



ORDINANCE NO. 25-05

**AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE CHAPTER 125, ENTITLED
“SUBDIVISION OF LAND,” REGARDING TREES.**

WHEREAS, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants, and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Delaware Code affords the authority, *inter alia*, for the Town Council to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence or other purposes; and

WHEREAS, the Town Charter affords the Town Council the authority, *inter alia*, for the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings, to establish a Code for the same and to provide for the granting of permits for the same, and to establish a building line for buildings to be erected; and

WHEREAS, the Town Charter affords the Town Council the authority, *inter alia*, to lay out, locate and open new streets; and

WHEREAS, the Town Charter affords the Town Council the authority, *inter alia*, to direct, regulate and control the planning, rearing, treatment and preserving of ornamental shade trees in the streets, avenues, highways, parks and grounds of the Town; and

WHEREAS, based on the Delaware Code and Town Charter, including the aforementioned authority, the Town of Millville has adopted a subdivision ordinance for the municipality, which has been codified in Chapter 125 of the Town Code and titled “Subdivision of Land;” and

WHEREAS, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by the Ordinance; and

WHEREAS, the Town Council held a duly noticed public hearing on the 28 of January 2025; and

WHEREAS, the Town Council finds revising and clarifying the regulations related to trees furthers the purposes of the Ordinance and promotes the good order, health, safety, morals or the general welfare of the community;

NOW, BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the following amendments are hereby adopted and incorporated into the Town of Millville Code Chapter 125, entitled "Subdivision of Land," at Subsection O of Section 125-24, Section 125-34, and Section 125-39 as follows (with additions shown in bold and underlined, and deletions are shown in bold and strike-through):

§ 125-24. Street improvements.

...

- O. Shade trees. Shade trees ~~are to be~~ located behind the curblines shall have a planting area of six (6) feet between curb and sidewalk and shall not interfere with utilities, sidewalks, or driveways so as not to interfere with utilities, sidewalks, or driveways, at intervals of approximately 60 feet. Single-stem small trees ranging from fifteen (15) to twenty (20) feet in maximum height when fully grown shall be located at intervals of at least sixty (60) feet. Trees planted along the street will have a caliper of one and a half (1 ½) inches at four (4) feet in height.

§ 125-34. Preservation of natural features.

- A. To the extent possible, the Town requires the preservation of existing ~~feature~~ which features that would add to a residential development or to the Town as a whole, such as mature trees or woodlands, watercourses, historic sites, views and similar irreplaceable assets. The preliminary plan ~~should~~ shall generally show the number and location of mature trees or tree stands and other features and further indicate the ~~effect~~ effect that the development will have on those amenities. The subdivider shall refrain from causing any change in grade or destruction or removal of any trees within the development until approval of the preliminary plat has been granted.
- B. To assist in maintaining a natural tree canopy, the subdivider shall plant native trees of various sizes in mature height, all of which shall have a caliper of one and a half (1 ½) inches at four (4) feet in height at DBH if a single stemmed tree is used, and a planted height of eight (8) to ten (10) feet in height if a multi-stemmed or trunked or evergreen native plant is used. Said trees shall be planted accordingly to achieve at least fifteen (15) trees per

usable open space acre and be located in the common open space areas. In the event trees shall be planted adjacent to structures, including sidewalks and curbing, the variety shall be selected to mitigate against causing damage to the structure due to the tree maturing. Additionally, creating a planting of small trees (per American Nursery Stock Standards) upon all lots is encouraged.

§ 125-39 Definitions.

...

USABLE OPEN SPACE

The area in a subdivision that will be free from development, structures, or significant obstruction, often preserved for environmental, recreational, or aesthetic purposes. No portion of the lots' buildable area shall count as usable open space. Usable open space can be natural or designed, public or private.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS ____ DAY OF _____, 2025.

SEAL:

MAYOR

ATTESTED:

SECRETARY

SYNOPSIS

This ordinance amends the Town's subdivision regulations regarding trees.