



# City of Wilmington

Rysheema J. Dixon  
City Council Member At-Large

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## **Community Development & Urban Planning Committee**

Rysheema J. Dixon, Chair  
Yolanda McCoy, Vice-Chair  
Linda M. Gray  
Zanthia Oliver  
Va'Shun "Vash" Turner  
Dr. Hanifa Shabazz, Ex-Officio Member

## ➤ **REVISED NOTICE**

### **Virtual Community Development & Urban Planning Committee Meeting**

**November 12, 2020  
5:00 p.m.**

### **Agenda**

- Discuss a Resolution Approving the Department of Planning and Development's Grant Application to the Delaware Department of State, Division of Historical and Cultural Affairs, to Continue the City's Historic Preservation Planning Program
- Discuss a Resolution Authorizing the Mayor to File a Substantial Amendment to the Fiscal Year 2020 Annual Action Plan to Outline the Proposed Use of Supplemental CDBG-CV Funds to Prevent, Prepare for, and Respond to the Ongoing COVID-19 Crisis
- **Ord. 20-017** Amend Chapter 5 of the Wilmington City Code to Change the Permissible Hours of Operations for Certain Retailers
- **Ord. 20-049** Approve the Removal of a Portion of Palmers Row, Located Between New Street and the Northern Boundary of Tax Parcel No. 26-029.10-124, from the Official City Map

**CONTINUED ON NEXT PAGE**

*If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.*

CONTINUED FROM PREVIOUS PAGE

- **Ord. 19-018** Rezone the Parcel of Land Located at 700 Lea Boulevard from R-2 (One-Family Detached Dwellings and One-Family Semi- Detached Dwellings) to R-5-A-1 (Low-Medium Density Apartment Houses) Zoning Classification
- **Ord. 20-044** Rezone Sixteen Parcels of Land Located within the Area Generally Bounded by Madison and Justison Streets, the Amtrak Railroad Corridor, I-95, and the City's Southern Boundary from W-2 (Waterfront Manufacturing/Commercial) Zoning Classification to W-4 (Waterfront Residential/Commercial) Zoning Classification
- **Sub. 1 to Ord. 18-041** An Ordinance to Amend Chapter 8 of the City Code to Require Developers of Residential Construction Projects to Hire Local Workers From Class A Apprenticeship Programs

Please click the link below to join the webinar:

<https://zoom.us/j/94360430349>

Or iPhone one-tap :

US: +13017158592,,94360430349# or +13126266799,,94360430349#

Or Telephone:

Dial (for higher quality, dial a number based on your current location): US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

**Webinar ID: 943 6043 0349**

International numbers available: <https://zoom.us/u/abJAuk5agc>

**Rev.3 (11/11/2020)**

*If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.*

Wilmington, Delaware  
November 19, 2020

#

**Sponsor:**

**Council  
Member  
Dixon**

**WHEREAS**, pursuant to Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary prior to Council's approval by resolution; and

**WHEREAS**, the Department of Planning and Development submitted a grant application to the Delaware Department of State, Division of Historical and Cultural Affairs in the amount of \$13,134.00 to continue the City's Historic Preservation Planning Program, which has been in existence for over 35 years; and

**WHEREAS**, the U.S. Department of the Interior provides funding to the Delaware Division of Historical and Cultural Affairs to act as a pass through for this grant; and

**WHEREAS**, the Department of Planning and Development intends to use the grant, as it has in past years, to partially fund the position of Historic Preservation Planner; and

**WHEREAS**, the grant requires matching funds that equal forty percent (40%) of the minimum total project cost of \$21,890.00, which amounts to \$8,756.00; and

**WHEREAS**, the Council deems it necessary and appropriate to authorize the grant application, for the aforesaid purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Department of Planning and Development's grant application to the Delaware Department of State, Division of Historical and Cultural Affairs in the amount of \$13,134.00 to support the City's Historic Preservation Planning Program is hereby authorized.

**BE IT FURTHER RESOLVED** that the Director of the Department of Planning and Development, or his designee, is hereby authorized to take all necessary actions to apply for and accept any and all funds associated with the grant application and to fulfill the grant requirements.

Passed by City Council,

ATTEST: \_\_\_\_\_  
City Clerk

**SYNOPSIS:** This Resolution authorizes the Department of Planning and Development's grant application to the Delaware Department of State, Division of Historical and Cultural Affairs in the amount of \$13,134.00. The funds will be used to continue the City's Historic Preservation Planning Program, which has been in existence for over 35 years.

**FISCAL IMPACT STATEMENT:** There is no negative fiscal impact to the City by accepting this grant. The grant requires matching funds of a minimum of forty percent (40%) of the total project costs and the City has included more than sufficient funds in the approved FY 2021 operating budget, which meets the match requirement and completes funding for the full position. The grant will defray some of the fiscal impact of the position of Historic Preservation Planner.

W0112479

Wilmington, Delaware  
November 19, 2020

#

**Sponsor:**

**Council  
Member  
Dixon**

**WHEREAS**, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the United States Department of Housing and Urban Development (“HUD”) is authorized to extend financial assistance to communities for (i) the elimination or prevention of slums or urban blight, (ii) activities which will benefit low-income and moderate-income persons, and (iii) other urgent community development needs; and

**WHEREAS**, the City of Wilmington (the “City”) is a participating jurisdiction for purposes of the Community Development Block Grant Program (“CDBG Program”) and allocates CDBG Program funds each year for a variety of eligible activities; and

**WHEREAS**, on May 16, 2019, City Council adopted Resolution 19-018, which approved the City’s proposed Annual Action Plan for Fiscal Year 2020 (the “Plan”) and authorized the Mayor to submit the Plan to HUD; and

**WHEREAS**, the Coronavirus Aid, Relief and Economic Security Act of 2020 (the “CARES Act”) makes available supplemental CDBG Program funding for grants to prevent, prepare for, and response to the COVID-19 pandemic (“CDBG-CV Grants”); and

**WHEREAS**, in May 2020, HUD advised the City that it was eligible to receive a first tranche of funds under the CARES Act, which included CDBG Program funding for CDBG-CV Grants; and

**WHEREAS**, on May 28, 2020, City Council adopted Resolution 20-024, which approved the first substantial amendment to the Plan outlining the proposed use of the first tranche of funds received by the City pursuant to the CARES Act and authorized the Mayor to submit such amendment to HUD; and

**WHEREAS**, HUD has advised the City that it is eligible to receive a second tranche of CDBG Program funds to be utilized for CDBG-CV Grants in the amount of \$485,995; and

**WHEREAS**, the City has prepared a substantial amendment to the Plan (the “Substantial Amendment”) in order to outline the proposed use of the second tranche of CDBG Program funding to be utilized for CDBG-CV Grants that will provide subsistence payments, hotel/motel vouchers, health related supportive services, and legal services; and

**WHEREAS**, a draft of the Substantial Amendment was on placed on the City’s website for display from October 25, 2020 to November 4, 2020, as required by HUD.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON THAT:**

1. The Substantial Amendment to the Fiscal Year 2020 Annual Action Plan for the second tranche of CDBG Program funding for CDBG-CV Grants, available pursuant to the CARES Act, is hereby approved in all respects.

2. City Council is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with federal financial assistance including those relating to (a) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin, and (c) other assurances as set forth under the certifications.

3. The Mayor of the City of Wilmington is authorized to file an application for financial assistance with the U.S. Department of Housing and Urban Development for the CDBG Program funds available pursuant to the CARES Act.

4. The Mayor is hereby authorized to provide such assurances and/or certifications as required by the Housing and Community Development Act of 1974, as amended, the

National Affordable Housing Act of 1990, the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, the CARES Act of 2020, and also any supplemental or revised data which HUD may request in connection with the review of the City's application.

5. The Mayor, or his designee, is authorized to execute on behalf of the City the formal grant contracts, amendments, and other documents relating to this Substantial Amendment to the City's Annual Action Plan for Fiscal Year 2020.

Passed by City Council,

ATTEST: \_\_\_\_\_  
City Clerk

**SYNOPSIS:** This Resolution (i) approves a Substantial Amendment to the Fiscal Year 2020 Annual Action Plan to outline the proposed use of additional CDBG Program funding for CDBG-CV Grants that is available pursuant to the CARES Act to prevent, prepare for, and respond to the COVID-19 pandemic and (ii) authorizes the Mayor to file an application for financial assistance with the U.S. Department of Housing and Urban Development for such funding.

W0112025

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE WILMINGTON CITY CODE TO CHANGE THE PERMISSIBLE HOURS OF OPERATIONS FOR CERTAIN RETAILERS**

#4794

Sponsor:

Council  
Member  
Oliver

WHEREAS, the City of Wilmington ("City") is a home rule municipality created pursuant to 22 Del. C.ch. 8, and as such, it has all express and implied powers and authority of local self-government and home rule, including the authority to regulate businesses operating within its boundaries; and

WHEREAS, ordinances related to the regulation of business hours are intended to protect the health, safety and welfare of the general public; and

WHEREAS, City Council finds it appropriate to regulate the operating hours of certain retailers.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 5 of the City Code is hereby amended to change the permissible hours of operation by deleting the stricken language and adding the underlined language to read as follows:

**Sec. 5-78. - Retailers generally.**

\*\*\*

(f)No holder of a license for a convenience store or fast food establishment geographically located within the boundaries designated by any active urban renewal plans, the strategically targeted area redevelopment ("STAR"), or the residential improvement and stabilization effort ("RISE") or the market value analysis area (collectively "the target area"), that constitutes the business of retailer-edible or retailer-non-edible commodities, or both, and any holder of a license for a gas station/auto repair facility in the target area, whether operated in connection



with retailing of edible or non-edible commodities, or both, shall sell or deliver any goods, wares, merchandise and personal property of any kind and nature to the ultimate consumer or take an order therein for delivery therein of any goods, wares, merchandise and personal property of every kind and nature including any edible or non-edible commodities, including any sale or delivery for off-premises consumption, between the hours of 10:00 p.m. of any day of the week and 4:00 a.m. of the following day. ~~12:01 a.m. of any day of the week and 4:00 a.m. of that same day.~~ If any provision of the zoning code is more stringent as to hours of operation of businesses that are subject to this section, then the zoning code provision shall be given effect. The maps defining the target area shall be made a part of the zoning code and shall be on file with the clerk of city council and the planning department.

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**SECTION 2.** This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading .....April 16, 2020  
Second Reading .....April 16, 2020  
Third Reading .....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Chapter 5 (Businesses) of the Wilmington City Code to require certain retailers to close at 10:00 p.m. instead of 12:00 a.m.

**FISCAL IMPACT STATEMENT:** There is no expected fiscal impact as a result of this legislation.

W0110212

**AN ORDINANCE TO APPROVE THE REMOVAL OF A PORTION OF PALMERS ROW, LOCATED BETWEEN NEW STREET AND THE NORTHERN BOUNDARY OF TAX PARCEL NO. 26-029.10-124, FROM THE OFFICIAL CITY MAP**

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**#4868**

**Sponsor:**

**Council  
Member  
Oliver**

**Co-Sponsor:**

**Council  
President  
Shabazz**

**WHEREAS**, the City of Wilmington is authorized to establish and revise plans of streets and alleys by the provisions of Sections 1-101, 2-306, and 5-400 of the City Charter, such actions to be done in accordance with applicable provisions of State law and Section 42-11 of the City Code; and

**WHEREAS**, Delmarva Power & Light Co. (the "Applicant"), the owner of the Brandywine substation located at 8 Palmers Row, Wilmington, Delaware (being Tax Parcel No. 26-029.10-124) (the "Site"), would like to improve the Site and the surrounding properties that it owns (the "Other Delmarva Properties"); and

**WHEREAS**, such improvements include the construction of a new control house on the Site, the installation of a third transformer and replacement of aging switchgear on one of the Other Delmarva Properties, and the demolition of certain structures on one of the Other Delmarva Properties; and

**WHEREAS**, the Applicant has requested the removal of a portion of Palmers Row that is located between New Street and the northern boundary of the Site, as more particularly described on Exhibit "A" attached hereto and more particularly illustrated on Exhibit "B" attached hereto (the "Street Bed"); and

**WHEREAS**, the Street Bed is entirely surrounded by the Other Delmarva Properties; and

**WHEREAS**, the Applicant has requested the removal of the Street Bed in order to fence it off from the general public and to provide an internal access to the new control house; and

**WHEREAS**, the City has not been able to determine the ownership of the Street Bed;  
and

**WHEREAS**, the Department of Public Works has advised that: (1) the Street Bed does not provide any substantial benefit to the City's transportation network; (2) the Street Bed could require future maintenance and improvements, which the City would not be responsible for if the Street Bed were removed from the Official City Map; (3) the removal of the Street Bed would only affect parcels under the Applicant's control and would result in the parcels fronting it to be limited in purpose; (4) there are no water mains within the Street Bed; (5) there is a sewer line within Street Bed and therefore a sewer easement will be required so that the City may retain access to such sewer line; and (6) the Division of Transportation takes no exception and supports the request to vacate the Street Bed, subject to the retention of the aforementioned easement by the City; and

**WHEREAS**, the Department of Planning and Development has advised that: (1) it has no objection to the removal of the Street Bed from the Official City Map because (a) the Street Bed does not currently contribute to the general traffic circulation or distribution pattern in the immediate area and (b) there are no findings to suggest that the removal of the Street Bed would create a detriment to the general public or to public safety; (2) several "paper" public alleys located between Palmers Row and Mabel Street may still exist on the Official City Map, as more particularly illustrated on Exhibit "C" attached hereto; (3) the "paper" alleys fall completely within the boundaries of the Brandywine substation, are physically inaccessible, and no longer serve any purpose; and (4) it recommends that the "paper" alleys be removed from the Official City Map; and

**WHEREAS**, the Department of Licenses and Inspections has no objections to the removal of the Street Bed from the Official City Map; and

**WHEREAS**, no comments or objections were received from the Fire Marshal's Office; and

**WHEREAS**, there are no findings to suggest that the removal of the Street Bed would create a detriment to the general public or to public safety; and

**WHEREAS**, there is a lack of public interest in the Street Bed; and

**WHEREAS**, the City Planning Commission has adopted Planning Commission Resolution 13-20, which recommended approval of the Applicant's request to remove the Street Bed from the Official City Map; and

**WHEREAS**, the City Council deems it necessary and appropriate to approve the removal of the Street Bed referenced in Exhibits "A" and "B", as well as the aforementioned "paper" alleys referenced in Exhibit "C", from the Official City Map.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** The removal from the Official City Map of a portion of Palmers Rows located between New Street and the northern boundary of Tax Parcel No. 26-029.10-124, which is described on Exhibit "A" attached hereto and illustrated on Exhibit "B" attached hereto, is hereby approved (subject to the conditions set forth in Section 3 of this Ordinance), and the Official City Map is hereby amended to reflect such removal.

**SECTION 2.** The removal from the Official City Map of any and all "paper" public alleys located between Palmers Row and Mabel Street, which is illustrated on Exhibit "C" attached hereto, is hereby approved, and the Official City Map is hereby amended to reflect such removal.

**SECTION 3.** The City shall retain such sewer easement within the portion of Palmers Row that is being removed from the Official City Map as the Commissioner of Public Works shall determine is necessary.

**SECTION 4.** The property rights to the Street Bed shall be determined judicially in accordance with applicable state statutes.

**SECTION 5.** All City departments are hereby authorized to take any and all necessary actions required for: (i) the removal of the portion of Palmers Row from the Official City Map; (ii) the removal of the “paper” public alleys located between Palmers Row and Mabel Street; and (iii) the retention of the aforementioned easement for the City.

**SECTION 6.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....October 15, 2020  
Second Reading.....October 15, 2020  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance authorizes the removal of a portion of Palmers Row, located between New Street and the northern boundary of Tax Parcel No. 26-029.10-124, from the Official City Map.

## **EXHIBIT A**

May 11, 2020

**PALMERS ROW RIGHT-OF-WAY – 0.0615 Acres**

Description of property situate in City of Wilmington, New Castle County, State of Delaware, being Lands designated PALMERS ROW, RIGHT-OF-WAY TO BE VACATED, as shown on the Right-of-Way Exhibit Plan for Lands Now or Formerly of City of Wilmington "Palmer's Row" Right-of-Way To Be Vacated, prepared by Karins and Associates, Professional Engineers and Land Surveyors, Drawing No. 2418-03\EXHIBITS\PALMERSROW.dwg, consisting of 1 Sheet, dated May 08, 2020. Being more particularly bounded and described as follows, to wit:

**BEGINNING** at a point on the northwesterly side of Palmer's Row (25' Wide R/W), a corner in common with lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-131), said point being further located from the intersection of the northwesterly side of Palmer's Row and the southwesterly side of Vandever Avenue (60' Wide R/W) by the following described course and distance along the aforesaid northwesterly side of Palmer's Row, South 29°-47'-09" West, 108.50 feet to the point and place of Beginning; thence, from said point of Beginning, leaving the aforesaid northwesterly side of Palmer's Row, crossing from the said northwesterly side of Palmer's Row to the southeasterly side of Palmer's Row, South 60°-12'-51" East, 25.00 feet to a line in common with lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-140); thence, thereby, in part, and on a line in common with lands now of formerly of Delmarva Power & Light Company (T.P.# 26-029.10-142), in part, South 29°-47'-09" West, 107.13 feet to a corner in common with lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-124); thence, on a line in common with said lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-124), North 60°-12'-51" West, 25.00 feet to a corner in common with lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-125); thence, on a line in common with said lands now or



formerly of Delmarva Power & Light Company (T.P.# 26-029.10-125), in part, lands now or formerly of

**PAGE 2**

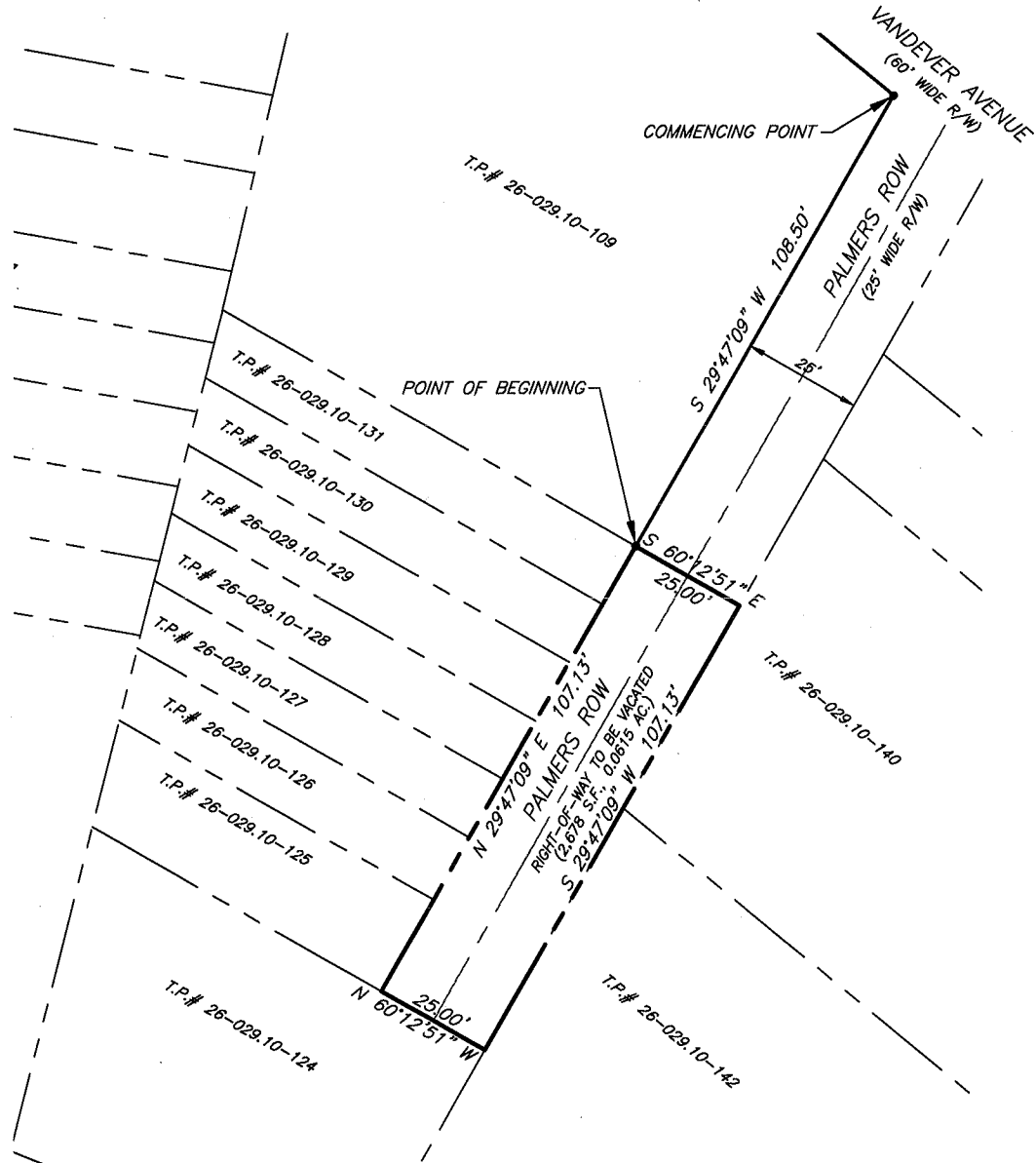
**PALMERS ROW RIGHT-OF-WAY – 0.0615 Acres**

Delmarva Power & Light Company (T.P.# 26-029.10-126), in part, lands now or formerly of  
Delmarva Power & Light Company (T.P.# 26-029.10-127), in part, lands now or formerly of  
Delmarva Power & Light Company (T.P.# 26-029.10-128), in part, lands now or formerly of  
Delmarva Power & Light Company (T.P.# 26-029.10-129), in part, lands now or formerly of  
Delmarva Power & Light Company (T.P.# 26-029.10-130), in part, and lands now or formerly of  
Delmarva Power & Light Company (T.P.# 26-029.10-131), in part, North 29°-47'-09" East,  
107.13 feet to the point and place of Beginning.

Containing within said described metes and bounds 0.0615 acres of land, be the same more or less.

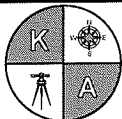
**PROPERTY INFORMATION**  
(ADJOINING PARCELS)

T.P.#	OWNER	DEED RECORD	RECORD PLAN	ZONE
26-029.10-124	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-125	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-126	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-127	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-128	DELMARVA POWER & LIGHT COMPANY	20111215-0075045	N/A	M-1
26-029.10-129	DELMARVA POWER & LIGHT COMPANY	20111215-0075046	N/A	M-1
26-029.10-130	DELMARVA POWER & LIGHT COMPANY	20111215-0075047	N/A	M-1
26-029.10-131	DELMARVA POWER & LIGHT COMPANY	20111221-0076167	N/A	M-1
26-029.10-140	DELMARVA POWER & LIGHT COMPANY	20110923-0058529	N/A	M-1
26-029.10-142	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-109	KAPPA MAINSTREAM LEADERSHIP INC	2906-7	N/A	M-1



RIGHT-OF-WAY EXHIBIT PLAN  
FOR LANDS NOW OR FORMERLY OF  
**CITY OF WILMINGTON**  
**"PALMERS ROW"**  
RIGHT-OF-WAY TO BE VACATED  
AREA: 2,678 S.F., 0.0615 ACRES

SITUATE IN: CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE



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128 WEST MARKET STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 858-4331

DATE: 05-08-20

SCALE: 1" = 30'

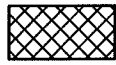
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CHECKED: JJJ

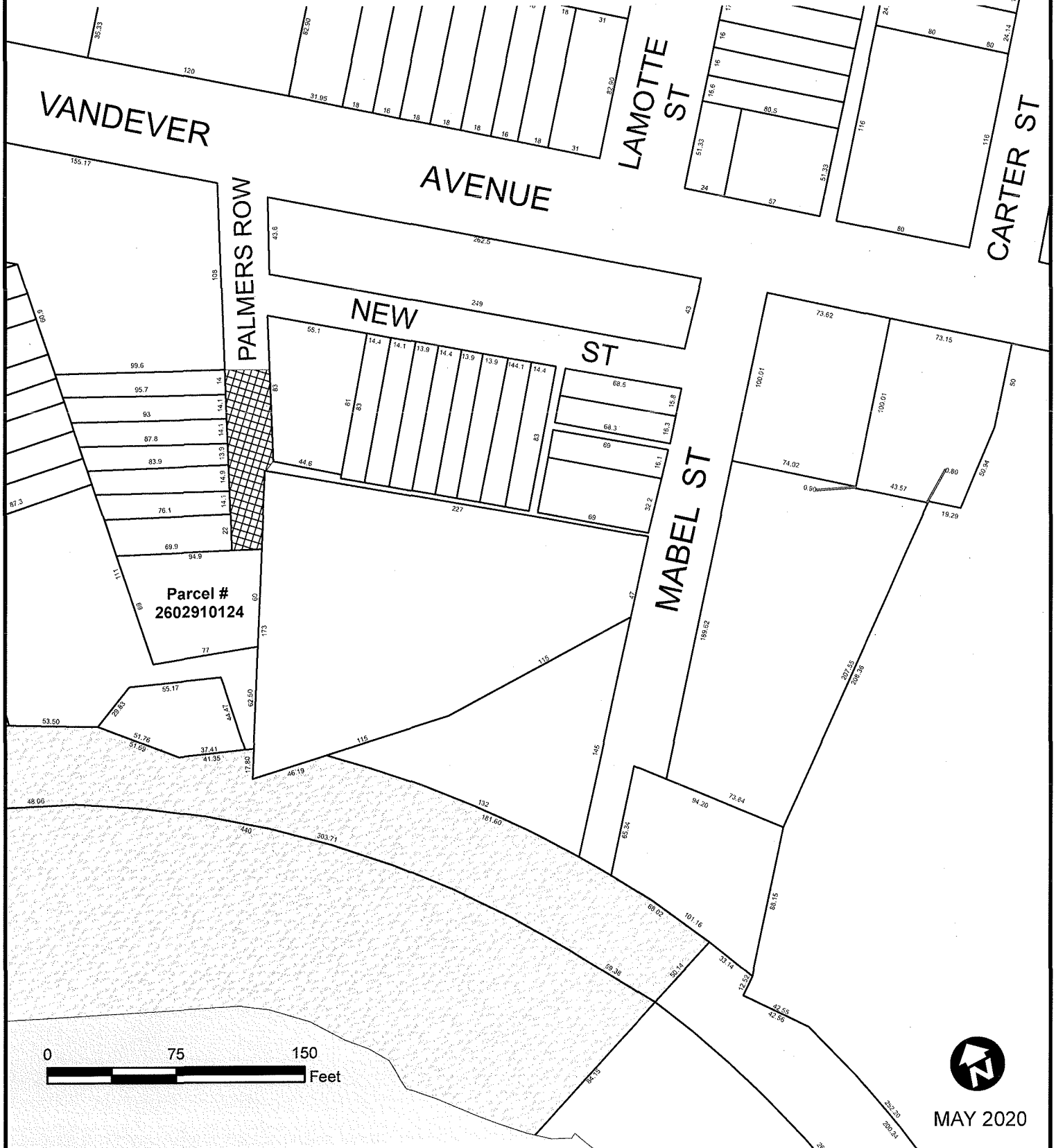
DRAWING: 2418-03\EXHIBITS\PALMERSROW.dwg

## **EXHIBIT B**

**Resolution 13-20:**  
**A proposal to remove a portion of Palmers Row,**  
**between New Street and the north boundary of**  
**Parcel # 2602910124 (Delmarva), from the Official City Map.**



Portion of Palmers Row to be Removed from City Map



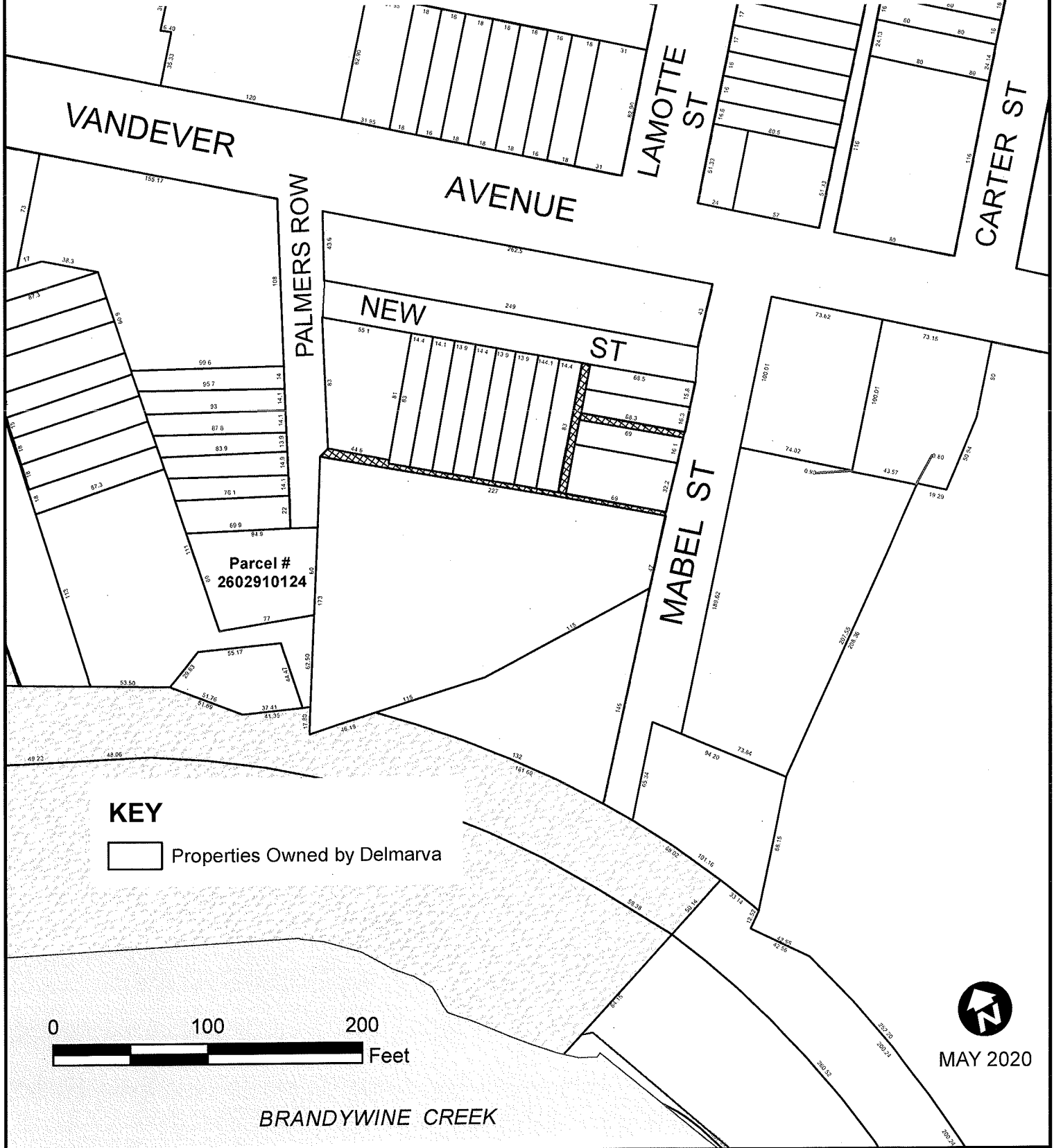
## **EXHIBIT C**

## MAP 2: Resolution 13-20

A proposal to remove a portion of Palmers Row,  
between New Street and the north boundary of  
Parcel # 2602910124 (Delmarva), from the Official City Map.



"Paper" Alleys to be Removed from City Map



**AN ORDINANCE TO REZONE THE PARCEL OF LAND LOCATED AT 700 LEA BOULEVARD FROM R-2 (ONE-FAMILY DETACHED DWELLINGS AND ONE-FAMILY SEMI-DETACHED DWELLINGS) TO R-5-A-1 (LOW-MEDIUM DENSITY APARTMENT HOUSES) ZONING CLASSIFICATION**

#4644

Sponsor:

Council  
Member  
Gray

**WHEREAS**, in accordance with and pursuant to Section 48-52 of the City Code, the City Planning Commission held a duly advertised public hearing at its March 19, 2019 meeting and adopted Planning Commission Resolution 4-19, which recommended approval of the rezoning of the parcel of land known as 700 Lea Boulevard, Wilmington, Delaware, being Tax Parcel ID No. 26-009.10-002 (the "Parcel"), from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses), as illustrated on the map attached hereto and made a part hereof as Exhibit "A"; and

**WHEREAS**, the City Council for the City of Wilmington deems it necessary and appropriate to rezone the Parcel from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses), as illustrated on the map attached hereto and made a part hereof as Exhibit "A".

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Section 48-97 of the Wilmington City Code and the "Building Zone Map, City of Wilmington, Delaware," dated January 19, 2006 (as subsequently amended), are hereby amended by changing the zoning classification of 700 Lea Boulevard, Wilmington, Delaware, being Tax Parcel ID No. 26-009.10-002, from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses), as illustrated on

the map attached hereto and made a part hereof as Exhibit "A".

**SECTION 2.** The rezoning of the Parcel described herein and identified in Exhibit "A" attached hereto and made a part hereof is consistent with the recommendations of the Comprehensive Development Plan for the Northwest Analysis Area, as amended by City Planning Commission Resolution 3-19.

**SECTION 3.** This Ordinance shall be deemed effective immediately upon its date of passage by City Council and approval by the Mayor.

First Reading.....April 18, 2019  
Second Reading.....April 18, 2019  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance rezones the parcel of land located at 700 Lea Boulevard in Wilmington, Delaware, being Tax Parcel ID No. 26-009.10-002, from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses).

W0105314



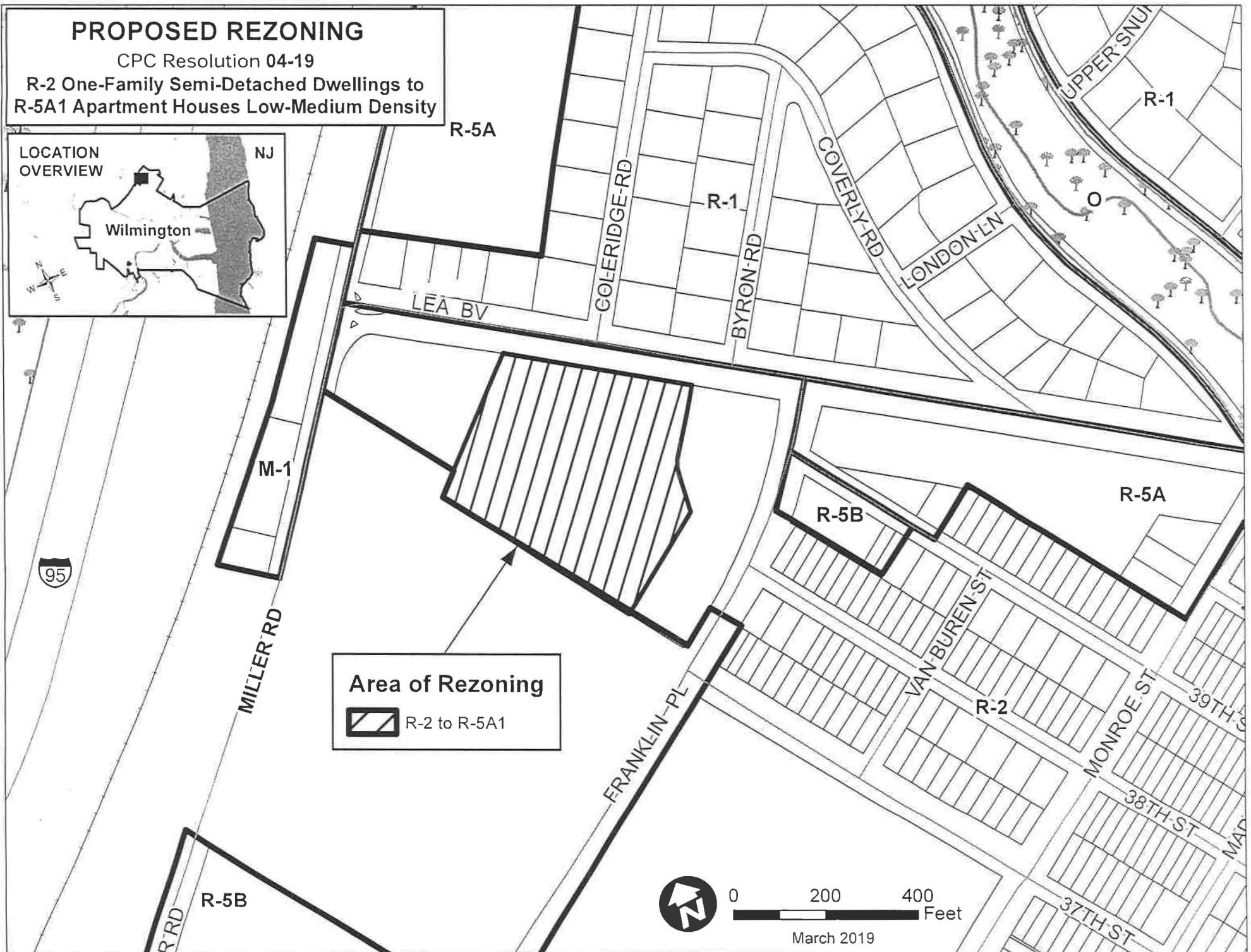
# EXHIBIT A

# PROPOSED REZONING

CPC Resolution 04-19

R-2 One-Family Semi-Detached Dwellings to  
R-5A1 Apartment Houses Low-Medium Density

LOCATION  
OVERVIEW



Area of Rezoning



R-2 to R-5A1



0 200 400 Feet

March 2019

**AN ORDINANCE TO REZONE SIXTEEN PARCELS OF LAND LOCATED WITHIN THE AREA GENERALLY BOUNDED BY MADISON AND JUSTISON STREETS, THE AMTRAK RAILROAD CORRIDOR, I-95, AND THE CITY'S SOUTHERN BOUNDARY FROM W-2 (WATERFRONT MANUFACTURING/COMMERCIAL) ZONING CLASSIFICATION TO W-4 (WATERFRONT RESIDENTIAL/COMMERCIAL) ZONING CLASSIFICATION**

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#4857

Sponsor:

Council  
Member  
Harlee

Co-Sponsor:

Council  
President  
Shabazz

**WHEREAS**, in accordance with and pursuant to Section 48-52 of the City Code, the City Planning Commission held a duly advertised public hearing at its October 20, 2020 meeting and adopted Planning Commission Resolution 18-20, which recommended approval of the rezoning of sixteen parcels of land located within the area generally bounded by Madison and Justison Streets, the Amtrak Railroad Corridor, I-95, and the City's southern boundary (being Tax Parcel Nos. 26-042.00-003; 26-042.00-005; 26-042.00-023; 26-049.00-002; 26-049.00-016; 26-049.00-018; 26-049.00-019; 26-049.00-020; 26-049.00-021; 26-049.00-022; 26-049.00-032; 26-049.00-036; 26-049.00-037; 26-049.00-040; 26-056.00-010; and 26-056.00-016, respectively) (collectively, the "Parcels"), from a zoning classification of W-2 (Waterfront Manufacturing/Commercial) to a zoning classification of W-4 (Waterfront Residential/Commercial), as illustrated on the map attached hereto and made a part hereof as Exhibit "A"; and

**WHEREAS**, City Council deems it necessary and appropriate to rezone the Parcels from a zoning classification of W-2 (Waterfront Manufacturing/Commercial) to a zoning classification of W-4 (Waterfront Residential/Commercial), as illustrated on the map attached hereto and made a part hereof as Exhibit "A".

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Section 48-97 of the Wilmington City Code and the "Building Zone

Map of Wilmington, Delaware”, dated January 19, 2006 (as subsequently amended), are hereby amended by changing the zoning classification of sixteen parcels of land located within the area generally bounded by Madison and Justison Streets, the Amtrak Railroad Corridor, I-95, and the City’s southern boundary (being Tax Parcel Nos. 26-042.00-003; 26-042.00-005; 26-042.00-023; 26-049.00-002; 26-049.00-016; 26-049.00-018; 26-049.00-019; 26-049.00-020; 26-049.00-021; 26-049.00-022; 26-049.00-032; 26-049.00-036; 26-049.00-037; 26-049.00-040; 26-056.00-010; and 26-056.00-016, respectively) from a zoning classification of W-2 (Waterfront Manufacturing/Commercial) to a zoning classification of W-4 (Waterfront Residential/Commercial), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

**SECTION 2.** The rezoning of the Parcels described herein and identified in Exhibit “A” attached hereto and made a part hereof is consistent with the recommendations of the Citywide comprehensive plan entitled “Wilmington 2028: A Comprehensive Plan for Our City and Communities”.

**SECTION 3.** This Ordinance shall be deemed effective immediately upon its date of passage by City Council and approval by the Mayor.

First Reading.....September 17, 2020  
Second Reading.....September 17, 2020  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor

**SYNOPSIS:** This Ordinance rezones sixteen parcels of land located within the area generally bounded by Madison and Justison Streets, the Amtrak Railroad Corridor, I-95, and the City's southern boundary (being Tax Parcel Nos. 26-042.00-003; 26-042.00-005; 26-042.00-023; 26-049.00-002; 26-049.00-016; 26-049.00-018; 26-049.00-019; 26-049.00-020; 26-049.00-021; 26-049.00-022; 26-049.00-032; 26-049.00-036; 26-049.00-037; 26-049.00-040; 26-056.00-010; and 26-056.00-016, respectively) from a zoning classification of W-2 (Waterfront Manufacturing/Commercial) to a zoning classification of W-4 (Waterfront Residential/Commercial).


W0111765

## **EXHIBIT A**

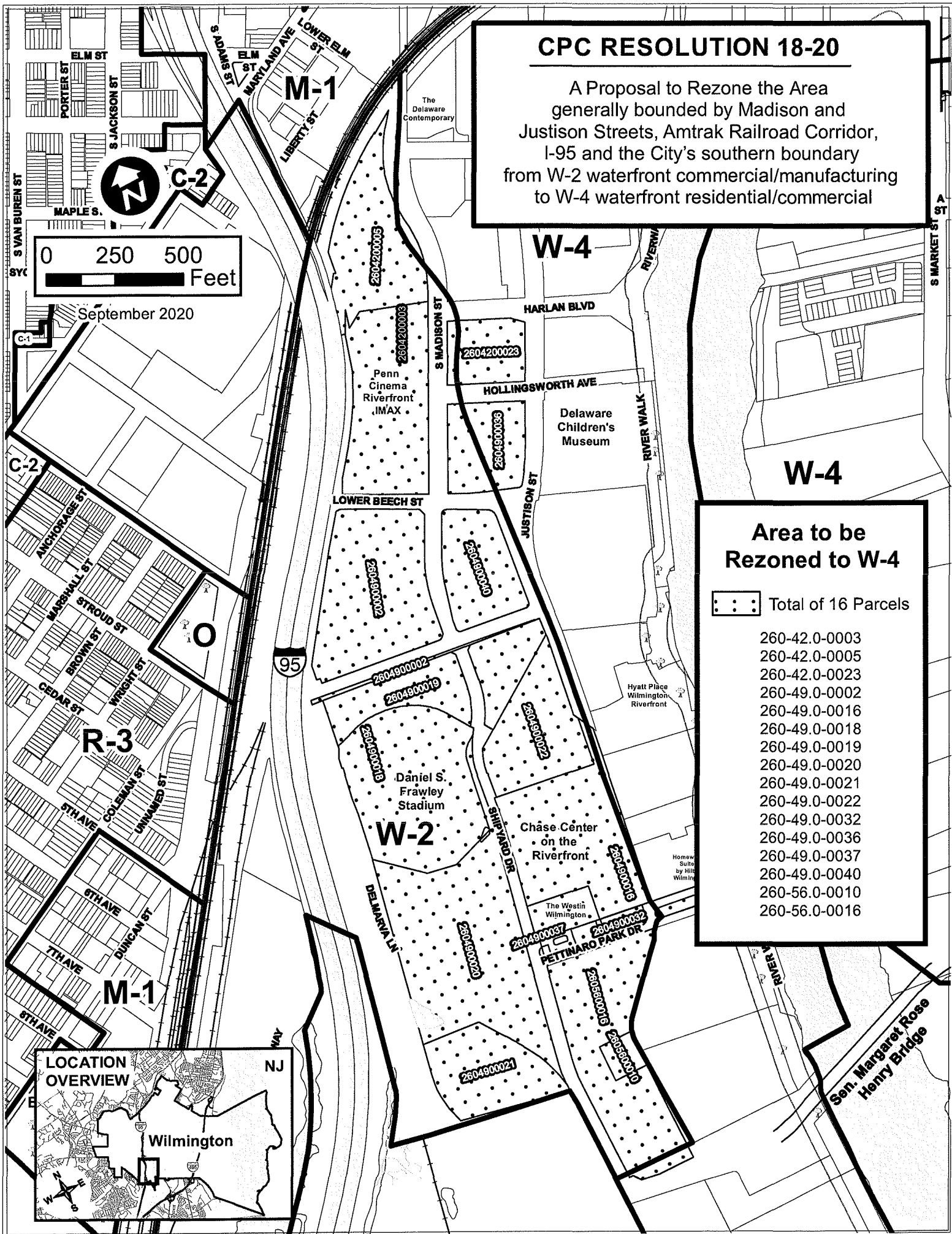
## CPC RESOLUTION 18-20

A Proposal to Rezone the Area generally bounded by Madison and Justison Streets, Amtrak Railroad Corridor, I-95 and the City's southern boundary from W-2 waterfront commercial/manufacturing to W-4 waterfront residential/commercial

### Area to be Rezoned to W-4

 Total of 16 Parcels

260-42.0-0003  
260-42.0-0005  
260-42.0-0023  
260-49.0-0002  
260-49.0-0016  
260-49.0-0018  
260-49.0-0019  
260-49.0-0020  
260-49.0-0021  
260-49.0-0022  
260-49.0-0032  
260-49.0-0036  
260-49.0-0037  
260-49.0-0040  
260-56.0-0010  
260-56.0-0016



**SUBSTITUTE NO. 1 TO ORDINANCE NO. 18-041**

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY CODE TO REQUIRE DEVELOPERS WHO RECEIVE FINANCIAL ASSISTANCE FROM THE CITY OF WILMINGTON FOR RESIDENTIAL CONSTRUCTION PROJECTS TO HIRE LOCAL WORKERS FROM CLASS A APPRENTICE PROGRAMS**

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**#4561**

**Sponsors:**

**Council  
Member  
Guy  
Dixon**

**WHEREAS**, the City of Wilmington has a compelling interest to ensure that residential construction projects located in the City ("Residential Projects") are completed at a reasonable cost with a high degree of quality; and

**WHEREAS**, a highly skilled workforce helps to ensure the efficient, economical, and safe completion of such projects; and

**WHEREAS**, the City desires to encourage new and established businesses to generate good-paying job opportunities for City residents, particularly in low-income neighborhoods and in new markets; and

**WHEREAS**, the City desires to encourage developers and contractors to hire workers from Class A Apprentice Programs where Wilmington residents can gain key skills in residential construction; and

**WHEREAS**, the City has the authority to grant economic incentives for businesses to remain in or relocate to Wilmington, and the City periodically grants such incentives to developers of Residential Projects.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 8 of the City Code is hereby amended by adding a new Section 8-6 thereto as follows:



**Section 8-6. Developer and Contractor Requirements Regarding Residential Construction Apprentice Programs.**

- (a) *Definition.* For purposes of this Section 8-6, a Residential Construction Apprentice Program shall be a program that:
  - (1) Maintains participation of residents of the City of Wilmington.
  - (2) Recruits applicants from low-income neighborhoods, including in the City of Wilmington, especially those applicants that live near the location of a Residential Project.
  - (3) Demonstrates a commitment to graduating and placing apprentices from underrepresented communities in career-track residential construction jobs.
  - (4) Provides classroom and on-the-job training in residential construction prior to graduation, including classroom health and safety training, as well as training to recognize and abate hazardous material such as asbestos, mold and lead.
  - (5) For purposes of this section, a class A apprenticeship program is an apprenticeship program that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyperson status for at least three of the past five years.
- (b) *Applicability.* This section shall be applicable to any developer of a residential construction project 1) receiving any amount of financing, subsidy, or grant from any City department, or 2) any developer receiving an in-kind contribution from any City department with a value that exceeds \$100,000.00, or 3) developing a residential construction project on property acquired by the Wilmington Neighborhood Conservancy Land Bank, with the exception of Homesteading for new home-owners, Side-Lots, and Community Gardens. This section shall not apply to developers who are awarded contracts through the competitive bidding process, or where the source of the funding exclusively derives from the federal or state government.
- (c) The City has previously been authorized to give financial assistance to developers of Residential Projects located in the City of Wilmington, including subsidies in the form of donation of property and tax credits. Each construction contractor hired by a developer to work on Residential Projects, shall provide a contractor responsibility certification, on a form developed by the City, that it participates in a Residential Construction Apprentice Program and demonstrates good faith efforts to meet the following requirements:
  - (1) Pay a wage of at least \$15.00 an hour to apprentices during Year One, effective upon passage; pay a wage of at least \$16.00 an hour to apprentices during Year Two; pay a wage of at least \$17.00 an hour to apprentices during Year Three; and pay a wage of at least \$18.00 an hour to apprentices during Year Four.

- a) Year One
  - i. The developer, as defined in section (b), shall ensure that 15 percent of the workforce hired for the project, especially with respect to new workers recruited and hired for the project, includes city residents from Class A Apprenticeship Programs.
  - ii. To ensure compliance with this subsection, the developer, as defined in section (b), will also make residency information on its workforce available to the city upon request.
  - iii. To evaluate outcomes, affects and achievements toward the first-year goals, the agency granting economic incentives will evaluate compliance for this initiative in month twelve (12) of the first year.
- b) Year Two
  - i. The developer, as defined in section (b), shall ensure that 20 percent of the workforce hired for the project, especially with respect to new workers recruited and hired for the project, includes city residents from Class A Apprenticeship Programs.
  - ii. To ensure compliance with this subsection, the developer, as defined in section (b), will also make residency information on its workforce available to the city upon request.
  - iii. To evaluate outcomes, affects and achievements toward the first-year goals, the agency granting economic incentives will evaluate compliance for this initiative in month twelve (12) of the second year.
- c) Year Three
  - i. The developer, as defined in section (b), shall ensure that 25 percent of the workforce hired for the project, especially with respect to new workers recruited and hired for the project, includes city residents from Class A Apprenticeship Programs.
  - ii. To ensure compliance with this subsection, the firm will also make residency information on its workforce available to the city upon request.
  - iii. To evaluate outcomes, affects and achievements toward the first-year goals, the agency granting economic incentives will evaluate compliance for this initiative in month twelve (12) of the third year.
- d) Year Four
  - i. The developer, as defined in section (b), shall ensure that 30 percent of the workforce hired for the project,

especially with respect to new workers recruited and hired for the project, includes city residents from Class A Apprenticeship Programs.

- ii. To ensure compliance with this subsection, the developer, as defined in section (b), will also make residency information on its workforce available to the city upon request.
  - iii. To evaluate outcomes, affects and achievements toward the first-year goals, a Task Force will evaluate compliance for this initiative in month twelve (12) of the fourth year.
- (2) Certify that neither the developer nor the construction contractors hired by the developer, nor any principal thereof, have been suspended or debarred by any federal, state, or local agency within the past five years.
- (d) As part of its review process, the City shall ensure that the contractor responsibility certification has been submitted and properly executed for all the developer's contractors and subcontractors. The City may conduct any additional inquiries to verify that the developer and its subcontractors have the qualifications and performance capabilities necessary to successfully comply with the requirements of Section (b). In conducting such inquiries, the City may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.
- (e) *Enforcement.* This section shall be enforced by the City Department of Real Estate and Housing. Failure to comply with this section may result in revocation of City assistance in the immediate project and/or future projects. If the City determines that a developer's contractor or subcontractor responsibility certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth or omits material information knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work on Residential Construction Projects under Section 8-6(b) for a period of three (3) years and may be subject to any other penalties and sanctions, including contract termination, available to the City under law. A contract terminated under these circumstances shall further entitle the City to withhold payment of any funds due to the developer, contractor or subcontractor as damages, excluding compensation owed by the City for services rendered to the date of termination.
- (f) If any provision of this subdivision shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provisions of this subdivision and all remaining provisions shall remain in full force and effect.
- (g) The requirements of this subdivision shall not apply to contracts advertised for bid prior to the effective date of the ordinance from which this subdivision is derived, except that the exercise of an option on a contract covered by this subdivision shall be deemed to create a new contract for purposes of this subdivision.

- (h) In addition to any applicable minimum standards for responsible prospective contractors on City work, as provided in City Code Sec 2-563 – Contractor responsibility certifications, it is further required that the developer, as defined in section (b), for each separate trade or classification in which it employs craft employees shall continue to participate in such program or programs for the duration of the project.
- (1) To ensure compliance with this subsection, the developer, as defined in section (b), shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying it participates in a class A apprenticeship program for each trade or classification listed.

**SECTION 2.** This Substitute Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....July 2, 2018

Second Reading.....July 2, 2018

Third Reading.....

Passed by City Council,

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President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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Mayor

**SYNOPSIS:** This Substitute Ordinance amends Chapter 8 of the City Code to require that developers who receive financial assistance from the City of Wilmington for residential construction projects require their construction contractors to participate in and hire workers from Residential Construction Apprentice Programs.