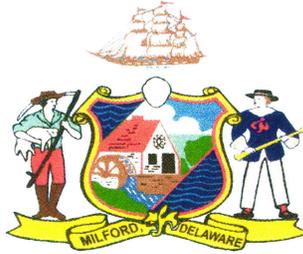


# City of Milford



## **CITY COUNCIL AGENDA**

**June 27, 2016 - 7:00 P.M.**

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

## **PUBLIC HEARING**

Mispillion Realty LLC on behalf of Brookstone Trace Subdivision  
Conditional Use for a Planned Unit Subdivision & Preliminary Major Subdivision  
Acreage 23.35+/- in an R3 (Garden Apartment and Townhouse) Zoning District  
East side of Old Shawnee Road, Milford, Delaware.

Present Use: Vacant Land; Proposed Use: Townhouse and Garden Apartment Subdivision.  
Tax Map 1-30-3.00-077.01; -078.00; -080.02; -443.00 thru -561.00

Adoption Ordinance 2016-06

## **COUNCIL MEETING**

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Introduction/Public Works Director Mark Whitfield\*

Communications & Correspondence

Unfinished Business

New Business

Approval/Milford Parade Committee Inc. Requests

Authorization/Costs & Service/Milford Parade Committee Donation Inserts/Utility Bills

Introduction/Ordinance 2016-10/Code of the City of Milford/Chapter 55 Personnel-Use of Telephone, Mail, Copiers, Cellular Telephones, Internet, Email Systems, New Hires' Vacation & Vehicle Allowance

Recess into Executive Session

{Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Update)

Return to Open Session

Teamsters Local 326 Agreement

Adjourn

## **WORKSHOP\*\***

Call to Order-Mayor Shupe

Discussion/City Council Retreat

Adjourn

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.

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.

041916 061016 061516 061616 \*062216 Late Addition by City Manager \*\*062316 Late Addition by City Manager

NOTICE OF PUBLIC HEARINGS  
PLANNING COMMISSION PUBLIC HEARING: MAY 17, 2016  
CITY COUNCIL PUBLIC HEARING: JUNE 27, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, May 17, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, June 27, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**Ordinance 2016-06**

Mispillion Realty LLC for a Conditional Use for a Planned Unit Subdivision and a Preliminary Major Subdivision of 23.35+/- acres in an R3 (Garden Apartment and Townhouse) Zoning District. Property is located on the east side of Old Shawnee Road, Milford, Delaware. Present Use: Vacant Land; Proposed Use: Townhouse and Garden Apartment Subdivision. Tax Map 1-30-3.00-077.01; -078.00; -080.02; -443.00 THRU -561.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on May 17, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on June 27, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Planned Unit Residential Development as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

*Section 1.* Upon the adoption of this ordinance, Mispillion Realty LLC is hereby granted a Conditional Use Permit to allow a Planned Unit Residential Development, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

*Section 2.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 3.* Dates.

Planning Commission Review & Public Hearing: May 17, 2016

City Council Introduction: June 13, 2016

City Council Public Hearing: June 27, 2016

Adoption: June 27, 2016

Effective: July 7, 2016

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

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712. *Advertised: Beacon 04/27/16*



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

## DATA SHEET FOR BROOKSTONE TRACE

Development Advisory Committee: April 20, 2016

Planning Commission Meeting: May 17, 2016

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<b>Ordinance &amp; Resolution</b>	:	Ord 2016-06/Resolution PC16-05
<b>Application Number / Name</b>	:	11-156 / Brookstone Trace
<b>Applicant</b>	:	Misphillion Realty, LLC 715 S. Dupont Boulevard Milford, DE 19963
<b>Owner</b>	:	Same
<b>Application Type</b>	:	Amendment to a Conditional Use & Preliminary Major Subdivision
<b>Comprehensive Plan Designation</b>	:	Moderate Density Residential
<b>Zoning District</b>	:	R-3 (Garden Apartment and Townhouse District)
<b>Present Use</b>	:	Vacant Land and Planned Unit Development – Townhouse
<b>Proposed Use</b>	:	Planned Unit Development - Garden Apartment and Townhouse
<b>Area and Location</b>	:	23.34 +/- acres including the recorded Brookstone Trace subdivision and adjacent vacant lands. Project site is located between Old Shawnee Road and Route 113.
<b>Property Identification Numbers</b>	:	1-30-3.00-80.02, 1-30-3.00-443.00 thru 561, 1-30-3.00-77.01, 1-30-3.00-78.00

ENC: Staff Analysis Report  
Exhibit A - Location & Zoning Map  
Preliminary Site Plan



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

**STAFF ANALYSIS REPORT**  
**April 20, 2016**

<b>Application Number / Name</b>	:	11-156 / Brookstone Trace
<b>Application Type</b>	:	Amendment to a Conditional Use & Preliminary Major Subdivision
<b>Comprehensive Plan Designation</b>	:	Moderate Density Residential
<b>Zoning District</b>	:	R-3 (Garden Apartment and Townhouse District)
<b>Present Use</b>	:	Vacant Land and Planned Unit Development – Townhouse
<b>Proposed Use</b>	:	Planned Unit Development - Garden Apartment and Townhouse
<b>Property Identification Numbers</b>	:	1-30-3.00-80.02, 1-30-3.00-443.00 thru 561, 1-30-3.00-77.01, 1-30-3.00-78.00
<b>Area and Location</b>	:	23.34 +/- acres including the recorded Brookstone Trace subdivision and adjacent vacant lands. Project site is located between Old Shawnee Road and Route 113.

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**I. BACKGROUND INFORMATION:**

- The Townhouse development portion of the property was originally annexed into the City on November 28, 2005 as R-3 (Garden Apartment and Townhouse District).
- City Council approved a Planned Unit Development Townhouse community consisting of 119 townhouses on September 25, 2006.
- Applicant submitted a petition for annexation of 2.0 +/- acres adjacent to the recorded subdivision on October 17, 2014.
- A Comprehensive Plan Map Amendment was filed with the State of Delaware in May 2015 and approved by City Council on October 26, 2015, changing the Future Land Use from low density residential to moderate density residential.

- City Council approved the annexation of the 2.0 +/- acres as R-3 on January 25, 2016.
- The amended Planned Unit Development would include 104 townhouse lots, a 2,800 square foot recreation facility with pool, and a 4.0797 acre multi-family parcel containing five (5) buildings with a total of 60 apartment units.

## II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for an Amendment to a Conditional Use Planned Unit Development approval:

- Evaluation based on “Criteria for Planned Unit Residential Development” as provided in Chapter 230-48.1

*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.*

The proposed townhouse, garden apartment, and neighborhood recreation center uses are permitted within the R-3 zoning district.

*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.*

Under the R-3 zoning designation, the minimum lot size required for a townhouse is 2,000 square feet and there is no minimum lot width requirement. The minimum lot size for garden apartment projects is one (1) acre with a minimum of 2,500 square feet of lot area for each unit.

The smallest townhouse lot provided within the development is 2,263 square feet and the smallest lot width is 24 feet. The garden apartment parcel is 4.0797 acres in area with an average of 2,960 square feet for each unit.

*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.*

R-3 Garden Apartments permits 16 units/acre. R-3 Townhouses permits 12 units/acre. The actual density provided within the proposed subdivision is 7.02 units/acre. The previously approved planned unit development (townhouse only) arrangement has a density of 5.57 units/acre.

*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.*

The application meets or exceeds the requirements of Chapter 230 Zoning, R-3 Garden Apartment and Townhouse District for the building height, building separation distance, number of units, parking requirements, and lot coverage. The multifamily area will meet the requirement for landscaping and buffering.

The front, side and rear setbacks provided for the townhouse portion remain unchanged from the previously approved subdivision. The proposed setbacks are as shown for the Garden Apartment parcel.

*Neighborhood Commercial.*

No neighborhood commercial is proposed.

*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 recreation use.*

With a total of 164 dwelling units, the project requires 1.50 acres of open space of which 0.75 acres must be designated recreational open space. The development provides 3.75 acres of open space of which 2.40 acres are designated as recreational open space. The development provides a 2,800 square foot recreation center which includes a swimming pool and separate parking area.

- The following comments must be addressed prior to final major subdivision approval;
  - Final Site Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office and Sussex Conservation District.
  - Applicant must obtain final approval of engineering plans from the Public Works Department.
  - Address additional department and agency comments outlined in Section III.

### **III. AGENCY & DEPARTMENT COMMENTS:**

- **Office of State Planning Coordination**  
Contact: David Edgell – 302-739-3090

The project is not subject to PLUS review per the MOU between the City and OSPC.

- **DelDOT Planning, Development Coordination**  
Contact: Joshua J. Schwartz – 302-760-2768  
See attached comments.

- **Delaware Health and Social Services – Division of Public Health**  
Contact: William J. Milliken, Jr. – 302-741-8646  
No comments provided.

- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**  
Contact: Bryan Ashby – 302-739-9946  
No comments provided.

- **Sussex Conservation District**  
Contact: Jessica Watson – 302-856-2105  
No comments provided.

- **Delaware State Fire Marshal's Office**  
Contact: Duane T. Fox – 302-856-5298  
See attached comments.
- **Carlisle Fire Company**  
No comments provided.
- **City Engineer**  
Contact: Randy Duplechain, P.E. (Davis, Bowen & Friedel, Inc.) - 302-424-1441  
See attached comments.
- **City of Milford Sewer and Water Department**  
Contact: Eugene Helmick – 302-422-1110
  - 1) Provide updated construction sheets for the proposed recreation building. Provide details related to the parking lot, sidewalks, grading and entrance. Provide revised utility sheets showing water and sewer service to the recreation building. Provide updated stormwater sheets with proposed stormwater improvements for the areas around the recreation facility.
  - 2) Provide revised utility sheets for lots 75-89, removing the water and sewer service laterals. The service laterals for Lot 84 through 89 are existing and shall be properly abandoned in accordance with recommendations from the City Engineer and City Standards and Specifications.
  - 3) Provide revised construction plans for modifications to Pebblebrook Drive, including but not limited to curb, gutter and sidewalk revisions.
  - 4) Please revise the sanitary sewer lateral configuration for Lots 56 through 59 on the existing construction plans to eliminate awkward multiple lateral connection into manhole 12 and eliminate the sharp bend on the lateral for Lot 56.
- **City of Milford Streets and Solid Waste Department**  
No comments provided.
- **City of Milford Parks and Recreation Department**  
No comments provided.
- **City of Milford Police Department**  
No comments provided.
- **City of Milford Building Inspector**  
No comments provided.
- **Milford School District**  
No comments provided.

**CITY OF MILFORD  
PLANNING COMMISSION**

**RESOLUTION NO. PC16-005**

**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 PRELIMINARY MAJOR SUBDIVISION FOR  
BROOKSTONE TRACE  
AT OLD SHAWNEE ROAD  
FOR A 110 LOT, 159 UNIT SUBDIVISION  
CONSISTING OF 109 TOWNHOMES AND 48 GARDEN APARTMENTS  
IN AN R-3 ZONING DISTRICT  
TAX MAP 1-30-3.00-077.01; -078.00; -080.02; -443.00 THRU -  
561.00**

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 May 17, 2016; and,

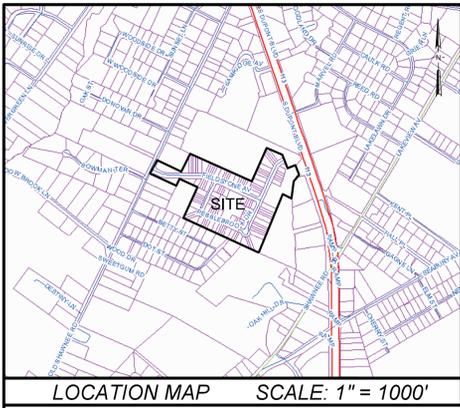
WHEREAS, by a vote of      recommended approval of the application.

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

1.

APPROVED: \_\_\_\_\_  
Arthur Campbell,  
Planning Commission Chairman

SIGNED: \_\_\_\_\_  
Christine Crouch, CMC  
Deputy City Clerk



# MAJOR SUBDIVISION PLAN BROOKSTONE TRACE CITY OF MILFORD SUSSEX COUNTY, DELAWARE

## GENERAL NOTES

- THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR(S) SHALL CONTACT MISS UTILITY OF DELAWARE (1-800-282-8555) TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION. ANY DAMAGE INCURRED TO ANY UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE. IF THE CONTRACTOR RELIES ON THE UTILITY LOCATIONS SHOWN HEREON, HE DOES SO AT HIS OWN RISK AND WILL NOT BE ENTITLED TO ADDITIONAL COMPENSATION DUE TO TIME DELAYS FROM SAID RELIANCE.
- THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS OF CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE COMPLETED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AND ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS.
- ALL WORK WITHIN STATE MAINTAINED ROAD RIGHT-OF-WAYS SHALL MEET THE REQUIREMENTS AS SET FORTH IN THE CURRENT REVISION OF THE STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION BY THE DELAWARE DEPARTMENT OF TRANSPORTATION.
- TRAFFIC AND SAFETY CONTROL SHALL BE MAINTAINED DURING CONSTRUCTION IN CONFORMANCE WITH THE CURRENT VERSION OF THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR CONSTRUCTION AND MAINTENANCE OPERATIONS.
- TEMPORARY REPAVING SHALL BE PROVIDED AND MAINTAINED FOR ALL PAVED AREAS WITHIN STATE MAINTAINED ROADS DISTURBED BY CONSTRUCTION ACTIVITIES UNTIL FINAL REPAVING.
- ALL HANDICAPPED PARKING DEMARCATIONS, STALLS, BUILDINGS, AND ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICANS WITH DISABILITIES ACT" AND ANSI A117.1-1998 "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES".
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH ALL THE STATE FIRE PREVENTION REGULATIONS, PART V, CHAPTER 5.
- STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL SHALL BE MARKED IN ACCORDANCE WITH THE 1991 DELAWARE SEDIMENT AND STORMWATER REGULATIONS, PART V, CHAPTER 5.
- BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM THE CITY OF MILFORD, SUSSEX CONSERVATION DISTRICT, THE DELAWARE DEPARTMENT OF TRANSPORTATION AND ALL OTHER APPROPRIATE STATE AND COUNTY AGENCIES.
- ALL MATERIALS AND WORKMANSHIP SHALL MEET THE CURRENT STATE OF DELAWARE AND CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
- THE FRONT 18 FT. AND THE REAR AND SIDE 10 FT. OF EACH LOT SHALL BE RESERVED AS EASEMENTS FOR DRAINAGE AND UTILITIES UNLESS OTHERWISE NOTED.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT OF WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE CITY OF MILFORD FOLLOWING COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE CITY. THE CITY ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT OF WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE CITY.
- A HOMEOWNER'S ASSOCIATION SHALL BE ESTABLISHED FOR BUT NOT LIMITED TO ALL FUTURE MAINTENANCE AND REPAIRS OF ALL STORMWATER MANAGEMENT FACILITIES FOR THIS SUBDIVISION.
- ALL ELECTRIC AND TELEPHONE CABLES SHALL BE PLACED UNDERGROUND.
- THIS SITE IS AFFECTED BY THE 100 YEAR FLOOD PLAIN AS DEPICTED ON FEMA COMMUNITY PANEL NUMBER 10005C0039J, DATED JANUARY 6, 2005.
- BOUNDARY AND TOPOGRAPHIC SURVEY DATA FOR THE BROOKSTONE TRACE SUBDIVISION SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, INC., DATED APRIL 2005 AND RECORDED ON 3-21-07 IN PB 112, PGS 105 THROUGH 107. BOUNDARY INFORMATION FOR PARCEL 130-3.00-80.02 BASED ON A BOUNDARY SURVEY PERFORMED BY BOB NASH ASSOCIATES RECORDED ON 10-15-13 IN PB 112, PG 44.
- A WETLANDS INVESTIGATION WAS CONDUCTED ON THIS SITE BY TEN BEARS ENVIRONMENTAL, LLC IN MAY 2005. FRESHWATER WETLANDS WERE FOUND TO EXIST AND ARE SHOWN ON THIS PLAN.
- PROPOSED STORM DRAIN EASEMENTS ARE 10' WIDE AND CENTERED ON THE UTILITY ALIGNMENT.
- A HOMEOWNER'S ASSOCIATION SHALL BE ESTABLISHED FOR FUTURE MAINTENANCE AND REPAIRS OF ALL OPEN SPACE AREAS WITHIN THIS SUBDIVISION.
- PERPETUAL CROSS ACCESS EASEMENT SHOWN ON THESE PLANS WAS TAKEN FROM AN EASEMENT PLAN ENTITLED "MILFORD PLACE ASSISTED LIVING", AS PREPARED BY CHARLES D. MURPHY ASSOCIATES, INC. DATED APRIL 8, 1998. SAID EASEMENT WAS TO BE CONVEYED FROM GENESIS HEALTH VENTURES, INC. TO RIVERBANK ASSOCIATES AND ADESA CORPORATION, LLC.
- ALL REQUIRED LANDSCAPE BUFFERS SHALL BE PLANTED AND ALL ACTIVE RECREATION AMENITIES INSTALLED PRIOR TO ISSUANCE OF 50% OF THE CERTIFICATES OF OCCUPANCY, AND MAINTAINED BY THE DEVELOPER UNTIL 75% OF THE CERTIFICATES OF OCCUPANCY HAVE BEEN ISSUED. THE LANDSCAPE BUFFER AREA AND ANY OTHER LANDSCAPE PLAN DEPICTED ON THE RECORD PLAN SHALL BE MAINTAINED IN PERPETUITY BY THE HOMEOWNERS ASSOCIATION OR MAINTENANCE CORPORATION. THESE DEED RESTRICTIONS SHALL RUN WITH THE LAND AND MAY NOT BE VACATED BY THE HOMEOWNERS ASSOCIATION OR THE MAINTENANCE CORPORATION.
- THE PURPOSE OF THIS RECORD PLAT IS TO CONSOLIDATE EXISTING LOTS 75 THROUGH 89 WITH EXISTING TAX PARCEL 130-3.00-80.02, FOR THE PURPOSE OF CREATING A SINGLE LOT.
- THIS PLAN SUPERSEDES IN ITS ENTIRETY THE PREVIOUSLY RECORDED PLAN FOR THE BROOKSTONE TRACE SUBDIVISION RECORDED IN THE SUSSEX COUNTY RECORDER OF DEEDS IN PLAT BOOK 190, PAGE 44, AND PLAT BOOK 112, PAGES 105 THROUGH 107.

## PLAN LEGEND

PROPERTY BOUNDARY	———
RIGHT-OF-WAY LINE	———
STREET CENTERLINE	———
LOT LINE	———
BUILDING SETBACK LINE	———
STREAM BUFFER LINE	———
WETLANDS LINE	———
WOODS LINE	———
LOT NUMBER	(22)
EXISTING CONTOUR	———
PROPOSED CONTOUR	———
EXISTING STORM DRAIN	———
PROPOSED STORM DRAIN	———
EXISTING SANITARY SEWER	———
EXISTING WATER LINE	———
PROPOSED SANITARY SEWER	———
PROPOSED WATER LINE	———
EXISTING UTILITY POLE	●

## OWNER CERTIFICATION

I, JAMIE MASTEN OF MISPELLION REALTY, LLC, HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

JAMIE MASTEN

DATE

## ENGINEER CERTIFICATION

I, KEVIN R. MINNICH, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

KEVIN R. MINNICH, PE #9027

DATE

CITY OF MILFORD APPROVAL

CITY MANAGER: \_\_\_\_\_ DATE: \_\_\_\_\_  
Eric Norenberg

CITY ENGINEER: \_\_\_\_\_ DATE: \_\_\_\_\_

## DATA COLUMN

TAX MAP PARCEL NOS.  
1-30-3.00-77.01, 1-30-3.00-78.00, 1-30-3.00-80.02  
1-30-3.00-443.00 THRU 1-30-3.00-561.00

OWNER OF RECORD:

MISPELLION REALTY, LLC  
715 S DUPONT BLVD  
MILFORD, DE 19963  
(302) 422-1850

SURVEY BENCHMARK:

FOUND CONCRETE MONUMENT  
NORTHWEST CORNER OF PROPERTY  
NAVD 88 - ELEVATION 32.97

EXISTING ZONING:	R-3 (CITY OF MILFORD)
PROPOSED ZONING:	R-3 (CITY OF MILFORD)
EXISTING USE:	PLANNED UNIT DEVELOPMENT
PROPOSED USE:	PLANNED UNIT DEVELOPMENT
TOTAL SITE AREA:	23.3484 ACRES
NUMBER OF TOWNHOUSES:	104 UNITS
NUMBER OF GARDEN APARTMENTS:	60 UNITS
FLOOR AREA RECREATION CENTER:	2,800 S.F.
TOTAL UNITS:	164 UNITS
TOTAL AREA IN STREETS:	4.1184 ACRES
TOTAL AREA IN LOTS:	10.9945 ACRES (TOWNHOUSE)
AVERAGE SITE DENSITY:	7.02 UNITS/ACRE
ACTUAL MINIMUM LOT AREA:	2,263 S.F. (LOT 40)
AVERAGE LOT AREA:	4,590 S.F.
OPEN SPACE REQUIRED:	65,600 S.F. (1.50 ACRES)
OPEN SPACE PROVIDED:	163,350 S.F. (3.75 ACRES)
RECREATIONAL OPEN SPACE REQUIRED:	32,800 S.F. (0.75 ACRES)
RECREATIONAL OPEN SPACE PROVIDED:	104,544 S.F. (2.40 ACRES)
TOTAL AREA OF S.W.M. AREA:	0.99 ACRES
SOURCE OF WATER:	CITY OF MILFORD
SOURCE OF SANITARY SEWER:	CITY OF MILFORD
SOURCE OF GAS:	CHESAPEAKE UTILITIES
SOURCE OF ELECTRIC:	CITY OF MILFORD
ESTIMATED NUMBER OF EDU'S:	164
VERTICAL DATUM:	NAVD88
HORIZONTAL DATUM:	NAD83

## R-3 ZONING REQUIREMENTS TOWNHOUSES

	REQUIRED	PROVIDED
MINIMUM LOT SIZE ALLOWED:	2,000 S.F.	2,263 S.F.
MINIMUM LOT WIDTH:	20'	24'
FRONT YARD SETBACK:	10'	10'
SIDE YARD SETBACK:	8'	10'
REAR YARD SETBACK:	15'	15'
MAXIMUM LOT COVERAGE:	60%	60%
MAXIMUM HEIGHT:	35'	35'

## R-3 ZONING REQUIREMENTS GARDEN APARTMENTS

	REQUIRED	PROVIDED
MINIMUM LOT SIZE ALLOWED:	2,500 S.F.	3.58 ACRES
MINIMUM LOT WIDTH:	50'	320' ±
FRONT YARD SETBACK:	10'	10'
SIDE YARD SETBACK:	20'	20'
REAR YARD SETBACK:	15'	15'
MAXIMUM LOT COVERAGE:	20%	60%
MAXIMUM HEIGHT:	35'	35'

## PARKING REQUIREMENTS

APARTMENT PARKING REQUIRED:	(2.5 SPACES/UNIT)(60 UNITS): 150 SPACES
APARTMENT PARKING PROVIDED:	150 SPACES
TOWNHOUSE PARKING REQUIRED:	(2.5 SPACES/UNIT)(104 UNITS): 260 SPACES
TOWNHOUSE PARKING PROVIDED:	260 SPACES
RECREATION CENTER PARKING REQUIRED:	(1 SPACE/150 S.F.)(2,800 S.F.): 19 SPACES
RECREATION CENTER BUILDING PROVIDED:	26 SPACES
HANDICAPPED PARKING PROVIDED:	12 SPACES

## SHEET INDEX

SHEET 1	RECORD PLAN COVER SHEET
SHEET 2	RECORD MAJOR SUBDIVISION PLAN
SHEET 3	SEDIMENT & STORMWATER COVER SHEET
SHEET 4	SEDIMENT & STORMWATER MANAGEMENT PLAN
SHEET 5	SEDIMENT & EROSION CONTROL DETAILS
SHEET 6	STREET PLAN & PROFILE PEBBLEBROOK DRIVE
SHEET 7	INTERSECTION DETAILS & STORM PROFILES

BROOKSTONE TRACE  
SUBDIVISION

SITUATE IN: CITY OF MILFORD  
SUSSEX COUNTY, DELAWARE

SCALE: 1" = 100'

DATE: 02/16/2016



260A Camden Wyoming Avenue  
Camden, DE 19834  
(302) 687-2238 Voice - (302) 687-2283 Fax

REVISIONS:  
4-15-16 - REVISED PER CITY AND TOWN ENGINEER COMMENTS

JOB NUMBER: 14-146  
DGN NUMBER: 14-146

RECORD PLAN COVER SHEET

SHEET 1

**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD BEARING	CHORD
C1	25.00	90°00'00" RT	39.27	S 10°52'24" E	35.36
C2	200.00	25°23'18" RT	88.62	S 68°34'04" E	87.90
C3	260.00	24°23'04" RT	106.65	N 69°04'11" W	109.82
C4	25.00	90°00'00" RT	39.27	N 78°07'21" E	35.36
C5	180.00	45°52'39" RT	144.13	S 56°03'41" W	140.31
C6	120.00	45°52'39" RT	96.09	S 56°03'41" W	93.54
C7	25.00	48°11'23" RT	21.03	S 09°01'40" W	20.41
C8	49.91	187°43'22" RT	163.51	N 77°33'05" E	99.85
C9	25.00	48°11'23" RT	21.03	N 32°48'58" W	20.41
C10	25.00	48°11'23" RT	39.27	N 78°07'21" E	35.36
C11	25.00	90°00'00" RT	39.27	N 11°52'39" W	35.36
C12	25.00	90°00'00" RT	39.27	N 78°07'21" E	35.36
C13	25.00	90°00'00" RT	39.27	N 11°52'39" W	35.36
C14	200.00	24°23'04" RT	85.12	N 69°04'11" W	84.48
C15	260.00	24°23'04" RT	115.21	S 68°34'04" E	114.27
C16	25.00	90°00'00" RT	39.27	S 79°07'34" W	35.36
C17	25.00	90°00'00" RT	39.27	S 78°07'21" E	35.36
C18	25.00	90°00'00" RT	39.27	N 11°52'39" W	35.36
C19	25.00	90°00'00" RT	39.27	N 78°07'21" E	35.36
C20	25.00	90°00'00" RT	39.27	S 11°52'39" E	35.36
C21	230.00	25°23'18" RT	91.91	S 68°34'04" E	101.08
C22	230.00	24°23'04" RT	97.89	N 69°04'11" W	97.15
C23	150.00	45°52'39" RT	120.11	S 56°03'41" W	116.92

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 79°00'00" E	19.75
L2	N 79°00'00" E	19.75
L3	N 44°25'51" E	25.50
L4	S 89°50'00" W	12.65
L5	N 59°09'00" W	35.48
L6	S 18°08'32" W	27.16
L7	S 08°46'18" W	8.20

**LOT AREA TABLE**

LOT #	AREA (SQ FT)	AREA (ACRES)
1	7,958	0.1827
2	4,909	0.1127
3	4,956	0.1138
4	4,703	0.1080
5	4,449	0.1021
6	8,139	0.1868
7	9,507	0.2183
8	3,128	0.0718
9	3,023	0.0694
10	2,973	0.0683
11	2,969	0.0682
12	5,958	0.1368
13	6,860	0.1575
14	3,024	0.0690
15	3,011	0.0691
16	3,017	0.0693
17	6,939	0.1593
18	6,973	0.1601
19	3,054	0.0701
20	3,060	0.0702
21	3,067	0.0704
22	3,073	0.0705
23	6,166	0.1416
24	6,272	0.1440
25	3,417	0.0784
26	3,417	0.0784
27	3,417	0.0784
28	7,846	0.1801
29	7,896	0.1815
30	3,462	0.0795
31	3,471	0.0797
32	3,481	0.0799
33	8,014	0.1840
34	10,756	0.2469
35	4,083	0.0937
36	4,244	0.0974
37	4,361	0.1001
38	8,087	0.1857
39	4,880	0.1120
40	2,263	0.0520

**LOT AREA TABLE**

LOT #	AREA (SQ FT)	AREA (ACRES)
41	2,330	0.0535
42	2,396	0.0550
43	2,462	0.0565
44	5,122	0.1176
45	9,517	0.2189
46	4,286	0.0984
47	4,315	0.0991
48	4,343	0.0997
49	10,960	0.2509
50	10,209	0.2344
51	4,501	0.1033
52	4,530	0.1040
53	4,558	0.1046
54	4,586	0.1053
55	8,721	0.2002
56	18,477	0.4242
57	4,070	0.0934
58	3,491	0.0801
59	7,038	0.1616
60	6,058	0.1391
61	2,880	0.0661
62	2,880	0.0661
63	5,760	0.1322
64	7,080	0.1625
65	2,880	0.0661
66	2,880	0.0661
67	2,880	0.0661
68	2,880	0.0661
69	6,240	0.1433
70	6,600	0.1515
71	2,880	0.0661
72	2,880	0.0661
73	2,880	0.0661
74	6,600	0.1515
75	4,259	0.0978
90	4,259	0.0978
91	2,292	0.0526
92	2,292	0.0526
93	2,292	0.0526
94	5,252	0.1206
95	5,253	0.1206

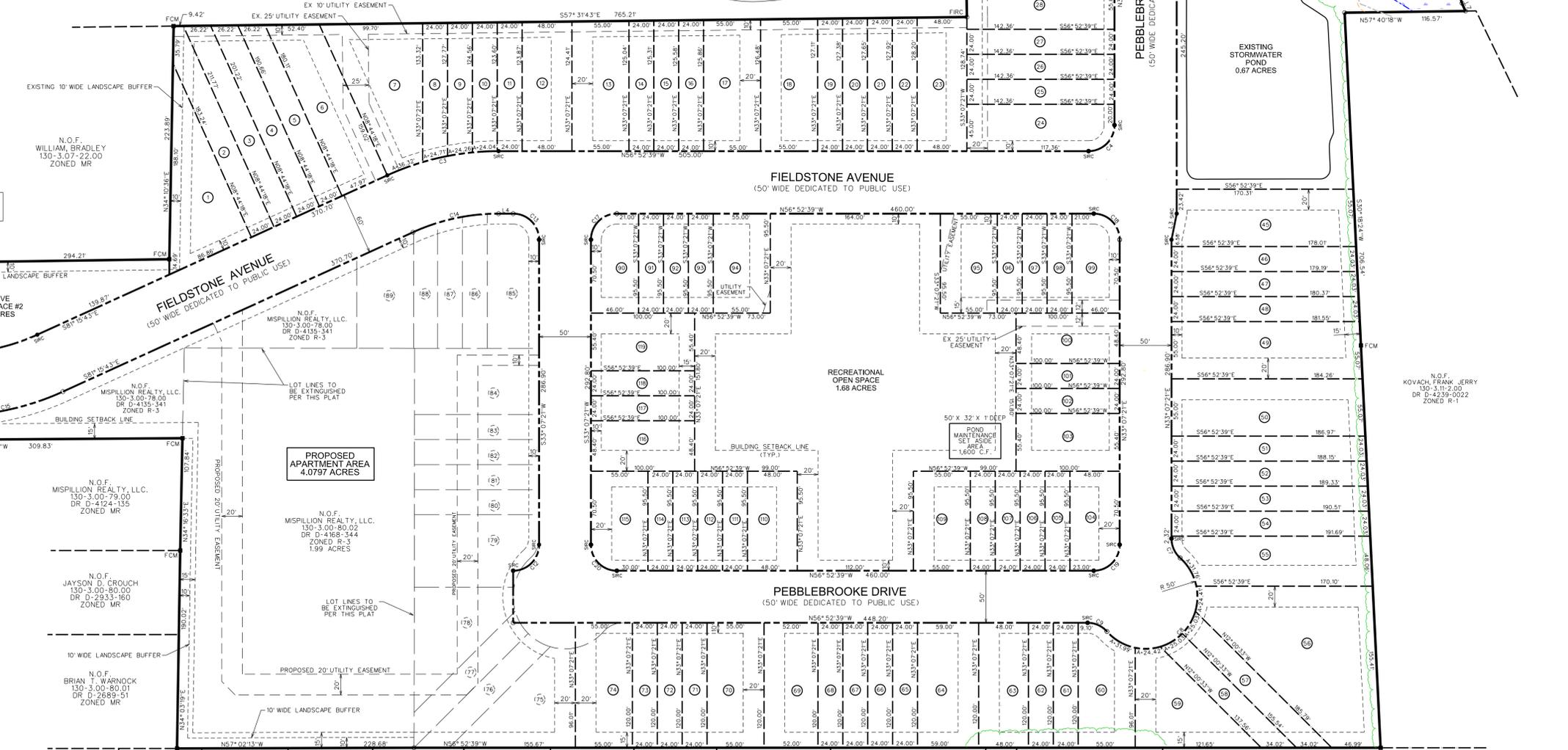
**LOT AREA TABLE**

LOT #	AREA (SQ FT)	AREA (ACRES)
96	2,292	0.0526
97	2,292	0.0526
98	2,292	0.0526
99	4,259	0.0978
100	4,840	0.1111
101	2,400	0.0551
102	2,400	0.0551
103	5,540	0.1272
104	4,450	0.1022
105	2,292	0.0526
106	2,292	0.0526
107	2,292	0.0526
108	2,292	0.0526
109	5,253	0.1206
110	4,584	0.1052
111	2,292	0.0526
112	2,292	0.0526
113	2,292	0.0526
114	2,292	0.0526
115	4,584	0.1052
116	4,480	0.1028
117	2,400	0.0551
118	2,400	0.0551
119	5,540	0.1272

**PARCELS TO BE CONSOLIDATED**

LOT #	TAX PARCEL NO.	AREA (SQ FT)	AREA (ACRES)
75	130-3-00-517.00	7,036	0.1616
76	130-3-00-518.00	3,491	0.0801
77	130-3-00-519.00	3,493	0.0802
78	130-3-00-520.00	7,049	0.1618
79	130-3-00-521.00	7,846	0.1801
80	130-3-00-522.00	2,886	0.0663
81	130-3-00-523.00	2,885	0.0662
82	130-3-00-524.00	2,884	0.0662
83	130-3-00-525.00	2,883	0.0662
84	130-3-00-526.00	7,523	0.1727
85	130-3-00-527.00	6,169	0.1423
86	130-3-00-528.00	3,070	0.0705
87	130-3-00-529.00	2,971	0.0682
88	130-3-00-530.00	2,796	0.0642
89	130-3-00-531.00	5,456	0.1253
N/A	130-3-00-78.00	21,649	0.497
N/A	130-3-00-80.02	86,684	1.99
PEBBLEBROOK DRIVE ROW	906		0.0208
COMBINED LOT AREA	177,709		4.0797

OLD SHAWNEE ROAD (CR 619)



**BROOKSTONE TRACE SUBDIVISION**  
 SITUATE IN: CITY OF MILFORD  
 SUSSEX COUNTY, DELAWARE

**Minnich Engineering & Land Planning**  
 Designing Quality Not Quantity  
 260A Camden Wyoming Avenue  
 Camden, DE 19834  
 (302) 687-2238 Voice • (302) 697-2283 Fax

REVISIONS:  
 4-15-16 - REVISED PER CITY AND TOWN ENGINEER COMMENTS

DATE: 02/00/2016  
 SCALE: 1" = 60'  
 JOB NUMBER: 14-146

**RECORD MAJOR SUBDIVISION PLAN**

**SHEET 2**

# Brookstone Trace

## Sediment and Stormwater Management Plans

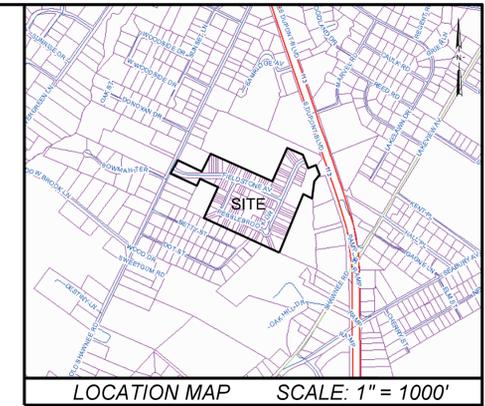
City of Milford

Broadkill-Smyrna Watershed

Tax Parcel: 1-30-3.00-77.01, 1-30-3.00-78.00

1-30-3.00-443.00 THRU 1-30-3.00-561.00

Sussex County, Delaware



**DATA COLUMN**

- TAX PARCEL NUMBER: 1-30-3.00-77.01 AND 1-30-3.00-78.00  
1-30-3.00-443.00 THRU 1-30-3.00-561.00
- OWNER OF RECORD:  
MISPILLION REALTY, LLC  
715 S DUPONT BLVD  
MILFORD, DE 19963
- ENGINEER:  
MINNICH ENGINEERING, INC.  
250A CAMDEN WYOMING AVENUE  
CAMDEN, DE 19934
- DEED BOOK: 03328 PAGE 010
- TOTAL SITE ACREAGE: 21.3602± ACRES
- TOTAL AREA OF LOTS: 12.5891± ACRES
- TOTAL AREA OF OPEN SPACE INCLUDING R.O.W.: 8.7711± ACRES
- EXISTING ZONING: R-3 (CITY OF MILFORD)
- EXISTING USE: AGRICULTURAL
- PROPOSED USE: PLANNED UNIT DEVELOPMENT
- R-3 ZONING SETBACKS:  
10' FRONT SETBACK  
20' SIDE SETBACK (UNATTACHED) 0' (ATTACHED)  
15' REAR SETBACK
- STORMWATER MANAGEMENT AREA: 38433.4148 S.F. (0.8823 ACRES)
- LOT TYPES: TOWNHOMES - 119 UNITS (TWO STORY)
- PROJECT DENSITY: 5.57 UNITS PER ACRE
- MAXIMUM BUILDING HEIGHT: 35 FEET
- CONSTRUCTION TYPE: CONCRETE FOUNDATION, WOOD STRUCTURE
- SOURCE/PROPOSED WATER: CITY OF MILFORD
- SOURCE/PROPOSED SANITARY: CITY OF MILFORD
- SOURCE OF GAS: CHESAPEAKE UTILITIES
- TOTAL LIMIT OF DISTURBANCE: 11.3423± ACRES
- ALL KNOWN EASEMENTS ARE SHOWN ON THE PLAN. NO NEW EASEMENTS ARE PROPOSED PER THIS PLAN.

**SHEET INDEX**

- SHEET 1 COVERSHEET AND GENERAL NOTES
- SHEET 2 SEDIMENT & STORMWATER PLAN
- SHEET 3 SEDIMENT & EROSION CONTROL DETAILS
- SHEET 4 STREET PLAN & PROFILE PEBBLEBROOK DRIVE
- SHEET 5 INTERSECTION DETAILS & STORM PROFILES

**LEGEND**

PROPERTY BOUNDARY	———
RIGHT-OF-WAY LINE	———
STREET CENTERLINE	———
LOT LINE	———
BUILDING SETBACK LINE	———
STREAM BUFFER LINE	———
WETLANDS LINE	———
WOODS LINE	———
LOT NUMBER	Ⓣ
EXISTING CONTOUR	---26---
PROPOSED CONTOUR	—26—
EXISTING STORM DRAIN	=====
PROPOSED STORM DRAIN	———
EXISTING SANITARY SEWER	---S---
EXISTING WATER LINE	---W---
PROPOSED SANITARY SEWER	———S———
PROPOSED WATER LINE	———W———
EXISTING UTILITY POLE	●
EXISTING ROAD SIGN	○
EXISTING SPOT ELEVATION	26x27
PROPOSED SPOT ELEVATION	(26x27)

**OWNER'S CERTIFICATION:**

I, JAMIE MASTEN OF MISPILLION REALTY, LLC, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING AT A DEPARTMENTAL SPONSORED OR APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT CONTROL BEFORE INITIATION OF THE PROJECT.

MISPILLION REALTY, LLC  
715 S DUPONT BLVD  
MILFORD, DE 19963  
(302) 422-1850 Voice  
(302) 422-8020 FAX

**ENGINEER'S CERTIFICATION:**

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

KEVIN R. MINNICH, PROFESSIONAL ENGINEER  
MINNICH ENGINEERING & LAND PLANNING INC.  
250A CAMDEN WYOMING AVENUE  
CAMDEN, DE 19934  
(302) 697-2239 VOICE  
(302) 697-2293 FAX

**SEDIMENT AND STORMWATER CONSTRUCTION NOTES:**

- THE SUSSEX CONSERVATION DISTRICT MUST BE NOTIFIED IN WRITING FIVE (5) DAYS PRIOR TO COMMENCING WITH CONSTRUCTION TO SCHEDULE A PRE-CONSTRUCTION MEETING. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN.
- REVIEW AND APPROVAL OF THE SEDIMENT AND STORMWATER MANAGEMENT PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM HIS OR HER RESPONSIBILITIES FOR COMPLIANCE WITH THE REQUIREMENTS OF THE SEDIMENT AND STORMWATER REGULATIONS, NOR SHALL IT RELIEVE THE CONTRACTOR FROM ERRORS OR OMISSIONS IN THE APPROVED PLAN.
- IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE SUSSEX CONSERVATION DISTRICT.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
- FOLLOWING SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN 14 CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER SEDIMENT CONTROLS, TOPSOIL STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROPOSED SITE.
- ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK 1989 OR LATEST EDITION.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN AND REPAIR ALL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PRACTICES DURING UTILITY INSTALLATION.
- ALL SEDIMENT AND STORMWATER MANAGEMENT PLANS SHALL CONTAIN CERTIFICATION BY THE OWNER OR DEVELOPER OF THE RIGHT OF THE DEPARTMENT OR DELEGATED INSPECTION AGENCY TO CONDUCT ON-SITE INSPECTIONS.
- IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO PROVIDE LONG-TERM MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN UNTIL IT IS TURNED OVER TO A HOMEOWNERS ASSOCIATION OR MAINTENANCE CORPORATION.
- APPROVED PLANS REMAIN VALID FOR 3 YEARS FROM THE DATE OF APPROVAL.
- AS-BUILT SURVEYS AND DRAWINGS ARE TO BE SUBMITTED TO THE DISTRICT WITHIN 60-DAYS OF STORMWATER MANAGEMENT FACILITY COMPLETION.
- APPROVAL OF A SEDIMENT AND STORM WATER PLAN DOES NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORMWATER RUNOFF. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC., NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS.
- TO PREVENT OR REDUCE THE MOVEMENT OF DUST FROM DISTURBED SOIL SURFACES THE SITE SHALL BE SPRINKLED WITH WATER UNTIL THE SURFACE IS MOIST AND REPEATED AS NECESSARY. ALTERNATIVE METHODS OF DUST CONTROL REQUIRE APPROVAL OF SCD.
- SCD RESERVES THE RIGHT TO WITHHOLD PERMITS AND LETTERS OF NO OBJECTION RELATED TO OBTAINING CERTIFICATES OF OCCUPANCY FROM THE LOCAL JURISDICTION FOR NON COMPLIANCE WITH THE PLANS AND SPECIFICATIONS FOR STORMWATER MANAGEMENT PRACTICES DURING UTILITY INSTALLATION.
- THE CONTRACTOR SHALL REQUEST AN INDIVIDUAL LOT PERMITS AND A PERMIT ISSUED BY SCD PRIOR TO THE START OF HOME CONSTRUCTION ON THAT LOT. SCD ALSO REQUIRES A FINAL LOT INSPECTION PRIOR TO THE CONTRACTOR REQUESTING A CERTIFICATE OF OCCUPANCY.
- ALL EROSION AND SEDIMENT CONTROL DEVICES AND STABILIZATION SHALL CONFORM TO SUSSEX CONSERVATION DISTRICT STANDARDS AND SPECIFICATION.
- SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE SEDIMENT CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.
- ALL TEMPORARY STOCKPILES ARE TO BE LOCATED ON AREAS WITH LITTLE OR NO SLOPE AND PROTECTED BY SILT FENCE OR A STABILIZED EARTHEN BERM AND ARE TO BE TEMPORARILY STABILIZED.
- ALL POINTS OF CONSTRUCTION INGRESS AND EGRESS SHALL BE PROTECTED TO PREVENT TRACKING OF MUD ONTO PUBLIC WAYS BY A STABILIZED CONSTRUCTION ENTRANCE.
- EROSION AND SEDIMENT CONTROL WILL BE STRICTLY ENFORCED.
- SEDIMENT CONTROL FOR UTILITY CONSTRUCTION IN AREAS OUTSIDE OF DESIGNED CONTROLS:  
A. EXCAVATED TRENCH MATERIAL SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH.  
B. IMMEDIATELY FOLLOWING PIPE INSTALLATION THE TRENCH SHALL BE BACK FILLED, COMPACTED AND STABILIZED.  
C. TEMPORARY SILT FENCE OR STRAW BALE DIKES SHALL BE PLACED IMMEDIATELY DOWNSTREAM OF ANY DISTURBED AREA INTENDED TO REMAIN DISTURBED LONGER THAN ONE WORKING DAY.
- EROSION CONTROL MATTING IS REQUIRED ON SLOPES OF 3:1 OR GREATER IN AREAS OF CONCENTRATED FLOW. MATTING TYPE IS TO BE NORTH AMERICAN GREEN S-75.
- CONTRACTOR TO ENSURE WATERTIGHT SEALS AT ALL STORM DRAIN PIPE AND CATCH BASIN CONNECTIONS.
- PRIOR TO START OF HOME CONSTRUCTION ON EACH RESIDENTIAL LOT WITHIN A SUBDIVISION A GENERAL PERMIT FOR WORK ON THAT LOT MUST BE APPROVED BY SUSSEX CONSERVATION DISTRICT.

**Minnich**  
Engineering & Land Planning  
Designing Quality Not Quantity  
250A Camden Wyoming Avenue  
Camden, DE 19934  
(302) 697-2239 Voice - (302) 697-2293 Fax

REVISIONS:

PROJECT NO: 14-146 | DGN FILE: 14-146

**COVER SHEET**  
**BROOKSTONE TRACE**  
**SUBDIVISION**

SITUATE IN: CITY OF MILFORD - SUSSEX COUNTY, DELAWARE

DATE: 2/16/16 | SCALE: 1" = 100' | SHEET: 3



### Standard Detail & Specifications Stabilization Matting - Slope

**Construction Notes:**

- Prepare soil before installing matting, including application of lime, fertilizer, and seed.
- Begin at the top of the slope by anchoring the mat in a 6" deep X 6" wide trench. Backfill and compact trench after stapling.
- Roll the mats (A) down or (B) horizontally across the slope.
- The edges of parallel mats should be stapled with approx. 2" overlap.
- When mats must be stapled down the slope, place mats end over end (single style) with approx. 4" overlap. Staple through overlapped area, approx. 12" apart.

Source: Adapted from North American Green, Inc. Symbol: **SM-S** Detail No: **DE-ESC-3.4.6.1** Sheet 1 of 2 Date: 12/03

### Standard Detail & Specifications Stabilization Matting - Slope

**Stapling Patterns**

Source: Adapted from North American Green, Inc. Symbol: **SM-S** Detail No: **DE-ESC-3.4.6.1** Sheet 2 of 2 Date: 12/03

### Standard Detail & Specifications Stabilized Construct. Entrance

**Construction Notes:**

- Stone size - Use DE #3 stone.
- Length - As required, but not less than 50 feet except on a single residence lot where a 30 foot minimum length would apply.
- Thickness - Not less than six (6) inches.
- Grade - Ten (10) foot minimum, but not less than the full width or points where ingress or egress occurs.
- Geotextile - Type GS-L placed over the entire area prior to placing of stone.
- Surface Water - All surface water flowing or diverted toward construction entrances shall be piped across the entrance. If piping is impractical, a mounable berm with 5:1 slopes will be permitted.
- Maintenance - The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.
- Washing - Vehicle wheels shall be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device.
- Inspection - Periodic inspection and needed maintenance shall be provided each rain.

Source: Adapted from VA ESC Handbook. Symbol: **SCE** Detail No: **DE-ESC-3.4.7** Sheet 1 of 2 Date: 12/03

### Standard Detail & Specifications Stabilized Construct. Entrance

**Construction Notes:**

- Stone size - Use DE #3 stone.
- Length - As required, but not less than 50 feet except on a single residence lot where a 30 foot minimum length would apply.
- Thickness - Not less than six (6) inches.
- Grade - Ten (10) foot minimum, but not less than the full width or points where ingress or egress occurs.
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- Maintenance - The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.
- Washing - Vehicle wheels shall be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device.
- Inspection - Periodic inspection and needed maintenance shall be provided each rain.

Source: Adapted from VA ESC Handbook. Symbol: **SCE** Detail No: **DE-ESC-3.4.7** Sheet 2 of 2 Date: 12/03

### Standard Detail & Specifications Silt Fence

**Construction Notes:**

- Stakes - Steel I-beam or U or 2" hardwood
- Geosynthetic Fabric - Type GD-IV
- Reinforcing strip - Wooden lath, plastic strip or other approved equivalent
- Prefabricated Unit - Geotab, Envirofence, or approved equivalent

Source: Adapted from MD Stds. & Specs. for ESC. Symbol: **SF** Detail No: **DE-ESC-3.1.2.1** Sheet 1 of 2 Date: 12/03

SEEDING MIXTURES	SEEDING RATES	OPTIMUM SEEDING DATES (1)							
		PERMANENT	SEEDING DATES (1)						
Mix. No. (if available)	Seeds/Lb. (if available)	2/1-4/30	5/1-8/14	8/15-10/31	3/1-4/30	5/1-7/31	8/1-10/15	PERMANENT	
1	Kentucky 31 Tall Fescue	X	X	X	X	X	X	X	X
2	Kentucky 31 Tall Fescue (Seeded)	X	X	X	X	X	X	X	X
3	Kentucky 31 Tall Fescue (Seeded)	X	X	X	X	X	X	X	X
4	Kentucky 31 Tall Fescue (Seeded)	X	X	X	X	X	X	X	X
5	Chemung Bromegrass (Seeded)	X	X	X	X	X	X	X	X
6	Chemung Bromegrass (Seeded)	X	X	X	X	X	X	X	X
7	Kentucky 31 Tall Fescue (Seeded)	X	X	X	X	X	X	X	X
8	Kentucky 31 Tall Fescue (Seeded)	X	X	X	X	X	X	X	X
9	Scoutgrass (Seeded)	X	X	X	X	X	X	X	X
10	Scoutgrass (Seeded)	X	X	X	X	X	X	X	X
11	Kentucky 31 Fescue (Seeded)	X	X	X	X	X	X	X	X
12	Reed canarygrass (c)	X	X	X	X	X	X	X	X
13	Reed canarygrass (c)	X	X	X	X	X	X	X	X
14	Kentucky 31 Fescue (Seeded)	X	X	X	X	X	X	X	X
15	Kentucky 31 Fescue (Seeded)	X	X	X	X	X	X	X	X
16	Kentucky 31 Fescue (Seeded)	X	X	X	X	X	X	X	X

### Standard Detail & Specifications Site Pollution Prevention

**Notes:**

The Construction Site Pollution Prevention Plan should include the following elements:

- Material Inventory**  
Document the storage and use of the following materials:  
a. Concrete  
b. Detergents  
c. Paints (enamel and latex)  
d. Cleaning solvents  
e. Pesticides  
f. Wood scraps  
g. Fertilizers  
h. Petroleum based products
- Good housekeeping practices**  
a. Store only enough product required to do the job.  
b. All materials shall be stored in a neat, orderly manner in their original labeled containers and covered.  
c. Substances shall not be mixed.  
d. When possible, all of a product shall be used prior to disposal of the container.  
e. Manufacturers' instructions for disposal shall be strictly adhered to.  
f. The site foreman shall designate someone to inspect all BMPs daily.
- Waste management practices**  
a. All waste materials shall be collected and stored in securely lidded dumpsters in a location that does not drain to a waterbody.  
b. Waste materials shall be salvaged and/or recycled whenever possible.  
c. The dumpsters shall be emptied a minimum of twice per week, or more if necessary. The licensed trash hauler is responsible for cleaning out dumpsters.

Source: Adapted from USEPA Pub. 840-B-92-002. Symbol: **DE-ESC-3.6.1** Sheet 1 of 3 Date: 12/03

### Standard Detail & Specifications Site Pollution Prevention

**Notes (cont.):**

- Equipment maintenance practices**  
a. If possible, equipment should be taken to off-site commercial facilities for washing and maintenance.  
b. If performed on-site, vehicles shall be washed with high-pressure water spray without detergents in an area contained by an impervious berm.  
c. Drip pans shall be used for all equipment maintenance.  
d. Equipment shall be inspected for leaks on a daily basis.  
e. Washout from concrete trucks shall be disposed of in a temporary pit for hardening and proper disposal.  
f. Fuel nozzles shall be equipped with automatic shut-off valves.  
g. All used products such as oil, antifreeze, solvents and tires shall be disposed of in accordance with manufacturers' recommendations and local, state and federal laws and regulations.
- Spill prevention practices**  
a. Potential spill areas shall be identified and contained in covered areas with no connection to the storm drain system.  
b. Warning signs shall be posted in hazardous material storage areas.  
c. Preventive maintenance shall be performed on all tanks, valves, pumps, pipes and other equipment as necessary.  
d. Low or non-toxic substances shall be prioritized for use.

Source: Adapted from USEPA Pub. 840-B-92-002. Symbol: **DE-ESC-3.6.1** Sheet 2 of 3 Date: 12/03

### Standard Detail & Specifications Site Pollution Prevention

**Notes (cont.):**

- Education**  
a. Best management practices for construction site pollution control shall be a part of regular progress meetings.  
b. Information regarding waste management, equipment maintenance and spill prevention shall be prominently posted in the construction trailer.

**CONTACT INFORMATION**

**DNREC 24-Hour Toll Free Number: 800-662-8802**  
**DNREC Emergency Response Team: 302-739-3694**  
**DNREC Solid & Hazardous Waste Branch: 302-739-3689**

Source: Adapted from USEPA Pub. 840-B-92-002. Symbol: **DE-ESC-3.6.1** Sheet 3 of 3 Date: 12/03

### Standard Detail & Specifications Silt Fence

**Construction Notes:**

- Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
- When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
- Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

**Materials:**

- Stakes: Steel I-beam or U or 2" hardwood
- Geosynthetic Fabric: Type GD-IV
- Reinforcing strip: Wooden lath, plastic strip or other approved equivalent
- Prefabricated Unit: Geotab, Envirofence, or approved equivalent

Source: Adapted from MD Stds. & Specs. for ESC. Symbol: **SF** Detail No: **DE-ESC-3.1.2.1** Sheet 2 of 2 Date: 12/03

TABLE TS 1  
TEMPORARY SEEDINGS BY RATES, DEPTHS AND DATES

Seeding Rate	Planting Depth, 2"	Seeding Dates, 4"							
		2/1-4/30	5/1-8/14	8/15-11/30	12/1-4/30	5/1-8/14	8/15-11/15		
Choose one:									
Barley	2 1/2 bu./Acre	2.8	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Oats	2 1/2 bu./Acre	2.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Rye	2 1/2 bu./Acre	3.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Wheat	40 lbs./Acre	1.0	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Millet	40 lbs./Acre	1.0	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Wheatgrass	3 lbs./Acre	.1	1/4-1/2	1/4-1/2	1/4-1/2	1/4-1/2	1/4-1/2	1/4-1/2	1/4-1/2
Sudangrass	40 lbs./Acre	1.0	1-2	1-2	1-2	1-2	1-2	1-2	1-2

**VEGETATIVE STABILIZATION WITH TEMPORARY SEEDING**

- ALL TEMPORARY SEEDING PRACTICES TO BE IN ACCORDANCE WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, 1989.
- LIME - APPLY DOLOMITIC LIMESTONE AT A RATE OF 2 TONS PER ACRE.
- PREFERRED TEMPORARY SEEDING MIXTURE:  
A. RYEGRASS - APPLY AT 40 POUNDS PER ACRE  
B. WHEAT LOVEGRASS - APPLY AT 3 POUNDS PER ACRE
- FERTILIZER - APPLY 10-10-10 AT A RATE OF 600 POUNDS PER ACRE
- MULCHING MATERIALS AND AMOUNTS:  
A. STRAW - APPLY AT A RATE OF 2 BALES PER 1,000 SQUARE FEET  
B. WOOD CHIPS - APPLY AT A RATE OF 275 POUNDS PER 1,000 S.F.  
C. WOOD CELLULOSE FIBER - APPLY AT A RATE OF 35 POUNDS/1,000 SQUARE FEET BY HYDROSEEDING
- MULCH ANCHORING TOOL - TRACKING AND/OR LIQUID MULCH BINDERS.

**VEGETATIVE STABILIZATION WITH PERMANENT SEEDING**

- ALL PERMANENT SEEDING PRACTICES TO BE IN ACCORDANCE WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, 1989.
- LIME - APPLY DOLOMITIC LIMESTONE AT 2 TONS PER ACRE.
- PREFERRED PERMANENT SEEDING MIXTURES:  
A. KENTUCKY 31 TALL FESCUE APPLIED AT 60 POUNDS PER ACRE  
B. KENTUCKY BLUEGRASS APPLIED AT 90 POUNDS PER ACRE
- FERTILIZER - APPLY 10-10-10 AT A RATE OF 1,000 POUNDS PER ACRE WORKED INTO THE TOP 4-6 INCHES OF SOIL
- MULCHING MATERIALS AND AMOUNTS:  
A. STRAW - APPLY AT A RATE OF 2 BALES PER 1,000 SQUARE FEET  
B. WOOD CHIPS - APPLY AT A RATE OF 275 POUNDS PER 1,000 S.F.  
C. WOOD CELLULOSE FIBER - APPLY AT A RATE OF 35 POUNDS/1,000 SQUARE FEET BY HYDROSEEDING
- MULCH ANCHORING TOOL - TRACKING AND/OR LIQUID MULCH BINDERS.
- IRRIGATION - APPLY ADEQUATE MOISTURE FOR SEED GERMINATION AND PLANT GROWTH
- MAINTENANCE - RE-ESTABLISH FAILED AREAS AS SOON AS POSSIBLE. INSPECT, IRRIGATE, AND RE-FERTILIZE FOR ONE YEAR FROM PLANTING.

### Standard Detail & Specifications Inlet Protection - Type 2

**Notes:**

- This practice shall only be used in situations in which Inlet Protection - Type 1 cannot be used due to site constraints. These include, but are not limited to partially completed parking areas, streets, roads, etc.
- It may be necessary to transition from Type 1 to Type 2 Inlet Protection as construction proceeds.
- For areas where there is a concern for oil run-off or spills, insert shall meet one of the above specifications with an oil-absorbent pillow or shall be made completely from an oil-absorbent material with a woven pillow.

**Materials:**

The geotextile inlet insert shall meet or exceed the specifications of Type GD-III geotextile in accordance with Appendix A-3 of the Delaware Erosion & Sediment Control Handbook.

Source: Adapted from ACF Products, Inc. Symbol: **IP-2** Detail No: **DE-ESC-3.1.5.2** Sheet 1 of 2 Date: 12/03

### Standard Detail & Specifications Inlet Protection - Type 2

Source: Adapted from ACF Products, Inc. Symbol: **IP-2** Detail No: **DE-ESC-3.1.5.2** Sheet 2 of 2 Date: 12/03

### Standard Detail & Specifications Geotextile Dewatering Bag

**Construction Notes:**

- The dewatering bag should be placed so the incoming water flows into and through the bag, and then flow off the site without creating more erosion. The neck should be tied off tightly to stop the water from flowing out of the bag without going through the walls. The dewatering bag should be placed on a gravel bed to allow water to flow in all directions.
- The dewatering bag is considered full and should be disposed when it is impractical for the bag to filter the sediment out at a reasonable flow rate. At this point, it should be replaced with a new bag.
- Disposal may be accomplished as directed by the construction reviewer. If the site allows, the bag may be buried on site and seeded, visible fabric removed and seeded or removed from site to a proper disposal area.

**Materials:**

- The geotextile fabric shall be a Type GD-IV
- The dewatering bag shall be sewn with a double needle machine using high strength thread. All structural seams will be sewn with high strength, double stitched "J" type. Seam strength test will have the following minimum average roll values:  
Type Heavy duty TEST METHOD ASTM D-4884 TEST RESULT 100 lb./in
- The dewatering bag shall have an opening large enough to accommodate a four (4) inch discharge hose with attached strap to tie off the hose to prevent the pumped water from escaping from the bag without being filtered.

Source: Adapted from ACF Products, Inc. Symbol: **GB** Detail No: **DE-ESC-3.2.1.2** Sheet 1 of 2 Date: 12/03

### Standard Detail & Specifications Geotextile Dewatering Bag

Source: Adapted from ACF Products, Inc. Symbol: **GB** Detail No: **DE-ESC-3.2.1.2** Sheet 2 of 2 Date: 12/03

**E&S PLAN FOR TYPICAL TOWNHOUSE LOT**

ALL LOTS TO MAINTAIN A MINIMUM OF 3% SLOPE DIRECTED AWAY FROM THE HOUSE

PROPOSED TOWNHOUSES (5 UNITS)

STABILIZED CONSTRUCTION ENTRANCE TO BE LOCATED AT DRIVEWAY LOCATION (10' WIDE X 30' LONG)

SILT FENCE TO BE PLACED ON INDIVIDUAL LOTS AS NECESSARY TO ENSURE THAT SEDIMENT DOES NOT ENCROUGH ON STREETS AND ADJ. LOTS

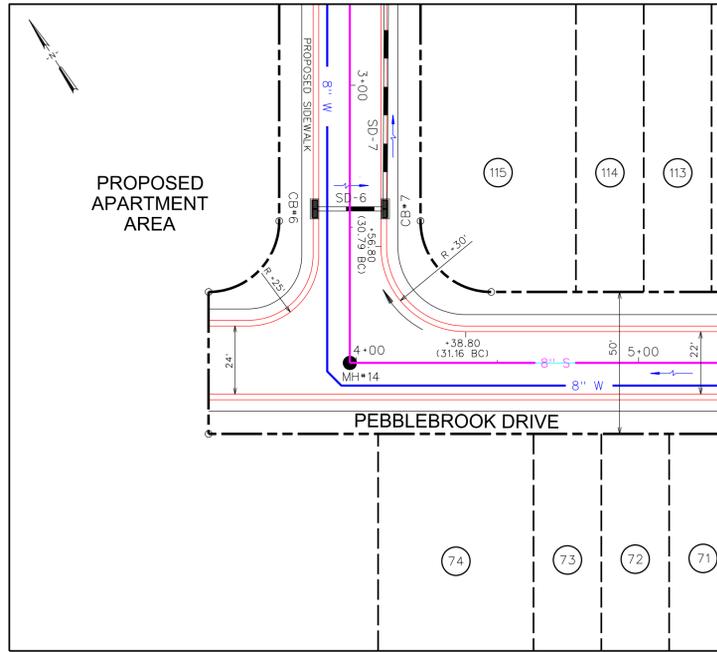
**Minnich Engineering & Land Planning**  
Designing Quality Not Quantity  
250A Camden Wyoming Avenue  
Camden, DE 19934  
(302) 697-2239 Voice - (302) 697-2293 Fax

**SEDIMENT & EROSION CONTROL DETAILS**  
**BROOKSTONE TRACE SUBDIVISION**

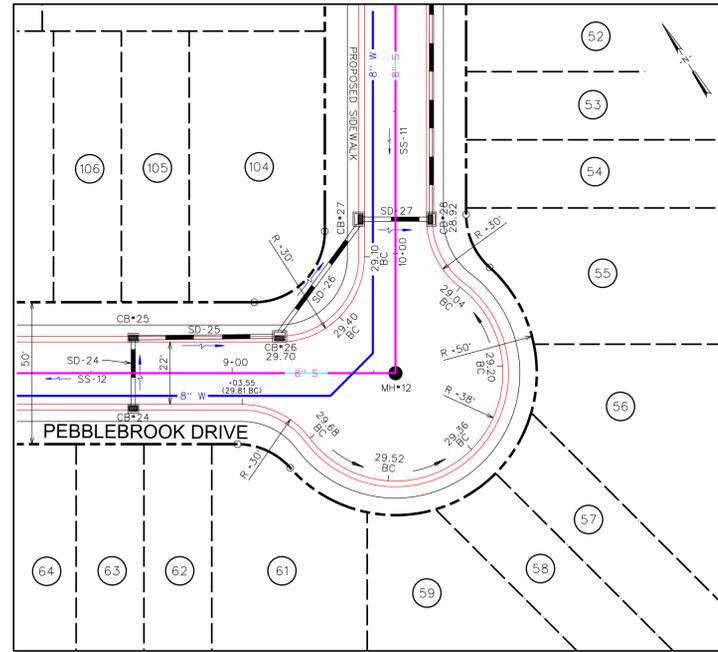
SITUATE IN: CITY OF MILFORD - SUSSEX COUNTY, DELAWARE

PROJECT NO: 14-146 | DGN FILE: 14-146 | DATE: 2/16/16 | NOT TO SCALE | SHEET: 5

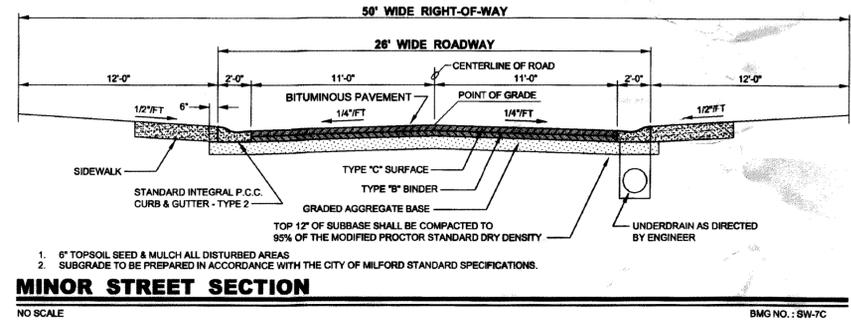




**PEBBLEBROOK TEE INTERSECTION**  
SCALE: 1" = 30'



**PEBBLEBROOK KNUCKLE DETAIL**  
SCALE: 1" = 30'

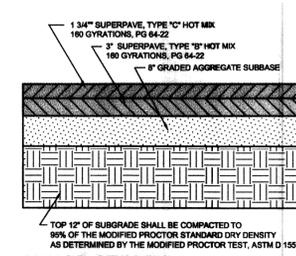


- 6" TOPSOIL SEED & MULCH ALL DISTURBED AREAS.
- SUBGRADE TO BE PREPARED IN ACCORDANCE WITH THE CITY OF MILFORD STANDARD SPECIFICATIONS.

**MINOR STREET SECTION**

NO SCALE

BMG NO.: SW-7C



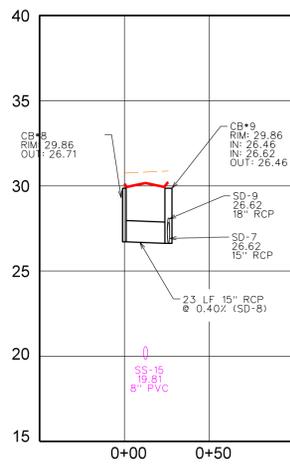
- TOP 12" OF SUBGRADE SHALL BE COMPACTED TO 90% OF THE MODIFIED PROCTOR STANDARD DRY DENSITY AS DETERMINED BY THE MODIFIED PROCTOR TEST, ASTM D 1557

**MINOR STREET  
PAVEMENT SECTION DETAIL**

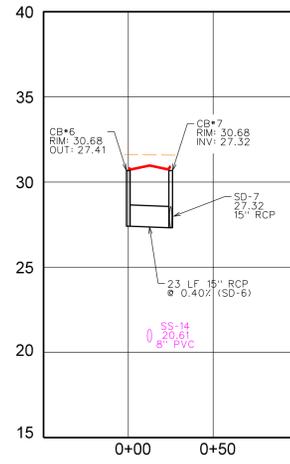
NO SCALE

SN: 274

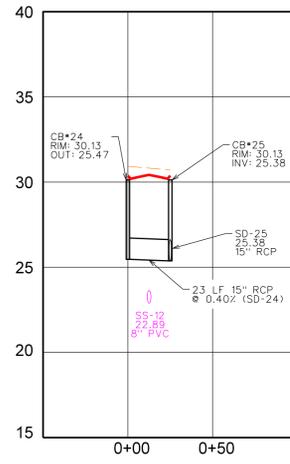
BMG NO.: SW-2C



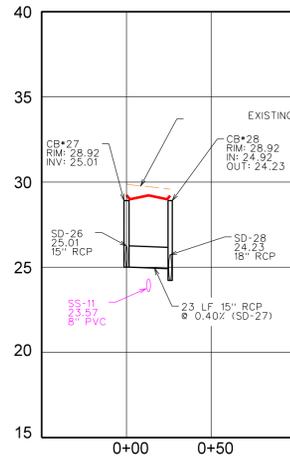
**PROFILE: CB#8 TO CB#9**  
SCALE: VERT. 1" = 5', HORIZ. 1" = 50'



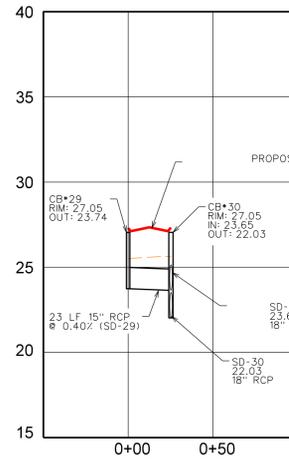
**PROFILE: CB#6 TO CB#7**  
SCALE: VERT. 1" = 5', HORIZ. 1" = 50'



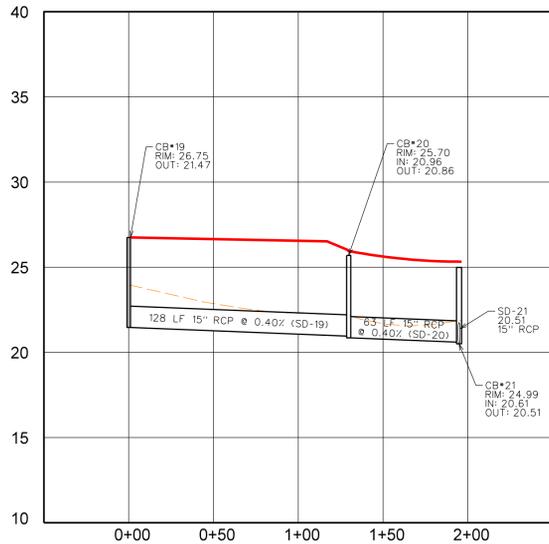
**PROFILE: CB#24 TO CB#25**  
SCALE: VERT. 1" = 5', HORIZ. 1" = 50'



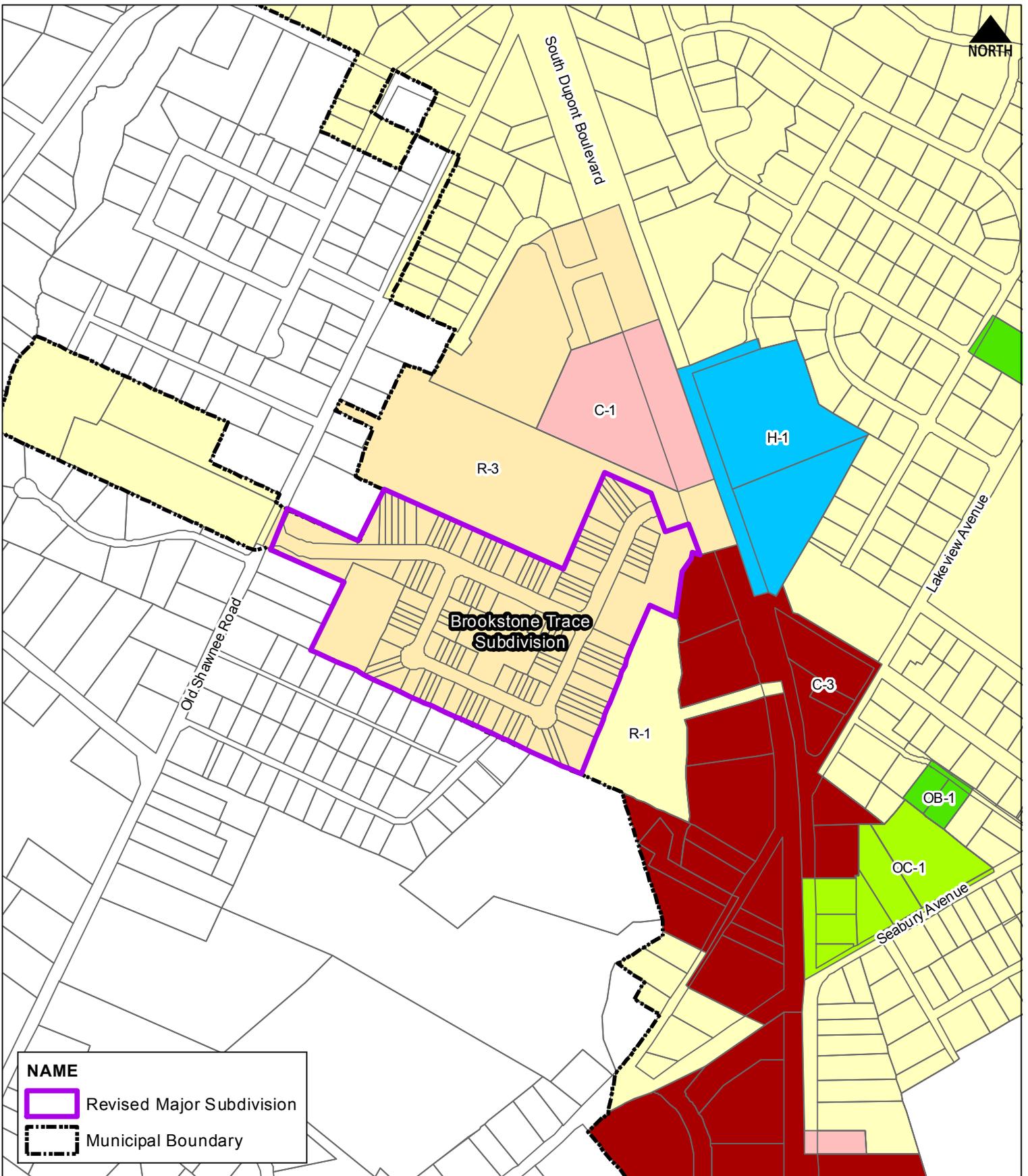
**PROFILE: CB#27 TO CB#28**  
SCALE: VERT. 1" = 5', HORIZ. 1" = 50'



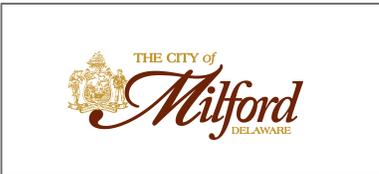
**PROFILE: CB#29 TO CB#30**  
SCALE: VERT. 1" = 5', HORIZ. 1" = 50'

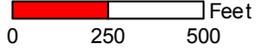


**PROFILE: CB#19 TO EX CB#21**  
SCALE: VERT. 1" = 5', HORIZ. 1" = 50'



NAME	
	Revised Major Subdivision
	Municipal Boundary



Scale:  Feet  
 0 250 500

Drawn by: WRP      Date: 03/02/16

Title: Revised Major Subdivision  
**Brookstone Trace**  
 Location & Zoning Map

Filepath: RevisedMajorSubdivision\_BrookstoneTrace.mxd

## **Chapter 230-Zoning**

### **Article IX-Conditional Uses**

#### **§ 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.**

- 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.

F. Neighborhood commercial.

(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.

## **Chapter 200-Subdivision of Land**

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

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

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
  - (a) Public convenience and safety.
  - (b) Proposed uses of the land to be served by said streets.
  - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.
  - (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.

- (8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.
- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
- (14) Right-of-way widths.
  - (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

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

Note:

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

- (b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.
- (15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the

Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.

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

(17) Street names.

(a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission.

It is recommended that all new streets shall be named in the following manner:

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

(b) Arterial streets shall be named "boulevards."

(18) Street grades shall not exceed 5%.

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

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

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

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

**B. Sidewalks and curbs.**

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

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

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

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

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

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

**D. Blocks.**

(1) The lengths, widths and shapes of blocks shall be determined with due regard to:

(a) The provision of building sites suitable to the needs of the type of use contemplated.

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

dedicated or reserved unless otherwise specified by the Zoning Code.<sup>2</sup> [1] In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.

- (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
  - (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.
- G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.
- H. Improvements.
- (1) In major subdivisions the following improvements are required:
    - (a) Paved streets.
    - (b) Street signs.
    - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
    - (d) Sidewalks.
    - (e) Streetlighting.
    - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.
    - (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
    - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.
    - (i) Water mains, culverts, storm sewers and sanitary sewers.

[1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an

approved method and shall be adequate to handle all present and probable future development.

- [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
- [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
- (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
- (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.
- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
- (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
- (4) The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning, Zoning and Engineering Fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

## **Chapter 230-Zoning**

§ 230-4. - Definitions and word usage.

- A. Definitions. For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

**ABOVEGROUND STORAGE TANK (AST)** — An AST is a single containment vessel greater than 250 gallons as defined in the Delaware Regulations Governing Aboveground Storage Tanks. ASTs with a storage capacity greater than 12, 499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene, are subject to the design, construction, operation, and maintenance requirements of the Delaware AST regulations.

**ACCESSORY USE OR STRUCTURE** — A use or building structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.

**ALCOHOLIC BEVERAGE** — Any fermented liquor or malt beverage, such as wine, beer, or distilled spirit that contains ethyl alcohol, or ethanol, as an intoxicating agent.

**ALLEY** — A public or private way affording only secondary means of access to abutting property. This definition is not intended to include utility alleys, which are easements not open to public traffic and intended solely for the placement and maintenance of utilities.

**ANIMATION** — Mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion. This includes blinking, fading, flashing, scrolling vertically, traveling or crawling horizontally.

**APPLICANT** — A person, firm, or government agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated.

**AQUIFER** — A geological formation, group of formations or part of a formation composed of rock, sand, or gravel capable of storing and yielding groundwater to wells.

**BASEMENT** — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room.

**BED-AND-BREAKFAST** — A private owner/owner representative occupied residence with one to six guestrooms. The bed-and-breakfast is subordinate and incidental to the main residential use of the building.

**BEDROOM** — A room not less than 80 square feet which, because of limited access and separation from the living areas, is intended or may be used for sleeping.

**BERTH (LOADING)** — A space for an automotive vehicle or truck to load or unload its cargo.

**BILLBOARD** — A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

**BUILDING** — Any structure having a roof supported by columns or walls used for the shelter, housing or enclosure of persons, animals or property.

**BUILDING, ACCESSORY** — A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

**BUILDING COVERAGE, MAXIMUM** — The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located, including covered porches, carports and breezeways but excluding open patios.

**BUILDING HEIGHT** — The vertical distance of a building measured from the average level of the highest and lowest portion of the building site covered by the building to the ceiling of the uppermost story.

**BUILDING, PRINCIPAL** — A building in which is conducted the main or principal use of the lot on which it is situated.

**CELLAR** — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**CERCLA HAZARDOUS SUBSTANCES** — Defined in terms of either those substances specifically designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), otherwise known as the "Superfund Law," or those substances identified under other laws. In all, the Superfund Law includes references to four other laws to designate more than 800 substances as hazardous and identify many more as potentially hazardous due to their characteristics and the circumstances of their release.

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

**COMMUNITY RESIDENTIAL TREATMENT PROGRAM** — A planned program of care consisting of full-time or part-time programmatic supervision, counseling and/or therapy; such residence program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are persons who have disabilities with aging. A community residential program does not include skilled nursing care.

**CONDITIONAL USE** — A use which is not appropriate in a particular zoning district as a matter of right but which may be suitable in certain locations within the district only when specific conditions or requirements prescribed for such cases within this chapter are met. Conditional uses are allowed or denied by the City Council after recommendation by the Planning Commission.

**CONTAMINATION** — Any physical, chemical, biological, or radiological substance that enters the hydrological cycle through human action and may cause a deleterious effect on groundwater resources; it shall include but is not limited to hazardous waste, limiting nutrients, and sanitary sewage.

**DECK** — A roofless, floored structure, typically with a railing, that adjoins a residence.

**DELINEATION** — The process of defining and/or mapping a boundary that approximates the areas that contribute water to a particular water source used as a public water supply.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

**DWELLING** — Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed to include an automobile court, rooming house, tourist home, hotel, hospital, nursing home, dormitory or fraternity or sorority house.

- (1) **APARTMENT** — A room or suite of rooms in a multifamily structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.
- (2) **SINGLE-FAMILY DETACHED DWELLING** — A dwelling unit accommodating a single family and having two side yards.
- (3) **SINGLE-FAMILY SEMIDETACHED DWELLING** — Two units accommodating two families, which units are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.
- (4) **TWO-FAMILY DETACHED DWELLING** — Two dwelling units accommodating two families, which units are located one over the other, and having two side yards.

- (5) **TWO-FAMILY SEMIDETACHED DWELLING** — Four dwelling units accommodating four families and consisting of two units located directly over the other two units, being a combination of both the single-family semidetached and two-family detached structures.
- (6) **MULTIFAMILY DWELLING** — A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units. Such buildings shall consist of the following types:
  - (a) **GARDEN OR LOW-RISE APARTMENT** — A multifamily dwelling containing six to 12 dwelling units and not exceeding three stories in height.
  - (b) **TOWNHOUSE** — A multifamily dwelling containing three to eight dwelling units and not exceeding 2 1/2 stories in height, having a solid masonry fire wall between each unit and individual separate access from the outside to each unit.

**DWELLING UNIT** — One or more rooms, including a kitchen or kitchenette and sanitary facilities, in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

**EFFICIENCY UNIT** — An apartment dwelling unit which features a combination of certain uses in order to lessen total living area required. An efficiency unit shall not include any apartment dwelling unit of three or more rooms.

**EMB SIGN** — An electronic message board sign that is capable of displaying words, numbers, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. The display of State mandated fuel pricing shall not be considered an EMB sign.

**ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR)** — A report required by this chapter that assesses the environmental characteristics of a source water protection area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action that would increase impervious cover beyond the recommended twenty-percent threshold.

**ESSENTIAL SERVICES** — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except telephone central office buildings and telephone booths, which shall also be considered as essential service facilities hereunder.

**EXCELLENT GROUNDWATER RECHARGE POTENTIAL AREA** — Those areas with high percentages of sand and gravel that have "excellent" potential for recharge as determined through a stack unit mapping analysis delineated by the Delaware Geological Survey and presented in the Report of Investigations No. 66, Groundwater Recharge Potential Mapping in Kent and Sussex Counties, Delaware, Geological Survey, 2004.

**FAMILY** — One or more persons related by blood or marriage or adoption or a group of no more than five unrelated persons living together as a household in a dwelling.

**FIREWOOD** — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

**FLOOR AREA, HABITABLE** — The aggregate of the horizontal areas of all rooms used for habitation, not including hallways, stairways, cellars, attics, utility rooms, bathrooms, closets, unheated areas, rooms without at least one window or skylight opening to an outside yard or court, garage space or accessory building space. Habitable floor area shall be measured from the inside face of exterior walls or the center line of walls separating two dwelling units. Every area designated as habitable floor area shall have a ceiling height of not less than seven feet.

**GARAGE, PRIVATE PARKING** — A building or portion thereof used only for storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

**GARAGE, PUBLIC PARKING** — A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

**GARAGE, STORAGE** — A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.

**GASOLINE SERVICE STATION** — Any area of land, including structures, that is used for the sale of gasoline or other motor vehicle fuel or for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

**GEOLOGIST** — An individual who is registered in the State of Delaware to practice the profession of geology.

**GOVERNING BODY** — The City of Milford Council.

**GROUNDWATER** — The water contained in interconnected pores located below the water table in an unconfined aquifer or located in a confined aquifer.

**HABITABLE ROOM** — A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.

**HAZARDOUS SUBSTANCE UST SYSTEM** — Underground storage tank system that contains a hazardous substance defined in 101(14) of the CERCLA (but not including any substance regulated as a hazardous waste under RCRA Subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

**HAZARDOUS WASTE** — A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential a hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Without limitation, included within this definition are those hazardous wastes described in Sections 261.31, 261.32, and 261.33 of the Delaware Regulations Governing Hazardous Waste.

**HOME OCCUPATION** — A profession or occupation, including a day-care center with up to six children, that is carried on within a dwelling that is incidental and secondary to the residential use. It is carried on only by the residents, who may employ one additional nonresident for the conduct of the home occupation. There shall be no exterior evidence of the home occupation, except a sign, and adequate off-street parking must be provided as stipulated in this chapter.

**HOSPITAL** — Unless otherwise specified, includes a sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or

other care of ailments and is limited to places for the diagnosis, treatment or other care of human ailments.

**IMPERVIOUS COVER** — Surfaces providing negligible infiltration such as pavement, concrete, graded aggregate, buildings, recreation facilities (e.g., tennis courts, swimming pools, etc.).

**JUNK** — Includes scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition but subject to being dismantled. Automobiles in operable condition or bearing a current inspection sticker are not included as junk.

**JUNKYARD** — Buildings, structures or premises where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards but not including the purchase or storage of used furniture and household equipment or used cars in operable condition or bearing a current inspection sticker or recycling facilities.

**LOT** — A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this chapter.

- (1) **LOT, CORNER** — A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.
- (2) **LOT DEPTH** — The mean horizontal distance between the front and rear lot lines.
- (3) **LOT LINES** — The property lines bounding a lot.
  - (a) **LOT LINE, FRONT** — The line separating the lot from a street.
  - (b) **LOT LINE, REAR** — The lot line opposite and most distant from the front lot line.
  - (c) **LOT LINE, SIDE** — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."
  - (d) **LOT LINE, STREET OR ALLEY** — A lot line separating the lot from a street or alley.
- (4) **LOT WIDTH** — The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.
- (5) **LOT AREA** — The computed area contained within the lot lines.

**MOBILE HOME** — A transportable single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and is constructed so that it may be used without a permanent foundation, but excluding prefabricated homes or sections thereof which, when assembled, are over 19 feet in width.

**MUNICIPALITY** — The municipal corporation known as the "City of Milford, State of Delaware."

**NATURAL CONDITION** — Open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use.

**NEIGHBORHOOD COMMERCIAL** — Combination of smaller and professional space specifically targeted toward the local neighborhood. The maximum size and configuration of such space shall be determined by the reviewing process on a project-by-project basis. All neighborhood commercial uses shall comply with the following standards and shall only be permitted in planned unit developments.

**NONCONFORMING LOT** — A lot of record which conformed to the lawful minimum width and minimum area requirements for the zone in which it is located prior to the adoption or amendment of this chapter but which fails to conform to the requirements of this chapter for the zone in which it is located by reason of such adoption or amendment.

**NONCONFORMING USE OR BUILDING** — A building, structure or use legally existing at the effective date of this chapter, or any amendment thereto, or a building, structure or use planned and the construction of which has begun in compliance with existing laws prior to the effective date of this chapter, or amendment thereto, and which does not conform to the use regulations of the district in which located.

**NURSING HOME** — Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

**OPEN SPACE** — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and/or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

- (1) Community gardens;
- (2) Promotion of conservation and protection of wildlife;
- (3) Perpetual conservation easements;
- (4) Parks, plazas, walkways, and trails;
- (5) Buffers or forested areas; and or
- (6) Recreational uses as defined herein.

Open space shall not include areas of land for the following unless otherwise approved by Council:

- (1) Wetlands or storm water management facilities;
- (2) Drainage easements;
- (3) Flagpole areas, including a 20-foot radius around the flagpole;
- (4) Medians (unless designed as a park);
- (5) Signage areas;
- (6) Landscaping in parking areas;
- (7) Predominantly impervious surfaces such as streets and parking lots;
- (8) Required front, side, or rear yards;
- (9) Any land included within designated lot lines; and or
- (10) Utility facilities for uses such as sewer, water, gas or electric.

**OUTDOOR WOODBURNING FURNACE** — An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

**PARKING AREA, PRIVATE** — An open area for the same uses as a private garage.

**PARKING LOT** — An area, other than a street or other public way, which contains more than one parking space and is used for the storage or parking of automobiles for any period of time.

**PARKING SPACE** — A paved accommodation used for parking motor vehicles, the area of which is not less than 200 square feet and to which there is access from a street or alley.

**PASSIVE RECREATION** — Recreation that involves existing natural resources and has a minimal impact because it does not require the alteration of existing topography. Such passive recreation shall include but not be limited to nonmotorized vehicles, hiking, bicycling, picnicking, and bird-watching.

**PERMITTED USE** — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

**PLANNED UNIT RESIDENTIAL DEVELOPMENT** — A development providing housing of various densities, lot sizes, lot coverage and types, including related commercial, recreational and community facilities. The area of land required for a planned unit residential development shall be at least 10 contiguous acres except in the City Core area where the required area shall be two acres. For purposes of this definition the City Core area shall be identified as follows:

Starting at the location of the intersection of the center line of US 113 and the center line of DE 14 (also known as NW Front Street in Milford, Delaware), and

Proceeding east along the center line of DE Route 14 (NW Front Street) to the intersection of the center line of DE Route 14 (NW Front Street) and the center line of Truitt Avenue, and

Proceeding north along the center line of Truitt Avenue to the intersection of the center line of Truitt Ave and North Third Street, and

Proceeding east along the center line of North Third Street to the intersection of the center line of North Third Street and the center line of West Street, and

Proceeding north along the center line of West Street to the intersection of the center line of West Street and the center line of North Fourth Street, and

Proceeding east along the center line of North Fourth Street to the intersection of the center line of North Second Street, and

Hence approximately 290 feet N 50° W along the nearest property lines and hence approximately 1,470 feet N 35° E along the nearest property lines to the center line of Business Route 1 (also known as Rehoboth Boulevard), and

Proceeding southeast along the center line of Business Route 1 to the intersection of the center line of Business Route 1 and South East Front Street, and

Proceeding west along the center line of South East Front Street to the intersection of the center line of South East Front Street and the center line of Walnut Street, and

Proceeding south along the center line of Walnut Street to the intersection of the center line of Walnut Street and the center line of Causey Avenue, and

Proceeding west along the center line of Causey Avenue to the interception of the center line of Causey Avenue and center line of the railroad right-of-way (also known as the Norfolk Southern tracks), and

Hence approximately 3,280 feet N 70° W along the north shore of Silver Lake as mapped by a solid blue line on the 1993 US Geological Survey Milford DE 7 1/2 minute quadrangle map, to the center line of the north-bound lanes on the US Route 113 bridge over Silver Lake, and

Proceeding north along the center line of the northbound lanes of US Route 113 to the point of beginning at the intersection of the center line of the northbound lands of US Route 113 and the center line of DE Route 14 (also known as Northwest Front Street).

**PROFESSIONAL OFFICE** — Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, City planner, engineer, insurance agent, realtor, accountant, lawyer, author or similar professional activity.

**PUBLIC DRINKING WATER SYSTEM** — A community, noncommunity, or nontransient noncommunity water system which provides piped water to the public for human consumption. The system must have at least 15 service connections or regularly serve at least 25 individuals daily for at least 60 days.

**PUBLIC USE** — Includes governmental-owned uses such as schools, parks, civic centers, historical properties, fire stations, municipal buildings, essential public utilities that require enclosure within a building, airports and easements for alleys, streets and public utility rights-of-way.

**PUBLIC WATER SUPPLY WELL** — Any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.

**RECREATIONAL USES** — Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:

- (1) Indoor club houses;
- (2) Swimming pools and pool houses;
- (3) Tennis courts;
- (4) Basketball courts;
- (5) Athletic fields;
- (6) Picnic areas with tables;
- (7) Ponds for recreational use (boat, fishing or swimming);
- (8) Playgrounds; and
- (9) Bike or multi-model trails.

**RECREATIONAL VEHICLE** — Any vehicle used for recreational purposes, including but not limited to, antique or classic autos, drag or race cars, motorcycles, boats, boat trailers, jet skis, campers, camper trailers, motor/mobile homes, snowmobiles, ATVs, all-terrain vehicles and utility trailers.

**REDEVELOPMENT** — Any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility.

**RESIDENTIAL CONVERSION** — A structural alteration and/or internal remodeling of a previously single-family home to one that may accommodate two or more families in independent, self-contained units. Each unit should provide at least 500 square feet of habitable floor area. The change to a two-family or multifamily structure must be done in accordance with special requirements enumerated in this chapter.

**RIGHT-OF-WAY** — Land reserved for use as a street, alley or interior walk or for other public purpose.

**ROOMING OR BOARDING HOUSE** — A building or portion of a building that is arranged or used for the sheltering and feeding of more than three individuals.

**RUNOFF** — That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on land or impervious surfaces and discharges to a swale, ditch or stream.

**SANATORIUM** — An institution for the care and treatment of invalids and convalescents.

**SANITARY LANDFILL** — A land site at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal, except that it will not include any facility that has been approved for the disposal of hazardous waste under the Delaware Regulations Governing Hazardous Waste.

**SIGN, ADVERTISING** — A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

**SIGN, BUSINESS** — A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

**SIGN, GROSS SURFACE AREA OF** — The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

**SITE PLAN APPROVAL** — A process for the review and approval of a development or redevelopment plan prior to the issuance of a development.

**SKEWING** — The design of a lot where a straight lot line is not practical. Therefore, a lot line or lines will run at a slant, and the lot will not be perfectly equal on all sides.

**SOURCE WATER** — Any aquifer from which water is drawn either periodically or continuously by a public water system.

**SOURCE WATER ASSESSMENT AND PROTECTION PROGRAM (SWAPP)** — Created by Congress as part of the Safe Drinking Water Act Amendments of 1996. The goal of the SWAPP is to better protect public drinking water resources by providing local and state governments and the public more information about those resources. The susceptibility of each source of public drinking water to various types of contamination will be determined and published.

**SOURCE WATER ASSESSMENT AREA** — The area delineated by the DNREC Source Water Assessment and Protection Program that contributes water to a public water supply system.

**SOURCE WATER ASSESSMENT PLAN** — The October 1999 U.S. EPA-approved plan for evaluating the sources of public drinking water in Delaware for their vulnerability and susceptibility to contamination.

**SOURCE WATER ASSESSMENT REPORT (SWAP)** — The identification and evaluation of the sources of water within the state used by public water systems in an effort to determine their vulnerability and susceptibility to contamination.

**SOURCE WATER PROTECTION AREA** — Wellhead protection areas and excellent groundwater recharge potential areas.

**SPECIAL EXCEPTION** — The granting of a modification of the provisions of this chapter as authorized in specific instances listed and under the terms, procedures and conditions prescribed herein. Special exceptions are administered by the Board of Adjustment.

**STACK or CHIMNEY** — Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.

**STORMWATER** — The runoff of water from the surface of the land resulting from precipitation or snow or ice melts.

## STORMWATER MANAGEMENT

- (1) For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land-disturbing activities or activities upon the land; and
- (2) For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land-disturbing activities or activities upon the land.

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

- (1) **STORY, HALF** — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
- (2) **STORY, FIRST** — The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

**STREET** — A public or private thoroughfare which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

**STRUCTURAL ALTERATION** — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

**STRUCTURE** — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including stationary and portable carports.

**TRAVEL TRAILER** — A vehicle less than 30 feet in length and used for temporary living or sleeping purposes and standing on wheels.

**UNDERGROUND STORAGE TANK (UST)** — A UST is one or a combination of tanks, including underground pipes, the volume of which is 10% or more belowground, as defined in the Delaware Regulations Governing Underground Storage Tank Systems. The following USTs are not subject to the design, construction, operation, and maintenance requirements of the Delaware UST Regulations: residential heating fuel, agricultural, and residential motor fuel USTs less than 1,100 gallons and any UST less than 110 gallons.

**VACANT PROPERTY** — Lands or buildings that are not actively used for any purpose as designated in the underlying zoning district/overlay for one year.

**VARIANCE** — The Board of Adjustment's authorized departure to a minor degree from the text of this chapter in direct regard to a hardship or exceptional practical difficulty peculiar to an individual lot, in accordance with the procedures set forth in this chapter.

**VEHICLE HEIGHT** — A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.

**VEHICLE LENGTH** — A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.

**WASTEWATER** — Solid, semi-solid or water-carried waste from septic tanks, water closets, residences, buildings, industrial establishments, or other places, together with such

groundwater infiltration, subsurface water, and mixtures of industrial wastes or other wastes as may be present.

**WATER QUALITY** — Those characteristics of stormwater runoff from an impervious surface or a land-disturbing activity that relate to the chemical, physical, biological, or radiological integrity of water.

**WATER QUANTITY**

- (1) Those characteristics of stormwater runoff that relate to the volume of stormwater runoff to downstream-gradient areas resulting from land-disturbing activities.
- (2) Those characteristics of stormwater that relate to the volume of stormwater that infiltrates the land surface and enters the underlying aquifer.

**WELLHEAD** — The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

**WELLHEAD PROTECTION AREAS (WHPA)** — Surface and subsurface areas surrounding public water supply wells or well fields where the quantity or quality of groundwater moving toward the wells or well fields may be adversely affected by land use activity.

**WELLHEAD PROTECTION PLAN** — The March 1990 U.S. EPA-approved plan for protecting the quality of drinking water derived from public water supply wells in Delaware.

**YARD** — An open space as may be required by this chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted in this chapter.

- (1) **YARD, FRONT** — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter. The front yard is measured from the right-of-way line.
- (2) **YARD, REAR** — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.
- (3) **YARD, SIDE** — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

**ZONING MAP** — The Official Zoning Map of the City of Milford, Delaware.

- B. Words not defined in Subsection A. Words not defined above shall have the meanings given in Webster's Unabridged Dictionary.
- C. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure"; the word "occupied" includes the words "designed or intended to be occupied"; and the word "used" includes the words "arranged or intended to be used."

## **Chapter 230-Zoning**

§ 230-11. - R-3 Garden Apartment and Townhouse District.

In an R-3 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 purpose of the R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist.

The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.

B. Permitted uses. Permitted uses for the R-3 District shall be as follows:

(1) All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:

(a) Single-family and two-family dwellings shall be subject to the following area regulations:

[1] Minimum lot area shall be 7,500 square feet.

[2] Maximum building coverage shall be 45%.

[3] Minimum lot width shall be 60 feet.

[4] Height of buildings shall not exceed three stories or 35 feet.

[5] Minimum building setback line shall be 30 feet.

[6] Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.

[7] Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.

[8] Decks, subject to the following requirements:

[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.

(2) Garden or low-rise apartments, subject to site plan review and the following requirements:

(a) The number of dwelling units per acre shall not exceed 16.

(b) Building coverage shall be a maximum of 20% for any lot developed for garden apartments.

(c) The maximum number of dwelling units per building shall be 12.

(d) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.

(e) Minimum lot width on any public street shall be at least 50 feet.

(f) Minimum lot size shall be one acre for garden apartment properties or complexes, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(g) A minimum of 400 square feet per unit shall be designated as open space subject to the following recreational use requirements in Subsection B(2)(h) herein.

(h) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units.

(3) Townhouses or row dwellings, subject to site plan review and the following requirements:

(a) The number of dwelling units per group shall not exceed eight nor be fewer than three.

(b) The number of dwelling units per acre shall not exceed 12.

(c) Maximum building coverage shall be 60%.

- (d) No group of townhouses shall be closer than 60 feet as to facing walls and 30 feet as to end walls from any other group of such dwellings nor closer than 60 feet from any boundary line of a designated townhouse area of which the group is a part.
- (e) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.
- (f) The minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet.
- (g) Height of buildings shall not exceed three stories or 35 feet.
- (h) Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate City services, trash collection, meter reading and parking.
- (i) Minimum lot size shall be one acre for townhouse projects or complexes, with a minimum of 2,000 square feet of lot area for each dwelling unit.
- (j) A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use requirements in Subsection B(3)(k) herein.
- (k) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units. <sup>[2]</sup>

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 of Article IX of this chapter:

- (1) Rooming or boarding houses.
- (2) Business offices for administrative purposes only.
- (3) Professional offices (nonresident).
- (4) Medical clinics.
- (5) Sanatoriums or nursing homes.
- (6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:
  - (a) The total area to be developed as a mobile home park shall be at least 20 acres.
  - (b) The maximum density shall not exceed eight units per acre.
  - (c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.
  - (d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.
  - (e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.
  - (f) Off-street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on-street parking.
  - (g) Signs.

- [1] An identification sign may be set up at the park entrance. This sign may be illuminated and shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may not exceed 20 square feet of area on either side.
- [2] Unilluminated traffic direction signs may also be erected. These signs shall have a street and property setback of 15 feet. They shall be no more than four square feet in area or two feet in height.
- (h) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.
- (i) Minimum requirements for mobile home lots.
  - [1] Lot area shall be 5,000 square feet per mobile home.
  - [2] Width shall be 40 feet.
  - [3] Public street setback shall be 50 feet.
  - [4] Mobile home park setback shall be 35 feet.
  - [5] Mobile home street or parking area setback shall be 30 feet.
  - [6] Distance from other mobile homes and buildings shall be 25 feet.
  - [7] One patio shall be required per unit, 10 feet by 40 feet paved.
  - [8] Landscaping shall be one tree per lot.
  - [9] Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.
  - [10] The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.
- (7) Art or specialty shops/galleries. The following items shall be reviewed for conformance during the site plan review hearing by the Planning Commission:
  - (a) The residence shall remain as the predominant feature of the site.
  - (b) The shop or gallery shall occupy only 40% of the residence.
  - (c) Public parking shall be available, with the determination of said parking requirements being made by the Planning Commission during the site plan review hearing. These determinations and recommendations must be done in conjunction with any state regulations concerning traffic control within the given site area.
  - (d) The Fire Marshal review must be applied for and recommendations made by the agency must be presented two weeks prior to the hearing date. All requests or recommendations shall be adhered to.

**(8) Planned unit residential development.**

**Chapter 230-Zoning**

§ 230-22. - District requirements.

A. Residential districts.

- (1) In any R-1, R-2 or R-3 District a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
- (2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or

erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

- B. Commercial districts. In any C-1, C-2 or C-3 District a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.
- C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-2, OB-1 and OC-1.<sup>4</sup> □
  - (1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.
  - (2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.
- D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.<sup>5</sup> □

## **Chapter 230-Zoning**

### § 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

### § 230-45.2 - Wetland areas.

- A. A wetlands investigation shall be performed by a qualified wetlands specialist at the expense of the applicant in preparation for any activity on real property, which requires conditional use, site plan or subdivision plan approval by the Planning Commission and/or City Council as set forth in this chapter and Chapter 200 Subdivision of Land.
- B. The limits of all wetlands determined to be present on the subject property shall be flagged by the wetlands specialist and identified on the subject property by customary survey markers and shall be delineated on the plan. Wetlands areas shall be tabulated on the plan in acres.
- C. No portions of wetlands areas shall be subdivided, filled, developed, or cleared of vegetation unless granted permission to fill and/or eliminate the wetlands area under state and/or federal permit, including nationwide permits authorized by the United States Army Corps of Engineers; they shall remain as essentially undisturbed natural areas.

- D. No buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area. The placement of fill, regrading, or other obstructions to surface sheet flow, or the clearing or removal of natural vegetation within this setback area, shall be prohibited. Notwithstanding all of the foregoing, limited cuts into the surface area of this twenty-five-foot setback area in conjunction with the placement of outfall stabilization facilities therein (such as stone rip-rap, turf stabilization, or other geosynthetic materials) may be permitted for the purpose of stabilizing and/or installing stormwater management outfalls, thus providing for a non-erosive flow condition at the outfall, provided that such encroachments into the twenty-five-foot setback area shall be limited to a maximum distance into the wetland buffer of 15 feet measured from the twenty-five-foot wetland buffer line, and shall be limited to a maximum width of 20 feet.



OFFICE OF THE CITY MANAGER  
ERIC NOREMBERG, ICMA-CM  
302.424.3712, FAX 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963  
[www.cityofmilford.com](http://www.cityofmilford.com)

FOR IMMEDIATE RELEASE

June 14, 2016

Milford, DE – City Manager Eric Norenberg announced today that the City of Milford has filled the Public Works Director position that has been vacant for almost two years. Mark Whitfield, currently Public Works Director for State College, PA, will become Milford's Public Works Director on July 25, 2016.

The City of Milford conducted a regional recruitment, but received applicants from across the country. "We were very pleased with the interest in this position and in working for the City of Milford," stated Norenberg. "We had a number of candidates from Delaware and beyond. I am thrilled that Mark will be joining the City of Milford team. He brings years of experience and proven success in public works. As we continue to strengthen and grow our local economy, the reliability and quality of our public utilities and infrastructure is critical. I know Mark will build on our strengths and help ensure we are ready for new development and expanding employers."

"The economic development aspect of Milford was very appealing to me. Milford has much to offer businesses and residents and I look forward to assisting the city to grow in a sustainable manner," stated Whitfield.

Whitfield has worked for the Borough of State College since 1981 and as Public Works Director since 1998. During his tenure as Director, he was instrumental in implementing innovative and forward thinking programs and services, such as the first food waste/organic waste curbside collection program east of the Mississippi River. The State College Public Works Department consists of 42 fulltime employees and has an annual operating budget of \$9.51 million.

An active member of the American Public Works Association (APWA), Whitfield has served on several APWA committees, including the APWA Solid Waste Committee for six years (two years as Chair) and is a past president of the APWA Central Pennsylvania Chapter Executive Board. In 2009, Whitfield was named an APWA Jennings Randolph International Fellow, enabling him to be part of an international study and professional exchange to the Czech Republic during which he shared best practices, knowledge, and innovation of solid waste management with colleagues in Czech local governments.

Whitfield will be responsible for operations and maintenance of the City of Milford's three utilities (water, wastewater and electric), solid waste collection operations (curbside residential trash, recycling and yard waste), fleet maintenance and the maintenance of Milford's streets and stormwater system. In the coming year, the City of Milford is planning to deploy smart meter technology, complete an electric utility cost of service study, and prepare the utilities to serve the new Bayhealth Campus.

"I am thrilled with the opportunity Mr. Norenberg and City of Milford has given me, and I look forward to becoming a part of the city management team," said Whitfield. "Milford has much to offer in terms of livability and future growth, and I look forward to being part of that."

# City of Milford



## **PUBLIC NOTICE CITY OF MILFORD BOARD OF ADJUSTMENT HEARING**

NOTICE IS HEREBY GIVEN that the Board of Adjustment for the City of Milford will hold a Public Hearing on Thursday, August 11, 2016 at 10:00 a.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

Applicant: Olbrich, Cheryl Ann  
Owner: Olbrich, Cheryl Ann  
Location: 804 SE Third Street  
Tax Map: 3-30-11.05-073.01  
Area of Petition: .143 +/- Acres  
Zoning District: R-2

Applicant is seeking relief from the Code of the City of Milford, Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations as described below:

§230-10G(1)(g): Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.

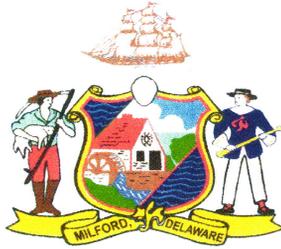
*Applicant is seeking 4.3 foot variance to allow for an addition.*

All parties of interest are hereby notified to be present and to express their views before a final decision is rendered. If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should Rob Pierce in the Planning Department via email at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or at 302.424.3712.

By: Christine Crouch  
Deputy City Clerk

*Advertised: Beacon 07.06.16*

# City of Milford



## *City Council Committee Meeting Agenda*

**Committee Meeting**

**July 11, 2016**

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

### **PUBLIC WORKS COMMITTEE**

**6:00 p.m.**

Call to Order - Chairman Owen S. Brooks, Jr.

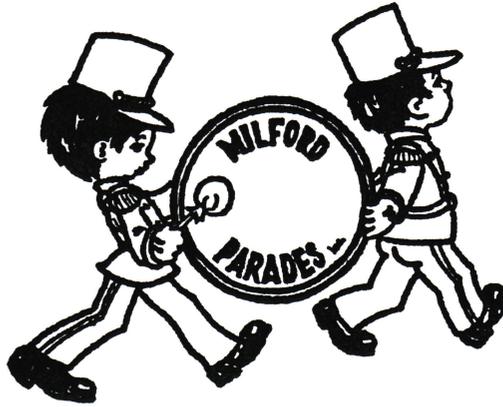
Proposal/Northwest Milford Area - Holly Hill Road Water Main Extension.  
(Baltimore Aircoil Company, Crop Production Services & Hickory Glen)

Adjourn

This agenda may 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.

**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.**

062716 062716



**MILFORD COMMUNITY PARADES, INC.**  
**P.O. Box 1153** **Milford, DE 19963**

June 15, 2016

City of Milford  
Mayor  
City Council  
Walnut St  
Milford, DE 19963

Dear Mayor and City Council:

On behalf of Milford Community Parades, Inc., thank you for accepting our request to hold the annual Milford Community Parade, October 19, 2016. On behalf of the Committee, I am requesting the use of the City's reviewing stand to be placed at Milford Plant and Garden Center, the front yard and parking area of the Armory, the use of the City Hall property (front area), the lot adjacent to the Customer Service Center Building, and four parking spaces for vendor parking in the municipal parking lot across from the old M&T Bank.

Thank you for your consideration,

*Charles*

Charles Gray  
2016 Chairperson  
302.604.9446

**ORDINANCE 2016-10**  
CODE OF THE CITY OF MILFORD  
PART I-ADMINISTRATIVE LEGISLATION  
CHAPTER 55-PERSONNEL

WHEREAS, the City of Milford created a Personnel Ordinance and Manual in 1992 which, from time to time, has been updated to address new or changing practices, government regulations or technologies; and

WHEREAS, the City of Milford provides training, facilities, tools and equipment to enable employees to do their jobs; and

WHEREAS, the City Council budgets funds for the purchase and maintenance of such items, but expects the funds to be spent prudently and for the City Manager to administer reasonable expenditures of such budgeted funds while regularly monitoring; and

WHEREAS, the terms of said Personnel Ordinance and Manual need to be updated once again to address new technology and recruitment practices.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1. That the City of Milford Code, Chapter 55 Personnel, Section 630. USE OF PHONE AND MAIL SYSTEMS is hereby repealed in its entirety:*

~~Personal use of telephones for outgoing calls while on duty, including local calls, is not permitted. Employees may be required to reimburse the City for any charges resulting from their personal use of the telephone. Phones may be available for personal outgoing calls during breaks, meal periods or at other times with the supervisor's permission.~~

~~The use of City paid postage for personal correspondence is not permitted.~~

~~To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.~~

*Section 2. That the City of Milford Code, Chapter 55 Personnel, Section 630, is hereby inserted to read as follows:*

**630. USE OF TELEPHONE, MAIL, COPIERS, CELLULAR TELEPHONES, INTERNET AND EMAIL SYSTEMS**

Personal use of the City telephone or cellular phone system is limited to emergency or pressing reasons, preferably during breaks and meal periods. Employees may be required to reimburse the City for any charges resulting from the personal use of telephones or cell phones. Staff should refer to the detailed Cellular Telephone Policy.

The use of City-paid postage for personal correspondence is not permitted. Excessive personal use of City copiers, fax machines or printers by employees is not permitted. Reimbursement for such use will be in accordance with procedures and policy established the City Manager.

City employees may be issued a cellular telephone, smart phone or similar device to accomplish their assigned duties. Alternatively, under specific circumstances, a "communications allowance" may be paid

to compensate employees for their use of personal cellular telephone, smart phone or similar device for City business. The City Manager and Police Chief are authorized by City Council to have either a City-issued cellular telephone or a “communication allowance” per written agreement with City Council.

The determination of employees to receive a City issued cellular telephone, smart phone or similar device or a communications allowance, will be based on criteria and procedures established in the City’s Cellular Telephone Policy issued by the City Manager.

Cellular phone and smart phone use must be in compliance with the City’s Safety Manual, the Vehicle Use Policy, local ordinances and Delaware State Law.

Internet access is to be conducted in a responsible and professional manner, reflecting the City’s commitment to ethical and non-discriminatory government practices. It is also the City’s desire to protect the organization, as much as possible, from viruses or illicit attempts to access the City’s servers. The City of Milford maintains an electronic mail system to conduct City business. All email messages composed, sent, received and/or stored are the property of the City and not the property of any employee. The City has a Computing Resource Use Policy which explains how email and the Internet must be utilized. Before using email or the Internet, employees must acknowledge that they have reviewed and understand the City’s Computing Resources Use Policy.

*Section 3. That the City of Milford Code, Chapter 55 Personnel, Section 416, is hereby added as follows:*

#### 416. Vacation Leave for New Hires

As a recruitment tool for FLSA-exempt employees, the City Manager may award up to 120 hours of annual leave prior to the completion of one year of service and approve the rate of accrual thereafter.

*Section 4. That the City of Milford Code, Chapter 55 Personnel, Section 661, is hereby added as follows:*

#### 661. Vehicle Allowance

The City Manager and Police Chief are authorized by City Council to have either a City-issued vehicle or a vehicle allowance per written agreement with City Council. Department Heads who must travel extensively for their job and who must be able to respond to afterhours emergencies may either have a take home vehicle or a vehicle allowance as determined by the City Manager. Employees receiving a vehicle allowance are responsible for paying liability, property damage and comprehensive insurance coverage upon such vehicle and are responsible for all expenses in relationship to the purchase, operation, maintenance, repair and regular replacement of the vehicle. Proof of insurance levels satisfactory to the City shall be provided upon request by the City. The City of Milford shall reimburse employees with a vehicle allowance, at the established mileage rate of the vehicle for any City business use beyond Kent or Sussex Counties, if a City-owned vehicle is unavailable for such trip. The City shall maintain an “accountable plan” in accordance with related IRS regulations.

*Section 5. Dates.*

Introduction: 06/27/2016

Adoption (Projected): 07/11/2016

This ordinance shall take effect and be in force ten (10) days after adoption.

*Published: Milford Beacon 06/22/2016*



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June 23, 2016

TO: Mayor and City Council  
FROM: Eric Norenberg *EN*  
SUBJECT: City Council Retreat

### **Purpose and Background**

Many City Councils hold retreats annually or at the beginning of new terms to set goals and priorities, to plan for the future, and to ensure their working relationships are functioning well. At the request of the Mayor, I have surveyed other communities regarding City Council retreats and facilitators used. After that research, I entered into discussions with the University of Delaware Institute for Public Administration / School of Public Policy & Administration about facilitation for a City Council retreat in late-summer/early-fall.

### **Discussion**

The scope for the retreat could include two segments:

- Planning for the Future:
  - Facilitated discussion and goal setting by City Council, with the help of key City officials. Discussion may include issues related to economic development, encouraging and managing growth, fiscal policy and public safety.
  - Desired Outcomes: Identification of priorities for the next one to two years and consensus on next steps for developing a strategic plan to guide City Council and City Management for the next 5-10 years (that may include a visioning process involving municipal government officials, stakeholders, and citizens).
- Team Building:
  - Understanding roles and responsibilities of elected officials, and appointed officials, City Boards and Commissions and defining expectations
  - Desired Outcomes: Enhanced understanding of work styles, and focus on methods/processes of effective decision-making related to the goals and plans set in the earlier component.

Pre-Retreat / Retreat Components: The facilitator would provide the following services and assistance before, during and after the retreat:

- Pre-meetings for project design
- Pre-Retreat Questionnaire/Survey of City Councilmembers, the Mayor and Appointees designed with the end objective in mind. Anonymity must be assured. Completion of the Pre-Retreat Questionnaire/Survey may be done electronically, in writing or via interviews depending on the preference of individual elected officials.

- Summary of questionnaire/survey results by IPA staff
- Development of the retreat agenda and related presentation materials to enhance the discussion and interaction between participants
- Retreat facilitation at a location designated and arranged by the City of Milford
- During the retreat, IPA staff will scribe notes/flip charts that captures discussions, decisions and pertinent ideas
- Summary notes of the retreat outcomes

These services from IPA would cost \$1,500. Other costs for the retreat would be refreshments, facility rental, etc.

### **Recommendation**

It is recommended that the Mayor and City Council discuss and consider scheduling a retreat on a one of these three Saturdays: **September 10 or 17, or October 8** beginning at 8:30 in the morning. At this time, we anticipate the retreat ending in early to mid-afternoon. The location can be determined once a date is selected.