

**CITY OF WILMINGTON  
DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Regulations Governing the Subdivision of Land  
Pursuant to Section 5-600 (d) Wilmington City Charter  
Effective May 9, 2021**

**101.0 DEFINITIONS.**

For purposes of these regulations, the following defined terms shall apply.

**101.1 Major Subdivision** shall mean any division of a parcel of land, whether improved or unimproved, into two or more parcels, lots, or units of land or interest suitable for separate ownership or possession. A major subdivision shall mean any of the following, not otherwise described in Section 101.2:

A major subdivision plan will be reviewed administratively by the Department of planning upon payment of the subdivision review fee as established in section 106.0 where any of the following criteria apply:

- (a) Entirely bounded by any combination of streets (opened or unopened), rail rights-of-way, water courses, or public park lands; or
- (b) Comprised of an area in excess of 2.5 acres or one hectare; or
- (c) Any portion of the subject property is located in a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA); or
- (d) A vertical subdivision is proposed; or
- (e) Ten or more parcels are proposed; or
- (f) A condominium declaration is proposed.

A major subdivision plan will be reviewed by Department of Planning and Development staff, with advice from the City Planning Commission, upon payment of the subdivision review fee as established in section 106.0 where any of the following criteria apply:

- (a) Any portion is proposed as a public street, park, or open space; or
- (b) Any portion includes a proposal to change the layout of an existing public street; or
- (c) A proposal is made to remove any portion of a public street (opened or unopened) from the Official City Map.

**101.2 Minor Subdivision** shall mean any of the following or otherwise not described in Section 101.1:

- (a) Any resubdivision of existing parcels, including lot-line adjustments, where no new parcels are created; or
- (b) Any division of a parcel of land, whether improved or unimproved, into two or more separate parcels, lots, or units other than as defined in Section 101.1 herein; or
- (c) Revisions to units previously established under a condominium declaration where no changes in grade, exterior structural modifications, or additional improvements are proposed.

A Minor Subdivision Plan will be administratively reviewed upon payment of the Minor subdivision review fee, as outlined in Section 106.0.

**101.3 Street** means a public way or alley, however designated for vehicular, bicycle, and/or pedestrian traffic.

- (a) **Arterial Street** means a street used primarily for through, fast, or heavy traffic.
- (b) **Minor Street** means a street used primarily for access to abutting lots or properties.
- (c) **Marginal Access Street** means a minor street adjacent to and parallel to an arterial street, and used to provide access to abutting properties.

**101.4 Alley** means a minor way, whether public or private, used primarily for vehicular access to the side or rear of a lot otherwise abutting on a street.

**101.5 Lot** means any parcel of land, unit of real property, or other real property interest capable of being owned or possessed by an individual.

**101.6 Private Way** means any road, alley, path, easement, structure or other way not intended for dedication to public use, and providing access from a street to two or more lots.

## **102.0 PROCEDURE.**

A two-step procedure for review of subdivision plans is established, as described in Section 102.1 and 102.2. A Preliminary Subdivision Plan will be accepted only if all the owners of legal and equitable interest in the parcel join in the plan, the Subdivision application form is completed in full, and a check payable to the City of Wilmington containing the correct subdivision review fee, as listed in Section 106.0, accompanies the plans. Incomplete submissions will not be accepted.

### **102.1 Conditional Approval of Preliminary Plat Procedure**

- (a) The applicant shall cause to be prepared a Preliminary Plat, together with improvement plans and other supplementary material as prescribed in Section 105.1.
- (b) Five (5) copies of the Preliminary Plat for major subdivisions and three (3) copies of the Preliminary Plat for minor subdivisions, along with all appropriate supplementary materials, shall be submitted to the Planning Department with a completed and signed subdivision application form. If the Director determines that City Planning Commission advice is appropriate for any subdivision submission, all materials, including payment of fees, must be submitted at least ten (20) days prior to the meeting of the City Planning Commission at which it is to be considered.
- (c) Following (a) review of the Preliminary Plat and other material submitted for conformity to these regulations; (b) review by the Commissioner of Public Works and any other public officials as their interest may appear; (c) the advice of the City Planning Commission, if required or appropriate, as determined by the Director of Planning; and (d) discussion with the applicant on changes deemed advisable and the kind and extent of improvements to be made by the applicant, the Planning Department shall within thirty (30) days, as described in Section 5-600 (d) of the City Charter, act on the application as submitted, or as later modified by the applicant. If approved, the Director shall express the Planning Department's approval as Conditional Approval and state the conditions of such approval in writing, if any. If disapproved, the Director shall express the Planning Department's disapproval and reasons, therefore, in writing.
- (d) Conditional Approval of a Preliminary Plat shall not constitute approval of the Final Plat. It shall be deemed, with the Preliminary Plat, a guide to the preparation of the Final Plat, which shall be submitted in accordance with Section 102.2.

### **102.2 Approval of Final Plat Procedure**

- (a) The Final Plat shall conform substantially to the Preliminary Plat as approved. The applicant may submit only that portion of the Preliminary Plat proposed for development at one time; provided, however, that such portion conforms to all requirements of these regulations and to any conditions imposed by the Planning Department.

- (b) Application for final approval shall be made by submission to the Planning Department of three (3) paper copies of the Final Plat and amended exhibits prescribed in Section 105.2. A digital submission of required plans and may be submitted if deemed acceptable by the Director of Planning. Such application shall be submitted within three (3) months after approval of the Preliminary Plat; otherwise such approval shall become null and void unless an extension is timely applied for in writing and granted by the Director of Planning provided good cause is shown.
- (c) Approval by City Council. When the Final Plat includes establishment of new streets or dedication of land for streets, public ways, or public facilities, approval will be by ordinance of City Council, on the recommendation of the Planning Department with the advice of the City Planning Commission. The ordinance, upon approval by the Mayor, will constitute approval of the Final Plat, establishment of the new streets on the City Map or Plan, and acceptance of the dedications provided for in the Final Plat.
- (d) Approval by the Planning Department: When the Final Plat does not include establishment of new streets or public ways or dedication of land for public purposes, final approval may be given by the Planning Department upon a determination that it conforms substantially to the Preliminary Plat as approved. Such determination, and approval or disapproval, shall be made within ten (10) working days after the final application is submitted.
- (e) The applicant, with guidance from Planning Department staff, will promptly file the approved Final Plat and accompanying documents with the Recorder of Deeds for New Castle County. The applicant shall be responsible for any additional recording fees.

### **103.0 DESIGN STANDARDS.**

No subdivision shall be approved unless it conforms to the following standards:

#### **103.1 Streets**

- (a) Where new public streets are proposed that are not now included on the City Map or Plan, the street beds must be dedicated to the City of Wilmington, and the arrangement of streets shall either (1) provide for a continuation or appropriate projection of existing streets and surrounding areas, or (2) conform to a plan for the neighborhood recommended by or acceptable to the Planning Department and the Department of Public Works.
- (b) Minor streets shall be so laid out that their use by through traffic will be discouraged.

- (c) Where a subdivision abuts or contains an existing or proposed arterial street, the Department of Public Works and/or the Planning Department may require marginal access streets, reverse frontage with screen planting contained in non-access reservations along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (d) Reserve strips controlling access to streets shall not be provided except where specifically approved.
- (e) Streets shall be planned to intersect as nearly as possible at right angles and be in accordance with the recommendations of the Commissioner of Public Works.
- (f) The right-of-way width of new streets shall not be less than fifty (50) feet wide. Arterial streets shall have a right-of-way width of at least eighty (80) feet.
- (g) Dead-end streets are prohibited, unless the Commissioner of Public Works, because of unusual circumstances, recommends approval of same.
- (h) No street names shall be used which will duplicate or be confused with the names of existing streets, and any or all street names shall be subject to the approval of the U.S. Postal Service and the City Planning Commission.
- (i) Street grades shall be established by the Department of Public Works.

### **103.2 Alleys**

- (a) Alleys shall be provided in commercial and industrial districts when required by City Code, unless the Department of Public Works recommends waiver of this requirement where service access, such as off-street loading, unloading, and parking, adequate for the proposed uses, is provided.
- (b) All alleys shall provide for at least two (2) moving lanes of traffic in addition to the area required for loading and unloading.
- (c) The design and location of all alleys is subject to approval by the Department of Public Works.

### **103.3 Utilities, Drainage, and Flood Hazards**

- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall be at least twelve (12) feet wide.
- (b) If a subdivision is in a FEMA designated flood-prone area (), (1) the plans shall be consistent with the need to minimize flood damage, (2) all public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage, and (3) adequate drainage shall be provided to reduce exposure to flood hazards.

- (c) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
- (d) Where any alteration of a watercourse in a riverine situation is proposed, the flood carrying capacity within the altered or relocated portion of the watercourse shall be maintained.
- (e) When required by the Commissioner of Public Works, provision shall be made for draining storm water from paved areas into public sewer systems.

#### **103.4 Blocks**

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - (1) Provision for adequate building sites suitable to the special needs of the type of use contemplated.
  - (2) Zoning requirements as to lot sizes and dimensions.
  - (3) Needs for convenient access, circulation, control, and safety of street traffic.

#### **103.5 Lots**

- (a) The lot size, width, depth, shape, and orientation, and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Lot dimensions, setbacks, etc., shall conform to the requirements of the Zoning Ordinance.

#### **103.6 Public Sites and Open Spaces**

- (a) Where a proposed park, playground, school or other public use shown in the City Comprehensive Development Plan is located wholly or in part in a subdivision, the Planning Department may require the dedication or reservation of such area within the subdivision in those cases where the department deems such requirement to be reasonable.
- (b) Where deemed essential by the Planning Department based upon the particular type of development proposed in the subdivision, particularly in large-scale developments, the department may require the dedication or reservation of such other areas or sites, of an extent and location suitable to the needs created by such development, for schools, parks, and other neighborhood purposes.

## **104.0 REQUIRED IMPROVEMENTS.**

The following improvements are required in all subdivisions to which they are applicable. No Final Plat will be approved until all such improvements have been installed in accordance with the Preliminary Plat and the specifications of the Department of Public Works, or a certified check or surety bond in favor of the City, in an amount sufficient to assure completion of the facilities, has been posted with the Commissioner of Public Works.

**104.1 Monuments** shall be placed at all block corners, angle points, tangent points of curves in streets, and at intermediate points as shall be required by the Commissioner of the Department of Public Works. The monuments shall be of such material, size, and length as may be approved by the Commissioner.

## **104.2 Streets and Utilities**

- (a) Streets dedicated for public use shall be built by the Department of Public Works or by the developer to City specifications for acceptance by the Department of Public Works.
- (b) The applicant shall provide and install sanitary and storm sewers in accordance with the requirements of the Department of Public Works and be responsible for the proper connection of the same to the City's sewer system at the curb line of public streets.
- (c) The applicant shall provide and install water pipes in accordance with the requirements of the Department of Public Works from the curb stop of the City water system to each individual meter.
- (d) Any trees to be planted within the right-of-way streets shall be approved by the Department of Public Works.
- (e) Standard streetlights on public streets shall be furnished by the City under terms of its agreement with the Delmarva Power. Non-standard streetlights may be furnished, if available from Delmarva Power, upon satisfactory assurance of full reimbursement by the applicant of additional installation and operating costs.
- (f) Within flood-prone areas, water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters, or discharges into flood waters.
- (g) where a plan provides for private ways or other areas owned in common, suitable covenants for assessing and collecting maintenance costs are required.

## **105.0 REQUIRED DRAWINGS AND SUPPLEMENTAL INFORMATION.**

The drawings and supplemental information must be furnished by the applicant as specified in Sections 105.1 and 105.2. Where a proposed development plan (other than a condominium declaration plan) has been reviewed as a major development under Waterfront Zoning District Procedures and approval has been given, such approval shall constitute conditional approval under these regulations.

### **105.1 Review and Conditional Approval of Preliminary Plat**

- (a) The Preliminary Plat shall be prepared at a convenient scale not smaller than 1:600 (one inch to 50 feet), except for large tracts where the Planning Department may authorize use of 1:1,000 or 1:2,500 scale. The plat shall show all existing and proposed conditions, as follows:
  - (1) Title, scale, north arrow, and date.
  - (2) Key plan showing location of tract.
  - (3) Number to identify each proposed lot or site.
  - (4) Minimum building setback lines on all lots and other sites.
  - (5) Location and description of monuments.
  - (6) Name of recorded owners of adjoining unplatted land.
  - (7) Reference to recorded subdivision plats of adjoining platted land by record name, date, and number, when required by the Department of Planning.
  - (8) Tract boundary lines, right-of-way lines, and property lines of individual lots and dedicated or reserved sites with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angle locations for all curves.
  - (9) Location, dimensions, and purposes of all easements.
  - (10) Streets on and adjacent to the tract: name, right-of-way width, and location; type, width, and actual elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, and storm drainage inlets.
  - (11) Dedication or realignment of streets, rights-of-way, and any sites for public use.
  - (12) Purpose for which sites, other than residential lots, are dedicated, reserved, or restricted.
  - (13) Utilities on and adjacent to the tract: location, size of sanitary, storm, and combined sewers and drainage structures; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and services; and streetlights.



- (14) Ground elevation on the tract: based on a datum plane approved by the Department of Public Works, contours with an interval of not more than five (5) feet if ground slope is regular, or not more than two (2) feet where ground slope is irregular and there is need for more detailed data to establish drainage patterns or for preparing plans and construction drawings.
  - (15) Subsurface conditions on the tract: if required by the Department of Public Works.
  - (16) Other conditions on the tract as required by the Department of Planning or Public Works: water courses, rock outcrop, wooded areas, isolated trees one foot or more in diameter, houses, and other significant features.
  - (17) Other conditions on adjacent land: approximate direction and gradient of ground slope including any embankments or retaining walls; nearby non-residential land uses or adverse influences.
  - (18) The level of the base flood, as determined by the Federal Insurance Administrator, or if no such determination has been made, then by a registered professional engineer based upon adequate hydrologic studies. Such level will be shown on the same datum plane used for ground elevations.
  - (19) Photographs: If and as required by the Planning Department.
  - (20) Zoning designation for all existing and proposed parcels with a table listing all setback, height, floor, parking, and FAR requirements.
  - (21) Certification by surveyor or civil engineer certifying to accuracy of survey and plat.
  - (22) Certification of applicant that it is the legal owner of the land.
- (b) A draft of declarations, covenants, and/or easements proposed to regulate land use in the subdivision shall be submitted with the Preliminary Plat.
- (c) For condominium declarations, the following additional information is required:
- (1) Unit drawings per floor, indicating structural and non-structural common elements and limited common areas and doors. Drawings of typical sections may be used to show title lines on floors, ceilings, etc.
  - (2) Cross section view(s), showing elevations and identifying structural common elements and other common areas.
  - (3) Square footage of each unit and percentage of common elements.

- (4) A notation on the Final Plat stating that "This declaration plan is accompanied by the Enabling Declaration and Code of Regulations, numbering \_\_\_\_ pages." (The number of pages Regulations, numbering should be provided.)

When subdivision of an existing structure under a condominium declaration is proposed, the applicant shall submit evidence of compliance with Sections 5-101 and 9-36 through 9-47 of the City Code relating to condominium conversions.

## **105.2 Review of Final Plat**

The Final Plat shall be submitted in a digital or paper format as required by the Department of Planning and Development.

In addition to the requirements listed in section 105.1, the final plat shall also contain the following:

- (a) Horizontal and vertical control points if required and approved by the Commissioner of Public Works, or descriptions and ties to such control points, from which all dimensions and bearings shall be measured. All bearings shall be described in relation to one of the following meridians, which shall be specified: (a) true north; (b) the y-axis of the Delaware State Plane Coordinate System; or (c) the y-axis of the Universal Transverse Mercator grid, Zone 18.
- (b) Street address number for each proposed or reconfigured lot, if assigned by New Castle County.
- (c) An approval block, reading "Approved for Recordation," with a signature line labeled "Director or Designated Representative," a line for the date of approval, and the legend " City of Wilmington, Department of Planning and Development."

The Final Plat must be accompanied by the following items as required by the City Code, the Department of Planning and Development, and/or the Department of Public Works:

- (a) Cross Sections and Profiles of new or modified streets showing grades approved by the Commissioner of the Department of Public Works.
- (b) A certificate by the Commissioner of the Department of Public Works showing that the subdivider has complied with one of the following alternatives:
  - (1) All improvements have been installed in accord with the requirements of these regulations and with the actions of the Department of Public Works giving Conditional approval of the Preliminary Plat, or

- (2) A bond or certified check has been posted which is available to the City, and in sufficient amount to assure such completion of all required improvements.
- (c) Revised covenants and other supporting documents.
- (d) Executed instruments conveying dedicated lands to the appropriate public body.
- (e) Other data: such other certificates, affidavits, endorsements, or documents as may be required by the Planning Department for effective administration of these regulations.

### **105.3 Approval, Printing, and Recordation of the Final Plat**

Once all comments and required edits to the Final Plan have been addressed by the applicant to the satisfaction of the Planning Director, the Final Plat shall be printed as follows:

- (a) One waterproof image shall be on polyester drafting film (Mylar), as required by New Castle County Recorder of Deeds, and shall be at a scale no smaller than sixty (60) feet to one (1) inch or one (1) centimeter to five (5) meters (1:500). For large subdivisions, the Final Plat may be submitted for approval progressively in sections satisfactory to the Commissioner of Public Works. Plans must have original seals and signatures.
- (b) Three (3) additional paper copies shall be supplied with original seals and signatures. These copies must be time-stamped by the Recorder of Deeds upon recordation and shall be retained by the City for its records.
- (c) Printed plans shall be submitted for signature by the Director of Planning within ten (10) business days, or by an agreed upon date.
- (d) Plans must be accompanied by three (3) copies of all covenants and other supporting documents in form for recording.
- (e) The applicant, under guidance of Planning Department staff, will promptly file the approved Final Plat and accompanying documents with the Recorder of Deeds for New Castle County, and shall be responsible for any additional recording fees.

## **106.0 FEES.**

### **106.1 Subdivision Application and Review Fees**

- (a) Minor Subdivision: **\$50.00.**
- (b) Major Subdivision:
  - 1 to 20 units: **\$100.00** plus **\$15.00** per lot or unit.
  - 21 to 100 units: **\$150.00** plus **\$15.00** per lot or unit.
  - Over 100 units: **\$625.00** plus **\$5.00** per lot or unit.
- (c) For every subdivision including new streets or public ways, **\$1,000.00**, plus the lot or unit fees required by (a) above. For every subdivision including the relocation of an approved street or public way not yet accepted by the City, **\$500.00**, plus the lot or unit fees required by (a) above.
- (d) Recording fees: The applicant is responsible for all recording fees. Please contact the New Castle County Recorder of Deeds for the current recording fee schedule.

## **107.0 APPEALS.**

If the Planning Department denies approval of a Final Plat not involving new streets or dedication of lands for public purposes, the applicant may file with the City Clerk an appeal to the City Council. After a hearing, advertised not less than five (5) days in advance of the hearing date, Council by resolution will find whether the Final Plat meets the requirements of these regulations, and such finding, if favorable to the applicant, shall constitute approval of the Final Plat.