

“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. 06-1016-02

AN ORDINANCE TO AMEND CHAPTER 46,
ARTICLES V, VI, AND XIII OF THE CODE OF
THE CITY OF DELAWARE CITY RELATING
TO THE CREATION OF A NEW C-1L
(COMMERCIAL LOW IMPACT) 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 low-impact commercial uses in areas with residential character;

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 46-23 to read as follows with subsequent sections to be renumbered accordingly:

“Section 46-23 C-1L District (Commercial Low Impact)

In the C-1L District, Commercial Low Impact, 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.) Mixed use consisting of permitted commercial uses on the first floor and a total of one (1) residential unit on the upper floor(s).
 - b.) Bed & Breakfast – Tourist home, subject to the following conditions:
 - 1.) On-site manager
 - 2.) Off-street parking: one (1) space per each rental room in addition to those otherwise required.
 - 3.) A minimum of one (1) full bathroom for the exclusive use of the occupants of each three (3) guest rooms or portion thereof, which shall be accessible from each guest room without going through another guest room or sleeping room
- c.) Studio and related retail space for artist, craft artist, artisan, designer, photographer, or musician.
- d.) Personal services, including hair salon, day spa, and manicurist, but excluding tattoo or massage parlor.
- e.) Fine dining restaurant, tea room, or coffee shop, not to include take-out, fast food, or drive-in restaurants, with a Special Exception granted by the Board of Adjustment.
- f.) Retail, small boutique or shop, including books, prints, art, clothing, florist, gift, and specialty shops, provided that the residential character of the District is maintained.
- g.) General or professional office, subject to the off street parking requirements of Section 46-96.
- h.) Signage requirements for this district shall be those prescribed for the R-1 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-1L (Commercial Low Impact) 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, 5 ft. on side 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. Amend Chapter 46, Article XIII, Section 121, c.) by adding a new subsection 14.) to read in its entirety as follows:

“In the C-1L District, fine dining restaurant, tea room, or coffee shop, not including take-out, fast food, or drive-in restaurant, with consideration of parking impacts on neighboring properties.”


SECTION 4. 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 5. 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.

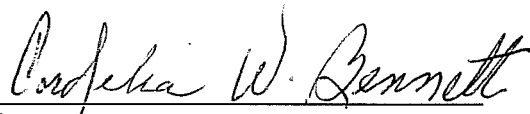
SECTION 6. This Ordinance shall become effective immediately upon passage.

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

ATTEST:

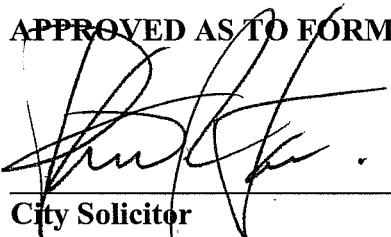


City Secretary

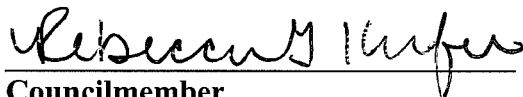


Mayor

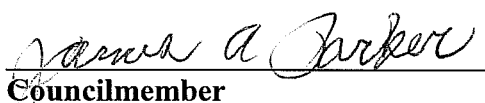
APPROVED AS TO FORM:



City Solicitor



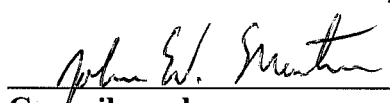
Councilmember



Councilmember



Councilmember



Councilmember

Councilmember

First Reading: October, 16, 2006
Second Reading and Passage: November 20, 2006

Synopsis: This Ordinance amends Chapter 46 (Zoning) of the Delaware City Code to create a new commercial low impact zone, which allows mixed residential and low-impact commercial uses.