

“A Historic Past”



“A Bright Future”

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

CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE

ORDINANCE NO. 10-1018-01

AN ORDINANCE TO AMEND PORTIONS OF
CHAPTER 46 OF THE CODE OF THE CITY OF
DELAWARE CITY SO AS TO CLARIFY THE
PERMISSIBILITY OF CERTAIN RESIDENTIAL
AND COMMERCIAL USES.

WHEREAS, the Mayor and Council of the City of Delaware City deem it necessary to clarify and amend portions of Chapter 46 of the Code of the City of Delaware City so as to clarify the permissibility of certain residential and commercial uses.

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

SECTION 1. Section 46-20 of the Code of the City of Delaware City dealing with the C-1 “Central Commercial” Zoning District is hereby amended to add a new subsection (w) which shall read, in its entirety, as follows:

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

* * *

(w) Mixed uses consisting of permitted commercial uses on the first floor and a total of one (1) dwelling unit on the upper floor(s). Owners of properties in the C-1 District with a permitted commercial use on the first floor and multiple dwelling units on the upper floor(s) that are occupied and existing at the time of the adoption of this subsection (w) may apply to register such use with the City via a registration form approved by the City Manager on or before June 30, 2011. As a pre-condition to such registration, the City Manager may require an inspection of the subject premises or such other proof of the present existence and nature of such mixed use as he or she may deem appropriate. Such mixed uses with timely filed registration applications accepted by the City Manager shall be recognized by the City as permissible non-conforming uses pursuant to §46-53, subject, however, to all other provisions of this Chapter. Owners whose applications under this subsection are rejected by the City Manager may file an appeal to the Board of Adjustment within thirty (30) days of rejection pursuant to §46-118 of the Code. Nothing herein shall prohibit a property owner from seeking confirmation and registration of a non-conforming mixed use in the C-1 District from the City Manager at any time after June 30, 2011; provided, however, that strict proof of the continuous nature of such non-conforming use must be established from the time of the effective date of this Chapter, as opposed to the adoption date of this subsection (w).

SECTION 2. Section 46-21 of the Code of the City of Delaware City is hereby amended to read, in its entirety, as follows:

No storefront existing at, or established after, the adoption of this Chapter may be

converted for residential use without a special exception.

SECTION 3. Section 46-23 of the Code of the City of Delaware City dealing with the C-1L “Commercial Low Impact” Zoning District is hereby amended to revise subsection (b) which shall read, in its entirety, as follows:

(b) Mixed uses consisting of: (i) permitted commercial uses on the first floor and a total of one (1) dwelling unit on the upper floor(s); or (ii) one (1) dwelling unit comprising one or more floors of the building provided at least ten percent (10%) of the floor area of the first floor is continuously utilized for a permitted commercial use and provided, further that no first floor storefront conversions shall be permitted in the C-1L District.

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 adoption.

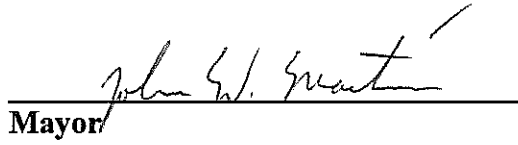
(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this 15th day of November, 2010.

ATTEST:

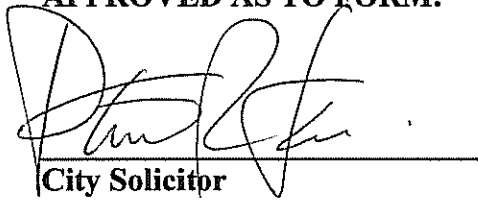


City Secretary

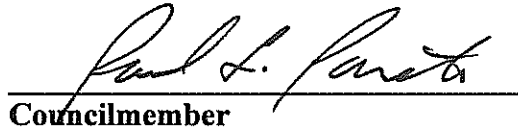


Mayor

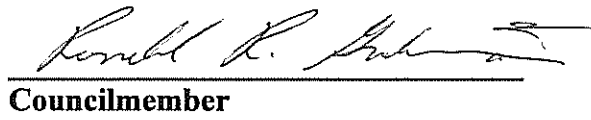
APPROVED AS TO FORM:



City Solicitor



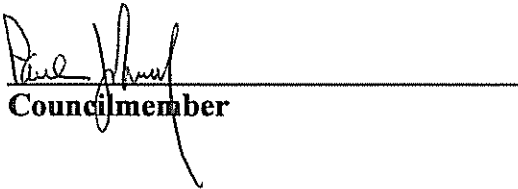
Councilmember



Councilmember



Councilmember



Councilmember

Councilmember

First Reading:
Second Reading and Passage:

10-18-10
11-15-10