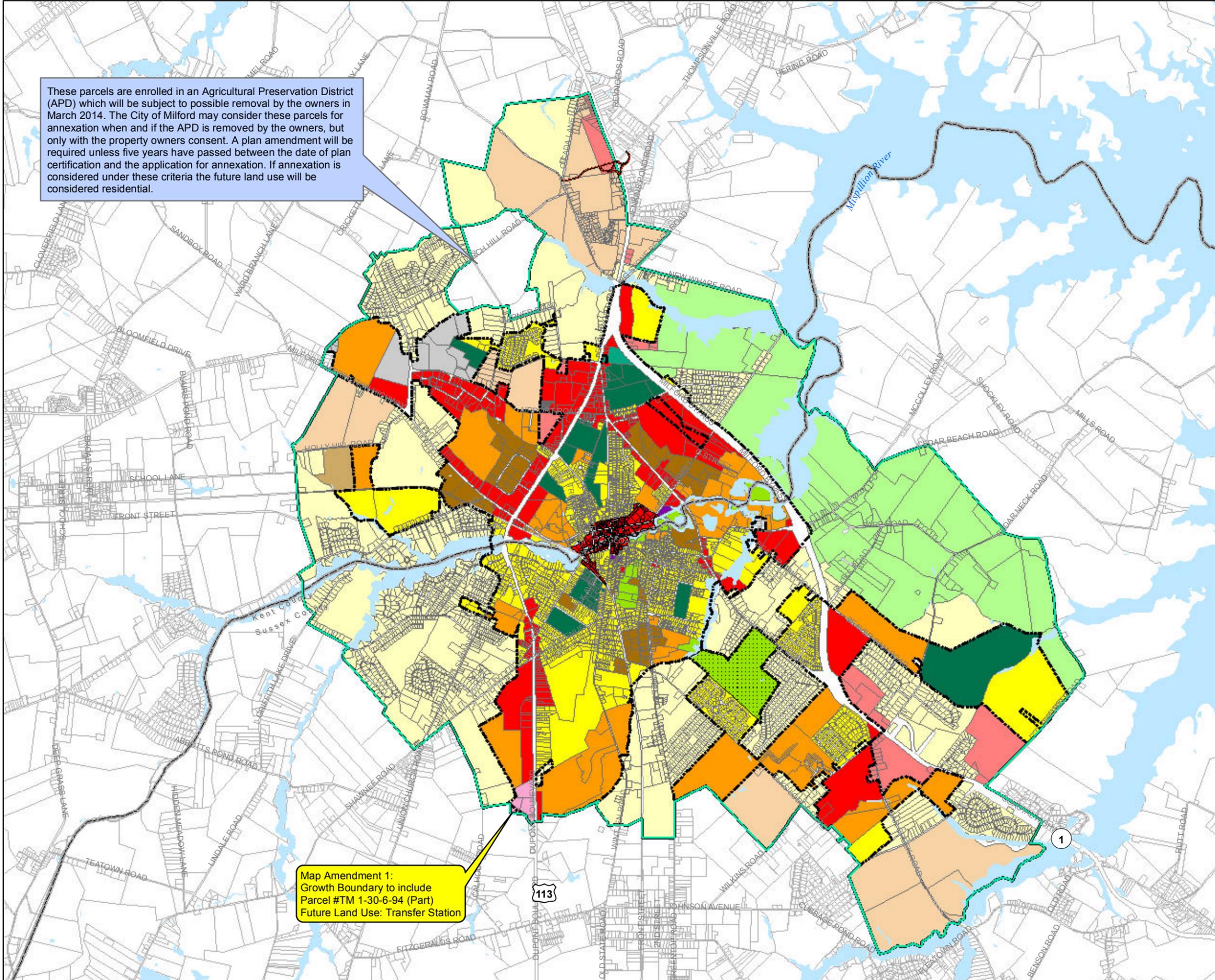


Milford Comprehensive Plan

Map Amendment 1

Figure 10 Future Land Use

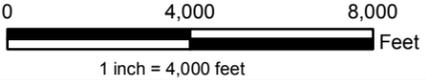
These parcels are enrolled in an Agricultural Preservation District (APD) which will be subject to possible removal by the owners in March 2014. The City of Milford may consider these parcels for annexation when and if the APD is removed by the owners, but only with the property owners consent. A plan 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

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 Intersestion



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

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC12-016

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MILFORD,
THE APPROVAL OF AN AMENDMENT TO THE 2008 COMPREHENSIVE PLAN
BY REPLACING THE URBAN GROWTH BOUNDARY MAP (FIGURE 4)
AND REPLACING THE FUTURE LAND USE MAP (FIGURE 10)**

WHEREAS, the City Council of the City of Milford, on January 26, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on July 7, 2009; and

WHEREAS, the 2008 Comprehensive Plan, as amended on July 25, 2011, allows for an amendment process; and

WHEREAS, the City of Milford has requested an amendment to the Urban Growth Boundary (Map 4) and Future Land Use (Map 10), in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on June 19, 2012; and

WHEREAS, by a vote of _____ recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the amendment to the 2008 Comprehensive Plan to the Mayor and City Council of the City of Milford, Delaware.

APPROVED: _____
Charles Rini,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Planning Commission Rec Secretary

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

| | |
|-------------------------------------------------------------------|-----------------------------------------------|
| Name of Municipality: City of Milford | |
| Address: 201 South Walnut Street Milford, DE 19963 | Contact Person: Gary Norris, AICP |
| | Phone Number: 302-424-3712 |
| | Fax Number: 302-424-3558 |
| | E-mail Address: gnorris@milford-de.gov |

Date of Most Recently Certified Comprehensive Plan: 2008

Application Type:

Comprehensive Plan Amendment: Mapping Amendment

Ordinance: _____

Other: _____

| | |
|-------------------------------------------------------------------------|-----------------------------------------------|
| Comprehensive Plan Amendment or Municipal Ordinance prepared by: | |
| Address: 201 South Walnut Street Milford, DE 19963 | Contact Person: Gary Norris, AICP |
| | Phone Number: 302-424-3712 |
| | Fax Number: 302-424-3558 |
| | E-mail Address: gnorris@milford-de.gov |

| | |
|------------------------------------------------------------------------|---------------------------------------------|
| Maps Prepared by: URS Corporation | |
| Address: 4051 Ogletown Road, Suite 300 Newark, DE 19713 | Contact Person: Debbie Pfeil |
| | Phone Number: 302-781-5964 |
| | Fax Number: 302-781-5901 |
| | E-mail Address: debbie.pfeil@urs.com |

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Please describe the submission:

This amendment includes mapping changes to Figure 4-Urban Growth Boundary and Figure 10-Future Land Use. The City of Milford is requesting to add a portion of parcel 1-30-6-94.00 to the Urban Growth Boundary for annexation consideration to expand the City transfer station utility service. The future land use is noted as Transfer Station. The change is noted on each Figure map.



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

April 23, 2012

Mr. Gary Norris
City of Milford
201 S. Walnut Street
Milford, DE 19963

RE: 2012-03-04; City of Milford Comprehensive Plan Amendment

Dear Mr. Norris:

Thank you for meeting with State agency planners on March 28, 2012 to discuss the proposed City of Milford draft comprehensive plan amendment to include mapping changes to the Urban Growth boundary map and the Future Land Use map to add a portion of parcel number 130-6.00-94.00 so that this parcel can be considered for annexation into the City of Milford. If annexed, the City intends to use the site for a city electric substation.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: 739-3090

The parcel that is the subject of this plan amendment is split by the urban growth boundary. It is the intention of the City of Milford to consolidate the entire parcel in the urban growth boundary with a common land use designation. Upon adoption of the amendment, the City intends to annex the parcel in its entirety and utilize it for a public utility use. The portion of the parcel located outside of the current urban growth boundary is in Investment Level 3. Our office has no objections to this plan amendment.

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

- There are no known cultural or historic resources of any kind, including an Archeological Site or National Register-listed property on this parcel. However, if there is going to be any type of development or construction project in the future, the developer

should be aware of Delaware's Unmarked Human Burials and Human Skeletal Remains Law, which is outlined in Chapter 54 of Title 7 of the Delaware Code.

Abandoned or unmarked family cemeteries are very common in the State of Delaware, and often they are on historic farm sites, rural areas or open space lands. Disturbing unmarked burials triggers Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Delaware Code Title 7, Chapter 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area for the presence of such a cemetery. If a cemetery is discovered, it is very costly to have it archaeologically excavated and the burials moved. In the event of such a discovery, the Division of Historical & Cultural Affairs recommends that the plans be re-drawn to leave the cemetery on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with a homeowners association or development. If you need or would like to read more information that pertains to cemeteries or unmarked human remains, please go to the following websites for additional information at www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Prior to any demolition or ground-disturbing activities (such as development or construction activities), the developer should consider hiring an archaeological consultant to examine the parcel for archaeological sites, such as a cemetery or unmarked human remains.

- If there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Any preconstruction activities without adherence to these stipulations may jeopardize the issuance of a permit or receipt of funding if it is determined that such opportunity to comment has been foreclosed. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.

**The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle
739-9071**

Hazardous Waste Sites

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C., Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware *Regulations Governing Hazardous Substance Cleanup* shall be followed.
- Should a release or imminent threat of a release of hazardous substances be discovered during the course of future development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRS should also be contacted as soon as possible at 302-395-2600 for further instructions.
- Although the Site Investigation and Restoration Section (SIRS) has no specific comments regarding the proposed comprehensive plan at this time, if any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRS strongly recommends that the land owner(s) perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.
- There is one SIRS site located within a ½ mile radius of the proposed amendment area: Fitzgerald Auto Salvage (DE-1315). A Site Investigation was performed on the Site in 2005. The investigation found some exceedances in soil and groundwater. The Site is involved in negotiations to join the Voluntary Clean-up Program (VCP).
- There are no Groundwater Management Zones (GMZs) within a ½ mile radius of the proposed amendment area.

Approval Procedures:

1. Once all edits, changes and corrections have been made to the plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.

2. The City shall report back to the Office of State Planning Coordination regarding adoption of any Review or Amendment, and forward the office any relevant meeting minutes, resolutions, ordinances and a copy of the final Plan Review or Amendment text and maps as adopted.

Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director, Office of State Planning Coordination

City of Milford



PUBLIC NOTICE **City of Milford Ordinance 2012-09**

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN BY REPLACING URBAN GROWTH BOUNDARY (MAP 4) AND FUTURE LAND USE (MAP 10).

Section 1.

WHEREAS, the City Council of the City of Milford, on January 26, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on July 7, 2009; and

WHEREAS, the 2008 Comprehensive Plan, as amended on July 25, 2011, allows for an amendment process; and

WHEREAS, the City of Milford has requested an amendment to the Urban Growth Boundary (Map 4) and Future Land Use (Map 10), in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on June 19, 2012, after which the Commission made a recommendation in regards to the proposed amendments to the Urban Growth Boundary Map and Future Land Use Map related to the above request.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS: the City Council of the City of Milford hereby amends the 2008 City of Milford Comprehensive Plan, by replacing the reference maps herein as presented to City Council on June 25, 2012.

Section 2.

Council Introduction: June 11, 2012

Planning Commission Hearing: June 19, 2012

Council Hearing & Adoption: June 25, 2012

Effective Date: July 5, 2012

AN ORDINANCE TO AMEND CHAPTER 204 OF THE CODE OF THE CITY OF MILFORD
BY DOUBLING THE EXEMPTION FROM THE TAXATION OF ASSESSED VALUATION
ON REAL PROPERTY FOR ELIGIBLE SENIOR CITIZENS

ORDINANCE 2012-11

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Amend Chapter 204, Taxation, Article I, Tax Relief for Senior Citizens by increasing the exemption of taxation of assessed property values provided to eligible property owners by striking \$20,000 and inserting \$40,000.

§204-1. - Conditions for senior citizen exemption on real property tax.

Every person 65 or more years of age having an income not in excess of \$15,000 per year, exclusive of social security and railroad pensions, and residing in a dwelling owned by him or her which is a part of his or her real property shall be entitled, on proper claim being made thereof, to exemption from taxation on ~~\$20,000~~ \$40,000 of assessed valuation of such real property, in the aggregate, and in the case of jointly owned property or property owned by husband and wife, such exemption shall be granted where the income of both does not exceed \$25,500 per year, exclusive of social security and railroad pensions.

Section 2. Dates.

Introduction to City Council: 06-11-12

*Adoption Date (City Council): 06-25-12

*Effective Date: 07-05-12

*Projected

CITY OF MILFORD
Sign Ordinance Review Ad Hoc Meeting
Minutes of Meeting
June 14, 2012

A Sign Ordinance Review Ad Hoc Meeting was held in the Joseph Ronnie Rogers Council Chambers at City Hall at 201 South Walnut Street, Milford, Delaware on Thursday, June 14, 2012.

PRESIDING: Councilman Garrett Grier

IN ATTENDANCE: Committee Members City Planner Gary Norris
Planning Commission Chairman Chuck Rini

City Clerk/Recorder Terri Hudson

City Planner Gary Norris had requested himself, Planning Chairman Chuck Rini and Councilman Garrett Grier be appointed to a committee to review possible changes to the sign code.

City Planner Norris called the official meeting to order at 2:00 p.m.

Mr. Norris explained that rather have the planning commission work on something for eight months and it go before council and council decide they don't want it, they decided to ask for Mr. Grier's input because he is a business person and we want to encourage businesses.

Mr. Grier asked where there were problems; Mr. Norris said the flags at Wawa and Aarons.

Mr. Grier referenced a letter he received from Terri Favata of First Class Properties.

Mr. Rini said another problem is the way businesses park their trucks, noting that Subway has a truck next to the highway; Aaron also has a truck parked there.

Mr. Grier said he does not personally see a problem with that. He asked if that is illegal in the current code; Mr. Rini said it is not addressed in the code.

Mr. Norris said most of the problems involve flags. He recalled another issue when Betty Lou's Restaurant opened on Rehoboth Boulevard and flags were attached to the utility poles. He said she also had some straw bales wrapped in fabric with plants sitting on them. He explained those type things are problems.

Mr. Grier stated that Ms. Favata expressed concern when they relocated their office at the old Happy Harry's site and had placed some temporary signs outside that indicated they were open and ready for business. However, they were informed by the code enforcement officer they had to be removed. She pointed out that not only did she take occupancy of an empty-anchor store on the highway, but needed to use whatever tools she could to compete and continue as a successful business.

Mr. Norris referenced the existing sign section of the city code and specifically 230-24-A(10):

Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only two per each street frontage.
The city planner advised that during his seven years here as planner, there were a couple requests for large subdivisions who wanted signs that exceed the twenty square feet allowed. As a result, they went sent to the Board of Adjustment who approved the variance.

Mr. Rini advised that Knotts Landing has a sign that is a couple feet tall that states it is a deed-restricted community.

Mr. Grier feels that flags are not a problem though some changeable letter boards are not very attractive. Mr. Rini agreed and noted the IG Burton's Car Wash had such a sign at one point.

The city planner noted that portable signs are prohibited as is stated in B(11):

Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.

Mr. Grier said though they are prohibited in the code, a number of businesses have had them for years and he feels it will be difficult to suddenly inform them they are not allowed.

Mr. Rini said that there is wording in the code, but the enforcement is missing. He said that when enforcement occurs, it becomes a problem.

Mr. Grier does not see any problem with them with the exception of the older, roll-out, portable signs.

Mr. Rini clarified that would come under section (paragraph) 11; Mr. Norris agreed. Mr. Rini said it only needs to be enforced. He recommends that be passed through the city solicitor for a legal interpretation. He recommends we describe what we have in mind to see if it falls under those perimeters. However, to him, it is clear in B(11) that states portable signs, fixed on a movable stand or chassis, and to him that covers everything not nailed down.

Mr. Grier asked what other signs Mr. Norris feels are a problem.

Mr. Norris said only the portable letter signs like the one at Betty Lou's Restaurant. Also, menu signs, flag signs, flags and air and sign dancers. He agrees with Mr. Rini that the trucks being used for advertisement that are parked in front of businesses such as Subway are also a problem.

Mr. Rini explained that he is not saying they are a problem though it is they way they advertise. He reported the Chinese restaurant next to Super Fresh has a car by Kentucky Fried Chicken with a sign stuck on its side.

Mr. Norris added that another problem he has is shopping centers. You are only allowed one sign per shopping center. However, what happens, is that each store/restaurant wants their own sign. He noted that with the expansion of Milford Plaza, Advanced Auto has now requested their own sign on Route 113 which they will have to handle through a variance.

The city planner said there is also the outparcel where a bank was planned. They are permitted to have a sign on their building; however, if it is not their property, a variance is required. He explained that theoretically, there could be several signs.

Mr. Rini asked how it works if someone renting a pad site out in the parking lot wants a sign and it is not on their property. Mr. Norris explained it depends on whether they lease or own it. If they own it, it becomes their own property and a billboard could be added.

Mr. Rini said no one owns property in the shopping center which includes the pad sites. Mr. Norris noted that Applebees has their own sign too. In the case of Milford Plaza, there is the potential for individual signs for Advanced Auto, the bank, Applebees, etc.

Mr. Rini said we could have the same thing at Redners because of the number of pads along Route 113.

It was agreed that if the signs are appealing and installed correctly, it is not a problem.

Mr. Norris then informed Mr. Grier that he and the planning commission are trying to require a sign package be provided for a commercial development. The planning commission now requires four-sided elevations in order to get an idea of how the building will look.

The other thing the city planner has stressed, though it is not in the ordinance, is the sign package that would apply to each tenant/store front/site pad.

Mr. Rini said for example, when a final site plan is being worked on, they try to get a sign package and elevation. He said each store has a grade of store (A store, B store, C store) and the planning commission always insists on the A quality store.

He said the other items are signs and landscaping. He advised that the planning commission now requires a landscaping design as part of the final site plan.

Mr. Grier asked if there is no requirement for a landscape design in the final site plan; Mr. Rini said it is not required nor is there a sign requirement. Mr. Norris said it is requested though not a requirement. Mr. Rini said there is a requirement if a different type property going up against another, landscaping or fencing is required. But the trees around the building that the city arborist would approve is not required.

Mr. Norris clarified that there is a landscaping buffer requirement between a residential and a commercial zone or vice versa. He said that Sonic added a five-foot buffer because they were next to Rite Aid.

Mr. Rini said that is something we can go to; a signage package would be part of the plan. Mr. Grier feels it is appropriate to request a sign package with the site plan.

Mr. Rini then asked if it should be before the final site plan so city council could look at it. He emphasized that final site plans only go to the planning commission. He would not want the planning commission to approve something that city council asked why it was allowed because it is ugly.

Mr. Rini also stated they are also pushing for more monument signs instead of the pole type sign for developments. He explained it they are off the ground and not on a pole. It looks like it is part of the property and instead of a 30-foot pole have a stone structure or something similar.

Mr. Grier questioned if that could create a visibility problem because they are grounded; Mr. Norris said not if they are in the middle of a shopping center or property. Mr. Grier said that normally a sign is on the outskirts of a parking lot or entrance area. Mr. Norris said there may be a 30-foot sight triangle at an entrance. A sign would be placed in the area that would not impede visibility. Mr. Grier asked who has a similar sign; Mr. Norris stated no one.

Mr. Grier said he is in favor of adding a sign package requirement to the site plan. He feels that would benefit the city and the developer. Mr. Rini added that the sign requirements in the code work, but we need it done up front.

Mr. Grier said he does not feel the flags are a problem noting that in most cases, they are temporary and used for grand openings, sales, etc. He suggests if nothing else, a possible time limit be placed on them.

Mr. Rini informed Mr. Grier that currently they are prohibited. Mr. Grier said he has observed some flags with a development's name that are often more appealing than signs on poles or stakes.

It was noted that B(9) states:

Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures.

The paragraph ends with "*Allowance shall be determined by the Code Official.*"

Mr. Rini said he hates to touch the signage package because of what the planning commission went through with the billboard. They reviewed that for eight months, then presented it and council voted it down. Then the city had problems with people installing billboards again.

Mr. Grier again referenced the letter from First Class Properties who had used temporary signs described as small, feather-like signs indicating they were open for business. However, because they are not allowed, our code official informed them they had to be removed. He has no problem with a promotional flag to promote a person's business.

Mr. Rini asked if the code officials know they have the right to allow them; Mr. Norris said the problem is one person may have new signs that are maintained and appealing. Another person may have some that are worn and weathered. However, everyone must be treated equally.

Mr. Rini said a decision is not necessary at this point and suggests that Councilman Grier think about it.

Mr. Norris then recommended that Mr. Grier ask the opinion of other councilmembers at the next council meeting. He directed him to inform them of this meeting and that one thing that came out of the meeting was that the planning commission wants to amend the ordinance to allow a sign package. Mr. Rini then stated 'if needed'; Mr. Norris agreed.

Mr. Rini informed Mr. Norris there are articles already in the code that have covered everything discussed though it is not being enforced. Mr. Norris said he was only aware of two cases where variances had been granted. One is the monument sign for residential developments. The only other thing he can recall is in R-1, only two square feet of signage is permitted. A number of churches are located in R-1 zones and have requested a variance.

Mr. Rini feels that is ok because it does not take much to get a variance. Mr. Norris agreed but noted they have to spend \$350 though that would be a decision of city council.

Mr. Norris said the other issue is only 225 square foot sign is allowed in a C-3 zone. He has been associated with other ordinances where for each lineal feet of frontage, a half square foot of signage is permitted which could involve multiple signs or one large sign.

Mr. Rini said his problem is the upkeep of existing signs rather than the signs themselves. Mr. Grier asked if maintenance of signs should be added. Mr. Norris feels that falls under the property maintenance code because it involves a structure. Therefore, the code officials need to be directed to ensure the signs are maintained properly.

In his opinion, Mr. Rini said it appears that everything is in place including the flags that the city manager received complaints about. However, he recommends that Mr. Grier needs to ask city council their opinions during an executive session. If Mr. Grier feels more work is needed, he should come back to Mr. Norris and Mr. Rini to work on it.

Mr. Grier asked the city clerk to add the item to the next agenda.

Mr. Rini told Mr. Grier to inform council a sign package should be required in the site plan. In addition, a landscaping package could be added even though that will require an ordinance amendment.

Mr. Grier confirmed that in a residential district, only two square feet of signage is allowed. It was agreed that a variance is needed to prevent signs from popping up throughout a residential area.

In addition, it was agreed that maintenance and upkeep of existing signs should be discussed and whether to add that to the sign code or allow it to continue to fall under property maintenance.

With no other business, the meeting was adjourned by Councilman Grier at 2:29 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

ARTICLE VI - Signs

[Amended 7-11-1994]

§ 230-24. - Permitted and prohibited signs.

§ 230-25. - Construction; violations and penalties.

§ 230-26. - General standards.

§ 230-24. - Permitted and prohibited signs.

For the purpose of this article of this chapter, the regulations are hereby set forth as follows:

- A. Signs permitted without limitation in all zoning districts shall be as follows:
- (1) Authorized signs regulating traffic under state or city authority.
 - (2) Signs designating public transportation pickup points.
 - (3) Informational signs: those erected for safety or those installed to provide directional information and those erected for the identification of public rest areas, public parking areas, entrances or exits and loading or unloading zones (not to exceed 2 1/2 square feet in area and nonilluminated).
 - (4) Warning signs and no trespassing signs.
 - (5) Memorial plaques, corner stones and signs designating historical sites.
 - (6) Signs required to be posted by law.
 - (7) Duly authorized governmental signs, public notices and signs posted or maintained by governmental order, rule or regulation.
 - (8) Flags or emblems of governmental, educational or religious organizations.
 - (9) Address signs, not to exceed one for each principal building or premises, not to exceed 160 square feet in area. The signs shall show only numerical address designations of premises upon which they are affixed/maintained.
 - (10) Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only two per each street frontage.
 - (11) Signs which are attached or are integral to fuel dispensing pumps or devices, to be no larger than the servicing device to which they are attached.
 - (12) Temporary sign for sale (realty, private owner, etc.), rental or lease of premises at location. Allowance shall be determined by the Code Official.
- B. Signs prohibited in all zoning districts shall be as follows:
- (1) Flashing signs.
 - (2) Animated signs.
 - (3) Signs producing noise or sounds.
 - (4) Signs emitting visible smoke, vapor, particles or odor.
 - (5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.
 - (6)

Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.

- (7) Signs attached to fire-fighting equipment, emergency egress doors, windows and like emergency purposes.
- (8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).
- (9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. Allowance shall be determined by the Code Official.
- (10) Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).
- (11) Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.

§ 230-25. - Construction; violations and penalties.

- A. All signs permitted by this article shall be erected/placed in accordance with the zoning requirement set forth by this chapter (regarding setbacks, sizes and height limitations) and shall be constructed so as to withstand loadings imposed by wind or the direct result of the sign's weight or stresses that may be otherwise imposed. All signage applications shall be accompanied by scale drawings and shall meet the approval of the Plans Review Official.
- B. Any violations of city code(s)/ordinance(s) regarding the laws governing signs within the City of Milford shall be grounds for the removal of the sign in question, fines, imprisonment or all of the preceding. This shall be determined by the Code Official.

§ 230-26. - General standards.

The chart, found at the end of this chapter, shall determine the size and height requirements allowed within the designated zoning district. Additional requirements are as follows:

- A. Setback.
 - (1) Commercial/industrial districts: 10 feet from front right-of-way line.
 - (2) Noncommercial districts (nonresidential):
 - (a) Advertising: 10 feet from front right-of-way line.
 - (b) Nameplate, identification and instruction: five feet from right-of-way line.
- B. Sign standards chart (end of chapter).
- C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:
 - (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.
 - (2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
 - (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation

shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

- D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:
- (1) Signs shall reflect simplicity, using graphics and minimum information.
 - (2) Light-colored lettering should be used over dark matte background as the dominant motif.
 - (3) Signs should have a singular theme.
 - (4) A maximum of three colors may be used.
 - (5) Signs should employ a style consistent with the age of the building.
 - (6) Signs should fit into the size and proportions of the building.
 - (7) Wall signage shall be placed directly above the storefront.
 - (8) Wall signs should be made of natural materials, when feasible.
 - (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.
- E. Political signs.
- (1) Residential and Downtown Commercial Districts.
 - (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
 - (b) The maximum height of any political sign shall not exceed three feet.
 - (c) All political signs shall be removed within seven days after the election.
 - (2) Other zoning districts.
 - (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
 - (b) The maximum height of any political sign shall be no more than five feet.
 - (c) All political signs shall be removed within seven days after the election.
- F. EMB signs. The following are the guidelines for all EMB signage:
- (1) EMB signs are only permitted in the C-3 Zoning District.
 - (2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.
 - (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
 - (4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.
 - (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
 - (6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.
 - (7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
 - (8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the

electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.

- (9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].

[Ord. No. 2010-1, §§ 4—7, 5-24-2009]



Terri Favata
First Class Properties

Phone: 302-422-8200

Fax: 302-422-9222

Cell: 302-242-1782

Email: terri@1stclassproperties.com

May 30, 2012

Dear Councilman Grier,

As the Chair of the Economic Development Committee in the City, we appreciate your assistance in the following matter:

First Class Properties started in Milford in one of the most challenging markets Real Estate has seen in years. We need every tool we can find to compete as a small business. Our location in a shopping center that was formerly the location of Happy Harry's, has left us without an "anchor store" to generate the traffic flow and exposure that our business needs to survive.

Recently, we employed some tools to communicate to the public that we are open and a viable business. We placed outside of our office, some small feather-like temporary signs that show we are open and thriving. Soon after placing the signs, the Code Enforcement Officer told us they had to come down.

As Realtors, we are very concerned about good community image and decorum, but there are times when signage has to be bold to tell your message and alert the public.

First Class Properties wants to continue to use these temporary signs to signal we are open and available to the public. (They are taken down when we are not open.)

First Class Properties realizes that the Code Enforcement Officer has a difficult job to assure the signage remains consistent with the code. We are asking the City Council to re-visit the guidance to the Code Enforcement Officer to allow temporary signage that complies in all other aspects of the code. If complaints occur from his permit, the signage could be reviewed by the appropriate committee.

Terri Favata
Broker/DE Realtor
First Class Properties
302.242.1782
302.422.8200
terri@1stclassproperties.com

Request:

Increase City Administration/Capital Vehicle Line Item by \$1740;
To be paid from General Fund Capital Reserves

Purchasing Ford F-250 (Delaware State Contract)

With the options, the City Manager's truck will be \$29, 163 or an additional \$1738 from the original price of \$27,425.

WINNER FORD
John Grealy
jgrealy@winnerford.com
Ph 856 427 2664 Fax 856 428 4718

2012 4x4 Ford Expedition

Delawre State Contact #GSS10560

Base vehicle \$27425.00

5.4L V8 engine
6 speed automatic transmission
Safety canopy
Side air bags
Cloth front bucket seats
Vinyl second row bench seat
P265/70Rx17 BSW all season tires
AM/FM radio with CD player
Front skid plate
Heated mirrors
Privacy glass
Step bars
Roof rails
Vinyl floor covering
Keyless entry keypad
Remote keyless entry
4 wheel anti lock brakes
Air conditioning
Power lock and windows
Fog lamps
Electrochromatic rear view mirror
Column shifter

Options:

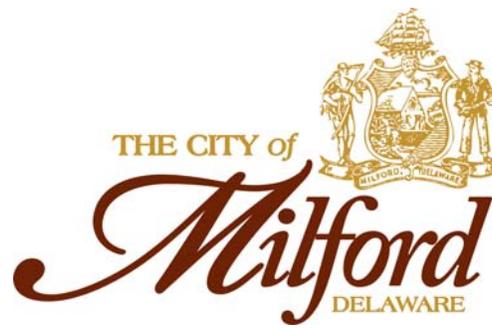
Runing Boards \$425.00
Trailer Tow \$595.00
Third Row Seat \$718.00

250 HADDONFIELD BERLIN RD. CHERRY HILL, NJ 08034

FY 2011-2012 Budget Amendments:

Transfer \$2,500 from
General Fund Miscellaneous Revenue
Into Legal Expenses (Council)
101-1110-411-30-20

Transfer \$1,000 from
General Fund Miscellaneous Revenue
Into Legal Expenses (Administration)
101-1010-413-30-20



AGENDA

Milford City Hall, Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963

Monthly Planning Commission Meeting

June 19, 2012

7:00 P.M.

Call to Order – Chairman Charles Rini

Roll Call

Approval of Previous Minutes

Chairman Monthly Report

Unfinished Business:

New Business:

2008 Comprehensive Plan Amendment/Ordinance 2012-09
Resolution PC12-016

Senate Bill 167

Development Trends Data/Office of State Planning

City Planner Monthly Report

Adjourn

051012, 052212

**CITY OF MILFORD
PLANNING COMMISSION**

Minutes of Meeting

May 15, 2012

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, May 15, 2012.

PRESIDING: Chairman Charles Rini
IN ATTENDANCE: George Pilla, Kerri Fry, William Lane, Jason James, Jamie Burk, Archie Campbell
ALSO: Solicitor David Rutt, City Planner Gary Norris and Department Administrative Assistant Christine Crouch

Chairman Rini called the meeting to order at 7:00 pm noting the absence of Mr. Holloway and Mr. Sharp.

APPROVAL OF MINUTES

The minutes for the April 2012 regular monthly planning commission meeting and the workshop meeting were approved as submitted with a motion by Mr. Burk and seconded by Mr. Campbell.

CHAIRMAN MONTHLY REPORT

Chairman Rini and Mr. Norris attended the Complete Communities workshop earlier this evening. Chairman Rini reported he and Mr. Norris met with DeIDOT and are pushing forward with the letter of no objection that DeIDOT issues when an applicant comes forward and are trying to open up the lines of communication with DeIDOT so that if commissioners or the City have questions about what DeIDOT wants to do on a particular site, there is an avenue to go back and ask them to revisit things. He noted the Milford Plaza project which the Fire Company wanted to keep the rights in, which we failed, but want to improve things in the future.

UNFINISHED BUSINESS

NEW BUSINESS

Ordinance 2012-07/Amend Chapter 230-Zoning/EMB Signs

Mr. Norris explained what is in red in the ordinance are the proposed changes or in this case additions to code, which were suggestions given by Mr. David Mosley of East Coast Signs.

In summary, this will amend the size of EMB signs, however the overall square footage will remain the same, still no larger than 32 square feet. It will give people flexibility in their sign size without increasing the overall size.

PUBLIC NOTICE
PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS
City of Milford Zoning Chapter Amendment
Ordinance 2012-07

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Code on Tuesday, May 15, 2012 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Tuesday, May 29, 2012 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2012-07 may be adopted, with or without amendments.

AN ORDINANCE TO AMEND Chapter 230--Zoning, Article VI- Signs, of the Code of the City of Milford.

The City of Milford hereby ordains:

Section 1. Amends §230-26-General Standards.

Section 2. Adds a New Paragraph 10 to §230-26(F)--EMB Signs which will read as follows:

(10) All EMS Signs shall have a height of no less than a minimum of two feet and no greater than a maximum of five feet. All EMB signs shall have a width or no greater than a maximum of twelve feet and shall be no larger than thirty two square feet total.

Section 3. Amends Sign Chart by clarifying size restrictions of EMB signs in the C-3 zoning district (attached).

Section 4. Dates.

Introduction to City Council: May 14, 2012

Planning Commission Review and Public Hearing: May 15, 2012

City Council Review and Public Hearing: May 29, 2012

Chairman Rini called for public comments however hearing none closed the public comment session.

A motion by Mr. Pilla was seconded by Mr. Lane to recommend approval of ordinance 2012-07. Motion carried unanimously following a poll of the commissioners.

Chairman Rini thanked Mr. Norris for his work on the ordinance.

**Matt Metz of Bob Nash Associates on behalf of Susan S. Phillips; Project No 12-183
Final Minor Subdivision
414 Evergreen Circle
Tax Map 1-30-3.07-101.00; 1.21+/- Acres; R1 Zoning
Adoption of Resolution PC12-013**

Mr. Matt Metz with Bob Nash Associates was present on behalf of Susan Phillips, the owner, who was also present. Ms. Phillips is proposing to subdivide a 1.2 acre lot into two lots, each of which will meet the current R1 zoning code. The parcel is at the end of a cul de sac in Lakelawn Estates. When this subdivision was laid out originally, this was four lots, however due to current zoning codes, the parcel can only be divided into two lots.

Mr. Metz explained there will be changes to the record plan as per the DAC comments. Mr. Norris had requested at that meeting a note be added regarding the limitation of removing trees that are over 12" in diameter except for the area of actual house construction. The Fire Marshal also had notes he would like added to the record plan.

Mr. Norris read the following email received by Mrs. Crouch:

Our land is next to the Phillips Property and we feel that splitting the land into two parcels would adversely affect the natural feel of the neighborhood. Thank you for your consideration.

Don and Marie Steiner

Mr. Norris asked how the driveway encroachment will be handled. Mr. Metz explained that will be addressed between the two property owners, which will be the new owners once the lot is sold.

Chairman Rini called for public comments and hearing none closed the public comment session.

A motion to approve resolution PC12-013 by Mr. Pilla was seconded by Mr. Lane. Motion carried unanimously following a poll of the commissioners.

Judy Schwartz of George, Miles & Buhr on behalf of Milford School District; Project No 08-054

Revised Final Site Plan

311 Lovers Lane, Mispillion Elementary School

Tax Map 3-30-11.05-218.00; 12.75+/- Acres; R2 Zoning

Adoption of Resolution PC12-014

Ms. Judy Schwartz of George, Miles & Buhr was present on behalf of Milford School District. Mr. Martin Dusbiber of Delaware Architects and Mr. Heinz Retzlaff of the school district were also present.

Ms. Schwartz explained in May 2009 the site plan was approved for the new school and construction began in 2010. This is the first school year the school has been occupied during which the district identified the bus route while on school property is a safety issue.

The school district is seeking to add an entrance to the bus parking area off the end of Maple Street. Currently the access is off Bridgeham Ave, which will continue to be used for buses in the mornings as drop and go. The buses will come into the parking area, go around the circle in the back and drop the students off and then leave.

The reason a secondary entrance is needed is for afternoon use only which will allow for more efficient circulation within the bus parking area and the district believes it to be a safer situation for students.

Under this plan, buses enter off the end of Maple Street and exit via Bridgeham Avenue. The Maple Street entrance is proposed to be gated such that it will only be used for the access of the 20 buses one time a day. The plan would be for the gate to be closed until 3:00 pm at which time the custodial staff would open the gate, the buses would come in, which takes 15 to 20 minutes, then the gate will be closed again. The intent is not to establish through traffic along Maple Street but only to allow an alternate entrance for 20 buses in the afternoon. The entrance is 16' wide, 60' long and will add 1285 square feet of impervious surface. The conservation district feels the additional impervious surface is very minor and will be accommodated by existing stormwater facilities.

Chairman Rini confirmed this will be an entrance only for about 20 buses from 3:00 pm until 3:15 pm or 3:20 pm during each school day. Not on weekends, not on holidays and not during the summer.

When asked by Chairman Rini if there is any landscaping proposed along this drive, Ms. Schwartz stated there are trees planted now and more could be added if that is a concern.

Mr. Norris had no questions.

When asked by Chairman Rini if the commissions had any comments or questions, Mr. Campbell stated as an employee of the school district he will be stepping aside from this application.

Chairman Rini addressed the public by asking if they are aware of where this entrance is proposed.

Chairman Rini stated this is a public hearing and will open it to public comments.

Solicitor Rutt stated this is a final site plan review and any comments are to be limited to the requirements and design standards in the ordinance. The question the commission has to decide is does the plan and the specifications as shown comply with the ordinance. We are not getting into use, this is a strictly a question or discussion on the specifications. He cited §200-5 of the City Code (Subdivision of Land, General requirements and design standards).

Chairman Rini called for public comments.

Diana Phillips-500 Maple Street- Stated she lives in the cul de sac that will be affected. She asked if this has already been approved. Chairman Rini stated it is up for approval tonight. She objects very much to this. There are two neighbors in the cul de sac that are affected the most, her and her husband and the Andersons. They bought their homes because of the cul de sac and wanted the peace and quiet with no traffic and now they are losing that. She understands there was a need for the school, but lost the vacant lot the school now sits on. She is still concerned that there has not been a summer yet. That whole area is used all the time, not just during school time.

Chairman Rini interrupted referring to Solicitor Rutt's comment explaining the only thing discussed tonight is the additional entrance off Maple Street into the property.

Mrs. Phillips stated she very much objects. The neighborhood went through enough with the dirt and dust when construction began and was never assisted by the school with the clean up. Two years of that mess, and now to have the cul de sac removed is not fair.

Pat LeManna-622 Cedarwood Avenue-Is concerned that property values will go down because now she will be living on through street, not a cul de sac. She doesn't think it will be long before cars will come through on a regular basis, then it will be used for after school activities. She is also concerned with buses running up and down this neighborhood with children in it. 20 buses. She doesn't even know if the street is wide enough for a bus to pass a car. She also is objecting to this proposal because it will change the character of the reason she lives there, the reason why she bought her house.

Vernon Phillips-500 Maple Street- Stated the only reason the school district needs this new entrance is because whoever did the original job didn't plan it out right. It's all about the buses not being able to pass one another as they come in. There is plenty of room down at the end where they can take a bulldozer and level the area off so that it's wide enough for the buses to pass one another. That's all that it's about. Somebody screwed up when he designed that driveway and now they want us to pay for it and he objects totally to it.

Francis Bond-620 Cedarwood Avenue-Is concerned how the buses coming through will affect his COPD. The diesel fuel that is let off from the buses will increase the pollution in the area and he really objects.

Stewart Johnston-600 Maple Street-Echoes the concerns the previous speakers have. He asked who owns the land that this driveway goes across? There is about 12' of property between the school fencing to the street. He asked who owns that property and how is it being gone through. He also echoes the others with objecting.

Kelly Muir-607 Cedarwood Avenue-Is supporting her neighbors and also objects. It was her impression this was a closed neighborhood and was meant to stay that way. The entrance of Marshall Commons has an island in middle of it, which is also a very narrow passageway for buses to be turning in and out of. There is already a road for the buses to use for Ross and Mispillion pick up and is uncertain why they would want to open up the neighborhood. Buses can go straight through Lovers Lane, there is a road right there. It passes a garage and there is a parking lot between Mispillion and Ross. They could just bus through there and have a second entranceway through there without having to open a cul de sac.

Hearing no additional public comments, Chairman Rini closed the public comment session.

Regarding the property ownership question presented, Mr. Norris stated based on his interpretation of what was submitted, there is a right of way. Within that right of way is the grass strip, the curb, the sidewalk and the street. Again based on his interpretation, that public right of way abuts the school property. So it's like having a driveway come out to the street. All they are doing is coming out to the right of way. That is best explanation he can give right now, that there is no 12'. The school property abuts the right of way and they are coming out to the right of way.

Mr. James confirmed there is one gate and a pedestrian crosswalk on the plans. He stated he has heard several parties tonight express their concerns and asked if there is an alternative to get into this parking lot other than through the cul de sac.

To continue to use the entrance off Bridgeham Ave, according to Ms. Schwartz. The preference would be to improve the loading and provide safer conditions for the loading of the children if the buses didn't have to cross and go around the circle and go in front of the entrance to the school as the children are exiting the school.

Mr. James understands that will improve the safety, but he would like to know if there is another way to get to that section of the parking lot without going through Maple.

Chairman Rini asked if Maple Street will become a through street. Ms. Schwartz replied no. He also confirmed it will only be used for 15 minutes a day. The buses will only enter the school property from Maple Street. It will not be used on non-school days or in the summer.

Chairman Rini asked if since Maple Street is a cul de sac if there is currently a sign at the entrance to Maple that states Dead End or No Through Street. Ms. Schwartz was not aware if there was such a sign.

Mr. Lane asked Ms. Schwartz what an alternative access to this plan is. Ms. Schwartz stated the alternative would be to continue to use the entrance off Bridgeham. Mr. Lane restated the question stating there is no other way of approaching it. Ms. Shwartz replied she didn't believe

there was. She stated five or six alternatives were reviewed with the district, but none included a second entrance. Mr. Lane stated there was no “plan b”. Ms. Schwartz replied no.

Mr. James asked how many buses go through Marshal Commons now. Ms. Schwartz was not aware of the number.

Because audience members were addressing the commission and Ms. Schwartz, Chairman Rini asked them to not speak out of turn because there are certain protocols and legal guidelines that must be followed. He must do that for the protection of everyone.

Chairman Rini suggested the school district request from the City that there be a No Through Street sign put in at the entrance of Maple to help alleviate some of these concerns that it would turn into a through street, even though we know it’s not going to be. Ms. Schwartz felt that was reasonable.

Chairman Rini made a motion to approve resolution PC12-014 with the condition that the school ask the City to erect a sign at the entrance to Maple Street stating that it is not a through street. Mr. Pilla seconded the motion.

Solicitor Rutt explained when the commissioners vote, they must determine if it meets the design criteria. You cannot talk...the use has been determined, the fact that the street abuts the school property has already been determined and it’s whether it meets the design criteria of the city code under §200-5 of the City code (Subdivision of Land, General requirements and design standards). We are here on a Site Plan Review, not use, not Subdivision, but Final Site Plan. When voting, the commissioners need to state if it meets it and if not, why.

Mr. Pilla Yes. He may not agree with this, however it does meet the requirements of the City code so he has no other choice but to vote yes.

Mr. Fry Yes. He is along the same lines. It meets the code, but it was improper planning.

Mr. Lane Yes. He agrees it does meet codes and what have you, but he thinks it was poor preparation the way it was approached to the City and the inhabitants in the community.

Mr. James Yes. Only because it meets the City code. He was involved in the original site plan and did not foresee this through way through a closed community.

Mr. Burk Yes. It meets the codes.

Mr. Rini Yes. It meets the conditions.

Mr. Norris asked if Mr. Campbell voted. Chairman Rini reminded him Mr. Campbell is not participating because he works for the school district.

Chairman Rini announced the motion carried and thanked the people for their cooperation in this deliberation.

**David Kenton on behalf of Fork Landing Farm LLC; Project No 10-200001
Variance (referral from Board of Adjustment)
South side of Cedar Beach Road, lots 1-10, 13-21, 22-32, 35-41
Tax Map 3-30-7.18-043.00 thru 3-30-7.18-052.00; 3-30-7.18-054.00 thru 3-30-7.18-
074.00; 3-30-7.18-077.00 thru 3-30-7.18-083.00; 24.07+/- Acres; R2 Zoning
Adoption of Resolution PC12-015**

Chairman Rini asked for the commissioner's attention. The next item on the agenda is Fork Landing Farms and he is going to differ the way we do things on this.

It's asking for a variance, then you will see that it was referred from the Board of Adjustment to the Planning Commission for a recommendation. This basically went to the Board of Adjustment and they felt they wanted it to go to the Planning Commission for their recommendation.

To have the Planning Commission recommend back to the Board of Adjustment would just be delaying the process, so what he is going to do is take the resolution and instead of recommending it to the Board of Adjustment, he will change that to recommend it to City Council.

He stated if it were recommended back to the BOA, it would then go back to the Planning Commission again and then City Council. He asked for Solicitor Rutt's opinion.

Solicitor Rutt stated the Board of Adjustment asked for a recommendation from the Planning Commission per §230-38 (*Referrals to Planning Commission: The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.*)

He continued by stating however if you look at the code itself, for purposes of recommendations, when you're recommending a change on a site plan, and essentially a large scale variance, the recommendation under the code does not go back to the Board of Adjustment, it goes to City Council. That is the procedure he would suggest. Whatever recommendation the Planning Commission makes it would then be referred to City Council for a final decision and not back to the BOA.

Chairman Rini added in the code it does give the BOA the power to recommend coming to the Planning Commission for recommendation, however it doesn't state in there anything that says the Planning Commission has to return its recommendation to the Board. He thinks it's just a waste of time for the applicant to back track. That is why he is taking this position on this particular item.

Mr. Scott Daley of Capstone Homes was present to speak on behalf of the application. Mr. David Kenton of Fork Landing Farms LLC was also present. Capstone Homes is one of the builders in the development and has handouts for the commission. Chairman Rini stated nothing needed to be handed out and it was confirmed that whatever was handed out at BOA was included in the Commissioner's packets. Chairman Rini stated we do try to do things by the book.

Mr. Daley explained lot 12 just received a variance from the Board of Adjustment. Capstone Homes is a Lewes based builder and there is a problem with the way the setbacks were approved in this development. Most of Capstone's existing floor plans don't fit in the building envelope. Referring to the smallest floor plan, the Jackson model, which Commissioners have before them, it is a 1388 square foot house without any options. The original plan for lot 12, does not fit in the building envelope. The person that purchased that model wanted a sunroom on the back with made it fit even more poorly on the lot. The variance was granted on that lot and the applicant was directed by the BOA to come before the Commission to get their recommendation on how to address the remaining lots with potentially the same issues.

The application is seeking to reduce the rear and front setbacks on specific lots so that more home models will fit. He does not believe that this will have any negative impact on the community. The road is narrower than the right of way, so the house is further off the street than the 20' setback. It's closer to 28' to 30' off the front of the house to the paved surface.

The engineering department has reviewing this request for a reduction in the setbacks and has come to the conclusion there are no utilities that will be close. Just looking to have more flexibility to sell homes in the community.

The way Capstone sells homes in this community is there are six different models that people will come in and look at the floor plans and see one they like and then choose a lot. So right now, the way the setbacks are, they are very limited in the variation of the different homes that can fit on the lots. Fork Landing Farms was a subdivision that was approved long before Capstone came to the table and in this business climate it's really not feasible for them to redesign their products to fit into a single community. These models that they build are models built in eight other subdivisions. One of the advantages of that is they have a very good handle on their costs and also people can go and see the models in other developments if they want to buy in Fork Landing.

Mr. Daley continued by stating there are duplex lots in the subdivision that are not part of the variance application.

Mr. Norris confirmed the request is for a reduction in the front yard from 30' to 20'. He does not have a problem with that. The rear yard reduction is from 15' to 10' and according to the plan it appears there is still plenty of rear yard for decks to be added. Mr. Daley explained most of the time the houses he builds where the customer wants an option added, such as a sunroom, the customer can also have a deck built beside the sunroom instead of behind the sunroom. So the deck would not go closer to the rear yard property line.

Mr. Daley has a layout of lot 12 that shows this. Mr. Rini asked Mr. Daley to pass that layout around because if he had a large board it would be shown anyway so he didn't think there would be any violation in handing it out.

Mr. Norris explained the reason for his question was because in a previous development, Orchard Hill, the developer built the houses with a 30' front yard setback and then people wanted to build decks and they would have to get a variance for it. He just wanted to make sure Mr. Daley was comfortable and the Planning Commission was comfortable with reducing this so that Mr. Daley sells the house and after five to ten years the new home buyer comes in, wants to

put a deck on it and then the City says ‘We only required a 10’ yard at that time. You need to spend \$700 to go to the Board of Adjustment.’ Mr. Norris felt if when the house is disclosed if there was a statement or something, he’s just tossing it out, but that’s the problem the City runs into.

Mr. Daley again explained the decks would go beside the sunrooms and would not go back any further, unless they wanted a really big deck or something like that. But there is room for a back yard.

The predominant buyer that he’s finding for the single family homes so far in Fork Landing is a retired buyer. Typically folks are coming here because it’s a good place to retire and they don’t have to pay high taxes. They are generally not as concerned with having a big back yard and sometimes smaller is better because they don’t want to cut the grass.

Mr. Norris stated the City wants to encourage economic development. This is a good product. As long as they continue to build good products, he would be in favor of this proposed change.

Mr. Burk referred to Mr. Daley’s statement about the customer base being retired. He asked how many properties are sold in this development. Mr. Daley replied Capstone has sold four and are not the only builder. Mr. Burk asked where the statement about retirees comes from. Mr. Burk asked if Mr. Daley would be opposed to an addendum stating that they are aware that they may not be adding past a certain point. Mr. Daley had no problem with that addendum.

Mr. Pilla asked how wide the area is between each row of houses, referring to the site plan of Fork Landing where it states ‘50’ ROW dedicated to public use’. Mr. Daley explained that is the road right of way. Mr. Norris explained the street is in the right of way. Mr. Pilla asked what the distance is between the back of a standard house to the back of the house opposite it with no street between.

Mr. Norris replied if the application is approved it could be a minimum of 20’ but there might be more. Mr. Pilla thought there was a building separation requirement in the code. Mr. Norris confirmed the intent is to build the houses closer to the street which in theory will provide for a larger back yard.

Mr. James confirmed what is being proposed would allow for a sunroom, or a deck, or both with a minimum of 20’ between houses in the rear. Mr. Daley is happy to include language via an addendum, if the City wants to propose that language or Capstone can provide it. He is in the business of making people being happy after they own their houses.

Mr. Burk has seen a variety of statements from odor issues to building issues. He felt full disclosure would resolve any issues. Mr. Norris asked to read the contract including the language discussed tonight and sign off on it. Chairman Rini directed Mr. Daley to draft something up and forward it to Mr. Norris for approval.

Mr. Pilla stated the side yards are 8’, which can leave houses 16’ apart. Mr. Norris explained the side yards are not part of the variance request.

Chairman Rini asked Solicitor Rutt if this was decided by the BOA and they approved it, it would have been the last and final step on it and they would have had their approval but because the BOA recommended it come to the Commission, he asked if that gives the Commission the same right as the BOA to 'ok' it on behalf of the Board of Adjustment. He feels that if it has to go any further, that it might be a two to three month wait before it gets publicly published.

Solicitor Rutt stated under the City code §230-58 (Zoning, Amendments, Procedure) item A:
The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

Solicitor Rutt then read section B of the same chapter:

All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

Chairman Rini asked Solicitor Rutt if the Commission took the resolution as is and sent it back to the Board, could they just meet and pass it. Mr. Norris stated if that is done, you don't know if the BOA is going to approve it. Chairman Rini is just concerned for the applicant having to wait an extended period of time because it went to the BOA and they recommended it to the Commission. Solicitor Rutt felt the code he just read means that the application should go before City Council. Public notice is required.

Mr. Norris felt if Capstone has a buyer between now and when City Council hears the application, a variance could be applied for and be heard by the Board of Adjustment.

Mr. Dave Kenton, the owner of the property, explained at the Board of Adjustment hearing, they asked for a recommendation from Planning Commission. He asked if the Commission could provide the Board with their recommendation of approval of the variance. His feeling is the Board would be comfortable with voting in favor of the application if the Commission has no objections to it.

Chairman Rini felt this application has to go from the Commission to City Council. Solicitor Rutt again read §230-38, Referral to Planning Commission:

The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.

He stated it doesn't say anything about kicking it back to the Board.

Chairman Rini stated he was correct then when in the beginning of the meeting he stated the resolution is to be changed to read it will be recommended to City Council, rather than the Board of Adjustments. Change in the resolution.

With that change, Chairman Rini entertained a motion.

Mr. Campell asked if the Commission can vote on a variance. Chairman Rini replied yes because the Commission is recommending like they would on any variance and sending it to City Council.

A motion by Mr. Pilla to approve resolution PC12-015 was seconded by Mr. Campbell. Motion carried unanimously following a poll of the commission.

Mr. Pilla Yes. He thinks the footprint is better and gives the homeowner a little more flexibility.
Mr. Fry Yes for reasons stated.
Mr. Lane Yes for reasons stated.
Mr. James Yes. It's better to do it in bulk than one lot at a time.
Mr. Campbell Yes for reasons stated.
Mr. Burk Yes for reasons stated.
Mr. Rini Yes for reasons stated.

Chairman Rini thanked Solicitor Rutt for his guidance on this matter.

Report on City Owned Streets/Mark Mallamo, PE, City Engineer

Mr. Mallamo was not present, therefore no presentation was provided.

City Planner Monthly Report

No report to present.

With no further business, a motion to adjourn by Mr. James was seconded by Mr. Pilla. The meeting adjourned at 8:01pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary

City of Milford



PUBLIC NOTICE **City of Milford Ordinance 2012-09**

AN ORDINANCE AMENDING THE 2008 COMPREHENSIVE PLAN BY REPLACING URBAN GROWTH BOUNDARY (MAP 4) AND FUTURE LAND USE (MAP 10).

Section 1.

WHEREAS, the City Council of the City of Milford, on January 26, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on July 7, 2009; and

WHEREAS, the 2008 Comprehensive Plan, as amended on July 25, 2011, allows for an amendment process; and

WHEREAS, the City of Milford has requested an amendment to the Urban Growth Boundary (Map 4) and Future Land Use (Map 10), in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on June 19, 2012, after which the Commission made a recommendation in regards to the proposed amendments to the Urban Growth Boundary Map and Future Land Use Map related to the above request.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS: the City Council of the City of Milford hereby amends the 2008 City of Milford Comprehensive Plan, by replacing the reference maps herein as presented to City Council on June 25, 2012.

Section 2.

Council Introduction: June 11, 2012

Planning Commission Hearing: June 19, 2012

Council Hearing & Adoption: June 25, 2012

Effective Date: July 5, 2012

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC12-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MILFORD,
THE APPROVAL OF AN AMENDMENT TO THE 2008 COMPREHENSIVE PLAN
BY REPLACING THE URBAN GROWTH BOUNDARY MAP (FIGURE 4)
AND REPLACING THE FUTURE LAND USE MAP (FIGURE 10)

WHEREAS, the City Council of the City of Milford, on January 26, 2009, adopted the 2008 Comprehensive Plan pursuant to Title 22, Section 702 of the Delaware Code; and

WHEREAS, the Honorable Jack Markell, Governor of the State of Delaware, certified the 2008 Comprehensive Plan on July 7, 2009; and

WHEREAS, the 2008 Comprehensive Plan, as amended on July 25, 2011, allows for an amendment process; and

WHEREAS, the City of Milford has requested an amendment to the Urban Growth Boundary (Map 4) and Future Land Use (Map 10), in accordance with the process set forth in the 2008 Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on June 19, 2012; and

WHEREAS, by a vote of recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the amendment to the 2008 Comprehensive Plan to the Mayor and City Council of the City of Milford, Delaware.

APPROVED: _____
Charles Rini,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Planning Commission Rec Secretary

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

| | |
|-----------------------------------------------------------------|-----------------------------------------------|
| Name of Municipality: City of Milford | |
| Address: 201 South Walnut Street Milford, DE 19963 | Contact Person: Gary Norris, AICP |
| | Phone Number: 302-424-3712 |
| | Fax Number: 302-424-3558 |
| | E-mail Address: gnorris@milford-de.gov |

Date of Most Recently Certified Comprehensive Plan: 2008

Application Type:

Comprehensive Plan Amendment: Mapping Amendment

Ordinance: _____

Other: _____

| | |
|-------------------------------------------------------------------------|-----------------------------------------------|
| Comprehensive Plan Amendment or Municipal Ordinance prepared by: | |
| Address: 201 South Walnut Street Milford, DE 19963 | Contact Person: Gary Norris, AICP |
| | Phone Number: 302-424-3712 |
| | Fax Number: 302-424-3558 |
| | E-mail Address: gnorris@milford-de.gov |

| | |
|----------------------------------------------------------------------|---------------------------------------------|
| Maps Prepared by: URS Corporation | |
| Address: 4051 Ogletown Road, Suite 300 Newark, DE 19713 | Contact Person: Debbie Pfeil |
| | Phone Number: 302-781-5964 |
| | Fax Number: 302-781-5901 |
| | E-mail Address: debbie.pfeil@urs.com |

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Please describe the submission:

This amendment includes mapping changes to Figure 4-Urban Growth Boundary and Figure 10-Future Land Use. The City of Milford is requesting to add a portion of parcel 1-30-6-94.00 to the Urban Growth Boundary for annexation consideration to expand the City transfer station utility service. The future land use is noted as Transfer Station. The change is noted on each Figure map.

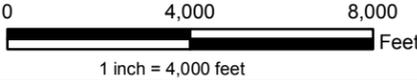
Milford Comprehensive Plan

Map Amendment 1

Figure 10 Future Land Use

Legend

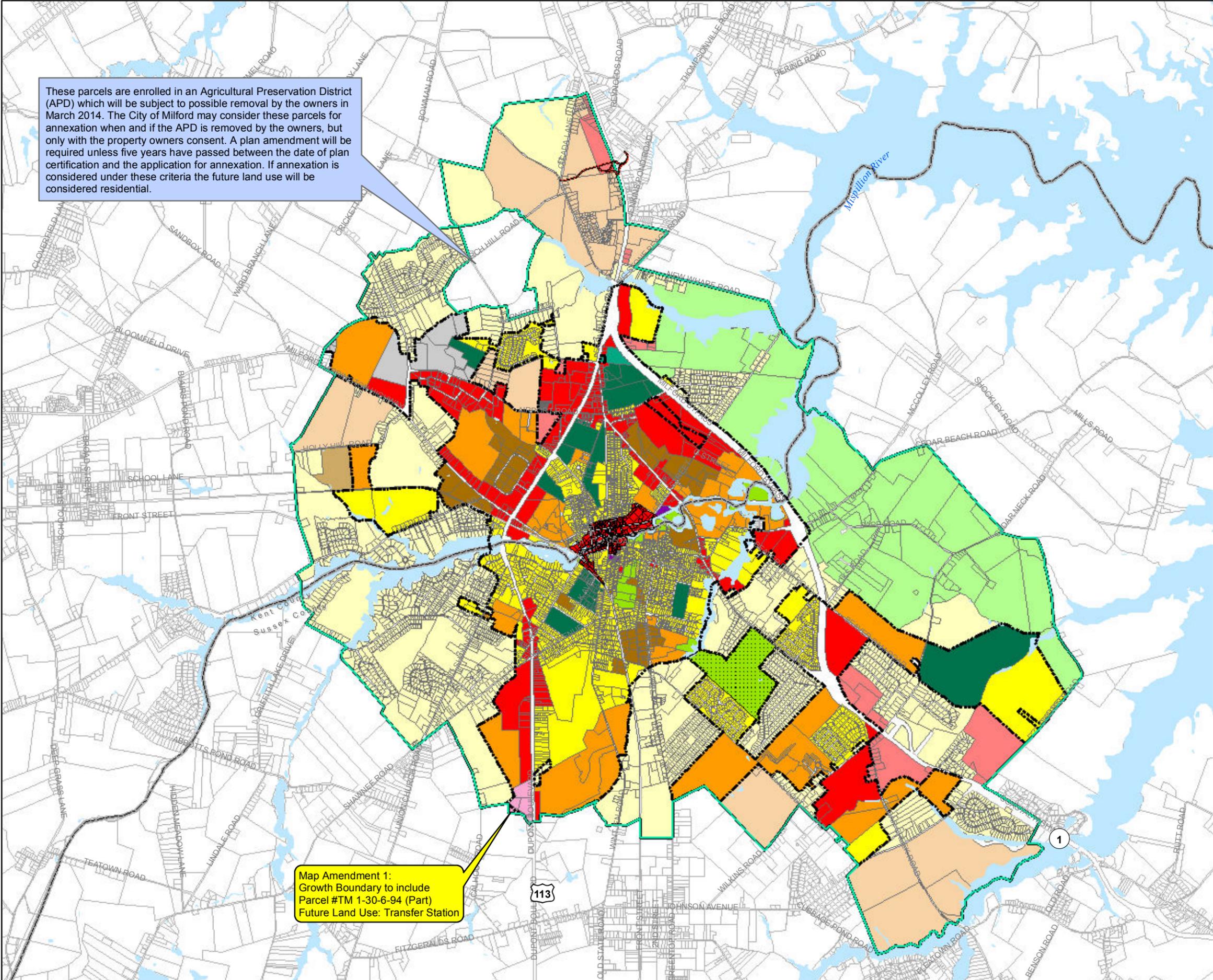
-  City Boundary
-  County Boundary
-  Urban Growth Boundary
-  Water
-  Downtown
- Future Land Use**
-  Business Park
-  Government
-  Employment
-  Highway/Commercial
-  Proposed Highway/Commercial
-  Industrial
-  Institutional
-  Low Density Residential
-  Proposed Low Density Residential
-  Moderate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



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

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



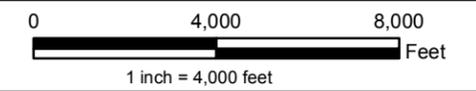
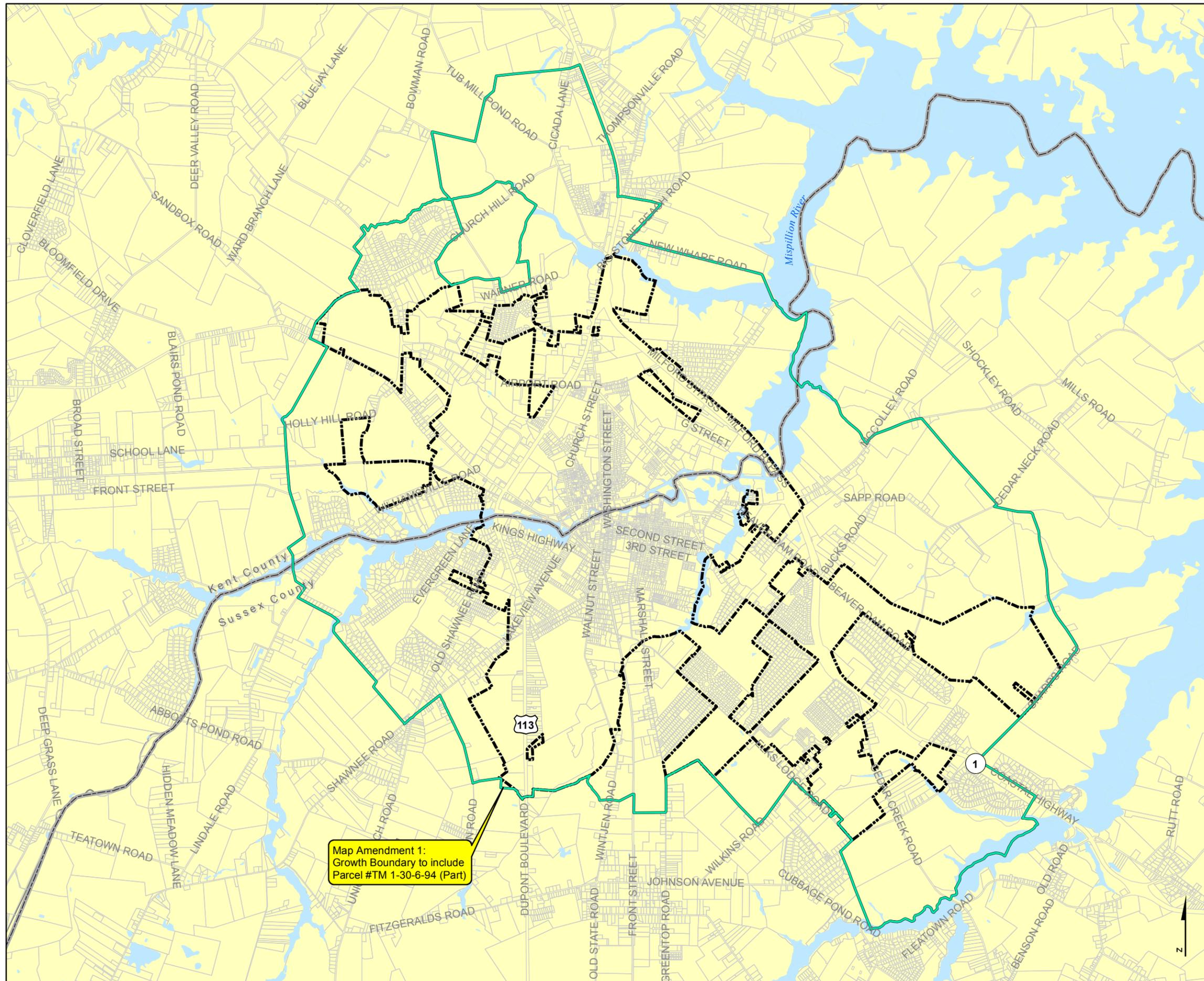
Milford Comprehensive Plan

Map Amendment 1

Figure 4 Urban Growth Boundary

Legend

- Parcel
- City Boundary
- County Boundary
- Water
- Urban Growth Boundary



Data Sources:
Roads - DelDOT
State, County, Municipal Boundaries - State of Delaware
Urban Growth Boundary - City of Milford



SPONSOR: Sen. Peterson
Sens. Blevins, Ennis, Sokola & Simpson;
Reps. Gilligan & Ramone

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 167

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE LEGALITY OF ANY ORDINANCE, CODE, REGULATION OR MAP RELATING TO ZONING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

- 1 Section 1. Amend §8126, Title 10 of the Delaware Code by making deletions as shown by strike-throughs.
- 2 §8126. County and municipality zoning and planning actions.
- 3 ~~(a) No action, suit or proceeding in any court, whether in law or equity or otherwise, in which the~~
4 ~~legality of any ordinance, code, regulation or map, relating to zoning, or any amendment thereto, or~~
5 ~~any regulation or ordinance relating to subdivision and land development, or any amendment thereto,~~
6 ~~enacted by the governing body of a county or municipality is challenged, whether by direct or~~
7 ~~collateral attack or otherwise, shall be brought after the expiration of 60 days from the date of~~
8 ~~publication in a newspaper of general circulation in the county or municipality in which such~~
9 ~~adoption occurred, of notice of the adoption of such ordinance, code, regulation, map or amendment.~~
- 10 ~~(b)~~ No action, suit or proceeding in any court, whether in law or equity or otherwise, in which the
11 legality of any action of the appropriate county or municipal body finally granting or denying
12 approval of a final or record plan submitted under the subdivision and land development regulations
13 of such county or municipality is challenged, whether directly or by collateral attack or otherwise,
14 shall be brought after the expiration of 60 days from the date of publication in a newspaper of general
15 circulation in the county or municipality in which such action occurred, of notice of such final
16 approval or denial of such final or record plan.

SYNOPSIS

If a municipality or county passes a land-use ordinance that violates state law, an aggrieved party has only 60 days to file a court challenge. After that, the ordinance cannot be challenged, nor can subsequent decisions based on that ordinance be challenged based on its invalidity. This Bill seeks to remove that bar, recognizing that the enactment of an ordinance that violates state law cannot be legitimized by the passage of time.

Author: Senator Peterson

Christine R. Crouch

From: Gary J. Norris
Sent: Tuesday, April 03, 2012 12:33 PM
To: Christine R. Crouch
Subject: FW: Development Trends
Attachments: DevelopmentTrends2008_2011.xlsx

Christine: Would you please make copies of this for the PC meeting in April. Thanks

From: Simmons Laura (OMB) [<mailto:Laura.Simmons@state.de.us>]
Sent: Tuesday, April 03, 2012 10:57 AM
To: Gary J. Norris
Cc: Holland Connie (OMB); Edgell David (OMB)
Subject: Development Trends

Dear Mr. Norris,

Beginning in 2008, the Office of State Planning Coordination has collected Development Trends Data from all 57 towns and the three counties. With thanks to all of our jurisdictions for their hard work in compiling the information, we enclose summary tables of statewide data for your information and use. Specific information about your jurisdiction can be found beginning with the fifth tab on the spreadsheet. We encourage you to review the tables and contact us with questions in general and any corrections you might offer in particular.

The purpose of this reporting is to assess how development activity is fairing with regard to land use policies as noted through both the State Spending Strategies and with certified comprehensive plans. This data is unique in that it is collected and reported in a consistent way based on information gathered directly from all statewide jurisdictions that issue building permits and development approvals.

It is our hope that the information we are providing will assist your jurisdiction in current and future planning. We ask that you please complete a short survey regarding this effort at <http://www.surveymonkey.com/s/K3WXFG7> . Please feel free to contact me at 739-3090 or at Laura.Simmons@state.de.us. Once again, we thank you for participating in this effort and look forward to your feedback.

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.929 / Virus Database: 2407.1.1/4309 - Release Date: 04/02/12 14:38:00

| Residential Units by Building Permit, 2008 through 2011 | | | | | | | | | | | | | |
|---------------------------------------------------------|-------------|------------|------------|-------|------------|------------|-------|------------|------------|-------|------------|------------|-------|
| Jurisdiction | 2008 - 2011 | 2011 | | | 2010 | | | 2009 | | | 2008 | | |
| | | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total |
| New Castle County | 1,988 | 269 | 228 | 497 | 339 | 243 | 582 | 178 | 275 | 453 | 251 | 205 | 456 |
| Bellefonte | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delaware City | 13 | 1 | 0 | 1 | 1 | 2 | 3 | 0 | 0 | 0 | 1 | 8 | 9 |
| Elsmere | 4 | 0 | 0 | 0 | 1 | 1 | 2 | 0 | 0 | 0 | 2 | 0 | 2 |
| Middletown | 558 | 22 | 25 | 47 | 81 | 25 | 106 | 71 | 78 | 149 | 95 | 161 | 256 |
| New Castle | 92 | 0 | 0 | 0 | 4 | 0 | 4 | 0 | 78 | 78 | 7 | 3 | 10 |
| Newark | 225 | 10 | 23 | 33 | 24 | 9 | 33 | 32 | 1 | 33 | 105 | 21 | 126 |
| Newport | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Odessa | 2 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Smyrna | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Townsend | 63 | 5 | 9 | 14 | 9 | 6 | 15 | 8 | 3 | 11 | 16 | 7 | 23 |
| Wilmington | 224 | 13 | 34 | 47 | 19 | 20 | 39 | 28 | 18 | 46 | 47 | 45 | 92 |
| Kent County | 1,778 | 251 | 325 | 576 | 181 | 138 | 319 | 209 | 191 | 400 | 211 | 272 | 483 |
| Bowers Beach | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 4 | 2 | 6 |
| Camden | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 4 | 24 | 9 | 33 |
| Cheswold | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| Clayton | 64 | 0 | 16 | 16 | 2 | 3 | 5 | 12 | 1 | 13 | 6 | 24 | 30 |
| Dover | 633 | 70 | 30 | 100 | 43 | 87 | 130 | 37 | 41 | 78 | 270 | 55 | 325 |
| Farmington | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Felton | 15 | 1 | 3 | 4 | 2 | 0 | 2 | 3 | 2 | 5 | 3 | 1 | 4 |
| Frederica | 22 | 2 | 6 | 8 | 1 | 3 | 4 | 2 | 0 | 2 | 0 | 8 | 8 |
| Harrington | 52 | 0 | 3 | 3 | 27 | 0 | 27 | 1 | 5 | 6 | 11 | 5 | 16 |
| Hartly | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Houston | 2 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| Kenton | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leipscic | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Little Creek | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Magnolia | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 5 | 0 | 0 | 0 |
| Milford | 100 | 5 | 2 | 7 | 1 | 3 | 4 | 4 | 3 | 7 | 82 | 0 | 82 |
| Smyrna | 662 | 53 | 80 | 133 | 61 | 19 | 80 | 92 | 110 | 202 | 82 | 165 | 247 |
| Viola | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodside | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyoming | 34 | 9 | 6 | 15 | 4 | 2 | 6 | 4 | 2 | 6 | 3 | 4 | 7 |
| Sussex County | 5,070 | 585 | 582 | 1,167 | 714 | 522 | 1,236 | 451 | 848 | 1,299 | 669 | 699 | 1,368 |
| Bethany Beach | 64 | 6 | 4 | 10 | 17 | 7 | 24 | 2 | 6 | 8 | 8 | 14 | 22 |
| Bethel | 3 | 1 | 1 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blades | 11 | 0 | 0 | 0 | 1 | 1 | 2 | 0 | 0 | 0 | 9 | 0 | 9 |
| Bridgeville | 95 | 13 | 17 | 30 | 9 | 11 | 20 | 6 | 19 | 25 | 10 | 10 | 20 |
| Dagsboro | 25 | 3 | 1 | 4 | 5 | 1 | 6 | 2 | 4 | 6 | 6 | 3 | 9 |
| Delmar | 17 | 3 | 7 | 10 | 2 | 1 | 3 | 1 | 1 | 2 | 1 | 1 | 2 |
| Dewey Beach | 10 | 1 | 3 | 4 | 0 | 1 | 1 | 1 | 1 | 2 | 0 | 3 | 3 |
| Ellendale | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Farmington | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fenwick Island | 19 | 1 | 3 | 4 | 2 | 2 | 4 | 1 | 4 | 5 | 6 | 0 | 6 |
| Frankford | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Georgetown | 78 | 5 | 3 | 8 | 1 | 1 | 2 | 24 | 26 | 50 | 10 | 8 | 18 |
| Greenwood | 9 | 2 | 0 | 2 | 0 | 4 | 4 | 3 | 0 | 3 | 0 | 0 | 0 |
| Henlopen Acres | 10 | 0 | 3 | 3 | 2 | 1 | 3 | 0 | 0 | 0 | 2 | 2 | 4 |

| | | | | | | | | | | | | | |
|-----------------|-----|----|----|-----|----|----|----|----|----|----|----|----|----|
| Laurel | 36 | 6 | 9 | 15 | 7 | 1 | 8 | 5 | 2 | 7 | 6 | 0 | 6 |
| Lewes | 94 | 9 | 20 | 29 | 15 | 13 | 28 | 10 | 17 | 27 | 4 | 6 | 10 |
| Milford | 78 | 8 | 15 | 23 | 0 | 38 | 38 | 4 | 9 | 13 | 3 | 1 | 4 |
| Millsboro | 268 | 42 | 82 | 124 | 14 | 21 | 35 | 11 | 30 | 41 | 52 | 16 | 68 |
| Millville | 239 | 30 | 54 | 84 | 20 | 21 | 41 | 24 | 56 | 80 | 7 | 27 | 34 |
| Milton | 139 | 7 | 14 | 21 | 13 | 8 | 21 | 16 | 17 | 33 | 34 | 30 | 64 |
| Ocean View | 133 | 15 | 18 | 33 | 17 | 22 | 39 | 14 | 28 | 42 | 5 | 14 | 19 |
| Rehoboth Beach | 59 | 7 | 10 | 17 | 3 | 7 | 10 | 7 | 11 | 18 | 6 | 8 | 14 |
| Seaford | 144 | 47 | 54 | 101 | 5 | 4 | 9 | 1 | 6 | 7 | 14 | 13 | 27 |
| Selbyville | 38 | 1 | 2 | 3 | 7 | 1 | 8 | 6 | 11 | 17 | 8 | 2 | 10 |
| Slaughter Beach | 9 | 2 | 1 | 3 | 2 | 1 | 3 | 2 | 0 | 2 | 0 | 1 | 1 |
| South Bethany | 35 | 4 | 7 | 11 | 4 | 5 | 9 | 7 | 4 | 11 | 0 | 4 | 4 |

Residential Units by Development Application, 2008 through 2011

| | 2008 - 2011 | 2011 | | | 2010 | | | 2009 | | | 2008 | | |
|----------------|-------------|----------|----------|-------|----------|----------|-------|------------|------------|-------|------------|------------|--------|
| | | Jan-June | July-Dec | Total | Jan-June | July-Dec | Total | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total |
| State | 25,290 | 2,739 | 1,790 | 4,529 | 4,714 | 1,373 | 6,087 | 1,185 | 3,165 | 4,350 | 4,829 | 5,495 | 10,324 |
| Level 1 | 6,192 | 789 | 673 | 1,462 | 1,576 | 229 | 1,805 | 369 | 286 | 655 | 516 | 1,754 | 2,270 |
| Level 2 | 10,967 | 1,178 | 20 | 1,198 | 2,747 | 556 | 3,303 | 443 | 1,953 | 2,396 | 1,267 | 2,803 | 4,070 |
| Level 3 | 3,072 | 135 | 284 | 419 | 222 | 260 | 482 | 0 | 334 | 334 | 1,808 | 29 | 1,837 |
| Level 4 | 5,059 | 637 | 813 | 1,450 | 169 | 328 | 497 | 373 | 592 | 965 | 1,238 | 909 | 2,147 |
| New Castle Co. | 9,849 | 1,671 | 762 | 2,433 | 3,457 | 532 | 3,989 | 119 | 238 | 357 | 1,792 | 1,278 | 3,070 |
| Level 1 | 4,567 | 449 | 464 | 913 | 1,472 | 127 | 1,599 | 115 | 198 | 313 | 464 | 1,278 | 1,742 |
| Level 2 | 3,979 | 1,178 | 14 | 1,192 | 1,967 | 148 | 2,115 | 4 | 15 | 19 | 653 | 0 | 653 |
| Level 3 | 1,040 | 42 | 284 | 326 | 12 | 243 | 255 | 0 | 4 | 4 | 455 | 0 | 455 |
| Level 4 | 263 | 2 | 0 | 2 | 6 | 14 | 20 | 0 | 21 | 21 | 220 | 0 | 220 |
| Kent Co. | 5,750 | 2 | 194 | 196 | 444 | 119 | 563 | 70 | 1,385 | 1,455 | 1,252 | 2,284 | 3,536 |
| Level 1 | 468 | 2 | 188 | 190 | 0 | 102 | 102 | 65 | 88 | 153 | 21 | 2 | 23 |
| Level 2 | 3,695 | 0 | 6 | 6 | 345 | 0 | 345 | 5 | 1,057 | 1,062 | 0 | 2,282 | 2,282 |
| Level 3 | 1,587 | 0 | 0 | 0 | 99 | 17 | 116 | 0 | 240 | 240 | 1,231 | 0 | 1,231 |
| Level 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sussex Co. | 9,691 | 1,066 | 834 | 1,900 | 813 | 722 | 1,535 | 996 | 1,542 | 2,538 | 1,785 | 1,933 | 3,718 |
| Level 1 | 1,157 | 338 | 21 | 359 | 104 | 0 | 104 | 189 | 0 | 189 | 31 | 474 | 505 |
| Level 2 | 3,293 | 0 | 0 | 0 | 435 | 408 | 843 | 434 | 881 | 1,315 | 614 | 521 | 1,135 |
| Level 3 | 445 | 93 | 0 | 93 | 111 | 0 | 111 | 0 | 90 | 90 | 122 | 29 | 151 |
| Level 4 | 4,796 | 635 | 813 | 1,448 | 163 | 314 | 477 | 373 | 571 | 944 | 1,018 | 909 | 1,927 |

Non-Residential Sq.Ft. by Development Application, 2008 through 2011

| | 2008 - 2011 | 2011 | | | 2010 | | | 2009 | | | 2008 | | |
|----------------|-------------|----------|-----------|-----------|----------|-----------|-----------|------------|------------|-----------|------------|------------|-----------|
| | | Jan-June | July-Dec | Total | Jan-June | July-Dec | Total | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total |
| State | 14,491,264 | 521,645 | 3,733,779 | 4,255,424 | 976,252 | 1,062,907 | 2,039,159 | 1,650,456 | 740,233 | 2,390,689 | 4,132,797 | 1,673,195 | 5,805,992 |
| Level 1 | 7,966,286 | 388,111 | 2,194,805 | 2,582,916 | 768,111 | 535,231 | 1,303,342 | 674,143 | 566,556 | 1,240,699 | 1,551,276 | 1,288,053 | 2,839,329 |
| Level 2 | 5,007,205 | 80,881 | 1,356,514 | 1,437,395 | 130,641 | 370,599 | 501,240 | 540,115 | 115,677 | 655,792 | 2,168,289 | 244,489 | 2,412,778 |
| Level 3 | 759,871 | 52,653 | 38,804 | 91,457 | 0 | 157,077 | 157,077 | 88,706 | 58,000 | 146,706 | 236,778 | 127,853 | 364,631 |
| Level 4 | 757,902 | 0 | 143,656 | 143,656 | 77,500 | 0 | 77,500 | 347,492 | 0 | 347,492 | 176,454 | 12,800 | 189,254 |
| New Castle Co. | 9,407,694 | 375,176 | 3,553,656 | 3,928,832 | 598,578 | 608,678 | 1,207,256 | 947,360 | 499,732 | 1,447,092 | 2,174,999 | 649,515 | 2,824,514 |
| Level 1 | 5,371,032 | 275,392 | 2,059,292 | 2,334,684 | 476,837 | 396,002 | 872,839 | 520,518 | 485,005 | 1,005,523 | 700,370 | 457,616 | 1,157,986 |
| Level 2 | 3,551,952 | 47,131 | 1,330,808 | 1,377,939 | 44,241 | 55,599 | 99,840 | 426,842 | 14,727 | 441,569 | 1,470,465 | 162,139 | 1,632,604 |
| Level 3 | 250,754 | 52,653 | 19,900 | 72,553 | 0 | 157,077 | 157,077 | 0 | 0 | 0 | 4,164 | 16,960 | 21,124 |
| Level 4 | 233,956 | 0 | 143,656 | 143,656 | 77,500 | 0 | 77,500 | 0 | 0 | 0 | 0 | 12,800 | 12,800 |
| Kent Co. | 3,091,319 | 93,736 | 169,998 | 62,858 | 340,555 | 454,229 | 794,784 | 169,036 | 157,501 | 326,537 | 861,394 | 844,870 | 1,706,264 |
| Level 1 | 2,038,795 | 59,986 | 125,388 | 185,374 | 254,155 | 139,229 | 393,384 | 9,541 | 81,551 | 91,092 | 705,928 | 663,017 | 1,368,945 |
| Level 2 | 680,059 | 33,750 | 25,706 | 59,456 | 86,400 | 315,000 | 401,400 | 72,293 | 75,950 | 148,243 | 0 | 70,960 | 70,960 |
| Level 3 | 372,465 | 0 | 18,904 | 18,904 | 0 | 0 | 0 | 87,202 | 0 | 87,202 | 155,466 | 110,893 | 266,359 |
| Level 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sussex Co. | 1,992,251 | 52,733 | 10,125 | 62,858 | 37,119 | 0 | 37,119 | 534,060 | 83,000 | 617,060 | 1,096,404 | 178,810 | 1,275,214 |
| Level 1 | 556,459 | 52,733 | 10,125 | 62,858 | 37,119 | 0 | 37,119 | 144,084 | 0 | 144,084 | 144,978 | 167,420 | 312,398 |
| Level 2 | 775,194 | 0 | 0 | 0 | 0 | 0 | 0 | 40,980 | 25,000 | 65,980 | 697,824 | 11,390 | 709,214 |
| Level 3 | 136,652 | 0 | 0 | 0 | 0 | 0 | 0 | 1,504 | 58,000 | 59,504 | 77,148 | 0 | 77,148 |
| Level 4 | 523,946 | 0 | 0 | 0 | 0 | 0 | 0 | 347,492 | 0 | 347,492 | 176,454 | 0 | 176,454 |

| Residential Units by Development Application, 2008 through 2011 | | | | | | | | | | | | | |
|-----------------------------------------------------------------|-------------|------------|------------|-------|------------|------------|-------|------------|------------|-------|------------|------------|-------|
| Jurisdiction | 2008 - 2011 | 2011 | | | 2010 | | | 2009 | | | 2008 | | |
| | | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total |
| New Castle County | 8,424 | 1,630 | 757 | 2,387 | 2,880 | 435 | 3,315 | 0 | 225 | 225 | 1,232 | 1,265 | 2,497 |
| Bellefonte | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delaware City | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elsmere | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Middletown | 1,020 | 0 | 0 | 0 | 472 | 0 | 472 | 10 | 4 | 14 | 534 | 0 | 534 |
| New Castle | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 0 | 8 |
| Newark | 227 | 32 | 0 | 32 | 74 | 65 | 139 | 26 | 0 | 26 | 17 | 13 | 30 |
| Newport | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Odessa | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Smyrna | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Townsend | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmington | 169 | 9 | 5 | 14 | 31 | 32 | 63 | 83 | 9 | 92 | 0 | 0 | 0 |
| | | 1,671 | | | | | | | | | | | |
| Kent County | 1,676 | 0 | 6 | 6 | 444 | 0 | 444 | 0 | 0 | 0 | 1,226 | 0 | 1,226 |
| Bowers Beach | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Camden | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cheswold | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clayton | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 2 | 2 |
| Dover | 702 | 0 | 188 | 188 | 0 | 119 | 119 | 54 | 324 | 378 | 17 | 0 | 17 |
| Farmington | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Felton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frederica | 1,871 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,871 | 1,871 |
| Harrington | 411 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 411 | 411 |
| Hartly | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Houston | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kenton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leipsic | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Little Creek | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Magnolia | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 5 | 0 | 0 | 0 |
| Milford | 1,078 | 2 | 0 | 2 | 0 | 0 | 0 | 10 | 1,057 | 1,067 | 9 | 0 | 9 |
| Smyrna | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 0 |
| Viola | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodside | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyoming | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | | | | | | | | | | | |
| Sussex County | 4,614 | 728 | 813 | 1,541 | 274 | 314 | 588 | 369 | 800 | 1,169 | 328 | 988 | 1,316 |
| Bethany Beach | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bethel | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blades | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bridgeville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dagsboro | 758 | 17 | 0 | 17 | 333 | 408 | 741 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delmar | 933 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 933 | 0 | 933 |
| Dewey Beach | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ellendale | 405 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 405 | 405 | 0 | 0 | 0 |
| Farmington | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fenwick Island | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frankford | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Georgetown | 215 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 0 | 28 | 0 | 187 | 187 |
| Greenwood | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Henlopen Acres | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Laurel | 653 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 653 | 653 |
| Lewes | 119 | 0 | 17 | 17 | 102 | 0 | 102 | 0 | 0 | 0 | 0 | 0 | 0 |

Non-Residential Sq.Ft. by Development Application, 2008 through 2011

| Jurisdiction | 2008 - 2011 | 2011 | | | 2010 | | | 2009 | | | 2008 | | |
|-------------------|-------------|------------|------------|-----------|------------|------------|-----------|------------|------------|---------|------------|------------|-----------|
| | | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total | Jan - June | July - Dec | Total |
| New Castle County | 5,527,567 | 155,643 | 2,246,559 | 2,402,202 | 446,978 | 591,428 | 1,038,406 | 0 | 497,482 | 497,482 | 1,067,933 | 521,544 | 1,589,477 |
| Bellefonte | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delaware City | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elsmere | 980 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 980 | 0 | 980 |
| Middletown | 3,258,348 | 0 | 1,168,631 | 1,168,631 | 0 | 0 | 0 | 929,463 | 2,250 | 931,713 | 1,058,595 | 99,409 | 1,158,004 |
| New Castle | 139,132 | 0 | 138,466 | 138,466 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 666 | 666 |
| Newark | 257,888 | 8,671 | 0 | 8,671 | 151,600 | 17,250 | 168,850 | 14,580 | 0 | 14,580 | 47,491 | 18,296 | 65,787 |
| Newport | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Odessa | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Smyrna | 9,600 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9,600 | 9,600 |
| Townsend | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmington | 214,179 | 210,862 | 0 | 210,862 | 0 | 0 | 0 | 3,317 | 0 | 3,317 | 0 | 0 | 0 |
| Kent County | 252,242 | 23,800 | 91,534 | 115,334 | 0 | 0 | 0 | 51,438 | 75,950 | 127,388 | 0 | 9,520 | 9,520 |
| Bowers Beach | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Camden | 63,339 | 0 | 0 | 0 | 63,339 | 0 | 63,339 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cheswold | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clayton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dover | 1,602,899 | 69,936 | 50,656 | 120,592 | 272,091 | 449,104 | 721,195 | 86,365 | 35,691 | 122,056 | 407,066 | 231,990 | 639,056 |
| Farmington | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Felton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frederica | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harrington | 10,250 | 0 | 0 | 0 | 5,125 | 5,125 | 10,250 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartly | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Houston | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kenton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leipsic | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Little Creek | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Magnolia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milford | 530,534 | 0 | 19,200 | 19,200 | 0 | 0 | 0 | 12,349 | 20,040 | 32,389 | 199,814 | 279,131 | 478,945 |
| Smyrna | 613,171 | 0 | 8,608 | 8,608 | 0 | 0 | 0 | 0 | 25,820 | 25,820 | 254,514 | 324,229 | 578,743 |
| Viola | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodside | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyoming | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sussex County | 724,225 | 18,800 | 0 | 18,800 | 0 | 0 | 0 | 376,476 | 0 | 376,476 | 328,949 | 0 | 328,949 |
| Bethany Beach | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bethel | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blades | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bridgeville | 96,500 | 0 | 0 | 0 | 0 | 0 | 0 | 13,500 | 83,000 | 96,500 | 0 | 0 | 0 |
| Dagsboro | 33,933 | 33,933 | 0 | 33,933 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delmar | 25,350 | 0 | 0 | 0 | 15,400 | 0 | 15,400 | 0 | 0 | 0 | 0 | 9,950 | 9,950 |
| Dewey Beach | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ellendale | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farmington | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fenwick Island | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frankford | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Georgetown | 98,443 | 0 | 0 | 0 | 5,719 | 0 | 5,719 | 33,340 | 0 | 33,340 | 59,384 | 0 | 59,384 |
| Greenwood | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Henlopen Acres | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Laurel | 24,798 | 0 | 5,125 | 5,125 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19,673 | 19,673 |

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 21, 2012

A meeting of the Economic Development Advisory Panel was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, March 27, 2012.

PRESIDING: Chair Sher Valenzuela
IN ATTENDANCE: Dave Hitchens, Fred Rhom, Sharon Kanter, Craig Crouch, Bill Pilecki, Bob Connelly, Dave Markowitz, Gregory Nelson, Brian Warnock, Nolan Williams
ALSO: Recording Secretary Christine Crouch

Call to Order

Chair Valenzuela called the meeting to order at 5:30 pm followed by the pledge of allegiance.

Approval of Minutes

A motion by Mr. Rhom, seconded by Mr. Hitchens to approve the previous minutes was approved unanimously.

Unfinished Business

Economic Development Director Update

City Manager Richard Carmean was unable to attend and therefore no report was received. Chair Valenzuela will email Mr. Carmean asking for an update for everyone via email.

Citizen Survey Update

Mr. Connelly reported approximately 6000 surveys were sent out and to date 630 responses have been received. He and Mr. Williams are going through them and compiling the data for future publication.

Marketing and Promotion Report

Mr. Williams stated he is still on hold until the new Economic Development Director is hired. He also reported he had spoken with the owners of Hampton Inn and location seems to be their main obstacle. Mr. Crouch felt the proposed Sports Complex to be located just north of Milford by Meding Seafood would help them with their 20% occupancy rate.

Chair Valenzuela asked the status of the Milford signage at the entrances to Milford. Mr. Connelly reported a local artist is working on replacement signage, however it is not known the status of the job. Mr. Nelson asked the possibility of additional signage including houses of worship be placed nearby.

Economic Development Director Hiring Status

Mr. Markowitz explained a second advertising of the position garnered additional applicants and the selection committee has chosen five candidates to interview, which will take place the first week of April. Based on the panel members inquiring as to whether they would be able to ask questions of the candidates, Mr. Markowitz asked for questions the panel would be interested in posing to the candidates and he will include them in his questions during the interview. Mr. Markowitz will keep the panel in the loop as to the status of the candidates and hiring process.

Action Team Reports

2-Workforce Development

Mr. Pilecki explained the first Workforce Development Commission will meet on March 27, 2012 at 7:00 pm. There will be some photos taken with a number of the donors at the meeting as well.

Mr. Pilecki also provided an update on the Aquarium project he is working on.

6-Marking, Promotion & Internal Communications

Mr. Connelly and his wife took pictures of the gateways into Milford and provided a copy of the photos to Mr. Carmean. Essentially the gateways into Milford are in poor condition. One company was contacted about how their site looks and they added landscaping to enhance it. Mr. Connelly offered to copy the pictures onto disks and provide them to any panel members wishing to contact the various properties to ask them to clean them up.

New Business

Rt 1 & Wilkins Rd Overpass Design Review/Impact on Proposed Water Tower Site

Mr. Hitchens provided via the packet copies of DelDOT's renditions of how the proposed overpass will look. Mr. Hitchens recently met with the Secretary of Transportation to discuss easements.

Referring to the overhead view, he directed the panel's attention to the areas where there will be a signalized intersection at Wilkins Road and Cedar Neck Road, as well as turn lanes.

In addition, he directed their attention to the "Hall property" which has a small white line surrounding the property. The white line represents what the state calls "denied access". In other words, there will be no road intersecting Wilkins Road and Rt 1 within those boundaries. One of the opportunities, which he wished the City Manager was present tonight to discuss, is to work with the state on a beautification project because this is a gateway to the southeast of the city. Mr. Hitchens thought it would be nice to have some rose bushes or color or whatever along the way.

However, City Council two months ago passed a motion to erect a water tower on the Hall property. The location of that tower is a 2.5 acre site along Wilkins Road, on the northwestern section of the Hall property. The tower is proposed to be a 240' tall, lit tower. The only other location in the State of Delaware on Rt 1 that has a water tower is the interchange at St. George's bridge.

It is sad to think that our City would consider putting a water tower at that location when there are at least two other locations that could have been considered as part of their plan. Mr. Hitchens wondered why if Mr. Carmean read the agenda tonight to see that this presentation was going to take place, but he thinks it should be a concern.

The other concern is, if the panel looks at DelDOT's plan, which by the way was available six months before this decision was made, the denial of access was present. What that means is the City has already spent \$20,000 to test a well and according to the state there will be no more entrance roads to this property. There will be no way to get to the water tower to construct it.

The second part of the scenario, according to the Secretary of Transportation, is that if the City is going to serve anything to the east of Rt 1, unless the pipes are under Rt 1 by June 1st, the next earliest construction of those pipes is 18 months after the fact. He's not sure the vetting process went along very well or the planning of this location for a water tower. It does fly in the face of some of the things EDAP talks about, such as what is Milford, how do we define it, and to have a water tower in that location just seems to fly in the face of common sense, when you think of the ramifications of a tower that size.

Chair Valenzuela stated not only that, but that is prime real estate EDAP wants to capture along Rt 1 when we talk about drawing people in. Mr. Hitchens agreed by stating the city could make this a beautiful entrance to southern Milford, and instead what you would see is a 240' water tower at that location. Chair Valenzuela concurred with Mr. Hitchens.

Mr. Crouch asked if what Mr. Hitchens is saying is the City has committed to this site but it doesn't work. Mr. Hitchens replied the City has spent \$20,000 on a test well, but according to the state this information was available and there is a denied access. Mr. Nelson asked if the City knew that before the test well was approved and Mr. Hitchens replied he wasn't sure if the City investigated it fully.

When asked if Mr. Hitchens would like to explain the other two properties he referred to as being available, Mr. Hitchens showed a map of parcels east of Rt 1 indicating one is zoned industrial services and the other are residential. When asked who owns those two parcels Mr. Hitchens replied Key Properties Group.

Mr. Hitchens stated the issue is whether or not a water tower should be placed on the Hall property or move it to a location and an environment that is not affected by current development, or has a denial of access. Mr. Hitchens explained there is one way to have access and that is to purchase an empty lot between where there are presently four houses.

Mr. Connelly acknowledged he doesn't know Delaware law, but his understanding of denial of access is that the property cannot be developed, it does not mean the owner does not have access to their property. Mr. Hitchens explained this denial of access is no entrance. The reason this came up is because the triangular parcel to the north of the Hall property, DelDOT took the rights in away from the owner, Key Properties Group. Mr. Connelly asked if access to the Hall property could be granted based on the low traffic created for maintenance and construction of the tower. Mr. Hitchens stated no because that would require an entrance. Denied access means there can be no entrances accessing that road.

Chair Valenzuela asked what the next positive step would be to have these questions answered. With the City Manager not here and Councilman Grier absent as well, obviously these are questions this panel cannot address. Mr. Hitchens felt it was in the hands of the City. This is a final plan and there will be no changes, according to the Secretary of Transportation because this is a safety issue. This whole overpass started because of the number of people injured and killed. It really has nothing to do with Economic Development.

Mr. Hitchens feels the City should at least be made aware of these issues and they really need to go to the State and tell them what the City's plans are and do they really want to put a water tower that size next to an existing development and an entrance into the City.

Mr. Crouch asked if this site was advantageous for other reasons? Mr. Markowitz understood this site saved the city about \$700,000 in infrastructure costs. At least that is what was presented at the Council meeting he attended regarding this issue, and that is what the decision was based on. Frankly, that is what one would expect the citizen's to want council to do is protect the City's finances.

Chair Valenzuela stated is a question that bears a bigger discussion though because when looking at the dollars that could be prevented from coming into the City as a result of the tower, \$700,000 begins to look small. She is not suggesting the tax payers dollars not be looked at from every angle, but the discussion sounds like a bigger one to be had.

Mr. Hitchens stated from the Secretary of Transportation's perspective, the City is building this with a denied access and it just appears the City did not have those same conversations. The second point is, does the City really want to put, for whatever reason, a 240' water tower next to a development.

Chair Valenzuela explained these questions need to be advanced to Mr. Carmean and the panel can ask him questions on the subject between now and the next meeting because there are a lot of unanswered questions that he can respond to.

Mr. Nelson asked if the Secretary of Transportation said the water tower project is one that should not go forward or... Mr. Hitchens stated the Secretary and his engineering team explained the denial of access to Mr. Hitchens.

Mr. Williams could understand not being allowed to not build roads that go out to Rt 1 or Wilkins Road for development purposes, but he felt the property would have access to Cedar Creek Road. It would be no different than a cell tower needing access. Mr. Hitchens again stated the only access he is aware of is via the vacant lot on Cedar Creek Road and the city would have to build about an 800' road to get to the site. There are some issues out there, and whether this site was chosen for monetary reasons or whatever, it does present issues in Mattlinds Estates and the surrounding community.

Mr. Williams explained there is a water tower in Georgia that he thinks is just fantastic. It's done to look like a peach and it is very attractive. If the tower has to be there, at least it could be done very well.

Chair Valenzuela will personally follow up with Mr. Carmean regarding this issue.

Adjourn

With no further business the meeting adjourned at 6:30 pm.

Respectfully submitted,


Christine R. Crouch
Recording Secretary

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 18, 2012

A meeting of the Economic Development Advisory Panel was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, April 18, 2012.

PRESIDING: Chair Sher Valenzuela
IN ATTENDANCE: Dave Hitchens, Craig Crouch, Bill Pilecki, Bob Connelly, Dave Markowitz, Brian Warnock, Nolan Williams, Michael Ashton, Irv Ambrose
ALSO: City Manager Richard Carmean, City Councilmember Garrett Grier, Recording Secretary Christine Crouch

Call to Order

Chair Valenzuela called the meeting to order at 5:30 pm followed by the pledge of allegiance.

Unfinished Business

Economic Development Update and Economic Development Director Hiring Update

City Manager Carmean reported the search for a new Economic Development Director has led to three candidates to choose from. Mr. Norris, the City Planner, was to have been present tonight to report on this topic, however he is not present, so City Manager Carmean is going to wing it. Mr. Norris has compiled a synopsis on the three candidates that City Manager Carmean will use to perform final interviews. If anyone on the EDAP is interested in looking at the candidates resumes, they are more than welcome to stop by City Hall to do so. After reviewing the information, City Manager Carmean is open to receiving questions EDAP would like asked at the final interview.

Regarding the economic development going on in Milford, City Manager Carmean explained he has not been able to devote as much time as he would like or needs to be to this topic. He has made calls and has been getting leads he is working on. Chair Valenzuela encouraged Mr. Carmean to pass the economic development baton to the new director once hired.

New Business

Guest Speaker Mr. David Stevenson, Caesar Rodney Institute

Mr. Stevenson handed out a copy of the article he wrote that was recently in the Milford Chronicle. He introduced himself and explained the Caesar Rodney Institute is a non-profit group that was founded about three and a half years ago specifically to look at economic development in the state based on what our current state policies, what should they be, and how to make those changes. About two years ago, Dr. John Stapleford, Dr. Francis Tannien, four other PhD economists and Mr. Stevenson sat down and looked at the state's budget and economy in detail and came up with about four barriers to economic development in Delaware. One of the key ones was the high price of energy, specifically electricity.

Mr. Stevenson was assigned as the Director of the Center for Energy Competitiveness and has spent the last two years digging into the electric industry. The key issue is over the last six or seven years a gap has opened up in the price of electricity in Delaware compared to the average state. For industrial customers it's about a 50% gap, in other words the customer is paying about 50% more. It really doesn't matter which municipality or Delmarva Power, except for the Delaware Electric Coop (DEC) which has an unusual situation. They are the only ones that have significant generation capacity of their own.

In 2006 electric generation was deregulated. Prices used to be regulated by the Public Service Commission. Delaware now imports 60% of its electric generation. Because DEC owns its own capacity and has very long range contracts for power, they have a purchasing advantage.

Mr. Stevenson stated there is a manufacturing renaissance going on right now in America, but not in Delaware because essentially the electric rates are too high. He proposes the first city in Delaware that finds a way to get a lower electric rate, and suggests that is accomplished by selling the city's electric utility to DEC, will be the first city to see a boom in manufacturing potential.

Mr. Stevenson explained that nothing the City has done, either managerially or electric utilities, has caused this gap to open. He commended the city electric department on their reliability.

He continued by stating in the 1990's there was a limit that was placed that the most that would be transferred from the electric department to the general fund is \$2.5M per year, and that has not changed since implemented.

So there is a possibility that Milford could be the first city in Delaware that can get the lower electric rate and that is what he is suggesting. He introduced three large manufacturing users in Milford, Perdue, US Cold Storage and SeaWatch, and asked if they would like to speak.

Mr. Dean Wallace, Director of Operations at the Milford Perdue Facility, stated the plant has been fortunate to have a great long term relationship with the City and the electric utility is very reliable. As Mr. Stevenson had stated, the deregulation is much more complicated than he knew and the generation piece is challenging, but he is learning and understanding it. The Milford facility is competitive with poultry facilities across the country. One of the things he has noticed is the Milford facility's electric rate puts them at about \$750,000 a year at a disadvantage compared to the competition. It puts the Milford facility at about a \$500,000 a year at a disadvantage to other facilities for Perdue. Those are pretty big numbers. Anything that Perdue can do to understand the energy rate or do to impact that or change it... as a facility, the Milford plant is at about 80% capacity and needs to be at 100% capacity. There are a lot of factors contributing to that, but one is the electric rate. Any movement or discussion to find a cheaper or more reasonable rate would be important to Perdue.

Mr. Ron Longhany, Plant Manager at US Cold Storage, stated the plant has been here since 1982 and is a nationwide company of freezer/ cooler distribution centers and has 35 locations across the country. The power rates are a huge impact on them. Out of the 35 locations across the country, Milford is in the top five for costs. The opportunity to look at the DEC option is exciting because it would help the major electrical users. US Cold Storage would like to expand again, even though they have done so four times since the building was purchased. It is just prohibitive with the electrical costs. For most facilities is payroll that is the largest expense, but for this facility it is electric. The facility is ten below zero Fahrenheit.

Mr. Jerry Gordon, CFO of Sea Watch, explained the facility has been in Milford for a number of years and they have a great relationship with the City and are a large user of water, sewer and power. Some expansion has already taken place, where they were able to add 80 employees, and another \$3.5M expansion is taking place now where another 60 to 80 employees will be added. Anything that can be done, while he is not presuming to know what the answer is, to reduce the power costs is appreciated. The City has been very good lately of coming up with some new programs that have helped Sea Watch. If the rates could come down it would be very favorable as they look to the future. Anything that can be done to make them more competitive certainly they should look at it.

At 6:00 pm Chair Valenzuela left the meeting and Mr. Hitchens took over as the chair.

Mr. Stevenson stated it is clear that this is a growth opportunity. The crux of the matter is whether the tax base grow fast enough from economic development growth so that taxes do not have to be raised.

An approximation is that the money that would be paid for the utility sale would probably take care of the \$2.5M that has been taken from the electric department to the general fund for about a decade.

Mr. Stevenson stated there are other consequences that will have to be looked at as well, such as the bills being mailed out to the same number of houses but for less revenue, street lights, town buildings electricity, etc. Based on his intuition, education and people he's worked with, Mr. Stevenson believes this is a very good opportunity for Milford.

Mr. Connelly asked if there were any other cities in Delaware that have already sold their electric department to DEC. Mr. Stevenson replied no. It kinda begs the question why does DEC want to buy city's electric base. DEC does not have a large industrial base, which is a base load power, and provides a very steady stream of electric. Because industrial users also want water, sewer and streets, etc, they want to build in a municipality to get all of those things. When they build in towns, DEC does not get those industrial users, which require a large, stable electric.

The City of Dover is reviewing the option to sell to DEC, but they are much larger than Milford, and Mr. Stevenson has no good sense of whether they will agree to sell or not. He thinks they may be leaning toward not, but certainly has no proof of that.

Councilman Grier asked why he believes they are leaning toward no. Mr. Stevenson believes it is because Dover has a lot of generating capacity, opposition from the department employees, and the lack of grass roots support from large industrial users.

Lewes also turned down the DEC offer because of the probability of having to raise taxes down the road. They also have no interest in economic growth.

Mr. Crouch asked if this is more of a state issue rather than a municipality issue. When the municipalities were carved out and their electric areas were determined, that's where all of this started. Mr. Stevenson stated it is a state issue, which is why he has spent most of his time working on a state level. The way to get back to the competitiveness is to build generating capacity in the state and the way to do that is to get natural gas here. It's possible to come up with a state wide solution, but he's not sure that the will is there to do that.

Mr. Pilecki asked if DEC has the ability to take on several municipalities. Mr. Stevenson stated absolutely. They are about ten times bigger than Milford. DEC is part of the Old Dominion generating coop which has tremendous resources of generating capacity.

Mr. Stevenson reiterated the question is whether the economic growth created by selling the electric department offset the need to raise taxes. A disadvantage to this is that most homeowners can deduct property taxes and cannot deduct electric bills from income taxes.

Mr. Connelly referred to when he lived in Arizona where utilities were controlled under a coop basis. The residents voting power was based on their usage, so it about 120,000 citizens to match the voting power of the largest corporation. So there really was no citizen control, as it is portrayed to be. That would leave Milford dramatically giving up a great deal of control. Would the structure be the same in what Mr. Stevenson is proposing. Mr. Stevenson replied he couldn't speak for DEC, other than they are still interested in pursuing this if the City is.

Mr. Stevenson is knowledgeable of the environment at DEC, which is focused on cost savings and customer service. They have a Beat the Peak program, which is completely voluntary, and that program alone saves customers 20% of potential rates.

Mr. Ambrose referred to several years ago when DEC made an offer to buy the City's electric department. He was on council at the time and it was turned down then for a couple of reasons. First, the coops residential rate was lower, however until the money was paid back for the purchase price, there would have been a surcharge on the Milford customer's bills that would go toward paying back the purchase price. Second, as a member of DMEC, the City is committed to a certain number of years with that organization.

City Manager Carmean stated yes all the members have a full service power agreement with DMEC where for a certain number of years we must purchase our power through DMEC. We also have a debt service to the quick fire generator which was put in several years ago to help take care of the peak problems, which has been successful. DMEC is now installing and getting ready to come online with a second peak power generator, which we also have a debt piece for.

Mr. Ambrose confirmed that also, should Milford leave DMEC, the City would be responsible for paying. Mr. Ambrose referred to the property tax increase possibility Mr. Stevenson spoke of by stating taxes would double. Property taxes generate somewhere in the vicinity of \$3M but if the City needs to supplement the \$2.5M not being used from the electric department, it would lead to doubling the tax rate.

Mr. Crouch stated he is a Milford electric customer but does not enjoy City benefits because he lives outside City limits, so he's not really benefiting from that. He's not sure how many electric customers are outside of City limits, but there is some disparity there. Mr. Ambrose explained Mr. Crouch is benefiting from a lot of the services the City provides which he is not paying for, such as City maintained streets and the Milford PD back up. Those are things residents are paying for in terms of taxes, and non-residents that use those same services are not paying for.

City Manager Carmean added the Riverwalk, parks and recreation activities, the hospital, shopping. If this City fails and becomes a blight, then what will Mr. Crouch's house be worth situated next to Milford? Not as much. In addition, if the City provides water and sewer to out of town residents, the rate is 1.5 times the in town rate. Electric is not billed that way.

BAC is out of town and a few years ago Milford worked diligently to get them sewer due to a failed septic. They had 130 employees. If they had not gotten City sewer, they would not have 400+ employees there now. They had no room to expand.

A few years back when Matlind Estates was annexed they were on Delmarva Power and because their rates were lower than Milford, they wanted to stay with Delmarva Power. It was a term of the annexation. Now Delmarva Power residential electric users are paying more than Milford residential electric users. There is no guarantee with DEC that by 2015 the rates will not go up.

Everything City Manager Carmean is hearing is that DEC in three to four years is going to be very close to other electric rates in Delaware and not as low as they are now, unless they can acquire a much larger customer base.

As the City Manager, it is his job to make certain the citizens of Milford are best served and in reference to what Mr. Ambrose said about DEC offering to buy the City's electric department, it was actually City Manager Carmean that approached DEC to discuss the issue. The City spent more than \$100,000 to have the possibility studied by an independent agent and it came back not in the City's favor, which Council agreed with.

The statement made by Mr. Stevenson about grass roots, if this room is showing grass roots of our electric customers, we have a sparse lawn because we have thousands of residential customers that could be impacted by this and they are not here.

City Manager Carmean read Mr. Stevenson's article in the paper, and he was not privy to this last discussion with DEC, but now he is. Some things in the article caused him concern and he took it upon himself to call upon a citizen he knows who has an excellent financial background to take a look at the last proposal, because City Manager Carmean was not involved in the last proposal and he wanted to understand it. One of the things he noted, which Mr. Stevenson referred to in his article, is the secrecy agreement. That has a certain connotation to it. He would have preferred different wording actually, because it was DEC that required that. The City did not ask for any kind of secrecy agreement. City Manager Carmean feels it should be perfectly public what is being discussed.

Mr. Stevenson explained the purpose of him coming tonight is not to make decisions either way, it is to present something to be considered. Whether the last agreement is referred to a secrecy agreement or not, the citizens didn't know the negotiations were going on. Although citizens could be here tonight, but this is not the forum for 500 citizens to come to.

City Manager Carmean stated it seems to be the forum for the City to be bush wacked by three of our largest customers. He had no idea they would be here making statements tonight. As a matter of fact all three of the gentlemen he has had personal contact with over the years and tried to work with them. His whole purpose in dealing with them has been to offer them the best incentives possible, including the last rate decrease, the bulk of which went to industrial users, not the residential users. It is City Manager Carmean understanding DMEC's purchase of power will decrease in the coming years, which will be passed on to Milford users.

Currently Milford's residential electric is 4 out of 11, in rate comparisons, yet we still have a reputation for being the highest in the state for some reason. It's simply not true anymore. Mr. Ambrose pointed out that is 4th from the bottom, as in cheapest, not 4th from the top, as in most expensive.

Mr. Gordon took offense to City Manager Carmean's statement that the industrial users are here tonight to bush wack him. While he cannot speak for the other two gentlemen, he is simply interested in cheaper utility rates, if that can be worked out, but there was no intent to bush wack anyone. He acknowledged working with the City and will continue to. They felt it would be in their best interest to be here and he doesn't think they disparaged the City at all. Simply here to express their concern about the utility rates.

Speaking to Mr. Gordon, City Manager Carmean stated he didn't think they had disparaged the City either. He didn't say they had bush wacked him, he just feels bush wacked because he knew Mr. Stevenson was going to be here, but did not know the others would be. The City Manager stated the City stands ready anytime DEC wishes to come forward with an offer as we are always open to ideas. He has never had a company in the past or recently tell him they are not locating to Milford because the electric rates are too high.

Mr. Stevenson explained DEDO has a questionnaire that is filled out by potential businesses moving to the state and the responses for reasons for not moving here showed that the rates are too high. He continued this is not meant to be an argumentative situation, just an opportunity for things to be looked at again.

City Manager Carmean stated the article in the paper written by Mr. Stevenson gives the average person reading it the wrong slant on what the City and Council has done. Again that is why he asked a gentleman to come in and look at the last proposal. He wants people to understand it was turned down because it was

not in the resident's best interest to sell the electric department via the last offer. At the same time, we are open to any further offers that could help Milford.

Mr. Hitchens asked that Mr. Carmean's guest's remarks be kept to five minutes, in the interest of time.

Councilman Grier asked Mr. Stevenson if he felt the only option to reduce rates was to sell to DEC or if possibly participating in a program like Beat the Peak would help and purchasing more generators through DMEC. Mr. Stevenson replied yes. The entire state could be more competitive with DEC if we build large quantities of new electric generating plants in the state. But he sees very little movement toward that. Councilman Grier is looking for options and wants to provide our largest users with the very best pricing possible without losing the electric department and having to raise the tax rate.

Mr. Mike Yosifon introduced himself explaining his background includes Vice President of Finance and Administration at three fairly sizable community colleges. He has reviewed numerous contracts for the purchase of utilities and coop arraignments and is a CPA by professional training. He reached out to Mr. Carmean to offer his assistance and Mr. Carmean asked him to review the most recent offer the city received to purchase the electric department. In reviewing the offer, while he is no expert in electric power generation, it is clear to him the City did its due diligence in reviewing the letter of intent given them by DEC. It is questionable, based on what he reviewed, that there was even a negotiating process. It was simply – here's an offer. Clearly the financial consequences, when the offer was made, would have a great impact on the City and tax payers and an even greater impact today. The benefits of the sale of the electric department vs the current structure is not overwhelming and should be re-examined if a new proposal is presented.

Regarding the statements made by Mr. Stevenson in the article written to the paper, that he believes it is a preconceived conclusion that it is more economical to contract with the Coop vs the current structure is a premature conclusion. Hard numbers and facts need to be applied. The assumption that the city will have 10 years to delay the impact of a tax increase is simply questionable, even with the \$18.5M purchase price offered in 2009. At best that is seven plus years for the recovery. If the net liability the City has is included into this equation, which is at best five years.

In addition, according to the letter of intent provided in 2009, the franchise lock in was for 50 years. That is a very long term. Currently nearly 50% of the city's operating funding comes from utilities. There would have to be a very dramatic change in services, cost reductions, or increase in other revenues to compensate for the electric department loss of revenue.

Because there is no guarantee that the sale of the electric department would generate a larger tax base to help offset the funding, it is a very risky proposition. It is absolutely important to review the opportunities when presented, any preconceived idea there is a rainbow or silver bullet out there to reduce rates, is quite premature.

Mr. Hitchens acknowledged this has been a dynamic discussion and we appreciate all of the participation tonight.

Citizen Survey Update

Mr. Connelly reported approximately 6,000 surveys were sent out in the utility bills with a return rate of 13.5%, which is considered incredible. The packet tonight included a detailed summary of the results for each of the survey questions and after reviewing those, he encouraged EDAP to use this information moving forward in growing the economy in Milford.

Mr. Hitchens commended Mr. Connelly with the work he did on this survey.

City Manager Carmean asked that the survey results be compartmentalized and handed to certain committees or DMI for example to assist them in what they do. Even the police department needs to be made aware of the crime issue as perceived by the residents.

Mr. Hitchens announced the Delaware State University has agreed to enter into partnership with the City and First State Manufacturing to create a small business manufacturing accelerator to be located in Milford. There will be more information coming.

Adjourn

With no further business the meeting adjourned at 7:04 pm.

Respectfully submitted,

A handwritten signature in black ink that reads "Christine Crouch". The signature is written in a cursive, flowing style.

Christine R. Crouch
Recording Secretary

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 193 - SOLID WASTE >> ARTICLE II - Yard Waste >>**

ARTICLE II - Yard Waste

[Adopted 12-16-1996]

[§ 193-9. - Unlawful acts; containment required.](#)

[§ 193-10. - Containers.](#)

[§ 193-11. - Loose leafe curbside collection.](#)

[§ 193-12. - Violations and penalties.](#)

§ 193-9. - Unlawful acts; containment required.

It shall be unlawful to deposit or place any leaves, grass trimmings, tree trimmings or other vegetative debris or matter into a City street or drainage gutter. Said materials shall be deposited in adequate containers/receptacles or confined in such a manner as to prevent said material from being blown or washed into adjoining yard areas or streets.

§ 193-10. - Containers.

[Amended 10-11-2004 by Ord. No. 2004-10]

Leaves, grass clippings, tree trimmings, shrubbery or other garden and yard waste or matter for collection by the City shall be placed in adequate containers so as to confine said materials, except as allowed in [§ 193-11](#). The container shall not exceed 30 gallons in capacity.

§ 193-11. - Loose leafe curbside collection.

[Added 10-11-2004 by Ord. No. 2004-10^{2[26]}]

- A. Loose leaves may also be raked and placed behind the curb for removal by the City's leaf vacuum at no additional cost.
- B. Leaves must be free of stones, branches, brush and grass clippings or they will not be collected in this manner.
- C. It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

§ 193-12. - Violations and penalties.

Any person(s) or party violating any provision of this article shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined as follows:

- A. First offense: not less than \$25 and not more than \$100.
- B. Subsequent offenses: not less than \$50 and not more than \$250.

FOOTNOTE(S):

⁽²⁶⁾ 2. Editor's Note: This ordinance also renumbered former § 193-11 as § 193-12 ([Back](#))

PUBLIC NOTICE
Notice of City of Milford Ordinance Review

The following ordinance is currently under review by Milford City Council:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 193, THEREOF, ENTITLED SOLID WASTE, BY AMENDING CHAPTER 193, SOLID WASTE, TO INCLUDE A DEFINITION FOR YARD WASTE IN ARTICLE I AND AMENDING §193-9 TO §193-12 AS CONTAINED IN ARTICLE II.

ORDINANCE 2011-28

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 193, Article I, Collection and Disposal, Section §193-1, entitled Definitions, is hereby amended by adding thereto the following definition:

YARD WASTE-- The part of solid waste consisting of leaves, grass clippings, twigs, small branches (less than 4 ft. in length), shrubbery, prunings, and other garden material.

Section 2. Chapter 193, Article II, Yard Waste, Section §193.10, entitled Containers, is hereby amended by renumbering §193.10 to §193.9, and deleting and adding thereto the following new §193-9:

§193-9 - Containers. Leaves, grass clippings, tree trimmings, shrubbery or other garden and yard waste or matter for collection by the city shall only be placed in an approved yard waste container provided by the City of Milford. Containers will only be provided to those residents who request a container. ~~adequate containers so as to confine said materials, except as allowed in §193-11. The container shall not exceed 30 gallons in capacity.~~

Section 3. Chapter 193, Article II, Yard Waste, Section §193.9, entitled Unlawful Acts; Containment Required, is hereby amended by renumbering §193.9 to §193.10 and deleting and adding thereto the following new §193-10:

§193-10 - Unlawful Acts; Containment Required.

It shall be unlawful to deposit or place any leaves, grass trimmings, tree trimmings or other vegetative debris or matter into a city street or drainage gutter. Said materials shall only be deposited in ~~adequate containers /receptacles or confined in such a manner as to prevent said material from being blown or washed into adjoining yard areas or streets~~ *approved yard waste containers as provided for in §193-9.*

A. Exemption. Containers not required for loose leaf collection as provided for in §193-11(B)

Section 4. Chapter 193, Article II, Yard Waste, §193.11, entitled Loose Leaf Curbside Collection, is hereby deleted and repealed:

~~§ 193-11. - Loose leaf curbside collection:
[Added 10-11-2004 by Ord. No. 2004-102 [26]]~~

- ~~1. Loose leaves may also be raked and placed behind the curb for removal by the City's leaf vacuum at no additional cost.~~
- ~~2. Leaves must be free of stones, branches, brush and grass clippings or they will not be collected in this manner.~~
- ~~3. It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.~~

Section 5. Chapter 193, Article II, Yard Waste, is hereby amended by adding a new §193.11, entitled Collection Procedures, to read as follows:

§193-11. – *Collection Procedures.*

- A. *The City will provide for the collection of leaves, branches and tree trimmings from April 1 through October 31 of each year, provided that such refuse is deposited into the yard waste containers provided for in §193-9. Disposal of leaves, branches and tree trimmings that will not fit into the container shall not be the responsibility of the City of Milford. Property owners will be responsible for removing and disposing of all yard waste which does not fit into the approved yard waste container.*
- B. *The City will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions.*
 - 1. *Loose leaves shall be raked and placed behind the curb for removal by the City's leaf vacuum.*
 - 2. *Leaves must be free of stones, branches, brush and grass clippings or will not be collected.*
 - 3. *It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.*

Section 6. Chapter 193, Article II, Yard Waste, is hereby amended by renumbering §193-12 to §193-13.

Section 7. Chapter 193, Article II, Yard Waste, is hereby amended by adding a new §193.12, entitled Collection Schedule, to read as follows:

§193-12. – *Collection Schedule.*

- A. *The city will collect yard waste as described in §193-11A once every other week.*
- B. *The loose leaf curbside collection as described in §193-11B will be collected once each week.*
- C. *The City Manager shall divide the city into districts and schedule the collection of yard waste and loose leaf curbside collection, in these districts on the day or days and at the times that shall be most efficient and convenient to the city.*
- D. *Adequate notice of the collection schedules shall be given to the residents with the dates and times and any changes thereto.*

Section 8. Dates.

Introduction to City Council 11-14-11

Council Review: 11-28-11; 06-25-12

Projected Adoption Date:

Ordinances are in effect ten days following adoption by City Council.

Washington Street Sewage Pumping Station Rehabilitation Project

Project Need

- ▶ Facility was constructed in 1977 and the pumps, piping and equipment have outlived their useful life



Project Need



- ▶ Grinder continuously clogging; requiring constant maintenance
- ▶ Pumps not operating as designed and facility is easily overwhelmed during periods of high sewage flow resulting in significant costs to have an outside septic company assist with pumping and hauling the excess

Current Status

- ▶ Both pumps are failing
- ▶ One of the pumps is leaking and in need of immediate replacement
- ▶ City installed a bypass connection in December to facilitate this project



Scope of Repairs

- ▶ Replace both pumps, grinder and all internal piping and valves
- ▶ Replace electrical service, motor controls and instrumentation
- ▶ Replace existing roof and other housekeeping improvements
- ▶ Install odor control system
- ▶ Coordinate electrical improvements with the Water Plant replacement project as facility is served from the Water Plant

Project Funding

- ▶ Project was included in Bond Issuance for Sewer Improvements that also included the current I&I work
- ▶ Originally budgeted \$1,900,000 for pump station improvements at Washington Street and Fisher Avenue
- ▶ \$1,000,000 was transferred to the I&I work leaving \$900,000 for the improvements
- ▶ Estimated Construction Costs for the project are \$676,700
- ▶ Engineering Design Phase Costs are \$61,800
- ▶ Construction Phase Costs are estimated at \$51,150