

**CITY OF MILFORD
NOTICE OF ORDINANCE ADOPTION**

NOTICE IS HEREBY GIVEN that the following ordinance was adopted during a meeting of Milford City Council
on July 24, 2023:

Ordinance 2023-27
Amendment to City of Milford Code
Chapter 200/Subdivision of Land
Section 200-4 - Application Procedure
Subsection A - Preliminary Major Subdivision Review
Subsection B - Final Major Subdivision Review

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to update the City of Milford Code Chapter 200 Subdivision of Land to implement the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of Board of Adjustment applications, standardize site plan, subdivision, and conditional use review procedures, and eliminate contradictory statements, erroneous language, and other items to improve the administration of Chapter 200 Subdivision of Land; and

WHEREAS, the Planning Commission of the City of Milford, along with the City Solicitor and Planning Director, reviewed the application procedures for major subdivision review found under Chapter 200 Subdivision of Land during workshops in 2023; and

WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, July 18, 2023, at which time interested parties publicly commented on the amendments; and

WHEREAS, Milford City Council held a Public Hearing on July 24, 2023, to allow for additional public comment and further review of the amendments; and

WHEREAS, the Public Notice was published in the Delaware State News on June 29, 2023; and

WHEREAS, City Council found that the amendments to Chapter 200 Subdivision of Land are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is amended to modify/clarify specific requirements within the City Code, Chapter 200, SUBDIVISION OF LAND.

Section 2. Section 200-4 is hereby amended.

Section 3. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Chapter 200 - SUBDIVISION OF LAND

§ 200-4. - Application procedure.

A. Preliminary Major Subdivision Review.

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

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- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the Planning Director. The application shall be reviewed by the Planning Department and the City Engineer for general compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. Upon confirmation by the Planning Director that all DAC issues and plan review comments have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission. **A preliminary application shall be considered withdrawn if plan review comments are not satisfactorily addressed and preliminary approval is not obtained within twelve (12) months of initial preliminary submission.**
 - (3) A public hearing on the preliminary plan shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, denial of the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council. (4) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:
 - (a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.
 - (b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least ~~15~~¹⁰ days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.
 - (c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.
 - (5) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
 - (6) Preliminary approval from City Council shall be void after 24 months unless final major subdivision approval is obtained or an extension is requested by the owner and approved for good cause by the City Council prior to the expiration.

B. Final Major Subdivision Review.

- (1) A final plat and construction documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by Planning Director, along with the appropriate fees, as specified in § 230-57.
- (2) The application shall be reviewed by the Planning Department and the City Engineer for compliance with Chapter 230 Zoning, Chapter 200 Subdivision of Land, the Comprehensive Plan, the City Standard Construction Specifications and other City ordinances. At this time, the applicant shall provide a digital copy of the subdivision plan to the City electric division in order for the City to begin designing the electric infrastructure for the subdivision.
- (3) **Upon confirmation by the City Planner and City Engineer that all agency approvals have been obtained and all plan review comments have been addressed satisfactorily, the application may be administratively approved by the Planning Director.** ~~A public hearing on the final major subdivision shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council the approval of the application with or without conditions, denial of the application, or table the application. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.~~

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- (4) ~~No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:~~
- (a) ~~The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.~~
 - (b) ~~The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.~~
 - (c) ~~The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.~~
- (5) ~~City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application.~~
- (46) Within 90 days of final approval from the City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the Planning Director a receipt of the recordation including the deed book and page number. Prior to recording the plat, at least three copies of the record plat and three copies of the final construction plans must be submitted to the Planning Director for stamping and signing. Two sets will be retained by the City. The City Manager, Planning Director and City Engineer shall sign the approved record plats and construction plans.
- (57) Failure to record the approved plat within 90 days from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for preliminary approval again.

C. Construction Procedures.

- (1) Prior to commencement of construction, the developer shall request a pre-construction meeting with the City Engineer. Payment of the required development inspection fee, as adopted by City Council and found in the City Fee Schedule, shall be made prior to the scheduling of the pre-construction meeting.
- (2) Improvements within the development shall be constructed per the approved construction plans and the City's Standard Construction Specifications. Any deviations from the construction plans must be submitted to the City Engineer in writing for review and approval.
- (3) A performance bond in the amount of 125% of the cost of installation shall be required for the construction of recreational and open space amenities, including but not limited to community buildings, playgrounds, walking paths, landscaping and landscape screening. The performance bond shall be posted prior to the issuance of the first building permit.
- (4) Conditional Acceptance of Infrastructure by City Engineer.
 - (a) Prior to the issuance of building permits, the developer shall obtain conditional acceptance from the City Engineer as outlined in the City's Standard Construction Specifications.
 - (b) A maintenance bond shall be provided by the developer in the amount of 10% of the improvements to be taken over and maintained by the City.
 - (c) A performance bond shall be provided by the developer in the amount of 125% of the cost of the top coat and any other item that has not been satisfactorily completed as approved by the City Engineer.
- (5) Final Acceptance of Infrastructure by City Council.

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- (a) Final top coat shall be paved after 75% of building permits have been issued for a project or phase of a project and prior to 90% of building permits having been issued for a project or phase of a project.
 - (b) Final acceptance of utilities shall not occur until after the paving top coat has been completed.
 - (c) Upon completion of the top coat paving, the City Engineer may release the top coat performance bond. The 10% maintenance bond will remain in place until one-year after acceptance of the final top coat paving.
 - (d) Upon completion of the required one-year maintenance period, the right-of-way improvements may be accepted by City Council by resolution.
 - (e) Upon acceptance by City Council, the maintenance bond shall be released by the City Engineer in its entirety.

Section 3. Dates.

Planning Commission Review & Public Hearing: July 18, 2023

City Council Introduction: July 10, 2023

City Council Adoption: July 24, 2023

Effective: August 3, 2023

To review a complete list of City of Milford Ordinances or the City of Milford Code, please access the City of Milford website at www.cityofmilford.com or contact the City Clerk's Office at 302-422-1111.

DSN 08/03/2023