

"A Historic Past"



"A Bright Future"

THE CITY OF DELAWARE CITY

407 Clinton Street – P.O. Box 4159

Delaware City, Delaware 19706

Phone: 302-834-4573 Fax: 302-832-5545

**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 21-0816-01**

**ORDINANCE TO AMEND CHAPTER 46 OF THE CITY OF DELAWARE CITY
CODE RELATED TO PUBLIC OR PRIVATE SCHOOLS AND PUBLIC OR
PRIVATE COLLEGES AND TO REQUIRE A SPECIAL USE PERMIT BY
AMENDING SECTION 46-16(b)**

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

WHEREAS, the Mayor and the City Council, in accordance with the City of Delaware City Comprehensive Plan seeks to amend certain sections concerning Special Use Permit standards relating to public or private schools and public or private colleges.

NOW THEREFORE, making the express finding that the below changes enhance and perpetuate the City of Delaware City's cultural, social, economic, religious, political or architectural history, as set forth in Chapter 49 of the Code, the Mayor and the City Council of the City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. Section 46-16(b) of the Code is hereby amended by adding the following:

b.) Any public or private schools and public or private colleges, may be permitted, subject to the Special Use Permit Standards and Procedures, as outlined in Ordinance 21-0315-01, and set forth below

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- i. Special Use Permit Standards. Special use permits may be granted, but are not required to be granted, in the sole discretion of the City Council. In considering whether to grant a special use permit, all of the following factors should be considered: (aa) consistency with the Comprehensive Development Plan and the purposes of this Chapter; (bb) consistency with the character of the property for the uses for which it has been proposed or restricted; (cc) consistency with zoning and use of nearby properties; (dd) suitability of the property for the uses for which it has been proposed or restricted; (ee) effect on nearby properties, including, without limitation, the visual impact on adjacent lands; (ff) adverse effect on the area; and (gg) whether it is detrimental to the health, safety, convenience or public welfare of persons living within the City of Delaware City.
- ii. Special Use Permit Procedures.
 - aa. The owner or potential owner of the property must make written application for a special use permit, including plans, supporting materials, and payment of the application fee, to the Mayor and the City Council.
 - bb. The application shall be forwarded to the Planning Commission for consideration and recommendation to the City Council.
 - cc. Thereafter, a public hearing on the application shall be held at the next available regular City Council meeting, adhering to notice requirements, no sooner than three (3) weeks following receipt of the recommendation of the Planning Commission, to allow time for the City Council and the County Engineer to review the application.
 - dd. Any special use permit application must be granted by a majority vote of the City Council members, with the Mayor being permitted to cast the deciding vote in the event of a tie.

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ADOPTED BY THE MAYOR AND COUNCIL, this 15th day of November, 2021.

ATTEST:

Tina Pincus
City Secretary

APPROVED AS TO FORM:

[Signature]
City Solicitor

[Signature]
Mayor

Elizabeth Koutkus
Council Member

[Signature]
Council Member

[Signature]
Council Member

[Signature]
Council Member

Council Member

First Reading on 8/10/21.

Second Reading, Public Hearing, and Final Passage on: 11/15/21.

