

AGENDA
REGULAR MEETING OF THE MAYOR AND COUNCIL
October 24, 2023
SEAFORD CITY HALL - 414 HIGH STREET

The meeting will be streamed via live feed.

To view a live meeting visit one of the links below:

- On our website: www.seafordde.com/meetinglivefeed
- On Facebook: www.Facebook.com/cityofseaford
- On YouTube:
<http://www.youtube.com/c/CityofSeafordDe19973>

To view this meeting agenda and supporting documentation visit our website: www.seafordde.com/meetings_and_agendas

Comments and questions may be emailed to:
Councilinfo@seafordde.com

- 7:00 P.M.** - Mayor Genshaw calls the Regular Meeting to order.
- Invocation
 - Pledge of Allegiance to the Flag of the United States of America.
 - Changes to the agenda for this meeting.
 - Approval of minutes of the regular meeting on October 10, 2023.

ALL ITEMS ON THIS AGENDA MAY OR MAY NOT BE VOTED ON.

PUBLIC COMMENT:

- 1.

CORRESPONDENCE:

- 1.

7:05 PUBLIC HEARING:

1. A. Jay Dolby, property owner of 22347 Sussex Highway, Tax Map and Parcel #331-4.00-24.00, 24.01, is requesting a preliminary site plan review for a proposed 169 lot subdivision.
2. Delmarva Teen Challenge Inc., owner of Sussex Ave. lots, Tax map and Parcel #531-13.09-76.00 and 78.00, is requesting a

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rezoning from M-1 light industrial, to R-1 low density residential.

3. Delmarva Teen Challenge Inc., owner of Sussex Ave. lots, Tax map and Parcel #531-13.09-76.00 and 78.00, is requesting a lot line adjustment to the referenced parcels.

NEW BUSINESS:

1. Mr. Rob Herrera with Ninth Street Development Corporation (9SDC) will provide the Mayor and Council an update regarding the redevelopment of the Nylon Capital Shopping Center property.
2. Present for approval a request from Jeff Stevenson to claim an unused right-of-way in front of 811 Perkins Street.
3. Chief of Police, Marshall Craft to present for approval revisions to the Employee Incentive Pay - Successful Candidate Referral Policy to increase monetary value of incentive.
4. June Merritt, Director of Finance and Human Relations, to present for approval a Live Where You Work Program Policy.
5. Present for a first reading revisions to the Seaford Municipal Code, by amending Section 15-29 (b) Prohibited Uses and Section 15-40 (b) Prohibited Uses, that would ban marijuana cultivation facilities, marijuana product manufacturing facilities, testing facilities and retail marijuana stores from the C-1 General Commercial and C-2 Highway Commercial Districts in the City of Seaford.
6. Present for approval City of Seaford Resolution R2-2023 authorizing the regular Council Meeting to be moved to Wednesday September 11, 2024, to accommodate the State Primary Election to be held on Tuesday September 10, 2024.

OLD BUSINESS:

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REGULAR MEETING OF THE MAYOR AND COUNCIL

October 24, 2023

REMINDER OF MEETINGS & SETTING NEW MEETINGS:

1. Sussex County Today & Tomorrow Conference, October 26, 2023, Delaware Technical Community College - Jack F. Owens Campus, 8:30 - 4:00 p.m.
2. Trisha Newcomer, Director of Economic Development and Community Relations will be acting City Manager from October 28 - November 5, 2023.
3. Halloween Parade Wednesday October 25th - Lineup at 6:15 p.m. (Cedar Avenue and High Street) Step off at 7:00 p.m.
4. City-wide Halloween Trick-or-treating will be held on Tuesday October 31, 2023, from 6:00 p.m. until 8:00 p.m. for children under 12 years old.
5. Veterans Day Ceremony, Saturday, November 11th, 2023, at 11 a.m. at Kiwanis Park.

LIAISON REPORTS:

1. Code, Parks and Recreation - Councilman Mike Bradley
2. Police & Fire - Councilman Dan Henderson
3. Administration - Councilman Orlando Holland
4. Electric - Councilman Matt MacCoy
5. Public Works & WWTF - Councilman James King

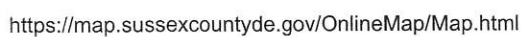
Mayor Genshaw solicits a motion to adjourn the regular Council meeting.

NOTE: Agenda shall be subject to change to include or delete additional items (including executive session) which arise at the time of the meeting. (29 Del. C. S1004 (e) (3))

Date Posted: 10/17/2023

Posted by: ASH

NP#2
10/24/23



Charles Anderson

To: Bill Bennett; Berley Mears; Michael Bradley
Cc: Trisha Newcomer
Subject: FW: paper road
Attachments: BP-50C55_20231009_060138.pdf

Bill, Berley, and Mike,

Please see the request below from Jeff Stevenson to claim the right-of way in front of a property that he owns at 811 Perkins Street (see the attached scan with the area highlighted). Can you all verify that no utilities exist in the subject area and that you have no current or future need for the property? Mr. Stevenson is requesting to take possession of the property and combine it with his adjoining properties to enhance development potential.

I would like to place this request on the October 24th City Council agenda, if you could let me know if you have any concerns by the end of the week that would be appreciated.

Thanks

Charles Anderson, City Manager

From: Charles Anderson
Sent: Monday, October 9, 2023 7:12 AM
To: JEFF STEVENSON <shojeff@comcast.net>
Subject: RE: paper road

Jeff,

Good morning.

I have forwarded your request to staff to verify that no utilities exist in the subject area and that they agree with allowing you to request ownership. Please see the attached depicting the area in question; please verify that is correct?

We will place this request on the October 24th City Council agenda. Will you be able to attend in the event that the Council has any questions related to your request?

If the Council agrees to proceed; do you have an attorney that you are working with to assist you in preparing the quit claim deed and other property transfer paperwork? As we spoke in the past it will be your responsibility to pay for the necessary property transfer.

Let me know if you have any questions.

Thanks

Charles Anderson, City Manager

From: JEFF STEVENSON <shojeff@comcast.net>
Sent: Saturday, October 7, 2023 9:43 AM
To: Charles Anderson <CAnderson@seafordde.com>
Subject: paper road

Hi Charles

This is Jeffrey Stevenson asking for the city assistance in dissolving paper road that runs in front of 811 Perkins St in seaford. It will help with planning upcoming building opportunities and planning. Thanks you for the city's anticipated cooperation with this matter.

Jeff

NB# 3
10/24/23
Clean Copy



Employee Incentive Pay - Successful Candidate Referral Policy

Effective: 09/14/2022

Purpose:

Employers across the country, the State of Delaware, and Sussex County have been struggling with issues related to, but not limited to, recruitment; retention; staffing; morale; along with stress, health, and wellness concerns. These issues, if not addressed can lead to an increase in sick occurrences, a decrease in productivity, resignations, and other unproductive outcomes in the workforce.

The purpose of this policy is to encourage all City employees to be a positive influence in the recruitment process for all open job postings within the city, which may greatly increase the citywide applicant pool for all departments. The incentive program may also help diversify the applicant pool.

The incentive program will encourage positive conversations about the city, and will also help city employees feel appreciated and empowered as they become part of the recruitment process, especially for their departments.

Policy:

The city will provide a monetary incentive/bonus payment to a city employee in a full-time equivalent (FTE) position who recommends a candidate for a vacant job posting within city government if the recommended candidate is hired and retains their position through the probationary period for all city departments, with the exception of Seaford Police Department sworn applicants. City employees would be eligible for the referral incentive/bonus payment upon the sworn applicant's graduation from a Delaware Certified Police Academy.

The city will provide a \$ _ \$500.00 bonus per successful candidate referred by an employee and hired by the city.

Guidelines:

- To be considered for a bonus the city employee's name must be written by the candidate in the "referred by" section of the application at the time of initial submission to the city.
- Only one City employee will be eligible for the bonus per hire. Multiple bonuses will not be permitted per new hire.

- An employee may receive multiple bonuses in any fiscal year, under the guidelines of this policy.
- Candidates/Applicants are persons not currently employed with the City in any capacity: seasonal, part-time, or full-time.
- Both the referring employee and the referred candidate must be employed by the City at the time any referral bonus is paid to receive the referral bonus.
- The department Director will provide a form for completion and submission by the referring employee indicating that the referring employee has made the referral.

Implementation:

- The policy will become effective upon adoption by the City Council.
- All bonuses will be issued through regular payroll to the employee receiving the bonus. The department Director must recommend the employee for the bonus by providing the appropriate supporting documentation to the City Manager for final approval.

RED LINE
COPY



Employee Incentive Pay - Successful Candidate Referral Policy

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Employers across the country, the State of Delaware, and Sussex County have been struggling with issues related to, but not limited to, recruitment; retention; staffing; morale; along with stress, health, and wellness concerns. These issues, if not addressed can lead to an increase in sick occurrences, a decrease in productivity, resignations, and other unproductive outcomes in the workforce.

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The city will provide a ~~\$250.00~~ \$500.00 bonus per successful candidate referred by an employee and hired by the city.

Guidelines:

- To be considered for a bonus the city employee's name must be written by the candidate in the "referred by" section of the application at the time of initial submission to the city.
- Only one City employee will be eligible for the bonus per hire. Multiple bonuses will not be permitted per new hire.

- An employee may receive multiple bonuses in any fiscal year, ~~not to exceed \$500~~ under the guidelines of this policy.
- Candidates/Applicants are persons not currently employed with the City in any capacity: seasonal, part-time, or full-time.
- Both the referring employee and the referred candidate must be employed by the City at the time any referral bonus is paid to receive the referral bonus.
- The department Director will provide a form for completion and submission by the referring employee indicating that the referring employee has made the referral.

Implementation:

- The policy will become effective upon adoption by the City Council.
- All bonuses will be issued through regular payroll to the employee receiving the bonus. The department Director must recommend the employee for the bonus by providing the appropriate supporting documentation to the City Manager for final approval.

NB #4
10/24/23



Live Where You Work Policy

Effective: ??/??/????

Purpose:

The Mayor and City Council members believe in building stronger, more connected communities by promoting homeownership and encouraging employees to live closer to their jobs. A “Live Where You Work” program creates a citizenry that’s personally and professionally invested in the future success of the City of Seaford.

Policy:

The Live Where You Work Program will provide an annual payment to employees of the City of Seaford who reside in the corporate limits for the preceding year. This policy is applicable to homeowners and renters.

Guidelines:

- The Live Where You Work Program has been established to provide an incentive to encourage employees to live in the corporate limits.
- Qualifying employees are full-time and receive their wages from the City of Seaford. Probationary and part-time employees are not eligible.
- The employee must live within the corporate limits of Seaford for the entire 12 months immediately preceding the payment to be eligible for the entire approved allotment. The allotment may be pro-rated for a partial year of residency (for example: one month of residency 1/12 of the approved allotment).
- Any employee requesting the Live Where You Work allotment shall be required to complete an Affidavit of Residency that establishes qualifying residency to the satisfaction of the City Manager. This can be accomplished by utility account records, rental agreements, settlement papers in the

employee's name or other satisfactory evidence as approved by the City Manager.

- Qualifying employees must be employed at the time the annual allotment is made. Should an employee terminate employment with the City of Seaford, the employee will not be eligible for the prior year payment.
- The annual allotment amount shall be set by the Mayor and City Council as part of the annual budget process. Program funding is not guaranteed.
- Payments of approved allotments shall be made in January of each year.

Responsibilities:

- The policy will become effective upon adoption by the City Council.
- The employee should be familiar with the policy outlining the Live Where You Work program.
- The employee must complete and sign the Affidavit of Residency. Copies will be given to the employee, accounting, payroll, and a copy will be placed in the employee's personnel file.
- All procedures and policy statements are to be complied with.
- The employee is responsible for taxes on this benefit.

NP# 5
10/24/23

ORDINANCE #2023-07

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SEAFORD, an ordinance to amend Chapter 15, of the Municipal Code of Seaford, Delaware relating to "Zoning", in the manner following, to wit:

Chapter 15, of the Municipal Code of Seaford, Delaware is hereby amended by adding §15-29(b) and §15-40(b), to read as shown on the following pages.

00/00/2023	Date of First Reading
00/00/2023	Date of Second Reading & Adoption
00/00/2023	Date of Advertisement
00/00/2023	Date the Ordinance is Effective

CITY OF SEAFORD

By: _____
Mayor

Witness: _____

Attest: _____
City Manager

ARTICLE 3. COMMERCIAL DISTRICTS.

Division 1. C-1 General Commercial Districts.

Sec. 15-29. Uses by Right.

(b) Prohibited Uses.

(a) Any use which is not an authorized use by right, shall be prohibited in a C-1 district, including but not limited to the following:

(1) Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. (Medical marijuana facilities shall be permitted)

Division 2. C-2 Highway Commercial District.¹

Sec. 15-40. Uses by right.

(b) Prohibited Uses.

(a) Any use which is not an authorized use by right, shall be prohibited in a C-2 district, including but not limited to the following:

(1) Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. (Medical marijuana facilities shall be permitted)

¹ **Charter Reference:** As to power to enact zoning regulations, see §36(A).

State law reference: As to zoning generally see 22 Del. Code Ann. §§301-308 (1953).

1200-4NE
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(Zoning Ord. Amended 4/26/88)

Sec. 15-27G. Design and Performance Standards.

The design and performance standards shall be as required by Article 5 of this Chapter.

(Zoning Ord. Amended 4/26/88)

ARTICLE 3. COMMERCIAL DISTRICTS.⁶

Division 1. C-1 General Commercial Districts.

Sec. 15-28. Intent of Division.

It is the purpose of this Division to make provisions along certain major arterial routes for limited types of commercial development that complement each other and adjacent land uses.

(Zoning Ord., §301, 9/23/69)

Sec. 15-29. Uses by Right.

(a) In any C-1 district, land, building, or premises shall be used by right only for one (1) or more of the following:

- 1) General merchandise stores including department store, "5 and 10" variety stores, general merchandise, discount stores, drug stores and sporting goods; and associated warehouse and distribution facilities.
- 2) Apparel and accessories stores including shoe stores, furriers, and custom tailors;
- 3) Furniture, home furnishing and equipment including household appliance stores, hardware, paint and glass stores; radio and television stores including services;
- 4) Food stores including supermarkets; bakeries and confectionery shops where the production of baked goods is to be sold only at retail on the premises; dairy products; and meats;
- 5) Eating establishments including restaurants, lunch counters, delicatessens, tearooms, cafe, taverns, confectionery or similar establishments serving food or beverages which are consumed inside the establishment; or within an outdoor eating area as described below:
 - a. A site plan shall be submitted illustrating the location of tables, chairs, fencing, landscaping, etc.;
 - b. The boundaries of the outdoor eating area shall be clearly defined and shall be separated from the parking area with fencing, planters, a landscape barrier or other visual means that compliment the surrounding environment. Where seating is directly adjacent to the curb, a vehicular barrier is required to protect the patrons from moving traffic;
 - c. Outdoor eating areas, not connected to the restaurant, must have clearly defined walkways that allow safe pedestrian access;

⁶ Charter reference: As to power to enact zoning regulations, see 36(A).

- d. Seating shall not hinder access by persons with disabilities;
- e. No outdoor eating area shall be used or otherwise occupied except during normal business hours. The City Council may place restrictions on the hours of operations of the outdoor eating area where it determines surrounding land uses or other conditions justify restriction to ensure compatibility and public welfare;
- f. The seating capacity shall not exceed twenty five percent of the indoor seating area or fifty (50) seats, whichever is less;
- g. The design of tables, chairs, and umbrellas shall be visually attractive and of high quality;
- h. Umbrellas should be safely anchored and affixed to tables to ensure stability;
- i. No outdoor preparation or cooking of food is allowed;
- j. The outdoor eating area shall be kept free of trash. Trash receptacles with shall be emptied daily;
- k. All exterior surfaces of the outdoor eating area shall be easy to maintain and kept clean at all times. The outdoor eating area should be pressured washed at least once monthly or at shorter intervals to maintain a reasonably clean area;
- l. There shall be no live entertainment in the Outdoor Eating Area;
- m. Ambient lighting shall be provided to illuminate the outdoor eating area after dusk;
- n. There shall be no beverage bar in the Outdoor Eating Area, except at private clubs;
- o. The establishment must strictly adhere to the City's Noise Ordinance. All outdoor loudspeakers shall be oriented away from residential areas.
- p. Proper clearance shall be maintained at all times around fire emergency facilities.

Adopted 3-11-09

- 6) Gift shops, including cameras, book, stationery, antique, musical supplies, cosmetics, candy, cigarettes and tobaccos, flowers, hobby, jewelry, leather and luggage shops;
- 7) Offices for the conduct of medical and other professions, real estate, Insurance, banks, including branch banks, messenger or telegraph services, general and administrative offices, and medical arts offices and buildings;
- 8) Business machine shops, sales and services;
- 9) Personal service shops, including dry cleaning, barber, beautician, shoe repair, Laundromat, and tailor;
- 10) Government offices serving the public, including a Post Office, or other public or semi-public offices;
- 11) Indoor recreational facilities, including theaters and bowling alleys.
- 12) Artists and photographers studios.
- 13) Factory authorized new automobile sales, agencies and services; including repair shops adjacent to and in conjunction therewith.
- 14) Gasoline service stations, storage or public garage, automobile repair shops, subject to special regulations of Section 15-33.

- 15) Mortuaries.
- 16) Laboratories for research and development.
- 17) Libraries and museums.
- 18) Motel-hotels and related facilities such as restaurants, meeting rooms, and auditorium spaces and swimming pools.
- 19) Car Wash Establishments, subject to the special regulations of this Article.
- 20) Newspaper publishing and job printing.
- 21) General service or contractors' shops, including carpenter, cabinet making, furniture repair, light metal working, garment manufacturing, tinsmith, plumbing or similar shop.
- 22) Business place of a builder, carpenter, caterer, cleaner, contractor, decorator, dyer, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar non-nuisance businesses, excluding open storage of materials and excluding open storage of motor vehicles.
- 23) Sub-station, telephone central office, electric and gas facilities, sewage lift station, water pumping station, subject to the following special requirements.
 - a. No storage of materials and trucks, and no repair facilities or housing of repair crews except within completely enclosed buildings.
 - b. The architectural design of the exterior of any building shall be in keeping with other structures in the neighborhood.
- 24) Apartments above commercial businesses.
- 25) Therapeutic treatment centers for adolescents and related facilities.
- 26) Instructional, business or trade schools, higher education facilities and early childhood development and education facilities.

(b) Prohibited Uses.

(a) Any use which is not an authorized use by right, shall be prohibited in a C-1 district, including but not limited to the following:

(1) Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. (Medical marijuana facilities shall be permitted)

(Zoning Ord., §301.1, 9/23/69)
Amended January 12, 1999.
Amended January 13, 2009

Sec. 15-30. Accessory Uses.

- (a) Only the following uses shall be permitted:
- (1) Accessory buildings and uses customarily incidental to the uses described in Section 15-29.
 - (2) Accessory solar systems.
 - (3) All accessory uses shall be located not less than twenty feet from the side or rear property line and no closer than the front building setback line.

Amended 6/10/03
(Zoning Ord., §301.1, 9/23/69).

Sec. 15-31. Uses by Special Exception.

The following uses shall be permitted as a special exception when authorized by the Board of Adjustment subject to Article 8 of this Chapter.

- (1) Self-storage facility subject to Section 15-48(A).
- (2) Day care centers, kindergartens, pre-schools, day nursery schools, and orphanages, subject to the following special requirements;
 - (a) At least one hundred (100) square feet of outdoor play space per child shall be provided.
 - (b) 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 (4) feet and shall be subject to all setback requirements for the district within which it is located.
 - (c) The minimum lot area for each six (6) or remainder of the multiple of six (6) children shall be the same as the minimum lot area requirement in the zoning district in which such uses are to be located, provided, however, that no lot less than four thousand (4000) square feet in area shall be used for such purposes in C-1 and no lot less than fifteen thousand (15,000) square feet in area shall be used for such purposes in C-2; provided further than no more than forty (40) children shall be accommodated at any one time on a lot.

Amended May 28, 1996.

- (2) Seasonal storage containers subject to the following special requirements;
 - (a) Any moveable container or trailer shall be allowed to be placed on the premises for a period of time not to exceed 120 days.
 - (b) The maximum number of containers shall be established by the Board of Adjustment and Appeals.
 - (c) The containers shall not be placed in fire lanes and parking spaces nor placed to interfere with access to manholes, water valves or other public utilities.
 - (d) The containers shall only be placed on the side or rear of the property.
 - (e) All containers shall be in good condition and kept in good repair.
 - (f) The Building Official shall have the authority to require relocation or removal of any container that is in violation of the special exception requirements.
 - (g) All applications for a special exception shall be accompanied by a diagram showing the exact location for placement of the containers.

Adopted January 16, 1999.

- (3) Nursing home, rest home or home for aged, assisted living facility for the elderly residents subject to the following requirements:
 - (a) A minimum of 90% of the residents must be at least sixty two (62) years of age.
 - (b) The maximum lot density shall not be more than 15 dwelling units per acre.
 - (c) The minimum lot size shall not be less than three (3) acres.

- (d) The minimum gross floor area shall not be less than one hundred fifty (150) square feet for the first occupant and one hundred (100) square feet for the second occupant.
- (e) Accessory uses shall include but not be limited to, fitness centers, wellness centers, beauty salons, gift shops, luncheonettes, and the sale of sundries, housed within the same structure.
- (f) A storage building for storage of maintenance equipment and supplies related to the maintenance of the facility shall be located not less than five (5) feet from the side and rear property lines.
- (g) Off street parking requirements shall be one space for each three (3) dwelling units plus one (1) space for each two employees on the largest shift.

Adopted February 9, 1999.

Sec. 15-32. Area and bulk regulations.

- (a) The following area and bulk regulations shall be observed:
 - (1) Lot Size - 4000 square feet minimum
 - (2) Lot Width - 30 feet minimum
 - (3) Lot Coverage - 100 % maximum
 - (4) Height - 45 feet maximum or 3 stories

(Zoning Ord., §301.2, 9/23/69)

Sec. 15-33. Gasoline service stations; regulations.

- (a) Gasoline service stations shall be subject to the following special regulations:
 - (1) Minimum lot size - 31,780 square feet
 - (2) Minimum lot depth - 100 feet
 - (3) Minimum lot width - 140 feet
 - (4) Minimum setback line from front property lines - 40 feet
 - (5) Minimum distance from all property lines other than front property - 25 feet.
 - (6) Minimum distance between buildings, including accessory uses, and any residence district - 50 feet.
 - (7) Minimum distance between any access driveway and any residence district - 50 feet
 - (8) Minimum distance between any service station and repair garage access driveways and the following uses: church, library, school, college, nursing home, hospital, and similar uses - 200 feet, measured along the same street line in the same block.
 - (9) Minimum distance between structures of any service station and/or repair garage and another service station and/or repair garage shall be four hundred (400) feet, measured along the same street line in the same or adjoining block. For similar use establishments locating in confronting adjacent blocks, the point of beginning measurement shall off-set to the opposite street line, except that this provision shall be applicable when the common street is separated by a divider strip, medial strip or other similar control devise.
 - (10) Minimum distance between gasoline pump islands, compressed air connections, and similar equipment and facilities and any street lines - 20 feet.
 - (11) Maximum width of curb cuts for access driveways - 35 feet, excepting a combined entrance and exit may total fifty (50) feet.
 - (12) Spacing of access driveways:
 - (A) Minimum distance from adjoining property lines - 10 feet.

- (B) Minimum distance from intersection property or right of way lines – 20 feet.
 - (C) Minimum distance between access driveways – 20 feet.
 - (13) Except for access driveway openings where the curb shall be depressed, a raised curb of at least six (6) inches in height shall be provided along all street lines.
 - (14) Hydraulic hoists, pits, and all lubrication, greasing, washing, and repair equipment shall be entirely enclosed with buildings.
 - (15) Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.
 - (16) Wrecked or junked or stripped vehicles in an inoperative condition shall not be allowed on the premise.
 - (17) No gasoline or petroleum products shall be allowed to enter the City sanitary or storm drainage water sewage systems.
 - (18) All waste petroleum products shall be stored in underground tanks as approved by the National Fire Protection Association.
- (Zoning Ord., §301.3, 9/23/69)

Sec. 15-34. Car wash establishments; regulations.

- (a) Car wash establishments shall be subject to the following special regulations:
 - (1) Minimum lot size – 24,000 square feet.
 - (2) Minimum lot width – 120 feet.
 - (3) Minimum lot depth – 200 feet.
 - (4) Minimum setback line from front property line – 40 feet.
 - (5) Minimum distance from all property lines other than front property lines – 20 feet.
 - (6) Minimum distance between any buildings, including accessory uses, and any Residence District – 50 feet.
 - (7) Minimum distance between any access driveway and Residence District – 50 feet.
 - (8) Minimum distance between any access driveway and any adjoining property line – 10 feet.
 - (9) Minimum distance between any access driveway and an access of any of the following uses: church, library, school, college, nursing home, hospital and similar uses – 200 feet measured along the same street line in the same block.
 - (10) Maximum width of curb cuts for access driveways – 35 feet, excepting a combined entrance and exit may total fifty (50) feet.
 - (11) Parking requirements:
 - (A) A waiting or stacking area on the lot for incoming automobiles accessible to the entrance end of the washing equipment, to accommodate at least fifteen (15) automobiles for each lane provided in the washing area.
 - (B) An area beyond the exit end of the washing equipment for at least six (6) automobiles for each lane provided in the washing area.
 - (12) Entrance access driveways shall not be located within 300 feet of the intersection of any two (2) street lines.
 - (13) Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.
 - (14) All parking spaces and access driveways shall be paved with a weatherproof material.

(15) Dripping vehicles shall not be allowed on streets or highways so as to cause ice hazards in freezing weather. Equipment shall be installed to prevent this condition.
(Zoning Ord., §301.4, 9/23/69)

Sec. 15-35. Conversion of dwelling to non-residential use.

The conversion of a dwelling to a non-resident use shall be as required by Article 5 of this Chapter.
(Zoning Ord., §301.5, 9/23/69)

Sec. 15-36. Off-street parking regulations.

The off street parking regulations shall be as required by Article 5 of this Chapter.
(Zoning Ord., § 9/23/69)

Sec. 15-37. Off-street loading regulations.

The off street loading regulations shall be as required by Article 5 of this Chapter.
(Zoning Ord., §301.7, 9/23/69)

Sec. 15-38. Design and performance standards.

The design and performance standards shall be as required by Article 5 of this Chapter.
(Zoning Ord., §301.8, 9/23/69)

Division 2. C-2 Highway Commercial District.⁷

Sec. 15-39. Intent of Division.

It is the purpose of this Division to make appropriate provision for commercial activities which are basically oriented to automotive use and traffic. This includes service type businesses which ordinarily require major arterial locations and serve regional as well as local customers.
(Zoning Ord., §302, 9/23/69)

Sec. 15-40. Uses by right.

- (a) In any C-2 district, land, buildings or premises shall be used by right for one (1) or more of the following:
- (1) Any use permitted in C-1 General Commercial Districts.
 - (2) Self-storage facility subject to special regulations of Section 15-48A.
- (Zoning Ord. – Amended 11/25/86)

(b) Prohibited Uses.

(a) Any use which is not an authorized use by right, shall be prohibited in a C-2 district, including but not limited to the following:

(1) Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. (Medical marijuana facilities shall be permitted)

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⁷ Charter Reference: As to power to enact zoning regulations, see §36(A).

State law reference: As to zoning generally see 22 Del. Code Ann. §§301-308 (1953).

Sec. 15-40A. Uses by Special Exception.

(1) Day care facilities subject to the special regulations in Sec. 15-31 (2).
Adopted May 28, 1996.

- (2) Seasonal storage containers subject to the following special requirements:
- (a) Any moveable container or trailer shall be allowed to be placed on the premises for a period of time not to exceed 120 days.
 - (b) The maximum number of containers shall be established by the Board of Adjustment and Appeals.
 - (c) The containers shall not be placed in fire lanes, and parking spaces nor placed to interfere with access to manholes, water valves or other public utilities.
 - (d) The containers shall only be placed on the side or rear of the property.
 - (e) All containers shall be in good condition and kept in good repair.
 - (f) The Building Official shall have the authority to require relocation or removal of any container that is in violation of the special exception requirements.
 - (g) All applications for a special exception shall be accompanied by a diagram showing the exact location for placement of the containers.

Adopted January 16, 1999.

- (3) Nursing home, rest home, or home for aged, assisted living facility for the elderly residents, subject to the following requirements:
- (a) A minimum of 90% of the residents must be at least sixty two (62) years of age.
 - (b) The maximum lot density shall not be more than 15 dwelling units per acre.
 - (c) The minimum lot size shall be not less than 3 acres.
 - (d) The minimum gross floor area shall not be less than one hundred fifty (150) square feet for the first occupant and one hundred (100) square feet for the second occupant.
 - (e) Accessory uses shall include, but not be limited to, fitness centers, wellness centers, beauty salons, gift shops, luncheonettes, and the sale of sundries, housed within the same structure.
 - (f) A storage building for storage of maintenance equipment and supplies related to the maintenance of the facility shall be located not less than five (5) feet from the side and rear property lines.
 - (g) Off street parking requirements shall be one space for each three (3) dwelling units plus one (1) space for each two employees on the largest shift.

Adopted February 9, 1999.

- (4) Large Scale Solar Facilities subject to the following special requirements:
- (a) No storage of materials and trucks, and no repair facilities or housing of repair crews except within completely enclosed buildings.
 - (b) The architectural design of the exterior of any building shall subject to Section 15-97.
 - (c) Perimeter fencing of the entire site minimum of Eight (8) feet in height.
 - (d) Screening requirements subject to Section 15-92.
 - (e) Setbacks as required in Section 15-42.
 - (f) Maximum Height: Fifteen (15) feet as measured from the grade at the base of the structure to the apex of the structure.
 - (g) Shall not be located in special flood hazard areas without the proper review and approval by the Floodplain Administrator.
 - (h) Maximum generation capacity 1 Mega Watt (MWac).
 - (i) Maximum land area shall be 3 acres.

- (j) Bonding for 100% of removal costs.
- (k) A development plan showing all necessary improvements shall be submitted to the Board of Adjustment for approval.
- (l) The installation of a solar facility shall benefit the residences and/or businesses of the City of Seaford and not be contrary to the health, safety or welfare of the City of Seaford.

Sec. 15-41. Accessory uses.

- (a) Only the following accessory uses shall be permitted:
 - (1) Accessory use on the same lot with and customarily incidental to any of the permitted uses in Section 15-40.
 - (2) Accessory solar systems.
 - (3) All accessory uses shall be located not less than twenty feet from the side or rear property line and no closer than the front building setback line.

Amended 6/0/03
(Zoning Ord., §302.1, 9/23/69)

Sec. 15-42. Area and bulk regulations.

- (a) The following area and bulk regulations shall be observed:
 - (1) Lot Size -15,000 square feet minimum
 - (2) Lot Width - 100 feet minimum
 - (3) Lot Coverage - 50% maximum
 - (4) Building Setback Line - 50 feet minimum
 - (5) Side Yards - 20 feet minimum each
 - (6) Rear Yard - 25 feet minimum
 - (7) Height - 35 feet maximum or 3 stories
 - (8) Lot Depth - 150 feet minimum
- (Zoning Ord., §302.2, 9/23/69)

Sec. 15-43. Gasoline service stations. Regulations.

Gasoline service stations shall be subject to the regulations required by Section 15-33 of this Chapter.
(Zoning Ord., §302.3, 9/23/69)

Sec. 15-44. Car wash establishments; regulations.

Car wash establishments shall be subject to the regulations required by Section 15-34 of this Chapter.
(Zoning Ord., §302.4, 9/23/69)

Sec. 15-45. Conversion of dwelling to non-residential use.

The conversion of a dwelling to a non-residential use shall be required by Article 5 of this Chapter.
(Zoning Ord., §302.5, 9/23/69)

Sec. 15-46. Off-street parking regulations.

The off-street parking regulations shall be required by Article 5 of this Chapter.
(Zoning Ord., § 302.6, 9/23/69)

NB#6
10/24/23

Resolution #R2-2023

**City of Seaford Resolution to hold Regular Council Meetings on Wednesday, September 11, 2024,
to accommodate for the State Primary Election on September 10, 2024.**

Whereas, **THE CITY OF SEAFORD, DELAWARE** Regular Meetings of Mayor & Council are set to be held on the second and fourth Tuesday of each month, as established by the City of Seaford Charter, and

Whereas, the State of Delaware Department of Elections has requested the use of the City of Seaford Council Chambers as a polling location for the State Primary Election on September 10, 2024.

NOW, THEREFORE, BE IT RESOLVED, that, **THE CITY OF SEAFORD** will hold its Regular Meeting of Mayor & Council on Wednesday, September 11, 2024, at 7:00 p.m.

I, David C. Genshaw, Mayor of the City of Seaford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Mayor and City Council at its Regular Meeting held on October 24, 2023, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Dated: _____

David C. Genshaw, Mayor

Attest: _____
Charles Anderson, City Manager



STATE OF DELAWARE
DEPARTMENT OF ELECTIONS

October 13, 2023

To: **SEAFORD CITY HALL**

From: Department of Elections, Sussex County

The State of Delaware Department of Elections is requesting the use of your building as a polling place for the following elections:

Tuesday, April 2, 2024	Presidential Primary Election
Tuesday, September 10, 2024	State Primary Election
Tuesday, November 5, 2024	General Election

Building Open: 6:00 a.m.	Voting Hours: 7:00 a.m. – 8:00 p.m.
Building Closing: Approx. 10:00 p.m.	

The Department is hoping you accept this opportunity to contribute to the vital work of democracy and service to Delaware voters! The Department has enclosed the following items for your review and consideration:

1. Polling Place Agreement
2. Polling Place Contact Information Form
3. Liability Insurance Coverage Form

Please complete, sign, and date the enclosed documents and return them to the Department as soon as possible by mail in the enclosed envelope or by email to Tracey Wilkerson at tracey.wilkerson@delaware.gov.

Please contact Tracey Wilkerson at tracey.wilkerson@delaware.gov or at (302) 752-3501 for more information and with any questions.

Sincerely,

Kenneth A. McDowell
County Director

Tracey L. Wilkerson
Deputy County Director



STATE OF DELAWARE
DEPARTMENT OF ELECTIONS

Polling Place Contact Information
SEAFORD CITY HALL

Presidential Primary Election: Tuesday, April 2, 2024
State Primary Election: Tuesday, September 10, 2024
General Election: Tuesday, November 5, 2024

Name of Building Administrator:

Charles Anderson - City Manager

- Office Phone Number: (302) 629 - 9173
- Home Phone Number: —
- Cell Phone Number: —
- Email: Canderson@seafordde.com

Name of Person Opening the Polling Place Building at 6:00 AM on election days:

- Home Phone Number: —
- Cell Phone Number: —
- Other Emergency Phone Number: —
- Email: —

***The person opening the building MUST be at the building with the key by 5:50 a.m. to ensure that our Election Officers have the full hour of preparation time before the Polls open at 7AM.

POLL WORKERS ARRIVE BY 6:00 AM

POLLS OPEN: 7:00 AM

POLLS CLOSE: 8:00 PM



STATE OF DELAWARE
DEPARTMENT OF ELECTIONS

Liability Insurance Coverage Form
SEAFORD CITY HALL

Presidential Primary Election: Tuesday, April 2, 2024
State Primary Election: Tuesday, September 10, 2024
General Election: Tuesday, November 5, 2024

The Department has contacted the State of Delaware Department of Insurance Coverage Office regarding liability insurance coverage for our polling places and early voting sites on election/voting days. If you agree to allow the Department to use your facility as a polling place or early voting site, you may request to be a named insured on the State of Delaware's liability insurance certificate for use of your building as a polling place or early voting site on election/voting days.

It is our understanding that Certificates of Insurance would be issued within 30 days of an election.

Please complete the form below and submit it with the completed Agreement if you require being a named insured and we will reach out to the State of Delaware Department of Insurance on your behalf.

Do you require being a named insured on the State of Delaware's liability insurance certificate?

YES _____ NO _____

Please sign, date, and submit this form to the Department of Elections (STAFF MEMBER) by email to (DOE REP EMAIL), by fax to (DOE FAX NUMBER) or mail.

X

Signature of Building Administrator

_____/_____/_____
Date



STATE OF DELAWARE
DEPARTMENT OF ELECTIONS

**Polling Place Agreement between
the State of Delaware Department of Elections, Sussex County Office
and SEAFORD CITY HALL**

THIS POLLING PLACE AGREEMENT (the "AGREEMENT") is entered into on this ____ day of _____, 2023 between the State of Delaware Department of Elections, Sussex County Office (the "DEPARTMENT") and SEAFORD CITY HALL ("SEAFORD CITY HALL") (together the "PARTIES") for the purpose of establishing and operating a publicly-accessible polling place at which Delaware voters may vote in person in the 2024 elections as designated herein, and to establish the PARTIES' respective rights, responsibilities, and obligations regarding the DEPARTMENT'S use and designation of SEAFORD CITY HALL's facility known as SEAFORD CITY HALL (the "BUILDING") to be used as such polling place (the "POLLING PLACE").

1. Charles Anderson AGREES AS FOLLOWS:

(a) To permit the BUILDING located at 414 HIGH ST, SEAFORD DE 19973, Delaware, and the voting area designated therein by the DEPARTMENT, to be used by the DEPARTMENT as a POLLING PLACE on the dates and hours listed below and to acknowledge the designation of this location by the DEPARTMENT for that purpose.

ELECTION/DATES/HOURS

DESIGNATED VOTING AREA

Presidential Primary Election – April 2, 2024
6:00 AM to 10:00 PM (Approx.)
(Voting hours: 7:00 AM to 8:00 PM)

SEAFORD CITY HALL

State Primary Election – Sept. 10, 2024
6:00 AM to 10:00 PM (Approx.)
(Voting hours: 7:00 AM to 8:00 PM)

SEAFORD CITY HALL

State General Election – Nov. 5, 2024
6:00 AM to 10:00 PM (Approx.)
(Voting hours: 7:00 AM to 8:00 PM)

SEAFORD CITY HALL

(b) That the designated voting area within the BUILDING shall not be changed before consultation with, and without the prior written consent of the DEPARTMENT, Sussex County Office Director or Deputy Director.

(c) To provide the DEPARTMENT'S elections officers and Delaware voters, including those with disabilities, access to the BUILDING during the hours designated above. Access shall include the designated voting area, other areas of the BUILDING necessary to access the voting area, interior hallways and doorways, exterior walkways (including steps and ramps), parking areas, and restroom facilities for use by election officers and Delaware voters.

(d) To permit the DEPARTMENT'S elections officers to install temporary signage which may include wire frame and weighted base signs, orange traffic cones, and taped paper signs, within and around exterior of the BUILDING and the designated voting area on Election Day to enhance accessibility and visibility, and to direct Delaware voters, including those with disabilities, to and from the designated voting area, to mark off accessible parking, and to guide voters along exterior walkways (including steps and ramps) and through interior hallways and doorways.

(e) To provide adequate lighting and seasonally appropriate climate control for the designated voting area within the BUILDING, and to ensure that all parking areas, building doorway

3. The PARTIES FURTHER MUTUALLY AGREE AS FOLLOWS:

(a) That the remedy of specific performance shall be available in the event of a breach of this AGREEMENT by either PARTY.

(b) To work cooperatively and efficiently with each other on Election Day to address any issues at the POLLING PLACE (e.g., climate control, lighting, power outages) that may impact a voter's ability to exercise their right to vote at that location.

AGREED TO AND ACCEPTED BY THE PARTIES ON THIS _____ day of _____, 2023.

State of Delaware Department of Elections
State Agency

Kenneth A. McDowell

Signature

Kenneth A. McDowell
Name

County Director
State of Delaware Department of Elections
Sussex County Office
Title

October 13, 2023
Date

State of Delaware Department of Elections
State Agency

Tracey L. Wilkerson

Signature

Tracey L. Wilkerson
Name

Deputy County Director
State of Delaware Department of Elections
Sussex County Office
Title

October 13, 2023
Date

City of Seaford City Hall
Facility/Polling Place Name

Facility Administrator/Agent Signature

Charles Anderson

Facility Administrator/Agent Name
(Typed or Printed)

City Manager

Facility Administrator/Agent Title
(Typed or Printed)

Date

Witness Name (Typed or Printed)

Witness Signature

Date