

City of Milford



AGENDA

Council Meeting

July 22, 2013

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

7:00 P.M.

PUBLIC HEARINGS

Wes Cromer on behalf of Harriet S. Miller

Minor Subdivision

23 McCoy Street/25 McCoy Street/800 Dixie Avenue

Tax Map:3-30-10.12-54.00

Shore Speed LLC on behalf of Legal Owner Milford Associates

Conditional Use to allow an Indoor Recreational Facility

971 East Masten Circle

Tax Map MD-16-183.00-01-04.00

Adoption/Ordinance 2013-04

Shore Speed LLC on behalf of Legal Owner Milford Associates for a Conditional Use

COUNCIL MEETING

Call to Order - Mayor Joseph R. Rogers

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

Lease Agreement/Milford Boys and Girls Club/Parks & Recreation

Abandonment of W. Clarke Avenue Right-of-Way (Everett Roberts)/Adoption of Resolution 2013-15

Abandonment of Evans Street Extended Right-of-Way (Seawatch)/Adoption of Resolution 2013-16

New Business

Adjourn

WORKSHOP

Call to Order - Mayor Joseph R. Rogers

Amendment to Planning & Zoning Fee Schedule (Proposed)

Public Works Committee Meeting

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, July 22, 2013 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:

Wes Cromer on behalf of Harriet S. Miller requesting the Minor Subdivision of a .629 acre parcel into three non-conforming parcels of land (each with existing residences) in a R-1 District.

Tax Map: 3-30-10.12-54.00
Location: 23 McCoy Street
25 McCoy Street
800 Dixie Avenue

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, MMC



Land Use Application Cover Sheet

File Name: Miller, Harriet
File Number: 13-198

CITY OF MILFORD
Date Stamp
APR 29 2013

RECEIVED

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process of 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>Harriet S. Miller</u>			Phone:
Address: <u>6427 Chateau DR.</u>			Cell: <u>270-6375</u>
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail: <u>Hmiller631@aol.com</u>			
Contact Person For This Application: <u>Wes Cromer</u>			Phone: <u>302-422-1850</u>
Address: <u>715 S. Dupont Hwy</u>			Cell: <u>302-448-1032</u>
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax: <u>302-422-8020</u>
E-Mail: <u>WCromer@MastinRealty.com</u>			
Applicant Name and/or Company: <u>Harriet S. Miller</u>			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address: <u>23 McCoy St, 25 McCoy St & 800 Dixie Avenue</u>			Zoning: <u>R-1</u>
Tax Map & Parcel Number (s): <u>330-10.12-54.00</u>			Acreage: <u>.629 Ac</u>
Description of Proposal: <u>Create 3 separate parcels for each home.</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>Harriet S. Miller</u>	Date: <u>4-22-13</u>
Signature of Property Owner:		<u>Harriet S. Miller</u>	Date: <u>4-22-13</u>

REVISED: 11.15.11



Variance Application

CITY OF MILFORD

File Name: Miller, Harriet
 File Number: 13-198

APR 29 2013
 Date Stamp
 RECEIVED

Applicant is seeking a relief of the Code of the City of Milford:

Chapter 230-9, titled Zoning, section D, subsection Area Regulations, which states:

- (1) Min. interior lot shall be 10,000 sq. ft. Min. corner lot shall be 13,000 sq. ft.
- (3) Min lot width shall be 80 ft.
- (7) Side yards with a min of 12 ft each.

Applicant is requesting to be allowed:

- 1. Min interior lot of 6,337 sq. ft. Min corner lot of 11,315 sq. ft.
- 3. Min lot width of 60.12 ft.
- 7. Min side yard of 4.2 ft.

A Land Use Application for a Variance is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. Ten folded copies of a site plan (no larger than 11" x 17"), drawn to scale, showing:
 - A. Existing and proposed structures and other improvements;
 - B. The location of existing and proposed parking;
 - C. Existing and proposed utilities;
 - D. Existing natural features.
- 3. Application fee.

For Staff Use ONLY	
Verified	Waived
cc	

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Applicant:

Harriet S. Miller Date: 4-22-13

Signature of Property Owner:

Harriet S. Miller Date: 4-22-13

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner	n/a	n/a	n/a	06-13-13
Contact				
Applicant				



§ 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.

ARTICLE VII - Board of Adjustment

[§ 230-27. - Powers and duties.](#)

[§ 230-28. - Authority.](#)

[§ 230-29. - Appeals.](#)

[§ 230-30. - Filing fee.](#)

[§ 230-31. - Effect of appeal upon proceedings.](#)

[§ 230-32. - Hearing.](#)

[§ 230-33. - Petition to court.](#)

[§ 230-34. - Duties in case of writ of certiorari.](#)

[§ 230-35. - Composition and terms of office.](#)

[§ 230-36. - Making and adopting rules.](#)

[§ 230-37. - Meetings.](#)

[§ 230-38. - Referrals to Planning Commission.](#)

§ 230-27. - Powers and duties.

The Board of Adjustment shall have the following powers:

- A. The Board of Adjustment shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made in the administration of this chapter.
- B. The Board of Adjustment shall authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties and so that the spirit of the chapter shall be observed and substantial justice done.
- C. The Board of Adjustment shall have original jurisdiction and powers to grant a permit for a special exception use only under the terms and conditions established by this chapter, under the following stipulations and guiding principles:
 - (1) The use for which application is being made is specifically authorized as a special exception use for the zone in which it is located.
 - (2) The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:
 - (a) Character of the neighborhood.
 - (b) Conservation of property values.
 - (c) Health and safety of residents and workers on adjacent properties and in the surrounding neighborhood.
 - (d) Potential congestion of vehicle traffic or creation of undue hazard.
 - (e) Stated principles and objectives of this chapter and the Comprehensive Master Plan of the City of Milford.
- D. The Board of Adjustment shall have the responsibility for the interpretation of this chapter.

§ 230-28. - Authority.

In exercising its powers the Board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made in the administration and enforcement of this chapter. Any order,

requirement, decision or determination of the Board which requires or permits a specific act to be undertaken shall, as a condition, prescribe a reasonable time limit within which such act shall be completed, if applicable.

§ 230-29. - Appeals.

Appeals to the Board may be taken by any person aggrieved or by any other officer, department, board or commission of the City of Milford affected by a decision of the Code Official of the City of Milford in the administration of this chapter. Such appeal shall be taken within 30 days of the aggrieved decision by filing with the Code Official a letter of appeal specifying the reason for appeal. The Chairman shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.

§ 230-30. - Filing fee.

A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57^{6[41]}

§ 230-31. - Effect of appeal upon proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies, after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Code Official for due cause shown.

§ 230-32. - Hearing.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties of interest and notify by mail the registered owners of all property within 200 feet of the property upon which the appeal centers. The appeal shall be decided within a reasonable time not to exceed 60 days from the date of the filing of such appeal. Failure of the Board to decide within sixty days shall constitute denial. Upon the hearing, any party may appear in person, by agent or by attorney, provided that said agent or attorney produces authorization from his principal for acting in such a capacity.

§ 230-33. - Petition to court.

Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or commission of the City of Milford may present to a court of record a petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds for the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision. The court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe the time within which a return must be made and served upon the petitioner attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application or notice to the Board and on due cause shown, grant a restraining order.

§ 230-34. - Duties in case of writ of certiorari.

The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies of such portions as may be called for such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

§ 230-35. - Composition and terms of office.

The Board of Adjustment shall be established as provided in 22 Del. C. § 322(d).

[Ord. No. 2009-13, §§ 1, 2, 7-27-2009]

Editor's note—

Ord. No. 2009-13, §§ 1, 2, adopted July 27, 2009, changed the title of § 230-35 from membership to composition and terms of office.

§ 230-36. - Making and adopting rules.

The Board of Adjustment shall make and adopt rules in accordance with the provisions of this chapter.

§ 230-37. - Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his/her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, and the Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed in the City Hall and shall be a public record.

§ 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.

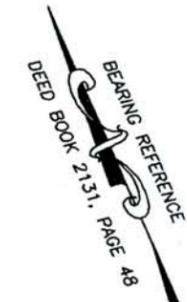
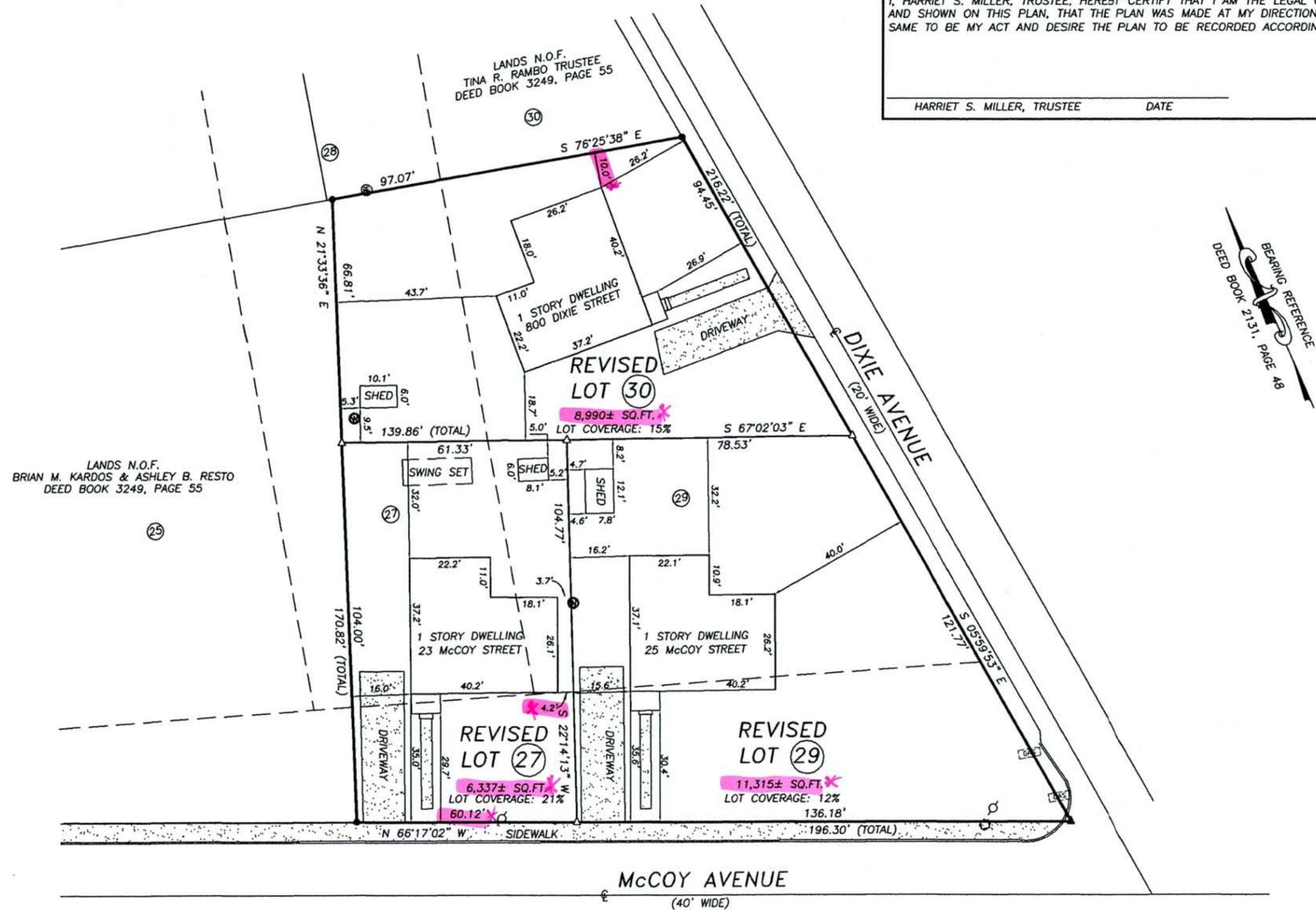
FOOTNOTE(S):

⁽⁴¹⁾ 6 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). ([Back](#))

OWNER'S CERTIFICATION:

I, HARRIET S. MILLER, TRUSTEE, HEREBY CERTIFY THAT I AM THE LEGAL 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 RECORDED ACCORDING TO THE LAW.

HARRIET S. MILLER, TRUSTEE DATE



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 3428, PAGE 50
- 3) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY
- 4) ALL DWELLINGS CONSTRUCTED PRIOR TO 1971
- 5) ZONING: R-1
- 6) SETBACKS:
 FRONT: 25'
 SIDE: 10'
 REAR: 25'

LEGEND:

- FOUND IRON BAR
- △ SET IRON BAR
- ▲ SET MAG NAIL
- UTILITY POLE
- ⊙ WATER METER
- ⊕ FIRE HYDRANT
- ⊙ ORIGINAL LOT NUMBER
- ⊙ TELEPHONE JUNCTION BOX
- ⊙ GAS LINE
- FENCE

Prepared By
 ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

R.B. KEMP, III, P.L.S. 541

MINOR SUBDIVISION SURVEY PLAN

PREPARED FOR
HARRIET S. MILLER, TRUSTEE

FOR PROPERTY KNOWN AS
 LOTS 27 (PORTION) AND 29, RE-SUBDIVISION OF SECTION C OF MILFORD VIEW
 DEED BOOK 308, PAGE 604
 SITUATED IN
 CITY OF MILFORD, CEDAR CREEK HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 AREA: 26,641± SQUARE FEET (TOTAL)
 SCALE: 1" = 20'
 DATE: MARCH 29, 2013 REVISED: APRIL 25, 2013

City of Milford



PUBLIC NOTICE

CITY OF MILFORD PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the following applicant has filed a land use application with the Planning Department of the City of Milford:

Wes Cromer on behalf of Harriet S. Miller requesting the Minor Subdivision of a .629 acre parcel into three non-conforming parcels of land (each with existing residences) in a R-1 District.

Tax Map: 3-30-10.12-54.00
Location: 23 McCoy Street
25 McCoy Street
800 Dixie Avenue

A Public Hearing is scheduled for Tuesday, July 16, 2013 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

All parties of interest are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted in advance of the hearing. Anyone with questions or comments should call Christine Crouch at 302-424-3712 extension 308.

By: Terri Hudson, MMC

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC13-009

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD
THE APPROVAL OF A FINAL MINOR SUBDIVISION FOR
HARRIET S. MILLER
AT 23 MCCOY ST, 25 MCCOY ST AND 800 DIXIE AVE
FOR A THREE LOT SUBDIVISION
IN AN R-1 ZONING DISTRICT
TAX MAP 3-30-10.12-054.00; 0.629 +/- 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 July 16, 2013; and,

WHEREAS, by a vote of 7 to 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. n/a

APPROVED: _____
James Burk,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Planning Commission Rec Secretary

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, July 22, 2013 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:

Shore Speed LLC on behalf of Legal Owner Milford Associates for a Conditional Use to allow an Indoor Recreational Facility (Video Games, Rock Climbing Wall and Indoor Electric Go Kart Track) in an I-1 District on 3.3 +/- acres at 971 East Masten Circle, Milford, Delaware. Tax Map MD-16-183.00-01-04.00

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, MMC
City Clerk



Land Use Application Cover Sheet

CITY OF MILFORD

File Name: Shore Speed
 File Number: 13-197

MAR 25 2013

Instructions for Applicants:

RECEIVED

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>Milford Associates</u>		Phone: <u>302-472-7200</u>
Address: <u>971 East Masten Circle</u>		Cell: <u>302-530-9006</u>
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>
E-Mail: <u>K.Quinn@commonwealthLTD.NET</u>		Fax:
Contact Person For This Application: <u>Clarence B. Edwards III</u>		Phone: <u>302-945-3310</u>
Address: <u>24436 Hollyville Rd</u>		Cell: <u>302-542-2234</u>
City: <u>Millsboro</u>	State: <u>DE</u>	Zip: <u>19966</u>
E-Mail: <u>shore.speed@mail.com</u>		Fax: <u>302-945-3309</u>
Applicant Name and/or Company: <u>Shore Speed, LLC</u>		Phone: <u>302-945-3310</u>
Address: <u>24436 Hollyville Rd</u>		Cell: <u>302-542-2234</u>
City: <u>Millsboro</u>	State: <u>DE</u>	Zip: <u>19966</u>
E-Mail: <u>shore.speed@mail.com</u>		Fax: <u>302-945-3309</u>
Site Address: <u>971 East Masten Circle</u>		Zoning: <u>I-1 limited Indust</u>
Tax Map & Parcel Number (s): <u>MD-16-183, 00-01-04.00</u>		Acres: <u>3.3</u>
Description of Proposal: <u>Use for Indoor Electric Go Karts, Track, Video Games, Rock Climbing Wall (Indoor Recreational Building)</u>		
# OF Emp- <u>15-20</u>		
Hours of Operation - <u>9AM - 12AM</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>4/16/13</u>
Signature of Property Owner: <u>[Signature]</u>		Date: <u>4/16/13</u>

REVISED: 11.15.11



Conditional Use Application

File Name: Shore Speed

CITY OF MILFORD

File Number: 13-197

MAR 25 2013

Applicant is seeking a Conditional Use, per the Code of the City of Milford:

RECEIVED

Chapter ²³⁰⁻¹⁶~~230-187~~(4) titled Office Complex District, section D, subsection 4, which states:
Conditional uses are permitted in the OC1 District for Indoor Recreation.

A Land Use Application for a Conditional Use is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property, including the tax map and parcel number.
- 3. A written summary of the proposal, including the goals of the proposal, the section(s) of the City of Milford Code which require approval of the application, and the relationship of the arrangement of building and other structures, parking and landscaping to those goals and to development and use of adjoining properties.
- 4. A written description of the proposed use of the site, including hours of operation, number of employees, and any proposed storage or use of hazardous materials, if applicable.
- 5. A summary table of project statistics, including site area, building coverage, impervious surface, required and proposed parking, etc.
- 6. Thirty-eight folded copies of a site plan (5 copies no smaller than 24" x 36" and 33 copies no larger than 11" x 17") showing:
 - A. Date, scale and north arrow;
 - B. Existing and proposed right-of-ways and improvements;
 - C. Existing natural features;
 - D. Existing and proposed utilities;
 - E. Existing and proposed structures and other improvements;
 - F. The location of parking for the proposed use;
 - G. All structures, natural features and other improvements on abutting property.
- 7. A landscaping plan showing existing and proposed landscaping, fencing and buffering.
- 8. Application fee.

For Staff Use ONLY	
Verified	Waived
✓	
✓	
✓	
✓	
	<i>cc</i>

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Applicant: Date: 4/16/13
 Signature of Property Owner: Date: 4/16/13

FOR STAFF USE ONLY			
DAC	Planning Commission	City Council	BOA
			n/a
Owner			
Contact Applicant			



Subject Site

0 ft
0 m

Map
Traffic



Shore Speed LLC.

24436 Hollyville Rd.
Millsboro, DE 19966

Phone: 302-945-3322

Fax: 302-945-3309

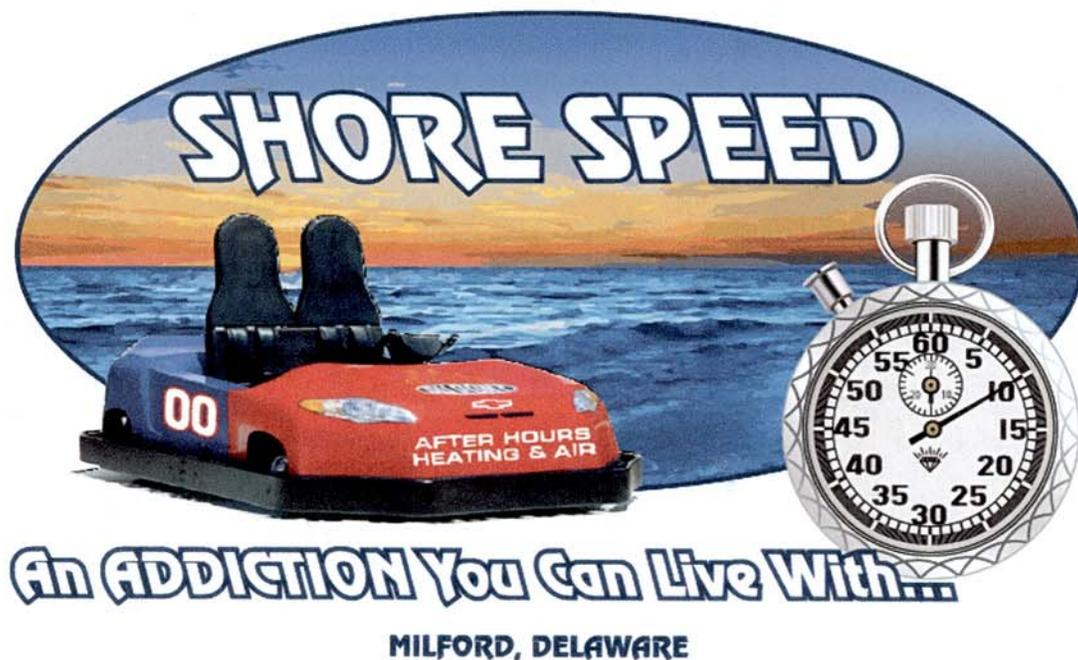
Email: Shorespeed@mail.com

To Whom It May Concern,

We, (We or our being Shore Speed LLC here to forward all parts of following summary) propose getting conditional use of property referred to in application as 971 East Masten Circle, Milford to use for indoor recreation/ entertainment facility, refer to City of Milford code Chapter 230-16 section B1 then refer to Chapter 230-18 section D4. (see attached copies) The building is presently a 40,000 sq ft warehouse and we are looking to turn it into an indoor entertainment/ recreation facility including, but not limited to, electric go-kart track, rock wall, and arcade games. Existing structure, parking lot, and landscaping will stay the same as present. Our hours of operation will be 10 am to midnight and hopefully 7 days per week. We propose having 15 to 20 employees and will be capable of approx 300 patrons at one time. As for night parking, parking lot is well lit with two large sodium stand alone parking lot lights as well as four sodium parking lot lights on building. Our hope is that Shore Speed will bring revenue to the Milford area, Give familys something to do and become an asset to the City of Milford.

Thank You for Your time and Consideration in the matter,

Shore Speed LLC.



BOOK C 45 PAGE 192

11808

DEED

THIS DEED, Made this 10th
day of June, in the year of our LORD one thousand nine hundred
and eighty-eight,

BETWEEN, MASTEN & THAWLEY, L.P., a Delaware Limited
Partnership, party of the first part herein

and

MILFORD ASSOCIATES, L.P., a Delaware Limited
Partnership, party of the second part,

WITNESSETH

THAT the said party of the first part, for and in
consideration of the sum of SEVENTY FOUR THOUSAND NINE HUNDRED
NINETY-TWO and 50/100 DOLLARS (\$74,992.50) lawful money of the
United States of America, the receipt whereof is hereby
acknowledged, hereby grants and conveys unto the said party of
the second part,

ALL that certain piece, parcel and tract of land, lying and
being in the City of Milford, Kent County and State of Delaware,
fronting on the northwesterly right-of-way line of West Masten
Circle, adjoining Lot #12 and Lot #14 and lands now or formerly
of Crerar Bennett, being more fully described as follows, to wit:

BEGINNING at a newly set iron pipe on the northwesterly
right-of-way of West Masten Circle, being the northeasterly corner
of Lot #12; thence proceeding with Lot #12 North 46 degrees 31
minutes 25 seconds West, 434.84 feet to a newly set iron pipe on
a point on line of lands now or formerly of Crerar Bennett;
thence running with said Bennett lands North 42 degrees 26 minutes
20 seconds East, 333.33 feet to a newly set iron pipe at corner
for Lot #14; thence running with Lot #14 South 46 degrees 31
minutes 25 seconds East, 436.44 feet to a newly set iron pipe on
the northwesterly right of way line of West Masten Circle; thence
finally, running with said right-of-way South 42 degrees 42
minutes 50 seconds West, 333.33 feet to the place of Beginning;
containing 3.333 acres of land, more or less.

SUBJECT to the Rights of Ways, notes, conditions and
easements more fully shown on the Plan of premises recorded in
the Office of the Recorder of Deeds, in and for Kent County and
State of Delaware, at Wilmington in Plat Book 15-60, including by
way of example, a 10 foot wide right of way to the City of
Milford over the front line of the property conveyed hereby.

SUBJECT to a Sewer and Water Easement and Right of Way to
the City of Milford as does more fully appear in the Office of
the Recorder of Deeds, as aforesaid in Deed Book P, Volume 33,
Page 150.

SUBJECT to a Utility Easement with the Diamond State
Telephone Company dated May 29, 1979 and recorded in the Office
of the Recorder as aforesaid in Deed Book X, Volume 33, Page 31.

SUBJECT to a Utility Easement with the City of Milford
recorded in the Office of the Recorder as aforesaid in Deed Book
P, Volume 34, Page 249.

SUBJECT to a Deed of Easement as to Ingress and egress with
the City of Milford as does more fully appear in the Office of
the Recorder as aforesaid in Deed Book N, Volume 35, Page 261.

SUBJECT to a Drainage Easement with the City of Milford as
does more fully appear in the Office of the Recorder as aforesaid
in Deed Book A, Volume 41, Page 283.

Grantees Address: Commonwealth Building
62 Read's Way
New Castle, DE 19720

Kent Tax Parcel No. MD-16-182.00-01-4.00

BOOK C 45 PAGE 193

SUBJECT to a Drainage Easement with the City of Milford as does more fully appear in the Office of the Recorder as aforesaid in Deed Book A, Volume 41, Page 286.

SUBJECT to a Utility Agreement with The Diamond State Telephone Company and Delaware Power & Light Company, dated March 7, 1966 and recorded in the Office of the Recorder as aforesaid in Deed Record H, Volume 24, Page 213.

BEING a part of the same lands and premises which which Thawley & Masten, Inc., a corporation of the State of Delaware, by its Indenture dated July 9, 1975 and recorded in the Office of the Recorder of Deeds, in and for Kent County and State of Delaware, at Dover in Deed Book L, Volume 30, Page 116, did grant and convey unto Masten & Thawley, L.P., a Delaware limited partnership, in fee.

IN WITNESS WHEREOF,

THE said Masten & Thawley, L.P., party of the first part herein, has hereunto caused its hand and seal by Raymond Masten and Beverly T. Dugan, its General Partners to be hereunto set.

MASTEN & THAWLEY, L.P.

Andrick S. Kuten
witness

BY: Raymond Masten (SEAL)
Raymond Masten, General Partner

Beverly T. Dugan
witness

BY: Beverly T. Dugan (SEAL)
Beverly T. Dugan, General Partner

STATE OF DELAWARE:
Sussex :SS.
NEW CASTLE COUNTY:

\$1499.95 13JN88 02 4

THIS instrument was acknowledged before me this 10th day of June, A.D., 1988 by Raymond Masten, as General Partner of Masten & Thawley, L.P.

Jean L. Lindall
Notary Public

My Commission Expires: 1-2-91

STATE OF DELAWARE:
Sussex :SS.
NEW CASTLE COUNTY:

THIS instrument was acknowledged before me this 10th day of June, A.D., 1988 by Beverly T. Dugan, as General Partner of Masten & Thawley, L.P.

Jean L. Lindall
Notary Public

My Commission Expires: 1-2-91

RECEIVED FOR RECORD

JUN 13 10 57 AM '88

MICHAEL T. SOUIC
RECORDER OF DEEDS
KENT COUNTY, DELAWARE

\$3.00 STATE DOCUMENT FEE PAID 2

§ 230-16. - I-1 Limited Industrial District.

[Amended 7-9-1990]

In an I-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.
- B. Permitted uses. Permitted uses of the I-1 District shall be as follows:
- (1) All permitted uses of the OC-1 District.
 - (2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
 - (3) Research, design, testing and development laboratories.
 - (4) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
 - (5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
 - (6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be closer than 500 feet to any school or building(s) used for assembly.

[Added 12-16-1996]

- C. Prohibited uses. The following are expressly prohibited in an I-1 District:
- (1) Residences, except those in existence at the time of adoption of this amendment.
 - (2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.
 - (3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automotive or other machine parts.
 - (4) Operations involving slaughterhouses, stockyards or slag piles.
 - (5) Storage of explosives and bulk or wholesale storage of gasoline above ground.
 - (6) Quarries, stone crushers, screening plants and all associated uses.
 - (7) The following processes: large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.
- D. Conditional uses. The following uses are permitted in the I-1 District, in accordance with the provisions within Article IX (conditional use portion) of this chapter:
- (1) Airfields or airpark facilities.
 - (2)

Mini-warehouses or public storage facilities.

(3) Radio-television facilities.

E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.

(1) Accessory uses shall not be permitted without a principal use.

(2) Any uses not permitted, as previously listed, are prohibited.

(3) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.

(4) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.

(5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.

(6) All fencing shall be properly maintained.

(7) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(8) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(9) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(10) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.

(11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.

(12) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(13) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(14) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

(15) All I-1 District projects and proposals are subject to site plan review by the Planning Commission.

F. Area and height regulations.

(1) Minimum lot area shall be two acres.

(2) Maximum lot coverage shall be 60%, with the remainder being that of grass and landscape areas. Parking areas shall be landscaped.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 40 feet.

(7) Minimum rear yard setback shall be 45 feet.

- (8) Off-street parking. See Article IV of this chapter.
- (9) Landscape screening. See Article V of this chapter.
- (10) Sign requirements. See Article VI of this chapter.
- (11) Accessory structures shall occupy no more than 10% of the lot area.
- (12) Accessory structures shall be located in the rear yard/lot area.
- (13) Accessory structures shall be located at least 45 feet from the rear lot line.

§ 230-18. - OC-1 Office Complex District.

[Added 7-9-1990]

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. Permitted uses. Permitted uses for the OC-1 District shall be as follows:
 - (1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
 - (2) Television and radio studios (without towers).
 - (3) Professional schools (nonindustrial).
 - (4) Health centers and clinics (medical or dental).
- C. Prohibited uses. The following are expressly prohibited in an OC-1 District:
 - (1) Residences, except those in existence at the time of adoption of this section.
 - (2) Manufacturing of any kind.
 - (3) Bulk or wholesale storage or distribution centers.
- D. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:
 - (1) Charitable and philanthropic organizations.
 - (2) Day-care centers.
 - (3) Civic and/or conference centers.
 - (4) Indoor recreation (tennis, racquetball, handball, swimming, etc.).
 - (5) Private clubs or organizations.
 - (6) Medical/dental laboratories.
- E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.
 - (1) Accessory uses shall not be permitted without a principal use.
 - (2) The premises shall be suitably landscaped.
 - (3) All driveways shall meet width requirements of the State Fire Marshal's Office.
 - (4) Any uses not permitted, as previously listed, are prohibited.
 - (5) All internal roads, driveways and parking areas (for public, in-house employee or vehicular traffic) shall be paved.
 - (6) All OC-1 District projects and proposals are subject to site plan review by the Planning Commission.
 - (7) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.
- F. Area and height regulations.
 - (1) Minimum lot area shall be one acre.
 - (2) Maximum lot coverage shall be 75%, with the remainder being that of grass and landscape areas.
 - (3) Minimum lot width shall be 100 feet.
 - (4) Maximum building height shall be 70 feet.
 - (5) Minimum front yard setback shall be 50 feet.
 - (6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.
 - (7) Minimum rear yard setback shall be 25 feet.

- (8) Off-street parking. See Article IV of this chapter.
- (9) Landscape screening.
 - (a) There shall be a one-hundred-foot buffer from all residential areas or districts.
 - (b) Planted screening shall be at least six feet in height.
 - (c) There shall be a ten-foot buffer along all nonresidential lot lines.
 - (d) Each planted area of buffering shall:
 - [1] Retain natural vegetation.
 - [2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.
- (10) Sign requirements.
 - (a) A single sign facing each street from which access to the lot is provided announcing the name or logo (or both) of all establishments or businesses housed therein shall be allowed.
 - (b) The sign shall be applied to the wall of the building and shall not exceed 50 square feet.
 - (c) The sign shall not extend beyond the wall of the building upon which it is attached.
 - (d) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be shielded from the view of adjacent properties or streets.
 - (e) One identification sign shall be allowed at each access point with an area of not more than eight square feet.
- (11) Accessory structures shall occupy no more than 10% of the lot area.
- (12) Accessory structures shall be located in the rear yard/lot area.
- (13) Accessory structures shall be located at least 25 feet from the rear lot line.

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

§ 230-47. - Application and approval procedures.

§ 230-48. - Criteria for evaluation.

§ 230-48.1. - Criteria for planned unit residential development.

§ 230-49. - Conditions for approval; expiration.

§ 230-46. - Purpose.

- A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-48.1. - Criteria for planned unit residential development.

[Added 6-11-2001 by Ord. No. 4-2001; amended 10-25-2004 by Ord. No. 2004-9]

- A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.

- B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.
- C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.
- D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.
- E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in [Chapter 200](#), Subdivision of Land.

[Added 5-22-2006 by Ord. No. 2006-2]

F. Neighborhood commercial.

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

- (1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:
 - (a) Retail goods and services.
 - (b) Child-care center (care for fewer than 24 children).
 - (c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).
 - (d) Medical and dental offices, clinics, and laboratories.
 - (e) Professional and administrative offices.
 - (f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)
 - (g) Mixed use building (residential, including rentals, with other permitted use).
 - (h) Laundromats or dry cleaners.
 - (i) Art, music, or photography studio.
 - (j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).
 - (k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).
- (2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.
- (3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.
- (4) Storage. Except for plants and garden supplies, overnight storage is not permitted.
- (5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.
- (6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.

(7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.

- G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

[Ord. No. 2009-17, § 5, 4-26-2010]

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in [§ 230-48](#) and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.

[Amended 5-11-1998 by Ord. No. 4-1998]

- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

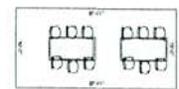
Flagger Stand

Future Kids Track

4,000 sq ft

151

21,000 sq ft
30 people max



12 people
3 to 4 Hospitality tents

36 ppl

PIT AREA

Fence

winners circle

Approx 2,500 sq ft
Main Arcade Area

Kids arcade area

later snack area

Emergency Exit

work shop

office

Restrooms

meeting rm

recp

storage

executive conference area

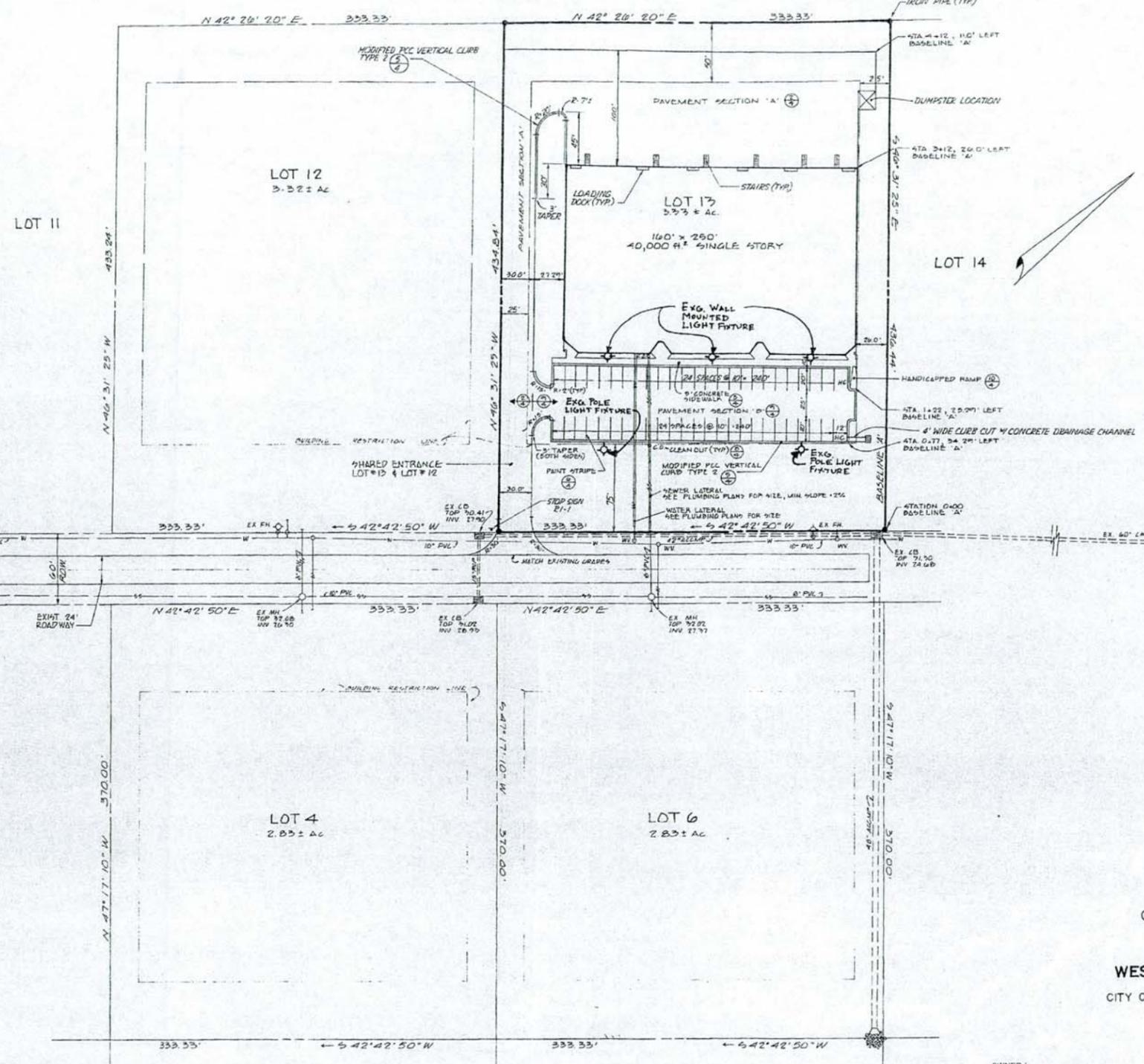
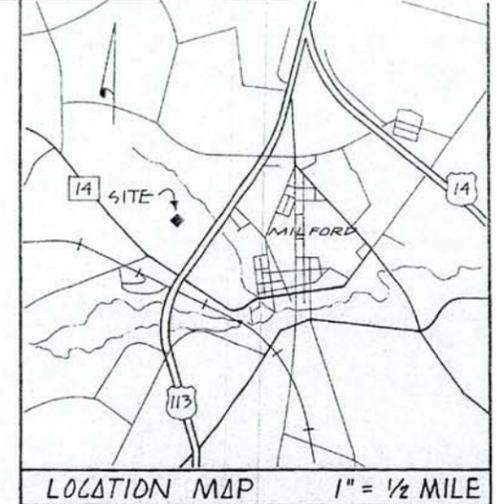
family bathroom

to be removed
main entrance

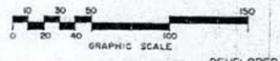
only new walls

- ALL CONSTRUCTION, UNLESS OTHERWISE NOTED, SHALL BE DONE IN ACCORDANCE WITH THE "DEPARTMENT OF HIGHWAYS AND TRANSPORTATION STANDARD SPECIFICATIONS" DATED JULY 1985.
- EXISTING UTILITIES ARE SHOWN TO THE BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY AND ALLOW FOR THESE LOCATIONS.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THERE IS SUFFICIENT COVER ON ALL PIPING DURING CONSTRUCTION TO PREVENT DAMAGE TO PIPE.
- PLAN LOCATIONS AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
- WITH PROPOSED PAVING ELEVATIONS TO EXISTING PAVING ELEVATIONS WHEREVER THEY ADJOIN.
- ALL ELEVATIONS ARE TO FACE OF CURB, FACE OF WALL, CENTERLINE OF UTILITY OR FACE OF BUILDING, UNLESS OTHERWISE NOTED.
- PAINT STRIPS SHALL BE CHROME PLATED RUBBER-BASE, FACTORY-MIXED, NON-SLIPPING, FAST DRYING, BEST QUALITY. WHITE TRAFFIC PAINT WITH A LIFE EXPECTANCY OF TWO YEARS UNDER NORMAL TRAFFIC USE.
- ALL FIRE LINES, HYDRANTS, SPRINKLERS, STANDPIPE CONNECTIONS, AND FIRE EXITS SHALL BE MARKED AND/OR PROTECTED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- ALL 2" PVC WATER PIPE SHALL MEET THE REQUIREMENTS OF ASPA 4000 FOR CLASS 150 OR 16 PIPE.
- ALL WATER MAINS SHALL HAVE A MINIMUM 42" COVER BASED ON PROPOSED GRADE.
- ALL DEPRESSSED WATER LINE ELEVATIONS SHALL BE TO INVERT OF WATER LINE.
- ALL 4" PVC GRAVITY SEWER PIPE AND FITTINGS SHALL MEET THE REQUIREMENTS OF ASPA 4000 FOR 4000-15. INSTALLATION SHALL BE TO ACCORDANCE WITH BEST COUNTY PRACTICES.
- SEWAGE SEWER SEPARATION FROM WATER MAINS (10 STATE STANDARDS): HORIZONTAL: 10' MINIMUM; VERTICAL: 18" MINIMUM CLEARANCE; OUTSIDE PIPE TO OUTSIDE PIPE.
- DATE: N.S.S.
- MINIMUM COMPACTION AS DEFINED BY MODIFIED PROCTOR MAXIMUM DRY DENSITY (ASTM D1557) SHALL BE: FINISH AREAS - 98% STRUCTURAL AREAS - 95%
- ALL AREAS ADJACENT TO THE BUILDING SHALL BE GRADED TO DRAIN WATER AWAY FROM THE BUILDING.
- ALL AREAS NOT COVERED BY PAVING OR BUILDING SHALL RECEIVE 4" OF TOPSOIL, SEED, AND MULCH.
- ALL TRAFFIC CONTROL SIGNS AND PAVEMENT MARKINGS SHALL BE TO ACCORDANCE WITH "THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS".
- FORWARDED DATA SHOWN FOR LOT 12, 13 AND 14 TAKEN FROM "LOT 12, WEST BELLEVILLE INDUSTRIAL PARK" DATED APRIL 4, 1984 AND PREPARED BY CHARLES D. HOFFER, JR., P.E.
- TOPOGRAPHIC AND UTILITY INFORMATION FOR MASTER CIRCLE WAS TAKEN FROM "13 BELLEVILLE WEST BELLEVILLE INDUSTRIAL PARK", DATED FEBRUARY 12, 1988 AND PREPARED BY CHARLES D. HOFFER, JR., P.E.
- BUILDING SHALL BE PROTECTED WITH AUTOMATIC SPRINKLER SYSTEM.

NOW OR FORMERLY
CRERAR BENNETT



GENERAL SITE & UTILITIES PLAN
LOT 13
 WEST MILFORD INDUSTRIAL PARK
 CITY OF MILFORD KENT COUNTY DELAWARE



OWNER: MILFORD ASSOCIATES LP
 COMMONWEALTH BUILDING
 62 READS WAY
 NEW CASTLE, DELAWARE 19720

DEVELOPER: THE COMMONWEALTH GROUP
 COMMONWEALTH BUILDING
 62 READS WAY
 NEW CASTLE, DELAWARE 19720

- LEGEND**
- EXISTING IRON PIPES
 - EXISTING STORM DRAINAGE
 - EXISTING SANITARY SEWER (8" MANHOLE)
 - EXISTING WATER MAIN (WATER VALVE & FIRE HYDRANT, TYP)
 - PROPOSED CURB
 - PROPOSED STORM DRAINAGE
 - PROPOSED SANITARY SEWER LATERAL (W/ CLEANOUT)
 - PROPOSED WATER SERVICE LATERAL
 - EXISTING CONTOUR
 - EXISTING SPOT GRADE
 - PROPOSED CONTOUR
 - PROPOSED SPOT GRADE
 - PROPOSED TOP OF CURB GRADE

ZONING CLASSIFICATION: I-1, GENERAL INDUSTRIAL
 FRONT YARD SETBACK = 75 FT. MIN.
 SIDE YARD SETBACK = 35 FT. MIN. (ORIGINAL RECORDED PLAN)
 REAR YARD SETBACK = 50 FT. MIN.

LOT NO. 13 DATA:
 LOT AREA: 1,332 SF
 BUILDING HEIGHT: 23 FT.
 BUILDING AREA: 40,000 SF
 BUILDING COVERAGE: 37.6%

PARKING AND LOADING:
 OFF-STREET PARKING: OFFICE 12,000 SF & 1 SPACE/300 SF
 WAREHOUSE 1500 EMPLOYEES & 1 SPACE/2 EMPLOYEES
 TOTAL PARKING: 50
 OFF-STREET LOADING: 4

REVISIONS	CHECKED BY	DATE



THIS DRAWING AND THE DESIGN THEREON ARE THE PROPERTY OF LANDMARK ENGINEERING, INC. AND BE ALTERED OR COPIED WITHOUT WRITTEN PERMISSION.
 SCALE: 1" = 50'
 DESIGNED BY: B.J.T.
 DATE: 4-27-85
 CHECKED BY: [blank]
 FILE NO: 88

FOR REVIEW PURPOSES ONLY

City of Milford



PUBLIC NOTICE

CITY OF MILFORD PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the following applicant has filed a land use application with the Planning Department of the City of Milford:

Shore Speed LLC on behalf of Legal Owner Milford Associates for a Conditional Use to allow an Indoor Recreational Facility (Video Games, Rock Climbing Wall and Indoor Electric Go Kart Track) in an I-1 District on 3.3 +/- acres at 971 East Masten Circle, Milford, Delaware. Tax Map(s): MD-16-183.00-01-04.00.

A Public Hearing is scheduled for Tuesday, June 18, 2013 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

All parties of interest are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted in advance of the hearing. Anyone with questions or comments should call Christine Crouch at 302-424-3712 extension 308.

By: Terri K. Hudson, MMC
City Clerk

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC13-006

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD
THE APPROVAL OF A CONDITIONAL USE FOR
MILFORD ASSOCIATES
AT 971 EAST MASTEN CIRCLE
IN AN I-1 ZONING DISTRICT
TAX MAP MD-16-183.00-01-04.00**

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 June 18, 2013; and,

WHEREAS, by a vote of 4 to 3 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 conditions:

1. Alcohol is prohibited on site.
2. Audio and visual security camera footage must be kept on file for six weeks.
3. The use must remain compliant with the Code of the City of Milford §230-18 D (4).
4. Fire Marshal occupancy load approval is received prior to building permit issuance.
5. Striped parking for 120 vehicles is provided.
6. Security personnel will patrol the outside of the facility between 4:00 pm and close of business.
7. The hours of operation are 10:00 am until 11:00 pm.

APPROVED: _____

James Burk,
Planning Commission Chairman

SIGNED: _____

Christine Crouch,
Planning Commission Rec Secretary



PUBLIC NOTICE

Ordinance 2013-04

Shore Speed LLC on behalf of Legal Owner Milford Associates for a Conditional Use

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW AN INDOOR RECREATIONAL FACILITY (VIDEO GAMES, ROCK CLIMBING WALL AND INDOOR ELECTRIC GO KART TRACK) IN AN I-1 DISTRICT AT 971 EAST MASTEN CIRCLE, MILFORD, DELAWARE. TAX PARCEL MD-16-183.00-01-04.00

Whereas, the City of Milford Planning Commission reviewed the application at a Public Hearing on June 18, 2013 and has presented item to be considered by the City Council; and

Whereas, Milford City Council held an advertised Public Hearing on July 22, 2013 to allow for public comment and review of the application; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use for an Indoor Recreational Facility as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Shore Speed LLC on behalf of Legal Owner Milford Associates is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance or the conditional use permit becomes void.

Section 3. Dates.

Introduction 06-10-13

Adoption 07-22-13

This ordinance shall take effect and be in force ten days after its adoption.

Ordinance 2013-04 is scheduled for adoption, with or without amendments, at the scheduled City Council Meeting on Monday, July 22, 2013. Should you have questions, please contact the City of Milford Planning Department at 302-424-3712 Extension 308.

Milford Police Departments Annual Night Out



When: Tuesday, August 6th

Where: Bicentennial Park

Time: 6 p.m. till 8 p.m.

The purpose of this event is to heighten awareness of our services and crime prevention, but more importantly to continue to build a strong relationship with the Milford Community. Please come out and support your local police department in this community event. There will be music, food, drinks, and emergency vehicles on display. This event is free and open to the public.



Thank You

Mayor, City Council & Employees:

I thank each and every one of you for your care and help during my son's death. I truly appreciate everyone of you and I can never thank you enough.

Thank you again
Janne Leuthauser

Lease Agreement/Greater Milford Boys and Girls Club/Parks & Recreation

Mr. Carmean advised the Parks and Recreation agreement with Milford Boys and Girls Club to lease their gymnasium for his programs will be expiring soon. The new agreement is the same as the current agreement. The city manager does not recommend council vote on the agreement tonight and asked that City Solicitor Rutt review it first.

Mr. Pikus confirmed we are currently paying a \$25,000 lease a year. This lease begins at \$29,000 and increases to \$30,000.

The city manager said the city has no other sites for programs that require a gymnasium.

Mr. Pikus asked for confirmation this is a pay-as-you-go situation where the money collected for the programs from the participants covers the entire rental costs, thereby resulting in a washout situation.

Mr. Pikus then asked how much money is taken in from the participants when compared to the cost of the lease; Mr. Brooks said at one time there was a line item on the finance report that showed specifically what was received and what was paid out for these programs.

Mr. Pikus then recalled the line item being on the finance report which is titled enterprise account.

Mr. Brooks said at one time, the Parks and Recreation Commission met on a regular basis and a report was distributed showing each individual program, the number of participants and any associated costs. Over the past few years, the report only shows how much is received and spent.

Mr. Pikus asked that Mr. Emory again provide these numbers to council; Mr. Carmean will follow up.

Mr. Carmean then explained the agreement is a simple contract that increases from \$29,000 \$30,000 over time. There are also incremental increases over the five-year period.

**LICENSE AGREEMENT
GREATER MILFORD BOYS & GIRLS CLUB and CITY OF MILFORD**

THIS AGREEMENT, made this 1st day of July, 2013 by and between the Greater Milford Boys & Girls Club of the Boys & Girls Clubs of Delaware, a Delaware Not for Profit Corporation (hereinafter "CLUB") and The City of Milford, a Municipal Corporation of the State of Delaware and the Milford Parks and Recreations (hereinafter collectively "CITY").

WHEREAS, CLUB is the OWNER of a certain property in the City of Milford, County of Kent, State of Delaware, located at 101 Delaware Veterans Boulevard, Tax Parcel MD-16-173.00-01-02.05-000; and further described and attached hereto as Exhibit A (hereinafter "Premises"); and

WHEREAS, CLUB operates and uses the premises to provide and offer services to the community for the benefit of children and youth in the Milford area; and

WHEREAS, CITY desires to acquire a limited use license of the property herein described for the express purpose of providing recreational programs through its Parks and Recreation Department for the benefit of children and adults in the Greater Milford area; and

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and intending to be legally bound hereby, the parties hereto do hereby agree as follows:

1. LICENSE TO USE: CITY shall have the right to use the following portions of the Premises, subject to the conditions and expressions set forth herein:
 - A. Gymnasium - CLUB shall provide CITY with access to the gymnasium during hours when CLUB programs are not operating. CLUB will provide a minimum of 500 hours access annually. The precise schedule of use for the gymnasium shall be determined on a quarterly basis by the submission of a proposed schedule of gymnasium use from CITY to CLUB 60 days before the quarter is to begin. CLUB shall review CITY'S proposed schedule and make reasonable efforts to accommodate CITY'S proposed schedule. However, CITY acknowledges that its proposed schedule shall be subject to the priority of CLUB'S demands, use and schedule for the gymnasium. Accordingly, CLUB may reject CITY'S proposed schedule in whole or in part. In any event, the quarterly schedule shall be set at least 30 days before that quarter is to begin. Notwithstanding the above, in no event shall CITY receive less than 500 hours of gymnasium time per year, which times shall be offered between the hours of 6:00 A.M. - 10:00 P.M., Monday through Sunday, unless otherwise agreed in writing.

Once the CLUB has accepted a schedule from CITY, such schedule shall be signed and executed by both parties and shall be incorporated by reference into this agreement. If the parties cannot agree on a schedule before the start of the next quarter, CLUB shall provide CITY with a final schedule, which schedule shall be binding on the parties until the next quarter.

The gymnasium area subject to this Section A is described on the floor plan attached hereto and incorporated by reference herein as Exhibit B.

- B. POOL. CLUB shall provide CITY with access to the full pool during hours when CLUB programs are not operating. CLUB will provide a minimum of 60 hours access annually. The precise schedule of use for the pool shall be determined on a quarterly basis by the submission of a proposed schedule of pool use from CITY to CLUB 60 days before the quarter is to begin. CLUB shall review CITY'S proposed schedule and make reasonable efforts to accommodate CITY'S proposed schedule. However, CITY acknowledges that its proposed schedule shall be subject to the priority of CLUB'S demands, use and schedule for the pool. Accordingly, CLUB may reject CITY'S proposed schedule in whole or in part. In any event, the quarterly schedule shall be set at least 30 days before that quarter is to begin. . Notwithstanding the above, in no event shall CITY receive less than 60 hours of pool time per year, which times shall be offered between the hours of 6:00 A.M. - 10:00 P.M., Monday through Sunday, unless otherwise agreed in writing. Once the CLUB has accepted a schedule from CITY, such schedule shall be signed and executed by both parties and shall be incorporated by reference into this agreement. If the parties cannot agree on a schedule before the start of the next quarter, CLUB shall provide CITY with a final schedule, which schedule shall be binding on the parties until the next quarter. The pool area subject to this Section A is described on the floor plan attached hereto and incorporated by reference herein as Exhibit B.
- C. Locker Rooms - CITY shall have the right of access to the locker room area, described on the attached Exhibit B, during the times that CITY has scheduled use of the gymnasium. However, CITY acknowledges and agrees that its use of the locker room area during such times shall not be exclusive as CLUB and its members expressly reserve the right to use the locker room area at any and all times.
- D. Gymnasium Storage Space - During the term of this License Agreement, CITY shall be given limited access to the gymnasium storage space for purposes of storing CITY'S program equipment and supplies. The amount of space provided shall be at the sole discretion of CLUB and subject to the demands and use of the storage space by CLUB and its members. The gymnasium storage space is identified on the attached Exhibit B. CLUB shall not be held responsible or liable for lost or damaged equipment or supplies that CITY stores in the Club facility.
- E. Gymnasium Office - CITY shall have access to the gymnasium office for necessary business or emergency purposes during hours when CITY has scheduled use of the gymnasium. However, primary use of the gymnasium office shall be by CLUB. The gymnasium office is identified on the attached Exhibit B. Access to the Gymnasium Office shall include access to the telephone for emergencies or for necessary CITY business. CITY agrees to maintain an accurate, complete, and up-to-date monthly record of any long distance phone calls placed by its staff using the CLUB'S telephones. Within thirty (30) days of

receiving a request for payment from CLUB, CITY shall reimburse CLUB for said long distance calls as well as for any additional telephone charges due to CITY's usage.

- F. Kitchen/Refreshment/Concessions - CITY shall have access to the kitchen/refreshment/concessions area, identified on the attached Exhibit B, during any athletic tournaments, league contests or special events identified on the approved gymnasium schedule. The approved gymnasium schedule shall denote those events that qualify as "athletic tournaments", "league contests" or "special events". At all other times, the kitchen/refreshment/concessions area shall be for the exclusive use of CLUB and its members. CITY shall properly and safely maintain, operate, and leave kitchen/refreshment/concessions area clean after each use.
 - G. DISPLAYS: At the discretion of the CLUB, reasonable space may be provided to CITY to promote information on Milford Parks and Recreation programs and events. Such space may include bulletin boards and room for promotional displays at such locations on or within the Premises that CLUB may deem appropriate in its sole discretion. CITY shall not display or promote such information without first seeking the written consent of the CLUB, which consent may be given or withheld in the sole discretion of CLUB.
 - H. PARKING: CITY shall have access to CLUB parking spaces identified on the attached Exhibit C, for overflow parking purposes during the hours of 6:00 A.M. to 12:00 A.M., Monday through Sunday, subject to the terms and conditions set forth herein. The parties expressly acknowledge and understand that the CLUB retains the right of entry and use to its respective parking spaces and that the primary purpose of the described parking spaces is for the benefit of the CLUB. As such, any use of the described parking spaces by CITY shall be specifically subject and subordinate to the needs and usage of the CLUB. Accordingly, any dispute as to the scheduling or usage of CLUB Parking Spaces shall be construed in favor of CLUB. CITY agrees to use CLUB Parking Spaces for vehicle parking only and exclusively, in a reasonable, careful and proper manner and will not permit any waste or nuisance thereon. CITY shall not park any vehicles in CLUB Parking Spaces that do not fit within the painted lines for each space without interference to vehicle parking in the adjacent spaces. CITY shall not allow any commercial vehicles, tractors, trailers, machinery or other such personal property to park or be stored on CLUB Parking Spaces and shall not allow overnight parking on CLUB Parking Spaces. CITY hereto agrees to comply with and obey all laws, ordinances, rules, regulations, and requirements of the State, city, or other governmental subdivision or entity in which CLUB Parking Spaces are located as it relates to the use, occupancy or nature of the said Parking Spaces.
2. **ADMISSION OF NO RIGHT OR INTEREST ACQUIRED:** It is expressly understood, acknowledged and agreed by the parties that nothing contained in this agreement shall be

construed as passing, continuing, transferring or otherwise providing any interest, whether legal or equitable, to CITY in the premises.

3. LIMITED USE LICENSE: The parties expressly acknowledge and understand that the primary purpose, use and operation of the premises are for the benefit of CLUB and its members. As such, any use of the premises by CITY shall be secondary to and subject to the demands and requirements of CLUB'S schedule and use and shall be solely for the purposes set forth herein. Any dispute as to scheduling or usage of the premises shall be construed in favor of CLUB.
4. TERM: This License shall last for five (5) years from July 1, 2013, through June 30, 2018, unless sooner terminated as provided in this Agreement. The parties intend to renegotiate a similar license for an equal or greater term within 90 days before expiration of the initial term or any subsequent term.
5. CONSIDERATION: In consideration for the License defined in Section One (1) herein, CITY agrees as follows:
 - A. Athletic Fields - CITY shall License to CLUB certain athletic fields located in Milford, Delaware, and identified by Tax Map Parcel MD-16-173.00-01-02.00-000 (Portion of) upon the terms and conditions of the License Agreement attached hereto and incorporated by reference herein as Exhibit D. Such terms and conditions shall include a minimum of 240 hours access each year during the months of June, July, and August; and a minimum of 400 hours of access each year from September through May of the next year.
 - B. Maintenance - CITY shall maintain, at its sole expense, the grounds around the premises, including, but not limited to, grass cutting, weed control treatment, tree and shrub trimming, snow removal, application of ice melt, lawn and landscape maintenance and enhancement and other such maintenance.
 - C. Scholarships - CITY shall provide, at its expense, a minimum of one hundred (100) full scholarships to CLUB members for participation in CITY'S parks and recreation programs per year distributed throughout all the Parks and Recreation programs at the City's discretion.
 - D. License Fee – Beginning July 1, 2013, CITY shall pay the amount of \$58.00 per hour of gymnasium access (as defined in section 1) and \$69.00 per hour of “Shared Pool Access,” including shared access to locker rooms and one lifeguard. For “Exclusive, Full Pool Access,” including shared access to locker rooms and one lifeguard, CITY shall pay the amount of \$92.00 per hour.

Beginning July 1, 2014, per hour fees shall increase 3%, and rounded to the nearest whole number, each year of the term of the License Agreement, according to the following schedule:

	Jul 1, 2013	Jul 1, 2014	Jul 1, 2015	Jul 1, 2016	Jul 1, 2017
Gym	\$58.00/Hr	\$60.00/Hr	\$62.00/Hr	\$64.00/Hr	\$66.00/Hr
Pool (Shared Access)	\$69.00/Hr	\$71.00/Hr	\$73.00/Hr	\$75.00/Hr	\$77.00/Hr
Pool (Exclusive Access)	\$92.00/Hr	\$95.00/Hr	\$98.00/Hr	\$101.00/Hr	\$104.00/Hr

CITY agrees to pay for a minimum of 500 hours gymnasium access annually; therefore, the minimum amount to be paid each year to CLUB by CITY for gymnasium access is as follows:

	Year 1: Jul 1, 2013 to Jun 30, 2014	Year 2: Jul 1, 2014 to Jun 30, 2015	Year 3: Jul 1, 2015 to Jun 30, 2016	Year 4: Jul 1, 2016 to Jun 30, 2017	Year 5: Jul 1, 2017 to Jun 30, 2018
Minimum Gym Access Fee (Annual)	\$29,000	\$30,000	\$31,000	\$32,000	\$33,000

CITY shall pay these minimum annual amounts in equal quarterly installments. Once the 500 hours are exhausted, the remaining or excess hours to be paid shall be due and payable on the fifteenth (15th) day of each month for the previous month's access. If the License Fee remains outstanding for more than five (5) days after the due date, it shall be subject to an automatic late charge of five percent (5%) of the monthly fee compounded monthly.

CITY agrees to pay for a minimum of 60hours pool access annually; therefore, the minimum amount to be paid each year to CLUB by CITY for pool access is as follows:

	Year 1: Jul 1, 2013 to Jun 30, 2014	Year 2: Jul 1, 2014 to Jun 30, 2015	Year 3: Jul 1, 2015 to Jun 30, 2016	Year 4: Jul 1, 2016 to Jun 30, 2017	Year 5: Jul 1, 2017 to Jun 30, 2018
Minimum Pool Access Fee (Annual)	\$4,140	\$4,260	\$4,380	\$4,500	\$4,620

CITY shall pay these minimum annual amounts in equal quarterly installments. Once the 60 hours are exhausted, the remaining or excess hours, as well as any additional fees due to "Exclusive Pool Access," to be paid shall be due and payable on the fifteenth (15th) day of each month for the previous month's access.

If the License Fee remains outstanding for more than five (5) days after the due date, it shall be subject to an automatic late charge of five percent (5%) of the monthly fee compounded monthly.

- E. Independently, CITY may charge participants and spectators fees to be paid to the CITY regardless of the fees to be paid to the CLUB.
6. **EQUIPMENT AND SUPPLIES:** CITY shall be responsible for purchasing and providing its own supplies and equipment for its programs conducted on the Licensed Premises described in Section 1 herein (hereinafter the "Licensed Premises"). Such supplies shall include, but are not be limited to, first aid supplies, uniforms, whistles and other similar items. Equipment shall include, but not be limited to, basketballs, soccer balls, shin guards, volley balls, baseballs, baseball bats, wrestling mats and other similar items. CITY shall not use equipment and supplies belonging to CLUB without written permission from CLUB'S Executive Director. Likewise, CLUB shall not use equipment and supplies belonging to CITY without written permission from CITY'S Parks and Recreation Director.
 7. **FACILITY KEYS:** CLUB shall provide CITY personnel with keys necessary to access the Licensed Premises. CITY shall reimburse CLUB within thirty (30) days for any and all costs associated with providing said keys. CITY agrees not to issue, lend, or otherwise provide any CLUB facility key to any person who has not registered with and been approved by CLUB. CITY shall maintain an up-to-date list of individuals possessing any CLUB facility key. CITY shall arrange for criminal background checks prior to requesting and/or issuing keys to any CITY staff member, employee, officer or other person associated with CITY (paid and unpaid).
 8. **RECORD KEEPING:** CITY shall maintain ongoing, accurate, complete, and up-to-date records and listings of dates and times when CITY staff members, employees, officers or other persons associated with CITY (paid and unpaid) work in Facility. CITY shall also keep and maintain the records required to be kept pursuant to Section 1(D) of this Agreement. CITY shall also keep and maintain the records required to report on a quarterly basis the unduplicated number of youth served in CITY-sponsored programs offered in CLUB facilities; likewise, CITY shall provide on a quarterly basis the unduplicated number of adults served in CITY-sponsored programs offered in CLUB facilities. CITY shall provide CLUB with access to any records it is required to maintain pursuant to this Agreement upon request by CLUB.
 9. **RULES AND REGULATIONS:** CITY and all persons visiting or temporarily occupying or working in, on or about the Licensed Premises must comply with all rules and regulations adopted by CLUB (a copy of any current rules and regulations has been delivered to CITY and is attached hereto and incorporated by reference herein as Exhibit D and with such changes therein or additional rules and regulations as CLUB may from time to time adopt or prescribe.

10. **TERMINATION:** Either party may terminate this License, with or without cause, upon 60 days written notice to the other party. In the event that this License is terminated, under any circumstances, the License governing the CLUB'S use of CITY fields executed simultaneously herewith shall automatically terminate. Likewise, if the License governing CLUB'S use of CITY fields shall terminate, for any reason whatsoever, this License Agreement shall automatically terminate.

11. **INDEMNITY:** CITY shall indemnify, defend, and hold harmless CLUB from any and all suits, claims, demands, actions, losses, or damages arising from the loss of life and / or injury or damage to person or property whatsoever by reason of or in connection with CITY's use and/or occupancy of the Licensed Premises. CLUB shall indemnify, defend, and hold harmless the CITY from any and all suits, claims, demands, actions, losses, or damages arising from the loss of life and/or injury or damage to person or property whatsoever by reason of or in connection with CLUB'S use and / or occupancy of the Leased Premises.

12. **INSURANCE:** Both parties at their own expense shall secure and maintain during the contract term general liability insurance which insures against claims for bodily injury, property damage, personal injury, and advertising injury arising out of or in connection with any operations or work under this AGREEMENT whether such operations are by either party, their employees, or subcontractors and their employees. The policy shall provide minimum limits of liability as follows:
 - A. \$1,000,000.00 combined single limit - each occurrence
 - B. \$2,000,000.00 combined single limit - general aggregate
 - C. \$2,000,000.00 combined single limit - products / completed operations aggregate
 - D. \$1,000,000.00 business auto liability - combined single limit
 - E. \$500,000.00 worker's compensation - each accident / each employee
 - F. \$3,000,000.00 umbrella excess liability insurance

The commercial general liability policy shall afford coverage for the explosion, collapse, and underground hazards, contractual liability, and liability arising from independent contractors. The aforementioned insurance limits shall be reviewed and adjusted on a yearly basis to reflect rising costs. CITY agrees to furnish a copy of its certificate(s) of insurance or other acceptable evidence that the foregoing liability insurance is in full force and effect at all times to CLUB. CLUB shall be named as "Additional Insured" on all such insurance certificates.

13. **SUCCESSOR AND ASSIGNS:** This License Agreement shall not be transferable to any person or entity. However, the privileges and obligations of this License Agreement shall be binding upon the heirs, executors, successors and assigns of the parties.

14. NOTICE: All notices, requests, demands and other communications, required or permitted under this License shall be in writing, signed by or on behalf of the person giving such notice and shall be addressed to the following persons:

A. CITY: Richard Carmean
P.O. Box 159
Milford, DE 19963

Gary Emory, P&R Director
207 Franklin Street
Milford, DE 19963

B. CLUB: L. Tod Van Eyken, Executive Director;
101 Delaware Veterans Boulevard
Milford, DE 19963

Chris Basher, VP of Operations
Boys & Girls Clubs of Delaware
9 E. Loockerman Street
Dover, DE 19901

15. DEFAULT AND REMEDIES: Acts of default under the terms of this License shall include, but not be limited to, the following:

- A. Failure to do any act which is required by the terms of this Agreement.
- B. The commission of any act which is prohibited by the terms of this Agreement.
- C. The occurrence of any other act of default which is specified elsewhere in this Agreement.
- D. Failure to furnish, pay or otherwise provide the consideration set forth in Section 5 herein, whether in whole or in part.

In the event of an act of default, the CLUB shall have the following remedies, which shall be cumulative:

- A. Cancel and terminate this Agreement by Thirty (30) days written notice to CITY who shall thereupon surrender quiet and peaceable possession of the Licensed Premises and all keys and other personal property of CLUB to CLUB.
- B. Eject CITY from Licensed Premises.
- C. Exercise of any other remedy which may be available at law or in equity or under the terms of this License.
- D. Collect any and all costs and expenses, including reasonable attorney's fees, associated with enforcing CLUB's remedies or the terms of this Agreement.

16. CONSTRUCTION: The language in all parts of this License shall in all cases be simply construed according to its fair meaning and not strictly for or against CLUB or CITY. In no event shall this agreement be construed as anything other than a license agreement.
17. JURISDICTION: This AGREEMENT and the legal relations between the parties hereto shall be governed by and in accordance with the laws of the State of Delaware.
18. INTEGRATION: This License Agreement sets forth all the promises or representations, agreements and undertakings between CLUB and CITY relative to the Licensed Premises. There are no promises, representations, agreements or undertakings, either oral or written, between CLUB or CITY except as set forth herein. No amendment, change or addition to this Agreement shall be binding upon either party unless reduced to writing and signed by both parties. This Agreement shall be binding upon CLUB and CITY, their heirs, executors, administrators, assigns and successors, both CLUB and CITY being duly authorized to execute the same.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT the day and year first written above.

Attest
CITY CLERK

Mayor
CITY OF MILFORD

Witness

Lisa Lynch

Witness

Director
MILFORD PARKS & RECREATION

[Signature]

President/CEO
BOYS & GIRLS CLUB OF DELAWARE

LOT 12 BLOCK G
LAKELAWN ESTATES
N OR F DAVID L.
MAGNESS, II
DEED BK. 3079 PG. 083
TM 1-30-3.07-115.00

LOT 13 BLOCK G
LAKELAWN ESTATES
N OR F JEAN C.
CHODOWSKI
DEED BK. 1479 PG. 256
TM 1-30-3.07-116.00

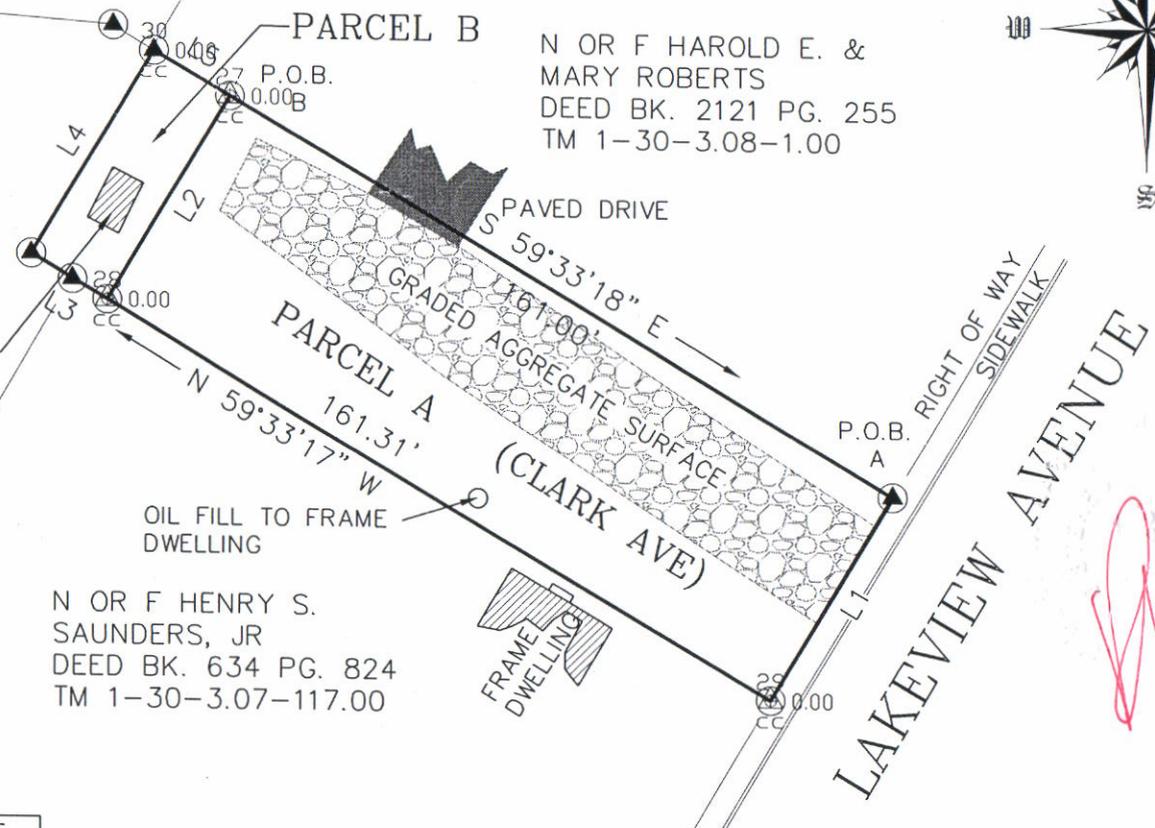
FRAME SHED
APPURTENANT TO LOT
13 LAKELAWN ESTATES

PARCEL A
8058 Sq. Feet
0.185 Acres

PARCEL B
922 Sq. Feet
0.021 Acres

N OR F HENRY S.
SAUNDERS, JR
DEED BK. 634 PG. 824
TM 1-30-3.07-117.00

N OR F HAROLD E. &
MARY ROBERTS
DEED BK. 2121 PG. 255
TM 1-30-3.08-1.00



LINE	BEARING	DISTANCE
L1	S 30°36'13" W	50.24'
L2	N 30°47'49" E	50.00'
L3	N 59°33'17" W	18.45'
L4	N 30°47'49" E	50.00'
L5	S 59°33'18" E	18.45'

Lands to be conveyed by:

THE CITY OF MILFORD

CITY OF MILFORD

DATE: SEPT. 13, 2012

SUSSEX COUNTY, DELAWARE

W.O.: 12-8-144



Bob Nash
ASSOCIATES

Surveying & Land Design
14 South Maple Ave. Milford, DE 19963
(302) 422-7327 P.L.S. 551

T.M.: AS NOTED

F.B.: BNA10/28 DRAWN BY: RWN

DISK: CITY2ROBERTS

SCALE: 1" = 40'

BASIS OF BEARING SYSTEM= DELAWARE
PLANE COORDINATES NAD83
SURVEY CLASS= SUBURBAN
NO EASEMENTS PROVIDED

FOUND REBAR
SET CAPPED REBAR

CRD: CITY2ROBERTS



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

Bob Nash
ASSOCIATES
Surveying & Land Design

September 19, 2012

DESCRIPTION

Lands to be conveyed to: Harold E. & Mary Roberts
City of Milford
Sussex County, Delaware

Reference: T.M. #1-30-6.00-Clark Ave (Parcel A)

All that certain piece, parcel & lot of land, lying and being situate in the City of Milford, Sussex County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 13 September 2012, Recorded in Plot Book _____ Page _____, fronting on the westerly right-of-way line of Lakeview Avenue, adjoining lands now or formerly of Harold E. & Mary Roberts, lands now or formerly of Henry S. Saunders, Jr., and lands now or formerly of Parcel B, being more particularly described as follows, to wit:

Beginning at a found rebar on the westerly right-of-way line of Lakeview Avenue, the northeasterly right-of-way line of Clark Avenue, (herein being conveyed), and at a corner for lands now or formerly of Harold E. & Mary Roberts; Thence running with said Lakeview Avenue South 30 degrees 36 minutes 13 seconds West 50.24 feet to a set capped rebar at a corner for lands now or formerly of Henry S. Saunders, Jr., thence following said Saunders land North 59 degrees 33 minutes 17 seconds West 161.31 feet to a corner for parcel B, thence continuing with said parcel B North 30 degrees 47 minutes 49 seconds East 50.00 feet to a point on line for aforementioned Roberts land, thence finally, South 59 degrees 33 minutes 18 seconds East 161.00 feet to the place of beginning, containing 8058 square feet of land, more or less.

desMilford-RobertsParcelA



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

Bob Nash
ASSOCIATES
Surveying & Land Design

September 19, 2012

DESCRIPTION

Lands to be conveyed to: Harold E. & Mary Roberts
City of Milford
Sussex County, Delaware

Reference: T.M. #1-30-6.00-Clark Ave (Parcel B)

All that certain piece, parcel & lot of land, lying and being situate in the City of Milford, Sussex County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 13 September 2012, adjacent to, but not contiguous to the westerly right-of-way line of Lakeview Avenue, adjoining lands now or formerly of Harold E. & Mary Roberts, Parcel A (aka Clark Ave.), lands now or formerly of Henry S. Saunders, Jr., and lands now or formerly of Jean C. Chodowski, being more particularly described as follows, to wit:

Beginning at a set capped rebar at a point on line for lands now or formerly of Harold E. & Mary Roberts, and at a corner for Parcel A, said point being 161 feet, more or less from the right-of-way intersection of Lakeview Avenue and Clark Avenue; thence running with said Parcel A North 30 degrees 47 minutes 49 seconds East 50.00 feet to a set capped rebar at a point on line of lands now or formerly of Henry S. Saunders, Jr., thence continuing with said Saunders land North 59 degrees 33 minutes 17 seconds West 18.45 feet to found rebar at a corner for lands now or formerly of Jean C. Chodowski; thence following said Chodowski lands North 30 degrees 47 minutes 49 seconds East 50.00 feet to a found rebar at a corner for aforementioned lands now or formerly of Harold E. & Mary Roberts; thence finally, continuing with said Roberts land South 59 degrees 33 minutes 18 seconds East 18.45 feet to the place of beginning, containing 922 square feet of land, more or less.

File: desMilford-RobertsParcelB

desMilford-RobertsParcelB

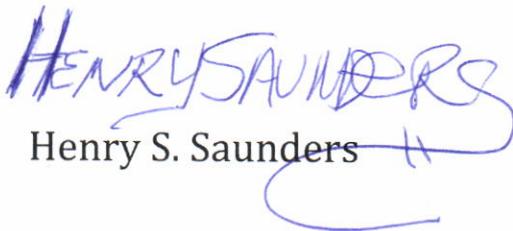
February 13, 2012

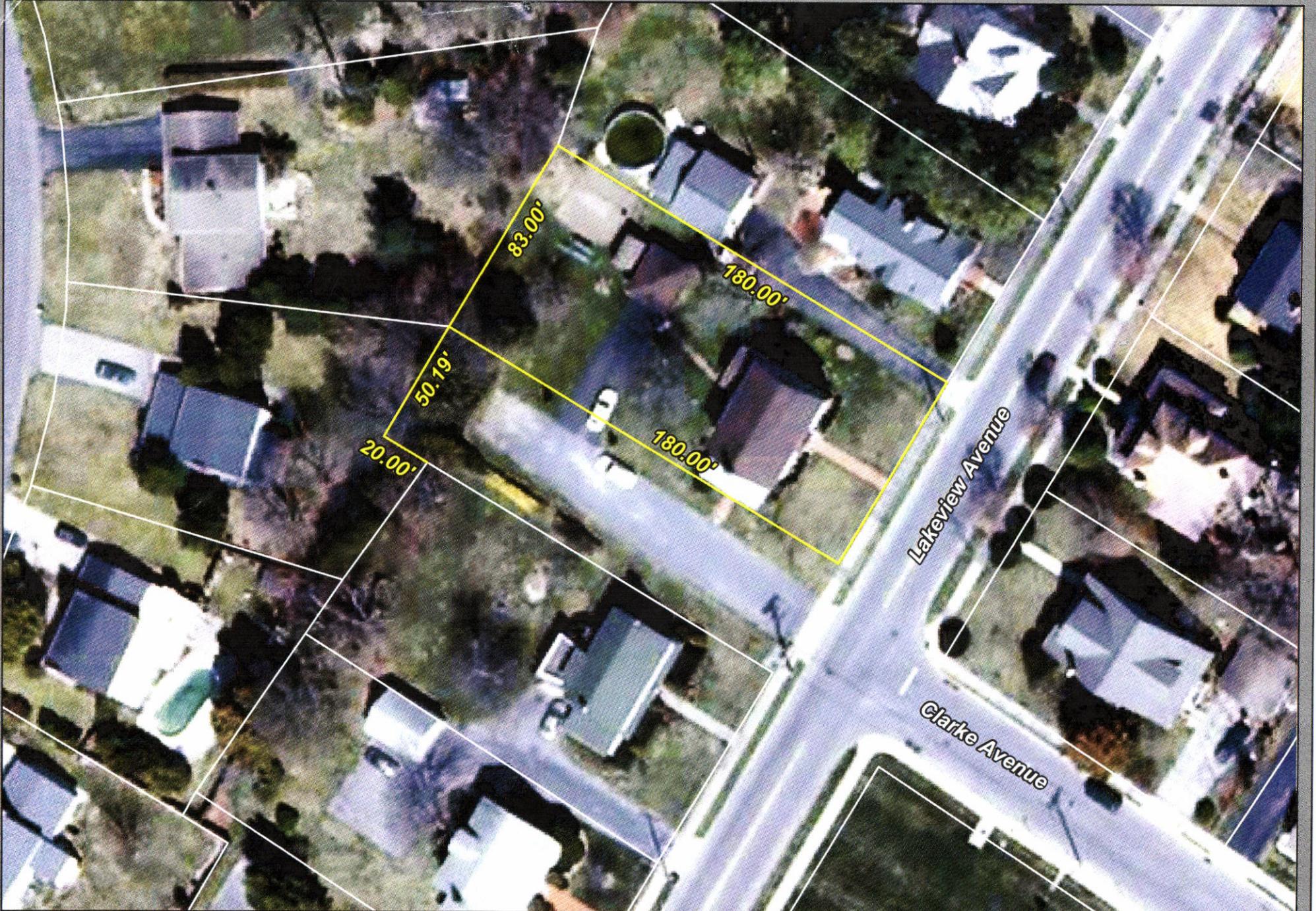
To: City of Milford
Milford, DE

From: Henry S. Saunders
501 Lakeview Avenue
Milford, DE 19963

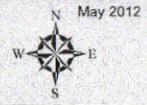
RE: Right of Way between properties at 501 Lakeview Avenue and 409
Lakeview Avenue

Please add the above mentioned right of way to the property owners
at 409 Lakeview Avenue, Harold E. and Mary L. Roberts.

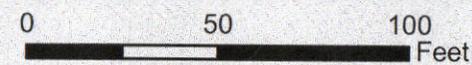

Henry S. Saunders



Sources:
2011 USDA Aerial Photograph



Clarke Avenue
City of Milford
Sussex County, Delaware



RESOLUTION 2013-15

A RESOLUTION TO VACATE OR ABANDON THE WEST CLARKE AVENUE RIGHT OF WAY AND STREET BED ON THE NORTHWEST SIDE OF LAKEVIEW AVENUE, BEING IN THE CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

WHEREAS, the City of Milford owns and maintains the right of way and street bed of West Clarke Avenue as it lies between 501 and 409 Lakeview Avenue; and

WHEREAS, said West Clarke Avenue was intended to connect Lakeview Avenue to future development; and

WHEREAS, when the area of the City of Milford known as Lakelawn Estates was developed there were no through or connector streets to West Clarke Avenue; and

WHEREAS, West Clarke Avenue now is an unimproved street that serves no public purpose and is used exclusively by the owners of 409 Lakeview Avenue, to wit, Harold E. and Mary L. Roberts, for ingress and egress, and by the owner of 314 Lakelawn Drive, to wit, Jean Chodkowski, for a shed; and

WHEREAS, the owner of the remainder of the property adjacent to West Clarke Avenue, to wit, Henry S. Saunders, Jr., has no objection to the vacation or abandonment of said street and has agreed to relinquish any ownership rights he may have to said Roberts and Chodkowski; and

WHEREAS, said Harold E. and Mary L. Roberts, and said Jean Chodkowski desire to have the City of Milford declare West Clarke Avenue vacated or abandoned and to have title thereafter to said area encompassed by the abandoned street vested in them respectively.

NOW, THEREFORE, BE IT RESOLVED that upon approval of the vacation or abandonment of said West Clarke Avenue, and the payment of all fees and costs

thereof, the Mayor of the City of Milford shall be authorized to execute any instruments of conveyance necessary to transfer title to the property.

BE IT FURTHER RESOLVED that the City of Milford, by and through its City Council and Mayor, hereby authorize the City Manager and City Solicitor to proceed with the process of vacation or abandonment of the portion of West Clarke Avenue herein described pursuant to 17 Del.C., Chapter 13.

BE IT FURTHER RESOLVED that the cost of this vacation or abandonment of West Clarke Avenue shall be borne by the adjacent property owners who shall acquire title proportionately to the interest in the property received.

IN WITNESS WHEREOF, the City Council of the City of Milford has duly adopted this resolution and caused it to be executed by the officials below on this 22nd day of July, 2013.

By:

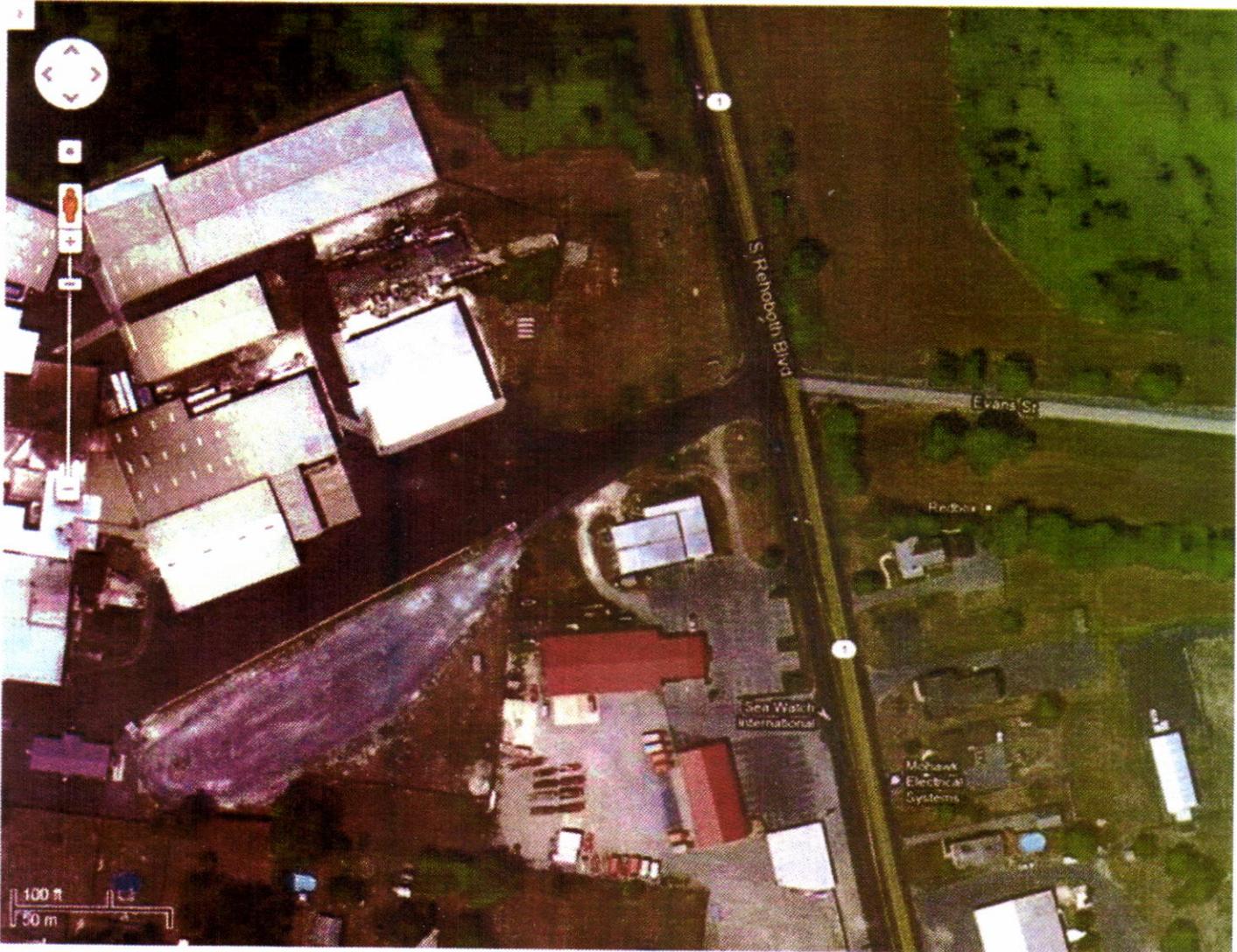
Attest

Signed _____
Joseph R. Rogers
Mayor

Teresa K. Hudson
City Clerk

SEAL

EVANS STREET EXTENSION
(Off South Rehoboth Boulevard/Entrance of Seawatch International)



RESOLUTION 2013-16

A RESOLUTION TO VACATE OR ABANDON THE EVANS STREET RIGHT OF WAY AND STREET BED ON THE WEST SIDE OF SOUTH REHOBOTH BOULEVARD, BEING IN THE CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

WHEREAS, the City of Milford is the designated owner of the right of way and street bed of Evans Street as it lies on the west side of South Rehoboth Boulevard; and

WHEREAS, said Evans Street is used exclusively by Sea Watch International Ltd. for ingress and egress to its commercial facility from South Rehoboth Boulevard; and

WHEREAS, Evans Street is not a through street and is surrounded on all sides by property owned in fee by Sea Watch International Ltd. but for its connection with South Rehoboth Boulevard; and

WHEREAS, Sea Watch International Ltd. has had exclusive use by its own right or through predecessors in interest to its property for more than twenty (20) years and has at all times maintained said Evans Street; and

WHEREAS, Evans Street serves no public purpose and is unimproved but for improvements made by Sea Watch International Ltd.; and

WHEREAS, Sea Watch International Ltd. desires to have the City of Milford declare Evans Street vacated or abandoned and to have title thereafter to the area encompassed by Evans Street on the west side of South Rehoboth Boulevard vested in Sea Watch International Ltd.

NOW, THEREFORE, BE IT RESOLVED that upon approval of the vacation or abandonment of said Evans Street, and the payment of all fees and costs thereof, the

Mayor of the City of Milford shall be authorized to execute any instruments of conveyance necessary to transfer title to the property.

BE IT FURTHER RESOLVED that the City of Milford, by and through its City Council and Mayor, hereby authorize the City Manager and City Solicitor to proceed with the process of vacation or abandonment of the portion of Evans Street herein described pursuant to 17 Del.C., Chapter 13.

BE IT FURTHER RESOLVED that the cost of this vacation or abandonment of Evans Street shall be borne by Sea Watch International Ltd. which shall acquire title to the property.

IN WITNESS WHEREOF, the City Council of the City of Milford has duly adopted this resolution and caused it to be executed by the officials below on this 22nd day of July, 2013.

By:

Attest

Signed _____
Joseph R. Rogers
Mayor

Teresa K. Hudson
City Clerk

SEAL

From: Erik Retzlaff [mailto:efr@dbfinc.com]

Sent: Monday, July 01, 2013 4:56 PM

To: Brad A. Dennehy

Subject: Plan Review Fee Revisions

Resolution 2008-13 PZ Fees, as adopted on September 8, 2008, establishes fees for land development applications and associated documents. The resolution was adopted with the intention of keeping pace with inflation, personnel, processing and inspection requirements due to application and project complexities, and to maintain effective, quality and responsible service. In the almost five (5) years since the adoption of the resolution, City personnel has been reduced and no longer includes a City Engineer or Utility Inspector on staff. To accommodate this change in personnel, we need to revise the existing fee schedule as follows:

Revise Item I. to read as follows:

I. Project management and infrastructure inspection fee: Owner/Developer shall be responsible for any and all direct costs for construction phase services related to construction of any infrastructure improvements including but not limited to stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks and other systems that are to be dedicated to the City and/or impact the City's infrastructure.

Revise Item Q. to read as follows:

Q. Engineering Review Fees: Owner/Developer shall be responsible for any and all direct costs for engineering review services related to their projects.

To cover any in-house administration costs, I have seen other municipalities include a 10% markup on any consulting fees. Any question, give me a call.

City of Milford Zoning Code

§ 230-57. - Planning and zoning fees.

Planning and zoning fees shall be set by resolution by City Council and are maintained by the City Clerk's office.

Resolution 2008-13 (Current)

- A. Site plan: \$700.
- B. Subdivision.
 - (1) Minor residential: \$300 plus \$50 per unit
 - (2) Minor commercial or industrial, less than four acres: \$500 plus \$100 per lot
 - (3) Major residential: \$1,000 plus \$10 per unit
 - (4) Major commercial or industrial, in excess of four acres: \$1,000 plus \$100 per lot
- C. Conditional Use: \$700
 - (1) Amendment to a Conditional Use: \$700
- D. Variance/Board of Adjustment hearing:
 - (1) Residential: \$300.
 - (2) Commercial/industrial: \$1,000.
- E. Rezoning: \$1,000, plus \$100 per acre.
- F. Commercial maintenance agreement: \$500.
- G. Interpretations of Subdivision or Zoning Code: \$300.
- H. Application resubmission or rescheduling fee (required with each resubmission as a result of a revised design or a request for change in public hearing date): \$100.
- I. Project management and infrastructure inspection fee: Four percent of any infrastructure improvement construction costs to include stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks, and other related systems shall be paid by the owner/developer.
- J. Any constructions fees (i.e., grading, curbing, gutter, subbase, traveling surface, sidewalks, etc.) incurred by the City relative to the development of any property shall be paid by the owner/developer.
- K. Annexation.
 - (1) Residential, less than one acre: \$350
 - (2) Residential, one acre to five acres: \$2,500
 - (3) Residential, in excess of five acres: \$2,500 plus \$100 per acre
 - (4) Commercial: \$2,500 plus \$500 per acre
- L. Zoning inspection.
 - (1) Proposed use: \$200.
 - (2) Violation of use: \$200 for first visit; \$500 for each subsequent visit.
- M. Subdivision Agreement: \$2,500 per agreement.
- N. Subdivision and Specifications Manual: \$30.
- O. Zoning Code Manual: \$30.
- P. Alley or Street Closing Petition: \$300.
- Q. Engineering Review Fees:
 - (1) Preliminary Major Subdivision: \$500.
 - (2) Final Major Subdivision: \$1,500.
 - (3) Final Minor Subdivision: \$500.
 - (4) Final Site Plan, 0 to 5,000 square foot building: \$250.
 - (5) Final Site Plan, over 5,000 square foot building, add \$250 for each additional 5,000 square feet
 - (6) Sewage Pump Station: \$1,500.
 - (7) Revisions: \$100/sheet per revision.

Adopted: September 8, 2008

SECTION 230-57 OF THE CITY OF MILFORD ZONING CODE PREVIOUSLY ESTABLISHED PLANNING & ZONING FEES; ORDINANCE 2008-13 AUTHORIZES CITY COUNCIL, THROUGH RESOLUTION, TO ESTABLISH ALL FUTURE PLANNING & ZONING FEES.

PLANNING, ZONING AND **ENGINEERING** FEES

- A. Planning and Zoning Fees:
 - 1. Site plan: \$700.
 - a. Amendments to a Site Plan: \$100
 - 2. Subdivision:
 - a. Minor residential: \$300 plus \$50 per unit
 - b. Minor commercial or industrial, less than four acres: \$500 plus \$100 per lot
 - c. Major residential: \$1,000 plus \$10 per unit
 - d. Major commercial or industrial, in excess of four acres: \$1,000 plus \$100 per lot
 - 3. Conditional Use: \$700
 - a. Amendment to a Conditional Use: \$700
 - 4. Variance/Board of Adjustment hearing:
 - a. Residential: \$300.
 - b. Commercial/industrial: \$1,000.
 - 5. Rezoning: \$1,000, plus \$100 per acre.
 - 6. Commercial maintenance agreement: \$500.
 - 7. Interpretations of Subdivision or Zoning Code: \$300.
 - 8. Application resubmission or rescheduling fee (required with each resubmission as a result of a revised design or a request for change in public hearing date): \$100.
 - 9. Annexation.
 - a. Residential, less than one acre: \$350
 - b. Residential, one acre to five acres: \$2,500
 - c. Residential, in excess of five acres: \$2,500 plus \$100 per acre
 - d. Commercial: \$2,500 plus \$500 per acre
 - 10. Zoning inspection.
 - a. Proposed use: \$200.
 - b. Violation of use: \$200 for first visit; \$500 for each subsequent visit.
- B. **Land Use Planning Review Fees: Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover City administration. These costs will be billed as encumbered.**

C. Engineering Review Fees:

1. Preliminary Major Subdivision: \$500.
2. Final Major Subdivision: \$1,500.
3. Final Minor Subdivision: \$500.
4. Final Site Plan, 0 to 5,000 square foot building: \$250.
5. Final Site Plan, over 5,000 square foot building, add \$250 for each additional 5,000 square feet
6. Sewage Pump Station: \$1,500.
7. Revisions: \$100/sheet per revision.

Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover City administration. These costs will be billed as encumbered.

- D. Project management and infrastructure inspection fee: ~~Four percent of any infrastructure improvement construction costs to include stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks, and other related systems shall be paid by the owner/developer.~~ Owner/Developer shall be responsible for any and all direct costs for construction phase services related to construction of any infrastructure improvements including but not limited to stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks and other systems that are to be dedicated to the City and/or impact the City's infrastructure.
- E. Any constructions fees (i.e., grading, curbing, gutter, subbase, traveling surface, sidewalks, etc.) incurred by the City relative to the development of any property shall be paid by the owner/developer.
- F. Subdivision Agreement: \$2,500 per agreement.
- G. Alley or Street Closing Petition: \$300
- N. ~~Subdivision and Specifications Manual: \$30.~~
- O. ~~Zoning Code Manual: \$30.~~