

“A Historic Past”



“A Bright Future”

CITY OF DELAWARE CITY
407 Clinton Street – P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

ORDINANCE NO. 06-1016-01

AN ORDINANCE TO AMEND CHAPTER 46,
ARTICLE V, OF THE CODE OF THE CITY OF
DELAWARE CITY RELATING TO THE
CREATION OF A NEW C-1M (COMMERCIAL
MARINE) ZONING DISTRICT

WHEREAS, the Mayor and Council of the City of Delaware City deem it necessary to amend Chapter 46 of the Code of the City of Delaware City to create a new commercial zoning district to accommodate marine uses;

NOW, THEREFORE, the Mayor and Council of the City of Delaware City do hereby ordain as follows:

SECTION 1. Chapter 46, Article V is hereby amended by the addition of a new Section 46-22 to read as follows with subsequent sections to be renumbered accordingly:

“Section 46-22 C-1M District (Commercial Marine)

In the C-1M District, commercial marine, no building or premises shall be used and no building shall be erected or altered, which is arranged, intended, or designed to be used, except for one (1) or more of the following uses:

- a.) All uses permitted in the R-1 District.

b.) All uses permitted in the C-1 District

c.) Marinas, including the dispensing of fuel for marine use only, and the outdoor storage of boats and trailers and equipment, materials, and vehicles required for the normal operation of a marina.

d.) Sale and storage of boats, trailers, and marine parts and supplies.

e.) Indoor and outdoor storage of marine and commercial fishing materials and supplies.

f.) Maintenance and repair, indoors and outdoors, of boats and fishing equipment, including painting and fiberglass repair, provided that dust, odors, and fumes are contained on-site and that such activities are conducted in compliance with all state and federal environmental and workplace safety laws and regulations.

g.) Wholesale and retail sale of seafood products.

h.) Parking requirements for this district shall be the highest requirement for the actual use(s) on the premises as contained in Section 46-96 of the Code of the City of Delaware City.

i.) Signage requirements for this district shall be those prescribed for the C-1 District.

j.) A densely planted landscape screen at least eight (8) feet in height shall be established along all property lines separating the site from any lot zoned for residential use, the species of trees or other plantings to be approved by the City. In locations where a landscape screen is impractical or undesirable, as determined by the City, the City may require the erection a solid fence or wall. Such landscape screen or solid fence or wall shall not extend into or beyond the building setback line of an adjoining residential district.”

SECTION 2. Chapter 46, Article VI, Section 46-31, Dimensional Requirements by Districts, is hereby amended by the addition of a new District, C-1M (Commercial Marine) with the following dimensional requirements:

Minimum lot size: Area, 5,000 sq. ft., frontage, 50 ft.

Minimum yard depth: Front setback 15 ft., rear setback, 20 ft., One side setback, 15 ft.

when abutting a Residential District

Minimum square feet per family, N/A

Maximum Lot Coverage by Buildings, 35%

Maximum height, 3 stories / 35 feet

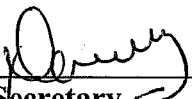
SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Council hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

SECTION 4. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

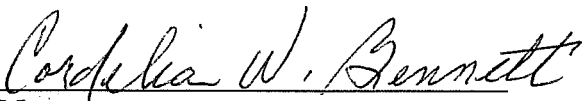
SECTION 5. This Ordinance shall become effective immediately upon passage.

ADOPTED BY THE MAYOR AND COUNCIL, this 20th day of November, 2006.

ATTEST:

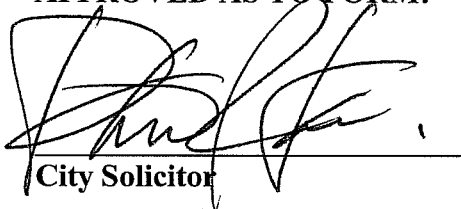


City Secretary

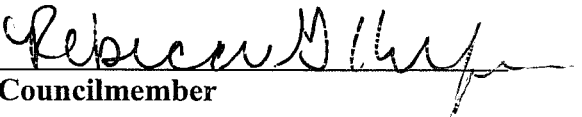


Mayor

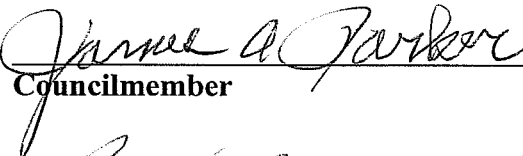
APPROVED AS TO FORM:




City Solicitor



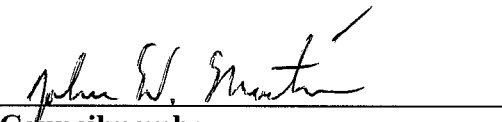
Councilmember



Councilmember



Councilmember



Councilmember

Councilmember

First Reading: October, 16, 2006
Second Reading and Passage: Nov 16, 2006

Synopsis: This Ordinance amends Chapter 46 (Zoning) of the Delaware City Code to create a new commercial marine zone, which allows mixed residential and commercial uses, specifically including marine related activities such as the open storage and repair of boats and the sale of seafood products and marine fuel and supplies.