

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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Delaware City, Delaware 19706
302-834-4573

**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 17-0227-02**

**ORDINANCE TO AMEND THE CITY OF DELAWARE CITY CODE CHAPTER 54
RELATING TO SUBDIVISION SUBMISSIONS AND OTHER REQUIREMENTS**

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-01 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

WHEREAS, the Mayor and City Council desire to amend Chapter 54 of the Code to set forth procedures and other requirements relating to subdivision submissions;

WHEREAS, the Mayor and City Council believe that codifying the subdivision submission procedure and other related requirements is in the best interest of The City of Delaware City;

NOW, THEREFORE, making the express finding that the below changes enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. Amend Chapter 54-6F (Compliance Required) of the City code by adding the underlined text and deleting the strikethrough text identified below:

F. Fees and filing. City Council shall establish a schedule of fees, charges and expenses to be paid by each subdivider, which are set forth in Section 46-147 of this chapter. No approval or permit shall be issued unless or until such fees, charges and expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment or any other body or official unless or until the charges and fees have been paid in full.

Section 2. Amend Chapter 54-9 (Design and Construction) of the City code by adding the underlined text and deleting the strikethrough text identified below:

The design and construction of streets, sidewalks, curbs and gutters shall be governed by the Delaware Department of Transportation Standards and Regulations for Subdivision Streets and State Highway Access, as may be amended from time to time and all other rules, laws and requirements of the Delaware Department of Transportation, except that in the HPR District, road widths, road geometry, and right-of-way widths need not satisfy the Delaware Department of Transportation Standards. A completion guarantee is required for all improvements. The foregoing notwithstanding, a completion guarantee shall not be required for streets, sidewalks, curbs and gutters constructed, owned and controlled by a public instrumentality of the State or the City of Delaware City.

Section 3. Amend Chapter 54-15 (Maintenance) of the City code by adding the underlined text and deleting the strikethrough text identified below:

The developer will be responsible for streets and sidewalks until final acceptance and official release of the completion guaranty, if required, including repairs, if necessary, and other reasonable provisions for the convenience and safety of traffic. Until final acceptance and official release of the completion guaranty, the developer will be responsible, also, for the removal of snow from streets when necessary for the convenience or safety of traffic.

Section 4. Amend Chapter 54-17 (Connection with Public Water Main Required) of the City code by adding the underlined text and deleting the strikethrough text identified below:

No subdivision will be approved unless connection with a public water main, or a private water utility for which a Certificate of Public Convenience and Necessity (“CPCN”) has been granted, is assured for each lot. The design, construction and installation of water infrastructure shall be governed by the following.

Section 5. Amend Chapter 54-18 (Costs of Installation and Inspection) of the City code by adding the underlined text and deleting the strikethrough text identified below:

A. The costs of design and installing all water infrastructure, such as mains, appurtenances, valves, service lines, meters, etc., within the subdivision shall be borne by the developer. Developer shall also be responsible for any required impact fees. A completion

guarantee is required for all improvement. The foregoing notwithstanding, a completion guarantee shall not be required for installing water infrastructure constructed, owned and controlled by a public instrumentality of the State or the City of Delaware City.

B. If applicable, whenever the proposed subdivision is beyond the nearest City or any other service provider's water main, for which a CPCN has been granted, the developer will be required to pay for all of the off-site extensions at no cost to the City.

Section 6. Amend Chapter 54-20 (Maintenance) of the City code by adding the underlined text and deleting the strikethrough text identified below:

The developer will be responsible for water infrastructure until final acceptance and official release of the completion performance guaranty, if required, including repairs, if necessary, and other reasonable provisions for the convenience and safety of the public.

Section 7. Amend Chapter 54-21 (Utilities) of the City code by adding the underlined text and deleting the strikethrough text identified below:

E. All subdivisions shall require utility and drainage easements. Such easements must be a minimum width of ~~15~~ 10 feet along rear lot lines and ~~15~~ 10 feet along side lot lines and should be adjacent to, or centered on, the respective lot lines. Electric, telephone and cable lines should be along rear lot lines wherever possible.

Section 8. Amend Chapter 54-25 (Maintenance) of the City code by adding the underlined text and deleting the strikethrough text identified below:

The developer will be responsible for sanitary sewer infrastructure, such as sewer mains, pumping stations, manholes, cleanouts, laterals, etc., until final acceptance and official release of the completion performance guaranty, including repairs, if necessary, and other reasonable provisions for the convenience and safety of the public. Maintenance of the sewers during construction and after final completion shall be in accordance with the rules, regulations and procedures established by New Castle County.

Section 9. Amend Chapter 54-26 (Design and Construction) of the City code by adding the underlined text and deleting the strikethrough text identified below:

The design, construction and installation of a storm drainage system shall be governed by the ~~Delaware Department of Natural Resource's Erosion and Sediment Control Handbook, other applicable requirements of the Delaware Department of Natural Resources Chapter Six of the Delaware Department of Transportation Road Design Manual – Drainage and Stormwater Management, as may be amended from time to time, and/or any other applicable provisions of~~

the Delaware City Code. A completion guarantee is required for all improvements. The foregoing notwithstanding, a completion guarantee shall not be required for installing storm drainage systems constructed, owned and controlled by a public instrumentality of the State or the City of Delaware City.

Section 10. Amend Chapter 54-28C (Submission of Preliminary Major Subdivision Plan) of the City code by adding the underlined text and deleting the strikethrough text identified below:

(r) ~~A Flood Elevation Certificate.~~ First Floor Elevations of proposed dwellings located in a Floodplain.

Section 11. Amend Chapter 54-28.1(C)(1)(j) (Submission of a Minor Subdivision Plan) of the City code by adding the underlined text and deleting the strikethrough text identified below:

(j) ~~A Flood Elevation Certificate if required by the City for the application. If~~ located in the floodplain, base flood elevation and first floor elevations of proposed dwelling units.

Section 12. **Inconsistent Ordinances and Resolutions Repealed.** All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

Section 13. **Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions,

standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

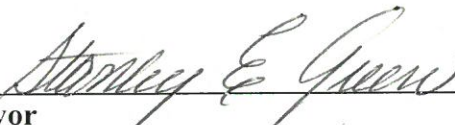
Section 14. Effective Date. This Ordinance shall become effective immediately upon its adoption by City Council.

ADOPTED BY THE MAYOR AND COUNCIL, this 20th day of March, 2017.

ATTEST:



City Secretary




Mayor


APPROVED AS TO FORM:



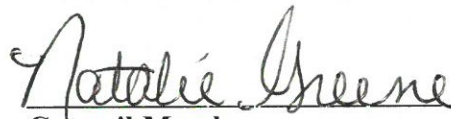
Council Member



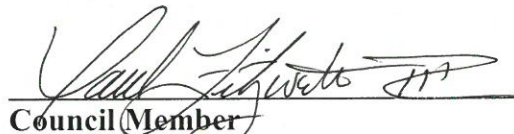
City Solicitor



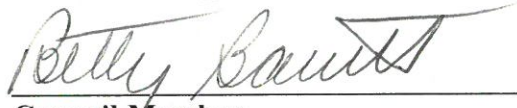
Council Member



Council Member



Council Member



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First Reading on 2-27-17 .

Second Reading, Public Hearing, and Final Passage on 3-20-17 .