

*"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. 06-1016-03**

AN ORDINANCE TO REZONE CERTAIN  
PROPERTIES AND TO AMEND THE OFFICIAL  
MAP ACCORDINGLY

WHEREAS, the Mayor and Council of the City of Delaware City deem it necessary to rezone certain properties to promote sound land use; and

WHEREAS, the proposed rezonings are in conformance with the Delaware City Comprehensive plan; and

WHEREAS, the affected property owners support the proposed new zoning,

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

SECTION 1. The property known as the Delaware City Marina, 302 Canal Street, Tax Parcel No. 22-009.00-117, is hereby rezoned from C-2 (General Commercial) to C-1M (Commercial Marine).

SECTION 2. The property known as the Delaware City Marina, 311 Franklin Street, Tax Parcel No. 22-009.00-118, is hereby rezoned from C-2 (General Commercial) to C-1M (Commercial Marine).

SECTION 3. The property located at 300 Canal Street, Tax Parcel No. 22-009.00-116 is hereby rezoned from R-1 (Single Family Residential) to C-1M (Commercial Marine), subject to voluntary deed restrictions mutually agreed to by the property owner and the City of Delaware City, to wit, the property may be used for any R-1 use and for the open storage of boats only. This section and rezoning shall only become effective upon recordation of such voluntary restrictions acceptable to the City Manager within thirty (30) days from the adoption of this ordinance.

SECTION 4. The property known as Wisowaty's Restaurant, located at 113 Fifth Street, Tax Parcel No. 22-009.00-131 is hereby rezoned from C-2 (General Commercial) to C-1 (Central Commercial).

SECTION 5. The property known as Wisowaty's Restaurant, located at 107 Fifth Street, Tax Parcel No. 22-011.00-002 is hereby rezoned from C-2 (General Commercial) to C-1 (Central Commercial).

SECTION 6. The property, known as the Wisowaty residence, located at 101 Fifth Street, Tax Parcel No. 22-011.00-003 is hereby rezoned from C-2 (General Commercial) to C-1M (Commercial Marine).

SECTION 7. The Official Zoning Map of the City of Delaware City shall be amended to reflect the zoning modifications adopted herein and the City Manager shall notify the New Castle County Land Use Department of the change in zoning classification for each of the affected parcels.

SECTION 8. 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

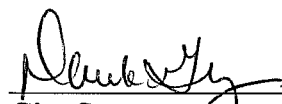
that they would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

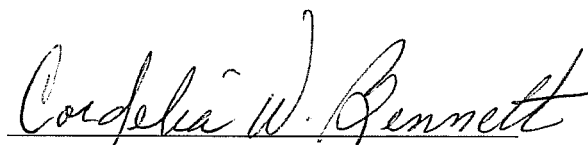
SECTION 9. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 10. This Ordinance shall become effective immediately upon passage.

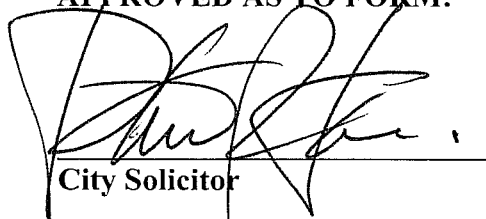
ADOPTED BY THE MAYOR AND COUNCIL, this 20th day of November, 2006.

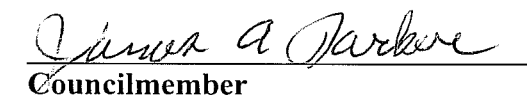
ATTEST:

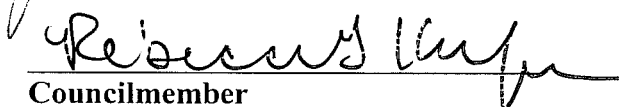
  
\_\_\_\_\_  
City Secretary

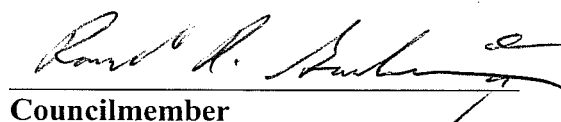
  
\_\_\_\_\_  
Mayor

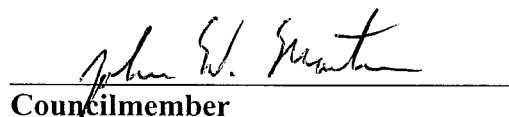
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Solicitor

  
\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
Councilmember

  
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Councilmember

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Councilmember

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

Synopsis: This Ordinance down-zones the parcels making up the Wisowaty Restaurant and home site on Fifth Street from C-2 to C-1 and C-1M respectively. The ordinance also down-zones the parcels making up the Delaware City Marina site from C-2 to C-1M. The ordinance rezones the former Cheatwood property at 300 Canal Street from R-1 to C-1M, with deed restrictions limiting use to residential or the open storage of boats only.