

## AGENDA

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

### **Planning Commission**

**January 17, 2017**

**5:30 P.M.**

### **WORKSHOP**

*Call to Order-Chairman Marvin Sharp*

*Roll Call*

*New Business:*

Comprehensive Plan-Review Chapters 8-10 (Open Space & Recreation, Environmental, Implementation)

*Adjourn*

**7:00 P.M.**

### **PUBLIC HEARING**

*Call to Order-Chairman Marvin Sharp*

*Roll Call*

*Approval of Previous Minutes*

*Unfinished Business*

Ordinance 2016-27/Chapter 230; Adding a Conditional Use to Allow Chickens

*New Business*

Morris & Ritchie Associates Inc on behalf of Dunn Development LLC; Project 13-196

Extension 3 / Preliminary Site Plan & Preliminary Major Subdivision

Milford-Harrington Highway

Tax Map MD-16-173.00-01-21.00; -22.00

Zoning: R8 (Garden Apartment and Townhouse District)

Mispillion Street Partners LLC; Project 14-212

Extension 1 / Preliminary Site Plan

Mispillion and Marshall Streets

Tax Map 3-30-7.17-011.00

Zoning: R3 (Garden Apartment and Townhouse District)

Milford Plaza Enterprises LLC; Project 16-001

Revised Preliminary Site Plan

Tax Map MD-16-183.09-01-04.00

Zoning: C3 (Highway Commercial District)

Downtown Properties of Milford LLC; Project 16-017  
Conditional Use  
48 N Walnut Street  
Tax Map MD-16-183.10-04-46.00; MD-16-183.10-04-46.01  
Zoning: C2 (Central Business District)  
Recommendation Ordinance 2017-01

Rivera, Michael; Project 16-016  
Conditional Use  
119 N Walnut Street  
Tax Map MD-16-183.10-03-58.00  
Zoning: C2 (Central Business District)  
Recommendation Ordinance 2017-02

Mildred Pederson on behalf of Transatlantic Shipping Agency; Project 16-018  
Conditional Use  
27 S Walnut Street  
Tax Map 3-30-6.20-002.00  
Zoning: C2 (Central Business District)  
Recommendation Ordinance 2017-05

City of Milford; Project 16-015  
Change of Zone  
East side of Marshall Street  
Tax Map 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)  
Zoning: C1 (Neighborhood Commercial) to C2A (Riverfront Development)  
Recommendation Ordinance 2017-04

Ordinance 2017-03/Chapter 230; Permitted Uses in the I-1 Limited Industrial Zoning District

### *Adjourn*

**SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN TWO WEEKS PRIOR TO MEETING. NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.**

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PLANNING & ZONING DEPARTMENT  
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201 SOUTH WALNUT STREET  
MILFORD, DE 19963

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

TO: Planning Commission Members

FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities

DATE: January 11, 2017

RE: Comprehensive Plan Update  
Revised Chapters 1-7  
*New* Chapters 8 & 9 (Natural Resources & Parks, Recreation, and Open Space)

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Please find the enclosed draft comprehensive plan Chapters 1-9, which includes revisions to Chapters 1-7 based on comments from December's meeting. New Chapters 8 & 9 provide updated information on Natural Features and Parks, Recreation and Open Space. Please review the material and be prepared for discussion and recommendations for additions or deletions. Included in the updated information is proposed language related to climate change shown in underlined red text. Climate change language has been added throughout the document so please review all chapters. Please note that the climate change language are recommendations for discussion. Also included in the enclosed material are three new map exhibits on Sea Level Rise, Floodplain and Parks and Open Space, along with an update to the Environmental Features map for review and reference.

Feel free to contact me if you have any questions.

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

## **CHAPTER 1. Background**

### **1-1. Authority to Plan**

The City has vested the authority to plan with the Planning Commission, the City Planner and the City Manager, through its Charter. The Charter dictates there shall be a City Planning Commission consisting of nine (9) members appointed by the City Council. The Commission's responsibilities include the formulation of, and recommendation to, the City Manager a comprehensive plan and any amendments or updates. After receipt of the recommendations of the Planning Commission, City Planner and City Manager, the Council will hold a public hearing on the proposed plan and recommend it be approved with or without amendment. Once the plan is recommended by the Planning Commission and City Council and certified by the Office of State Planning Coordination, the Commission may also review and make recommendations regarding proposed Council action dealing with the implementation of the Comprehensive Plan.

The Charter provides that the City Council will adopt and modify the Comprehensive Plan (a document of text, maps and other graphics) at least every five years. Under Title 29, Chapter 91 the proposed plan will also be submitted to the Office of State Planning Coordination for the Preliminary Land Use Service (PLUS) review process and certification. The adopted Plan may be certified by the State, and will serve as a guide for future growth, development, and redevelopment within and around Milford.

### **1-2. Planning Process**

The City has developed this Comprehensive Plan in recognition of the goals and objectives set forth in the comprehensive planning checklist for municipalities over 2,000 residents and Title 22.

#### **1-2a. Reason for Plan Update**

Since the adoption of its first comprehensive land use and development plan in 1990, Milford has actively planned for and sought economic growth, development, and vitality. The original plan was updated in 1995 and 2003. In 2008, Milford adopted an updated Comprehensive Plan.

Milford, and the surrounding areas, has seen significant growth and changes in that timeframe. The housing downturn in 2008 has given way to steady growth again. Milford has become an attractive destination for retiring boomers. Also, the city has seen major investments and expansion plans in some of its key industries and employment centers, most notably, healthcare. Milford has also applied for, and won, designation in the State's Downtown Development District program and completed a comprehensive master plan for its Southeast Neighborhood.

Concurrently, the City worked to incorporate these developments into its planning process. The 2008 Plan was amended in July 2011 to reflect the results of the Southeast Master Plan effort. Another amendment in 2012 adjusted the City's Urban Growth Boundary to accommodate future utilities.

Three amendments were adopted in 2015. Two were largely housekeeping, to rectify the City's future land use map with its zoning ordinance. In July, 2015, an amendment was adopted to the Southeast Master Plan allowing for medical and employment uses west of S.R. 1.

The City has chosen to update its Comprehensive Land Use and Development Plan at this time to incorporate its master planning activities, recent amendments, aspirations for its Downtown Development District, [flood vulnerabilities](#) and new demographic and utilities data into a unified, up-to-date, planning document.

### **1-2b. Comprehensive-Planning Approach**

Milford understands that planning is a continuous process. The plan is based on the foundation that if a community knows where it wants to go, it possesses better prospects of getting there. From the outset, Milford has endeavored to cast as wide a net as possible and to gain a fuller understanding of its citizens' concerns, business community's interests, and the regional context, in which, the Milford Plan will function.

The comprehensive-planning process involves establishing goals for the future of a municipal government, analyzing current and projected conditions, and laying out steps that can be taken to help a municipality reach its goals. Considerable time was invested in updating information and data to summarize existing and projected conditions Milford faces, and will likely face in terms of demographic, infrastructure, environmental, economic, and land-use conditions.

[As part of the effort to project future conditions in Milford and better plan for resilient community development that reduces vulnerabilities to current and future hazards](#), the city analyzed the impact of increased flooding from heavy precipitation events and sea level rise, as well as higher temperatures due to climate change. [-Data used in the City's climate impact assessment comes from a variety of sources. Data for flooding comes from the FEMA-designated Flood Insurance Rate Maps. Data for sea level rise is derived from the three rise scenarios of 0.5 meters, 1.0 meters, and 1.5 meters that were developed by DNREC. For more information on the methods used to generate these scenarios, please visit \[http://maps.dnrec.delaware.gov/dcmpslr/InundationDisclaimer\\\_Methods.pdf\]\(http://maps.dnrec.delaware.gov/dcmpslr/InundationDisclaimer\_Methods.pdf\). Temperature projections for Milford are gathered from the State's climate portal and were produced during the Delaware Climate Change Impact Assessment. For more information on the temperature data, please visit <http://climate.udel.edu/declimateprojections/portal/> and select "Milford" from the drop-down menu.](#)

[It is critical to point out that there is strong evidence that the FEMA-designated flood zones underestimate flood risk \(Brody, Blessing, Sebastian, & Bedient, 2014; Galloway et al., 2006; Highfield, Norman, & Brody, 2013\). These FEMA zones are based on historic flood data and topography. They are not forward looking, nor do they consider the impact of recent development on local hydrologic processes and flows. The underestimation of risk is therefore due to intervening changes in impervious surfaces coverage, changes to local topographies through development, and the impact of future sea level rise. What this means for Milford is that the City's flood risk is greater – in both scope and scale – than what is indicated by FEMA. Water levels during flood events are higher than FEMA-identified base flood elevations, and the geographic extent of floods is more expansive. This is critical knowledge to consider when making decisions about the siting and construction standards for new development and redevelopment.](#)

The City began by utilizing the Pre-PLUS review process, effectively receiving input and guidance from all relevant state agencies and PLUS partners before beginning to draft the plan. In September, 2016, Milford arranged for a "Planning 101" training session for its planning commission members as a refresher course. The City also produced and undertook an extensive public polling/community survey in the late summer and early fall of 2016. It was offered in English, Spanish, and Creole and received a

robust 263 returns. The City also initiated early outreach to many of its major employers, civic groups, and law enforcement partners. Each was invited to speak at one of the first visioning sessions for this update.

### **1-3. Public Participation**

A number of Planning and Zoning Commission meetings have been held throughout the city plan update process. After initially experimenting with discussing comprehensive plan update business within the normal order of the commission's meetings, a determination was made to expand the regularly scheduled planning and zoning meetings to ensure there was adequate time to discuss the comprehensive plan.

Town officials and staff began the update process in May of 2016. The Institute for Public Administration at the University of Delaware (IPA) joined the effort in August 2016. A public engagement and visioning meeting was held in October 2016, with follow up in November 2016. Key business, civic, and government leaders were invited to, and did, speak. Public involvement was significant, with well over 50 residents attending the October meeting. The City's citizen survey was conducted from August through the end of September 2016.

***December 2016 public mapping workshop***

***Preliminary Plan Draft & Date – Sent to council for review***

***Endorsed draft posted for public comment***

***Public Hearings***

***PLUS Meeting/Review***

***Written Comments Received & Considered***

***Planning and Zoning recommends for adoption by Council***

***Council Adoption***

### **1-4. Overall Community Vision and Goals**

***Milford's Vision*** – Milford takes great pride in the beauty of its riverfront and its rich historic and cultural heritage, which dates back to the 18<sup>th</sup> Century. The City wishes to build upon these enduring and desirable attributes while enhancing community resiliency and see Milford grow into the "Riverfront Gateway to Southern Delaware."

With a commitment to thoughtful economic development, appropriate growth that is resilient to environmental change, and preservation and protection of its most cherished assets, the City envisions itself as a year-round, vibrant, employment and economic center that stays true to its small town roots and feel.... A small-town city where residents are able to live, work, go to school, and recreate.

**Goal (Transportation)** – Enable the safe and efficient mobility of residents utilizing all modes of travel, be they pedestrians, cyclists, drivers, or transit riders via a safe and interconnected transportation system.

*Objective* – Work to address deficiencies and maintenance issues in the City’s bicycle and pedestrian network.

*Objective* – Coordinate with DeIDOT/DART regarding future transit needs and opportunities.

*Objective* – Preserve traffic capacity and prevent undue future congestion on the City’s highways and arterials by planning for future growth and development with connected local streets and bicycle/pedestrian networks.

*Objective* – Coordinate with DeIDOT and local businesses to address noted concerns of congestion, truck traffic, and difficult pedestrian crossings.

**Goal (Position on Growth/Annexation)** – Encourage compatible, resilient, connected development, redevelopment, and growth within Milford’s municipal boundary and entertain annexation or growth opportunities within the municipality’s established Urban Growth Boundary, provided cost-effective services can be provided.

*Objective* – Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.

*Objective* – Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

*Objective* – Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.

*Objective* – Maintain a dialogue with the City’s major employers and industries in order to anticipate and maximize potential investment in the City of Milford.

**Goal (Community and Government Services)** – Ensure the safety and security of Milford’s residents with first-class police, EMS, and fire protection services and provide adequate public utilities to provide for planned and desired growth in a managed, cost-effective manner.

*Objective* – Consult police, fire, and EMS personnel when considering significant development and redevelopment proposals, particularly in regards to response time and access.

*Objective* – Provide adequate utilities and services to accommodate occurring and planned for growth in Milford.

*Objective* – Consider additional electricity demand from increased air conditioning usage into electric infrastructure planning processes to ensure that power supply and system reliability are maintained during periods of high temperature.

Objective – Encourage the appropriate use of resilient and green stormwater management practices.

**Goal (Housing)** –*Preserve and protect the character and function of established neighborhoods*

Objective – Encourage a balanced range of housing types and home-ownership opportunities for existing and future residents.

Objective – Promote opportunities for the creation of new clean, safe, and affordable housing, as well as ensure the continued quality of the existing stock of affordable units.

**Goal (Economic Development)** - The City of Milford is dedicated to providing a quality living and working environment that will ensure a balanced mix of commercial development and employment opportunities, that serve its residents, and promotes its image as a desirable and economically stable community.

Objective– *Pursue land-use, growth, and preservation strategies that will ensure that farms, agricultural properties, and agri-businesses remain an economically viable anchor to the Milford economy.*

Objective – Study, plan for, and provide first-class utilities and municipal services to promote and support growth.

Objective – Ensure the City’s future land uses and zoning accommodate and allow for a variety of commercial and employment activities.

Objective – Implement the policies and recommendations within the Southeast Master Plan and the Downtown Development District, both key tools for future development and redevelopment.

**Goal (Open Space and Rec)** - Continue to enhance, improve, and promote the Riverwalk as a cornerstone of the community and make practical use of it as a connection to established and future recreational open spaces and parks.

Objective – Encourage the inclusion of connected, accessible parks and open spaces in new development.

Objective - Encourage the preservation of areas along all streams, lakes and ponds as recreational uses.

**Goal (Natural Resources)** – The City of Milford is committed to playing its part in protecting and preserving its invaluable resources and waterways for the next generation of residents.

Objective – Utilize new data and analytical techniques to begin planning for elevated water levels and increasing periods of heat.

Objective – Coordinate with relevant agencies and committees to improve water quality in the Mispillion and its tributaries.

Objective – Pursue agricultural preservation of high-value agricultural parcels, consistent with the Southeast Master Plan.

Objective – Reduce future congestion and distance commuting by developing as a year-round, live where you work community.

## CHAPTER 2. Community Character

A community's character is what makes it a unique place. Milford is blessed with a rich historic and cultural heritage, and a riverfront location that contribute greatly to its identity and character. The City is committed to protecting and enhancing those qualities that have made it the desirable, identifiable community it is today. This chapter details some of the elements that define Milford's character and recommends approaches designed to protect and enhance those elements, while allowing for the growth and vitality Milford seeks to build upon and add to its relevance and identity in the coming decades.

### 2-1 Location

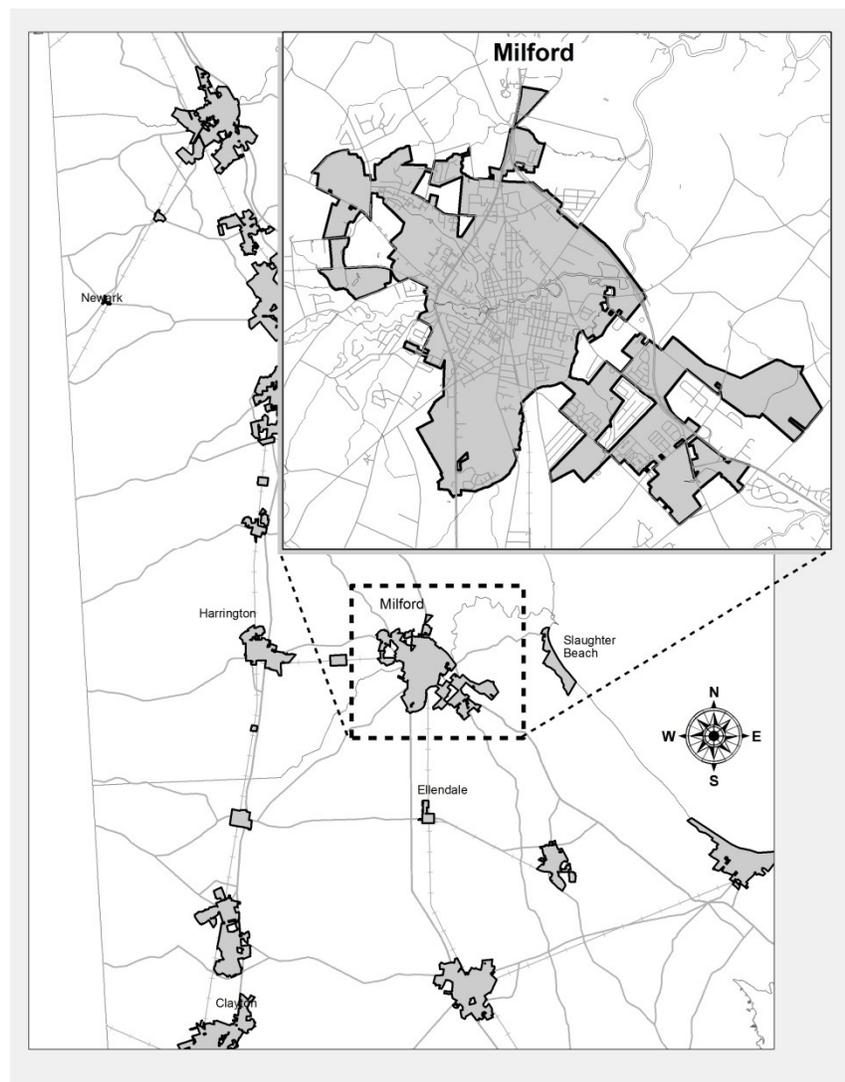
Figure 1 depicts Milford's regional location and Map 1 provides an aerial view of the city and surrounding area. Milford is located on the Mispillion River, within Kent and Sussex Counties. The historic center of Milford adjoins the river between U.S. Rt. 113 on its west and Delaware Business Route 1 to the east. The City is located in the Milford

**Figure 1. Location Map of Milford**

Hundred in Kent County and the Cedar Creek Hundred is Sussex. It is also quite central to major regional cities, situated 95 miles from Philadelphia, Pennsylvania, 85 miles from Baltimore Maryland, and 100 miles to the national capitol, Washington, D.C. Milford is within 20 miles of the Kent and Sussex County seats, Dover and Georgetown, respectively.

### 2-2 History, Historic & Cultural Resources

While the Milford Hundred in eastern Kent County and the Cedar Creek Hundred in northeastern Sussex County were settled in colonial times as farming districts, the site of Milford was selected as a small, riverside manufacturing and shipping community organized by the Reverend Sydenham Thorne and Joseph Oliver in 1787. Oliver subdivided his farm into town lots and Thorne erected



wharves and a sawmill. The town grew rapidly on the north bank of the river and spread north and east, from the mill site that was located at Mill Street on the River. This mill was followed by a number of additional mills in the same area. The industries that first prospered in Milford, either supplied goods needed by the local farming community or processed products of the farms and forests. In 1807, the town on the north bank of the Mispillion was incorporated and a Board of Commissioners was established.

When Milford was first laid out in 1787, William Johnson took up a lot on the northwest corner of Walnut and Park Avenue and built a home and conducted a day school. The Methodist Church also received land at the same time and conducted a school, as did the Quaker Meeting. The most famous of Milford schools was the Milford Academy (later North Milford High School) that was in operation as early as 1803. Sometime after 1810, the Academy moved to a one story brick building on the corner of NW Second Street and North Street. It was enlarged sometime around 1818 to two stories. This was a private school until 1846, when it was purchased for a public school. Other private schools in town were the Classical Academy, as well as a number of small schools conducted in people's homes.

With a good supply of different varieties of wood in the area, shipbuilding became an important industry in the 1820's and it expanded to its height between 1850 and 1890, when over 150 ships of 100 to 600 gross tons were built. Most of these were two masted wooden schooners. However, with the advent of the steel hull, the steamboat and the railroad, shipbuilding in Milford declined until the last yard, the Vinyard Shipyard, remained during the first half of the 20th century. During World War I, this yard built three submarine chasers and four Navy tugboats. During World War II, the shipyard launched 14 submarine chasers and 12 Navy leave boats.

Fortunately, other enterprises formed a diversified economy in Milford. In 1815, P.F. Causey and his family moved to Milford, and he and his son managed a variety of mercantile businesses and industries. The Causey's engaged in the mining of bog ore, operated two saw mills, a tannery and two flour mills. They made good use of the Mispillion River by shipping products to Philadelphia and New York. Eventually, the junior partner Peter F. Causey became sole owner of the business and in 1854 was elected Governor of Delaware.

The middle of the 19th century also saw Milford's economy participate in the industrial revolution. The City's industries included machine shops to support the surrounding agricultural businesses with the repair of steam engines, fruit evaporators and corn shellers.

In 1856 the town's population was 2000, according to one of Milford's newspapers, The Gleaner. The town had 25 stores, 2 hotels, and 12 schooners and sloops running to Philadelphia. Export items shipped to the major east coast ports included grains and other farm products, wood products and holly. As the economy grew, so did the need for financial services and in 1876, the First National Bank was established. At this time period, the First National Bank and most of Milford's businesses were headquartered in Kent County.

Milford continued to thrive into the 20th century. In 1887, the town re-incorporated to include the developed areas to the south, in Sussex County, and with the new charter, the City gave women the right to vote. Also in 1887, the first electric light plant built south of Wilmington was started as a private enterprise in Milford. Until the 1920's, electricity was provided only during nighttime hours. The construction of Delaware's first highways in the early 1900's assured continued transportation options for produce and manufactured goods from Milford. In 1925, the fire company raised funds to support a

community building. Throughout the 1930's Milford's conservative business habits assisted in insulating the local economy from the more serious impacts of the Great Depression. In 1936, a new sewage treatment plant began operations that began the slow recovery of the polluted Mispillion River.

The Milford Public Library was founded in 1882 with the organization of the Milford Library Association. The Grange Hall acted as Milford's first library with one room dedicated to the cause, and a librarian was hired who earned a salary of \$30 per year. As the library grew in size, a children's library was added around 1912 making children's books and storytelling available.

## 2-2a Historic Structures and Districts

Most prominent of the historic structures preserved in Milford is the Parson Thorne Mansion located on NW Front Street. Surrounded by a spacious lawn and ancient linden trees, the building's beginnings date back to the early 1730's. During the subsequent 200 years, varied owners of the home added their own architectural imprints with additions in the Georgian and Victorian styles.

Three other notable historic homes include the Banking House (two brick buildings built in 1787 and 1811) and The Towers, a "Steamboat Gothic" inn, originally built in 1793, on NW Front Street and Causey Mansion, a Greek Revival-style home.



*Parson Thorne Mansion*

Three separate historic districts are found in the City of Milford. The *North Milford Historic District* is located north of the Mispillion River in Kent County. South of the Mispillion River in Sussex County are the *Shipyard* and the *Victorian Historic Districts*. These Districts are shown on [Map x](#).



*The Bank House*

The *North Milford Historic District* encompasses the area of Milford's earliest beginnings as a small riverside community. Its significance is defined by its development as an economic center, bringing craftsmen, farmers, carpenters and coopers to the area. These craftsmen relied on the local resources and also the river for transporting goods and materials. The District contains approximately 25 acres, extending from an easterly boundary of N Walnut Street, a westerly boundary near Truitt Avenue and a northerly boundary as far as NW Third Street. NW Front Street runs through the District and contains early nineteenth century structures. Federal, Greek and Gothic Revival structures are other examples of architecture represented in this District.

The *Shipyard Historic District* is the smallest district, containing only 4 acres. It is found along the Mispillion River in Sussex County and is bounded on the east by Franklin Street, extends across Columbia Street to McColley Street south of Mispillion Street. While small in size, this District contains Milford's only surviving shipyard and examples of worker's housing. Shipyards were established in Milford in the late eighteenth century. The river economy was of great importance to the area and to the movement of goods and materials, and eventually passenger traffic. Milford became second to Wilmington in the size and number of shipyards in the State of Delaware by 1859.



*Vinyard Shipyard*

The *Victorian Historic District* represents a building period during the prosperous decades of Milford's history when the south side of the River became integrated into Milford's society. It is also considered the last stage of Milford's early development as a community, with building in this area beginning after 1870. It consists of approximately 24 acres, starting at the southern bank of the Mispillion River and following a stretch of S Walnut Street to the railroad tracks and a part of S Washington Street. This District also extends along a portion of Causey Avenue. This District contains examples of the variety of decorative and ornamental elements used, as well as a breakaway from the traditional domestic floor plans.



*The Towers*

### **2-3 Historic and Cultural Resources Plan**

Milford has a rich history that contributes to its community character and the quality of life within the City. Preservation of the physical artifacts that relate to this history, as well as protection of the environment of the Mispillion River, the heart of so much of that history, will maintain and enhance the appearance and ambience of the City and will continuously remind its citizens of their community's past.

Milford is fortunate to have the Milford Historical Society and the Milford Commission of Landmarks and Museum, two community-based organizations dedicated to history and its preservation. In addition, Milford has three designated Historic Districts, which include residential and historic industrial properties in both Kent and Sussex County. The City will continue to support these organizations through recognition and provision of City services to support their events and functions.

For historic properties that are vulnerable to current flooding and future inundation from sea level rise, the city should collaborate with the Milford Historical Society and the Milford Commission of Landmarks and Museum to mitigate risk to these assets. Supporting these groups to develop a historic preservation plan that places climate impacts at the center of the analysis, with adaptation strategies for the city's historic assets, is recommended. The city could apply for funding assistance for plan development

through the state's Surface Water Matching Planning Grant. Possible adaptation options that might be included in a plan include flood proofing, elevating vulnerable structures, and the installation of green storm water management landscaping such as swales, rain gardens, water retention systems, and permeable paving. Special care must be taken to avoid compromising the integrity of historic structures during any adaptation project, including attention to setting, materials, and workmanship. Funding for implementing adaptation efforts may be sourced from the Delaware Historic Preservation Tax Credit program as a qualified rehabilitation expenditure. In a future flood incident where there is a state declaration of disaster, the city could look to fund implementation by applying to DEMA's Hazard Mitigation Grant Program.

Markers have been placed to indicate the Historic Districts through a partnership with private interest groups. Promotion of the City's historic and cultural resources is one key to the success of Milford's integration of the Mispillion Riverwalk master plan and economic redevelopment of the Central Business District.

The City of Milford through Downtown Milford, Inc. was designated as a "Main Street" municipality which would further enhance the Downtown area and the three adjoining Historical Districts. Under this Update, the municipal departments and commissions will continue to work with private groups to recognize properties which are of significance to the Nation, to the State of Delaware or to the community. If requested to assist private preservation efforts, the City will support property owners' requests for federal funding for historic preservation.

Most recently, the City undertook an ambitious effort to gain designation as a Downtown Development District through a competitive process administered by the State of Delaware, and was successful. The City's outlined district centers on Milford's historic central business district and the Mispillion River, and Riverwalk. Portions of each identified historic district fall within the DDD.

While the area does contain individual cultural and historic resources, the City has taken a broader view. It sees the entirety of its historic central business district and riverfront as an invaluable resource. A resource that has, because of the general economic patterns seen by nearly all communities over the past 50 years, experienced a lack of investment and maintenance.

Beginning in 2015, the City developed a comprehensive "Rivertown Rebirth" Plan. The Downtown Development District and the rebirth plan are discussed in detail in the economic development chapter of this document. However, each has a special bearing on the city's historic and cultural assets. Overall, the plans call for the revitalization of the district through the promotion of homeownership and neighborhood revitalization. Special attention is given to the adaptive re-use of vacant or underutilized properties, façade and streetscape programs, and the re-integration of the historic shipyard into the fabric of the community. Other initiatives to improve public space, encourage dining and retail, and improve the pedestrian experience are all intended not to simply preserve the city's historic core, but to re-energize and re-connect it to greater Milford.

The city has created a package of locally provided incentives, in addition to those offered by the state, to encourage the desired re-investment. These include utility fee impact waivers, property and realty tax abatements and rebates, and a simplified approval process for desired projects within the zone.

## 2-4 Community Design

Dating back to the previous plan document, Milford has taken the approach of identifying and planning for community character and design at a neighborhood level. The identified neighborhoods and boundaries are not regulatory divisions or set in stone. Their creation was solely for their utility as a planning tool.

Generally speaking, the City considers five areas on the neighborhood scale: Town Center, Southwest, Northeast, Northwest and Southeast.

The **Town Center** is comprised of roughly 75 city blocks anchored upon the Riverwalk and Mispillion River. It links the water experience and the urban environment and features an old-downtown feel with wide pedestrian pathways, accessible, walkable retail shopping, historic buildings, parks, schools, and employment.

### Opportunities and Challenges

City representatives were supportive of the varied and intermixed land uses in the Town Center Neighborhood and didn't envision significant changes. It was this mix of uses, abundance of destinations, presence of sidewalks, and storefront retail that lead them to describe it as the City's classically walkable area.

With good bones, city representatives saw a lot to be optimistic about. However, some significant challenges were noted. The area hosts the vast majority of the City's older homes and some are not aging well and are in need of maintenance. Some noted that parking may sometimes be an issue. Semi-frequent flooding from the river was also a significant concern.

One thing, both an opportunity and a challenge, that City representatives made very clear, was that the area suffers from a lack of foot traffic and is in need of more anchor activities or businesses that would create a vibrant and active destination.

Volunteers noted several possible amenities, such as a small children's park. All felt that the Rivertown Rebirth plan and the Downtown Development District program would be key to the area's revitalization.

The **Southwest Neighborhood** is anchored by Route 113 as the spine and commercial area of this largely developing area slated for significant residential and some commercial growth. The former Milford Middle School and its associated open spaces and recreational offerings is central to this neighborhood.

### Opportunities and Challenges

The future character of this neighborhood is not yet set. Nearly 2,000 residential units are slated to be built in the southern portion of this neighborhood; however, the closing of the middle school and the eventual relocation of the hospital has left the area with less of an identity.

Volunteers noted the area would be an excellent candidate as another master-planned area. The historic high school was seen as a potential asset, but also a possible hurdle, as redevelopment of older structures of its type can be difficult and buildings of its size are not easily repurposed.

No parcel-specific changes in future land use were given. However, City representatives tended to favor mixed use development and redevelopment that could co-exist with existing or future light industrial. Professional/office and residential, and multi-family residential were favored, as well as a strong desire to preserve open space and recreational opportunities. City representatives were also mindful of the potential, even likely, need for a new school, given the residential activity planned nearby.

The area often hosts walk-a-thons and the middle school facilities are enjoyed by the community. Some suggested a walking trail around the old middle school, or a marked, one-mile exercise/activity trail.

The **Northwest Neighborhood** is characterized as primarily an employment and commercial area with interwoven pockets of residential. Major employers include GROWMARK FS, Southern States, the Greater Milford Business Park, the veteran's home, a Boys and Girls Club, and the commercial shopping complex, anchored by Wal Mart. Significant vacant and yet developed lands border this area.

#### Opportunities and Challenges

The industrial park was seen as a key opportunity for the Northwest Neighborhood. City volunteers wondered if tenants could be found, or incentives offered, to encourage occupants to also offer retail services in the Town Center.

The western edge of the neighborhood is residential uses and it was felt that protecting the character of these areas, as well as screening these from any more vigorous uses elsewhere in the neighborhood would be important. Though no parcel-specific changes in land-use were suggested, participants noted that some of the more central residentially planned areas were long-dormant and existed only on paper. This was viewed as an opportunity to reconsider or rebalance the land-use of the neighborhood.

Volunteers favored lower-impact, lower traffic commercial and professional services for the area. The existing proximity of retail and community services also make this an attractive area to consider affordable housing.

The **Northeast Neighborhood** is characterized as primarily an employment and commercial area with some areas of residential. Major employers include Perdue and KSI, along with several industrial type uses along Rehoboth Boulevard and Route 14. The high school is also within this neighborhood. Significant vacant and yet developed lands border this area.

#### Opportunities and Challenges

City volunteers indicated they felt the future of the Northeast Neighborhood was as an economic and industrial driver for the municipality and the region. Industrial and commercial was favored over future residential use and most felt new residential should be discouraged and existing homes shielded.

The likely expansion of the area's poultry industry was seen as a significant opportunity. The fact that the high-school is operating at capacity, can't expand, and may have to move was seen as a challenge, but also a significant opportunity to finish the neighborhood's transition to an employment center. A lack of pedestrian and bicycle connectivity to the central City was seen as a challenge, as was the volume of truck traffic. City representatives hoped this may be improved by the proposed overpass at NE Front St.

The **Southeast Neighborhood** is the most recent addition and is comprised largely of areas along S.R. 1 that were annexed into Milford over the past fifteen years. The confluence of S.R. 1 and Business Route 1 center this large, developing neighborhood area. East of S.R. 1, the community envisions agricultural preservation and lower-impact residential development, while preserving some capacity for employment and commercial. West of S.R. 1, closer to historic Milford, the City envisions significant development, including major healthcare services and employment centers, a range of residential densities, and highway commercial with some set asides for agricultural preservation.

### Opportunities and Challenges

The Southeast Neighborhood has already been master-planned and the City has amended and adjusted the plan periodically in an attempt to see it realized. Clearly, the significant investments pledged by a major medical provider and the area's development as a regionally significant medical campus are key opportunities.

City representatives also saw the area as an important opportunity for agricultural preservation outside City limits and its ability to serve as a defined edge, or gateway, to the City.

The scale of the proposed economic activity was noted as a challenge. Presumably, the many employees who will one day work here would benefit from public transportation, which is not currently provided to the Eastern side of S.R. 1. Likewise, the Town Center neighborhood could certainly use the economic activity and foot traffic this area has the potential to produce. However, at present, the pedestrian and cycling connections to this area are marginal. The Southeast Master Plan is available for review on the City of Milford's website.

Since having broadly identified these neighborhood planning areas, the City has taken demonstrable steps towards fleshing out and implementing its vision. After an extensive visioning, outreach, analysis, and coordination effort, the City adopted and refined a Southeast Master plan for the aforementioned Southeast Neighborhood. Portions of which were in the process of being updated during this comprehensive plan update period. The final, updated master plan will be reflected in the future land use and economic development portions of this document and maps.

Also, the Downtown Development District designation broadly overlaps with the previously titled, "Town Center" neighborhood. It details, at length, the town-center neighborhood characteristics prevalent in the area. A mix of civic, residential, and commercial uses are interwoven with almost all uses directly addressing the street with porches or retail windows. The DDD applications also puts forth a number of development (amphitheater, mixed-use, apartments, and retail) projects favored for this neighborhood. Taken together, the Southeast Master Plan and the DDD Action Plan underline the City's strategies for future design.

## **2-5 Strategies for Future Design**

### Southeast Master Plan

The Southeast Master Plan lays out a detailed plan for residential, commercial, and employment clusters on both sides of S.R. 1 and provides for agricultural preservation. Its integration into this comprehensive plan and its associated future land uses (see Future Land-Use chapter) are likely to drive and shape the bulk of new development in the City of Milford in the coming years.

### Downtown Development District

The Downtown Development District created by Milford is heavily focused on generating compatible reinvestment, homeownership, revitalization, and connectivity in the City's traditional/historic business district. Utilizing available local and state-offered incentives, the district plan aims to not only shape, but promote new uses, and adaptive re-uses within its boundaries compatible with a walkable downtown area.

### Municipal Initiatives

The City has long held a commitment to cost-effective provision of public services for its citizens. Water, sewer and electric service are continuously maintained, and periodically expanded to meet the needs of a growing population. Long-range plans put forward by both Kent and Sussex Counties acknowledges and compliment Milford's role for the future. The City will continue to use a series of long-range facility management plans for expansion evaluation and implementation.

In addition to utility services, the City also plays a role in protecting the value of property and public safety. The City will continue to maintain its zoning map and will continue to work with Kent and Sussex Counties and the Office of State Planning Coordination to share GIS data regarding annexations, zoning and tax parcels. The GIS data collected from the Census for this Plan Update will be utilized to review the Council Ward boundaries and update them as necessary.

The Zoning Ordinance will be updated to reflect the objectives, goals, and implementation strategies of the City's Comprehensive Plan. The current Zoning and Subdivision ordinances will first be reviewed for consistency with the Land Use Plan. Properties with zoning classifications that is not consistent with the Land Use Plan will be re-zoned. This process must be accomplished within 18 months of certification.

As re-zoning, conditional use and annexation agreements are being negotiated, the City will refer to this Plan Update to identify items which property owners and developers can provide to further the City's overall Community Development Plan.

The Annexation and Land Use Plan presented in the Update document will be used to assess the City's interest and ability to support annexation requests.

## 2-6 Community Character and Design Goals and Recommendations

### Goals

Enable the safe and efficient mobility of residents utilizing all modes of travel, be they pedestrians, cyclists, drivers, or transit riders via a safe and interconnected transportation system.

Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary and entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary, provided cost-effective services can be provided.

### Recommendations

## CHAPTER 3. Community Profile

### 3-1. Population Trends

Though an economic downturn in 2008 dampened growth statewide, Milford seemingly emerged from it quicker than most and has seen continued interest in growth and development of all types. The city continues to be an attractive, year-round option for retiring boomers, still attracts families, and is in the process of absorbing once in a generation type investment from a regional healthcare provider, as well as significant continuing investment from some of its traditional major employers.

Just with approved and planned development, Milford can expect significant growth and development for the next decade. This growth is likely to bring with it increases in resident income, housing values, and average education levels. Milford's population is expected to increase from 9,559 to between 10,995 and 13,573 by 2020, based on statistical projections. However, in practical terms, the city's future population will hinge on the materialization (or not) of development in the housing pipeline, the build-out of major regional employment hubs, the availability of utilities and municipal services, and continued in-migration of retirees and families from elsewhere in Delaware and from neighboring states; more so than births or deaths among its current population.

**Table 1. Population and Housing Units, 1940 to 2010**

Year	Population				Housing Units			
	Milford	Kent County	Sussex County	Delaware	Milford	Kent County	Sussex County	Delaware
1940	4,214	34,441	52,502	266,505	1,425	10,362	17,617	75,567
1950	5,179	37,870	61,336	318,085	1,914	12,242	21,870	97,013
1960	5,795	65,651	73,195	446,292	2,039	19,915	29,122	143,725
1970	5,314	81,892	80,356	548,104	1,961	25,242	34,287	180,233
1980	5,366	98,219	98,004	594,338	2,290	35,354	54,694	238,611
1990	6,040	110,993	113,229	666,168	2,601	42,106	74,253	289,919
2000	6,732	126,697	156,638	783,600	2,897	50,481	93,070	343,072
2010	9,559	162,310	197,145	897,934	4,126	65,338	123,036	405,885

Source: 1940 through 2010 Censuses

#### 3-1a. Population Projections

Table 1 summarizes the city's population between 1940 and 2010, alongside those of Kent and Sussex Counties. After having grown steadily, but slowly, each decade since 1940, the populations of Kent and Sussex began growing at a more significant rate from the late 1970's to present. Beginning in 1980, Milford's population began to increase at a similar pace. Milford's population has nearly doubled since that time.

Population projections for intermediately sized cities, particularly those undergoing rapid growth, are difficult to make with a significant degree of accuracy. This is because economic, more so than demographic, variables will weigh much more heavily on future population than standard variables such as birthrate and deaths. A detailed discussion of Milford's housing pipeline and needs is discussed in the

housing chapter. However, at the time of this update, planning staff indicated a sufficient number of already-approved residential units for the city to accommodate an additional 10,000 residents, assuming build-out. In this scenario, the City could see its population more than double by 2035.

For the purposes of this demographic section, projections will rely upon the established methodology used by the Delaware Population Consortium and estimates derived from the U.S. Census. Table 2, below, shows the projected population for Milford by year 2020.

**Table 2. Milford Population Scenarios**

<i>Scenario 1 - Recent Growth Boom Continues</i>				
<b>2010</b>	<b>2020</b>	<b>2030</b>	<b>2040</b>	<b>2050</b>
9559	11,662	14,228	17,359	21,179
<i>Scenario 2 - Historic 30-year Growth Rate</i>				
9559	11,160	13,029	15,211	17,758
<i>Scenario 3 - Growth Follows Kent County Projections</i>				
9559	10,655	11,369	11,940	12,383
<i>Scenario 4 - Growth Follows Sussex County Projections</i>				
9559	11,127	12,064	12,547	12,867

There is little doubt that Milford has been and will continue to grow, in terms of housing and overall population.

Population projections for communities like Milford (under 50,000 residents) are difficult. There are few Milford-specific data and even small errors in projected growth rates can equal wild swings in potential population levels over 20-30 years. Moreover, recent history has shown that growth and population are indeed often influenced by political events, market forces, or other factors beyond the purview of traditional demography. Milford is also very pro-growth and is actively working to attract new businesses, residents, and development. How successful the City is in these endeavors will, undoubtedly, have a much greater effect on its ultimate population than projected births, deaths, and migration.

A somewhat more reliable option is to try and establish a range, given certain assumptions, applicable to possible scenarios.

*Scenario 1* – After steady, incremental growth from 1970 until 2000, growth in Milford picked up markedly, with the City adding roughly 2,800 residents from 2000 to 2010. Kent and Sussex also saw robust growth from 1990 on. Scenario one assumes major infrastructure upgrades (S.R. 1 and U.S. 113) have fundamentally altered the landscape in southern Kent/northern Sussex, and that growth of the type seen since 2000 is likely to continue. It should be noted that Milford has sufficient permit approvals and developable land to accommodate even this most aggressive scenario. If growth were to continue apace for the next 30-plus years, the City could be home to well over 20,000 residents by mid-century.

*Scenario 2* – Takes a longer view in assigning a potential growth rate and somewhat discounts the housing bubble by utilizing a less aggressive growth rate (1970 to 2010). After a modest contraction from 1960 to 1970, Milford has steadily grown, decade on decade. If Milford can maintain the

reasonable sixteen percent decadal growth it has fairly steadily maintained since 1970, it could expect in excess of 17,000 residents by 2050.

*Scenarios 3 and 4* – Another approach is to project Milford’s growth relative to projections for Kent and Sussex Counties. Projections for larger geographic areas are more reliable than for small cities and towns. While there may be greater certainty regarding likely populations, there is more variability in where, within these larger areas, that population will reside.

The Delaware Population Consortium projects growth to slow considerably for Kent and Sussex Counties in the coming decades. They project decadal growth rates to almost halve from 2010 to 2020, and to halve again from 2020 to 2030, continuing a slow decline out as far as 2050. In the fairly near-term, Milford could expect to grow a bit faster if it were to follow Sussex’s trend line, but in either case, the City could expect to still be shy of 13,000 residents by 2050.

### **3-1b. Demographic Characteristics**

The Census Bureau has changed the method by which it now collects and disseminates much of its information. The Bureau no longer distributes the old long-form survey that historically provided data on a number of demographic factors that were published as “Summary File 3 & 4.” These included indicators on social statistics such as education, poverty, income, and commuting patterns. These summary files were replaced by the American Community Survey (ACS) data, available in one, three, and five year estimates.

The difference in the ACS (survey) and the old long form (count) data is analogous to polls versus elections. A poll extrapolates likely data based on a sampling of respondents. Whereas a full on counting of all respondents is akin to tallying votes. Obviously, a full count is much more accurate, but is also more costly. Surveys can be conducted more often. Unfortunately, in the case of municipalities or geographic areas below a threshold population of 50,000, the margin of error for the survey data can be very significant.

#### ***Household and Families***

Table 3 summarizes household and family characteristics for Milford, Sussex and Kent Counties, and the State of Delaware. A household is any occupied housing unit comprising all of those people living in the unit. A family is a household with a householder and at least one other related person, whether it is by marriage, birth, or adoption. Families are also households, but households can sometimes consist of unrelated persons.

Milford’s average family size was reportedly the same as the State’s, roughly equal to Kent Counties and a little higher than that of Sussex. Sixty-three percent of Milford’s households were classified family households. This was a marginally lower proportion than for Kent (70%), Sussex (67.6%) and the State of Delaware, (67.4%)

**Table 3. Household and Family Characteristics, 2010**

Item	Milford	Kent County	Sussex County	Delaware
Total Population	9,559	162,310	197,145	897,934
Total Households	3,743	60,278	79,368	342,297
Total Family Households	2,356	42,290	53,698	230,731
Average Household Size	2.48	2.62	2.45	2.55
Average Family Size	3.06	3.09	2.89	3.06

Source: 2010 Census

### ***Racial Composition, Hispanic or Latino Origin***

Tables 4 and 5 summarize changes in Milford's racial composition from 1990 to 2010 and compare its 2010 racial characteristics to those of the state and Kent and Sussex County. Milford's racial diversity in 2010 was on par for figures from Kent County and the State as a whole, with Sussex showing as somewhat less diverse. Milford's racial diversity increased significantly from 1990 to 2000 with little change from 2000 to the most recent figures. Residents reporting themselves as of Hispanic or Latino origin increased five percent and seven percent each reporting period for a total of nearly 16 percent in 2010.

**Table 4. Racial Composition Milford, Kent and Sussex Counties, and State, 2010**

Race	Milford		Kent County		Sussex County		Delaware	
	Number	%	Number	%	Number	%	Number	%
White	6,215	65	109,999	67.8	155,663	79	618,617	68.9
Black	2,128	22.3	38,913	24	25,115	12.7	191,814	21.4
Other	1,216	12.7	13,398	8.3	16,367	8.3	87,503	9.7
Totals	9,559	100	162,310	100	197,145	100	897,934	100

Source: 2010 Census, \* White = reporting one race, Black- (or African American reporting one race) Other (including those reporting two or more races)

**Table 5. Changes in Milford's Racial Composition, 1990-2010**

Race	1990		2000		2010		Change, 2000 - 2010	
	Number	%	Number	%	Number	%	Number	%
White	4,763	78.9	4,576	68	6,215	65	1,639	+35.8
Black	1,130	18.7	1,566	23.3	2,128	22.3	562	+35.9
Other	147	2.4	590	8.8	1,216	12.7	626	+106.1
Totals	6,040	100	6,732	100	9,559	100	2,827	+42

Source: 1990, 2000, and 2010 Censuses, \* White = reporting one race, Black- (or African American reporting one race) Other (including those reporting two or more races)

**Table 6. Milford Population Reporting Hispanic or Latino Origin, 1990, 2000, and 2010**

Item	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Hispanic or Latino (of any race)	225	3.7	594	8.8	1,510	15.8
Not Hispanic or Latino	5,815	96.3	6,138	91.2	8,049	84.2
Total Population	6,040	100	6,732	100	9,559	100

Source: 1990, 2000, and 2010 Censuses

**Table 7. Age Distribution, 2010**

Age	Milford		Kent County		Sussex County		Delaware	
	Number	%	Number	%	Number	%	Number	%
Under 5 Years	743	7.8	11,150	6.9	11,487	5.8	55,886	6.2
5 to 19 Years	1,807	18.9	34,775	21.4	33,013	16.7	177,917	19.8
20 to 59 Years	4,749	49.7	85,429	52.6	95,836	48.6	481,741	53.6
60 Years and Over	2,260	23.6	30,956	19.1	56,809	28.8	182,390	20.7
Totals	9,559	100	162,310	100	197,145	100	897,934	100
Median Age	37.9		36.6		45.4		38.8	

Source: 2010 Census

Table 7 shows Milford's age distribution of its population. The City has a slightly higher percentage of children under five than either county or the state as a whole and slightly fewer school-aged children than all but Sussex County. Given that this data is several years old, the percentages may be higher for school aged. Roughly half of Milford's residents are in their prime working years, a touch lower than the state and Kent County, and a percentage point higher than Sussex. Adults over 60 years of age accounted for nearly a quarter of the population, higher than any other jurisdiction aside from Sussex County.

**Table 8. Milford Age Distribution Change, 2000 to 2010**

Age	2000		2010		Change	
	Number	Percent	Number	Percent	Number	Percent
Under 5 Years	469	7	743	7.8	274	+58.4
5 to 19 Years	1,534	22.8	1,807	18.9	273	+17.8
20 to 59 Years	3,315	49.2	4,749	49.7	1,434	+43.3
60 Years and Over	1,414	21	2,260	23.6	846	+59.8
Totals	6,732	100	9,559	100	2,827	+42

Source: 2000 and 2010 Censuses

Table 8 shows which age cohorts grew fastest in Milford from 2000 to 2010. Every category saw a substantial increase, as did the City's population. Most noteworthy is that Milford saw the smallest increase of all among school-aged children, but the largest among seniors and children under 5 years old. Working-aged adults ranked third. Based on these trends, the City can expect increased service demand on schools and senior care in the very near-term.

**Education**

Table 9 compares Milford’s educational attainment for the population age 25 years or more with that of both counties and the state. As the table shows, Milford compares on-par or favorably with the counties and the state in regards to high school graduation, but trails when comparing two and four year degrees, particularly in regards to Sussex County and the state.

**Table 9. Educational Attainment, 2014**

Educational Level	Milford		Kent County		Sussex County		Delaware	
	#	%	#	%	#	%	#	%
Not HS Graduates	1,290	18.6	15,422	13.5	22,488	14.1	72,355	11.1
Graduated HS, No Degree	3,820	55.2	64,925	57	78,851	49.6	325,796	50
Associate's Degree	491	7.1	9,357	8.2	16,061	10.1	52,556	8.1
Bachelor's Degree or Greater	1,319	19.1	24,266	21.3	41,606	26.2	201,929	30.9

Source: 2010-2014 and 2015 American Community Survey

Educational attainment, particularly at the higher levels, may be a longer-term concern for the City as it endeavors to become a regional driver of economic growth that may require an increasingly skilled workforce.

**Economic Characteristics**

Tables 10 and 11 summarize 2010-2014 ACS income and poverty data for Milford, Kent and Sussex Counties, the state, and nation as a whole.

**Table 10. Household and Family Annual Income, 2014**

Income	Amount in Dollars				
	Milford	Kent County	Sussex County	Delaware	United States
Median Household Income	52,274	55,169	53,505	60,231	53,482
Median Family Income	59,365	64,357	62,502	72,683	65,443

Source: 2010-2014 American Community Survey

Milford trails Kent, Sussex, and the state in terms of median household income, with its median income of \$52,274 close to the national median. Likewise, Milford’s median family income sits significantly lower than the state’s median and marginally lower than median incomes for both counties and the national median.

ACS data suggest poverty may also be an issue in Milford. On most indicators it ranked higher than either county or the state. Over a quarter of reporting households had an income of under \$25,000 a year. Likewise, a smaller percentage of households reported being relatively affluent. Over thirteen percent of reporting households fell below the federal poverty line. Single-parent, female headed households appear to account for a significant proportion of struggling households.

**Table 11. Selected 2014 Income Distribution and Poverty Data**

Item	Milford		Kent County		Sussex County		Delaware		United States	
	#	%	#	%	#	%	#	%	#	%
Households with annual income under \$25,000	995	26.7	12,213	20.7	7,450	13.9	63,368	18.7	26,987,652	23.2
Households with annual income of \$100,000 or more	611	16.5	11,924	20.2	13,050	24.4	88,137	26	26,826,850	23
Families below poverty level	316	13.1	4,019	9.7	4,875	9.1	18,683	8.2	8,850,177	11.5
Female-headed families, no husband present, with related children under 18 years, below poverty level	184	53.2	2,014	31.7	2,226	36.3	9,332	30.5	4,018,530	40.5
Individuals below poverty level	1,378	14.4	20,938	12.9	26,583	13.3	107,101	12	47,755,606	15.6
Individuals 65 years and over, below poverty level	166	10.2	1,635	6.9	2,955	6.6	9,673	7.1	3,926,219	9.4

Source: 2010-2014 American Community Survey

### 3-2. Summary of Key Issues

Milford is clearly poised for growth. Demographic analysis and existing approved plans all but ensure the City is capable of growth in the coming decade, as it has seen in the past ten years. This growth may strain available resources and infrastructure if not thoughtfully planned for and addressed. A

comparative influx of very young and over 60 year-old residents does not necessarily support the City's vision as an employment hub and regional economic driver. Certainly, care will need to be taken to be sure these net service-consuming demographic categories are provided for in the City's growing economy.

While lower than average wages may suggest the presence of a cost-effective source of labor for potential employers, recent U.S. Census data suggests the available workforce may require more additional training or education than similar labor pools in the surrounding county or elsewhere in the state. Also, though all demographic age-groups did show growth, adults in their prime working years was the second slowest growing cohort.

The City might consider measures to encourage local hiring to offset this and to help address poverty statistics that suggest some households in Milford are struggling more than their regional counterparts.

## **CHAPTER 4. GOVERNMENT, COMMUNITY SERVICES, AND INFRASTRUCTURE**

### **4-1. Government**

Milford's governing body consists of a mayor and eight council members. The council members are elected in staggered two (2) year terms. The mayor and four (4) council members are elected in even-numbered years. The remaining four (4) council members are elected in odd-numbered years. Elections for city officials are held on the fourth Saturday in April at City Hall located at 201 S. Walnut Street. The City includes four wards, of which there are two elected council members from each ward.

A Planning Commission has been established in accordance with Title 22, Section 701 of the Delaware Code. Section 702(a) charges municipal planning commissions with the task of preparing comprehensive plans. The Planning Commission also has the responsibility to review zoning changes, propose amendments to the zoning and subdivision ordinances, and make recommendations to the council on planning and development matters. The Mayor, with consent of the council, appoints members to the Planning Commission. There are nine members on the Planning Commission.

The Board of Adjustment has been established according to Chapter 3, Title 22 of the Delaware Code for the task of granting or denying variances and special exceptions and hearing appeals of administrative decisions. Board of Adjustment members are appointed by the Mayor with consent of the council. There are three members on the Board of Adjustment.

Along with a City Manager and Chief of Police, Milford employs a City Clerk, Finance Director, Public Works Director, Parks and Recreation Director and Planning Director for the administration and operation of city services. These Directors are in charge of the electric, water, wastewater, streets, maintenance, parks and recreation, planning and zoning, economic development, enforcement and inspections, finance and customer service departments. City employees number 105, including the Milford Police Department

### **4-2. Community Services**

#### ***Police Service***

The City of Milford maintains a full-time police force of 32 sworn officers and six full-time communication specialists assigned to the dispatch center. The Department is often called to provide Police assistance to the Delaware State Police and other local municipalities.

The Police Department's responsibilities include a wide range of security activities including investigating citizens' complaints, initiating criminal and traffic arrests, responding to accidents and performing crime prevention checks. While specifically organized to serve the citizens within the City limits, the Department is dispatched to calls beyond the City, and the security of persons living within the Greater Milford Area does have an impact on the operation of the Department.

The Department supports a variety of equipment and policing methods, including bike and foot patrol, drug unit, K-9 unit and community policing. The Department also utilizes social media to enhance its community policing activities and interaction with the Public. The Milford Police Department headquarters are located at 400 NE Front Street.

### ***Fire Protection and Emergency Medical Services***

The Carlisle Fire Company provides fire and emergency response for Milford and the surrounding area. The Fire Company is located at 615 NW Front Street, in Kent County, with approximately 65 members and full-time Basic Life Support Emergency Medical Services staffing. Sussex and Kent County governments provide Advanced Life Support Emergency Medical Services for the City and surrounding areas.

During heat waves and days with extremely high temperatures, certain populations are more likely to be at risk of heat stroke, exhaustion, and other temperature-related complications. These populations include the elderly, non-native English speakers, and those with lesser economic means. As part of the climate change vulnerability assessment and public engagement process for this plan, information was gathered from City residents to identify areas of City where there are higher concentrations of these vulnerable populations (see Section 1-3). The resulting map shows where at-risk residents are likely to reside, which can be useful information for EMS and public health professionals during periods of extreme heat. For instance, cooling centers – which are public spaces where residents can find heat relief through air conditioning, shade, hydration, and on-site medical attention – can be set up at municipal facilities nearest to the populations that are most vulnerable.

### ***Solid-Waste Disposal***

Milford provides weekly residential refuse and biweekly recycling and yard waste service to approximately 3,550 customers. The Streets Department collects and disposes of yard waste (grass, leaves and brush).

### ***Libraries***

The Milford Public Library was founded in 1882 with the organization of the Milford Library Association. The current Milford Public Library location opened in 1993 and underwent a 10,000 square foot addition in 2011. The Library provides a Children’s Library, computers with English and bilingual educational programs, a Teen area, a computer lab, the Delaware Research Room and meeting rooms to accommodate small to large groups.

### ***Postal Service***

Milford is served by the United States Postal Service with Post Office buildings located at 110 Causey Avenue, Milford and 8419 Front Street, Lincoln. The City of Milford includes two zip codes; Milford 19963 and Lincoln 19960.

### ***Senior Services***

The Milford Senior Center is a non-profit organization which provides free services Monday through Friday, during business hours. Services include nutrition, counseling and recreational activities. Milford is also home to a number of nursing homes and senior care facilities. The City also includes housing specifically designated for seniors, including a private assisted living facility.

**Health Care**

The City of Milford is the location of the Bayhealth Milford Memorial Hospital located at 21 West Clarke Avenue. Bayhealth is currently in the process of relocating the hospital to 160-acres of land located at the intersection of Wilkins Road and Cedar Creek Road as part of a larger health campus.

**State Service Center**

Milford is serviced by the two State Service Centers located at 13 SW Front Street and in the Riverwalk Shopping Center at 253 NE Front Street. These centers offer a wide variety of public services to help people with their health and human- needs. The center can assist the public in obtaining services provided through the state Department of Health and Social Services, the State Department of Services for Children, Youth, and their Families, and the Delaware Department of State, as well as many nonprofit community service groups.

**Veterans Services**

Established in 2007, the Delaware Veterans Home provides long-term care to Delaware Veterans with the mission of upholding dignity and respect while sustaining and improving quality of life. The 150 bed facility is located in the Independence Commons Business Park in the Northwest Neighborhood and provides skilled nursing care. The facility is recognized as a state and national leader in long-term veteran care.

**4-3. Education**

Milford is located within the Milford School District. During the 2016-2017 school year, the district will have served over 4,100 students in southern Kent County and northern Sussex County. The district currently operates one early childhood center, three elementary schools, one middle school and one high school. Mispillion Elementary, Benjamin Banneker Elementary, Lulu M. Ross Elementary, Milford Central Academy and Milford Senior High School are located within City limits. The Evelyn I. Morris Early Childhood Center is located in Lincoln. Table 1 provides the enrollment for each school from 2006-2017.

Table 1. Milford School District Enrollment, 2006-2016

School	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Evelyn I. Morris Early Childhood Center	698	738	724	696	696	421	406	440	417	383	391
Mispillion Elem.						536	567	579	563	579	559
Benjamin Banneker Elem.	636	634	620	618	618	526	540	537	523	525	526
Lulu M. Ross Elem.	604	630	664	653	670	566	561	581	627	607	640
Milford Middle School	969	969	965	930	620	619	663				
Milford Central Academy					590	645	604	1002	1024	1017	969
Milford Senior H.S.	1103	1156	1178	1217	896	842	854	1064	1043	1008	1016
<b>District Totals</b>	<b>4010</b>	<b>4127</b>	<b>4151</b>	<b>4114</b>	<b>4090</b>	<b>4155</b>	<b>4195</b>	<b>4203</b>	<b>4197</b>	<b>4119</b>	<b>4101</b>

The City recognizes the importance of maintaining high-quality public education facilities. A connection exists between the land use decisions of a local jurisdiction and the ability of the public school facilities to handle the number of students attracted to the district through expanded residential development. An appropriate mix of land uses that include residential, commercial, institutional and industrial is needed to provide the adequate tax base for the school district to meet its financial needs of the future.

**4-4. Water Supply, Wastewater Disposal, and Stormwater Management**

**4-4a. Water Supply**

The City of Milford provides water service to approximately 3,500 residential customers and approximately 530 commercial/industrial customers. The City operates and maintains its own system of wells, water towers and pressure mains. The Public Works Department maintains twelve (12) wells, four (4) water towers, five (5) treatment facility, and 450,000 feet of pressurize mains. Treatment facilities include iron removal and aeration, along with chlorination. The City averages 2,600,000 gallons per day in consumption.

**Table 2. Proposed Water Demand**

<b>Projection</b>	<b>Projected 2020 Population</b>	<b>Projected 2020 Peak Daily Water Demand (gallons)</b>	<b>Projected 2020 Annual Water Demand (gallons)</b>
Low Population Projection†	10,995	3,875,000	883,550,000
High Population Projection‡	13,573	4,780,000	1,090,695,000

† Low Population Projection based on exponential growth rate from 2010 Census to 2015 population estimate

‡ High Population Projection based on exponential growth rate from 2000 Census to 2010 Census

**Table 3. Milford Water Allocations**

<b>DNREC Water Allocation No.</b>	<b>88-0007-A</b>	<b>88-0007-B</b>	<b>88-0007-C</b>	<b>88-0007-D</b>
Aquifer (per Allocation Permit)	Columbia	Frederica	Federalburg	Cheswold
Aquifer (per Source Water Assessment)	Columbia	Milford	Frederica	Federalburg
Daily Allocation per Aquifer (gallons)	691,000	623,000	618,000	707,000
Combined Daily Allocation All Aquifers (gallons)	2,369,000			
30-day Allocation per Aquifer (gallons)	11,400,000	16,800,000	19,500,000	16,750,000
Combined 30-day Allocation All Aquifers (gallons)	64,000,000			
12-month Allocation per Aquifer (gallons)	136,800,000	201,600,000	228,600,000	201,000,000
Combined 12-month Allocation All Aquifers (Gallons)	768,000,000			

The current water demand and the projected 2020 annual water demand (low and high population projections) are in conflict with the combined 12-month allocation for all aquifers provided in Table 3. The City has submitted a request to the State of Delaware Department of Natural Resources and

Environmental Control (DNREC) to update the City's allocation in regards to both production wells and volume allowed to be withdrawn from the aquifers. The City will continue this dialogue in order to meet the current and projected city water demands.

The City of Milford produced a Water Facilities Plan in 2011 outlining system components and recommended improvements to increase capacity and preserve water quality. Since the 2008 Comprehensive Plan update, the City has completed the following upgrades that will ensure adequate water capacity for the city's remaining development:

- Installation of Replacement Wells 3R, 4R and 11R
- Installation of New Production Wells 15 and 16
- Tenth Street Water Treatment Facility VFD Enhancements
- Washington St. Water Treatment Facility Replacement & Elevated Storage Tank Improvements
- Construction of New SE Milford Water Treatment Facility and Elevated Storage Tank
- SE Milford Water Extension to New WTF and across Route 1
- NE, NW & SE Front Street Water Main and Service Improvements
- Miscellaneous Treatment, Monitoring and Controls Improvement

#### **4-4b. Source Water Assessment and Protection (SWAP) Program**

The Safe Drinking Water Act Amendments of 1996 mandated that each state develop a Source Water Assessment and Protection (SWAP) Program to better protect drinking water sources. There are three basic components of all SWAP Programs:

- Delineate the boundaries of the land area most important to public water sources.
- Identify the potential sources of contamination within those boundaries.
- Assess the susceptibility of the public water source to these contaminants.

SWAP Program requirements were established in the Delaware Code in Title 7, Chapter 60, Subchapter VI. The program is coordinated by DNREC and the State Division of Public Health. DNREC developed the majority of source-water assessments for public water in Delaware, including Milford. The assessment for Milford was completed in May 2005.

The Delaware Code also requires all jurisdictions with populations greater than 2,000 to adopt ordinances to protect these important source-water areas. In March 2008, Milford council originally adopted its source water protection ordinance and subsequently amended the ordinance in May 2009. The ordinance, §230-19.5, establishes three (3) types of source water resource protection zones within the City. Zone 1 includes a surface area extending in a radius of 150 feet around the wellhead. Zone 2 includes the remaining area of a delineated wellhead protection area outside zone 1. Zone 3 includes those areas of excellent groundwater recharge. Development in these areas must adhere to the criteria established by this ordinance which provides an additional layer of protection for these areas critical to maintain the quality and quantity of drinking water supplies located within city boundaries. The State is responsible for updating and revising the maps depicting the source water protection areas, and the City's ordinance must be applied to these areas as amended.

#### 4-4c. Wastewater Disposal

The City of Milford provides sewer service to approximately 3,500 residential customers and approximately 530 commercial/industrial customers. Milford is a municipal contract user with Kent County Levy Court for wastewater conveyance and treatment at the Kent County Regional Wastewater Treatment Facility (KCRWTF) located in Frederica, Delaware. In 2016, the KCRWTF has a permitted and hydraulic capacity of 20 million gallons per day.

The Public Works Department maintains an extensive gravity collection system comprised of approximately 275,000 feet of gravity sewer, 17 pumping stations and 52,000 feet of pressurized mains. Discharge to Kent County occurs at two locations, Pump Station 7 located on NE Front Street (owned by Kent County) and Pump Station 16 in Lighthouse Estates (owned by the City). There are two main transmission force mains (18"/24") between the City of Milford and the KCRWTF that provide additional capacity during high flow periods or redundancy during emergency repairs or maintenance. The City averages 2,600,000 gallons per day in discharge.

The City developed a Wastewater Facilities Plan in 2012 detailing system components and capital improvement recommendations. Since the 2008 Comprehensive Plan update, the City has completed the following upgrades that will ensure adequate sewer capacity for the city's remaining development:

- Truitt Avenue Pump Station Rehabilitation & Improvements
- Washington Street Pump Station Rehabilitation & Improvements
- Collection System I&I Repairs
- Shawnee Acres Discharge Forcemain Upgrades
- NE & NW Front Street Sewer Improvements
- SE Front Street Sewer Improvements

#### 4-4d. Stormwater Management

Milford and the Delaware Department of Natural Resources and Environmental Control (DNREC) have jurisdiction over stormwater management within the City. The stormwater-management system was constructed as a separate system from the sanitary sewer system, consisting of a series of drains, conveyance lines, and catch basins that direct stormwater into natural storm-water management areas or into the Mispillion River. Stormwater drainage on new construction is required to be constructed in conformance with DNREC erosion and sediment-control regulations and requires approval from the Kent or Sussex County Conservation District.

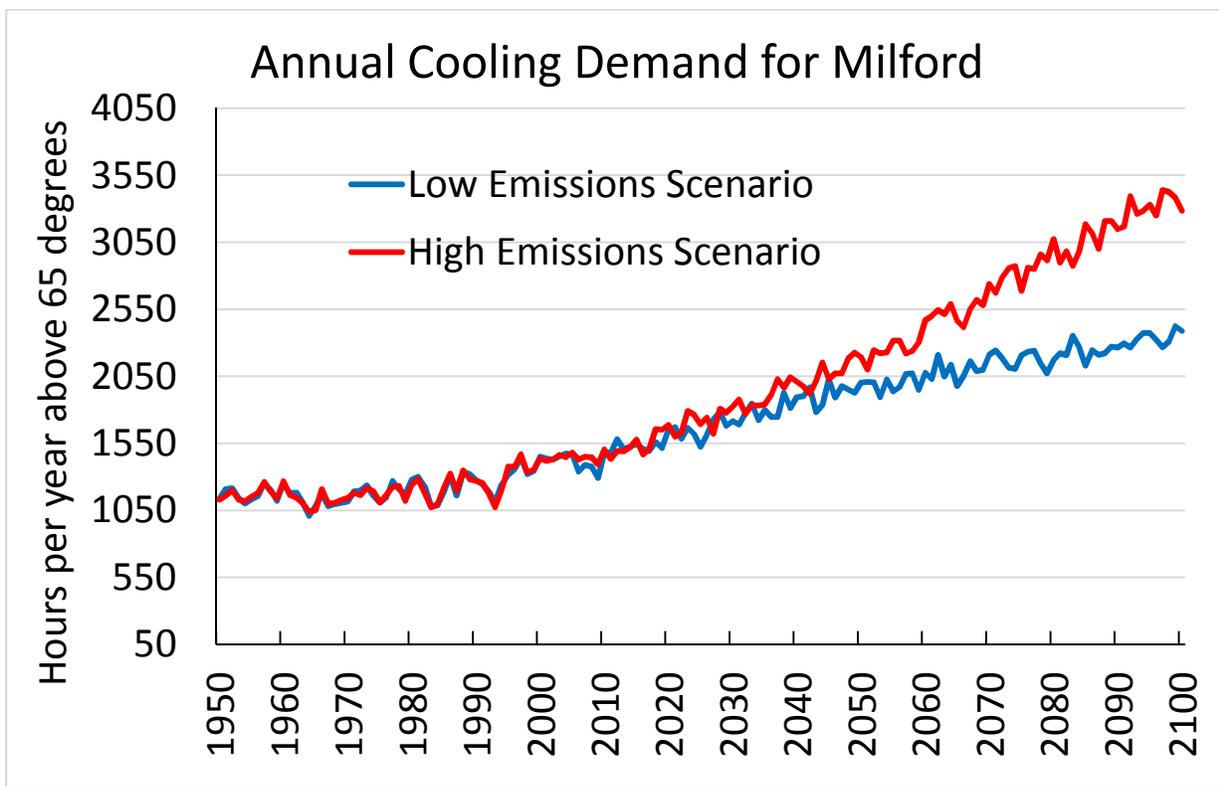
[Flooding is an issue in parts of Milford, particularly along parts of the Mispillion River. Looking forward, the City can expect an even greater load on its stormwater management infrastructure due to the combined effects of sea level rise and more intense precipitation events associated with climate change. Stormwater management planning and flood risk mitigation efforts will be critically important processes for Milford as it seeks resilient growth and redevelopment of its core downtown area on the river. Some resilient stormwater management options include rain gardens, vegetated swales, tree boxes, green roofs, and rainwater barrels. Information on these and other low-impact development practices are contained in DNREC's Green Infrastructure Primer released in 2016 \(see <http://www.dnrec.delaware.gov/GI/Pages/index.aspx>\).](http://www.dnrec.delaware.gov/GI/Pages/index.aspx)

#### 4-5. Electricity

Milford currently provides electric service to approximately 6,700 residential and 469 commercial/industrial customers. The City of Milford continues to be a member of the Delaware Municipal Electric Corporation (DEMEC). Through this corporation, the City, along with eight (8) other municipalities, negotiates the purchase of electricity for its customers.

During the past decade, the City has constructed a second substation in order to increase system reliability. Planned improvements to the City's electric system include the installation and integration of Smart Metering. This will enable customers to more efficiently manage their usage. Will also provide more efficient operation of the electric distribution system.

Temperature increases are expected for Milford due to the warming effects of climate change. Electricity demand will likewise increase during warmer periods when air conditioning is needed to cool indoor areas. Even with a low-emissions scenario, statistics from Delaware's Climate Projections Portal indicates that the number of hours above 65 degrees in Milford – a proxy for the air conditioning demand – will increase by one third by 2050 (see the Figure below which was created using data from <http://climate.udel.edu/declimateprojections/portal/>).



#### 4-6. Telecommunications

The City of Milford Electric Department has installed approximately 18 miles of fiber optic cable throughout the City to help connect the City's facilities (i.e. administrative offices and utility infrastructure) in order to run operations more efficiently and effectively. In addition, the City leases fiber optic space to major employers within the City limits.

Comcast and Verizon provide telephone and cable services throughout the City.

#### **4-7. Natural Gas**

Chesapeake Utilities provides natural gas service to approximately 1,169 residential and 169 commercial/industrial customers within the City of Milford.

**Goal (Community and Government Services)** – Ensure the safety and security of Milford’s residents with first-class police, EMS, and fire protection services and provide adequate public utilities to provide for planned and desired growth in a managed, cost-effective manner.

*Objective* – Consult police, fire, and EMS personnel when considering significant development and redevelopment proposals, particularly in regards to response time and access.

*Objective* – Plan for and provide adequate utilities and services to accommodate occurring and planned for growth in Milford.

*Objective* – Consider additional electricity demand from increased air conditioning usage into electric infrastructure planning processes to ensure that power supply and system reliability are maintained during high temperature spells.

*Objective* – Encourage the appropriate use of low-impact development and resilient stormwater management practices contained in the Delaware Green Infrastructure Primer.

*Objective* – Review mutual aid agreements with surrounding jurisdictions and confirm the adequacy of Advanced Life Support (ALS) services for Milford residents. The City may wish to pursue offering these services.

## CHAPTER 5. Housing

***Vision** - The City of Milford envisions itself transitioning into a year-round economic and employment center. It strives to provide and maintain a balanced housing inventory capable of accommodating residents from senior level executives to the many hourly-wage employees the City hopes to attract.*

### 5-1. Housing Characteristics

Significant growth, development, and new construction are changing the size and composition of Milford's housing stock. Most recent, and anticipated, residential construction is occurring on the City's periphery in greenfield development. The City's historic homes and older structures tend to be centered in the historic area of the city, close to the river. Milford does differ somewhat; however, from the typical pattern of a central core of older historic structures surrounded by new development of single-family detached homes. A significant portion of anticipated and approved growth is set for townhomes and multi-family development.

Given that Milford's population grew by nearly a third between 2000 and 2010, and that building seems to have recovered from the 2007-2008 downturn, it is reasonable to expect continued growth for the City in terms of population and residential structures.

### 5-2. Housing Inventory

Table X summarizes the distribution of housing unit types in Milford and contrasts Milford's housing stock with the counties it straddles, the state, and the nation. Milford's proportion of single-family detached units is marginally higher than the state's proportion, but very much in line with figures from Kent and Sussex Counties, and the national average, and the City hosts comparatively fewer attached homes or duplexes.

However, Milford far exceeds all comparison areas in the availability of multi-family housing. Nearly a third of the City's units are multi-family, two to three times the ratio for Kent and Sussex, respectively, near twice that of the State of Delaware, and six percentage points higher than the national figure.

Housing Type	Milford		Kent County		Sussex County		Delaware		United States	
	#	%	#	%	#	%	#	%	#	%
<b>Single-family detached</b>	2,780	63.3	43,320	65	77,849	61.8	240,246	58.4	81,840,073	61.7
<b>Single-family attached</b>	209	4.8	5,650	8.5	10,328	8.2	60,677	14.8	7,725,793	5.8
<b>Multi-family</b>	1,404	32	8,949	13.4	14,438	11.4	73,024	17.7	34,559,219	26
<b>Manufactured or other</b>	0	0	8,733	13.1	23,394	18.5	37,303	9	8,615,948	6.5

*Source: U.S. Census American Community Survey 2010-2014*

Table X shows the occupancy status for structures in Milford, Kent County, Sussex County, and Delaware. As of the 2010-2014 American Community Survey, Milford's vacancy rate of 15.3 percent was

just higher than that of Kent County, but compared very favorably to Sussex’s rate and was generally in line with the figures for the entire state.

**Table X. Occupancy Status, 2014**

Status	Milford		Kent County		Sussex County		Delaware	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Occupied	3,720	84.7	59,142	88.7	78,361	62.2	339,046	82.4
Vacant	673	15.3	7,510	11.3	47,648	37.8	72,204	17.6
Total	4,393	100	66,652	100	126,009	100	411,250	100

Source: U.S. Census American Community Survey 2010-2014

Table X compares the age of Milford’s occupied housing stock to both counties, the state, and the nation. As with all geographies listed, a significant proportion of Milford’s housing stock has been constructed since 2000, with nearly 1,200 units built from 2000 to 2009. The growth boom appears to have come a bit later to Milford, as both Kent and Sussex Counties showed stronger growth from 1990 to 1999, but are otherwise comparable to its host counties and nearly twice as robust as the state as a whole. Taken all together, the housing stock is fairly evenly distributed, with roughly half having been built prior to 1970, and half since.

<b>Table X. Age of Occupied Housing Units, 2014</b>										
Built	Milford		Kent County		Sussex County		Delaware		United States	
	#	%	#	%	#	%	#	%	#	%
2010 to present	50	1.1	1,806	2.7	2,337	1.9	6,019	1.5	1,315,426	1
2000 to 2009	1,199	27.3	19,034	28.6	37,125	29.5	81,093	19.7	19,803,260	14.9
1990 to 1999	397	9	12,552	18.8	24,160	19.2	67,167	16.3	18,512,067	13.9
1980 to 1989	389	8.9	8,966	13.5	23,468	18.6	61,682	15	18,346,272	13.8
1970 to 1979	674	15.3	8,344	12.5	15,496	12.3	50,385	12.3	20,978,482	15.8
1960 to 1969	433	9.9	5,978	9	8,726	6.9	46,353	11.3	14,626,326	11
1950 to 1959	500	11.4	4,277	6.4	5,242	4.2	42,469	10.3	14,374,462	10.8
1940 to 1949	178	4.1	1,492	2.2	2,623	2.1	18,786	4.6	7,119,373	5.4
1939 or earlier	573	13	4,203	6.3	6,832	5.4	37,296	9.1	17,665,365	13.3
Total	4,393	100	66,652	100	126,009	100	411,250	100	132,741,033	100

Source: U.S. Census American Community Survey 2010-2014

Census data suggests homeownership is relatively more affordable in Milford, compared to Sussex and Kent County, and the state. The median value of owner-occupied units in Milford was reported by the

2010-2014 American Community Survey as \$181,300, significantly less than Kent (\$200,200), Sussex (\$231,400) or the State of Delaware (\$232,900).

Home values have increased significantly across the board. In 2000, the U.S. Census reported the median owner-occupied home value in Milford as \$93,600. The 2014 median value of \$181,300 equals nearly a 94% increase in median value.

However, median home values in Milford have not risen as fast as some. Sussex County saw a 132 percent increase. Kent County's median home value grew at the same 94 percent rate as Milford. The state's median home value increased by 91 percent.

Data available from the Delaware State Housing Authority's (DSHA) October, 2016 Real Estate Report reinforces what is shown in the Census data. As of the third quarter of 2016, it showed median home prices for Kent County at \$203,745 and Sussex at \$312,479. Moreover, it depicted a sharp rise in home prices in Sussex since 2010, but only modest increases in Kent.

A cursory review of home listings late in 2016 suggest that newly constructed homes were available in the range of \$240,000 - \$280,000, though some extravagant homes were listed much higher. Existing homes that appeared to be in good condition were readily available in the \$90,00 - \$180,000 range, and handyman specials were available for roughly \$50,000. Though somewhat anecdotal, it would seem Milford's home values are tracking more closely with Kent County's than those of Sussex.

### **5-3. Housing Pipeline**

Milford appears to have weathered the housing downturn better than most, and permitting activity from 2010 on has held steady for single-family units and is beginning to show growth in other types.

There is significant growth potential in Milford's housing pipeline. As of late 2016, 5786 units are approved, awaiting construction. Of that number, 2,770 are multi-family, 1,596 single-family detached, 1,274 single-family attached, and 146 are approved duplexes.

Depending upon sales and construction, these figures have the potential to incrementally alter the composition of the City's housing stock. As of 2008, the City estimated that roughly two-thirds of its housing stock was single-family and one-third multi-family or apartments. At present, approved construction is split almost exactly in half. Fifty percent is slated for single family (attached and detached) and 50 percent is anticipated multi-family and duplex.

For the past several years, the majority of new construction has been single-family detached units. In 2010, 34 were built, with an additional 29, 33, 23, 25, 37, and 30 units added in the years 2011 to 2016, respectively.

However, recently, the City has seen villas and multi-family housing beginning to come online. After no permits being issued from 2010 through 2013, 54 have been approved since 2014, 16 villas, 12 multi-family units, and 26 townhomes.

<b>Unit Types</b>	<b>Census</b>	<b>2010 - Present</b>	<b>Approved to build</b>	<b>Total Existing or Proposed</b>	<b>% at build out</b>
Single-Family Detached	2,701	211	1596	4,508	44.7%
Single-Family Attached	201	42	1274	1,517	15.0%
Duplex	183	0	146	329	3.3%
Multiple-Dwelling Units	892	12	2770	3,674	36.4%
Manufactured, Mobile	65	0	0	65	0.6%
<b>Total Housing Units</b>	<b>4,042</b>	<b>265</b>	<b>5786</b>	<b>10,093</b>	

*Source: 2010 American Community Survey and City of Milford*

#### **5-4. Housing Needs**

The preservation and provision of affordable housing for Milford’s lower-income residents is always a concern, particularly given the sharp increase in home prices over the past two decades, only partially offset by the housing downturn. Equally important for the City of Milford, with significant growth, development, and employment aspirations, is the provision of a housing stock suitable for the residents, employees, and employers it wants to attract.

Demographics and Milford’s future aspirations should both be impactful considerations. As the baby-boom generation retires, and, in Delaware’s case, moved here from New Jersey and Pennsylvania, the migration drove home sales and construction. Today, the textbook boomer is nearly 60, and the true postwar cohort born between 1946 and 1964 is much closer to 70. It is reasonable to assume that demand for large, four bedroom, suburban homes may not be this group’s first choice, given cost, maintenance, and transportation considerations.

Likewise, the millennial generation, which now outnumbers boomers, has yet to demonstrate the same commitment to home-ownership and the suburban lifestyle.

Fortunately, the City of Milford appears to be very well positioned to accommodate these potential trends. Milford’s zoning and subdivision regulations allow for a mix of housing types as well as communities and developments that blend of mix of uses.

The City’s Southeast Master Plan and its Downtown Development District are excellent examples of the municipality’s pro-active efforts to encourage and support new, varied, residential, commercial, and employment activities in close proximity and its desire to stabilize and improve the diverse and affordable residential housing stock in the traditional town center.

Moreover, Milford has been successful. Beyond simply allowing for, or encouraging, the City has seen nearly 3,000 multi-family or duplex units approved for construction, and over 1,200 townhomes. Single-family detached homes account for less than half of all approved construction.

## 5-5. Affordable Housing and Housing Rehabilitation

Despite its diverse housing stock, according to the 2011 – 2015 American Community Survey, Milford does have a number of residents reportedly devoting unaffordable (over 30 percent) portions of their income to housing.

According to the survey, 43.7 percent of Milford renters pay over 30 percent of their income towards rent and over a quarter of renters spend at least half of their income on housing. Milford's figure is in line with Sussex County's 42.5 percent. The City's rents are reportedly more affordable to its resident renters than Kent County, 50.7 percent, or the State of Delaware, 46.2 percent.

Milford also compares favorably to both counties and the state in reported rent charged, according to the 2011-2015 American Community Survey. Median rent per-month in Milford was only \$831, significantly lower than Kent County's median rent of \$985, Sussex's \$974, and the state's median of \$1,018.

Given the City's comparatively lower rents, moderate increases in home prices, and availability of homeownership opportunities in most every price-point, it would be easy to assume that the City's housing and rental stock must be affordable. However, compared to the counties and state, a portion of Milford's residents are decidedly less well off. Roughly a quarter of families reported having median annual incomes below \$25,000. A third of the full value equates to under \$700 a month that could be affordably allocated to housing costs.

With the City's median rents already less than surrounding regions, this population could be especially vulnerable to the rising rents and home prices typically associated with strengthening economies, as they would have few alternatives.

Fortunately, the City has a number of properties and landlords that take part in the state's subsidized rental program to help insulate its most vulnerable residents from shifting market forces. According to DSHA records, 394 units receive rental subsidies and another 482 are income restricted.

Quality of affordable housing, still, is always a concern. While it is certainly desirable from an affordable housing standpoint that there are houses of a variety of ages, sizes, and values in a community, it is equally desirable that the housing stock be in adequate and safe condition.

Housing professionals suggest:

- The continuation of land use regulations that support a diverse housing stock
- Coordination with non-profits, county governments, DSHA, and private landlords and developers
- Ensuring all town regulations adhere fully with the Fair Housing Act
- Pursuing available funding and available tax credits from DSHA and the State Historic Preservation Office
- Encouraging Universal Design in any new independent living or retirement facility construction

## 5-5. Resilient Housing

Portions of Milford's housing stock are vulnerable to current flooding and future sea level rise. The inundation analysis conducted for this comprehensive plan update indicates that 60 acres of residential

land lies within the FEMA-designated floodplain. For new housing development in these vulnerable areas, the City's floodplain ordinance currently permits minimal flood risk avoidance by allowing the lowest floor of new structures to be built at base flood elevation. Requiring a safety zone above base flood elevation (known as "freeboard") for new development would reduce vulnerability to future floods and enhance housing resiliency. The City could revise the floodplain management regulations so that projects involving new construction or substantial improvement in the FEMA-designated floodplain include a freeboard requirement. This would put it on par with other cities and towns around Delaware, nearly all of which require a minimum of 12 inches of freeboard for property development in FEMA flood zones. Limiting development in the floodplain, or requiring adequate setbacks, would also add resilience to the City's housing stock. Additionally, when sea levels rise and certain residential properties repeatedly experience costly flooding rehabilitation, the City could also consider approaching property owners to voluntarily consider buy-out incentives offered through FEMA (which are administered locally by DEMA).

As noted in the section above, a large percentage of Milford residents spend one third or more of their income on rent. These same residents are more vulnerable to increased temperatures due to climate change because they have less income to spend on electricity for air conditioning. Furthermore, they may live in housing conditions that are substandard, leaky, and energy-inefficient. The City could encourage and support the adoption of energy efficient building and property maintenance practices that foster increased energy efficiencies and resiliency to increasing temperatures, particularly for affordable housing. For instance, the City's current building standard is International Building Code 2006, and significant improvements to energy efficiency measures have been made in more recent versions, particularly the 2015 codes.

**Goal** – *Preserve and protect the character and function of established neighborhoods*

**Goal** – *Encourage a balanced range of housing types and home-ownership opportunities for existing and future residents.*

**Goal** – *Promote opportunities for the creation of new clean, safe, and affordable housing, as well as ensure the continued quality of the existing stock of affordable units.*

**Goal** – *Encourage the construction and maintenance of housing that is resilient to current and future hazards such as flooding and heat waves.*

*Objective: Consider adopting a freeboard requirement to the City's floodplain ordinance.*

*Objective: Market the low-income home weatherization assistance program that is designed to improve energy efficiency for low-income households.*

*Objective: Consider upgrading the City's building code standard from International Building Code 2006 to the most recent 2015 version that recommends stronger energy efficiency measures.*

## CHAPTER 6. Transportation

This chapter provides an inventory of the transportation system in Milford and identifies issues that may need to be addressed. It details planned transportation improvements and makes recommendations to foster maximum mobility, via all modes, for residents and visitors using Milford's transportation network.

Map 2, in the appendix, shows Milford's transportation network. It includes streets and roads, sidewalks, trails, and bicycle routes.

### 6-1. Transportation Planning Trends and Developments

Since Milford's last plan update, the State has increasingly focused on non-motorized transportation modes, namely walking and cycling, in many of its planning and policy initiatives. Motor vehicle projects do, and likely will continue to be the largest recipient of infrastructure projects. However, the State has made significant investments in a series of trails and paths linking major population centers. Moreover, updated planning and engineering procedures have been enacted with the goal of ensuring bicycle and pedestrian improvements are incrementally built into the State's transportation network as regularly scheduled maintenance and construction is carried out.

Governor Jack Markell signed Executive Order Number Six in 2009, providing the policy underpinning of the administration's Complete Streets policy. A key provision of the order was that it compels DeIDOT to ensure that the needs of bicyclists and pedestrians are taken into account whenever the state builds or does significant maintenance work to existing state-maintained roadways. Effectively, the order strengthened the standard concerning the presence of bike and pedestrian amenities to the level where their exclusion must be demonstrated to be wholly infeasible or impracticable.

In 2011, the State established dedicated funding with the passage of Senate Concurrent Resolution #13, to explore and plan how "to create contiguous systems or networks of walkways and bikeways within and between cities and towns in Delaware in order to provide travelers with the opportunity for safe, convenient, cost-effective and healthy transportation via walking and bicycling." Later that year, an MOU between DNREC and DeIDOT was initiated to implement the resolution. A number of projects have been completed, are underway, or are being planned. Over 75 miles of trails and pathways have reportedly been installed since 2011 alone. For more information, please visit <http://trails.delaware.gov/>

Operationally, DeIDOT has been making a concerted effort to connect directly with its customers electronically. In addition to traditional tools like variable message signs, traffic hotlines, and traffic radio, the State has deployed an interactive website and, more recently, a smartphone traffic application, the DeIDOT App.

One feature in particular, the "Where's My Bus" tool, allows subscribed transit users to see when their bus will arrive and also to track their bus in real time. DeIDOT also shares this data with Google, so transit riders using that service's navigation services will also see actual bus arrivals and departures, not scheduled times. This feature came online late in 2016 and its full impact has yet to be determined. However, it has the potential to make transit a much more attractive and viable option.

Most recently, in May 2016, Senate Bill 130 was signed into law, creating the framework for Complete Community Enterprise Districts. These districts would encourage master planning, development supportive of transit, and an interior transportation network conducive to the first and last mile pedestrian and cycling trips that are so often the weakest link in fixed-route transit. Creation of said districts would require one or several jurisdictions to enter into an MOU with DeIDOT. No initiatives were yet underway at the time of this plan's completion.

Regionally, the proposed re-alignment of U.S. Rt. 113 has been tabled for the Milford and Lincoln areas. The 2008 Bond Bill specifically said, "(DeIDOT shall be prohibited from proceeding with the US 113 South,/North Improvements Project in the Lincoln and Milford area as proposed in the Department's Capital Transportation Program," until a local consensus could be reached. Early in 2008, the State's Transportation Secretary reported to the General Assembly that no consensus could be reached and that DeIDOT was suspending work on the proposed re-alignment in the Milford/Lincoln area.

## **6-2. Roads and Traffic**

The transportation system in the City of Milford consists of roadways, rail, sidewalks, bicycle lanes and rideable shoulder, the Riverwalk, and DART First State buses. This section of the transportation chapter provides a brief overview of the major modes of transportation currently found in Milford.

### **6-2a. Roadways**

The City lies at the dividing point between two major north-south transportation corridors. DE Route 1, also known as the Coastal Highway, runs southeast from Milford parallel to the Delaware Bay shoreline to Rehoboth Beach, where the highway swings south along the Atlantic Coast. DE Route 1 is a major hurricane evacuation route away from the Atlantic coast. US Route 113 runs south through Milford, which is located approximately midway between Dover and Georgetown. Also radiating out from Milford are: DE Route 36 east to Slaughter Beach, and west to Greenwood; DE Route 14 west to Harrington; DE Route 15 northwest to Camden and DE Route 30 south-southeast to the Milton area and onto Millsboro. Growth trends and pressures across central and eastern Sussex County will have significant impacts at Milford's location as an economic and employment designation.

Like most historic towns, the City of Milford's historic core is generally laid out in a grid pattern with frequent intersections and sidewalks. More contemporary development has tended to occur a significant distance from the historic town core. In some cases, the street networks are the familiar stem-and leaf pattern so typical of the recent suburban boom. However, in many cases this is not so. A number of recent subdivisions and developments in and around Milford have fairly good internal connectivity. More recent growth, particularly on the eastern and western edges of the City, do lack sidewalks and dedicated bicycle facilities.

Much of the City's street and roadway network; however, is still yet to be built. The City has significant vacant and developable land between existing subdivisions and other recent or proposed subdivisions, and between newer development and the historic town center. Unlike some other growing communities where rapid growth, in effect, established the transportation network, Milford still has a significant opportunity to affect the ultimate layout and disposition of its street network, ensuring adequate connections within and between developments, and sufficient connectivity to preserve capacity on its major and minor arterials.

According to DelDOT's counts of Average Annual Daily Traffic (AADT), automotive traffic has been fairly static for the past ten years. DelDOT maintains a system of automatic traffic recorders (ATR's) throughout the state and supplements its data with additional sources, such as required traffic impact studies.

ATR # 8062, just north of Milford and the confluence of S.R. 1 and U.S. 113 showed an AADT of 21,956 for 2015. This figure is only slightly higher than the 20,831 AADT recorded in 2006. As would be expected for any counter on a major north-south access route, the numbers peaked in the summer beach season and fell off sharply in the winter, spring, and fall.

ATR # 8092 monitors volumes bypassing the core of Milford at Tenth St. Volumes here were reportedly higher than in 2006. The 2015 AADT was 26,109. The 2014 AADT was 23,617. Both were higher than any recorded observation in the past ten years and up significantly from the 2006 mark of 19,685. Again, flows peaked during the traditional beach season. It is important to note that these increases are in traffic bypassing Milford. However, as the City realizes its Southeast Master Plan and grows beyond S.R. 1 to the east of its currently built-up areas, these volumes will be passing through, not around the City.

ATR # 8070 monitors traffic entering and exiting Milford on S.R. 36. The station is located outside the municipal boundary. The 2015 AADT of 15,362 was actually down slightly from the 2006 measure of 15,653.

Kent and Sussex Counties have yet to meet the population thresholds for a Congestion Management Plan (CMS), typically overseen by the Metropolitan Planning Organization (MPO). The Delaware Population Consortium estimates this may happen by 2035. According to the Dover/Kent MPO, CMS has not yet been a major factor in its project prioritization process.

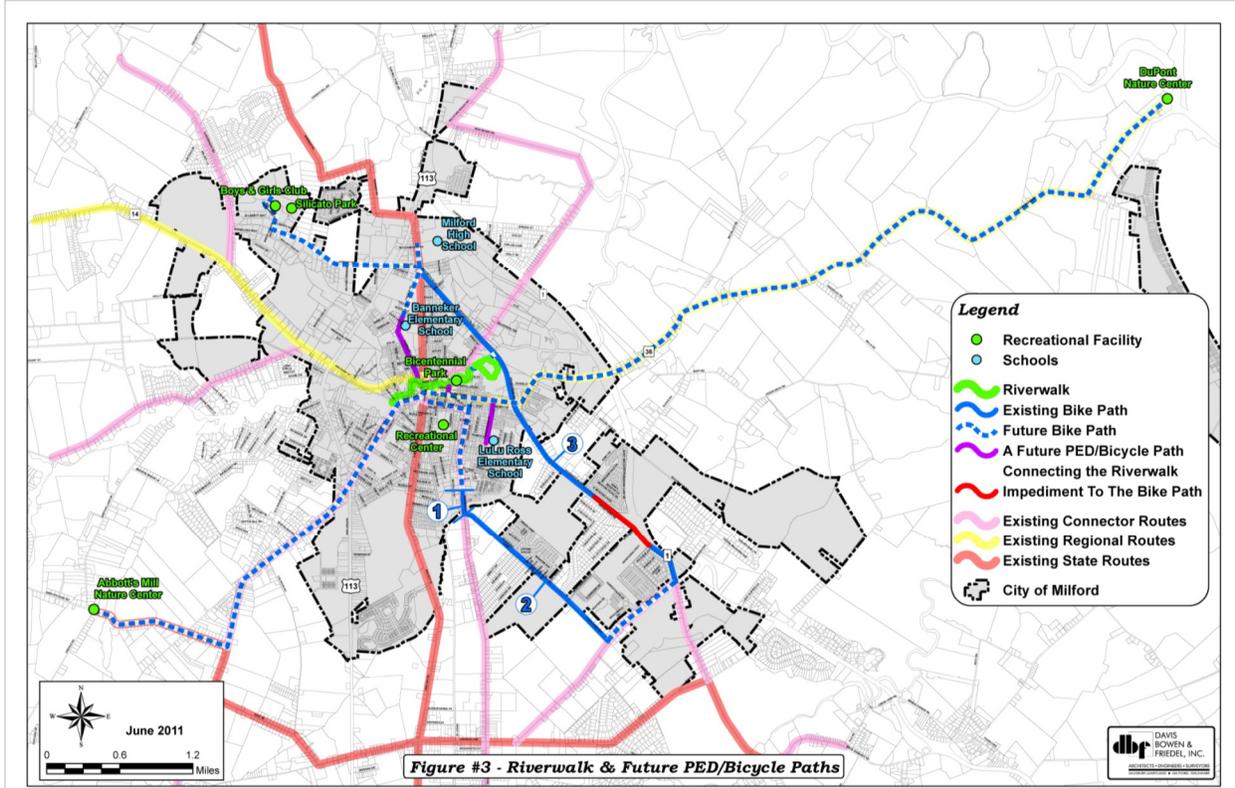
### **6-3. Non-Automotive Travel**

#### **6-3a. Bicycle Traffic**

According to DelDOT's datasets, which can be viewed at [www.bikemap.com/de/](http://www.bikemap.com/de/), the entirety of South Walnut St./North Old State Road is a State bicycle route, bisecting the City north to south. It also lists the full east to west extent of North and Southeast Front Street as a regional bicycle route.

The City has actively planned for improved bicycle and pedestrian connections and facilities. In 2011, it published its Bicycle and Pedestrian Master Plan. Figure x, below, shows existing and proposed cycling routes.

Figure X



Milford's full Bicycle and Pedestrian Master Plan can be seen at <http://cityofmilford.com/82/Projects>. According to the plan, at least two connections to the Riverwalk are sought to expand its reach and utility and future bike paths would connect the City's core with the Abbott's Mill nature preserve to the southwest and the Boy's and Girl's Club in the northwest. Other improvements along S.R. 36 heading out of town to the northeast, along an existing regional bicycle route, would serve to better connect Milford residents to the DuPont nature preserve, and would offer ride of some distance.

The Bicycle and Pedestrian Master Plan makes a number of recommendations prioritizing connectivity to the town center, connectivity between population centers, and facility design of the type appropriate for use by children and seniors. Its recommendations are recounted in the goals and recommendations of this chapter.

Another, relatively new, way of gauging bikeability is Level of Traffic Stress, also known as Low-Stress Cycling. The central premise of the approach is that people choose to ride, or not to ride, their bicycle in very large part due to their discomfort interacting with motor vehicles. Recent research suggest that nearly all other factors, such as signs denoting a bike path, the presence of sharrows, or shoulders have a minimal comparative impact.

Potential users are categorized into four groups: Strong and fearless, the avid cyclists that ride racing-style bicycles and who will ride almost anywhere, Enthusiastic and Confident can generally be envisioned as high-school and college students, along with the cycle commute to work crowd.

Over 60 percent of users fall into the next category, interested but concerned. This is basically the rest of us. There are four bicycles in the garage that they'll ride around the neighborhood or put on a bike carrier and haul to the park and ride, but are uncomfortable venturing beyond purely residential streets where they would need to ride in proximity to more than the occasional car. The fourth group simply does not or will not ride bicycles.

The rationale is that to increase cycling, facilities must be offered that connect meaningful origins and destinations while not exceeding the interested but concerned group's tolerance for traffic stress. DelDOT planners have adapted this segment-scoring methodology into a Delaware-specific tool that can graphically depict levels of traffic stress. These levels correspond to the user groups. Level one is suitable for grade-school aged children, Level two for the interested but concerned, Level three for the enthusiastic, and Level four only for strong and fearless.

Map X in the appendix shows a draft of this analysis for Milford. Please note, this is a new methodology and these results are offered as a planning tool and as an illustration Milford may use for critical analysis, NOT as a finding of fact. Key factors are vehicle speed, traffic volume, physical separation of cyclists from passing traffic, and the suitability of intersections.

For more information on Low-Stress Cycling and for a full explanation of how streets are scored, please visit <http://www.ipa.udel.edu/publications/bikeability-assessment-tool.pdf>

The map quickly reveals that the interior of Milford is quite accessible to cyclists, and while there are sections of red and yellow in Milford's interior, would be cyclists have any number of ways to avoid these without adding significantly to their trip. However, access to the Northwest and Southeast neighborhoods becomes more problematic, as do trips to either of the nature preserves, outlined in the Bike/Ped Master Plan. DelDOT's area analysis would seem to support the City's findings that further improvements would be needed to successfully catalog these routes as bike paths.

### **6-3b. Pedestrian Ways**

Map X, in the appendix details all existing sidewalks, paths, and trails in Milford, as well as the Riverwalk. The historic core of Milford has a high prevalence of sidewalks. Nearly every street bound by DuPont Boulevard and North Rehoboth has a sidewalk. Likewise, some of the more disparate developments in the northwest neighborhood have internal walkways. However, they do not connect to the rest of the system. The City's southwest and southeast neighborhoods have few, if any sidewalks.

Though City representatives and the Bike/Ped Master plan note some concern with the maintenance of existing sidewalks, beyond the town core, the issue quickly becomes one of existence. Given the City's goal of revitalizing and drawing foot traffic to its central core, establishing these connections may be a priority not only for transportation, but also economic development. The bulk of the City's anticipated growth is slated to occur outside of its historic core and some have already expressed concern that parking for more vehicles may be in issue downtown. Providing additional pedestrian and bicycle connections may be a more cost-effective way of achieving this goal, particularly in the context of cultural and night-life type attractions.

The 2011 Ped/Bike Master Plan recommends installing sidewalks in all new developments, ensuring adherence to the State's Complete Streets Policy in any municipal street improvements, and pedestrian and bicycle connectivity between any residential and adjoining commercial, as well as, at a minimum,

bicycle and pedestrian connections between neighboring subdivisions, even if the vehicular connections dead end and cul-de-sacs or stub streets.

The Mispillion Riverwalk links the downtown business district on both sides of the River with pleasant sidewalks, boardwalk and footbridges. The Riverwalk Masterplan includes expansion of the greenway across the City's historic center. The Riverwalk and Streetscape projects are also central to linking the municipal parking lots with shopping, office use and cultural activities in the downtown district. Proposed additions include linking the Riverwalk with the two elementary schools through a system of pedestrian and bicycle trails and with future residential development.

### **6-3c. Railroads**

The major north-south railroad line on the Delmarva Peninsula runs roughly parallel with S.R. 14, as it enters the City from the west and then turns due south, roughly following U.S. Rt. 13. The line is owned and operated by Norfolk Southern and presently only hauls freight. It connects Milford with the northeast corridor, providing important linkages to statewide and regional destinations.

### **6-3d. Public Transportation**

Milford's public transportation is provided by DART First State. DART First State operates fixed-route service in all three counties. DART Paratransit service provides door-to-door transportation service for elderly and disabled riders statewide. Rides need to be arranged at least one day in advance.

Milford has five designated fixed-route bus stops. Only one, at North Walnut and Park Ave, services the core of the City. There is another further west on DuPont Highway near the Hardee's and Applebee's. The other three are clustered in the northwestern area of the City, west of U.S. 113 near the Super Wal-mart and at Airpark Plaza.

Only one DART route, the 303, services Milford's bus stops. It provides weekday, commuter-style connections to and from Dover and Georgetown, roughly between the hours of 5:30a.m. and 7p.m.

The City should coordinate efforts with DART to establish local and regional public transportation loops to the Southeast Neighborhood and new hospital location consistent with the recommendations from the Southeast Master Plan document.

### **6-3e. Aviation**

The Delaware Coastal Airport in Georgetown Delaware is the closest private airport to Milford. It provides small plane services, a tower, operates on visual flight rules, and has a 5,500' runway. The closest larger facility is the Dover Air Force Base's Civil Air Terminal, offering a 13,000-foot-long paved runway. The nearest regular passenger air services are provided at the Philadelphia International Airport and Baltimore-Washington International, each roughly 100 miles away. The Delaware Airpark in Cheswold, Del., 30 miles due North, is home to 45 aircraft and Delaware State University's flight-training program, serving corporate and recreational flyers year-round. The Wicomico Regional Airport located in Salisbury, Maryland, 50 miles due South, is the only commercial airport on the Delmarva Peninsula.

#### **6-4. Planned Transportation Improvements and Studies**

Since the City's most recent plan, a handful of transportation improvements have been completed,, according to DelDOT. At-grade intersection improvements at S.R. 14 and S.R. 15 and a grade-separated interchange at S.R. 1 and Wilkins Road have been completed.

As previously explained, the significant study and associated work with the potential re-alignment of U.S. Rt. 113 in the Milford region has been indefinitely tabled due to lack of consensus. Likewise, slated interim improvements to Northeast Tenth Street and Northeast Front Street were cancelled due to community opposition.

SR1, NE Front Street Grade Separated Intersection – Following the S.R. 1 Corridor Capacity Study's recommendations, a grade-separated intersection is envisioned at Northeast Front Street and S.R. 1. Front Street is to be elevated to cross above S.R. 1 and a connector built to redirect at-grade traffic to the overpass. At present, right-of-way is being procured with a scheduled completion of construction late in 2019.

SR1, Thompsonville Grade Separated Intersection - Also stemming from the S.R. 1 CCS, work on a grade-separated interchange at Thompsonville and S.R. 1. Design work began in 2014 and construction was nearing completion at the time of this plan update.

Corridor Capacity Preservation Study – This study impacts design considerations and future development patterns on both major highways (S.R. 1 and U.S. 13) in, or very near Milford. The CCP approach began as a pilot project in the early 1990's. The aim was, and is, to avoid the cycle of building a highway, attracting economic development (driveways, intersections, traffic lights), experiencing congestion, building a bypass, and repeating the cycle on the bypass. The stretch of S.R. 1 from Dover Del., to Nassau passes directly past (partially through) Milford. The other preservation corridor follows U.S. 113 from Milford, south to the Maryland State line.

The program's main goals are to:

- Maintain a road's ability to handle traffic safely and efficiently
- Minimize the impacts of increased economic growth
- Preserve the ability to make future improvements
- Prevent the need to build an entirely new road
- Sort local and through traffic

The program is well coordinated and delineates areas, and potential remedies, based on the desirability of investment of State funds, very much in line with the 2015 State Strategies for Policies and Spending.

Dover/Kent County MPO Metropolitan Transportation Plan (MTP) 2040 update, 2013 – The MTP is a long-range, big picture, regional planning and guidance document compiled by the Dover/Kent MPO, in close coordination with Kent County, DelDOT, OSP, and municipalities, including Milford, which is discussed at some length in the document.

The most recent iteration was adopted in Jan., 2013. The public engagement process for the next update is already underway. Update details, as well as the most recent document, can be viewed at <http://doverkentmpo.delaware.gov/metropolitan-transportation-plan/>.

The MTP's primary focus is to:

- Preserve the existing system to meet adopted standards of “good repair”
- Manage the system to meet adopted performance measures
- Expand travel options beyond the private automobile.
- Increase the highway system capacity where needed.
- Focus transportation investments so they match county and state growth and development goals

City of Milford Bicycle and Pedestrian Master Plan, 2011 – Milford has developed a comprehensive plan for the enhancement of its non-automotive transportation network. Elements and key recommendations from the master plan have been incorporated into this document. The plan delineates available pedestrian and bicycle infrastructure, notes deficiencies, and highlights desirable future projects and design features.

The master plan was a direct outgrowth of the City's 2008 plan and is very innovative in that it concerns itself, primarily, with allowing and encouraging transportation options for non-driving populations (children and seniors) and functional, utilitarian connections between meaningful convenience origins and destinations. It is far less concerned with cycling as pure recreation or providing bike-rack driving destinations for cycling. Furthermore, it makes significant land-use and street-standard recommendations aimed at encouraging, or even requiring, the provision of sidewalks, connections between adjacent, or existing and planned developments, and adherence to the state's Complete Streets policy during road construction and maintenance. It is available for review at <http://cityofmilford.com/DocumentCenter/Home/View/686>

#### **6-5. Additional Transportation Issues**

Parking – According to City representatives, parking may be an issue in City's downtown and steps may be required to address deficiencies. A parking study or inventory may be advisable to clearly illustrate the number of available spaces at various times of the day, and days of the week. The construction of parking can be expensive, and large areas of off-street parking, unless carefully designed, aren't entirely compatible with the City's vision for its downtown revitalization. A careful analysis may reveal if less intrusive options, such as shared parking for uses that draw patrons at different times of the day, or simply better signage to municipal or shared lots could ameliorate current issues. It may also reveal if existing spaces are being used for long-term parking or vehicle storage.

Truck Traffic – The City reported few traffic concerns. However, Northwest Front Street does have a significant volume of heavy truck traffic associated with the nearby industries/major employment centers. Though the traffic volumes don't seem to be causing significant congestion, some concerns have been expressed that the continual vibrations could eventually undermine close-by historic structures. As of this plan's drafting, the town was in discussions with industry representatives regarding possible solutions.

Transit and Multi-Modal Connectivity – Milford has grown significantly and embraces future growth. However, the City feels strongly that this new, planned growth (much of which borders or sits opposite S.R. 1 on the City's eastern edge) should connect to, and benefit, the established neighborhoods and businesses in the City. Once fully realized, the development and employment centers envisioned in the Southeast Master Plan could see hundreds of new jobs and residents in Milford. However, without

convenient, direct, and accessible connections to the city's established neighborhoods, much of the potential economic impact, particularly upon the city's identified downtown development district, could be left unrealized. Likewise, an employment center of the hoped for magnitude may benefit from a dedicated transit stop or transit hub.

Transportation Resiliency – There are 3.5 miles of roads vulnerable to inundation in the FEMA-designated floodplain and an additional 1.4 miles vulnerable to a 1.0m sea level rise scenario. During intense storms coupled with future sea level rise, DEMA-designated evacuation routes along Route 1, Route 113, and Rehoboth Boulevard are also likely to be impassable due to inundation, thereby impeding evacuation and emergency response activity. Higher temperatures can also impact the City's transportation infrastructure. Asphalt pavement softens and expands under elevated temperatures, making it more vulnerable to rutting and potholes. The combined effect of sea level rise and higher temperatures will therefore negatively impact the performance and durability of Milford's road network.

The volatility of gasoline prices coupled with the improved range offered by today's electric vehicles (EV) means that more and more Delawareans are opting to purchase EVs. Electrical charging stations, where owners can "refuel" their vehicles while they are parked, are also becoming more popular as the EV infrastructure grows. However, there are currently no operational EV charging stations located within the City.

Transportation Improvement District – The City's Southeast Master Plan envisioned the creation of a transportation improvement district (TID) for the entire area in order to comprehensively plan for and anticipate necessary improvements, and also to spur timely development by relieving individual developers and/or builders from the necessity of conducting individual traffic improvement studies.

DeIDOT staff reports it is very amenable to such an agreement and requires only an affirmative statement of intent in an adopted comprehensive plan (this document) and a map detailing the proposed TID's boundaries. DeIDOT also requested that recent changes in land use and layout in the Southeast Master Plan be updated in that document and reflected in the comprehensive plan.

**Goal** – Enable the safe and efficient mobility of residents utilizing all modes of travel, be they pedestrians, cyclists, drivers, or transit riders, via a safe and interconnected transportation system.

Objective – Work to address deficiencies and maintenance issues in the City's bicycle and pedestrian network.

Objective – Incorporate key recommendations from the City's Bicycle and Pedestrian Master Plan into its subdivision and street design standards.

Objective – Study and/or address parking deficiencies in the central business district.

Objective – Ensure connections for all modes between commercial and residential uses, existing and proposed residential uses, and the southeast area and greater Milford.

Objective – Continue to make use of the Riverwalk as a first-class recreational opportunity, as well as the connected pedestrian spine of the community

Objective – Coordinate with DeIDOT/DART regarding future transit needs and opportunities.

Objective – Preserve traffic capacity and prevent undue future congestion on the City’s highways and arterials by planning for future growth and development with connected local streets and bicycle/pedestrian networks.

Objective – Coordinate with DeIDOT and local businesses to address noted concerns of congestion, truck traffic, and difficult pedestrian crossings.

Objective - Collaborate with DeIDOT to conduct a climate change vulnerability analysis to identify at-risk transportation assets and strategies for mitigating those risks.

Objective – Install electric vehicle charging stations in the central business district with designated parking spaces

**Goal** - Pursue, in coordination with DeIDOT, the creation of a transportation improvement district (TID) for areas subject to the updated Southeast Master Plan

## CHAPTER 7. ECONOMIC DEVELOPMENT AND REDEVELOPMENT

**Vision** - *The City of Milford is dedicated to providing a quality living and working environment that will ensure a balanced mix of commercial development and employment opportunities, that serve its residents, and promotes its image as a desirable and economically stable community.*

Milford's economic base is strong through diversification. The business community is comprised of a mixture of small and mid-sized local businesses-and national firms such as Perdue Farms, Inc. and Dentsply Sirona, Inc. The business base includes manufacturing and industrial enterprises, an expanding healthcare sector, professional, educational and government services, and retail businesses.

### 7-1. Major Employers

The largest employers within the City are shown in Table 7-1 and include agribusiness, food processing facilities, manufacturing firms and medical service providers.

**Table 7-1. Milford Major Employers, 2017**

Employer Name	Type of Business	Number of Employees
Perdue Farms, Inc.	Poultry Processing	1550
Bayhealth, Inc.	Health Care	800
Milford School District	Education	558
Dentsply Sirona, Inc.	Dental Supply Manufacturer	525
Seawatch International, Inc.	Seafood Processing	280
Kent-Sussex Industries, Inc.	Agricultural Products	117
City of Milford	Government	105
First State Manufacturing, Inc.	Industrial Sewing	100
	Total	4035

Source: City of Milford, 2017

Perdue Farms, Inc. operates a poultry processing plant within the City. The plant provides employment opportunities for unskilled labor and is a significant employer for Milford's growing minority populations.

Bayhealth, Inc. currently owns and operates the Milford Memorial Hospital located along Clarke Avenue near downtown Milford. In 2016, Bayhealth began construction of a new state-of-the-art hospital and health campus on 160 acres of land located in the Southeast Neighborhood. This long-term investment in the City will secure quality healthcare for both local and regional residents. It is anticipated that the project will lead to additional residential, commercial and institutional growth in the Southeast Neighborhood along with other areas of the City. The new hospital facility is expected to be fully functional by January 2019.

Dentsply-Sirona is the world's largest manufacturer of professional dental products and technologies. The company maintains two facilities within City limits, one located on Lakeview Avenue and one located in the Masten Business Park.

Founded in Milford, Seawatch International, Inc. continues to be one of the biggest employers. The company is known as the largest harvester and processor of clam products in the world. Recent

company investments have expanded operations and employment at the Milford site, fueling the local economy.

First State Manufacturing operates an industrial sewing facility located at the corner of Columbia Street and SE Fourth Street. FSM works with a wide range of products and businesses, from aircraft textiles and bus upholstery to restaurant refurbishments and contract sewing. FSM continues to expand production which may lead to additional employment opportunities.

The Milford School District is a major employer in the community and continues to expand to meet the growing needs of Milford’s young residents. More information can be found in Chapter 4 related to the school district.

Kent-Sussex Industries is a non-profit vocational rehabilitation organization aimed at assisting people with disabilities attain employment and meaningful participation in their communities. The non-profit was founded in 1962 in Camden, DE and grew into multiple locations over the past few decades until consolidating into the current Milford location.

These organizations employ over 4,000 people, and together with many other smaller businesses, contribute to a healthy demand for employees, transportation options and housing within the City.

## 7-2. Employment and Unemployment

Information provided by the 2010-2014 ACS 5-year Estimates showed Milford with a labor force of 4,606 persons, and an unemployment rate for population ages 16 and older (7,691 persons) of 6.1 percent. Table 7-2 represents the employment status for persons in the labor force in Milford, Kent County, Sussex County, State of Delaware and the United States.

**Table 7-2. Employment Status**

Employment Status	Milford		Kent County		Sussex County		Delaware		United States	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Employed	4,104	53.4	73,729	56.3	87,834	52.5	426,234	58	143,543,537	57.7
Unemployed	466	6.1	12,572	9.6	14,890	8.9	62,465	8.5	22,887,358	9.2
Labor Force	4,606	59.9	84,074	64.2	96,534	57.7	468,857	63.8	158,967,626	63.9

Source: American Community Survey, 2010-2014

## 7-3. Commuting to Work

According to 2010-2014 ACS 5-year Estimates, the average commute time for laborers within Milford is 22.7 minutes. This is lower than the averages for both Kent County, 25.8 minutes, and Sussex County, 24.5 minutes.

The City maintains the policy to minimize commuting times and optimize alternative modes of travel. The City is a participating jurisdiction in the “Live Near Your Work” program spearheaded by the Delaware State Housing Authority (DSHA). The program is a cooperative partnership between local government, businesses and the State to provide financial assistance to workers who purchase housing within walking or cycling distance and maintain a diversified economy while discouraging sprawl. This program provides incentives to keep current employees in the area and to recruit new employees.

#### 7-4. Occupations

As shown in Table 7-3, Milford residents' employment by occupational category in 2010 was fairly stable. Due to changes in the methodology used by the U.S. Census Bureau, the table compares full-count data from 2000 to survey results as recent as 2014. Slight variations in how occupations are classified prevent direct comparisons in some cases.

Just under a third of Milford's residents were employed in management/professional fields, steady from 2000. These figures are on-par with Kent and Sussex Counties, but slightly less than the state or national averages.

Looking at production, transportation, and manufacturing, the data suggest Milford has made modest gains and employs a higher percentage of its residents in traditional blue-collar jobs than either county, the state, or the nation. Likewise, the City has a slightly lower percentage of its labor force employed in the service industry.

**Table 7-3. Occupations in Milford, Kent County, Sussex County, Delaware and the United States**

Occupational Category	Percent									
	Milford		Kent County		Sussex County		Delaware		United States	
	2000	2014*	2000	2014*	2000	2014*	2000	2014*	2000	2014*
Management, Professional, and Related (Business, Science, Arts)	29.6	29.9	28.5	32.7	27.2	30	35.3	38.1	33.6	36.4
Service	15.7	14.3	17	19.1	16.7	20.9	14.6	18.1	14.9	18.2
Sales & Office	24.8	21.7	26.9	24.1	25.3	24.5	27.6	24.4	26.7	24.4
Farming, Fishing and Forestry**	0.8	N	0.7	N	1.3	N	0.5	N	0.7	N
Construction, Extraction & Maintenance**	10	N	11.6	N	12.8	N	9.5	N	9.4	N
Natural Resource, Construction & Maintenance Operations**	N	14.2	N	10.6	N	11.4	N	8.6	N	9
Production, Transportation & Material Moving	19.2	19.9	15.3	13.5	16.6	13.3	12.5	10.8	14.6	12.1

N = No Data

\*2014 data from the American Community Survey 5-year estimates program was collected from 2010-2014 and represents the average value over that time.

\*\*In the latest datasets the categories "Farming, Fishing, and Forestry" and "Construction, Extraction, and Maintenance Occupations" were not included, but a new category entitled "Natural Resource, Construction, and Maintenance Operations" was created.

Source: 2000 Census; American Community Survey, 2010-2014.

## **7-5. Economic-Development Plan**

One of Milford's strengths is the variety of business sectors and business sizes which operate within the City. This is the key to providing economic opportunity to all the citizens of Milford and the Greater Milford Area. Beyond the City limits, the City recognizes that agriculture and associated businesses are intimately tied to many of the City's large employers and product producers. State and County programs that keep farming profitable, such as agricultural preservation and transfer development rights, are supported by the City.

The fundamental principle to providing economic opportunity to the citizens of Milford is to encourage employment opportunities within the City. The City is committed to continuing its policy of providing suitable zoning categories and land areas within the City to accommodate the variety of business sectors that promote a diversified and stable economy. Manufacturing, retailing and other commercial enterprises, and profit and non-profit providers of educational and medical arts all have a place within the City as sources of quality employment, as directed by the land use plan.

The City will continue to promote Milford as an employment center through the provision of adequate water, sewer and natural gas, competitive electric rates and state-of-the-art telecommunications. Expansion of Milford's fiber optic data lines provides the latest technologies to existing companies. This infrastructure is an attractive amenity for which the City can market and use as a business recruitment tool.

To stimulate private investment in the community, the City has developed Specific Economic Development Incentive Programs (SEDIP) outlined in Chapter 19 Economic Development & Redevelopment of the City Code. Currently, there are SEDIPs for the Greater Milford Business Park and the Downtown Development District, as well as city-wide incentives for employment generation. These incentive programs provide targeted assistance for areas of desired economic growth.

### **7-5a. Redevelopment, Economic and Community Development**

Milford recognizes that maintaining the appearance and functionality of the existing developed properties is an important aspect of providing a high quality of life for people living and working in the City.

Redevelopment of under-utilized properties will continue to be promoted by the City's Planning Department through partnerships with non-profit organizations and private investors. The City will coordinate with Downtown Milford, Inc., to integrate downtown redevelopment efforts consistent with the Downtown Development District Plan. The City will also coordinate with the Delaware Economic Development Office to widen its opportunities to keep constructed facilities fully utilized.

#### *Downtown Milford, Incorporated*

The most successful redevelopment program has been through the public/private partnership with Downtown Milford, Inc., (DMI). The non-profit organization has assisted with implementing Milford's streetscape projects and working with private developers on the rehabilitation of existing buildings in the center of the city.

DMI is organized to stimulate economic development: 1) by encouraging cooperation and building leadership in the business community, 2) by creating a positive image for the downtown area by promoting it as an exciting place to live, shop and invest, 3) through the improvement of the appearance of downtown, and 4) by rebuilding and diversifying the downtown economy.

DMI coordinates several downtown festivals and campaigns throughout the calendar year including Pub Crawl, Bud and Bug Festival, Brewgrass Festival, International Food Festival, Eat in the Street, Holiday Stroll, Farmers Market, Shop Local Campaign, Third Thursday, and Milford in Bloom. These events are designed to attract visitors to the downtown area and strengthen the sense of community.

DMI administers a “mini” revolving loan fund program and provides other types of financial assistance to downtown business and property owners. The goals and objectives of DMI are promoted by the City through the Central Business District zoning classification and the Mispillion Riverwalk master plan.

The City and DMI will continue efforts to develop a Historical Preservation Ordinance to improve and protect buildings in the three established Historical Districts.

#### *Chamber of Commerce for Greater Milford*

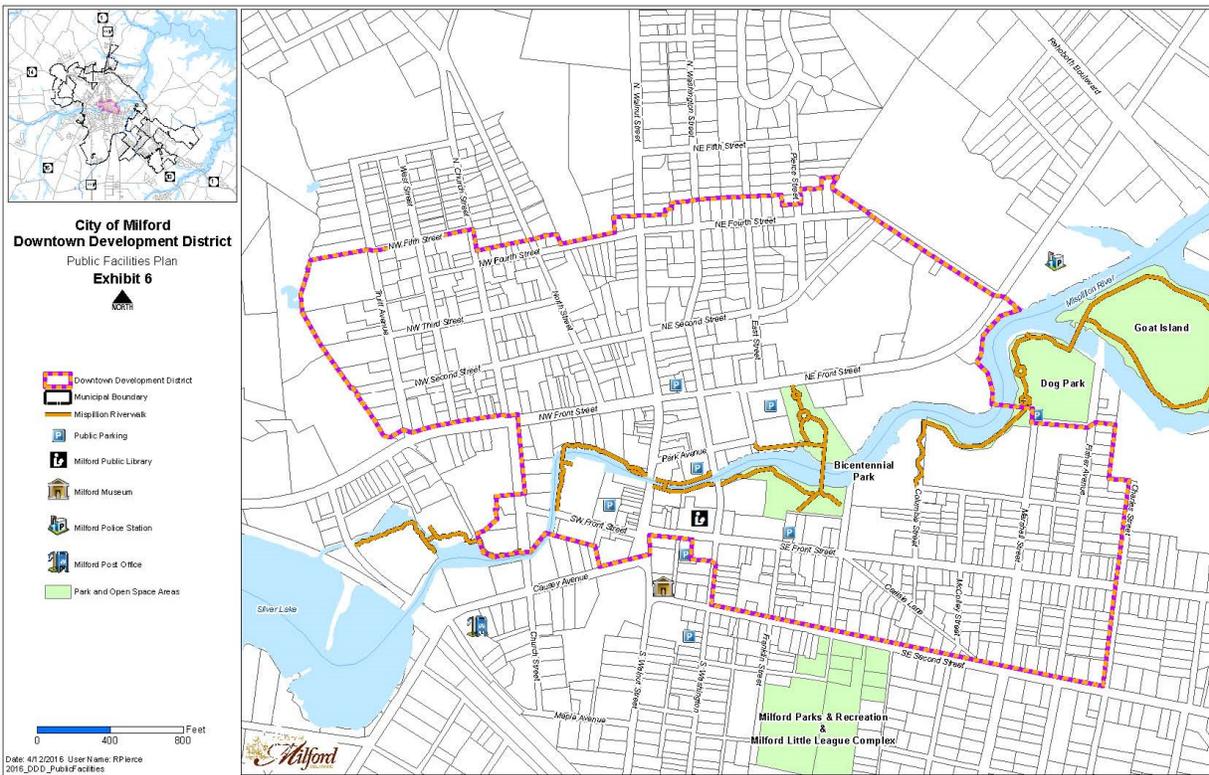
The Chamber of Commerce for Greater Milford (CCGM) serves the business community as a resource information center, referral source and networking base to facilitate and actively promote Milford. The Chamber of Commerce has established an Economic Development Commission comprised of seventeen (17) members representing education, government, health care, manufacturing, and commerce sectors serving the Greater Milford area. The Chamber and the Commission play an integral part in promoting existing businesses and attracting new businesses to the community and downtown area.

#### *Downtown Development District*

In September 2015, Arnett Muldrow & Associates conducted a series of public meetings and focus group sessions to develop a master plan for Downtown Milford. Over 250 citizens gathered together during the three-day charrette to create the Rivertown Rebirth Plan 2025. A copy of the Rivertown Rebirth Plan 2025 can be found at <http://www.cityofmilford.com/documentcenter/view/1846>. In January 2016, City Council adopted the Plan as the guide to development and revitalization in the Downtown Area.

In May 2016, the City submitted an application to the State of Delaware for the next round of Downtown Development District (DDD) designations, for which the Rivertown Rebirth Plan 2025 was a primary component. In August 2016, the Governor announced Milford as one of the next five communities that received designation. The program combines State and local incentives to encourage private investment within the District area. State incentives include grants, historic preservation tax credits, and other resources for both residential and commercial development/redevelopment projects. As part of the designation, the City has committed to impact and other fee waivers and tax abatements for qualifying projects. Details can be found in Chapter 19 Economic Development & Redevelopment in the City Code. For more information on the City’s Downtown Development District program, please go to [www.cityofmilford.com/DDD](http://www.cityofmilford.com/DDD).

**Figure 7-1. Downtown Development District Map**



The Rivertown Rebirth Plan 2025 contains a series of recommendations to further enhance the downtown and address some of the opportunities and concerns identified by stakeholders during the charrette. Some of these recommendations were tied to physical locations and included several large mixed use projects located along the Mispillion River.

In addition to the Rivertown Rebirth Plan, the District Plan focuses on community redevelopment through the promotion of homeownership and neighborhood revitalization. The City has partnered with several non-profit and governmental agencies in promoting community development programs with the goal of reducing vacancy rates and code violations, and increasing safety and economic activity.

### *Greater Milford Business Park & Independence Commons Business Park*

In the early 2000’s, the City invested in developing a business park along the south side of Airport Road, west of Route 113 and Route 1. Called the Greater Milford Business Park, this project created shovel-ready sites zoned BP (Business Park) ranging from one to twelve acres in size. The GMBP is home to the City’s Public Works Department administrative office and warehouse, medical and dental clinics, contracting companies, supply warehouses and light manufacturing. There are only a few undeveloped lots remaining within the GMBP.

Located north of the GMBP along Airport Road, Independence Commons offers affordable land for medical and professional office-type uses. The complex includes Delaware Hospice, Veterans Home, Boys & Girls Club, Can-do Playground, Milford Parks and Recreation athletic fields and other professional offices. There are several one-acre lots available, along with larger tracts of land ranging from three to

eleven acres in size. The main sewer, water and electric infrastructure was installed by the City of Milford to promote quick development.

The Greater Milford Business Park and Independence Commons will be promoted through the City's own initiatives. The City has developed a SEDIP for new development in the Greater Milford Business Park, providing fee waivers and other incentive options for projects providing new employment opportunities for area residents.

#### 7-5b. Economic Resiliency

As noted previously, the area covered by the DDD includes 170 acres that center on the City's Central Business District around the Mispillion River. Nearly 30% of the DDD lies in the existing FEMA-designated floodplain, posing a challenge for resilient development and redevelopment in the area. A similarly sized area is also vulnerable to sea level rise. While any new development in the floodplain must conform to the City's floodplain ordinance (city code §130-27(A)(1)), the current minimum standard for building elevation is exactly equal to base flood elevation, leaving properties highly vulnerable to flood events. In the City's Rivertown Rebirth Plan 2015, Objective 3.7 (Book 2, page 14) states that Milford should "review and update the existing floodplain management ordinance" in light of these vulnerabilities. Requiring new development and redevelopment in the FEMA-designated floodplain to be elevated above base flood elevation and future sea level rise (known as "freeboard") can reduce flood risk and insurance premiums. With an enhanced freeboard policy, the City would need to review and eliminate any barriers to development such as maximum building height restrictions and stair projections into setback areas. To further mitigate flood risk, projects in areas vulnerable to inundation should take additional floodproofing measures such as elevating critical systems (fuel tanks, HVAC, water heaters, electrical switches, etc.) above base flood elevation and future sea levels. Backflow check valves for wastewater systems can also be added.

Efforts to mitigate greenhouse gas emissions in the City can also bring local economic benefits in the form of energy cost savings, and the state's Sustainable Energy Utility (SEU) offer a number of energy efficiency incentives that reduce operating costs of buildings. The SEU's Energy Efficiency Investment Fund is designed to assist commercial and industrial customers with swapping out their old, inefficient equipment with newer, more efficient replacement units. Their Revolving Loan Fund offers low-interest loans to public and private end-users for purchase of renewable energy systems, energy efficiency measures, and greenhouse gas mitigation projects. The SEU's Solar Hot Water and Geothermal Grant offers financial assistance to non-residential users for the purchase and installation of solar hot water heaters. For its part, the City of Milford could consider policies to further incentivize energy efficiency upgrades to new and existing structures such as waiving or reducing permit and inspection fees for qualified renewable energy and energy efficiency installations. In addition to the long-term cost savings that renewable energy and energy efficiency upgrades achieve, these types of projects also help boost the local economy by making use of skilled labor for electrical, heating and plumbing, and other construction-related work.

In the Transportation chapter, it was noted that electric vehicle (EV) infrastructure does not yet exist in Milford. The installation of EV charging stations in the central business district would incentivize the growing number of EV owners into the downtown area, boosting economic activity. DNREC currently offers a rebate program that reimburses commercial businesses 75% of the cost of a charging station (up to a maximum of \$2,500).

**Goal** – *Pursue land-use, growth, and preservation strategies that will ensure that farms, agricultural properties, and agri-businesses remain an economically viable anchor to the Milford economy.*

**Goal** – Study, plan for, and provide first-class utilities and municipal services to promote and support growth.

**Goal** – Ensure the City’s future land uses and zoning accommodate and allow for a variety of commercial and employment activities.

**Goal** – Implement the policies and recommendations within the Southeast Master Plan and the Downtown Development District, both key tools for future development and redevelopment

**Goal** – Broaden Milford’s economic activity beyond Monday to Friday, nine to five by encouraging businesses, activities, and festivals that will help develop Milford’s identity as a great place to have fun, as well as work and live.

**Goal** – Enhance the City’s economic resiliency by reducing the risk of flood damage and promoting the long-term cost savings of energy efficiency and renewable energy upgrades.

Objective – Encourage nightlife and cultural destinations in the Town Center

Objective – Review and increase the existing freeboard standard for development in the FEMA-designated floodplain to mitigate against current and future flood risk.

Objective – Support energy efficiency and renewable energy upgrades in new and existing developments by taking advantage of state-sponsored financial incentives and by considering reduced permit and inspection fees.

Objective – Promote electrical vehicle charging in the central business district.

## **CHAPTER 8. Natural Resources**

Milford owes its very identity to the river and rich farmland in and around the municipality. It is committed to playing its part in protecting and preserving these invaluable resources for the next generation of residents.

The Environmental Plan's place within the City's suite of policies is to assure that economic development can occur while recreational and natural assets are sustainably utilized. Milford is committed to the preservation of the Mispillion River as a cultural and economic asset. This chapter presents a summary of these natural resources and environmental policies, identifies issues of concern and provides recommended actions for implementing natural resource management policies.

### **8-1. Physical Characteristics**

The City's physiographic location is described as the Atlantic Coastal Plain, and the Delmarva Peninsula. The significant feature of the province is its flat to rolling ground surface that lies at less than 50 feet above sea level and falls steadily to the Delaware Bay shore to the east. The City is less than 10 miles from the Bay, which generates a mild climate year-round. Average monthly temperatures range from 76° to 32° F. The average annual rainfall is 45 inches. Rainfall runoff flows to ditches, small streams and rivers dependent on the ground surface topography.

Milford is at the center of the Mispillion River Watershed, which is a tributary to the Delaware Bay drainage basin. The bay coastline is dominated by tidal wetlands, and is an area marked for preservation through National Wildlife Refuges, state and private reserves, enrollment in Delaware's agricultural preservation program, and wetland regulations.

### **8-2. Water Resources**

The quality and quantity of water available in the City of Milford is key to both the health and well-being of its residents and to achieving the growth and development the City desires. This section discusses water-quality issues and actions the City can take, and has taken, to minimize negative impacts on water quality within Milford and the surrounding watershed.

#### ***Drinking Water Sources***

Milford's drinking water supply is quite diverse, drawing from five aquifers and twelve wells. The City taps one unconfined aquifer, the Columbia, and the deeper, confined Milford, Frederica, Federalsburg, and Cheswold aquifers. Production from the unconfined aquifer is limited to one well, because the shallow water requires filtration for iron removal. Approximately 89% of the City's water production is from the deeper, confined aquifers: the Milford, Frederica and Federalsburg. Confinement in aquifers naturally protects the City's supply from surface contamination and reduces the City's exposure to reduced productivity during drought conditions.

The City's wellhead protection areas have been delineated by DNREC and are shown on Map x in combination with the Excellent Groundwater Recharge zones as "Water Resource Protection Zone." To assure adequate water supplies, the City adjusted its land use ordinance, for areas designated "Water Resource Protection Zone" per DNREC regulations (in conformance with the Source Water Protection Law, Title 7, Delaware Code, Chapter 60, Subchapter VI). These regulations required the City to protect

excellent recharge areas and recharge areas for wells in the unconfined aquifer. This was accomplished by placing limitations on the allowed uses on the land and the percent of impervious area permitted by new development in these identified areas.

### ***Excellent Recharge Areas***

A recharge area is land on top of an aquifer. Precipitation falling on the land surface provides the water that recharges aquifers. Recharge areas are classified as excellent, good, fair, and poor according to how rapidly rain water filters through the ground to the underlying aquifer.

Aquifers are layers of gravel and sand, within which, water is stored and moves underground. Maintaining good water quality in local aquifers is especially important because Milford obtains drinking water from wells drilled into aquifers. Care must be taken when developing within recharge areas to ensure that precipitation is not contaminated with surface pollutants which could potentially carry these contaminants into the aquifers.

It is also vital that excellent recharge areas remain permeable and allow sufficient infiltration to recharge the aquifer below. Impervious surfaces such as rooftops, roads, parking lots, and soils compacted through construction or landscaping generally cause runoff, not infiltration.

The ability of soils to recharge groundwater resources has been approximated and mapped by the Delaware Geological Survey. Areas of excellent recharge are shown on Map No. X. In general, large areas of excellent recharge have been mapped to the west of US Route 13, in both Kent and Sussex County. There are three excellent-recharge areas within the City's limits. Excellent-recharge areas consist of predominantly sandy soils that allow precipitation to rapidly infiltrate to the underlying aquifer. Good-, fair-, and-poor recharge areas have respectively slower infiltration rates.

DNREC regulations require the City to protect excellent recharge areas, through limitations on the percent of impervious area permitted by new development. These regulations have been incorporated into the land-use code.

### ***Watersheds***

A watershed is all of the land that water moves across or under while flowing to a specific body of water and includes the plants, animals, and humans who live within it. Milford is located within the Mispillion River watershed which has been assigned a range of nutrient (nitrogen and phosphorus) and bacterial total maximum daily load (TMDL) reduction requirements by the State of Delaware. These reductions must be met in order to comply with the State's Water Quality Standards.

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), States are required to identify all impaired waters and establish TMDLs to restore their beneficial uses (e.g. swimming, fishing, and drinking water). A TMDL defines the amount of a given pollutant that may be discharged to a water body from point, nonpoint, and natural background sources and still allows attainment of maintenance of the applicable narrative and numerical water quality standards. A TMDL is the sum of the individual Waste Load Applications (WLAs) for point sources and Load Allocations (Las) for nonpoint sources and natural background sources of pollution. A TMDL may include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality. In simplistic terms, A TMDL matches the strength, location and timing of pollution sources within a

watershed with the inherent ability of the receiving water to assimilate the pollutant without adverse impact. A Pollution Control Strategy (PCS) specifies actions necessary to systematically achieve pollutant load reductions specified by a Total Maximum Daily Load for a given water body, and must reduce pollutants to levels specified by State Water Quality Standards.

### ***Wetlands***

Tidal wetlands are present within the City along the banks of the Mispillion on Milford's east side. Small areas of tidal wetlands also touch the City's northern edges and the eastern boundary of the South East neighborhood. Non-tidal wetlands are also present, largely adjacent to the blue-line streams.

Much of the River has been diverted, channelized or impounded as part of the historic development of Milford. The Mispillion Riverwalk has sections of boardwalk, which elevate the system above the banks, and new wetlands landscaping has been introduced. The Parks and Recreation Department recently completed an extension of the Riverwalk system to the east, to a wooded wetland area called Goat Island. This natural area includes a walking trail and elevated boardwalk through some of these sensitive areas, providing education guideposts highlighting the wetland environment. Additional improvements to this nature area on Goat Island are outlined in the Parks Plan.

In addition to providing wildlife habitat, wetlands provide protection from flooding and protect water quality by naturally filtering runoff on its way to water bodies. Protection of wetlands falls under the regulatory jurisdiction of Section 404 provisions of the federal Clean Water Act. In Delaware, tidal and non-tidal wetlands are regulated by the Army Corps of Engineers (ACE) under this act; however, tidal wetlands are subject to additional and more stringent regulatory protection under Title 7, Chapter 66 provisions of the Delaware State Code.

The Code of the City of Milford, Part II, Chapter 230-45.2 requires that wetlands delineation including jurisdictional determination is required as part of any conditional use, site plan or subdivision approval process. In addition, for cluster-type and planned unit development wetlands are excluded from gross area calculations.

### ***Floodplains***

A floodplain is the land area adjoining a stream or channel that is inundated or has been or may be covered by flood waters. Though each flood event is unique, the 100-year (AE) floodplain is accepted as the regulatory boundary for insurance purposes and for many municipal zoning and development standards. The term, "100-year" is often misunderstood. It does not mean that a flooding event should, or will, only occur once every 100 years. It is simply a statistical measure indicating that a flood event has an estimated one percent chance of occurring in any given year. The 100-year moniker is also given to weather events such as storms and droughts.

As shown on Map X, the 100-year floodplain in Milford bisects the historic core of the city east to west, covering significant areas of the town center, and south western neighborhoods. It also extends down the city center's eastern municipal boundary to the south, touches the norther extremes of the municipality, and impacts the far southeastern corner of the South East neighborhood. The maintenance and protection of floodplains in the city are important to minimize property damage during storm events and maintain the natural filtration of stormwater runoff.

### 8-3. Relevant Programs, Policies, and Regulations

#### 8-3a. Surface-Water Protection—Total Maximum Daily Load (TMDL)

<b>Delaware River and Bay Drainage</b>	<b>N- reduction requirements</b>	<b>P- reduction requirements</b>	<b>Bacteria- reduction requirements</b>
Mispillion	57%, 88% in Kings Causeway Branch	57%, 88% in Kings Causeway Branch	87%

The Clean Water Act and the U.S. Environmental Protection Agency’s Water Quality Planning and Management Regulations were developed to maintain the health of our nation’s waters. They provide for the regulation of impaired waters (those polluted to the extent that they no longer meet their designated uses). Designated uses are identified in state water-quality standards. The Mispillion watershed’s uses are primarily recreation, fish and wildlife habitat, and agricultural/industrial water supply. When waters do not meet these designated uses, TMDLs are required. They serve to specify the maximum amount of pollution that may be allowed to enter a water body and allow it to still meet water-quality standards. The Mispillion Watershed’s TMDL was most recently updated in 2006 ([http://www.dnrec.delaware.gov/swc/wa/Documents/TMDL\\_TechnicalAnalysisDocuments/12\\_MispillionCedarTMDLAnalyses.pdf](http://www.dnrec.delaware.gov/swc/wa/Documents/TMDL_TechnicalAnalysisDocuments/12_MispillionCedarTMDLAnalyses.pdf)).

To meet the TMDL-designated reductions, a Pollution Control Strategy (PCS) was developed by DNREC , with participation from local stakeholders. Milford representatives were active partners in the Mispillion and Cedar Creek Watershed Tributary Action Team that coordinated with DNREC to develop the PCS. A PCS is a document that specifies where pollution reductions can be made to meet TMDL targets. The strategy was completed in December 2012 (<http://www.dnrec.delaware.gov/swc/wa/Documents/WatershedPlans/Mispillion%20Pollution%20Control%20Strategy%202012%20final.pdf>).

The strategy was designed to reduce nutrient loadings from existing and future land-use practices. If implemented as designed, the combination of actions delineated in the strategy should lead to the achievement of the TMDL. DNREC reviews the strategies every ten years to assess if adequate progress is being made.

#### 8-3b. Subdivision Regulations

##### ***Sourcewater Protection***

Article III, Section 230-29.5 of Milford’s code delineates the City’s wellhead protection standards and sets wellhead protection areas of 150 feet for confined wellheads and buffers determined by DNREC analysis for unconfined. It also prescribes maximum percentages of allowable impervious surfaces (20 percent), or requires an engineering assessment concluding a higher percentage will not impact upon water quality and supply. The code also restricts permitted uses in wellhead protection areas and regulates above, and underground storage tanks.

##### ***Wetlands and Buffers***

Article VIII, Section 230-45.2 of the Milford code details the City’s wetland preservation and protection regulations. Development activity in proximity to mapped wetlands requires a wetland delineation prior

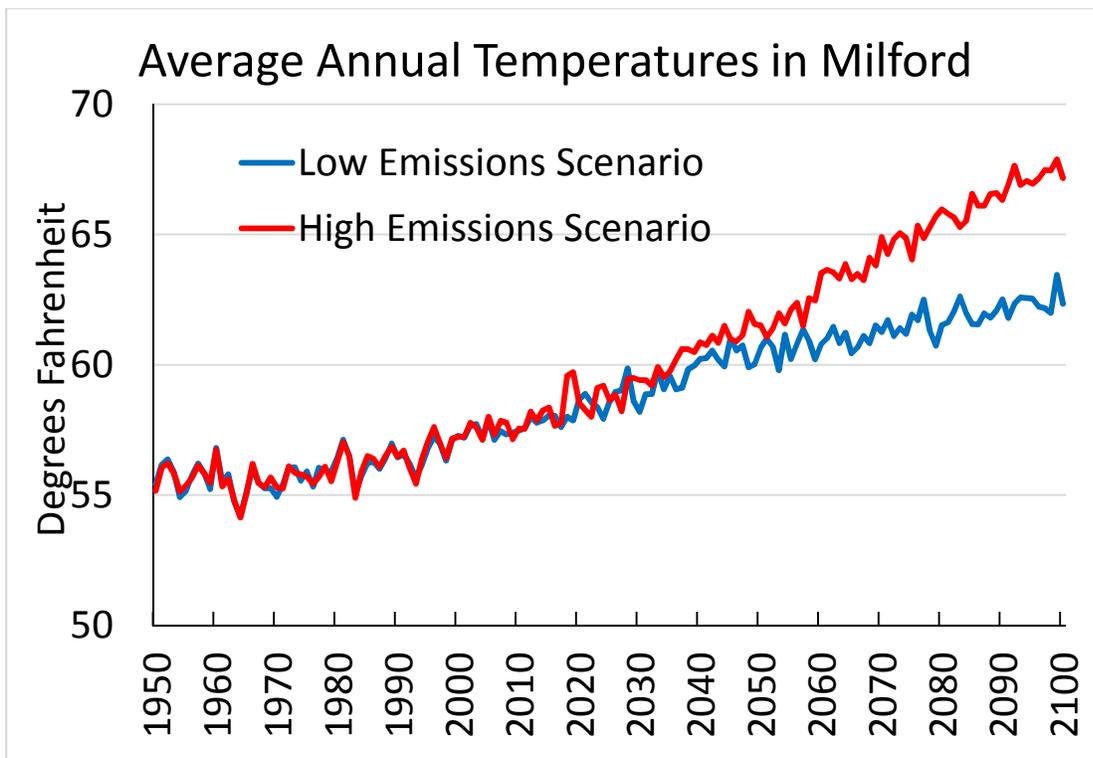
to any conditional use, site plan, or subdivision approval. Barring permission from multiple state, local, and federal agencies, wetlands are not allowed to be subdivided, filled, cleared of vegetation, or otherwise disturbed. It also establishes a buffer of 25 feet from delineated wetlands that must remain undisturbed.

Article VIII, Section 230-45.3 of the Milford code establishes 25 foot riparian buffers from the high-water mark of any tidal features and 50 feet from any non-tidal waterbodies or wetlands. A significant portion of Milford was developed during the Colonial era, close to, or within wetlands. In previously disturbed or developed areas, the code seeks a minimum of ten feet of buffer.

#### 8.4 Climate Change Impact Assessment

Like all towns and cities across Delaware, Milford is exposed to the impact of climate change. The two main consequences of climate change that are most critical to the City are rising temperatures and rising water levels along the Mispillion River. The former is due to global warming caused by greenhouse gas emissions, while the latter is due to sea level rise stemming from ice sheet melt and thermal expansion of the oceans that occur as global temperatures rise.

As part of this comprehensive plan update, an analysis was conducted to determine Milford’s vulnerability to these two major climate change impacts. The data used to predict rising temperatures was pulled from the State’s climate portal (<http://climate.udel.edu/declimateprojections/portal/>) and the data for sea level rise was pulled from DNREC’s sea level rise assessment. The temperature data in the Figure below shows that even under a low global greenhouse gas emissions scenario, Milford will experience a warmer environment (approximately 4 degree Fahrenheit increase).



To determine the impact of sea level rise on the City, three different sea level rise projections for the year 2100 (0.5 meter, 1.0 meter, and 1.5 meter rise) were mapped to give a range of possible inundation scenarios at the end of the century. These three scenarios, along with the current FEMA flood zone, were overlain onto a digital representation of the City to determine the impact of inundation on critical municipal assets such as roads, buildings, land, and economic assets. The resulting sea level rise map is shown in XX. Note that the State currently recommends planning for a 1.0 meter sea level rise by 2100.

### ***Environmental Resilience***

Maintaining a thriving, ecologically diverse, and healthy natural environment is a critical step toward mitigating hazard vulnerabilities. For instance, as noted above, healthy wetland habitats act as absorptive buffers during storm surge and flooding events. A dense urban tree canopy cools and cleans the ambient air and minimizes heat island effects during extended periods of elevated temperatures. The benefits to the community from these ecological services are significant.

One strategy for regenerating degraded environments is through living shoreline projects. Living shorelines are an alternative approach to land stabilization near the water's edge. Bulkheads, concrete seawalls, riprap, and other inorganic shoreline stabilization techniques do not provide a suitable environment for a healthy, thriving ecosystem at the critical interface between land and water. Living shorelines are generally constructed using rolled coir logs made of natural fibers, oyster and shellfish reefs, and are planted with native grasses to maintain stability. The result is a land-water interface that still prevents shoreline erosion but has the important benefit of providing valuable ecosystem services. Much of Milford's tidal wetlands, riverbanks, and streambanks, have been developed for hundreds of years. The City's Living Shoreline Initiative was undertaken, in collaboration with the Partnership for the Delaware Estuary, to model the tidal areas of Milford. A Surface Water Matching Planning Grant, provided through DNREC, that funded the initiative, is overseen by the Water Infrastructure Advisory Council. The study explores ways to increase ecotourism, remove a problematic causeway, and reduce runoff into the river. As part of the project, The Partnership for the Delaware Estuary recently completed a feasibility study along sections of the Mispillion River and found it suitable for the installation of living shorelines. Because the riverfront area is also susceptible to sea level rise and flooding, replacing hard stabilization structures with living shorelines would help mitigate some of the inundation vulnerability.



*Figure 1 – A living shoreline project in Lewes. The image on the left shows the rolled coir logs, while the image on the right shows the same shoreline two years after installation. (Image Credit: Partnership for the Delaware Estuary).*

Another strategy to mitigate against climate impacts is to support tree planting. Trees provide numerous benefits such as absorbing stormwater runoff, filtering air pollutants, limiting urban heat island effects, raising nearby property values, and providing natural shading and cooling effects during heat waves which saves energy on air conditioning. Street trees are also cost effective, as a recent study in California concluded that for every dollar spent on planting and management, nearly six dollars in benefits are returned to the municipality in the form of ecosystems services (McPherson, van Doorn, & Goede, 2016). The Delaware Forest Service has mapped the tree canopy in Milford (see

<http://delawaretrees.com/urbanmaps/Milford.pdf>) and the results indicate that the sea level rise-vulnerable area along the Mispillion river between Goat Island and Silver Lake is sparsely planted.

Riparian buffers, which the City maintains at 25' from tidal waters and 50' from non-tidal waters, also help to improve environmental resilience. Limiting development in ecologically sensitive areas, such as along streams and near wetlands, preserves the critical environmental services that these ecosystems provide. If these areas are developed, it is prudent to utilize them as low-impact land uses, for instance parks and open space, to help maintain environmental quality, manage stormwater runoff, and avoid costly flood damage.

There are a wide range of additional climate adaptation and resiliency-enhancing development strategies that could be considered for Milford. The scope of the challenge – and opportunity – that the City faces can be met but it will require the dedication and effort of a wide range of community stakeholders. Truly effective solutions are more likely to come through the collective knowledge and cooperative involvement of residents, the business community, City administrators, and civil society groups. These sorts of bottom-up climate adaptation efforts can be more effective, feasible, efficient, and environmentally sound. The City could catalyze and support the formation of a Climate Change Adaptation Committee made up of diverse community stakeholders to start the process of a homegrown climate change adaptation response. The committee would review available evidence on future climate vulnerabilities, evaluate various adaptation options, and present recommendations to the City for consideration.

**Goal** – Coordinate with relevant agencies and committees to improve water quality in the Mispillion and its tributaries.

**Goal** – Pursue agricultural preservation of high-value agricultural parcels, consistent with the master plan.

**Goal** – Reduce future congestion and distance commuting by developing as a year-round, live where you work community.

**Goal** – Protect the City's social and economic assets by enhancing environmental resiliency

**Objective** – Continue to pursue and support living shoreline installations along hardened sections of the Mispillion River.

**Objective** – Enhance the urban tree canopy by planting new trees in sparsely planted areas, for instance near parking lots and other impervious coverage areas near the downtown core.

**Objective** – Continue to avoid development in ecologically sensitive and flood-prone areas.

**Objective** – Form a Climate Change Adaptation Committee that will review Milford's climate vulnerabilities, evaluate appropriate adaptation options, and make recommendations to the City.

**Objective** - Participate in the Mispillion River Tributary Action Team to assist in the development of pollution control strategies for the river.

**Objective** - Promote the elimination of individual septic systems, where feasible near and adjacent to the Mispillion River.

## **CHAPTER 9. Parks, Recreation, and Open Space**

*The City is committed to providing high quality public open space facilities and services. The City recognizes that public open space and recreational activities are an integral part in the development of the City.*

Map X shows Milford's parks, recreation areas, and open spaces. Some of these areas have passive and active recreation opportunities or stormwater-management facilities. It also details natural areas, nature preserves, and agricultural preservation districts, or parcels with agricultural easements, in the Milford area. This chapter also details state and county parkland and recreational opportunities in the Milford area.

### **9-1. Dedicated Open Space**

Roughly 50 acres have been set aside in Milford as public open space and another 280 acres is set aside as private. Dedicated open space is generally associated with residential subdivisions. Some dedicated land is retained in its natural state. Other parcels are available for passive or active recreation. Stormwater-retention facilities cannot be developed, but can serve as water amenities and have been included in the discussion of open space.

Part II, Chapter 200 of the Milford code specifies that the planning department, planning commission, and city council may require up to a ten percent open space set aside, particularly in considering larger projects, of the project's gross area for the creation of parks and open space. Parcels of three to five acres, at a minimum, are preferred, though smaller areas can be considered.

Such lands may be dedicated to the city, or otherwise preserved. The commission also has latitude to require the intact preservation of natural features and to require set-asides for future schools. This ten percent maximum covers all areas within the city, unless the zoning ordinance dictates a higher set aside. Chapter 230, Article III of Milford's zoning ordinance specifies a 25% open space set-aside for major residential developments under its Planned Residential Neighborhood Development district. Set asides in this district may not contain wetlands, floodways, or other unusable/unbuildable areas.

### **9-2. Environmental Open Space**

Environmental open space includes tidal and non-tidal wetlands, the 100-year floodplain, as well as lakes, ponds, and streams. They are shown on Map X as part of Milford's environmental resources, but also function as part of the city's open space inventory. As referenced in the environmental chapter, Milford's regulations significantly restrict new development within the floodplain and prohibit the development or subdivision of wetlands. In some instances historic development is within the floodplain, or abuts wetlands or waterway buffers.

### **9-3. Parks and Recreation**

Milford hosts a number of small community parks and recreational sites of which many are maintained by the City. Others are privately owned, or located at public school sites. There are also a handful of county and state parks and recreation areas within a reasonable drive of Milford.

**9-3a. Local Park and Recreation Facilities**

Map X, Parks and Open Space, shows the locations of Milford’s park and recreation facilities within its corporate limits, as well as natural areas and agricultural preservation parcels in its surrounds. Table X details the features of Milford’s park and recreation facilities.

The largest facility is the Tony Silicato Memorial Park in the northwest corner of Milford. At nearly 18 acres, it boasts a highly accessible playground, and facilities for soccer, disc-golf, a walking track, and a large grassy area.

The Milford Memorial and Bicentennial Park areas are the city’s key offering in its historic core. At over five acres, it offers activities appropriate for wide swaths of the population such as basketball, bocce ball, fishing, walking, and picnicking. It is also anchored by, and accessible from, the Milford Riverwalk.

Milford’s public and private schools also have age-appropriate playgrounds, recess areas, and athletic fields and facilities, but are restricted largely to student use.

**Table X. Park and Recreation Facilities in Milford**

<b>Facility Name</b>	<b>Location</b>	<b>Acres</b>	<b>Features</b>
Banneker Park	NW Fourth Street	2.5	Basektball Court, Gas Grills Permitted, Grassy Area, Limited Parking, No Shade
Bicentennial Park	NE Front Street	2.8	Benches, Electric, Grassy Area, Ample Parking, Pavillion, Pedestrian/Fishing Bridge, Picnic Talbes, Ample Shade, Water
Riverwalk/Dog Park	Marshall Street	4.5	Benches, Drinking Fountain, Grassy Area, Limited Parking, Limited Shade
Goat Island	Marshall Street	6	Ample Shade, Walking Trail
Marshall's Pond Park	Lovers Lane	6.6	Ampitheatre, Gas Grills Permitted, Grassy Area, Open Space for Activities, Limited Parking, Picnic Tables, Pond, Ample Shade
Marvel Square	SE Second Street	1.82	Bocce Ball Court, Electric, Gas Grills Permitted, Grassy Area, Open Space for Activities, Ample Parking, Playground, Limited Shade, Water
Memorial Park/Riverwalk	Downtown	4.81	ADA Accessible, Ampitheatre, Basketball Court, Bocce Ball Court, Benches, Electric, Fishing, Gas Grills Permitted, Ample Parking, Picnic Areas, Ample Shade, Walking Track
Parks & Recreation Building	207 Franklin Street	2.51	Electric, Kitchen, Meeting Rooms, Ample Parking, Restrooms, Water
Tony Silicato Memorial Park	101 Patriots Way	17.83	Can-Do Playground, Disk Golf Course, Grassy Area, Parking, Limited Shade, Soccer Fields, Walking Track

*Source: City of Milford*

### **9-3b. County, State, and Federal Park and Recreation Facilities**

Milford residents have a number of regional parks and recreational facilities to choose from, though most are beyond typical walking and biking distance.

*Killen's Pond State Park* – is the nearest State Park. The 66-acre Mill Pond is the park's centerpiece, supporting public boating and fishing activities. There is also a campground, playgrounds, exercise trail,

*Brown's Branch County Park* – is the nearest county park. Opened in 2004 by Kent County, the park protects nearly 40 acres of forested wetland. The upland, formerly agricultural, portions of the park converted to active recreation (baseball, soccer, volleyball, horseshoes). Significant forested buffers and natural areas remain and support more passive activities like hiking and bird-watching.

*Milford Neck Wildlife Area* – Operated by the state, the wildlife area acts as a nature preserve and accommodates hunting, photography, and wildlife observation. It also boasts a 350 acre open area for the training of hunting dogs.

*DuPont Nature Center* – As much a cultural resource as a park, the DuPont Nature Center is one of the state's premier birding observatories, boasting well over 200 species. The surrounding wetlands team with undisturbed wildlife. The facility has a visitor's center, observation deck, and runs year-round educational programs.

*Abbott's Mill Nature Center* – Operated by the Delaware Nature Society, Abbott's Mill sports a working grist-mill, extensive nature preserve, visitor's center, miles of trails, and seasonal educational programming.

*Redden State Forest* – Operated by the Delaware Department of Agriculture (DDA), at 12,4000 acres, Redden is the largest state forest in Delaware. It's 44 miles of trails support hiking, horseback riding, cycling, and birdwatching.

*Cape Henlopen State Park* – is somewhat distant, but provides sun and fun within a reasonable drive of Milford. Surf fishing, picnic areas, and a variety of recreational activities accompany its sandy shoreline offerings.

Several private campgrounds and a small theme park operate close to Milford, as well as privately owned BMX and Motorcross facilities for its most adventurous residents.

### **9-4. Recreation Needs—State Comprehensive Outdoor Recreation Plan (SCORP)**

The State Comprehensive Outdoor Recreation Plan (SCORP) is a statewide plan prepared by DNREC every five years. It assesses public outdoor recreation use, analyzing the estimated supply and demand for various activities. Data is gathered via an extensive phone survey and the results assist the state in future planning and investment for recreation facilities.

Recurring recommendations include incorporating sidewalks and paths into comprehensive planning efforts; identifying and implementing routes for cyclists, pedestrians, and joggers; integrating regional greenways and regional trails with new development; collaboration with DelDOT on bike/ped

improvements in municipalities; and using the collected data to fill gaps in an area's recreational offerings.

Milford straddles two of the SCORP's identified analysis zones, three and five. Region three covers all areas north, as far as the New Castle County line. Region five includes all of south eastern Sussex County east of Georgetown. The 2013-2018 SCORP lists the following facilities as high priorities for Region Three:

- Walking/Jogging Paths
- Swimming Pools
- Bike Paths
- Fishing Areas
- Playgrounds
- Community Gardens
- Picnic Areas
- Off-Leash Dog Areas

Region Five lists the same activities as high priorities and also identifies basketball courts as a key need.

#### **9-5. Agricultural Open Space**

The Milford region hosts a great deal of agriculture, working farms, and agri-industry. The City is ringed by agricultural uses. Many of these larger parcels are under some form of preservation, be they agricultural easements or through designation as a State Agricultural Preservation District (See Map X).

Participants in the State Agricultural Preservation district designate a minimum of 200 contiguous acres that must be used for agriculture or forest land for ten years. After this period, the owner may withdraw, continue in the program, or apply for an agricultural easement and potentially be compensated via the sale of development rights.

Participants in the State Agricultural Easement program have participated in the preservation district program for at least ten years. Once property owners have agreed to compensation for potential development rights foregone in favor of continued agricultural use, a permanent agricultural conservation easement is applied to the parcel(s).

#### **9-6. Acquiring and Preserving Open Space**

Looking, in total, at the facilities in and around Milford in comparison to the priorities identified in the SCORP, the city and its surrounding recreational facilities appears to quite neatly address most all of the key concerns. However, it is advisable for the City to continue taking advantage of opportunities to provide these amenities. As a rapidly growing area, the most obvious way to obtain the areas and uses residents of Milford and the region require is to continue to conscientiously utilize the open-space set aside regulations in the Milford Code (particularly the 25 percent set aside for large planned residential) to gain important, usable open space as the City builds out.

Municipal support for community gardens is becoming increasingly popular in Delaware. Community gardens provide many benefits such as offering an active recreational option for residents, increasing

nearby property values, and fostering local food security. They are also a high priority on the SCORP assessment, and are the only high priority item not readily found in the area. Open land acquisition is a major challenge to setting up and starting a community garden, and local governments can facilitate the process by permitting gardens on municipally-owned property. Another strategy is to offer tax breaks to property owners who own vacant land and make it available to residents. At present, there are no community gardens in Milford.

As a city with numerous flood-prone areas, in the very long term, the City might consider measures that allow it to retreat from problem areas while compensating property owners for the fair-market value of property converted to environmental open space.

For homes and structures that experience repetitive flood damage and that wish to voluntarily participate in the FEMA buyout programs, in order to receive funding those properties become deed-restricted so they cannot be redeveloped. The property is generally converted to open space to restore the natural floodplain functions. Participating in such a program would avoid future economic loss, provide the City with additional open space, and conserve a vital flood mitigation service.

### ***Mispillion Riverwalk***

Though not technically a park, the Riverwalk is a key asset in the City's plans for future recreational offerings. The City recently expanded the Riverwalk to the east to Goat Island and constructed a nature trail and raised boardwalk around the island. As a result, City envisions adding additional overlooks and a pavilion on the island for the public to enjoy the natural beauty of the Mispillion River and the sensitive ecosystems along its banks. The City's vision is to promote additional events and activities that highlight the River. It wishes to construct an additional kayak launch on the northern banks of the River in the immediate downtown area for more recreational activities on the river. It also wishes to establish pedestrian and bicyclist-friendly connections to the Riverwalk wherever possible, so that it may serve as to move people from place to place, as well as for recreation. A key theme discussed was linking the walk to as many of the city's park and recreation sites as possible. This will require a thoughtful, long-term strategy of securing open space, easements, and rights-of-way as opportunities present themselves.

The City's Parks and Recreation Department is faced with the challenge of maintaining the Riverwalk infrastructure, including aging wooden boardwalks, and is developing a long-term maintenance plan to repair and replace its components.

**Goal** – Continue to enhance, improve, and promote the Riverwalk as a cornerstone of the community and make practical use of it as a connection to established and future recreational open spaces and parks.

**Goal** – Encourage the inclusion of connected, accessible parks and open spaces in new development.

**Goal** - Encourage the preservation of areas along all streams, lakes and ponds as recreational uses.

**Objective** – Consider existing, smaller, vacant or preserved parcels for use as community gardens.

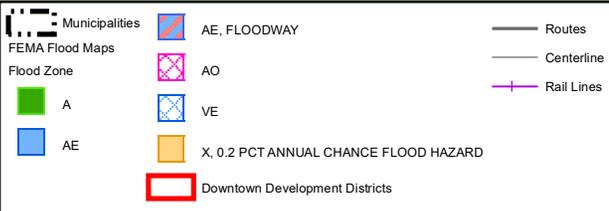
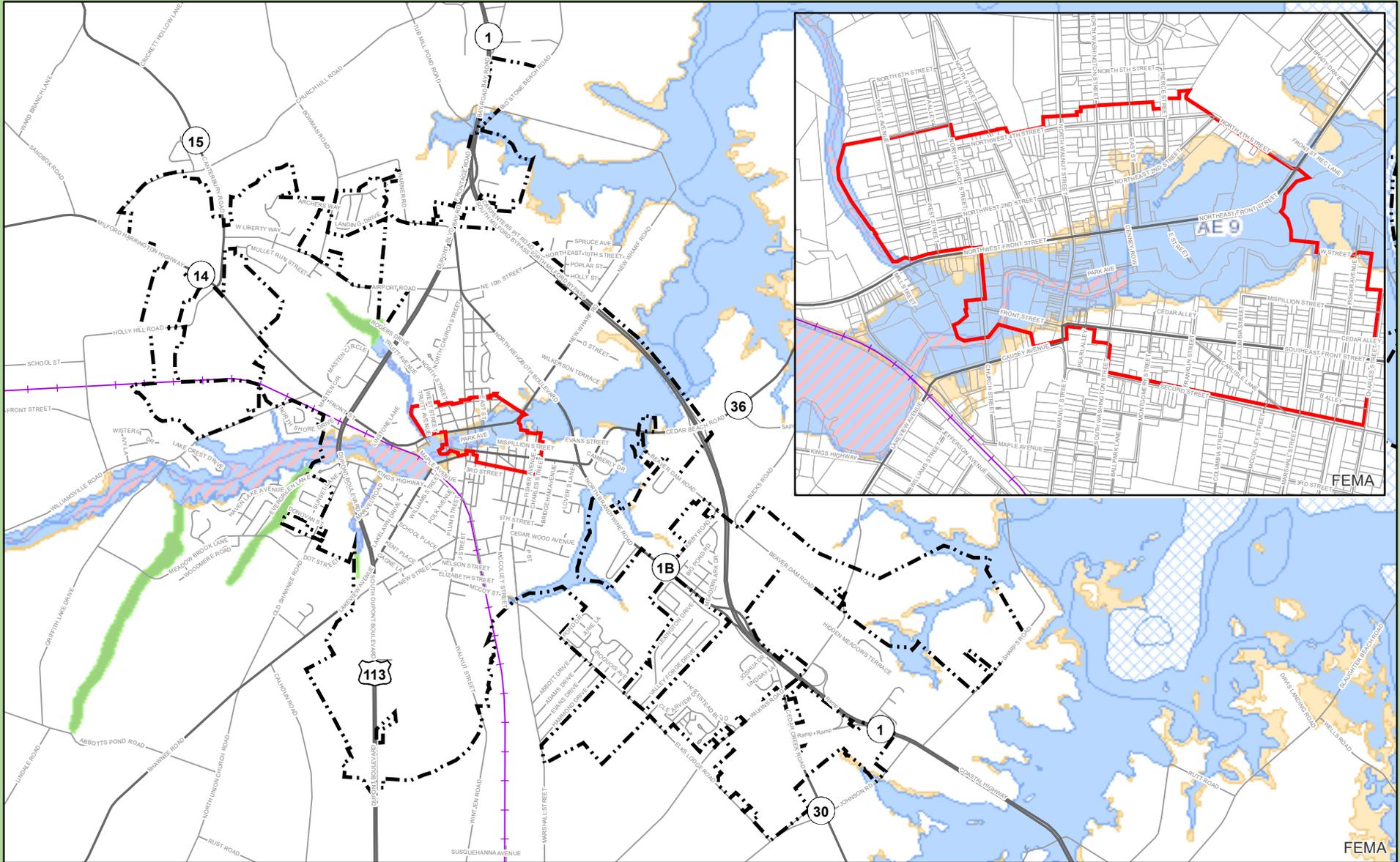
**Objective** - Preserve and enhance buffer areas around water bodies to mitigate environmental and visual impact from adjacent uses and activities.

Objective - Actively support a regional blueway canoe and kayak trail from Abbott's Mill Nature Center through Haven Lake and Silver Lake to Goat Island. Extend to all of Mispillion to the new nature center at Slaughter Beach.

Objective - Incorporate recreational opportunities into redevelopment plans and programs.

Objective - Promote preservation of agricultural and environmental resources beyond the city limits of Milford.

Objective – Promote recreational activities and events



# City of Milford, Delaware

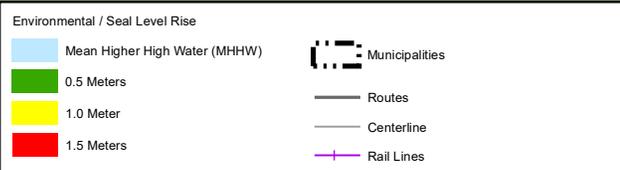
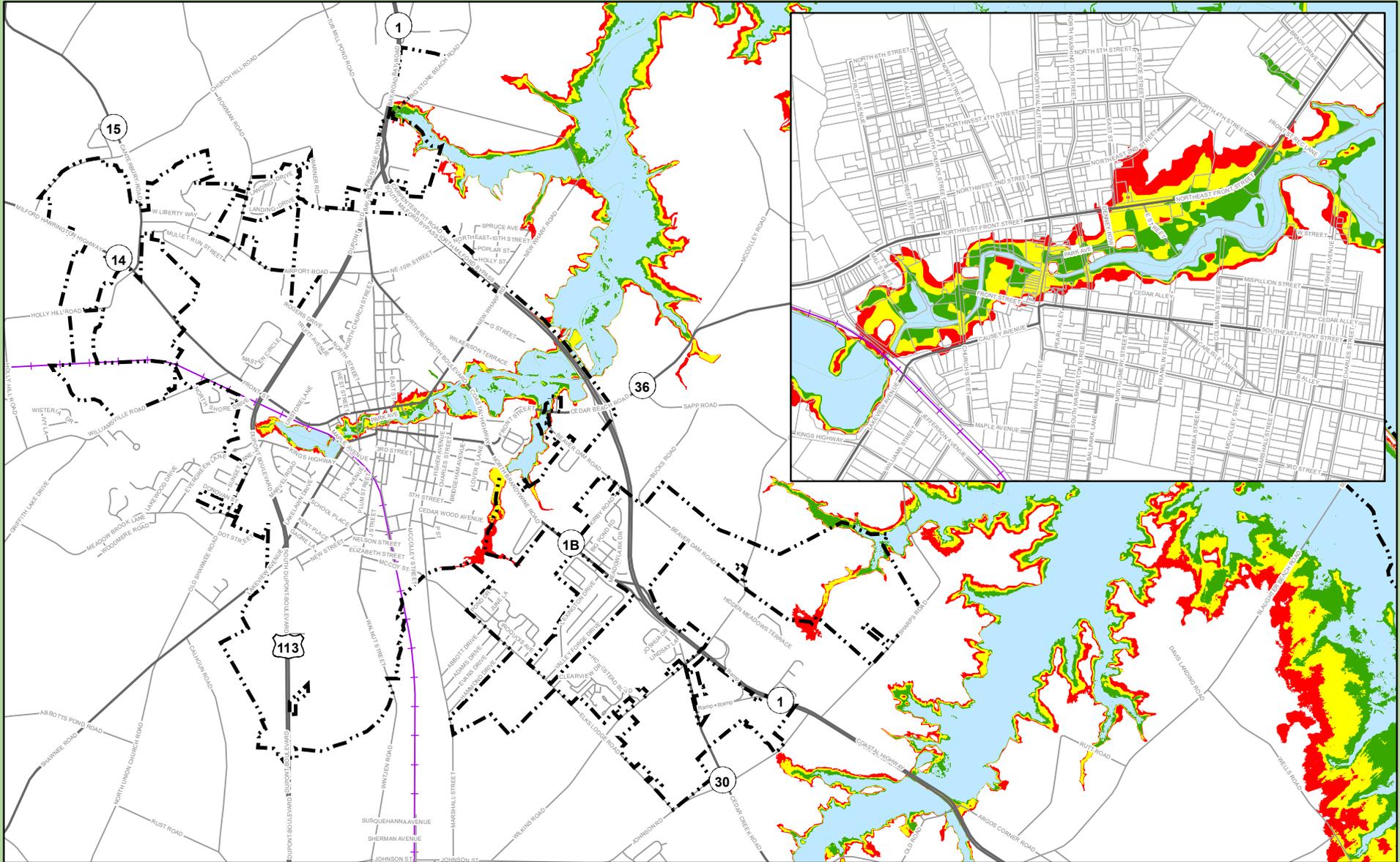
## Floodplains

DRAFT - December 2016



Sources:  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/16.  
 Downtown Development District - OSPC, FirstMap 12/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 10/16.  
 Floodplains - FEMA, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 10/16.

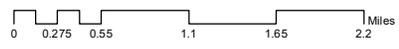
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# City of Milford, Delaware

## Delaware Sea Level Rise

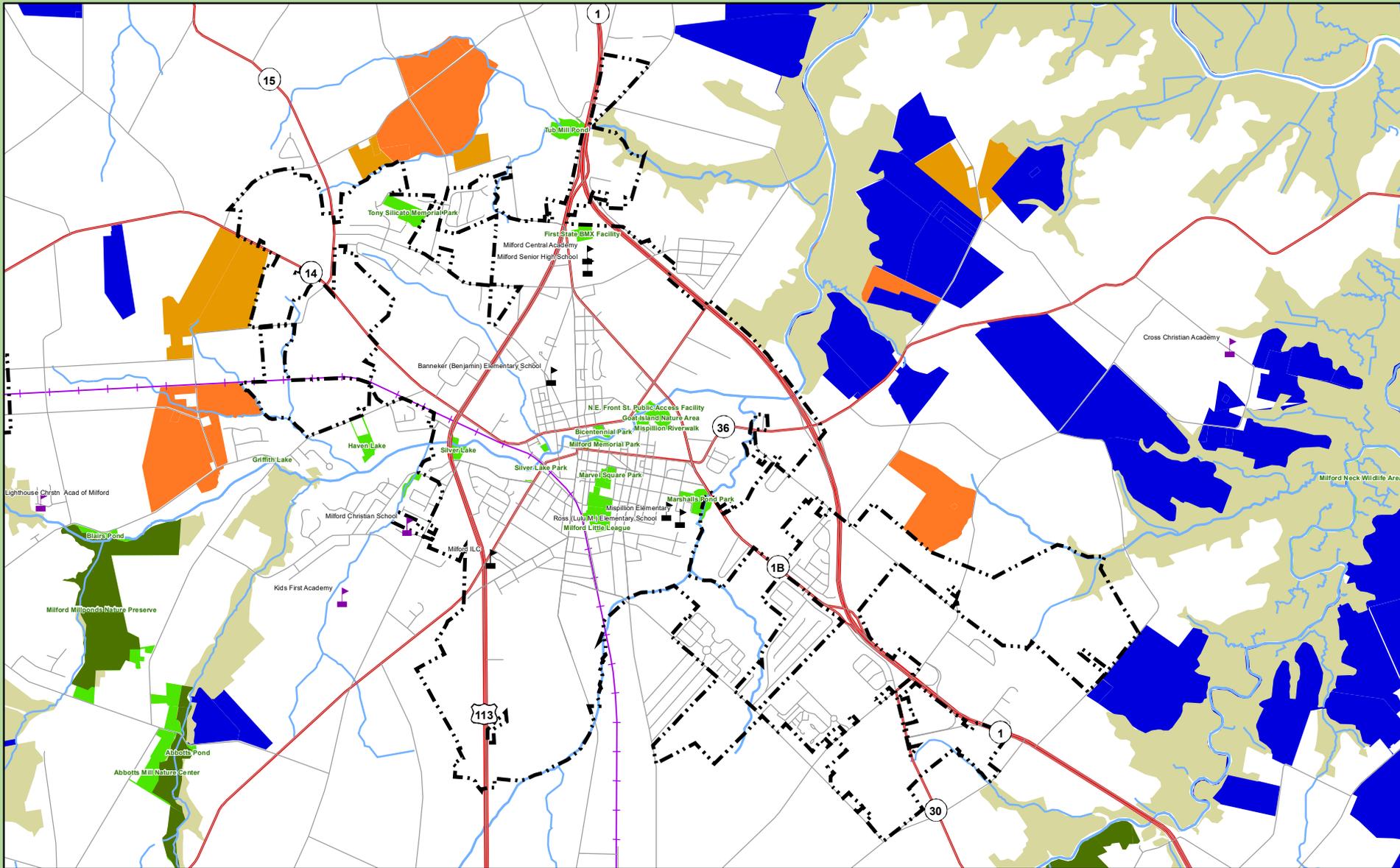
DRAFT - December 2016



**Sources:**  
 Delaware Sea Level Rise - Delaware Coastal Programs, FirstMap 12/16.  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 12/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 12/16.

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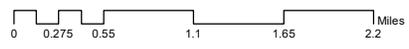


- Municipalities
- Nature Preserves
- Natural Areas
- Public Protected Lands
- Agricultural Easement
- Agricultural District
- Agricultural Expansion
- Public Schools
- Private Schools
- Routes
- Centerline
- Major Rivers
- Flowline
- Rail Lines

## City of Milford, Delaware

### Parks and Open Space

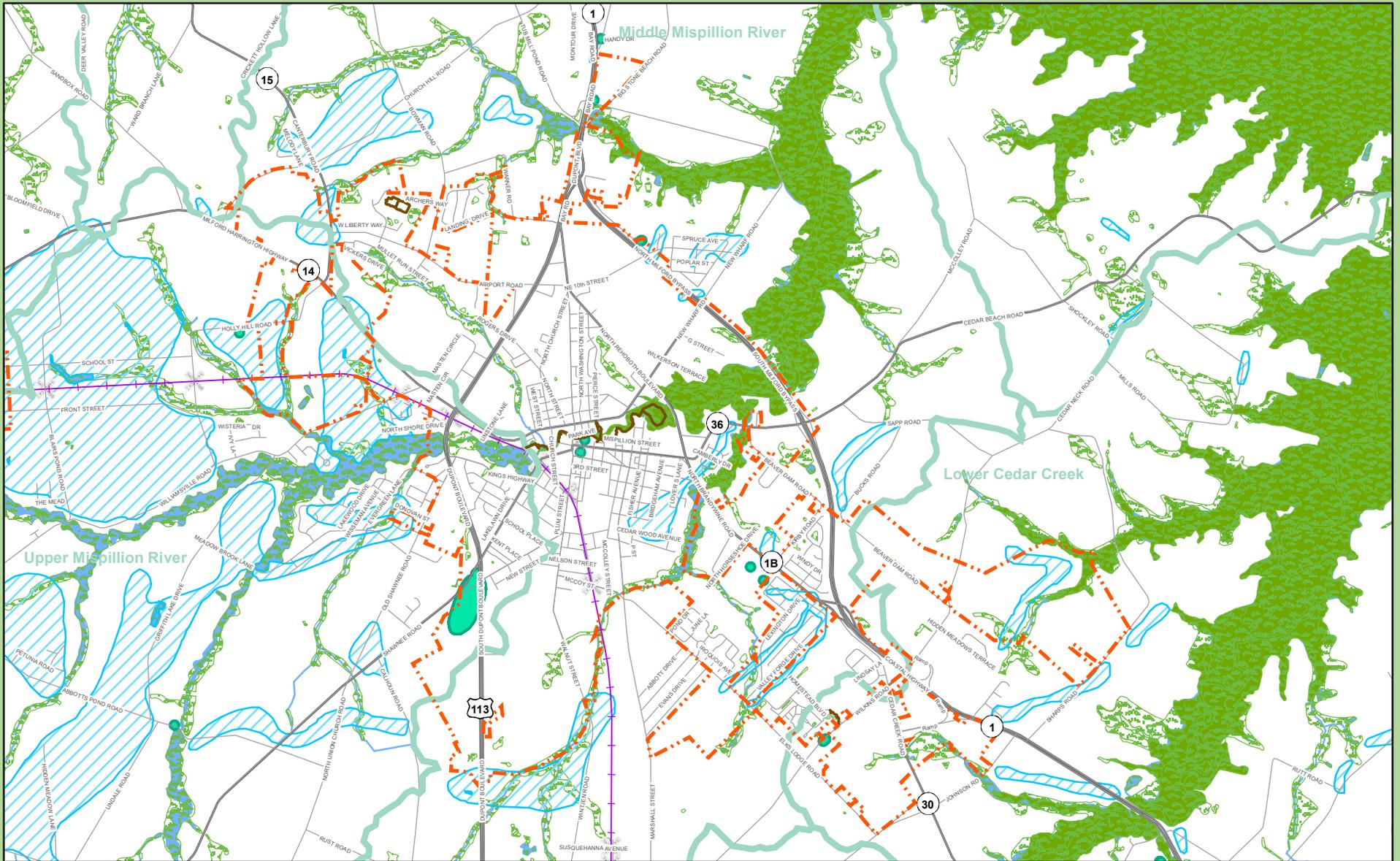
DRAFT - January 2017



**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 12/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 12/16.  
 Schools - Delaware Department of Education, FirstMap 01/17.  
 Public and Protected Lands - DNREC Parks and Recreation, FirstMap 01/17.  
 Ag Lands Preservation - Delaware Department of Agriculture, FirstMap 01/17.

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- Municipalities
- HUC 12 Watersheds
- Wellhead Protection Areas
- Groundwater Recharge Areas
- Wetlands
- Head of Tide Wetlands 2007
- Trails and Paths
- Centerline
- Routes
- Major Rivers
- Flowline
- Water Bodies
- Rail Lines
- Railroad Crossing

## City of Milford, Delaware

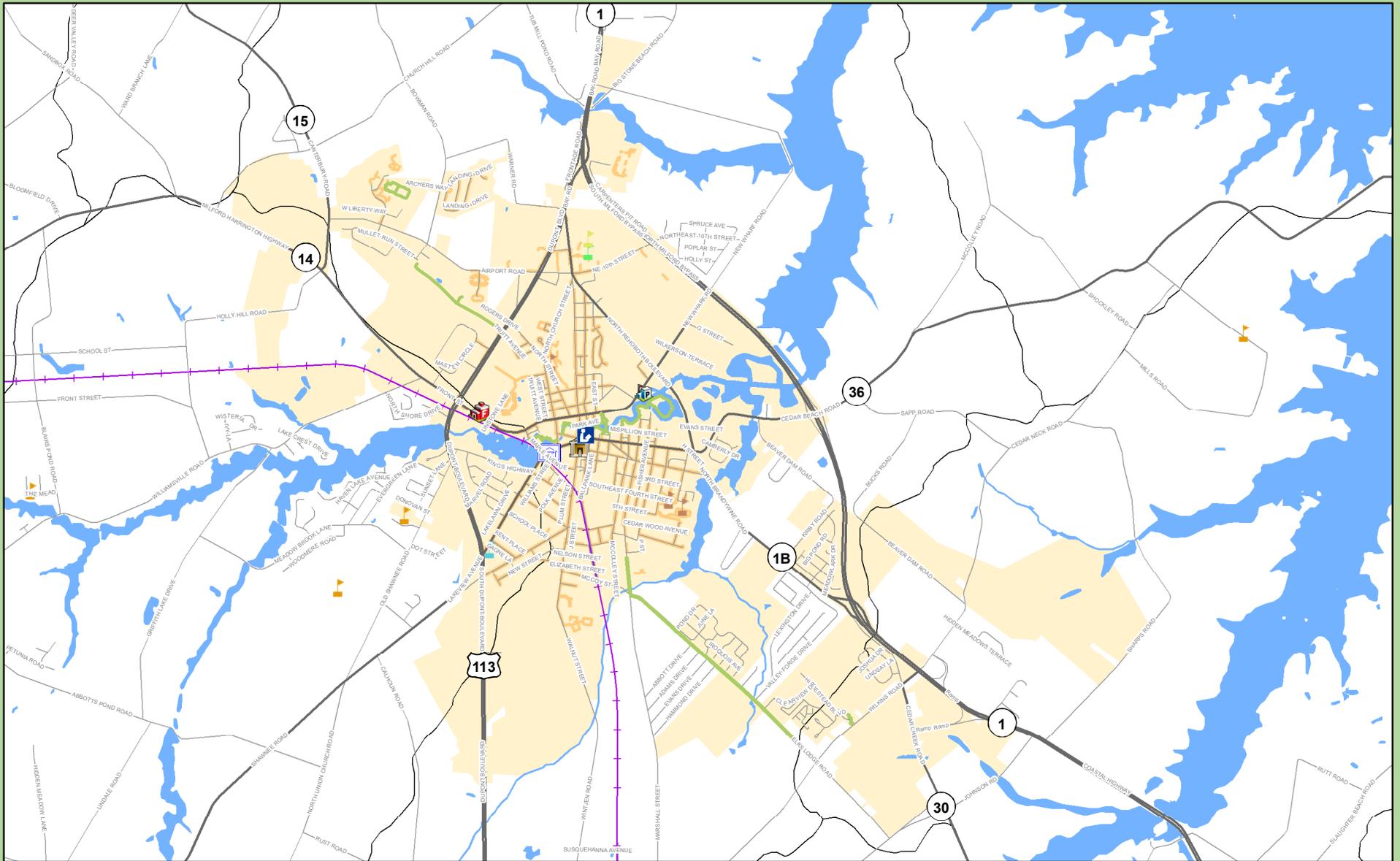
### Environmental Features

DRAFT - January 2017



**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 12/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 12/16.  
 Groundwater Recharge Area - Delaware Geological Survey, FirstMap 12/16.  
 Wetlands - Head of Tide Wetlands 2007, FirstMap 12/16.  
 Wellhead Protection Areas - DNREC, FirstMap 12/16.

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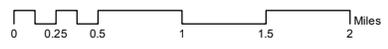


- Municipalities
- Trails and Paths
- Routes
- Centerline
- Sidewalks
- Rail Lines
- Major Rivers
- Fire Station
- Library
- Museum
- Police Station
- Post Office
- Elementary School
- High School
- Intensive Learning Center
- Middle School
- Private Schools

# City of Milford, Delaware

## Roads and Boundaries

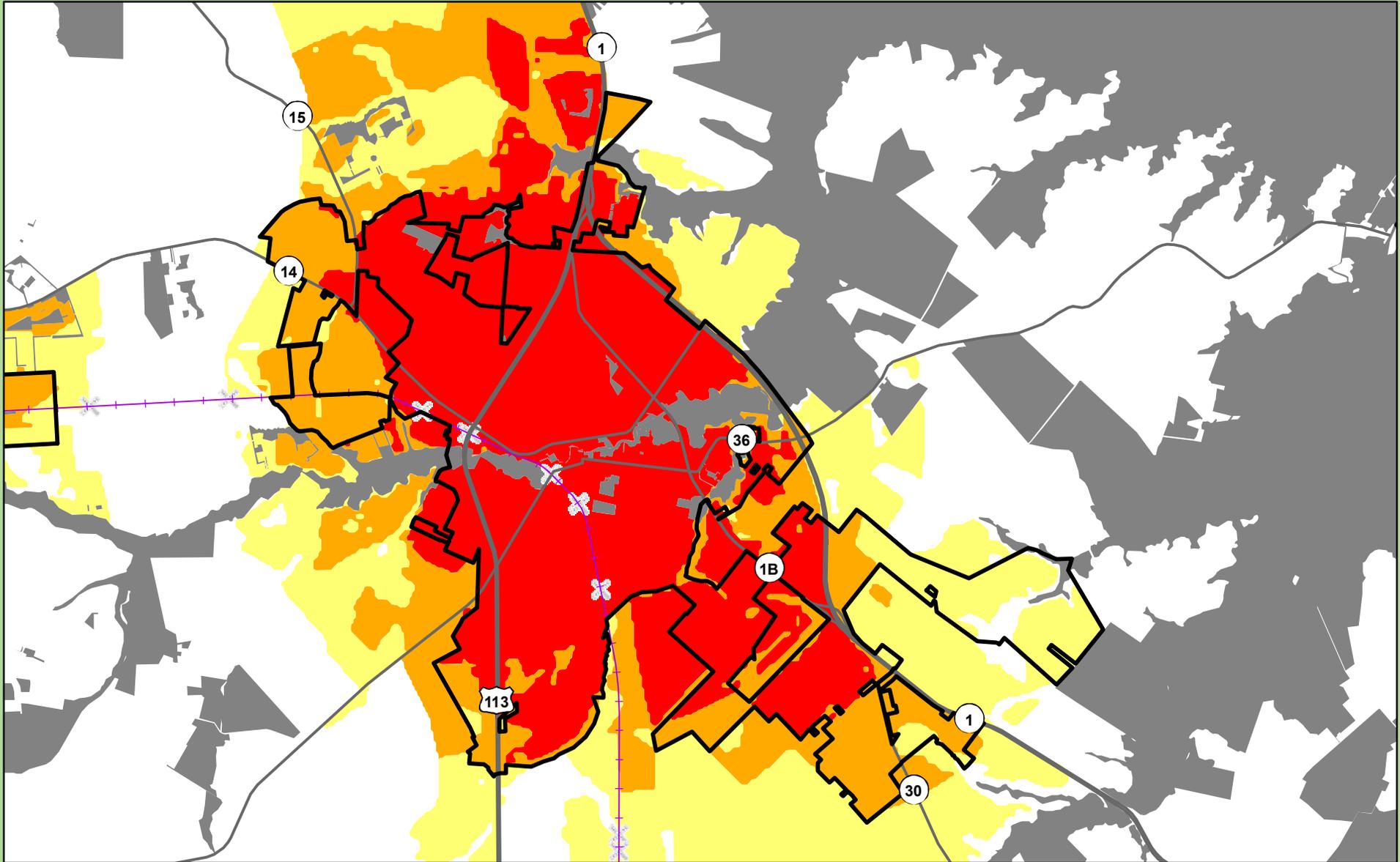
DRAFT - December 2016



**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 10/16.  
 Civic Locations - City of Milford, 12/16.  
 School Locations - Delaware Department of Education, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 10/16.

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**State Strategies 2015**

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

- Municipalities
- Routes
- Centerline
- Rail Lines
- X Railroad Crossing

## City of Milford, Delaware

### State Strategies for Policy & Spending

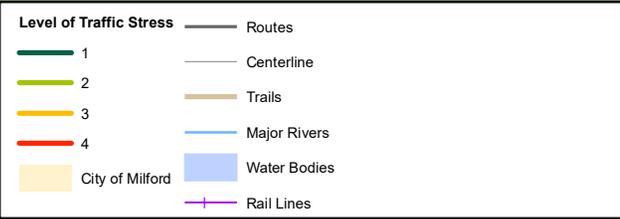
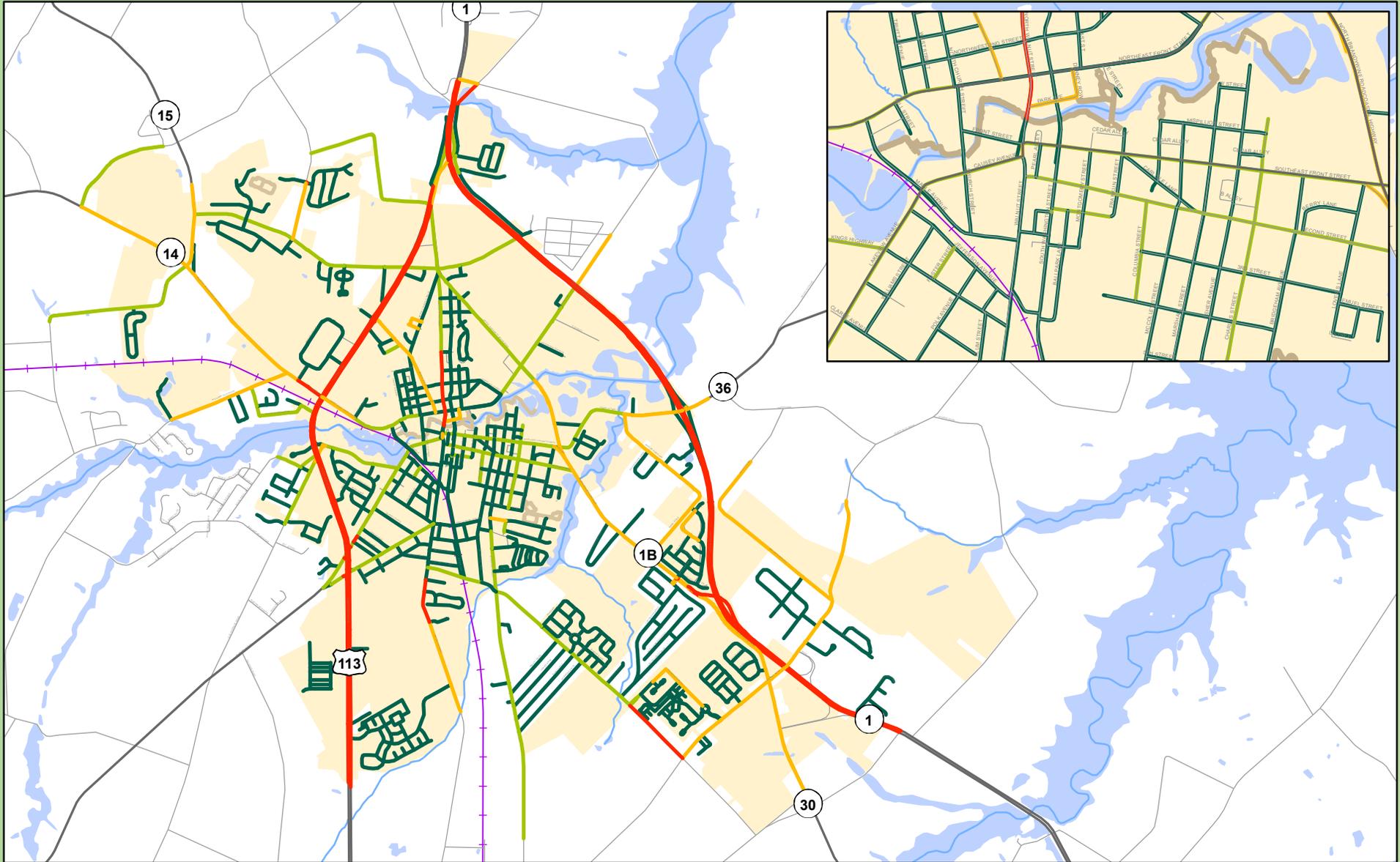
DRAFT - December 2016



Sources:  
 State Investment Strategies for Policies and Spending - Delaware Office of State Planning Coordination, OMB, 2015.  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 10/16.  
 Hydrology - USGS and EPA, FirstMap 10/16.

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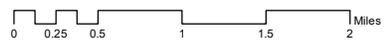




## City of Milford, Delaware

### Level of Stress Analysis

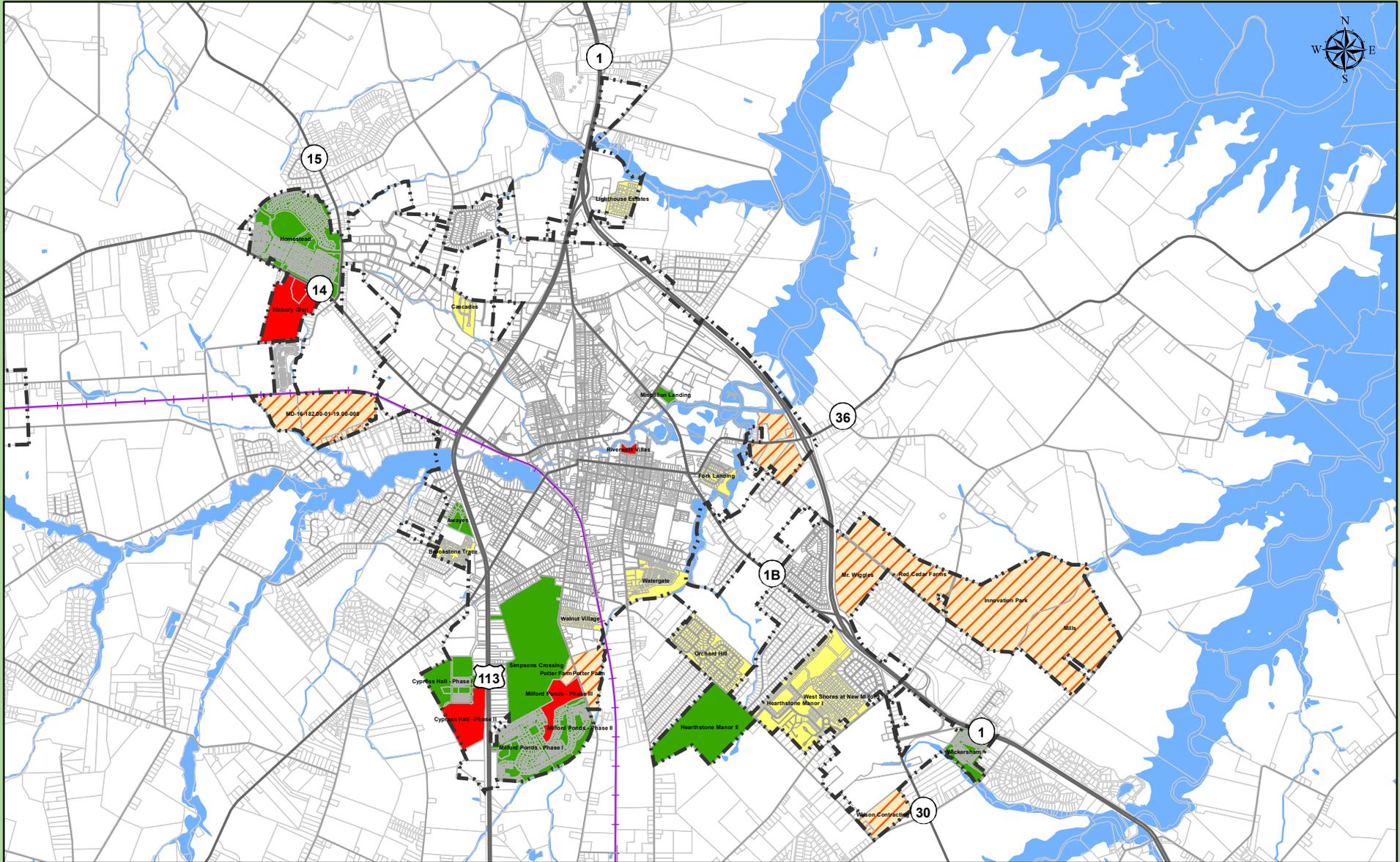
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**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 10/16.  
 Level of Stress Analysis - DeIDOT, 12/16.  
 Trails - Delaware State Parks, 12/16.  
 Hydrology - USGS and EPA, FirstMap 10/16.

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**Housing Pipeline Status**

- In Progress
- Proposed
- Recorded
- Other

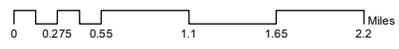
**Map Symbols**

- Municipalities
- Parcel Boundaries
- Routes
- Centerline
- Rail Lines

# City of Milford, Delaware

## Housing Pipeline

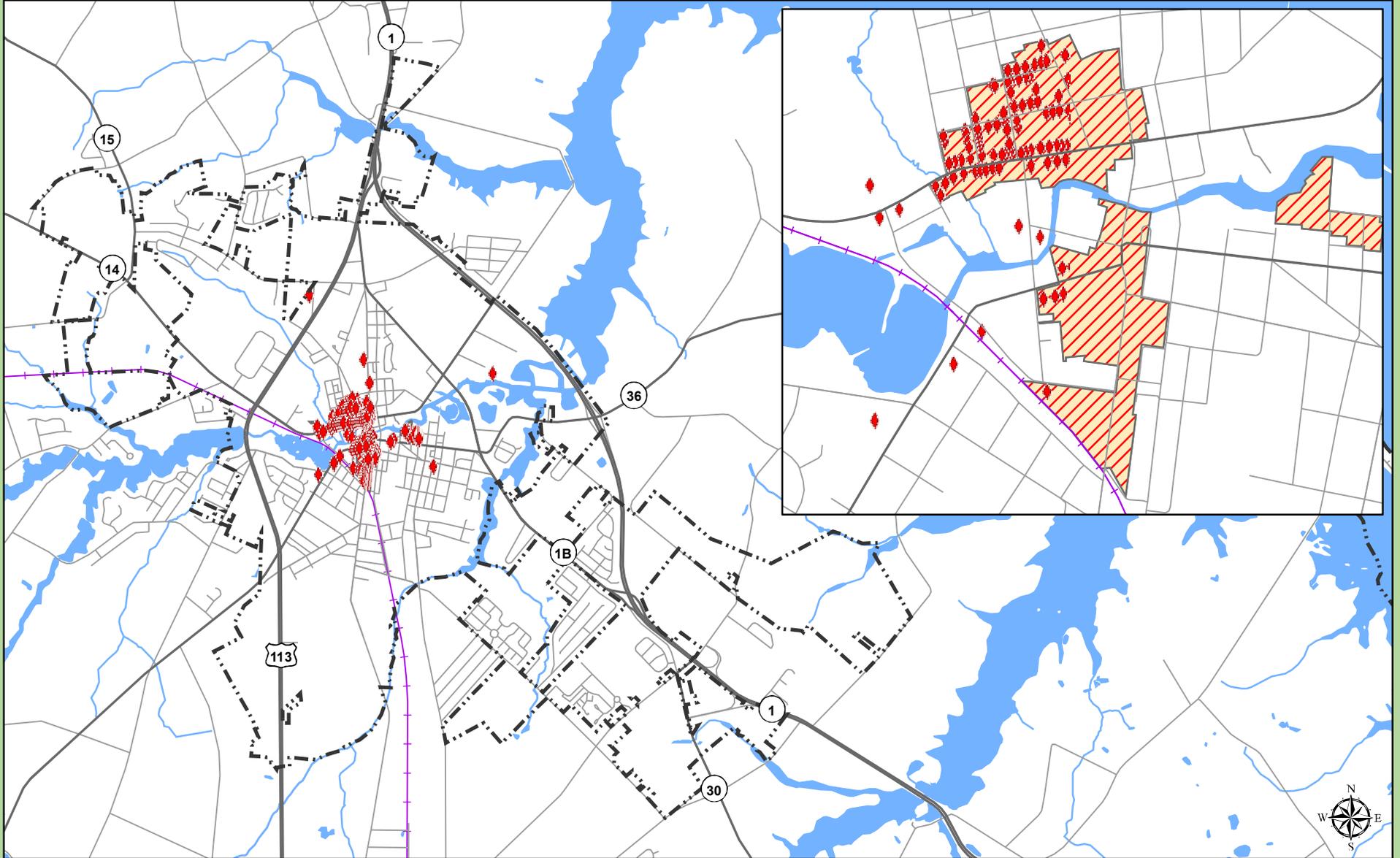
DRAFT - December 2016



**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 12/16.  
 Housing Pipeline - City of Milford, Delaware 10/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 12/16.

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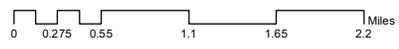


-  Municipalities
-  National Historic Landmark
-  National Register
-  National Register Historic Districts
-  Routes
-  Centerline
-  Rail Lines

## City of Milford, Delaware

### Historic Resources

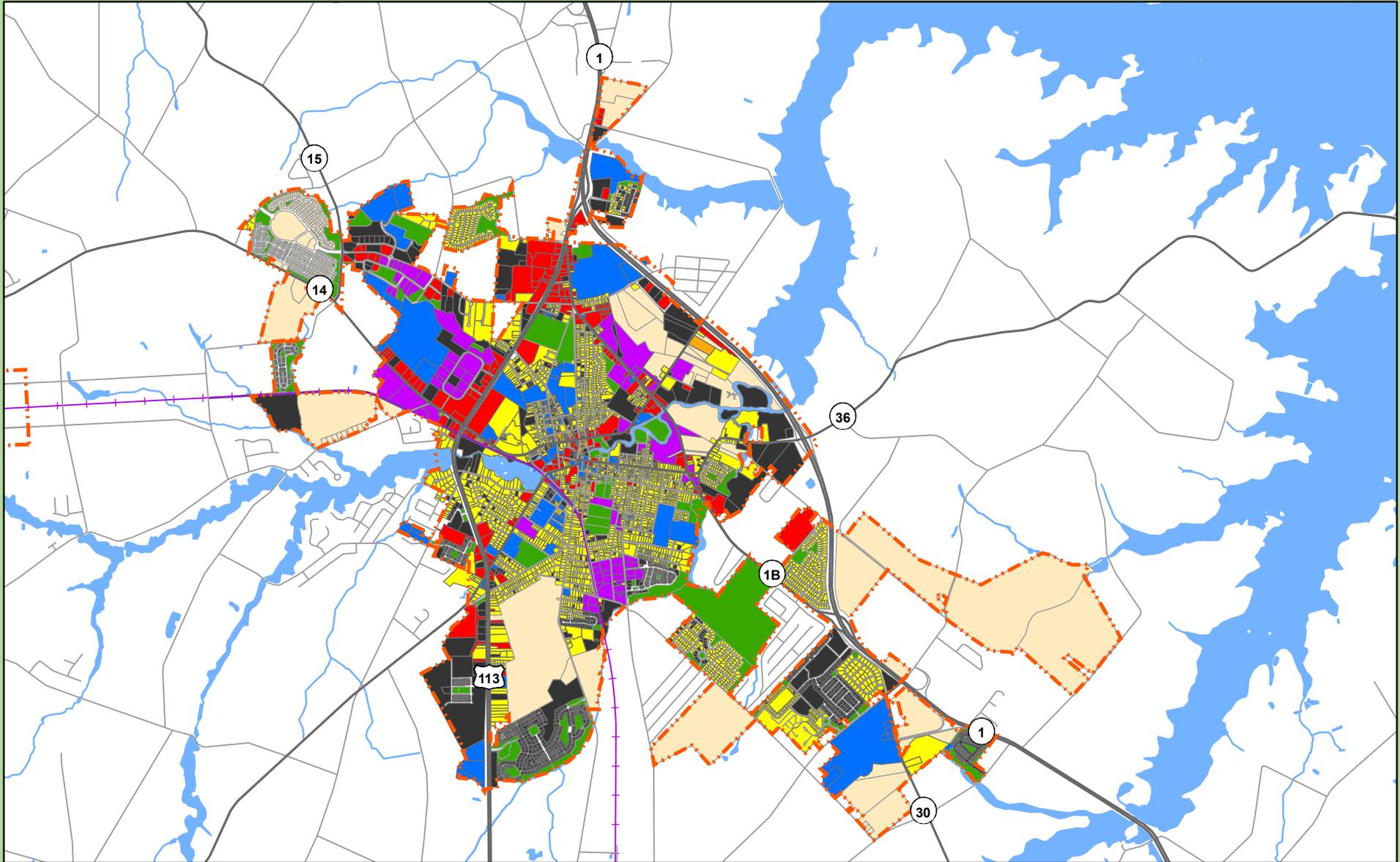
DRAFT - December 2016



**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 12/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 12/16.  
 Historic Locations - National Register of Historic District and Places, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 12/16.

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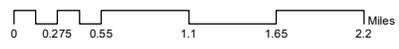


- |  |  |
|--|--|
|  Agriculture                    |  Municipalities |
|  Parks, Recreation & Open Space |  Routes         |
|  Residential                    |  Centerline     |
|  Mixed Use                      |  Rail Lines     |
|  Commercial                     |  |
|  Industrial                     |  |
|  Institutional & Utilities      |  |
|  Vacant                         |  |

## City of Milford, Delaware

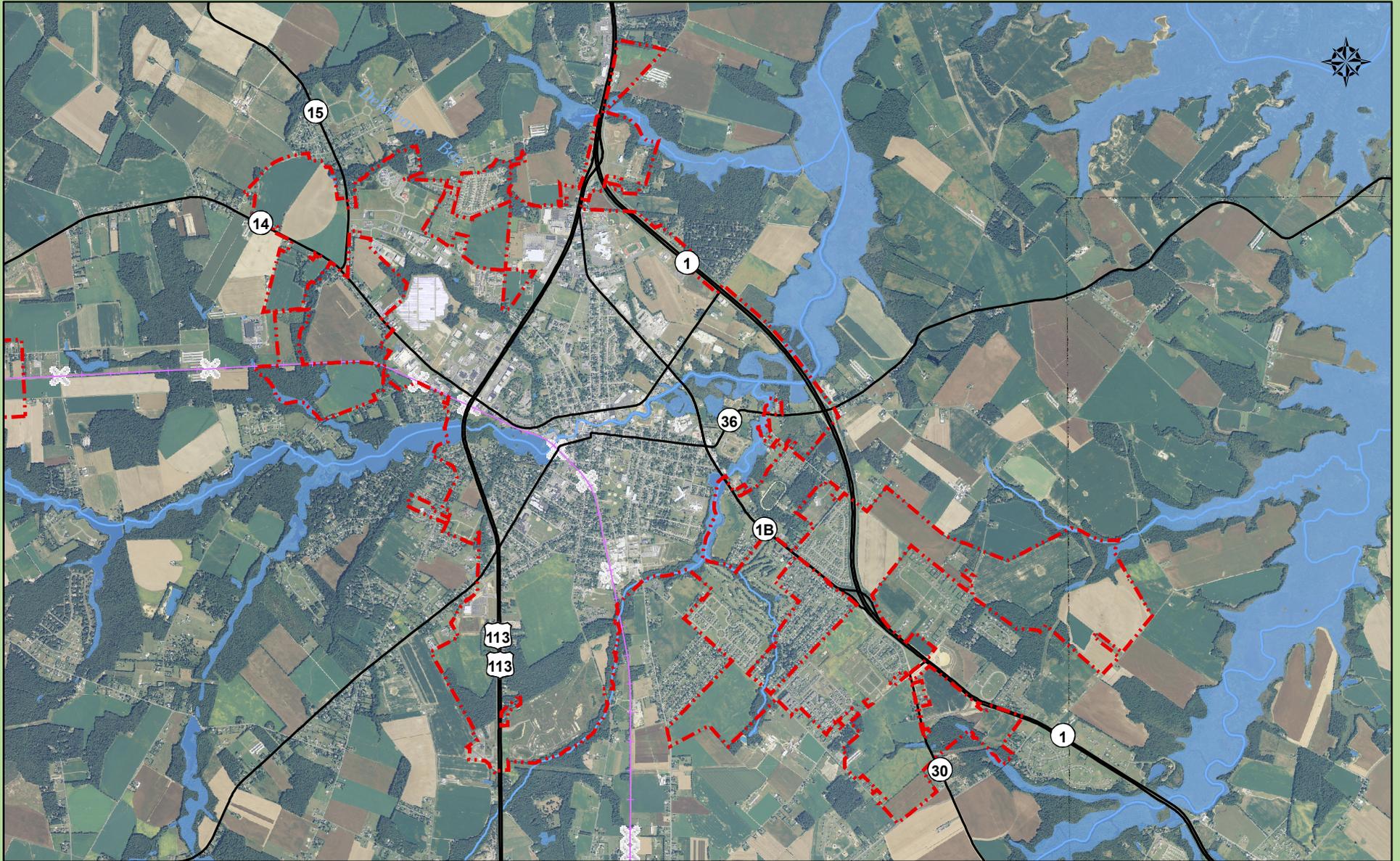
### Existing Landuse

DRAFT - December 2016



**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 12/16.  
 Existing Landuse - City of Milford, Delaware 10/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 12/16.

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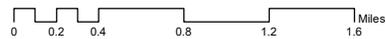


-  City of Milford
-  Major Routes
-  Major Rivers
-  Water Bodies
-  Rail lines
-  Railroad crossing

# City of Milford, Delaware

Aerial View

DRAFT - December 2016



Sources:  
 Orthophotography - DEMAC 2013.  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 12/16.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 12/16.  
 Hydrology - USGS and EPA, FirstMap 12/16.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.

CITY OF MILFORD  
PLANNING COMMISSION

*Minutes of Meeting*

*December 20, 2016*

A workshop meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE on Tuesday, December 20, 2016.

**PRESIDING:** Chairman Marvin Sharp  
**IN ATTENDANCE:** Andrew Fulton, Sara Pletcher, Raymond Lynch, Michael Boyle  
*Also:* Planning & Economic Activities Coordinator Rob Pierce, Deputy City Clerk Christine Crouch

Chairman Sharp called the meeting to order at 5:33 pm noting the absence of Mr. Holloway and Ms. Mims.

**NEW BUSINESS**

*Comprehensive Plan-Review Chapters 5-7 (Housing, Transportation, Economic Development)*

Mr. BJ DeCoursey of the University of Delaware explained there was a workshop recently between the City, University of Delaware (UD) and Delaware Department of Natural Resources and Environmental Control (DNREC) regarding climate change and sea level rise. Information gathered will be included in the comprehensive plan as we get to that part in the Plan.

Mr. DeCoursey then presented a PowerPoint presentation and an amended Vision/Objective chart from the current Book Two of the Plan, both of which will be included in the minutes. The PowerPoint gave a “to do” for the evening which included:

- Update on climate change vulnerability work, which was just reviewed.
- Review of submitted draft chapters.
- Neighborhood plan recap
- Housing, Transportation and Economic Development discussion.
- Discussion of upcoming chapters-Implementation, Environment, Parks & Open Space, Recreation.

Mr. Holloway arrived at 5:37 pm.

The amended vision/objective chart shown on the overhead projection included Economic Development, which was discussed at the last workshop. No changes were needed to what was presented, per the commission.

Regarding Review of Submitted Draft Chapters:

Based on discussions held in previous Planning Commission workshops, amendments to Chapters 1-4 have been made. (Attached to the minutes)

Regarding Neighborhood plan recap:

Mr. DeCoursey asked the Commission to ensure the descriptions for the neighborhoods is still the way the Commission foresees them, beginning on page 11. WalMart (inaudible).

Regarding Chapter 5, Housing:

Mr. DeCoursey presented proposed changes to Chapter 5, which begins on page 30 of the attached. No changes were needed, per the Commission, to the PowerPoint and vision/objectives.

Referencing page 33 of the attached, it was noted the already approved housing types is more than adequate for future needs. Of course, the market will dictate what will be built.

Milford's housing stock, compared to Kent and Sussex Counties, hasn't risen as fast however Milford ranks very well in terms of affordable housing.

Mr. Boyle confirmed the 5,800 units, as shown on slide 4 of the PowerPoint equates to the number of dwelling unit approved to be built.

Mr. Fulton requested the baby-boomer ages be corrected to years 1946-1964 on page 33 of the attached.

Regarding Chapter 6, Transportation:

Mr. DeCoursey presented proposed changes to Chapter 6, beginning on page 36 of the attached.

Mr. James Galvin, Principle Planner with Dover/Kent MPO explained the federal regulators want us to have a defensible priority system. DelDOT has to agree and then that trickles down to the municipalities. Dover/Kent MPO just finished their long range plan which gives a list of projects and in conjunction developed a priority system for said projects. It includes criteria for projects included in a communities' Comprehensive Plan or that a community has stipulated as a project with priority.

For example, when Camden was trying to develop their bypass around town, DelDOT had developed a concept but it was an issue with the Mayor. Dover/Kent MPO suggested Camden adopt the bypass into their Plan and prioritize it. Essentially, Mr. Galvin is recommending the same thing for Milford.

Identify a couple of projects that are particularly important and need to be addressed and prioritize them. Identify them specifically in the Plan. For example, we all hear about Airport Road. That it needs to be widened, resurfaced or re-constructed. It needs a bike lane. We all here have heard this.

Mr. Galvin explained the DelDOT will not give the community more points for identifying the projects, but they give the community extra points for having the project identified as a higher priority in the MPO plan.

The southeast area transportation, crosswalks, and railroad crossings were discussed among the commission.

Regarding Chapter 7, Economic Development:

Planning Coordinator Pierce reviewed slide 11 of the PowerPoint with the Commission and they had no changes. In addition, proposed changes to Chapter 7 begin on page 45 of the attached.

As a general comment, Mr. Boyle requested an acronym listing be included.

Regarding upcoming chapters for Implementation, Environment and Parks & Open Space, Recreation:

All of these chapters are being reviewed next for the upcoming January workshop. Mr. DeCoursey asked if there was anything he needed to be aware of when amending these chapters.

Mr. Lynch asked if a central park with a playground and walking trails needed to be added somewhere in the City. That is a magnet for residents as was discussed in a recent article he read naming the Top 50 small towns. Mr. DeCoursey thought it could be addressed with the former Middle School property.

## **ADJOURN**

With no further business, the meeting adjourned at 7:07 pm.

Respectfully submitted,

Christine R. Crouch, CMC  
Deputy City Clerk

CITY OF MILFORD  
PLANNING COMMISSION

*Minutes of Meeting  
December 20, 2016*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE on Tuesday, December 20, 2016.

PRESIDING: Marvin Sharp  
IN ATTENDANCE: Ed Holloway, Andrew Fulton, Sara Pletcher, Raymond Lynch, Michael Boyle  
*Also:* Associate City Solicitor Jason W. Adkins, Esq., Planning & Economic Activities Coordinator Rob Pierce, Deputy City Clerk Christine Crouch

Chairman Sharp called the meeting to order at 7:13 pm noting the absence of Ms. Mims.

**APPROVAL OF MINUTES**

Planning Coordinator Pierce explained an attendee at the November meeting had requested the draft minutes be corrected to reflect Milford Rent All LLC instead of Inc and Milford Mini Storage Inc and not LLC. Planning Coordinator Pierce handed the Deputy City Clerk the revised minutes, however as Mrs. Crouch explained the attendee reached out to her as well and as was explained to him the minutes must read what was stated at the meeting, not the intent, therefore the minutes presented are what must be reviewed.

The minutes from the November 2016 Planning Commission were approved unanimously as presented.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

*Becker Morgan Group Inc on behalf of Bayhealth Medical Center Inc; Project 15-231  
Extension 1 / Preliminary Site Plan  
Wilkins Road and Cedar Neck Road  
Tax Map 3-30-15.00-050.01, -050.11, -058.00, -058.01, -058.03, -058.04, -059.00 & -059.01  
Zoning: IS (Institutional Service District)*

Planning Coordinator Pierce explained the Planning Commission approved the preliminary site plan for the Bayhealth Health Campus about a year ago. He expects the final site plan approval to come before the commission in the next few months.

Mr. Greg Moore with Becker Morgan Group was present to answer any questions. Outside agency approval were just obtained.

Mr. Boyle confirmed this is just a normal approval and Mr. Fulton confirmed the applicant does not need to go before Council for this extension.

A motion by Mr. Holloway, seconded by Mr. Boyle, to approve the one year preliminary site plan extension carried unanimously.

*Ordinance 2016-15/Chapter 230; Creating C2-A Riverfront Development District Zoning Category*

As has been discussed, this ordinance will create a new zoning district. Planning Coordinator Pierce referred to a memo and map in the packet that further explains the proposed ordinance. This should accommodate most of the recommendations by the commission in the previous meetings regarding this zoning category.

Ms. Pletcher noted a grammatical error in Section 3 of the ordinance, in the purpose statement. And under D of the same section it should read *stories* not *stores*.

Chairman called for public comments. Hearing none, he closed the public hearing.

A motion by Mr. Fulton to recommend approval of Ordinance 2016-15 was seconded by Mr. Holloway. Motion carried unanimously.

ORDINANCE 2016-15  
 CODE OF THE CITY OF MILFORD  
 PART II-GENERAL LEGISLATION  
 CHAPTER 230-ZONING  
 ARTICLE II-DESIGNATION OF DISTRICTS &  
 ARTICLE III-USE AND AREA REGULATIONS  
 Creates C2-A/Riverfront Development District

WHEREAS, the City of Milford deems it necessary to classify, regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, use and extent of use of buildings, structures and land for residence, trade, industry and other purposes; and

WHEREAS, the City creates districts for said purposes; and

WHEREAS, the City of Milford proposes the purpose of the Riverfront Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning by adding a new zoning category.

Section 2.

Article II-Designation of Districts, 230-5.-Types of Districts is hereby amended as follows:

For the purpose of this chapter, the portions of the City of Milford included within the Zoning Map adopted under this chapter are divided into ~~45~~ **16** types of districts as follows:

Designation	Characteristic Description
R-1	Single-Family Residential District
R-2	Residential District
R-3	Garden Apartment and Townhouse District
C-1	Community (Neighborhood) Commercial District
C-2	Central Business District
<b>C-2A</b>	<b><i>Riverfront Development District</i></b>
C-3	Highway Commercial District
H-1	Institutional Development District
I-1	Limited Industrial District
I-2	General Industrial District
OC-1	Office Complex District
OB-1	Office Building District
BP	Business Park District
IS	Institutional Service District
IM	Institutional Medical District
R-8	Garden Apartment and Townhouse District

Section 3.

Article III-Use and Area Regulations is hereby amended by adding the following:

***§ 230-13.1 C-2A Riverfront Development District***

*In a C-2A 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 Riverfront ~~d~~ Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units. The district shall be limited to those properties adjacent to the Mispillion River and shall be prohibited along North and South Walnut Street, Northwest Front Street and shall not be allowed within any of the historic districts.***

- B. Permitted uses. In a C2-A district, land, buildings or premises shall be used by right for one or more of the following:*
- (1) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.*
  - (2) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, beer, wine or liquor, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.*
  - (3) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.*
  - (4) Financial institutions, loan companies and banks.*
  - (5) Restaurants, excluding fast-food or franchised food service operated restaurants.*
  - (6) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.*
  - (7) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.*
  - (8) Libraries, museums, art galleries and public information centers.*
  - (9) Fraternal, social service, union or civic organization.*
  - (10) Studio for artists, designers, photographers, musicians, sculptors and related uses.*
  - (11) Municipal and public services and facilities, including City Hall, municipal parking lots, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.*
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:*
- (1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.*
  - (2) Laundromats and dry-cleaning establishments.*
  - (3) Fast-food or franchised food service operated restaurants.*
  - (4) Day-care centers.*
  - (5) Community residential treatment program.*
  - (6) Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.*
  - (7) Nano or microbrewery with or without associated pub.*
- D. Area and bulk requirements.*
- (1) Maximum number of units per acre shall be 16.*
  - (2) Minimum lot area shall be 5,000 square feet.*
  - (3) Minimum lot width shall be 50 feet.*
  - (4) Maximum building coverage shall be 60%*
  - (5) Front yard setback shall be 15 feet minimum*
  - (6) Side yard setback shall be 14 feet aggregate total with a minimum of 6 feet.*
  - (7) Rear yard setback shall be 20 feet.*

- (8) *Height of buildings shall not exceed four ~~stores~~ stories or 50 feet.*
- (9) *Minimum separation distance between dwelling structures on the same lot shall not be less than 15 feet.*
- (10) *Parking shall comply with the requirements provided in Article IV of this chapter.*
- (11) *Signs shall comply with the requirements for C-2 Central Business District as provided in Article VI of this chapter.*
- (12) *For mixed use residential and commercial projects, 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.*

#### Section 4. Dates.

Planning Commission Review and Public Hearing: December 20, 2016

City Council Introduction: December 12, 2016

City Council Review and Public Hearing: January 9, 2017

Adoption: January 9, 2017

Effective: January 19, 2017

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

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at [www.cityofmilford.com](http://www.cityofmilford.com).

Advertised: Beacon 112316

#### *Ordinance 2016-27/Chapter 230; Adding a Conditional Use to Allow Chickens*

Planning Coordinator Pierce referred to a memo in the packet to further explain the ordinance. Essentially residents are seeking to keep chickens as pets and for their eggs and an amendment needed to be made to Chapter 230 in order to allow chickens in City limits. Hence, chickens being kept in the city are proposed to be a conditional use with additional requirements as outlined in the ordinance.

Chairman Sharp called for public comments.

Suzannah Frederick-405 S Walnut St-stated she is one of the residents that would like to have a small flock, backyard chickens. She has just over 1/3 acre of land, and this proposed change requires one acre. She requested 1/3 acre of land be considered.

Planning Coordinator Pierce thought a motion could be made to change the minimum lot size requirement to 1/3 acre, however what is before the Commission this evening went through the Community Affairs Committee, which is comprised of three council persons. He knows the size limitation on the land, he originally had 1/4 acre like the City of Dover, but they were not... he did not get general support from them for 1/4 acre which is when he revised it to one acre minimum.

Mr. Lynch asked if something could be changed to allow for unique properties to have chickens when they are less than one acre.

Mr. Boyle referenced the numbers as well. Would that then allow a chicken and 1/3? It has to relate to the numbers.

The Commissioner's packet included a letter from Mr. Phillips which refers to the City of Dover's ordinance where he states 25 chickens are permitted. Mr. Lynch asked if that is correct however Planning Coordinator Pierce did not believe that was completely accurate based on the information he was provided by the City of Dover. He confirmed ¼ acre is what Dover allows though.

Again, the original draft that went before the Community Affairs Committee showed ¼ acre; they were not in agreement with that, so he modified it to one acre. So with the advice of the Community Affairs Committee, this is what he has drafted. Not to say the Commission could not recommend something different.

Associate Solicitor Adkins stated minor deviations, such as acreage, could be recommended, but cannot recommend pigs as well because that is not within the scope of what is being discussed. But if the Commission would like to consider a limit lower than one acre, his opinion is that is within the scope.

Planning Coordinator Pierce asked if the Commission did recommend a smaller lot size, could Council approve the ordinance without the smaller lot size and Associate Solicitor Adkins replied yes. Council is not obligated to approve the recommendations of the Commission.

Ms. Pletcher asked if the lot size is changed, can the number of chickens be reduced as well? So if the land is one acre, four chickens are ok and if the lot is ½ acre, two chickens are ok.

Chairman Sharp asked if anyone else wished to speak.

Mr. Joseph Phillips-2 Causey Ave-stated he has the Causey Mansion Bed & Breakfast on 3.14 acres and wants to have something extra for guests who come to town to spend money. He researched stipulations in Dover via the internet and they could be incorrect. He would like to offer fresh eggs for customers.

Mr. Lynch noted Mr. Phillips requested 16 but is fine with 12. He thought a deal was being made at the Community Affairs Committee meeting he attended.

Mr. Lynch questioned if Dover had any negative feedback for ¼ acre lot size. Planning Coordinator Pierce felt the Community Affairs Committee was concerned about trying to narrow it down enough that you wouldn't have chickens on every property in Milford.

Mr. Fulton stated being as Milford's economic base is lower, there is a possibility of increased chicken production.

Hearing no additional public comments, Chairman Sharp closed the public hearing.

Mr. Fulton asked the commission felt about adding another section item under C.13(a) to read: “Special waivers may be granted for lot sizes less than one acre, no smaller than 1/3 acre, in size.”

Associate Solicitor Adkins explained it would be difficult to prove the hardship case, as this line states a waiver may be granted, which is a variance approval via the Board of Adjustment. It is unclear, should one acre be adopted, if someone who has less than one acre could apply for a variance as either a use variance or an area variance.

Again, Associate Solicitor Adkins suggested the Commission modify the lot size as part of their recommendation and Council may accept that recommendation or not.

Mr. Fulton felt the one acre size may have been put in there because of avian flu, which was a problem last year. If someone’s chickens are found to be carriers or sick, since the chickens are registered by the Department of Agriculture, there is a quarantine area around the domicile of a three mile radius because we have such a large poultry industry here. The quarantine area must stay dormant for six months, every chicken slaughtered and mulched into the ground. These are still active regulations in case another epidemic comes.

So one of the concerns with recommending less than one acre lot size is that more people will have chickens and what will this do to our community if another avian flu type outbreak occurs. While Mr. Fulton doesn’t have a problem with people having chickens and getting the fresh eggs, he understands that if an epidemic similar to avian flu came to Delaware it would severely impact our poultry industry and create massive economic turmoil.

Mr. Boyle confirmed the Community Affairs Committee has already seen this proposed ordinance and one acre was acceptable to them and is safe footing. When asked if other lot sizes were discussed, again Planning Coordinator Pierce stated ¼ acre was first drafted for their review and it was changed to one acre based on discussion with the Committee. There was no discussion of any other lot size.

Mr. Holloway stated there are several subdivisions within the City that have deed restrictions. He asked how those developments would be affected by this ordinance. Associate Solicitor Adkins stated this ordinance does not prevent deed restrictions in a community from prohibiting chicken coops. Deed restrictions are at least as restrictive as City Code and can be more restrictive. In addition, this ordinance is a conditional use, so a public hearing would be required.

Mr. Holloway questioned whether this would open Pandora’s Box whereby someone wants to declare a snake as a pet, or rabbits or squirrels.

A motion by Mr. Fulton, seconded by Mr. Lynch, to recommend approval of the ordinance subject to changing the lot size to 1/3 acre as follows:

*(13) Keeping of Chickens for individual domestic purposes subject to the following restrictions:*

(a) *Keeping of chickens shall be an accessory use and not permitted on lots smaller than ~~one~~ 1/3 acre in lot area.*

Motion failed with the following votes:

Mr. Holloway-No on anything less than one acre.

Mr. Fulton-Yes because the smaller acreage requirement is still above most subdivisions which are 1/4 acre and it would allow for the production of eggs for personal consumption.

Ms. Pletcher-No. Must need one acre.

Mr. Lynch-Yes. It is more strict than Dover and maybe other municipalities and it will allow residents to have fresh eggs.

Mr. Boyle-No. The fact Community Affairs Committee has discussed this in detail, there is a reason for the one acre.

Chairman Sharp-No. It doesn't make good sense.

A motion by Mr. Boyle, seconded by Mrs. Pletcher, to recommend approval of the ordinance as presented. Motion failed with the following votes:

Mr. Holloway-Yes based on the recommendations from the Community Affairs Committee.

Mr. Fulton-No because it is too restrictive.

Ms. Pletcher-Yes based on the Community Affairs Committee recommendations and access to fresh eggs.

Mr. Lynch-No because it is too restrictive.

Mr. Boyle-Yes for reasons given.

Chairman Sharp-No. He just doesn't think we need chickens.

A motion to postpone the ordinance to the January Planning Commission meeting after the Community Affairs Committee has discussed possible changes in lot size was made by Mr. Boyle and seconded by Mr. Fulton. Motion carried unanimously.

ORDINANCE 2016-27

CHAPTER 230

AN ORDINANCE AMENDING CHAPTER 230 ZONING OF THE CODE OF THE CITY OF MILFORD BY INCLUDING A CONDITIONAL USE TO ALLOW CHICKENS FOR INDIVIDUAL DOMESTIC PURPOSES IN A RESIDENTIAL ZONE

WHEREAS, The Community Affairs Committee (Committee) recognizes the benefits of locally produced food; and

WHEREAS, The City of Milford currently prohibits the keeping of chickens in its corporate limits; and

WHEREAS, the Committee deems it to be in the best interest of the City of Milford to allow residents to keep a limited number of chickens for providing eggs for personal consumption in its residential districts; and

WHEREAS, The Committee recommends the City Council (Council) of the City of Milford modify the Zoning Chapter by adding a conditional use to allow chickens that are used for individual domestic purposes, subject to certain regulations as set forth, and said Council finds such actions reasonably further the health, safety and general welfare of the residents of the City of Milford.

NOW, THEREFORE, the City of Milford hereby ordains:

#### Section 1. Purpose and Authority

The purpose of this Ordinance is to amend Chapter 230 Zoning Code of the City of Milford by modifying Section 230-9 R-1 Single Family Residential District, Subsection C by including Paragraph 13 Keeping of Chickens for Individual Domestic Purposes, as follows:

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

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

- A. Purpose. The intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.
- B. Permitted uses.
- C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:

*(13) Keeping of Chickens for individual domestic purposes subject to the following restrictions:*

- (a) Keeping of chickens shall be an accessory use and not permitted on lots smaller than one (1) acre in lot area.*
- (b) No more than four (4) chickens per acre shall be permitted on a residential lot with a maximum of twelve (12) chickens allowed on a single property.*
- (c) Chickens shall be registered with the Delaware Department of Agriculture.*
- (d) Chickens shall be penned in a coup that shall be at least four (4) square feet per chicken.*
- (e) All chicken coups shall be located in a rear yard and shall be a minimum of 20 feet from the side and rear property lines.*
- (f) Any odor associated with the chickens shall not be discernable from the property lines.*
- (g) Keeping of roosters shall be prohibited.*

- (h) Slaughtering of chickens shall be prohibited.*
- (i) Violations of these restrictions may lead to the revocation of the conditional use approval.*

Section 2. Dates.

City Council Introduction: December 12, 2016

Planning Commission Review & Recommendation: December 20, 2016

City Council Projected Adoption Date: January 23, 2017

Effective Date: Ordinance 2016-27 shall become effective at the expiration of ten (10) days following adoption or at any later date specified by City Council.

To review the entire chapter or a complete list of City of Milford ordinances, please access the City of Milford website at [cityofmilford.com](http://cityofmilford.com) or contact the City Clerk's Office at 302-424-3712.

Advertised: Beacon 11/09/16

**ADJOURN**

With no further business, the meeting adjourned at 7:57 pm.

Respectfully submitted,

Christine R. Crouch, CMC  
Deputy City Clerk



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)

TO: Planning Commission

FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities

DATE: November 28, 2016

RE: Ordinance 2016-27: Chapter 230 – Chickens

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In August 2016, the Mayor and the Community Affairs Committee received a letter from a constituent regarding the allowance of chickens as pets and for egg-gathering purposes on property within City limits. The current Animal ordinance, Chapter 79, prohibits any person from keeping or slaughtering “any swine, cow, bull, sheep, goat, goose, duck, hen, rooster, turkey or like animal or other farm animal within the City of Milford unless in conformity with Chapter 230, Zoning, and properly licensed and inspected by the appropriate agencies.” As a result, staff drafted the attached code amendment based on the considerations of the Community Affairs Committee.

In summary, the code revisions would allow the keeping of chickens within City limits within residential zoning categories R-1 or R-2 as a conditional use subject to certain restrictions.

Staff is seeking a recommendation to move the draft ordinance forward for City Council approval.

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

**August 1, 2016**

**Joseph Phillips & Jan Broulik  
2 Causey Avenue  
Milford, DE 19963**

**To: Milford City Council Community Affairs Committee  
Mayor Bryan Shupe  
Town Manager Eric Norenberg**

**Greetings from your neighbors at Causey Mansion. We kindly write to ask that you consider granting us a waiver for a rule that restricts residents inside city limits from keeping chickens...or perhaps change the current law to requiring a minimum of three acres (similar to the well drilling law) to do so.**

**We wish to keep hens (up to 16) on our property as pets and for purposes of egg-gathering for our B&B- all females as no noisy roosters are needed for egg production. Causey Mansion sits on 3.14 acres - which is the entire central part of the Causey Avenue, South Walnut Street, Church Street and Maple Avenue block. Our parklike property is very private and totally unseen from all but a few neighbors.**

**Backyard chickens are becoming more and more popular in urban areas around the country. Aside from the constant supply of fresh eggs, chickens eat ticks and other insects. They also eat most kitchen scraps and provide high nitrogen fertilizer for gardeners. They are allowed inside many Delaware City Limits including our state capital:**

**Dover Delaware Chicken Ordinance**

**Are Chickens Allowed - Yes**

**Maximum Chickens Allowed - 25**

**Roosters Allowed - No**

**Permit Required - No**

**Coop Restrictions - Yes, property line restrictions apply.**

**Noise ordinance apply for all animals.**

**Since the house now known as the Causey Mansion has been around since 1763 and was originally 1506 acres, we thought that providing us with an exception via a sort of post grandfather clause might be considered.**

**Causey Mansion hosts many outdoor invents for profit and others not for profit, like the Roaring Twenties Lawn Party - with this in mind, you can rest assured that our coop will be neatly designed and maintained. Again, we will have no roosters, eggs will not be for re-sale and no butchering will occur! We hope to have a few Delaware Blue Hens in our flock along with a colorful mixture of other breeds.**

**We thank you for taking the time to consider this request.**

  
**Joseph A. Phillips**

  
**Jan K. Broulik**

Section 1. - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)].

(R-20, R-15, R-10, R-8, R-7.) (See also article 5, Supplementary Regulations; and article 6, Off-Street Parking, Driveways and Loading Facilities.)

1.1 Uses permitted. In a one-family residence R-20, R-15, R-10, R-8 and R-7 zones, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

1.11 The raising of field and garden crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof, provided no building is erected and signs conform with article 5, section 4.

1.12 One-family detached dwellings, not to exceed one such dwelling per lot.

1.13 Public buildings, structures and uses, including parks and playgrounds, subject to approval of site plans by the planning commission in accordance with article 10, section 2.

1.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

- (a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. Day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:
  - i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.
  - ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.
  - iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space.

Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.

- iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.
  - v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.
  - vi. Courts shall conform to the requirements of article 5, section 3 hereof.
- (b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.
- (c) Country clubs or other annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, golf courses, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following operations shall be prohibited:
- i. Outdoor entertainment, live or mechanical;
  - ii. The use of outdoor public address systems for any purpose; and
  - iii. Exterior lighting producing glare at the lot line other than that essential for the safety of the users of the premises.

No building erected under the provisions of this paragraph [subsection 1.14(c)] shall be so erected nearer than 50 feet to any street or property line.

1.15 Accessory uses, limited to the following:

- (a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:
  - i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and
  - ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.
  - iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
  - iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

- (b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.
- (c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.
- (d) Keeping domestic animals as pets, provided not more than three (3) dogs over six months old, shall be permitted.
- (e) Keeping of chickens for individual domestic purposes subject to the following restrictions:
  - i. Keeping of chickens shall not be permitted on lots smaller than 10,890 square feet in lot area.
  - ii. No more than five (5) chickens shall be permitted on a residential lot.
  - iii. Chickens shall be registered with the Delaware Department of Agriculture.
  - iv. Chickens shall be penned in a coop that shall be at least four (4) square feet per chicken.
  - v. All chicken coops shall be located in a rear yard and shall be a minimum of 20 feet from side and rear property lines.
  - vi. Any odor associated with the chickens shall not be discernable from property lines.
  - vii. Keeping of roosters shall be prohibited.
  - viii. Any lot with chickens shall either comply with these requirements by June 1, 2016 or remove the chickens.
- (f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.
- (g) Customary home occupations, provided that:
  - i. No display of products, goods and/or signs shall be visible from the street.
  - ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.
  - iii. Nonresident assistants or co-workers shall be prohibited.
  - iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.
  - v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas,

fumes, radiation, or electromagnetic interference.

1.16 [1.2] Site development plan approval. Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

1.17 [1.3] Performance standards. All uses are subject to performance standards as set forth in article 5, section 8.1.

1.18 [1.4] [ Closed zone. ] Zone R-7 is a closed zone in accordance with article 10, section 5.19.

1.19 [1.5] [ Signs. ] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 1-8-1979; Ord. of 5-14-1990; Ord. of 12-14-1992(2); Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2009-12, 9-14-2009; Ord. No. 2011-21, 10-10-2011; Ord. No. 2016-01, 4-11-2016)

PUBLIC NOTICE  
PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS  
City of Milford Zoning Chapter Amendment

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Code on Tuesday, December 20, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, January 23, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2016-27, may be adopted, with or without amendments.

Ordinance 2016-27  
Chapter 230

**AN ORDINANCE AMENDING CHAPTER 230 ZONING OF THE CODE OF THE  
CITY OF MILFORD BY INCLUDING A CONDITIONAL USE TO ALLOW CHICKENS FOR  
INDIVIDUAL DOMESTIC PURPOSES IN A RESIDENTIAL ZONE**

WHEREAS, The Community Affairs Committee (Committee) recognizes the benefits of locally produced food; and

WHEREAS, The City of Milford currently prohibits the keeping of chickens in its corporate limits; and

WHEREAS, the Committee deems it to be in the best interest of the City of Milford to allow residents to keep a limited number of chickens for providing eggs for personal consumption in its residential districts; and

WHEREAS, The Committee recommends the City Council (Council) of the City of Milford modify the Zoning Chapter by adding a conditional use to allow chickens that are used for individual domestic purposes, subject to certain regulations as set forth, and said Council finds such actions reasonably further the health, safety and general welfare of the residents of the City of Milford.

**NOW, THEREFORE, the City of Milford hereby ordains:**

Section 1. Purpose and Authority

The purpose of this Ordinance is to amend Chapter 230 Zoning Code of the City of Milford by modifying Section 230-9 R-1 Single Family Residential District, Subsection C by including Paragraph 13 Keeping of Chickens for Individual Domestic Purposes, as follows:

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

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

- A. Purpose. The intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and

appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.

B. Permitted uses.

C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:

**(13) Keeping of Chickens for individual domestic purposes subject to the following restrictions:**

- (a) Keeping of chickens shall be an accessory use and not permitted on lots smaller than one (1) acre in lot area.**
- (b) No more than four (4) chickens per acre shall be permitted on a residential lot with a maximum of twelve (12) chickens allowed on a single property.**
- (c) Chickens shall be registered with the Delaware Department of Agriculture.**
- (d) Chickens shall be penned in a coup that shall be at least four (4) square feet per chicken.**
- (e) All chicken coups shall be located in a rear yard and shall be a minimum of 20 feet from the side and rear property lines.**
- (f) Any odor associated with the chickens shall not be discernable from the property lines.**
- (g) Keeping of roosters shall be prohibited.**
- (h) Slaughtering of chickens shall be prohibited.**
- (i) Violations of these restrictions may lead to the revocation of the conditional use approval.**

Section 2. Dates.

City Council Introduction: December 12, 2016

Planning Commission Review & Recommendation: December 20, 2016

City Council Projected Adoption Date: January 23, 2017

Effective Date: Ordinance 2016-27 shall become effective at the expiration of ten (10) days following adoption or at any later date specified by City Council.

To review the entire chapter or a complete list of City of Milford ordinances, please access the City of Milford website at [cityofmilford.com](http://cityofmilford.com) or contact the City Clerk's Office at 302-424-3712.

Advertised: Beacon 11/09/16

# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



Date: November 14, 2016

City of Milford  
201 S. Walnut St.  
P.O. Box 159  
Milford, DE 19963

Attention: Mr. Robert Pierce

Subject: Hickory Glen (Project No. 13-196)  
Preliminary Plan Approval Extension

Dear Mr. Pierce:

On behalf of our client, Mr. Eric Dunn of Dunn Development, LLC, and in regards to the above referenced plan, we hereby formally request a twelve (12) month extension for the previously approved Preliminary Plan. The Preliminary Site Plan was previously granted approval by the Milford Planning Commission on February 16, 2016, and is therefore scheduled to expire on February 16, 2017 in accordance with Section 200-4.A.(5) of the City Subdivision Ordinance. The Preliminary Major Subdivision Plan was previously granted approval by the Milford City Council on February 22, 2016, and is therefore scheduled to expire on February 22, 2017 in accordance with Section 200-4.A.(5) of the City Subdivision Ordinance.

We have been diligently working on developing the construction plans related to this project and this 12 month extension is necessary in order to obtain all necessary State, County, and City approvals related to the final engineering plans.

Should you have any questions or comments regarding this issue, please feel free to contact me.

Very Truly Yours,  
Morris & Ritchie Associates, Inc.

A handwritten signature in blue ink, appearing to read "Phillip L. Tolliver", is written over the typed name below.

Phillip L. Tolliver, P.E.  
Principal

c.c. Mr. Eric Dunn  
File

18 Boulden Circle, Suite 36, New Castle, DE 19720 (302) 326-2200 Fax: (302) 326-2399 www.mragta.com

Abingdon, MD (410) 515-9000    Laurel, MD (410) 792-9792    Towson, MD (410) 821-1690    Georgetown, DE (302) 855-5734    New Castle, DE (302) 326-2200    Sterling, VA (703) 674-0161



PLANNING & ZONING DEPARTMENT  
P 302.424.3712, F 302.424.3559

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

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

March 16, 2016

Mr. Phil Tolliver  
Morris & Ritchie Associates, Inc.  
18 Boulden Circle, Suite 36  
Wilmington, DE 19720

RE: Application Number: 13-196  
Application Name: Hickory Glen  
Application Type: Preliminary Site Plan and Major Subdivision Extension  
Tax Parcel Number(s): MD-16-173.00-01-21.00 & 22.00

Mr. Tolliver,

According to our records, the Planning Commission for the City of Milford granted you a one-year extension for Preliminary Site Plan approval for the proposed Hickory Glen subdivision on February 16, 2016. Per City Code, Chapter 230-52, Zoning, A (4), "*Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.*" Final Site Plan Approval or an extension must be obtained prior to February 16, 2017 in order to avoid expiration of the preliminary approval.

Also, City Council granted you a one-year extension for the Preliminary Major Subdivision approval for the proposed Hickory Glen subdivision on February 22, 2016. Per City Code, Chapter 200-4, Subdivision of Land, A (5), "*Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.*" Final Major Subdivision Approval or an extension must be obtained prior to February 22, 2017 in order to avoid expiration of the preliminary approval.

Furthermore, please contact the Planning and Zoning Department to coordinate the Engineering review.

Feel free to contact me at 302-424-3712 or via email at [rpierce@milford-de.gov](mailto:rpierce@milford-de.gov) should you have any questions.

Sincerely,

Rob Pierce  
Coordinator of Planning &  
Economic Development Activities

cc: Eric Dunn, Dunn Development LLC, 160 Seneca Shore Road, Perryville, MD 21903  
Walter N. Thomas II, 1335 Milford-Harrington Hwy, Milford, DE 19963

# **Mispillion Street Partners, LLC**

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26412 Broadkill Road Milton, DE 19968  
Phone: (302) 684-4844 Fax: (302) 684-3260

November 4, 2016

Rob Pierce  
City of Milford  
City Hall  
201 S Walnut Street  
Milford, DE 19963

**Reference: Riverwalk Apartments  
Application Number 14-212  
Tax Map Parcel 330-7.17-011.00  
Request for Extension**

Mr. Pierce,

It is formally requested that the referenced project receive a six (6) month extension. The project has run into numerous hurdles receiving agency approvals. The primary challenge has been addressing the new DNREC stormwater regulations as it pertains to SCD approval. The Civil Engineer contracted to complete the project is currently awaiting the review comments from Davis, Bowen and Friedel.

The project is due to expire January 19, 2017.

If more information is necessary, please do not hesitate to contact me.

Sincerely,



Mispillion Street Partners, LLC  
Don A. Lockwood

pc: Constantine Malmberg



PLANNING & ZONING DEPARTMENT  
P 302.424.3712, F 302.424.3559

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

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

January 26, 2016

Roger Gross  
Merestone Consultants, Inc.  
19633 Blue Bird Lane, Suite 9  
Rehoboth Beach, DE 19971

RE: Application Number: 14-212  
Application Name: Riverwalk Villas  
Application Type: Preliminary Site Plan  
Tax Parcel Number(s): 330-7.17-011.00

Mr. Gross,

According to our records, the Planning Commission for the City of Milford granted you Preliminary Approval for a Site Plan for the proposed Riverwalk Villas project on January 19, 2016. Per the Code of the City of Milford, Chapter 230-52, Zoning, A (4), "*Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.*"

Final Site Plan Approval or an extension for this project must be obtained prior to January 19, 2017 in order to avoid expiration of the preliminary approval. Furthermore, please contact the Planning and Zoning Department to coordinate the Engineering review.

Feel free to contact me at 302-424-3712 or via email at [rpierce@milford-de.gov](mailto:rpierce@milford-de.gov) should you have any questions.

Sincerely,

Rob Pierce  
Coordinator of Planning &  
Economic Development Activities

*cc: Donald Lockwood, Mispillion Street Partners, 26412 Broadkill Road, Milton, DE 19968*



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 DOWNTOWN PROPERTIES OF MILFORD, LLC

Planning Commission Public Hearing: January 17, 2017

City Council Public Hearing: January 23, 2017

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<b>Application Number / Name</b>	:	16-017 / Downtown Properties of Milford, LLC
<b>Applicant</b>	:	Daniel L. Bond 119 N. Walnut Street Milford, DE 19963
<b>Owner</b>	:	Downtown Properties of Milford, LLC 119 N. Walnut Street Milford, DE 19963
<b>Application Type</b>	:	Conditional Use
<b>Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Commercial Retail
<b>Proposed Use</b>	:	Commercial Retail with (2) apartments
<b>Area and Location</b>	:	0.05 +/- acres situated at the southwest corner of the Front Street and Walnut Street intersection.
<b>Property Identification Numbers</b>	:	MD-16-183.10-04-46.00 & 46.01

ENC: Staff Analysis Report  
Exhibit A - Location & Zoning Map  
Exhibit B – Survey  
Exhibit C – Written Summary of Proposal



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

**STAFF ANALYSIS REPORT  
November 30, 2016**

<b>Application Number / Name</b>	:	16-017 / Downtown Properties of Milford, LLC
<b>Application Type</b>	:	Conditional Use
<b>Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Commercial Retail
<b>Proposed Use</b>	:	Commercial Retail with Apartments
<b>Property Identification Numbers</b>	:	MD-16-183.10-04-46.00 & 46.01
<b>Area and Location</b>	:	0.05 +/- acres situated at the southwest corner of the Front Street and Walnut Street intersection.

**I. BACKGROUND INFORMATION:**

The applicant is proposing to renovate the former Lou’s Bootery building located at 48 N. Walnut Street into a mixed-use structure with first floor commercial and second and third floor residential. The owner proposes to do a complete historic restoration of the building to preserve the historic character of the structure. The owner has submitted a Downtown Development District (DDD) large-project application to the Delaware State Housing Authority (DSHA) for the expenses associated with the restoration of the Pikus Building.

The first floor use is not known at this moment but the applicant anticipates either a retail or food service use which is permitted in the C-2 zoning district. The second and third floor will be converted into two two-bedroom apartment units. Per Chapter 230-13(C)(10), apartment units in conjunction with a non-residential use (mixed-use) is a conditional use subject to City Council approval.

A summary of the proposal provided by the applicant is attached outlining the goals and objectives of the project.

**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 a Conditional Use:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

*The presence of adjoining similar uses.*

Staff Response: The Central Business District has several buildings with first floor commercial and residential uses above. The proposed use would be similar to several other properties along NW Front Street and Walnut Street, and is consistent with the character of the neighborhood.

*An adjoining district in which the use is permitted.*

Staff Response: The addition of apartment units above the existing commercial is consistent with the goals and objectives of the C-2 (Central Business District) zoning category.

*There is a need for the use in the area proposed as established by the Comprehensive Plan.*

Staff Response: The Comprehensive Plan promotes mixed-use development in the Central Business District. The combination of first floor commercial and residential uses would be consistent with the Comprehensive Plan and the goals of the Downtown Development District Plan. The proposal would provide additional housing options in the downtown area along with prime commercial space at the City's main downtown intersection.

*There is sufficient area to screen the conditional use from adjacent different uses.*

Staff Response: The C-2 (Central Business District) zoning category does not have setback requirements for structures. The applicant's building is touching the building to the south and only has a few feet of separation from the building to the west.

*The use will not detract from permitted uses in the district.*

Staff Response: The applicant proposes to do a complete historic restoration of the existing aging structure. Restoration of the building should only have positive impacts on the surrounding properties and businesses. The proposal will improve the quality of the structure and introduce a residential component on the second and third floors. Staff does not anticipate any adverse impacts to other permitted uses in the CBD.

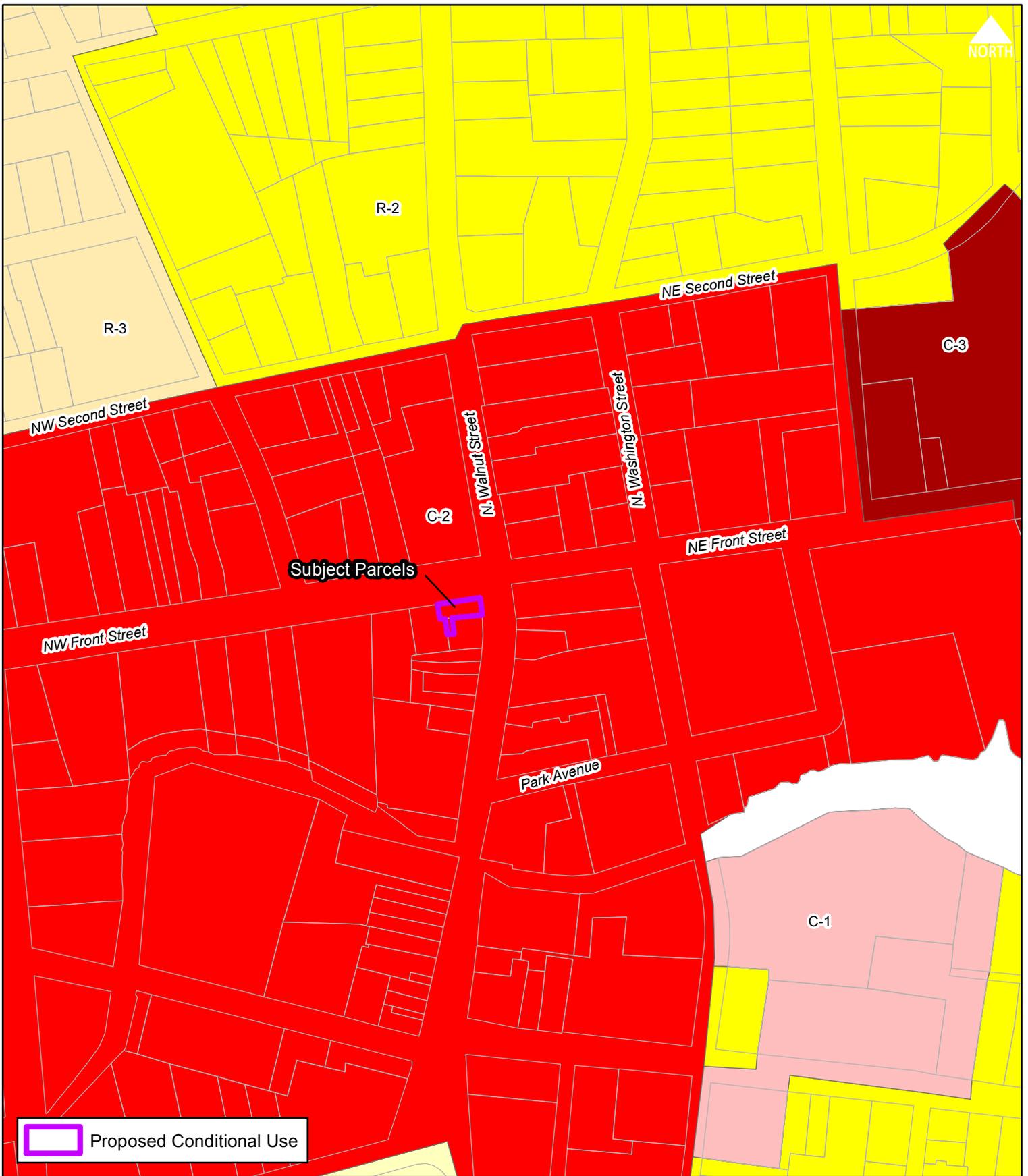
*Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.*

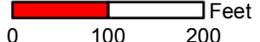
Staff Response: The subject parcel is located within the C-2 Central Business District zoning category, and according to Chapter 230, does not require off-street parking. On-street and municipal parking lots would be utilized by customers and residents of the proposed use. Traffic control, screening and setbacks do not appear to be an adverse impact on adjoining uses.

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

Enforcement and Inspection Division: Applicant will be required to apply for necessary permits and all building construction must be in accordance with Chapter 88 Building Construction. Applicant will be required to obtain approval or letter of no objection from the Delaware State Fire Marshal's Office and State of Delaware Department of Health. In addition, the building construction will have to comply with Chapter 130 Floodplain Management.

Public Works Department: The applicant is responsible for any and all improvements required to provide adequate water, sanitary and electric service to the structure. Service requests should be coordinated through the Public Works Department.



	<p>Scale:</p>  <p>0 100 200 Feet</p>	<p>Title:</p> <p style="text-align: center;"><b>Conditional Use</b>  <b>Downtown Properties of Milford, LLC</b>  <b>Location &amp; Zoning Map</b></p>
<p>Drawn by: WRP      Date: 12/01/16</p> <p>Filepath: ConditionalUse_DowntownPropertiesOfMilford.mxd</p>		



§ 230-13. - C-2 Central Business District.

In a C-2 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 C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those uses permitted in the C-1 District.
  - (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
  - (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
  - (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
  - (5) Financial institutions, loan companies and banks.
  - (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
  - (7) Taverns and tap rooms.
  - (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
  - (9) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.
  - (10) Libraries, museums, art galleries and public information centers.
  - (11) Churches and other places of worship.
  - (12) Fraternal, social service, union or civic organization.
  - (13) Tourist home, boardinghouse, rooming house or lodging house.
  - (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
  - (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
  - (16) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
  - (17) Publishing, printing and reproduction establishments.
  - (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
  - (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

- (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
- (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.

**C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:**

- (1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
- (2) Laundromats and dry-cleaning establishments.
- (3) Undertakers.
- (4) Motels and hotels.
- (5) Instructional, business or trade stores.
- (6) Fast-food or franchised food service operated restaurants.
- (7) Day-care centers.
- (8) Small convenience grocery shops with gas pumps.
- (9) Community residential treatment program.

**(10) All dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use.**

**D. Area regulations.**

- (1) Minimum lot area shall be 2,500 square feet for any permitted use, together with its accessory buildings, provided that parking and loading space are provided in accordance with Article VI of this chapter.
- (2) Minimum lot width shall be 50 feet.
- (3) Height of buildings shall not exceed 35 feet.
- (4) There shall be no required setback, rear yard or side yard.

**§ 230-20. - General provisions.**

**A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:**

- (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
- (2) Be attractively landscaped and screened from neighboring residential lots.
- (3) Not extend into any required front yard areas, except for the driveways.
- (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.

**B. Parking space size. Parking space sizes shall be in accordance with § 230-21.**

**C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.**

**D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for**

auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
  - (1) North Walnut Street and Northeast Front Street.
  - (2) Park Avenue and Northeast Front Street and Denney Row.
  - (3) Park Avenue and North Washington Street.
  - (4) Southeast Front Street between South Walnut Street and Church Street.
  - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 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> ¶

#### ARTICLE VI - Signs

##### § 230-24. - Permitted and prohibited signs.

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

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

- (1) Flashing signs.
- (2) Animated signs.
- (3) Signs producing noise or sounds.
- (4) Signs emitting visible smoke, vapor, particles or odor.
- (5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.
- (6) Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.
- (7) Signs attached to fire-fighting equipment, emergency egress doors, windows and like emergency purposes.
- (8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).
- (9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. Allowance shall be determined by the Code Official.
- (10) Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).
- (11) Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.

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

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

§ 230-26. - General standards.

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

- A. Setback.
  - (1) Commercial/industrial districts: 10 feet from front right-of-way line.
  - (2) Noncommercial districts (nonresidential):
    - (a) Advertising: 10 feet from front right-of-way line.
    - (b) Nameplate, identification and instruction: five feet from right-of-way line.
- B. Sign standards chart (end of chapter).
- C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:
  - (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.

- (2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
- (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:

- (1) Signs shall reflect simplicity, using graphics and minimum information.
- (2) Light-colored lettering should be used over dark matte background as the dominant motif.
- (3) Signs should have a singular theme.
- (4) A maximum of three colors may be used.
- (5) Signs should employ a style consistent with the age of the building.
- (6) Signs should fit into the size and proportions of the building.
- (7) Wall signage shall be placed directly above the storefront.
- (8) Wall signs should be made of natural materials, when feasible.
- (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.

E. Political signs.

- (1) Residential and Downtown Commercial Districts.
  - (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
  - (b) The maximum height of any political sign shall not exceed three feet.
  - (c) All political signs shall be removed within seven days after the election.
- (2) Other zoning districts.
  - (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
  - (b) The maximum height of any political sign shall be no more than five feet.
  - (c) All political signs shall be removed within seven days after the election.

F. EMB signs. The following are the guidelines for all EMB signage:

- (1) EMB signs are only permitted in the C-3 Zoning District.
- (2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.
- (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
- (4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.
- (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

- (6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.
- (7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- (8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.
- (9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].
- (10) All EMB signs shall have a height of no less than a minimum of two feet and no greater than a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of 12 feet and shall be no larger than 32 square feet total.

**§ 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.

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

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

## Summary of the Proposal

Since the Pikus Building, which was constructed in the 1840s, is an important contributing structure to the North Milford Historic District and the oldest building in downtown Milford, we plan to do a complete historic restoration of the building following the guidelines of the Secretary of the Interior's Standards for the Treatment of Historic Properties. These guidelines are available at <https://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf>. Discussions have already been held with Joan Larrivee, Delaware's State Historic Preservation Officer, about the specific measures needed to conform to these standards. The exterior of the building will be restored to approximate its 19<sup>th</sup> century appearance by refinishing the stucco exterior, replacing the modern overhang on the east end and northeast corner and reopening all the windows and doors that have been covered over in recent renovations. The roof will be replaced and the exterior end chimneys rebuilt. The interior will be largely gutted and the wood timber frame reinforced as necessary with steel beams and columns.

The before and after presentation of the building as included in Milford's "Rivertown Rebirth Plan" (see next page) gives a good impression of our intentions. (The east façade of the building is structurally unsound due to cracking and will be taken down and rebuilt.)

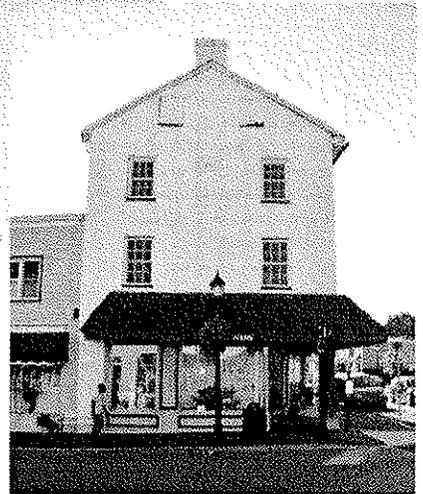
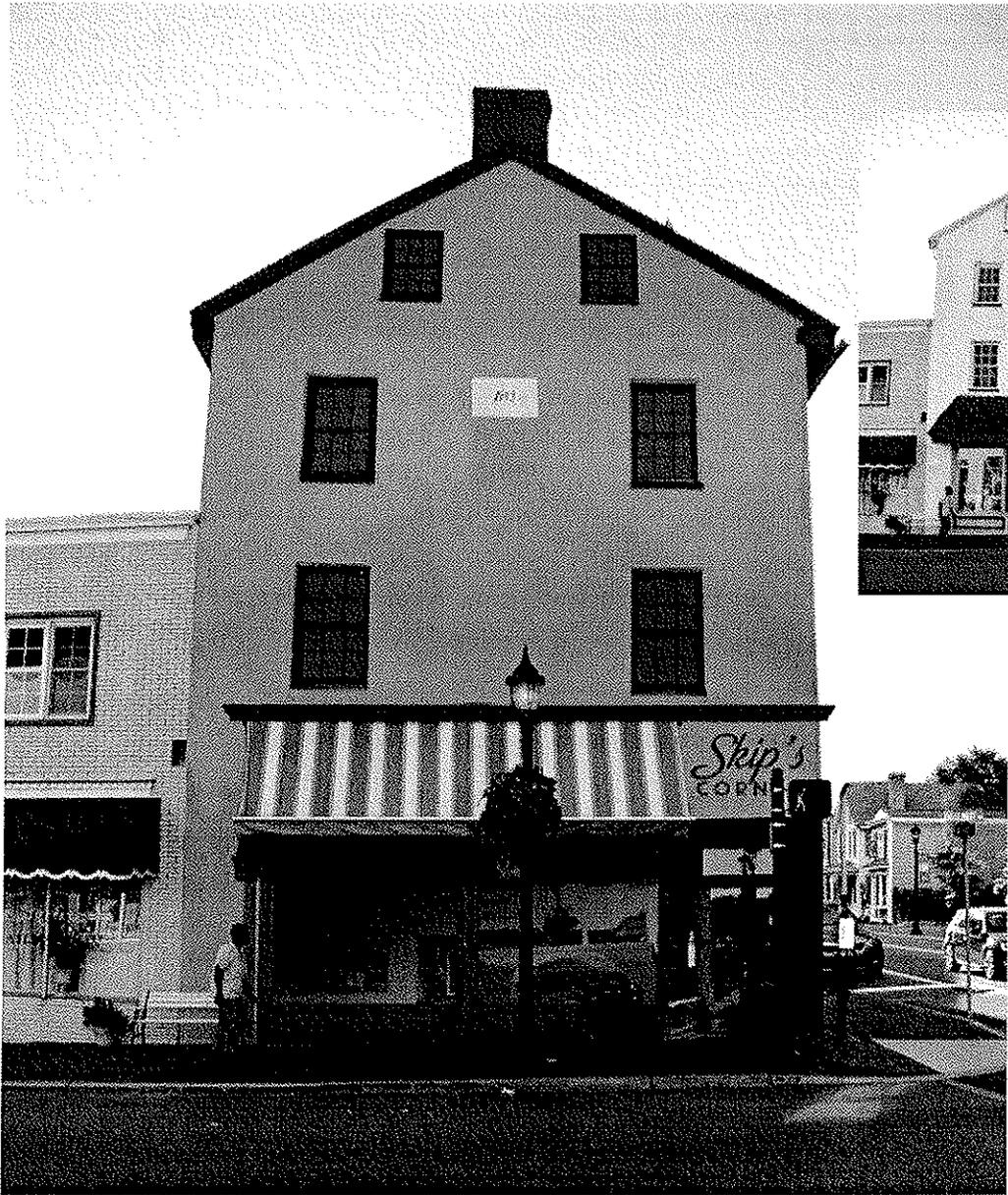
The first floor will be rented to an as yet unknown business for commercial use (preferably retail or food service) conforming to those uses permitted in the C-1 District - or one of the specified conditional uses for a C-1 District after obtaining a conditional use permit from the City Council. Since a commercial tenant has yet to be identified it is not possible at this time to include information about hours of operation, number of employees, and any proposed storage or use of hazardous materials.

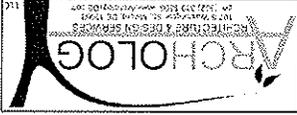
The second and third floors as residential rental units (each floor will have a single two-bedroom apartment). The existing staircase will be removed and two new staircases built. One will be in the south-east corner of the building with an entrance for the apartments on North Walnut Street. The second will be in the north-west corner of the building with an entrance on Front Street (using the historic entrance that is still in place). The attic will be used only for mechanical systems serving the building.

The Pikus Building is built to the property line and there are no exterior spaces other than the sidewalks along the east and north sides of the building and a pedestrian alley between it and the adjoining building on NW Front. The proposed use of the building – a mixture of commercial and residential – is already existing in several other buildings in the same block.

There is on-street parking available for the customer and tenants on both N. Walnut and N.W. Front Streets. There is off-street parking in the City parking lot on the north-east corner of Walnut and Front and in the new City parking lot formerly owned by M&T Bank. (A site plan is included with this application.)

The section of the City of Milford Code addressed by this application is § 230-13. - C-2 Central Business District, paragraph (10) that states that all dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use require conditional use approval.

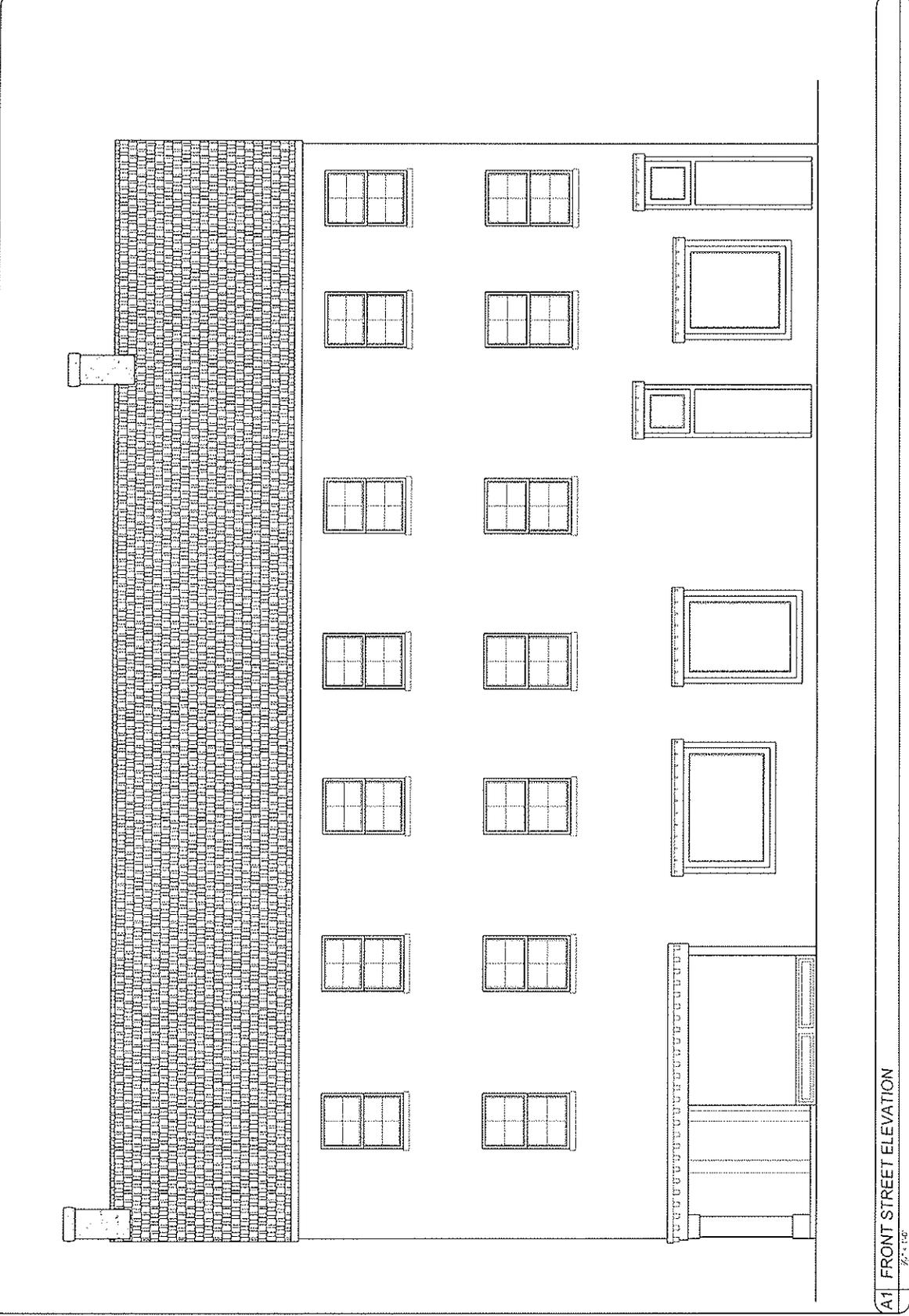




ARCHOLOG ARCHITECTS & DESIGN SERVICES  
1111  
1111

PROJECT #	16220
CONSTRUCTION DRAWING FOR THE BEST	
PIKUS BUILDING	
15 WINDSOR STREET	
HEPPOH AVENUE SOUTH DEKALB	
SCHEMATIC ELEVATIONS	
DATE	
REVISIONS	

DATE 11/18/2016  
SHEET # SD-3.04



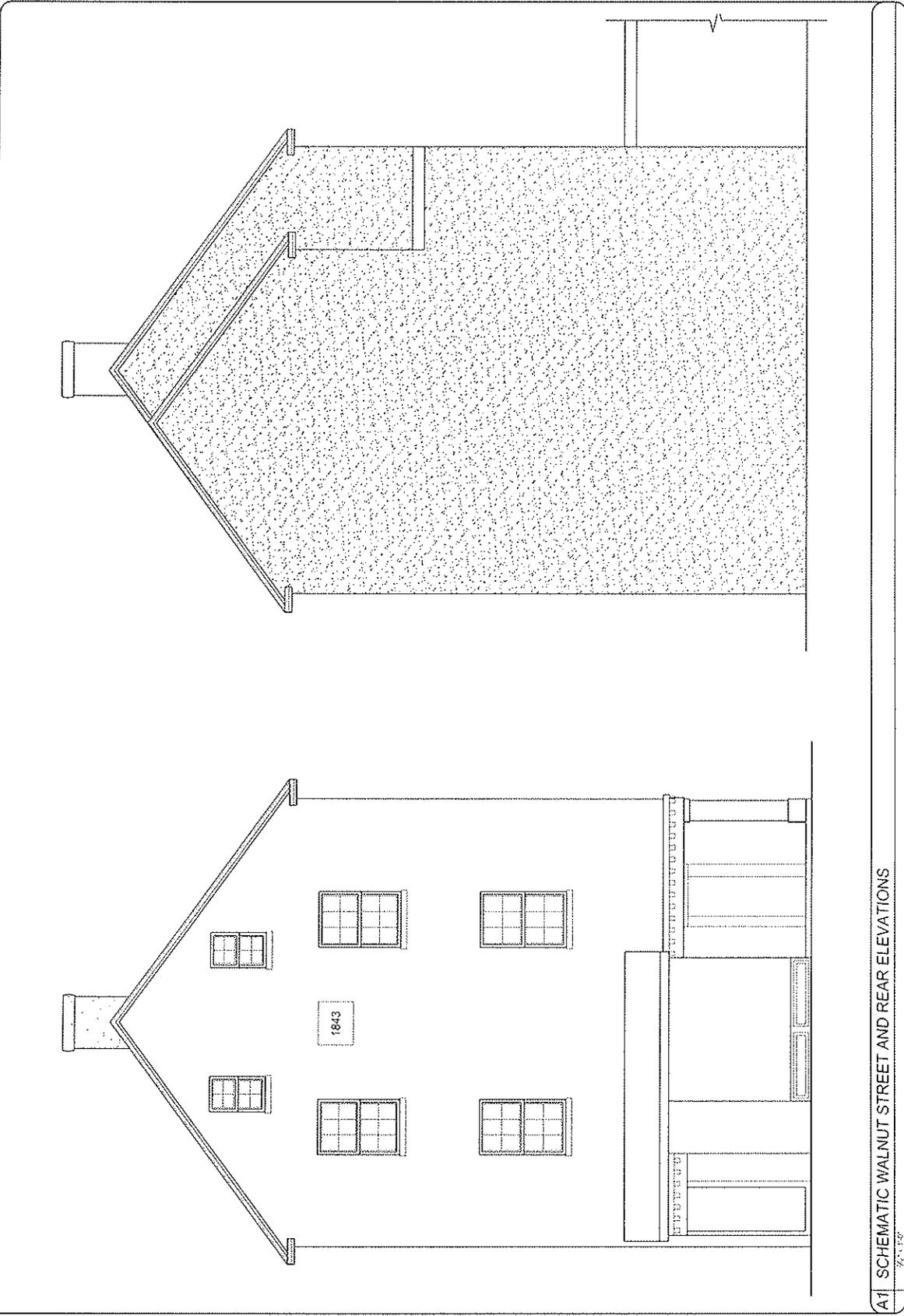
A1 FRONT STREET ELEVATION  
1/8" = 1'-0"



ARCHOLOG ARCHITECTURE & DESIGN SERVICES, INC.  
1000 S. 10TH AVENUE, SUITE 200, DENVER, CO 80202  
TEL: 303.733.7000, WWW.ARCHOLOG.CO

PROJECT #	18220
PROJECT NAME	PIKUS BUILDING
PROJECT ADDRESS	1900 KENT SQUARE EAST AVE
DATE	

DATE 11/18/2016  
SHEET # SD-3-04



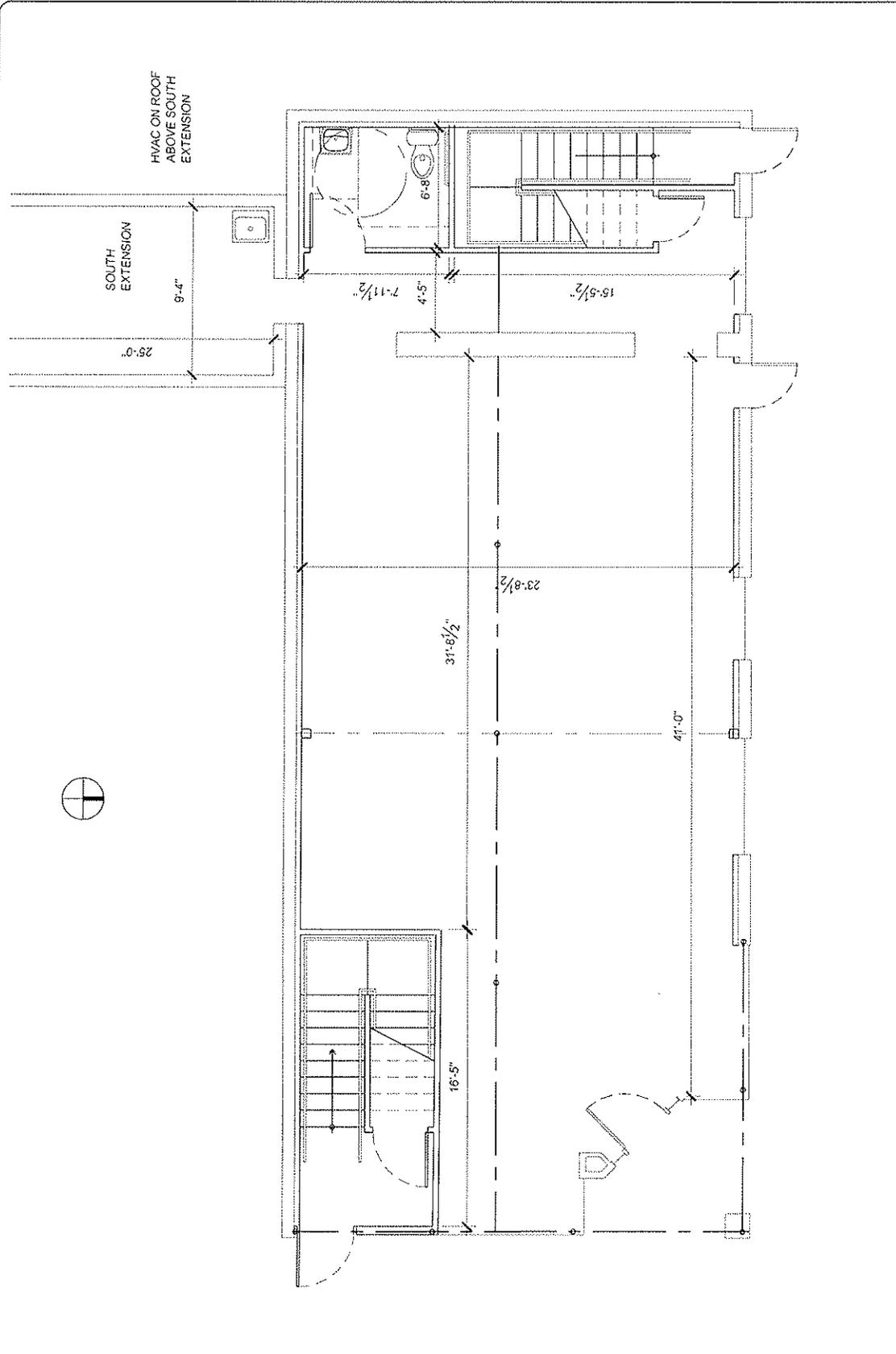
A1 SCHEMATIC WALNUT STREET AND REAR ELEVATIONS  
7/11/16



ARCHOLOG  
 100 S. W. 10th Ave., Suite 100  
 Fort Lauderdale, FL 33304  
 Phone: (954) 561-1111  
 Fax: (954) 561-1112  
 Email: info@archolog.com

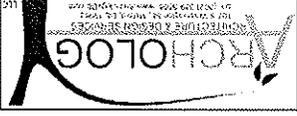
PROJECT #	10220
PROJECT NAME	PIKUS BUILDING
PROJECT ADDRESS	10000 W. BROWNSVILLE BLVD.
PROJECT CITY	MIAMI, FL
PROJECT STATE	FL
PROJECT ZIP	33186
DATE	11/18/2016

DATE: 11/18/2016  
 SHEET # SD-3.01



A1 SCHEMATIC FIRST FLOOR PLAN

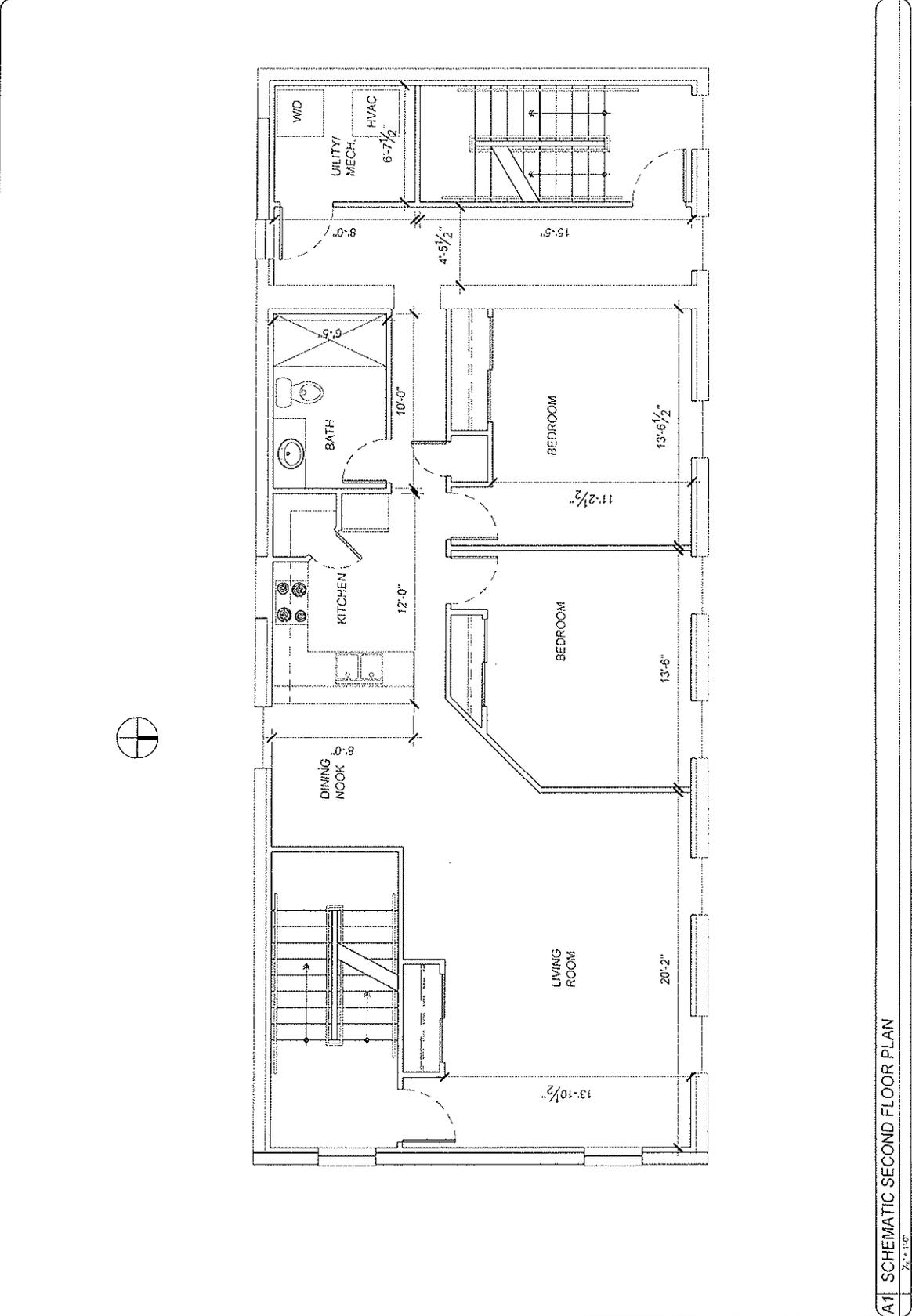
1/2" = 1'-0"



CONSTRUCTION DRAWING FOR THE BEST  
 POKUS BUILDING  
 107 WASHINGTON STREET  
 PORTLAND, ME 04101  
 11/18/2016  
 DATE

PROJECT #	16220
DATE	11/18/2016
DESIGNER	ARCHOLOG
CHECKED	
DATE	
PROJECT	POKUS BUILDING
DESCRIPTION	SCHEMATIC PLANS

DATE: 11/18/2016  
 SHEET # SD-3.02



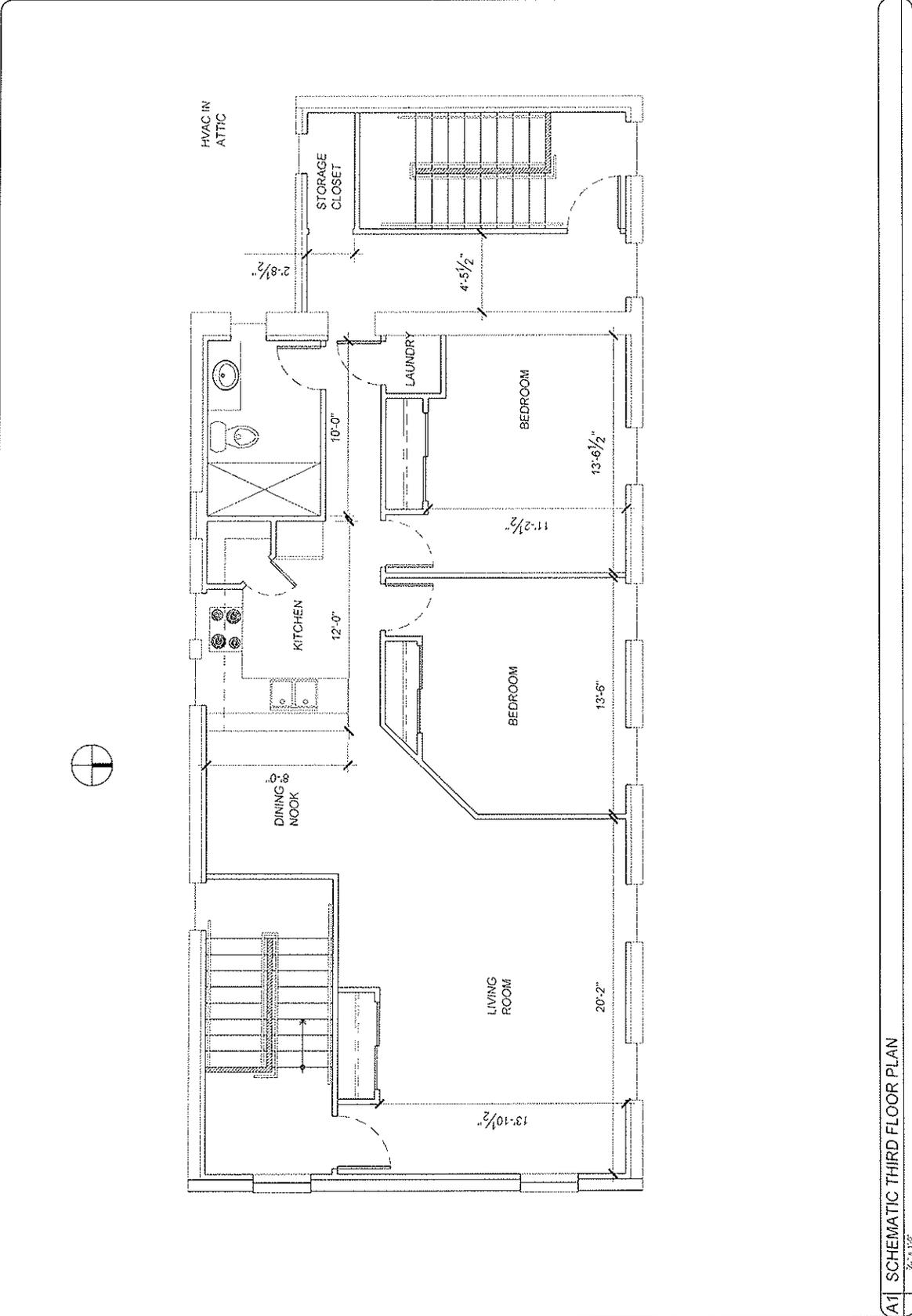
A1 SCHEMATIC SECOND FLOOR PLAN  
 1/8" = 1'-0"



1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. FINISHES TO BE DETERMINED BY THE ARCHITECT.  
 3. SEE NOTES ON SHEET 100 FOR FINISHES.  
 4. SEE NOTES ON SHEET 100 FOR MATERIALS.  
 5. SEE NOTES ON SHEET 100 FOR SCHEDULES.  
 6. SEE NOTES ON SHEET 100 FOR DETAILS.  
 7. SEE NOTES ON SHEET 100 FOR CONSTRUCTION METHODS.  
 8. SEE NOTES ON SHEET 100 FOR NOTES.  
 9. SEE NOTES ON SHEET 100 FOR NOTES.  
 10. SEE NOTES ON SHEET 100 FOR NOTES.

PROJECT #	16220
PROJECT NAME	PIKUS BUILDING
PROJECT ADDRESS	100 WEST 10TH AVENUE, DENVER, CO 80202
DATE	11/18/2016
SCALE	AS SHOWN
DESIGNER	ARCHOLOG
CHECKED BY	
DATE	
PROJECT #	16220
PROJECT NAME	SCHEMATIC PLANS

DATE: 11/18/2016  
 SHEET #: SD-3.03



A1 SCHEMATIC THIRD FLOOR PLAN

## Summary table of project statistics

Location:	48 N. Walnut Street, Milford, Kent County
Tax Map:	MD-16-183.10-04-46.00 and MD-16-183.10-04-46.01
Zoning:	C-2 Central Business District
Site area:	1,9515.8 square feet; 0.0448 acres
Building coverage:	100% of site
Impervious surface:	100% of site
Proposed parking:	On-street spaces on Walnut and Front; off-street spaces in City parking lots on the north-east corner of Walnut and Front and adjacent to former M&T Bank Building (future site of Touch of Italy restaurant)
Flood plan:	The building is located partially in the Mispillion River floodplain zone AE. An elevation certificate was obtained that shows the base flood elevation to be 9.3 feet.
Required parking:	None
Proposed parking:	On-street and nearby City parking lots

# Conditional Use Application

## Full Legal Description of the Property

48 N. Walnut Street, Milford, DE 19963 (referred to below as the Pikus Building)

Main Structure:

City of Milford: Parcel ID MD-16-183.10-04-46.00-000 Map-Block- Lot 1 3189

Kent Co.: Location ID 25857; Tax ID 25857; Parcel ID 62681; Map Number 5-16-18310-04-4601-00001;

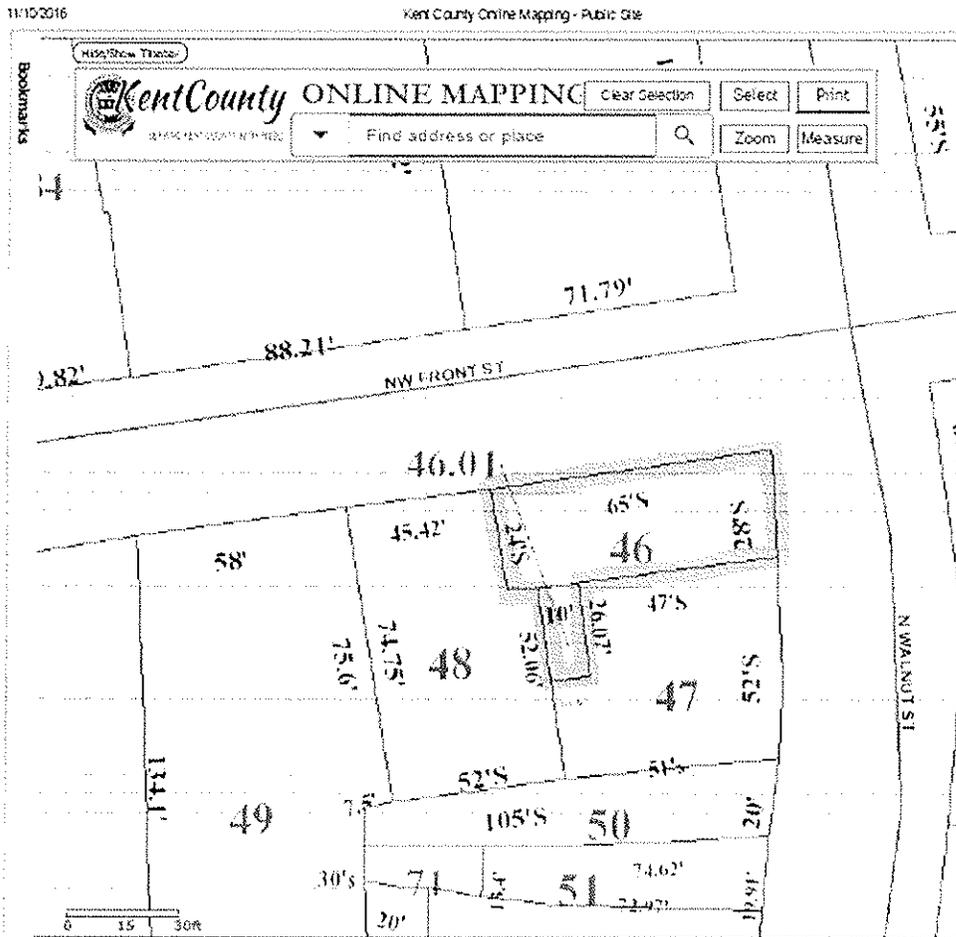
Deed BVP D 2977-0029-O-0054-0251; Tax Account Number 25857

Extension to the South:

City of Milford: Parcel ID MD-16-183.10-04-46.01-000 Map-Block- Lot 1 4175

Kent Co.: Location ID 57470; Tax ID 64214; Parcel ID 62770; Map Number 5-16-18310-04-4601-00001;

Deed BVP D 30040-0261; Tax Account Number 64214



## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017  
CITY COUNCIL PUBLIC HEARING: JANUARY 23, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, January 23, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

### **ORDINANCE 2017-01**

Downtown Properties of Milford LLC for a Conditional Use to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use of .05+/- acres in a C2 (Central Business District) Zoning District. Property is located at the southwest corner of the NW Front Street and N Walnut Street intersection, Milford, Delaware. Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments. Tax Map MD-16-183.10-04-46.00; MD-16-183.10-04-46.01

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on January 17, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on January 23, 2017 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 to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use as herein described.

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

*Section 1.* Upon the adoption of this ordinance, Downtown Properties of Milford LLC is hereby granted a Conditional Use Permit to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use, 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: January 17, 2017

City Council Introduction: January 9, 2017

City Council Public Hearing: January 23, 2017

Adoption: January 23, 2017

Effective: February 2, 2017

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 12/28/16*



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 LANDS OF MICHAEL RIVERA

Planning Commission Public Hearing: January 17, 2017

City Council Public Hearing: February 27, 2017

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<b>Application Number / Name</b>	:	16-016 / Lands of Michael Rivera
<b>Applicant</b>	:	Michael Rivera & Denise Morris 119 N. Walnut Street Milford, DE 19963
<b>Owner</b>	:	Same
<b>Application Type</b>	:	Conditional Use
<b>Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Single Family Detached Dwelling
<b>Proposed Use</b>	:	Hotel/Bed and Breakfast with one (1) accessory apartment
<b>Area and Location</b>	:	0.22 +/- acres situated at the southeast corner of N. Walnut Street and NE Second Street. Rear of property abuts N. Washington Street.
<b>Property Identification Numbers</b>	:	MD-16-183.10-03-58.00-000

ENC: Staff Analysis Report  
Exhibit A - Location & Zoning Map  
Exhibit B – Aerial Map  
Exhibit C – Written Summary of Proposal



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**  
**November 30, 2016**

**Application Number / Name** : 16-016 / Lands of Michael Rivera

**Application Type** : Conditional Use

**Comprehensive Plan Designation** : Highway/Commercial

**Zoning District** : C-2 (Central Business District)

**Present Use** : Single Family Detached Dwelling

**Proposed Use** : Hotel/Bed and Breakfast with one (1) efficiency apartment

**Property Identification Numbers** : MD-16-183.10-03-58.00-000

**Area and Location** : 0.22 +/- acres situated at the southeast corner of N. Walnut Street and NE Second Street. Rear of property abuts N. Washington Street.

---

**I. BACKGROUND INFORMATION:**

The applicant is proposing to convert an existing 5,780 square foot single-family detached dwelling unit into a Bed-and-Breakfast (B&B) operation with an efficiency apartment. Per Chapter 230-13(C)(4)&(10), motels and hotels along with dwelling units other than single-family are allowed uses subject to conditions set forth by the Planning Commission and City Council.

The B&B operation would consist of four (4) rooms and one (1) suite for the innkeeper. The first floor would consist of the common areas (library, parlor, living room and kitchen). The second floor would consist of two (2) B&B suites with bathrooms, the innkeeper suite and bathroom, and one efficiency apartment. The third floor would consist of two (2) more B&B suites and bathrooms, a library and a storage room.

The property contains an existing three-car garage and off-street parking area that could accommodate up to eight (8) vehicles. The three car garage would be utilized by the innkeeper, each B&B room would be allotted one space, and the efficiency apartment would be allotted one parking space. In addition to the provided off-street parking, occupants could utilize available on-street parking and the municipal parking lot along N. Walnut Street.

The B&B would be operated 24 hours a day seasonally (summer and holidays). The apartment would be utilized year-round. The B&B would employ two (2) housekeepers, one (1) B&B cook, (1) groundskeeper and (2) B&B managers/owners.

A summary of the proposal is provided as an attachment outlining the goals and objectives of the ownership.

## **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 a Conditional Use:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

*The presence of adjoining similar uses.*

Staff Response: The property is adjacent to a municipal parking lot to the west, a flooring retail business to the east, and single-family detached and attached dwelling units to the north. The adjoining property to the south consists of a single-family structure that has been converted into three apartment units.

*An adjoining district in which the use is permitted.*

Staff Response: A Bed-and-Breakfast is allowed as a conditional use in the adjacent R-2 zoning district. In addition, a one-family dwelling could be divided into multiple dwelling units in the adjacent R-2 district with a conditional use approval.

*There is a need for the use in the area proposed as established by the Comprehensive Plan.*

Staff Response: The Comprehensive Plan promotes mixed-use development in the Central Business District. The combination of the B&B and residential component would be consistent with the Comprehensive Plan and the goals of the Downtown Development District Plan. The proposal would provide additional overnight accommodations for guests visiting Milford which should positively affect the local economy.

*There is sufficient area to screen the conditional use from adjacent different uses.*

Staff Response: The proposed use is separated from other adjacent uses by N. Walnut Street, N. Washington Street and NE Second Street. The adjoining property to the south is a single-family detached dwelling that has been converted into three apartment units. Additional uses along N. Walnut Street include first floor retail with apartment uses above. Screening is not possible along the road frontages and there appears to be no adverse impact to the adjoining property to the south since they are similar uses.

*The use will not detract from permitted uses in the district.*

Staff Response: The proposed use could positively affect permitted uses in the district by attracting downtown visitors. It is anticipated that guests of the B&B would utilize the businesses and services within walking distance of the property. Staff does not anticipate any adverse impacts to other permitted uses in the CBD.

*Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.*

Staff Response: The subject parcel is located within the C-2 Central Business District zoning category, and according to Chapter 230, does not require off-street parking. However, the applicant has proposed to utilize the existing three (3) car garage and off-street parking area to accommodate up to eight (8) vehicles. On-street and municipal parking lots could be utilized for additional guests or employees. Traffic control, screening and setbacks appear to be sufficient.

**III. AGENCY & DEPARTMENT COMMENTS:**

Enforcement and Inspection Division: Applicant will be required to apply for necessary permits and all building construction must be in accordance with Chapter 88 Building Construction. Applicant will be required to obtain approval or letter of no objection from the Delaware State Fire Marshal's Office.

Public Works Department: The applicant is responsible for any and all improvements required to provide adequate water, sanitary and electric service to the structure. Service requests should be coordinated through the Public Works Department.

## 2. ADMINISTRATIVE INFORMATION FOR PLAN REVIEW OF FOOD ESTABLISHMENTS

### 2A. AUTHORITY

Title 16 Delaware Code § 122 empowers Delaware Health and Social Services to promulgate and enforce standards to regulate food establishments which may include, but are not limited to, restaurants, caterers, temporary food vendors, grocery stores, food vending machines, ice manufacturers and cottage industries that prepare or handle food for human consumption.

### 2B. DEFINITION

“Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption: such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

“Food establishment” includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the Division of Public Health; and an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

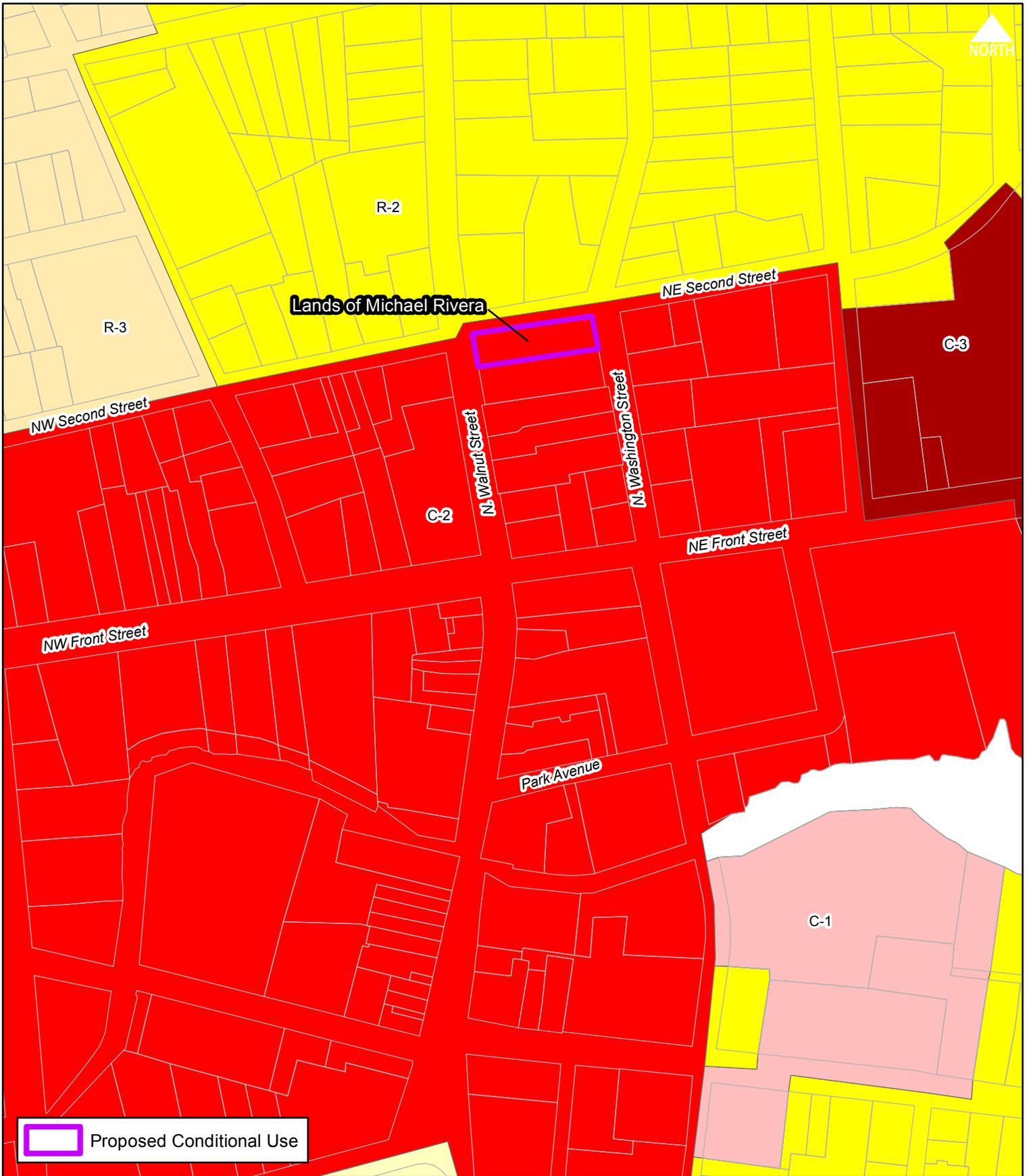
### **OPERATIONS THAT DO NOT REQUIRE A FOOD ESTABLISHMENT PERMIT**

1. An establishment that offers only pre-packaged foods that are not time/temperature control for safety;
2. A produce stand that only offers whole, uncut fresh fruits and vegetables;
3. A food processing plant;
4. A kitchen in a private home if only food that is not time/temperature control for safety is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Division of Public Health;
5. An area where food that is prepared as specified immediately above is sold or offered for human consumption;
6. A kitchen in a private home such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Division of Public Health; or
7. A private home that receives catered or home-delivered food; or a private home in which an individual is hired to prepare foods for personal consumption.

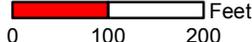


 Proposed Conditional Use

	Scale:  Feet 0      15      30	Title:  <b>Proposed Conditional Use Lands of Michael Rivera Site Plan</b>
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Filepath: ConditionalUse_Rivera_Site.mxd		




Filepath: ConditionalUse\_Rivera.mxd

Scale:  Feet

0 100 200

Drawn by: WRP Date: 12/01/16

Title:

**Conditional Use**  
**Lands of Michael Rivera**  
**Location & Zoning Map**

§ 230-13. - C-2 Central Business District.

In a C-2 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 C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those uses permitted in the C-1 District.
  - (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
  - (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
  - (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
  - (5) Financial institutions, loan companies and banks.
  - (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
  - (7) Taverns and tap rooms.
  - (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
  - (9) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.
  - (10) Libraries, museums, art galleries and public information centers.
  - (11) Churches and other places of worship.
  - (12) Fraternal, social service, union or civic organization.
  - (13) Tourist home, boardinghouse, rooming house or lodging house.
  - (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
  - (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
  - (16) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
  - (17) Publishing, printing and reproduction establishments.
  - (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
  - (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

- (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
- (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.

**C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:**

- (1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
- (2) Laundromats and dry-cleaning establishments.
- (3) Undertakers.
- (4) Motels and hotels.**
- (5) Instructional, business or trade stores.
- (6) Fast-food or franchised food service operated restaurants.
- (7) Day-care centers.
- (8) Small convenience grocery shops with gas pumps.
- (9) Community residential treatment program.
- (10) All dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use.**

**D. Area regulations.**

- (1) Minimum lot area shall be 2,500 square feet for any permitted use, together with its accessory buildings, provided that parking and loading space are provided in accordance with Article VI of this chapter.
- (2) Minimum lot width shall be 50 feet.
- (3) Height of buildings shall not exceed 35 feet.
- (4) There shall be no required setback, rear yard or side yard.

**§ 230-20. - General provisions.**

- A. Establishment of off-street parking area.** The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:
  - (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
  - (2) Be attractively landscaped and screened from neighboring residential lots.
  - (3) Not extend into any required front yard areas, except for the driveways.
  - (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.
- B. Parking space size.** Parking space sizes shall be in accordance with § 230-21.
- C. Parking spaces in driveways.** Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.
- D. Location of parking spaces.** All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for

auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
  - (1) North Walnut Street and Northeast Front Street.
  - (2) Park Avenue and Northeast Front Street and Denney Row.
  - (3) Park Avenue and North Washington Street.
  - (4) Southeast Front Street between South Walnut Street and Church Street.
  - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 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> ¶

#### ARTICLE VI - Signs

##### § 230-24. - Permitted and prohibited signs.

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

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

- (1) Flashing signs.
- (2) Animated signs.
- (3) Signs producing noise or sounds.
- (4) Signs emitting visible smoke, vapor, particles or odor.
- (5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.
- (6) Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.
- (7) Signs attached to fire-fighting equipment, emergency egress doors, windows and like emergency purposes.
- (8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).
- (9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. Allowance shall be determined by the Code Official.
- (10) Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).
- (11) Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.

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

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

§ 230-26. - General standards.

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

- A. Setback.
  - (1) Commercial/industrial districts: 10 feet from front right-of-way line.
  - (2) Noncommercial districts (nonresidential):
    - (a) Advertising: 10 feet from front right-of-way line.
    - (b) Nameplate, identification and instruction: five feet from right-of-way line.
- B. Sign standards chart (end of chapter).
- C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:
  - (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.

- (2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
- (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:

- (1) Signs shall reflect simplicity, using graphics and minimum information.
- (2) Light-colored lettering should be used over dark matte background as the dominant motif.
- (3) Signs should have a singular theme.
- (4) A maximum of three colors may be used.
- (5) Signs should employ a style consistent with the age of the building.
- (6) Signs should fit into the size and proportions of the building.
- (7) Wall signage shall be placed directly above the storefront.
- (8) Wall signs should be made of natural materials, when feasible.
- (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.

E. Political signs.

- (1) Residential and Downtown Commercial Districts.
  - (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
  - (b) The maximum height of any political sign shall not exceed three feet.
  - (c) All political signs shall be removed within seven days after the election.
- (2) Other zoning districts.
  - (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
  - (b) The maximum height of any political sign shall be no more than five feet.
  - (c) All political signs shall be removed within seven days after the election.

F. EMB signs. The following are the guidelines for all EMB signage:

- (1) EMB signs are only permitted in the C-3 Zoning District.
- (2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.
- (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
- (4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.
- (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

- (6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.
- (7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- (8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.
- (9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].
- (10) All EMB signs shall have a height of no less than a minimum of two feet and no greater than a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of 12 feet and shall be no larger than 32 square feet total.

**§ 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.

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

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

**Conditional Use Application**  
**Written Summary for Proposal**  
**By: Michael R. Rivera and Denise S. Morris**

**Full Legal Description of Property:**

All that certain tract, piece or parcel of land situated, line and located at 119 N. Walnut Street, Milford, Kent County and state of Delaware.

Prior instrument reference: Quitclaim Deed, Volume/Book RE-5057, Page 76, document No. 2009-152323, of the recorder of Kent, Delaware, recorded Wednesday July 15, 2009.

**Tax Map/Parcel Number:** MD- 16-183.10-03-58.00-000

**Proposal for Bank House: a Bed and Breakfast, Milford DE**

The current owners of the property at 119 N. Walnut Street, Michael R. Rivera and Denise S. Morris, would like to convert the current use of this (3) story historic property from that of a single family home into a bed and breakfast consisting of (4) B&B rooms to include the breakfast meal for B&B guests, and (1) efficiency apartment and one suite for the owner/innkeeper. The Bed and Breakfast operation takes up 33 % of the total building space.

Breakfast preparations will comply with safe food handling requirements in accordance with the required regulations of the state department of public of Delaware.

This conditional use would allow the owners to maintain and revitalize this historic structure, ensure revenue to support the community through cultural event offerings.

**Goals:**

- To revitalize and maintain the historic property of Milford at 119 N. Walnut Street known as "Bank House", and listed on the National Register of Historic Places on 7/31/78, and as a Milford Historic Landmark on 6/16 1981. (See attached documentation)
- To provide visitors and guests of the city of Milford De access to an historic property lodging know as "Bank House" as a bed and breakfast.
- To share the enjoyment of this historic property and its artifacts of Milford history with visitors and peoples of the community by way of special cultural and community offerings within the property's common spaces.
- To offer the city of Milford and the downtown development group an historic property for fund raising and community supportive activities.

- To offer (1) year round rental efficiency apartment with maximum occupancy of (2) persons, separate from the aforementioned bed and breakfast.

**Plans by Structure Stories:**

- The First Floor will consist of common areas, Library, Parlor/game room, Living room and bath. This area will provide space for community offerings such as tea's, chamber music, art exhibits etc. as well as use for B&B guests.
- The Second Floor will consist of (2) B&B rental suites with private baths, (1) one owner/innkeeper suite and bath. The Second floor wing will consist of (1) efficiency apartment with private entrance.
- The Third Floor will consist of (2) B&B suites with private baths, (1) common space library and game rooms and (1) storage room for lamp parts, extra furnishings.
- The Exterior Courtyard and Gardens will be utilized as common areas to all guests.

**Section of the City Code:**

CH 230-13 Central Business District Section C Subsection 4,10 which states motels, hotels, & apartments

**Relationships between building and other structures (parking, garage, adjoining properties):**

The property has a 3 car garage that will be utilized for owner parking and storage of furniture, tools and yard equipment. There are (5) additional off street parking spaces, (1) for each of the B&B rental rooms and (1) for the year round rental apartment. In addition, there is on street parking on Walnut, Washington and Second street and a municipal parking lot on Walnut street.

**Hours of Operation:**

Seasonal (Summer and Holidays) 24 hours since this will be lodging as a B&B and (1) year round efficiency apartment.

**Number of Employees:**

The business property will require an estimated number of employees including (2) Housekeepers, (1) Breakfast cook and (2) B&B owner/managers (1) grounds keeper.

**Storage of Hazardous Materials:** None

## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017  
CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

### **ORDINANCE 2017-02**

Michael Rivera for a Conditional Use to allow a motel/hotel and allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use of .22+/- acres in a C2 (Central Business District) Zoning District. Property is located at the southeast corner of N Walnut Street and NE Second Street intersection, Milford, Delaware. Present Use: Single Family Detached Dwelling; Proposed Use: Hotel/Bed & Breakfast with One Efficiency Apartment. Tax Map MD-16-183.10-03-58.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on January 17, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2017 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 motel/hotel and allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use as herein described.

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

*Section 1.* Upon the adoption of this ordinance, Michael Rivera is hereby granted a Conditional Use Permit to allow a motel/hotel and allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use, 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: January 17, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

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 12/28/16*



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 LANDS OF TRANSATLANTIC SHIPPING AGENCY, INC.

Planning Commission Public Hearing: January 17, 2017

City Council Public Hearing: February 27, 2017

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<b>Application Number / Name</b>	:	16-018 / Transatlantic Shipping Agency, Inc.
<b>Applicant</b>	:	Mildred Pedersen 27 South Walnut Street Milford, DE 19963
<b>Owner</b>	:	Transatlantic Shipping Agency, Inc. DBA Josephine Keir Ltd. At Home 300 Lakeview Avenue Milford, DE 19963
<b>Application Type</b>	:	Conditional Use
<b>Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Commercial Retail
<b>Proposed Use</b>	:	Commercial Retail with (1) apartment
<b>Area and Location</b>	:	0.195 +/- acres situated at 27 S. Walnut Street.
<b>Property Identification Numbers</b>	:	3-30-6.20-002.00

ENC: Staff Analysis Report  
Exhibit A - Location & Zoning Map  
Exhibit B – Aerial Map  
Exhibit C – Written Summary of Proposal



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

**STAFF ANALYSIS REPORT  
December 15, 2016**

<b>Application Number / Name</b>	:	16-018 / Transatlantic Shipping Agency, Inc.
<b>Application Type</b>	:	Conditional Use
<b>Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Commercial Retail
<b>Proposed Use</b>	:	Commercial Retail with Apartment
<b>Property Identification Numbers</b>	:	3-30-6.20-002.00
<b>Area and Location</b>	:	0.195 +/- acres situated at 27 S. Walnut Street

**I. BACKGROUND INFORMATION:**

The applicant is proposing to renovate the second floor to the Josephine Keir Ltd. Building into a residential apartment. The apartment unit will take up the entire second floor and is anticipated to be occupied by the owner of the building and business. The property is located at the intersection of SE Front Street and S Walnut Street. The second floor has been occupied as commercial rental space in the past and the proposal would be deemed a change in use. Per Chapter 230-13(C)(10), an apartment unit in conjunction with a non-residential use (mixed-use) is a conditional use subject to City Council approval.

**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 a Conditional Use:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

*The presence of adjoining similar uses.*

Staff Response: The Central Business District has several buildings with first floor commercial and residential uses above. The proposed use would be similar to several other properties along North and South Walnut Street, and is consistent with the character of the neighborhood.

*An adjoining district in which the use is permitted.*

Staff Response: The addition of a residential component above the existing commercial is consistent with the goals and objectives of the C-2 (Central Business District) zoning category.

*There is a need for the use in the area proposed as established by the Comprehensive Plan.*

Staff Response: The Comprehensive Plan promotes mixed-use development in the Central Business District. The combination of first floor commercial and residential uses would be consistent with the Comprehensive Plan and the goals of the Downtown Development District Plan. The proposal would provide additional housing options in the downtown area.

*There is sufficient area to screen the conditional use from adjacent different uses.*

Staff Response: The C-2 (Central Business District) zoning category does not have setback requirements for structures. The applicant's building is touching the building to the north.

*The use will not detract from permitted uses in the district.*

Staff Response: The proposal will improve the quality of the structure and introduce a residential component on the second floor. Staff does not anticipate any adverse impacts to other permitted uses in the CBD.

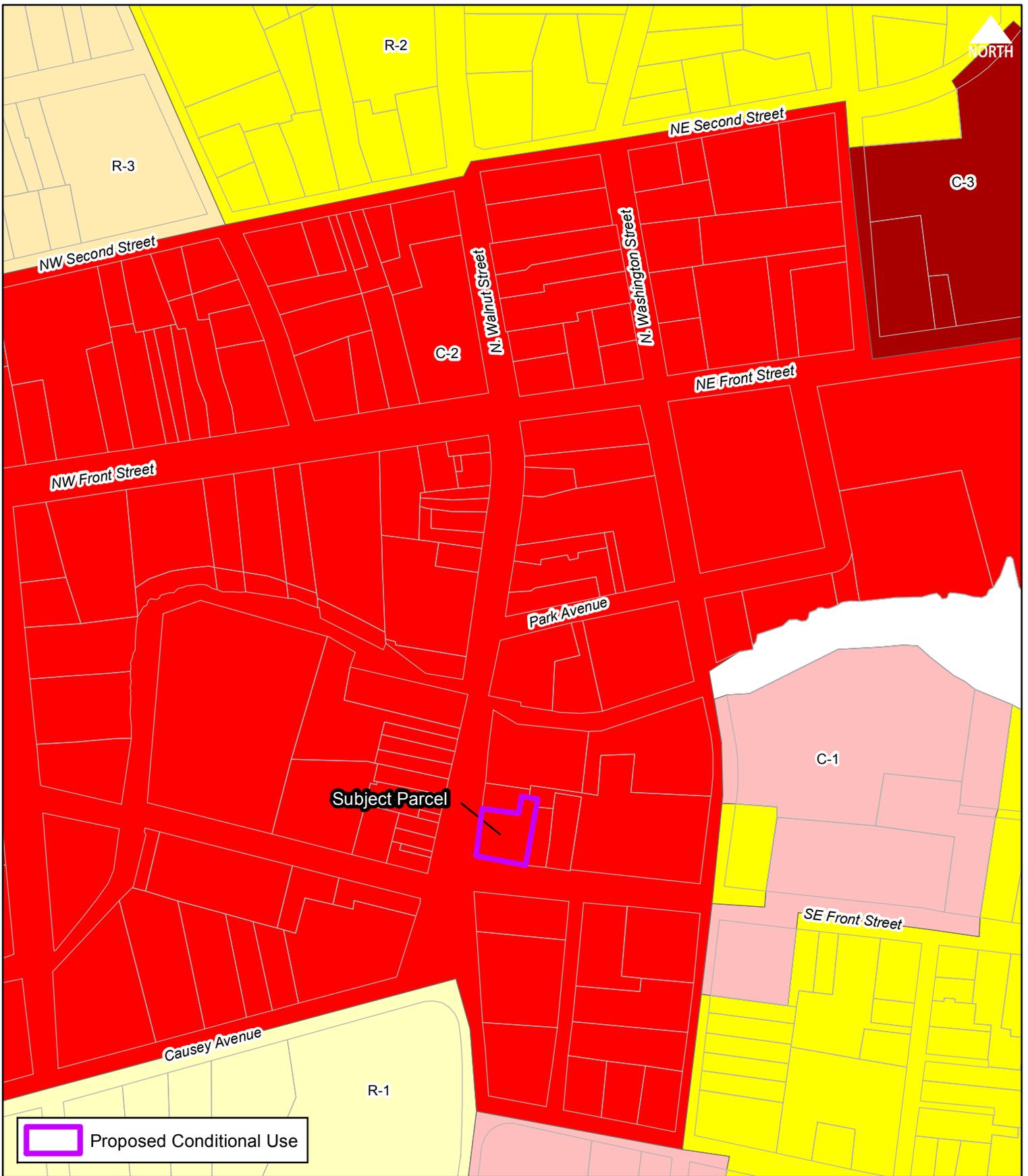
*Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.*

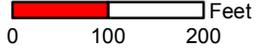
Staff Response: The subject parcel is located within the C-2 Central Business District zoning category, and according to Chapter 230, does not require off-street parking. On-street and municipal parking lots would be utilized by customers and residents of the proposed use. Traffic control, screening and setbacks do not appear to be an adverse impact on adjoining uses.

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

Enforcement and Inspection Division: Applicant will be required to apply for necessary permits and all building construction must be in accordance with Chapter 88 Building Construction. Applicant will be required to obtain approval or letter of no objection from the Delaware State Fire Marshal's Office and State of Delaware Department of Health. In addition, the building construction will have to comply with Chapter 130 Floodplain Management.

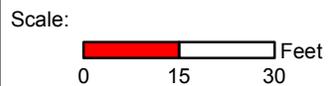
Public Works Department: The applicant is responsible for any and all improvements required to provide adequate water, sanitary and electric service to the structure. Service requests should be coordinated through the Public Works Department.



	Scale:  Feet 0      100      200	Title: <b>Conditional Use</b> <b>Lands of Transatlantic Shipping Agency, Inc.</b> <b>Location &amp; Zoning Map</b>
	Drawn by: WRP      Date: 12/15/16	
Filepath: ConditionalUse_Pedersen.mxd		



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Drawn by: WRP Date: 12/15/16

Title:

**Proposed Conditional Use  
Lands of Transatlantic Shipping Agency, Inc.  
Site Plan**

Filepath: ConditionalUse\_Pedersen\_Site.mxd

**Mildred Keir Pedersen  
300 Lakeview Ave.  
Milford, DE 19963**

December 9, 2016

Re: 27 South Walnut Street property

I would like to apply for conditional use (residential living) for the second floor of the 27 S. Walnut St. commercial building. The second floor has been a commercial office rental in the past. Downstairs is occupied by my business, Josephine Keir Ltd. At Home, a home furnishings, fine art gallery. As the downtown plan encourages residential living in the downtown, I hope this request can be expedited.

Thank you,

  
Milly Pedersen

*Josephine Keir Ltd. At Home*  
27 South Walnut  
Milford, DE 19963

§ 230-13. - C-2 Central Business District.

In a C-2 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 C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those uses permitted in the C-1 District.
  - (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
  - (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
  - (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
  - (5) Financial institutions, loan companies and banks.
  - (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
  - (7) Taverns and tap rooms.
  - (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
  - (9) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.
  - (10) Libraries, museums, art galleries and public information centers.
  - (11) Churches and other places of worship.
  - (12) Fraternal, social service, union or civic organization.
  - (13) Tourist home, boardinghouse, rooming house or lodging house.
  - (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
  - (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
  - (16) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
  - (17) Publishing, printing and reproduction establishments.
  - (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
  - (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

- (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
- (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.

**C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:**

- (1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
- (2) Laundromats and dry-cleaning establishments.
- (3) Undertakers.
- (4) Motels and hotels.
- (5) Instructional, business or trade stores.
- (6) Fast-food or franchised food service operated restaurants.
- (7) Day-care centers.
- (8) Small convenience grocery shops with gas pumps.
- (9) Community residential treatment program.

**(10) All dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use.**

**D. Area regulations.**

- (1) Minimum lot area shall be 2,500 square feet for any permitted use, together with its accessory buildings, provided that parking and loading space are provided in accordance with Article VI of this chapter.
- (2) Minimum lot width shall be 50 feet.
- (3) Height of buildings shall not exceed 35 feet.
- (4) There shall be no required setback, rear yard or side yard.

**§ 230-20. - General provisions.**

**A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:**

- (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
- (2) Be attractively landscaped and screened from neighboring residential lots.
- (3) Not extend into any required front yard areas, except for the driveways.
- (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.

**B. Parking space size. Parking space sizes shall be in accordance with § 230-21.**

**C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.**

**D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for**

auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
  - (1) North Walnut Street and Northeast Front Street.
  - (2) Park Avenue and Northeast Front Street and Denney Row.
  - (3) Park Avenue and North Washington Street.
  - (4) Southeast Front Street between South Walnut Street and Church Street.
  - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 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> ¶

#### ARTICLE VI - Signs

##### § 230-24. - Permitted and prohibited signs.

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

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

- (1) Flashing signs.
- (2) Animated signs.
- (3) Signs producing noise or sounds.
- (4) Signs emitting visible smoke, vapor, particles or odor.
- (5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.
- (6) Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.
- (7) Signs attached to fire-fighting equipment, emergency egress doors, windows and like emergency purposes.
- (8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).
- (9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. Allowance shall be determined by the Code Official.
- (10) Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).
- (11) Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.

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

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

§ 230-26. - General standards.

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

- A. Setback.
  - (1) Commercial/industrial districts: 10 feet from front right-of-way line.
  - (2) Noncommercial districts (nonresidential):
    - (a) Advertising: 10 feet from front right-of-way line.
    - (b) Nameplate, identification and instruction: five feet from right-of-way line.
- B. Sign standards chart (end of chapter).
- C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:
  - (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.

- (2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
- (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:

- (1) Signs shall reflect simplicity, using graphics and minimum information.
- (2) Light-colored lettering should be used over dark matte background as the dominant motif.
- (3) Signs should have a singular theme.
- (4) A maximum of three colors may be used.
- (5) Signs should employ a style consistent with the age of the building.
- (6) Signs should fit into the size and proportions of the building.
- (7) Wall signage shall be placed directly above the storefront.
- (8) Wall signs should be made of natural materials, when feasible.
- (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.

E. Political signs.

- (1) Residential and Downtown Commercial Districts.
  - (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
  - (b) The maximum height of any political sign shall not exceed three feet.
  - (c) All political signs shall be removed within seven days after the election.
- (2) Other zoning districts.
  - (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
  - (b) The maximum height of any political sign shall be no more than five feet.
  - (c) All political signs shall be removed within seven days after the election.

F. EMB signs. The following are the guidelines for all EMB signage:

- (1) EMB signs are only permitted in the C-3 Zoning District.
- (2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.
- (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
- (4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.
- (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

- (6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.
- (7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- (8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.
- (9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].
- (10) All EMB signs shall have a height of no less than a minimum of two feet and no greater than a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of 12 feet and shall be no larger than 32 square feet total.

**§ 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.

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

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017  
CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

### **ORDINANCE 2017-05**

Mildred Pederson on behalf of Transatlantic Shipping Agency for a Conditional Use to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use of .195+/- acres in a C2 (Central Business District) Zoning District. Property is located at the northeast corner of the SE Front Street and S Walnut Street intersection, 27 South Walnut Street, Milford, Delaware. Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments. Tax Map 3-30-6.20-002.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on January 17, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2017 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 to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use as herein described.

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

*Section 1.* Upon the adoption of this ordinance, Mildred Pederson on behalf of Transatlantic Shipping Agency is hereby granted a Conditional Use Permit to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use, 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: January 17, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

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 12/28/16*



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 CITY OF MILFORD

Planning Commission Public Hearing: January 17, 2017

City Council Public Hearing: January 23, 2017

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<b>Application Number / Name</b>	:	16-015 / City of Milford
<b>Applicant</b>	:	City of Milford 201 S. Walnut Street Milford, DE 19963
<b>Owner</b>	:	Same
<b>Application Type</b>	:	Change of Zone
<b>Present Zoning District</b>	:	C-1 (Neighborhood Commercial District)
<b>Proposed Zoning District</b>	:	C-2A (Riverfront Development District)
<b>Present Use</b>	:	Vacant/Recreation
<b>Proposed Use</b>	:	Mixed Use Commercial and Residential
<b>Size and Location</b>	:	1.78 +/- acres on east side of Washington Street along the Mispillion River.
<b>Tax Map &amp; Parcel</b>	:	3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)

ENC: Staff Recommendation Report  
Exhibit A – Location & Zoning Map  
Exhibit B – 2008 Comprehensive Plan – Future Land Use Exhibit  
Exhibit C – Rivertown Rebirth Plan 2025 (excerpt)



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

**STAFF RECOMMENDATION REPORT**  
**December 21, 2016**

<b>Application Number / Name</b>	:	16-015 / City of Milford – Washington Street
<b>Present Zoning District</b>	:	C-1 (Neighborhood Commercial District)
<b>Proposed Zoning District</b>	:	C-2A (Riverfront Development District)
<b>Present Use</b>	:	Vacant/Recreation
<b>Proposed Use</b>	:	Mixed Use Commercial and Residential
<b>Tax Map &amp; Parcel</b>	:	3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)
<b>Size and Location</b>	:	1.78 +/- acres on east side of Washington Street along the Mispillion River.

**I. BACKGROUND INFORMATION:**

- The subject parcels are located east of Washington Street along the Mispillion River and were home to the former Washington Street water treatment facility. This area was identified in the Rivertown Rebirth Plan 2025 and in the City’s Downtown Development District (DDD) application as a potential site for mixed-use development. The concept would involve first floor retail and dining with apartments or condominiums on the upper floors.
- The Rivertown Rebirth Plan 2025 was adopted by City Council in January 2015 as the redevelopment strategy for Downtown Milford. In addition, the City received DDD designation from the State of Delaware in August 2015.
- Development of the site would require site plan review by the City. The property would be developed through a Request for Proposals (RFP) process where proposals would be solicited from private developers for the purchase and use of the land consistent with the City’s redevelopment goals.

**II. STAFF RECOMMENDATION:**

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The property is surrounded by park/open space areas, multi-family housing, single-family detached residential, commercial and community facilities. The properties to the north are zoned C-2 (Central

Business District). The properties to the south are zoned C-1 (Neighborhood Commercial District) and R-2 (Residential District).

- The project site is impacted by the 100-year flood plain as delineated on the 2015 FEMA FIRM exhibits. The project site is also impacted by a well-head protection area surrounding one of the City's production wells that feeds the Washington Street Water Tower. Any land development on the property would have to comply with Federal, State and local requirements related to these impacts along with other laws and ordinances.
- The proposed change of zone meets all area regulations outlined in Chapter 230-13.1 – C-2A Riverfront Development District. The proposed rezoning meets the conditions for approval based on the following:
  - A. The new zoning classification conforms to the Comprehensive Plan for the City of Milford in relation to land use and intensity.

*The new zoning classification would be in compliance with the Future Land Use exhibits and text of the Comprehensive Plan.*

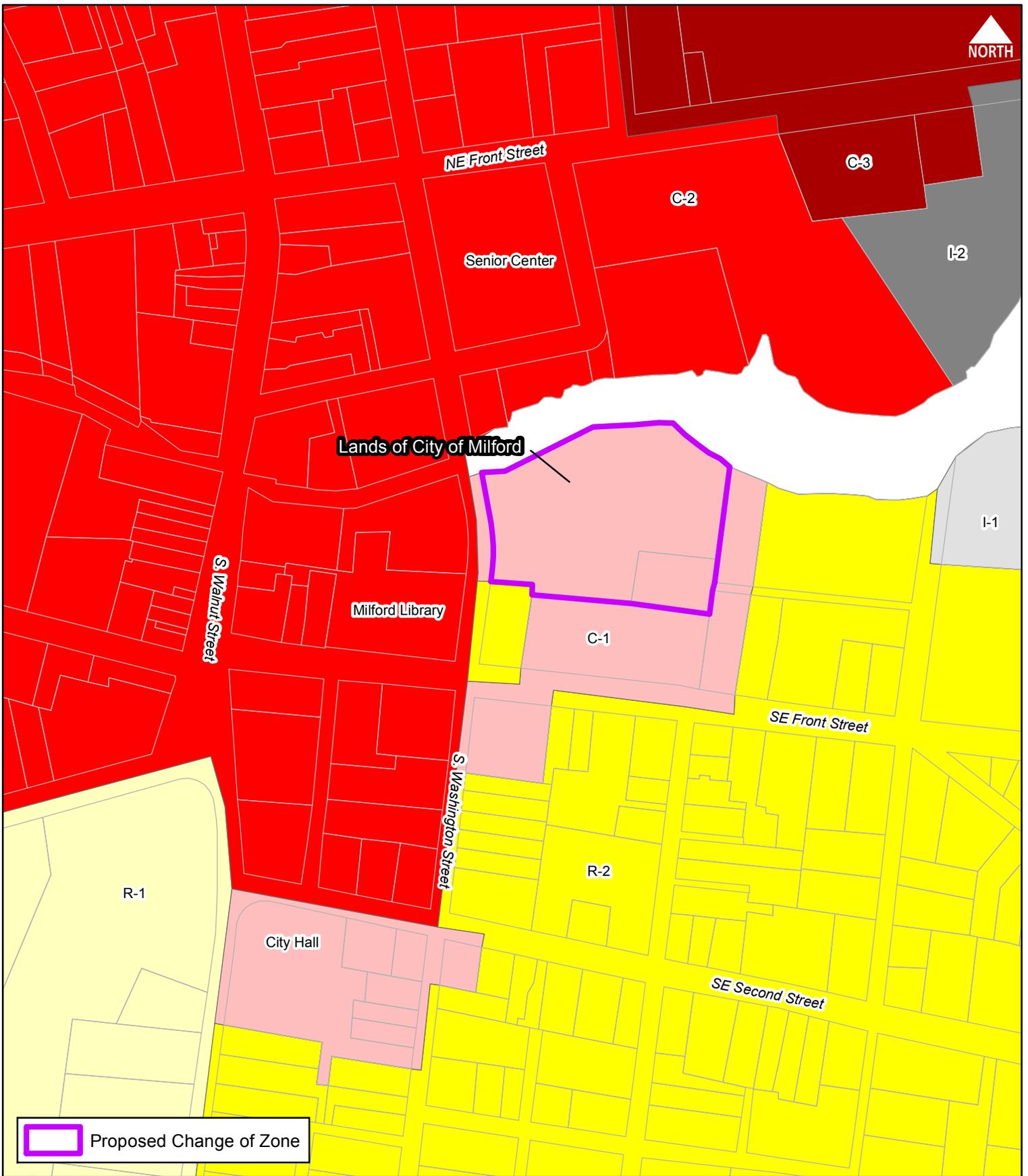
- B. Transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.

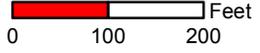
*The project site will be served by City water, sewer and electrical services which are currently available to the property. In addition, the site is located along an established local road (Washington Street) as depicted on DelDOT's functional classification map (2015). The Public Works Department, School District, Fire Marshall and other State Agencies will have the opportunity to review and provide comment during the site plan process.*

- C. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.

*Mixed-use structures and increased density are promoted within the City's Central Business District (CBD) and downtown core and similar uses can be found in the surrounding area. The permitted and conditional uses outlined in the C-2A (Riverfront Development District) zoning category are very similar to those provided under the C-2 zoning category. The Riverfront Development District zoning designation would allow for a slight increase in unit density when compared to the adjacent CBD, increasing from 12 to 16 units per acre. In addition, any development would be permitted to construct a four story structure as opposed to the CBD three story limitation.*

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Planning & Zoning Department. The Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to City Council in this matter.



	Scale:  Feet 0      100      200	Title:  <b>Change of Zone</b> <b>City of Milford</b> <b>Location &amp; Zoning Map</b>
	Drawn by: WRP      Date: 11/28/16	
Filepath: ChangeZone_Milford.mxd		

# Milford Comprehensive Plan

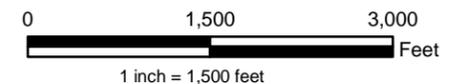
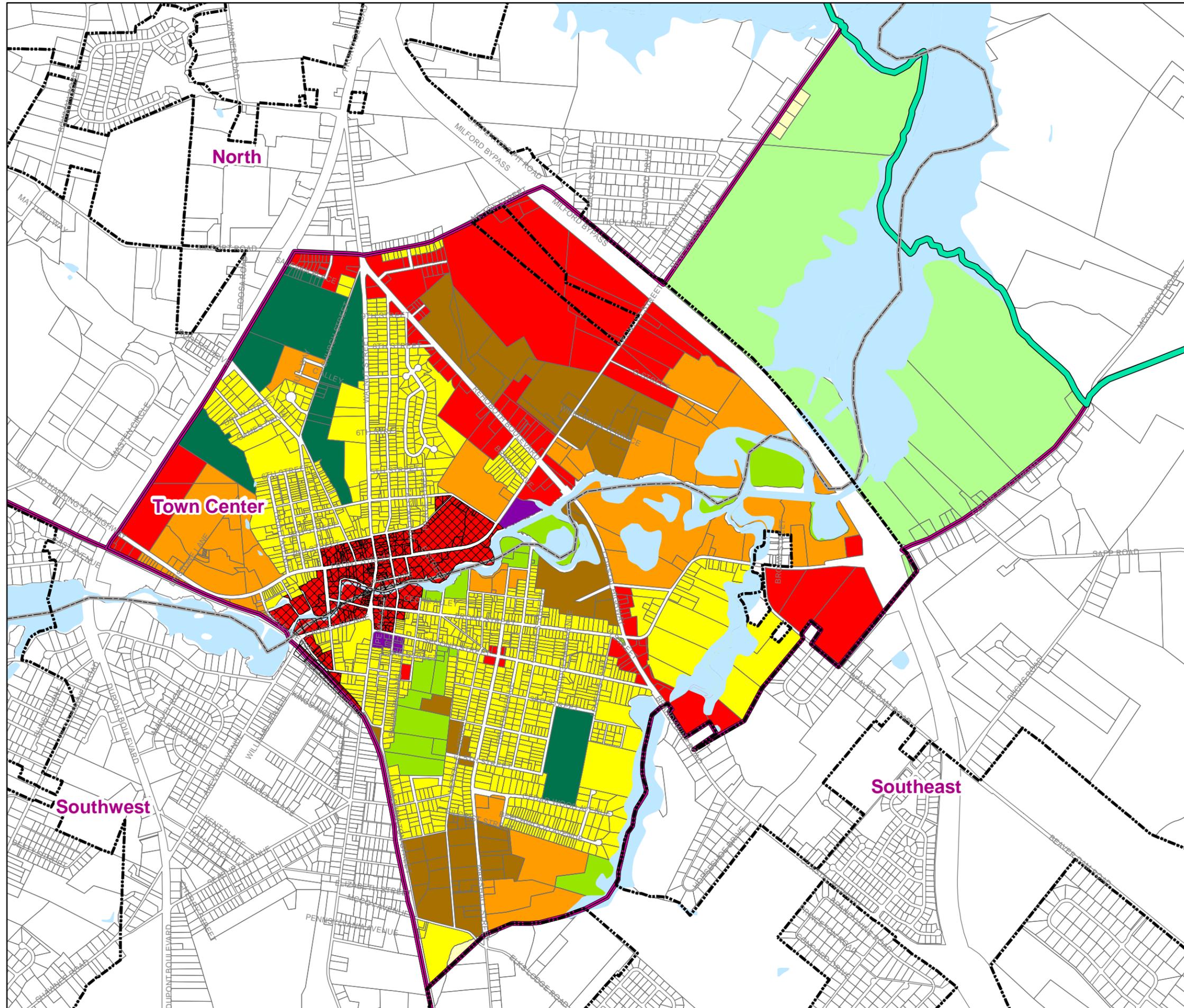
## Figure 14D Neighborhood Map - Town Center

### Legend

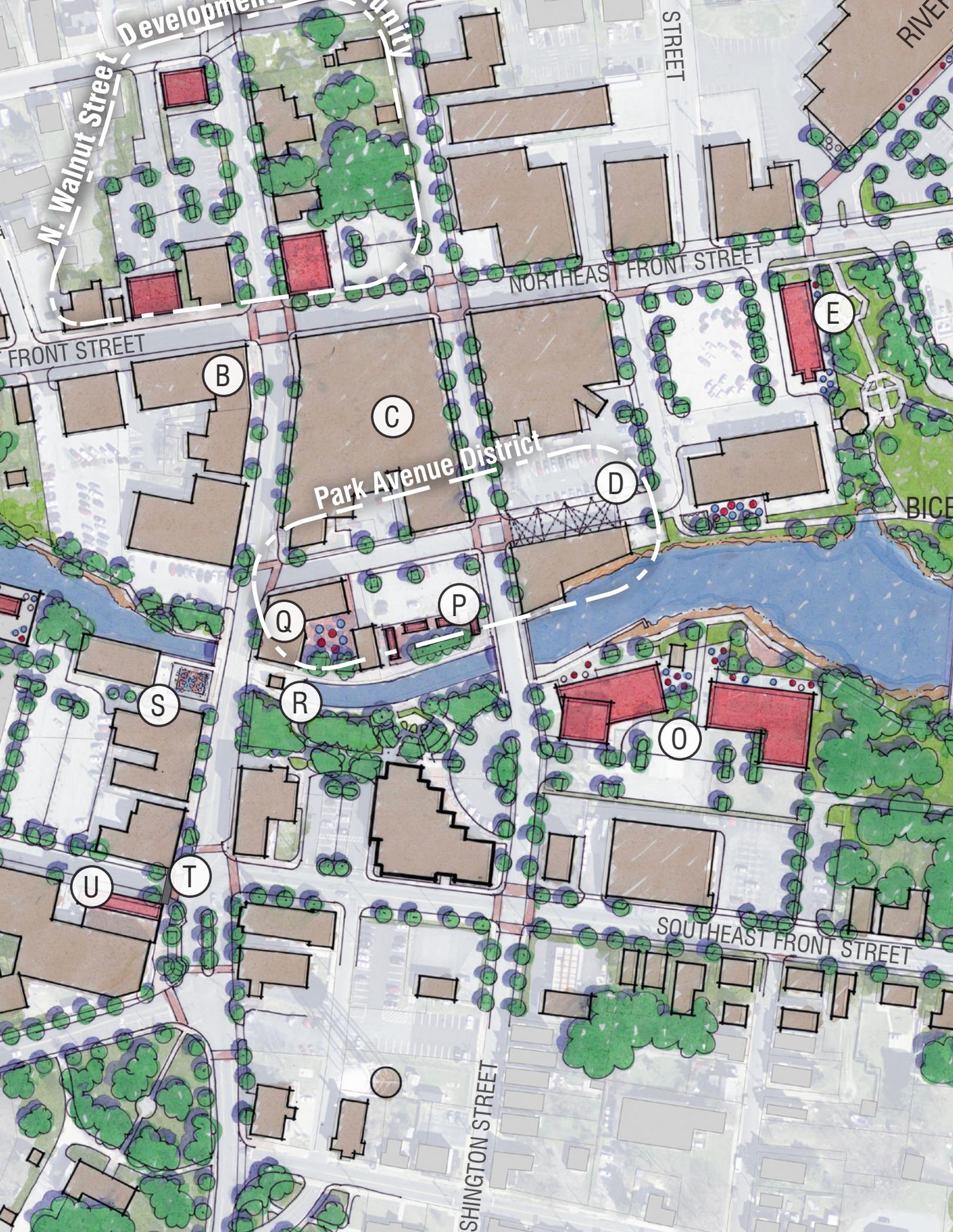
- City Boundary
- County Boundary
- Urban Growth Boundary
- Water
- Neighborhood Boundary
- Downtown

### Future Land Use

- Business Park
- Government
- Employment
- Highway/Commercial
- Proposed Highway/Commercial
- Industrial
- Institutional
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Open Space
- Proposed Institutional
- Proposed Open Space
- Transfer Station
- Proposed Thompsonville Intersestion



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



Development Community

N. Walnut Street

STREET

RIVER

FRONT STREET

NORTHEAST FRONT STREET

Park Avenue District

BICE

B

C

D

E

Q

P

S

R

O

U

T

SOUTHEAST FRONT STREET

SHINGTON STREET



# 3.1 Downtown Core

The Downtown Core is the true heart of our community. This is the area where retail density should be achieved and destination status cultivated.



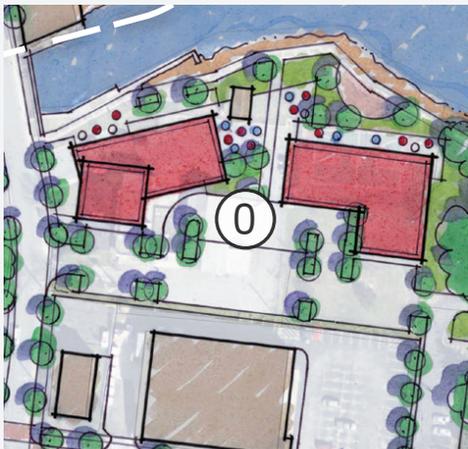
## DOWNTOWN CORE

### Big Moves

#### 1. RiverPlace Mixed Use

Relocate the basketball courts to Marvel Square Park and develop this important site with mixed-use development. Development is important in this location to further activate the riverfront and provide more uses and downtown living options close to the core. Specific considerations include:

- Utilize multi-story structures with active restaurant/retail uses on the lower level
- Consider upper floor residential or office uses.
- Utilize large windows to leverage views of the water and provide “eyes” on the Riverwalk and Bicentennial Park.
- Locate the buildings along the riverfront and include outdoor patios and dining areas to take advantage of river views.
- Locate parking on the south side of the development, away from the riverfront.





## 3.2 Riverplace

### *RiverPlace (Existing Conditions):*

*The riverwalk along the Mispillion River is an unmistakable asset that provides a pedestrian circulation route and ordering system to the downtown area. At this location a basketball court exists that could be relocated to make room for a significant infill development to address stated needs for downtown, namely additional residential options. Moreover, by coupling residential uses with retail uses, this section of the riverwalk would become activated like the other side of the river and the additional “eyes on the riverwalk” would promote safety and likely mitigate the current vagrant issue plaguing this area.*



### *RiverPlace (Proposed Conditions, Phase 1):*

*The first floors of any proposed infill development should include restaurant and retail uses that front the riverwalk. By including outdoor dining ‘decks’ for the restaurants, the riverwalk would be further activated as people like to “see and be seen.” The upper two floors should include housing options such as apartments and/or condominiums as preferred by the developer. The third floor should step back from the second to both introduce balcony/rooftop deck options as well as to cause the dominant architectural form to be two stories in height similar to most of the buildings in downtown Milford.*



## 3.2 Riverplace



***RiverPlace** (Proposed Conditions, Phase 2 (above) and 3):*

*In addition to everything noted previously, this version simply shows the impact of significant shade trees as they mature on the site in conjunction with the architectural development. The first floors of any proposed infill development should include restaurant and retail uses that front the riverwalk. By including outdoor dining 'decks' for the restaurants, the riverwalk would be further activated as people like to "see and be seen." The upper two floors should include housing options such as apartments and/or condominiums as preferred by the developer. The third floor should step back from the second to both introduce balcony/rooftop deck options as well as to cause the dominant architectural form to be two stories in height similar to most of the buildings in downtown Milford.*

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: DECEMBER 20, 2016

CITY COUNCIL PUBLIC HEARING: JANUARY 9, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on December 20, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on January 9, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2016-15  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION  
CHAPTER 230-ZONING  
ARTICLE II-DESIGNATION OF DISTRICTS &  
ARTICLE III-USE AND AREA REGULATIONS

WHEREAS, the City of Milford deems it necessary to classify, regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, use and extent of use of buildings, structures and land for residence, trade, industry and other purposes; and

WHEREAS, the City creates districts for said purposes; and

WHEREAS, the City of Milford proposes the purpose of the Riverfront Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.*

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning by adding a new zoning category.

*Section 2.*

Article II-Designation of Districts, 230-5.-Types of Districts is hereby amended as follows:

For the purpose of this chapter, the portions of the City of Milford included within the Zoning Map adopted under this chapter are divided into ~~45~~ **16** types of districts as follows:

Designation	Characteristic Description
R-1	Single-Family Residential District

R-2	Residential District
R-3	Garden Apartment and Townhouse District
C-1	Community (Neighborhood) Commercial District
C-2	Central Business District
<i>C-2A</i>	<i>Riverfront Development District</i>
C-3	Highway Commercial District
H-1	Institutional Development District
I-1	Limited Industrial District
I-2	General Industrial District
OC-1	Office Complex District
OB-1	Office Building District
BP	Business Park District
IS	Institutional Service District
IM	Institutional Medical District
R-8	Garden Apartment and Townhouse District

*Section 3.*

Article III-Use and Area Regulations is hereby amended by adding the following:

*§ 230-13.1 C-2A Riverfront Development District*

*In a C-2A 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 Riverfront development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units. The district shall be limited to those properties adjacent to the Mispillion River and shall be prohibited along North and South Walnut Street, Northwest Front Street and shall not be allowed within any of the historic districts.*
- B. Permitted uses. In a C2-A district, land, buildings or premises shall be used by right for one or more of the following:*
- (1) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.*
  - (2) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, beer, wine or liquor, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.*
  - (3) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.*
  - (4) Financial institutions, loan companies and banks.*
  - (5) Restaurants, excluding fast-food or franchised food service operated restaurants.*
  - (6) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.*

- (7) *Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.*
  - (8) *Libraries, museums, art galleries and public information centers.*
  - (9) *Fraternal, social service, union or civic organization.*
  - (10) *Studio for artists, designers, photographers, musicians, sculptors and related uses.*
  - (11) *Municipal and public services and facilities, including City Hall, municipal parking lots, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.*
- C. *Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:*
- (1) *Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.*
  - (2) *Laundromats and dry-cleaning establishments.*
  - (3) *Fast-food or franchised food service operated restaurants.*
  - (4) *Day-care centers.*
  - (5) *Community residential treatment program.*
  - (6) *Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.*
  - (7) *Nano or microbrewery with or without associated pub.*
- D. *Area and bulk requirements.*
- (1) *Maximum number of units per acre shall be 16.*
  - (2) *Minimum lot area shall be 5,000 square feet.*
  - (3) *Minimum lot width shall be 50 feet.*
  - (4) *Maximum building coverage shall be 60%*
  - (5) *Front yard setback shall be 15 feet minimum*
  - (6) *Side yard setback shall be 14 feet aggregate total with a minimum of 6 feet.*
  - (7) *Rear yard setback shall be 20 feet.*
  - (8) *Height of buildings shall not exceed four stores or 50 feet.*
  - (9) *Minimum separation distance between dwelling structures on the same lot shall not be less than 15 feet.*
  - (10) *Parking shall comply with the requirements provided in Article IV of this chapter.*
  - (11) *Signs shall comply with the requirements for C-2 Central Business District as provided in Article VI of this chapter.*
  - (12) *For mixed use residential and commercial projects, 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.*

#### *Section 4. Dates.*

Planning Commission Review and Public Hearing: December 20, 2016

City Council Introduction: December 12, 2016

City Council Review and Public Hearing: January 9, 2017

Adoption: January 9, 2017

Effective: January 19, 2017

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

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at [www.cityofmilford.com](http://www.cityofmilford.com).

*Advertised: Beacon 112316*

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017

CITY COUNCIL PUBLIC HEARING: JANUARY 23, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, January 23, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2017-04**

Change of Zone/Lands belonging to City of Milford  
Tax Parcel 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)  
1.78 +/- Acres  
Current Zone C1/Proposed Zone C2A

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 1.78 +/- acres of real property from C1 (Neighborhood Commercial) to C2A (Riverfront Development) on the east side of S. Washington Street along the Mispillion River, Milford, Delaware. Present Use: Vacant/Recreation. Proposed Use: Mixed Use Commercial and Residential. Tax Map and Parcel: 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion).

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on January 17, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on January 23, 2017 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 change of zone as herein described.

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

Upon the adoption of this ordinance, tax map and parcels 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion), owned by the City of Milford located on the east side of S. Washington Street along the Mispillion River, is hereby zoned C2A.

Dates:

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: January 9, 2017

City Council Public Hearing: January 23, 2017

Adoption: January 23, 2017

Effective: February 2, 2017

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 12/28/16*





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)

TO: Planning Commission

FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities

DATE: December 21, 2016

RE: Ordinance 2017-03: Chapter 230 – I-1 (Limited Industrial)

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The proposed amendment to Chapter 230 I-1 (Limited Industrial) has been drafted to allow permitted uses within the BP (Business Park) zoning district within the I-1 (Limited Industrial) category. The I-1 (Limited Industrial) and BP (Business Park) categories have similar permitted uses and purpose statements that allow for light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments. In the hierarchy of industrial/business zoning categories, the I-1 (Limited Industrial) category is slightly less restrictive than the BP (Business Park) district, and BP (Business Park) requires additional design standards and screening requirements. The I-1 (Limited Industrial) category already allows permitted uses in OC-1 (Office Complex) and staff recommends adding BP (Business Park) permitted uses to the I-1 (Limited Industrial) district.

Staff is seeking a recommendation to move the draft ordinance forward for City Council approval.

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

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017

CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2017-03**  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION  
CHAPTER 230-ZONING  
ARTICLE III- USE AND AREA REGULATIONS  
§230-16 – I-1 LIMITED INDUSTRIAL DISTRICT

WHEREAS, the City of Milford enacted a Zoning Code, Chapter 230, to protect the health, safety, morals and general welfare of its citizens and to protect, and preserve places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, the from time to time, City Council has determined there exists a need for amendments and additions to the Zoning Ordinance of the City; and

WHEREAS, City Council has determined light to moderate industrial manufacturing uses are compatible with general and professional offices and office parks as well as professional offices of a low-profile, low-traffic category and thus the permitted uses in the OC-1 Office Complex Zoning District and the BP Business Park Zoning District should be permitted uses in the I-1 Limited Industrial Zoning District.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.*

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning by modifying Article III-Use and Area Regulations, Subsection B, Permitted Uses, by amending item 1, as follows:

- B. Permitted uses. Permitted uses of the I-1 District shall be as follows:  
(1) All permitted uses of the OC-1 District and BP District.

*Section 2. Dates.*

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

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 12/28/16*