

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 25, 2008

A Council Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, August 25, 2008.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

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

Mayor Marabello called the Council Meeting to order at 8:18 p.m.

Adoption of Ordinance 2008-15/Amendment to Animal Code/Chapter 79

The following ordinance was scheduled for final action by city council:

An Ordinance to amend the Code of the City of Milford by deleting and repealing Chapter 79, thereof, Animals, and replacing it with a new Chapter 79, to be entitled Animals, which purpose is to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals within the City.

The City of Milford hereby ordains:

Section 1.

The Code of the City of Milford is hereby amended by deleting and repealing Chapter 79, Animals, in its entirety.

Section 2.

The Code of the City of Milford is hereby amended by adding thereto a new chapter, to replace Chapter 79, hereinabove repealed, to be Chapter 79, Animals, to read as follows:

DEFINITIONS:

OWNER--person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

ANIMAL CONTROL AGENCY--agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

CAT COLONY--social group of cats who avoid human contact and breed with each other to create a growing population of homeless cats; cats who group together in an alley, corner of a parking lot or a grassy area.

CAREGIVER--Anyone who puts out food for feral cats.

FERAL CAT--untamed domestic cat living in the wild; unaltered cats released by owners who no longer care for them; offspring of such abandoned cat.

HORSE-DRAWN VEHICLE--carriage, wagon, cart, sled or sleigh or other device drawn by horses which has a passenger carrying capacity.

TNR Program--humane and non-lethal approach to feral cat population control; comprehensive management plan where healthy feral cats are sterilized and vaccinated, then returned to their habitat and provided with long-term care.

Article I. Control of Dogs, Cats and Other Animals

§ 79-1. Running at large.

It shall be unlawful for any person or persons to permit any dog or cat owned, kept, maintained or in the custody or control of such person or persons to run at large, either upon the public streets, sidewalks, highways, alleys or thoroughfares of the City of Milford or upon private property of any other person or persons.

§ 79-2. Identification tag; violations and penalties.

- A. *Every person who owns, controls, harbors, possesses or keeps any dog or cat over the age of six months in the City of Milford shall procure an identification tag for said animal. Within 15 days after an animal reaches the age of six months, or within 15 days after any animal over the age of six months is acquired or brought into the city, its owner shall procure an identification tag for said animal. Any owner who fails to procure such an identification tag within the time allowed shall be subject to a fine of not less than \$25 nor more than \$300. The identification tag shall contain the name, address and telephone number of the owner of the animal.*
- B. *The owner of the animal shall affix or cause to be affixed to said animal the identification tag hereinabove mentioned, and said animal shall thereafter, at any and all times, have attached to it said identification tag.*

§ 79-3. Leash required; exception..

- A. *No dog, cat or other animal shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place in the city or in or upon any property belonging to said city unless said animal is on a leash and is under the complete control of the person owning or, at the time, in possession of said animal.*
- 1. Exception: Feral cats that have been trapped, spayed or neutered and re-released are exempt from §79-3.(A) . Each cat would be ear-tipped, clearly identifying it as a product of the Kent County SPCA Feral Cat TNR Program.*
- B. *Notwithstanding anything in this article to the contrary, no person shall be compelled to keep any dog, cat or other animal in his possession on a leash while in or upon any public street, alley, parkway or other public place in the city if, at the time, said animal is securely confined in an automobile.*

§ 79-4. Feral Cats

- A. *Individuals who choose to apprehend a feral cat running at large within the City of Milford shall have the feral cat delivered to the Kent County SPCA.*
- B. *No individual will trap a feral cat off their property of record except the Kent County SPCA pursuant to specific authorization from the City of Milford Police Department.*
- C. *Each feral cat colony will be registered by the caregivers with the City of Milford and Local Animal Control Agency, which will serve as a clearinghouse for information on current caregivers and assistance for persons found in violation of this section. A caregiver who fails to register within the time allowed shall be subject to a fine of not less than \$100 no more than \$300.*
- D. *Any person or caregiver determined to be in violation of subsections (a) through (d) below, shall be in violation and may be allowed a period of time to come into compliance, or provide satisfactory evidence of working to achieve compliance.*
- E. *Failure to comply in the time given will result in issuing a violation citation. Caregivers of feral cat colonies shall implement proper management and sterilization practices as follows:*
- (1) Sterilize (spay/neuter) all adult cats that can be captured.*
 - (2) Vaccinate against rabies, as required by law, all cats that can be captured.*
 - (3) Make every attempt to remove kittens from the colony before eight (8) weeks of age for domestication and placement.*
 - (4) Make every attempt to sterilize all kittens over eight (8) weeks of age and before 5 months of age.*
 - (5) Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care or for humane euthanasia.*
 - (6) Assure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations.*
 - (7) Keep feeding areas clean and orderly.*
 - (8) Maintain secure and safe winter shelter as required in § 79-3b of this sub-part.*
 - (9) A microchip implant and ear-tipped will be mandatory and used on feral cats in order to be identified as spayed or neutered and vaccinated member of a managed colony.*
 - (10) The feral cat caregiver shall be vaccinated for rabies, the expense will be the responsibility of the*

individual or rescue group.

(11) Maintain proof of sterilization, vaccination, medical records, and implant identification for all cats.

These records must be provided to the Animal Control or Law Enforcement Agency upon request.

(F) Animal(s) creating a public nuisance – the designated agency/rescue group will be notified within forty-eight (48) hours of removal of any feral cats.

(G) In the event the feral cat caregiver fails to comply with this section, the designated agency/rescue group will be notified within forty-eight (48) hour period before removal of any animal. The designated agency/rescue group will attempt to resolve the situation prior to removal of a cat by an enforcement agency.

§ 79-5. Outdoor Housing Facilities/Feral Housing

(A) Restrictions.

(1) The following categories of cats must not be kept in outdoor facilities, unless the attending veterinarian specifically approves that practice:

(a) Cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(b) Breeds of cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short hair breeds in cold climates); and

(c) Sick, infirm, aged or young cats.

(2) When their acclimation status is unknown, cats must not be kept in outdoor facilities when the ambient temperature is less than 50 degrees (F).

(3) Shelter from the elements. Outdoor facilities for cats must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, vertical stretch and lie in a normal manner, and to turn about freely. It must be large enough to contain all the animals at one time. Shelters in outdoor structures for cats must contain a roof, four sides, and a floor, building surfaces in contact with animals must be impervious to moisture. Metal boxes/barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures and must:

(a) Provide the cats with adequate protection and shelter from the cold and heat;

(b) Provide the cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;

(c) Be provided with a wind break and rain break at the entrance; and

(d) Contain clean, dry, bedding material if the ambient temperature is below 50 degrees (e) Additional clean, dry, bedding is required when the temperature is 35 degrees (F) or lower.

§ 79-6. Noisy animals.

No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section, in addition to the penalties set forth in § 79-11, is declared to be a nuisance and as such may be abated.

§ 79-7. Appointment of Animal Control Official; Impoundment Procedure.

The Society for the Prevention of Cruelty to Animals of the State of Delaware, Kent County, 32 Shelter Circle, Camden, DE (KC SPCA) has been designated as the Animal Control Agency for the City of Milford. It shall be the duty of the SPCA to apprehend any animal found in violation of the provisions of this article and to impound such animal in a suitable place. A record of the breed, color and sex of the animal and the number of its license, if any, shall be made at the time of impoundment and shall be maintained by the SPCA.

§ 79-8. Right of entry by Animal Control Official or Designee; Impoundment.

Upon presentation of proper credentials, an official of the SPCA and/or a City of Milford Code Official or Milford Police Officer may enter upon the yards of private property in order to enforce the provisions of this article. It shall be the duty of the Animal Control Official or his duly authorized representative to impound all animals over the age of six months that are untagged, as provided for in this article, or that are in or upon any private property without the permission and consent of the owner of such property or that are in or upon any public street, alley, sidewalk, park or other public place unleashed.

§ 79-9. Redemption of impounded animals; costs.

The owner of any dog apprehended and impounded by the SPCA may reclaim said dog upon the payment of any fine and cost imposed for any violation of this chapter. Further, if the animal is of a character which requires a license under the laws of the State of Delaware and does not bear a license when impounded, proof of proper licensure must be demonstrated to the SPCA prior to redemption by the owner. If proof of proper licensure cannot be demonstrated by its owner, the animal cannot be reclaimed until such time as the owner has procured a proper license.

§ 79-10. Obstruction of Animal Control Agency/Official.

No person shall willfully oppose, restrict, delay or obstruct the SPCA in the discharge or attempt to discharge or perform any act or duty authorized or prescribed herein.

§ 79-11. Violations and penalties. Unless otherwise established herein, the following fines and penalties shall apply to Article II of this chapter: Any person found guilty of violating the provision of this article shall forfeit to the City of Milford a fine of not less than \$25 but not more than \$300, plus the costs of prosecution.

ARTICLE II Prohibited Animals [Adopted 8-14-1995]

§ 79-12. Keeping or slaughtering of certain animals within city limits.

No person shall keep or slaughter 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 state agencies.

§ 79-13. Animals used in parades where a City of Milford Parade Permit has been issued are exempt from the provisions of this chapter.

§ 79-14. Violations and penalties.

Any person found guilty of violating the provision of this article shall forfeit to the City of Milford a fine of not less than \$100 but not more than \$500, plus the costs of prosecution.

ARTICLE III. Horse-drawn Vehicles

§ 79-15. The provisions of Article II shall not be applicable to any person who brings into the city a horse for the purpose of providing transportation in horse-drawn vehicles carrying passengers on a fixed route under the following terms and conditions:

- A. Each route shall be approved by the City Manager.*
- B. The horse shall not be kept or maintained within the corporate limits of the city when not being used for the purpose of providing transportation.*
- C. Horse-drawn vehicles are prohibited from all other streets and areas within the city unless specifically approved by the City Manager for providing point to point transportation for special events, including but not limited to weddings, theatrical performances and funerals.*
- D. No person shall drive or operate a horse-drawn vehicle on any day or at any time that the Chief of the Milford Police Department or his designee makes a specific determination that it would be inconsistent with other special events or public safety requirements.*

Section 3: Dates

Adopted: August 25, 2008

Effective September 4, 2008

Chief Hudson provided a synopsis of the amendments which include new definitions and a section on feral cats and outdoor housing as was previously discussed and recommended by the SPCA. He pointed out that all farm animals are presently prohibited with the exception of those listed in the ordinance. A new article was added to officially allow horse-drawn vehicles.

Mr. Workman confirmed that upon finding an unlicensed cat, the SPCA will pick them up and transport them to their

shelter. Any owner who is unable to locate a cat or dog without identification, should be referred to the SPCA immediately.

Mr. Ambrose moved for adoption of Ordinance 2008-15, seconded by Mr. Workman. Motion carried by unanimous roll call vote.

Adoption of Ordinance 2008-16/Amendment to International Building Code/Chapter 88

The following ordinance was scheduled for final action by city council:

An Ordinance to Amend the Code of the City of Milford, Chapter 88 thereof, entitled Building Construction the Purpose of as it Relates to Construction Documents for Commercial Structures under the International Building Code.

WHEREAS, The City repealed the 1993 BOCA Code and adopted the 2006 International Building Code (IBC) as the commercial building code in 2007; and

WHEREAS, the 1993 BOCA Code required all construction documents to be prepared by a registered design professional; and

WHEREAS, the 2006 IBC requires the City to take specific action should the City choose to require construction documents to be prepared by a registered design professional.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Section 4 of Chapter 88, Building Construction, of the Code of the City of Milford is hereby amended read as follows:

§88-4 Additions, Insertions and Changes

CHANGE: 106.1 Submittal Documents.

Construction Documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the requirement that construction documents be prepared by a registered design professional, if in the opinion of the building official with confirmation from the City Manager, the nature of the work is minor and the waiver of said requirement will not be detrimental to the intent of this code.

Section 3: Dates

Adopted: August 25, 2008

Effective September 4, 2008

Mr. Baird explained that anyone applying for commercial permits is required to have construction documents prepared by a registered design professional. This ordinance allows an exception if in the opinion of the building official (Code Official Brad Dennehy) the nature of the work is minor and would not be detrimental to this code. However, it will require the confirmation of the city manager.

Mr. Crouch moved to adopt Ordinance 2008-16, seconded by Mr. Ambrose. Motion carried by unanimous roll call vote.

Ms. Wilson asked Mr. Baird to explain the process should someone wish to appeal the decision of the code official. Mr. Baird explained it would go through the Board of Appeals as is specified in the building code.

Charter Review Committee

Mayor Marabello said there are a number of issues that need to be addressed in the charter. He will appoint a special committee to make recommendations on issues deemed necessary but particularly those that are noncompliant to state law. The goal is to have the revised charter presented to state legislators in January 2009.

The mayor reported the committee will consist of himself, the city manager, city clerk and council members Ambrose, Brooks and Spillane. He offered to serve as chair. When asked if anyone else wished to serve, no one responded.

Mr. Workman asked in what manner the charter would be addressed; the mayor advised it will be done sequentially.

It was suggested that any council member unable to attend who wishes to address an area of concern, should submit something in writing to the chair expressing their opinion.

The first meeting is scheduled for Friday, September 12th at 10:00 a.m. Because of some potential conflicts, it was decided the meetings would be on staggered days depending on the committee members' schedule.

Mayor Marabello offered to e-mail and contact council members with the dates and times of the meetings. He added that staff members will also be assisting as needed.

After a brief discussion, Mr. Spillane then offered to chair the committee.

Ms. Wilson moved for approval of the Charter Review Committee as appointed, seconded by Mr. Workman. Motion carried by unanimous roll call vote.

Mr. Baird advised the meeting site will be later determined.

Executive Session-Personnel Matter; Legal Advice-Collective Bargaining

Mr. Crouch made a motion to go into Executive Session regarding a personnel matter and collective bargaining, seconded by Ms. Wilson. Motion carried.

Mayor Marabello recessed the Council Meeting at 8:37 p.m. to go into Executive Session to conduct a discussion regarding a personnel matter and collective bargaining.

Return to Open Session

City Council returned to Open Session at 9:27 p.m.

City of Milford Planning Commission Appointments

It was agreed to withhold the names of the planning commissioners until all relevant persons have been contacted. Mr. Workman moved to confirm the action taken in Executive Session regarding the appointment of the City of Milford Planning Commissioners, seconded by Mr. Crouch. Motion carried by unanimous roll call vote.

No action was needed on the collective bargaining issue.

Adjourn

Mr. Crouch moved to adjourn the regular session of City Council, seconded by Mr. Ambrose. Motion carried.

The Council Meeting adjourned at 9:29 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson". The signature is written in black ink and is positioned above the printed name.

Terri K. Hudson, CMC
City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 25, 2008

The City Council of Milford met in Workshop Session on Monday, August 25, 2008 in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware.

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

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

Mayor Marabello convened the Workshop Session at 7:31 p.m.

City Arborist Bill Pike/Porcelainberry Control/Goat Island/Mispyllion Wild and Scenic River Designation

City Arborist Bill Pike reported to council on three of his ongoing projects—porcelainberry control, the creation of a wildlife preserve on Goat Island and Mispyllion Wild and Scenic River Designation.

According to Mr. Pike, approximately \$300,000 has been spent from in-kind support and grants on an invasive species herbicide plant spraying. Assistance has come from the city, Delaware Riverkeepers Network, US Fish and Wildlife Foundation, Delaware Agriculture Department, US Department of Agriculture, National Resources Conservation Service, DNREC and Delaware Estuary Partnership in their assistance.

Since last year, Mr. Pike and his assistance have become certified applicators. Prior to that, a great deal of their money was being spent on contractors. That money now goes toward salaries and the cost of herbicides.

Mr. Pike explained that at this point, it has not cost the city or property owners any money. But because of the budget cutbacks, funding has become more difficult. He feels there is enough to cover the costs this year and next year. He informs property owners they will go in and spray the first year and will come back the second year if they have a major infestation that needs a follow up, but after that it is up to them to take care of it. Mr. Pike said they are in the fourth year and still have people calling them to report the plants are coming back.

He feels the public must be educated and informed this program cannot go on forever. Currently, there are no ordinances to address these problems. He is asking for an amendment to cover invasive plant species that have been eradicated and have started to come back. It needs to make the homeowner responsible for preventing them from coming back.

He asked council to inform their constituents on this issue. Additional information will be provided through the media.

Mr. Pike then advised that he and Parks and Recreation Director Gary Emory are working together to obtain the necessary permitting for a boardwalk and bridging on Goat Island. The US Fish and Wildlife Foundation (USFWS), DNREC and Delaware Nature Society are very interested in the island becoming an educational park. USFWS has been talking with Milford School District about making this an outdoor classroom for their science curriculum. He said that Goat Island is a unique structure of freshwater tidal marshes, forest land and a good example of a Delmarva Coastal Plain area where everything is natural and undisturbed.

The trail will be an elevated boardwalk approximately three-quarters of a mile long.

Approximately \$45,000 in grant money has been spent between USFWS and DNREC's Coastal Program. Additional trees are being planted and brush has been cleared to get things ready.

Mr. Pike said that this past spring, the state botanist and he found two extremely rare plants which will be included in the booklet. A sign along the trail will identify and designate them as rare plants. He believes there may be some additional plants found during later trips.

Eagle scout troops have also expressed an interest in being trained trail guides. He expects some grad students from area colleges will be studying the area.

Mr. Pike also plans to create a Mispillion Watershed Alliance which involves a group of individuals and businesses in the Mispillion Watershed to protect the watershed by monitoring potential threats to the river's health and the wildlife areas.

Once the watershed alliance is in place and all the farmers and property owners located in the watershed are educated, the final goal is to get the federal government to name the river as a National Wild and Scenic River. That is a distinction only one other body of water in Delaware has which is a portion of the While Clay Creek. The feasibility and suitability study for the National Wild and Scenic Rivers status is lengthy, possibly two to three years, and must be authorized by US Congress.

Mr. Pike said that the city could then partner with DNREC on eco-tourism. They are willing to provide a tour boat with a captain that would run from the research station up to Milford. DNREC has offered to assist with the permitting to place a larger city dock along the new part of the riverwalk where the Growmark warehouses used to be.

Mr. Pike announced that anyone who wishes to tour the river should contact him.

The National Park has informed Mr. Pike that once the alliance is started, money will be available in the form of grants to property owners along the river to reestablish the riverbank. He has personally reconstructed 2,100 feet of riverbank he owns outside of Milford. Mr. Pike feels there is potential to restore the entire river.

He explained that he has been working on behalf of the city without any formal approval but would like councils' blessing to continue.

Mr. Ambrose said that Mr. Pike is an asset to the City of Milford. He is extremely knowledgeable about trees and plants and is always willing to offer advice. In addition, Mr. Pike has many contacts that are invaluable to the city. His recommendation is that Mr. Pike proceed with this project and council agreed.

Mr. Pike concluded by saying that in the long run, this will be a win/win situation for the city and everyone else involved.

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

The following amendment was submitted for council review:

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

The City of Milford hereby ordains:

Section 1.

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

Section 2.

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

§ 200-1. Purpose.

These regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

§ 200-2. Title.

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

§ 200-3. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 200-4. Application procedure.

A. Preliminary approval.

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

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

(3) *The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application.*

Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.

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

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

B. Final approval.

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

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

(3) *The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application.*

Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.

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

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

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

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

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

§ 200-5. General requirements and design standards.

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

A. Streets.

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

(a) *Public convenience and safety.*

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

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

(d) *Topography and other land features.*

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

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

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

due regard for the requirements of future approach grades and grade separations.

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

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

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

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

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

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

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

(12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.

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

(14) Right-of-way widths.

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

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

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

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

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

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

(17) Street names.

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

General Direction	Long	Short (under 1,000 feet)
North and south	Streets	Places
East and west	Avenues	Courts