

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*July 28, 2008*

A Council Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, July 28, 2008.

PRESIDING:           Honorable Mayor Daniel Marabello

IN ATTENDANCE:   Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Clifford Crouch, Owen Brooks, Jr. and James Starling, Sr.

STAFF:               City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL:           City Solicitor Timothy Willard

Mayor Marabello called the Council Meeting to order at 8:59 p.m.

*Introduction of Ordinance 2008-12/Chapter 200/Amendment to Subdivision Code*

The following ordinance was introduced for council review:

The City of Milford hereby ordains:

Section 1.

The Code of the City of Milford is hereby amended by deleting and repealing Chapter 200, Subdivision of Land, in its entirety.

Section 2.

The Code of the City of Milford is hereby amended by adding thereto a new chapter, to replace Chapter 200, hereinabove repealed, to be Chapter 200, Subdivision of Land, to read as follows:

AN ORDINANCE TO AMEND the Code of the City of Milford by deleting and repealing Chapter 200, thereof, Subdivision of Land, and replacing it with a new Chapter 200, to be entitled Subdivision of Land, which chapter promotes and protects the public health, safety, convenience and general welfare; ensures the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provisions for housing, recreation, circulation, utilities and services; and safeguards the City from undue future expenditure for the maintenance of streets and public spaces.

The City of Milford hereby ordains:

Section 1.

The Code of the City of Milford is hereby amended by deleting and repealing Chapter 200, Subdivision of Land, in its entirety.

Section 2.

The Code of the City of Milford is hereby amended by adding thereto a new chapter, to replace Chapter 200, hereinabove repealed, to be Chapter 200, Subdivision of Land, to read as follows:

§ 200-1. Purpose.

These regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare;

ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

§ 200-2. Title.

These regulations shall be known and may be cited as the "City of Milford, Delaware, Land Subdivision Regulations."

§ 200-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSION — The Planning Commission of the City of Milford, Delaware.

OPEN SPACE — (DELETE) ~~Any land laid out as a public garden or used for the purposes of public recreation. This means space which has unimpeded public access, and which is of a suitable size and nature for sport, active or passive recreation for all age groups. This may include but is not limited to the following: Natural areas, wildlife and native plant habitat areas, stream corridors, passive or low-impact activities, trails for non-motorized activities.~~

(ADD) *Areas of land designated for public or private recreational use, limited to such items as parks, plazas, landscaped areas, gardens, walkways and trails, organized sporting event areas and passive recreational areas. Key points of these requirements are that no more than fifty percent (50%) of the designated open space can be in "wetlands or storm water management facilities, etc." Open space prohibits flag pole areas, medians, signage areas or required front, side, or rear yards of proposed residential developments and are maintained by an HOA, not any individual property owner.*

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and submitted to the County Recorder of Deeds for recording.

PROPERTY OWNERS ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.

ROADWAY — The paved portion of the street primarily used for vehicular traffic.

A. ARTERIAL STREET and HIGHWAY — A street primarily used for fast and/or heavy traffic.

B. COLLECTOR STREET — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.

C. MINOR STREET — A street primarily used for access to the abutting properties.

D. MARGINAL ACCESS STREET — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.

E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.

F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN — The current specifications regulating subdivision design and construction as adopted by the City.

STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.

SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.

SUBDIVISION — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development.

SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, Chapter 230, Zoning, or this chapter; limited to four lots.

SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.

§ 200-4. Application procedure.

A. Preliminary approval.

(1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in §230-57.

(2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.

(3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.

(4) City Council shall grant preliminarily approval of the application with or without conditions, deny the application, or table the application.

(5) Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.

B. Final approval.

(1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in §230-57.

(2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.

(3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.

(4) City Council shall approve the application with or without conditions, deny the application, or table the application.

(5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.

(6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.

(7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.

(8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

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

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

##### A. Streets.

(1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:

(a) Public convenience and safety.

(b) Proposed uses of the land to be served by said streets.

(c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.

(d) Topography and other land features.

(2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.

(3) Minor streets shall be laid out so as to discourage their use by through traffic.

(4) Where a subdivision abuts or contains an existing or proposed arterial street, limited access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.

(5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.

(6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.

(7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.

(8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.

(9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.

(10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.

(11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.

(12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum

radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.

(13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.

(14) Right-of-way widths.

(a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

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

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

(b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.

(15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.

(16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.

(17) Street names.

(a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

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

(b) Arterial streets shall be named boulevards.

(18) Street grades shall not exceed 5%.

(19) Street grades shall be not less than 0.5% wherever feasible.

(20) Changes in street grades shall be connected by vertical curves of suitable length.

(21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.

(22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.

**B. Sidewalks and curbs.**

(1) Sidewalks shall be required in all subdivisions. Sidewalks shall have the following widths:

(a) In residential subdivisions: four feet unless otherwise specified.

(b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.

(2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.

(3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.

C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.

D. Blocks.

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
  - (a) The provision of building sites suitable to the needs of the type of use contemplated.
  - (b) Zoning requirements as to lot sizes and dimensions.
  - (c) The control, safety and convenience of pedestrian and vehicular traffic.
  - (d) The characteristics of topography.
- (2) Block length shall not exceed 1,200 feet.
- (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
- (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
- (5) Alleys shall be provided if required by the City Engineer.

E. Lots.

- (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
- (2) Lot sizes shall conform to the requirements of Chapter 230, Zoning.
- (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter 230, Zoning.
- (4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.
- (5) All lots in a subdivision shall have frontage on a public street.
- (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
- (7) Side lot lines shall be at right angles or radial to street lines.
- (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.
- (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.

F. Parks, playgrounds, open spaces, school sites and natural features.

- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.
- (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code. In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
- (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area

as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.

(4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.

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

#### H. Improvements.

(1) In major subdivisions the following improvements are required:

(a) Paved streets.

(b) Street signs.

(c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.

(d) Sidewalks.

(e) Streetlighting.

(f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.

(g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide adequate cover, as determined by the City Engineer, to all areas of the subdivision and shall be stabilized by seeding or planting.

(h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.

(i) Water mains, culverts, storm sewers and sanitary sewers.

[1] All water installations shall be looped, all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.

[2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.

[3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.

(j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and cross-road drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.

(k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.

(2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.

(3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.

(4) The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning and zoning fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility

construction.

§ 200-6. Variances and waivers.

Applicants may request, at the time of application submission, the varying or waiving of requirements of Chapter 230, and the Planning Commission may, at its discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the City Council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, Chapter 230, Zoning, the Development Plan or this chapter. In varying or waiving certain requirements, the City Council may specify such conditions at will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

Section 3: Dates

Planning Commission Review: August 19, 2008

Projected Adoption Date: August 25, 2008

Projected Effective Date: September 4, 2008

City Planner Norris advised the amendment to the subdivision code has been a joint effort of the city manager, the city engineer and Mr. Norris.

Mr. Spillane questioned the requirement that no more than 50% of open space can include stormwater ponds and swamp lands. Mr. Spillane feels it should be reduced from 10% to zero because you cannot use swamp or stormwater ponds. Mr. Norris agreed with Mr. Spillane.

Mr. Workman pointed out a lot of developers use those areas in their calculations to prevent providing actual open spaces that could be used for recreation of some sort. Mr. Norris noted that those areas are included in the calculation of density. Mr. Spillane asked that be changed to zero.

Mr. Baird feels council should go through the process with the ordinance as it is being presented. The planning commission will then review the ordinance before it comes back to council. Following that, a list of proposed amendments should be presented. Mr. Baird added that Mr. Norris will keep a list with the proposed changes. The list will then be considered by council who will vote on each proposal one by one.

Mr. Spillane will submit his proposals to the city planner; City Solicitor Willard will also submit some changes involving technical matters.

Mr. Brooks asked why this is not being reviewed in a workshop session as has been done previously. Mr. Willard suggested that council discuss any recommendations in a workshop before the ordinance is voted on.

Mr. Norris advised the planning commission will review the ordinance on August 19<sup>th</sup> and was scheduled to come back before council on August 25<sup>th</sup>. He noted the adoption date shown on the ordinance is only a projected date and can be changed. He asked anyone with changes to submit those changes as soon as possible so they can be discussed with the planning commission.

In clarifying the schedule, Mr. Baird reiterated the planning commission will review this on August 19<sup>th</sup> and council on August 25<sup>th</sup>. He said that any proposed changes should be discussed in some sort of workshop setting.

*Introduction of Ordinance 2008-13/Chapter 230/Zoning Chapter*

The following ordinance was officially introduced for council review:



AN ORDINANCE TO AMEND the Code of the City of Milford by amending Chapter 230, thereof, Zoning, which chapter classifies, regulates and restricts the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, use and extent of use of buildings, structures and land for residence, trade, industry and other purposes; creates districts for said purpose and establish a Board of Adjustment; and imposes penalties for violations, so as to lessen congestion in the streets; secures safety from fire, panic and other dangers; provides adequate light and air; prevent undue concentration of population and overcrowding of land; facilitates the adequate provision of transportation, water, sewage, school, park and other public requirements; conserves the value of buildings and encourage the most appropriate use of land; and promotes the health, safety, morals and general welfare of the City of Milford.

The City of Milford hereby ordains:

Section 1.

The Code of the City of Milford is hereby amended by amending Chapter 230, Zoning to read as follows:

Section 2.

§ 230-4 Definitions.

(Add) *BED AND BREAKFAST: A private owner occupied residence with one to six guestrooms. The bed and breakfast is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than fourteen (14) days in any one-year period.*

R-1 District:

§ 230-9 (C)

(Add)

(12) *Bed and Breakfast, subject to the following requirements:*

*(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 only meal to be provided guests shall be breakfast, and it shall only be served to guest taking lodging in the facility.~~ The serving of meals shall be limited to breakfast and afternoon tear 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 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 fifty (50%) percent 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 twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (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.*

§ 230-9 (D)

(10) ~~Decks permitted in rear yards, subject to the following requirements:~~, subject to the following requirements:

(a) The deck cannot be located in the front ~~or side~~ yard.

(b) A minimum distance of 10 feet must be maintained from the deck to the rear property line.

~~(DELETE) (c) A deck attached to buildings located on the corner must not extend beyond the building line.~~

R-2 District:

§ 230-10 (G) 1

(Add)

(j) ~~Decks permitted in rear yards, subject to the following requirements:~~, subject to the following requirements: (a)

*The deck cannot be located in the front ~~or side~~ yard.*

*(b) A minimum distance of 10 feet must be maintained from the deck to the rear property line.*

R-3 District:

§ 230-11 (B) 1

(Add)

~~[8] Decks permitted in rear yards, subject to the following requirements:~~, subject to the following requirements: (a)

*The deck cannot be located in the front ~~or side~~ yard.*

*(b) A minimum distance of 10 feet must be maintained from the deck to the rear property line.*

§ 230-50. Purpose.

The site plan review has a twofold purpose. It is to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site Plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures, assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's ~~(DELETE) Standard Specifications for Utility Construction Projects and Subdivision Pavement Design~~ (ADD) *Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design*; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this ordinance.

§ 230-52. Review procedure.

~~(DELETE) A. The proposed site plan shall first be referred to the Code Official. If the proposed site plan is one that this chapter automatically requires a site plan review for by the Planning Commission, such a site plan shall be referred to the Planning Commission. If the proposed site plan is not one enumerated in this chapter as a development that shall automatically require the Commission's review, the City Code Official, following guidelines listed by this chapter, shall determine if such a proposed development requires review by the Planning Commission. In case the Code Official determines that the proposed development requires a site plan review, he shall then refer copies of the site plan to the Planning Commission.~~

(ADD) *A. Preliminary approval.*

*(1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in §230-57.*

*(2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily,*

*the application will then be scheduled to be heard by the Planning Commission.*

*(3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.*

*(5) Preliminary approval from Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by Planning Commission prior to the expiration.*

*B. Final approval.*

*(1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in §230-57.*

*(2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan, if applicable, in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.*

*(3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.*

*(4) Within 90 days of final approval from Planning Commission, the applicant shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Three sets will be returned to the applicant.*

*(5) Upon recordation of the plat, the applicant shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.*

*(6) Failure to record the Plat within 90 days of Planning Commission approval will result in the approval being voided.*

C. The site plan review by the Planning Commission shall be limited to those proposed developments enumerated by this chapter and to those proposed developments that require a site plan review as determined by the (DELETE) ~~Code Official~~ (ADD) City Planner. No other site plans shall be considered by the Planning Commission for review.

(ADD) D. Prior to Planning Commission holding a public hearing to review the application for the site plan, the City Engineer shall provide a copy of the signed Subdivision Agreement to the City Planner.

§ 230-57. Planning and zoning fees.

Planning and zoning fees shall be set by resolution by City Council and maintained by the City Clerk.

Planning and zoning fees shall be as follows:

A. Site plan: \$700.

(DELETE) B. Subdivision:

~~(1) Preliminary and minor:~~

~~(a) Minor, residential, noncommercial/industrial: \$300, plus \$50 per unit.~~

~~(b) Minor, small commercial/industrial: \$500, plus \$100 per lot. Commercial shall also include land development firms, such as might be involved with residential housing, and any other group as may be noted or determined by the Planning Official.~~

~~(c) Major, residential, large commercial/industrial: \$1,000 plus \$10 per unit. Commercial shall also include land development firms, such as might be involved with residential housing, and any other group as may be noted or determined by the Planning Official.~~

~~(2) Final:~~

~~(a) Major, residential, large commercial/industrial: \$1,000 plus \$10 per unit. Commercial shall also include land~~