

*“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. 17-0227-03**

**ORDINANCE TO AMEND THE CITY OF DELAWARE CITY CODE CHAPTER 46  
RELATING TO PARKING, BUILDING HEIGHT AND GENERAL STANDARDS**

**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 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 City Council desire to amend Chapter 46 of the Code regarding parking space size, building height, and other general standards (“Zoning Revisions”);

**WHEREAS**, the Mayor and City Council believe that making the Zoning Revisions is in the best interest of The City of Delaware City;

**NOW, THEREFORE**, making the express finding that the below changes enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

**Section 1.** Amend Chapter 46-28 of the City Code by adding the underlined text and deleting the strikethrough text identified below:

- (b) Area regulations and other special requirements.

(1) Height of buildings. ~~In no case shall building height exceed the height of the existing Governor Bacon Hospital.~~ The permissible height for all buildings shall be set forth in the Table codified at Article VI, Section 46-31.

**Section 2.** Amend Chapter 46-31 (General Standards Table) by adding underlined text and the table that follows directly underneath the now-existing table:

The following are the dimensional requirements for the HPR District:

| HPR Dimensional Requirements         | Area | Frontage | Front Setback | Rear Primary | Rear Accessory | One Side | Both Sides | Min sf/family | Max lot coverage by Building |    | Max Height |    |
|--------------------------------------|------|----------|---------------|--------------|----------------|----------|------------|---------------|------------------------------|----|------------|----|
|                                      |      |          |               |              |                |          |            |               | Sq ft                        | ft | ft         | ft |
| <u>District</u>                      |      |          |               |              |                |          |            |               |                              |    |            |    |
| <u>Canal District</u>                |      |          |               |              |                |          |            |               |                              |    |            |    |
| One-family, Detached                 | 6000 | 60       | 20            | 20           | 5              | 5        | 15         | 6000          | 50                           |    | 2.5        | 45 |
| One-family, Attached*                | 1760 | 22       | 10            | 20           | 5              | 5        | 10         | 1760          | 60                           |    | 3          | 45 |
| <u>Officers Row</u>                  |      |          |               |              |                |          |            |               |                              |    |            |    |
| One-family, Detached                 | 7500 | 75       | 20            | 20           | 5              | 15       | 30         | 6000          | 35                           |    | 3          | 45 |
| Two-family, Attached*                | 7500 | 75       | 20            | 20           | 5              | 15       | 30         | 3000          | 40                           |    | 3          | 45 |
| <u>Marina Village</u>                |      |          |               |              |                |          |            |               |                              |    |            |    |
| Multifamily and Commercial Mixed Use | 5000 | 50       | 5             | 5            | n/a            | n/a      | n/a        | n/a           | n/a                          |    | 8          | 99 |
| <u>Theater District</u>              |      |          |               |              |                |          |            |               |                              |    |            |    |
| Commercial                           | 5000 | 35       | 10            | 20           | n/a            | 5        | n/a        | n/a           | n/a                          |    | 3          | 45 |
| <u>Quartermaster Place District</u>  |      |          |               |              |                |          |            |               |                              |    |            |    |
| Two-family, Attached*                | 4000 | 30       | 20            | 20           | 5              | 15       | 30         | 2000          | 60                           |    | 3          | 45 |
| Multifamily and Commercial Mixed Use | 5000 | 35       | 10            | 20           | n/a            | 5        | n/a        | n/a           | n/a                          |    | 2.5        | 45 |
| <u>Barracks District</u>             |      |          |               |              |                |          |            |               |                              |    |            |    |
| Two-family, Attached*                | 4000 | 30       | 10            | 20           | 5              | 5        | 10         | 2000          | 60                           |    | 3          | 45 |
| Multifamily and Commercial Mixed Use | 5000 | 50       | 10            | 20           | n/a            | n/a      | n/a        | n/a           | n/a                          |    | 3          | 45 |
| <u>Battery Row District</u>          |      |          |               |              |                |          |            |               |                              |    |            |    |
| One-family, Detached                 | 6000 | 60       | 20            | 20           | 5              | 5        | 15         | 6000          | 50                           |    | 2.5        | 45 |
| Two-family, Attached*                | 4000 | 30       | 20            | 20           | 5              | 15       | 30         | 2000          | 60                           |    | 3          | 45 |
| Commercial                           | 5000 | 35       | 10            | 20           | n/a            | 5        | n/a        | n/a           | n/a                          |    | 3          | 45 |
| <u>Reeves Farm District</u>          |      |          |               |              |                |          |            |               |                              |    |            |    |
| One-family, Detached                 | 6000 | 60       | 20            | 20           | 5              | 5        | 15         | 6000          | 50                           |    | 2.5        | 45 |
| Two-family, Attached*                | 4000 | 30       | 20            | 20           | 5              | 15       | 30         | 2000          | 60                           |    | 3          | 45 |
| Multifamily and Commercial Mixed Use | 5000 | 50       | 10            | 20           | n/a            | n/a      | n/a        | n/a           | n/a                          |    | 3          | 45 |

Footnotes:

\*For “Attached” dwellings, the interior buildings shall have a zero (0) setback.

**Section 3.** Amend Chapter 46-3 by adding the underlined text and deleting the strikethrough text identified below to the set of definitions contained therein:

Building Dimensional Requirements: Minimum specifications for any building or structure erected in a particular district, as set forth in the Dimensional Requirements Table in Article VI, Section 46-31.

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Story: The portion of a building including between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, the space between any floor and the ceiling next above it. A story is that part of a building between the surface of one floor and the ceiling immediately above. A cellar, basement, or half-story (no more than 50% of which is above ground) shall not count as a story.

**Section 4.** Amend Chapter 46-28(b)(2) by adding the underlined text and deleting the strikethrough text identified below:

(2) Building ~~setback lines~~ Dimensional Requirements. Except as otherwise specified herein, each story or part of a building, exclusive of cornices and uncovered steps and uncovered porches, shall be governed by the ~~setback~~ building dimensional requirements set forth in Section 46-31, ~~and shall be determined by the proposed. For example, if the use proposed is one family detached residential housing, the dimensional standards for the R-1 district shall apply.~~

**Section 5.** Amend Chapter 46-98 (h) of the City Code by adding the underlined text and deleting the strikethrough text identified below:

h.) Parking space standards. Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

| Parking Angle | Stall Width | Aisle Way to Curb            | Aisle Way Width   |
|---------------|-------------|------------------------------|---|
| 90 degrees    | 9 feet      | <u>18</u> <del>20</del> feet | <u>18</u> <del>24</del> ft for one-way traffic                              |
| 60 degrees    | 9 feet      | <u>18</u> <del>21</del> feet | <u>18</u> <del>24</del> ft for two-way traffic                              |
| 45 degrees    | 9 feet      | <u>18</u> <del>20</del> feet | 14 ft for one-way traffic<br><u>18</u> <del>22</del> ft for two-way traffic |
| Parallel      | 8 feet      | 22 feet                      | 14 ft for one-way traffic<br>22 ft for two-way traffic                      |



**Section 6.**     **Inconsistent Ordinances and Resolutions Repealed.** All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

**Section 7.**     **Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.


**Section 8.**     **Effective Date.** This Ordinance shall become effective immediately upon its adoption by City Council.

**(Signature Page Follows)**

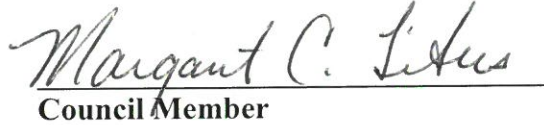
ADOPTED BY THE MAYOR AND COUNCIL, this 20<sup>th</sup> day of March, 2017.


ATTEST:

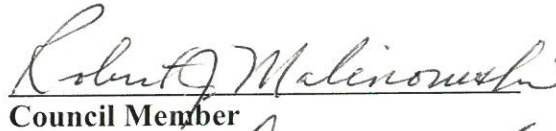
  
\_\_\_\_\_  
City Secretary

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

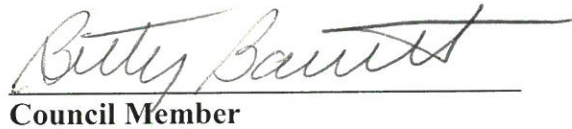
  
\_\_\_\_\_  
Council Member

  
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City Solicitor

  
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Council Member

First Reading on 2-27-17,

Second Reading, Public Hearing, and Final Passage on 3-20-17.